

ZONING BOARD OF ADJUSTMENT  
MAY 22, 2014

Present: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Fowler, Greig, Ross; and Ms. Young

Absent:

Also Present: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Brennan made a motion to waive the reading and approve the minutes of the April 24, 2014 regular meeting, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Fowler, and Greig  
NAYS:

Mr. Hutchinson made a motion to waive the reading and approve the resolution granting approvals to Ken & Pilar Boyle, 511 15<sup>th</sup> Avenue, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, and Fowler  
NAYS:  
ABSTAIN: Mr. Greig

Mr. Fitzgerald made a motion to waive the reading and approve the resolution granting approvals to FUSAL LLC, 404 Ocean Avenue, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, and Cupoli  
NAYS:  
ABSTAIN: Mr. Greig and Mr. Fowler

VINCE DISPOTO – 110 FIFTH AVENUE

This is an application continued from several previous meetings. Appearing with Mr. Dispoto was his attorney Lee Levitt, and Planner Peter Van den Kooy. Also appearing was attorney William Shippers whose clients are opposing the application.

Mr. Kennedy marked into the record an opposition brief filed with the Board Secretary by attorney William Shippers. Mr. Kennedy stated we left off at the March meeting with Mr. Levitt and his client coming back to this meeting with a list of proposed variances.

Mr. Levitt submitted a letter from the Planner, which listed the variances being requested. Mr. Levitt stated the variances being requested are expansion of a non-conforming use, 22.5 feet height where 18 feet is the maximum permitted for an accessory dwelling, existing front yard setback for the front house which is not affected, existing side yard setback which is not changing and building coverage: 25% permitted, 29.4% proposed, and 27.5% exists. The increase in height is due to the proposed house being above the base flood elevation and 30 inches for aesthetic purposes and to leave room for HVAC ductwork. The slight expansion of the width of the house is just to accommodate the staircase which is a safety feature.

Mr. Lisko asked if there were any changes made to the plans. Mr. Dispoto stated he took into consideration the Board's comments from the last meeting and extended the mansard roof on the rear of the structure and put shutters on the upper windows to make the rear side more aesthetically pleasing for his neighbor Mr. Steadman. There was also a slight modification to the layout of the rooms on the second floor; he put the bathrooms back to back and separated the bedrooms to address Mr. Shippers' concerns.

Mr. Lisko stated he thought there was a variance needed for the distance from the pool to the accessory dwelling. Mr. Dispoto clarified he got the correct measurement and it is 15 feet which does not require a variance. Mr. Bianchi agreed.

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Mr. Shipers pointed out that the revised plans are done by a different architect than the one who did the previous plans. He added that the survey listed on the plan does not show any dimensions. His client hired architect Mary Hearn to review these proposed plans. Ms. Hearn verified that a building coverage variance is needed and was always needed and was never requested by the applicant. She also measured the pool being 8 feet from the structure which would be a variance that is not listed on any of the plans. She also looked at an old version of the property survey to try to determine if a floor area ratio variance is required or not but was unable to determine such.

Mr. Levitt recalled that he thought floor area ratio was discussed and that it did not apply. Mr. Bianchi stated it was discussed and it does apply, however it appears no variance is required.

Mr. Shipers would like to have Ms. Hearn speak about her findings.

It was determined that the architectural plans did not list the total building coverage for the lot and only the coverage for the principal structure; it did not include the proposed accessory structure.

Mr. Levitt stated his client has testified there is 12 feet from the pool to the accessory dwelling and no variance is being required. He objected to Ms. Hearn speaking because the application has been closed and tonight is only to clarify the variances being sought. He added that if there is anything wrong with their measurements that will be caught when building permits are submitted and the Zoning officer will handle accordingly. He felt Ms. Hearn's findings are irrelevant to their application and the proceedings this evening.

Mr. Kennedy suggested it would be in the best interest of all to allow Ms. Hearn to speak. Mr. Levitt felt if he had known she would be testifying that he would have brought his architect to the meeting as well.

Ms. Hearn stated she reviewed the proposed plans and could not verify the proposed lot coverage calculations based upon the information that was provided so she got a copy of the property survey and tried to scale some calculations. She stated she also could not determine some of the calculations because she did not know the sizes and layouts of the front and rear existing dwellings. Ms. Hearn stated it is not a requirement to provide that information but she feels it helps better prove how the calculations were determined. She stated the building coverage was off because the architect had not included the accessory dwelling in the calculation so she is glad to hear it was now included and it is clear a variance is required. She questioned whether or not the existing sheds were included in the building coverage calculation or are they being removed. If they are staying she calculates the proposed building coverage would be 32.61%. She calculated the impervious coverage to be slightly less than what they proposed. She calculated 66.08% and theirs is 66.7%. She calculated that the pool is 16 feet from the front of the rear structure and 8 feet to the deck.

Mr. Dispoto stated the proposal would be 12 feet from the pool to the house. Ms. Hearn stated there is a deck proposed on the plan and the measurement should be measured to the deck. Mr. Dispoto stated it is not a deck it's a concrete patio. Ms. Hearn stated that's not what is on the drawings. Mr. Dispoto stated there would be a small landing with a few steps to get into the front door. Ms. Hearn pointed out that what Mr. Dispoto described as the patio or steps into the home is not what is depicted on the plans. She pointed out that the measurement would go to the deck and not the house which is a variance.

The proposed height was discussed. Mr. Levitt stated the height is 23 feet above grade. Ms. Hearn stated she reviewed the height and wants to make sure it is clear what height is being asked for. Mr. Levitt stated the plans state it is 23 feet above grade and 21.5 feet above the flood elevation. Ms. Hearn stated she thought she heard someone say the house would be higher than what is depicted on the plans which may need to be clarified.

Mr. Levitt asked Ms. Hearn if she viewed the zoning chart on the plans and saw that the floor area ratio calculation is listed on it. She stated she did but felt there was not sufficient information on the plans to determine if those calculations are correct or incorrect.

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Mr. Levitt read a statute that allows for structures to be raised to meet the flood elevation requirements or to allow for means of ingress and egress. Mr. Shippers objected and added that the statute does not apply because the footprint of the house is being expanded.

Mr. Levitt stated the applicant has modified the plans based on comments from the public and board and has worked diligently to present to the board a coherent and proper application that necessitates certain variances which have been clarified. The necessity of the "d" variance is because of the need for the interior staircase to address safety concerns. Restoring the existing house is not an option unless you want it to be restored to unsafe conditions. He feels the statute allows for a house to be expanded if it's for a safety issue. The proposed structure is more aesthetically pleasing than what exists now. The testimony previously given by the planner was clear and concise and gave the Board enough information to clearly approve the application. He added that there is specific legislation that allows them to rebuild after being hit by Superstorm Sandy.

Mr. Shippers stated there is a second clause of the statute that Mr. Levitt did not reference which states the section read by Mr. Levitt is not permitted when the footprint of the structure is being expanded. He agreed anything built would be more aesthetically pleasing. The law states he can rebuild what he has but Mr. Levitt wants the Board to believe that they cannot rebuild the same size structure that would be safe to use as they keep saying. He asked the Board allow them to rebuild what they had and nothing more.

Mr. Kennedy stated he feels both attorneys spoke very well and made their cases. He feels that with either outcome there may be litigation however that should not have any effect on how the Board decides. The Board has reviewed the application very thoroughly as this has been discussed over several meetings. He explained the Board is to evaluate the merit of the variances and the positive and negative criteria. He explained to the Board what the municipal land use law says about "d" variances and what factors are taken into consideration when making a decision on whether or not to grant the variance. The application would require five affirmative votes to approve the application the application.

Public: none

Board Comments:

Mr. Fowler applauded both attorneys for defending both of their clients positions and giving their opinions on how the Board should vote and appreciates all of the time spent and concerns and discussions held on this application at all of the meetings held. Based upon all of the information provided and the fact that he feels a smaller house would be better he would vote against the application.

Mr. Greig agreed with the amount of time that has been spent on this application and feels the changes being requested are minimal and will have minimal effect on the neighbors and are necessary after rebuilding from Hurricane Sandy.

Mr. Fitzgerald stated he feels the modifications made overtime show a decent sign of good faith and feels that it would not be in the public's best interest to leave what is there now and they should be allowed to rebuild something. He feels at some point compromise is in order and doesn't feel this proposal will be substantially detrimental.

Mr. Brennan stated he appreciates all of the input from both attorneys and the passion from their clients and the public. He feels it is appropriate that the applicant be allowed to rebuild but it should be rebuilt in the same footprint and would probably vote against the application.

Mr. Hutchinson stated he feels what they are requesting is not unreasonable and would be in favor of the application.

Mr. Lisko stated at the end of the day the Board has to look at the fact that it is an expansion of a nonconforming use which the town is trying to shy away from and feels he would vote against the application.

Mr. Levitt asked if he could briefly speak with his client in private.

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9:23 pm took a 10 minute recess.

9:36 pm the Board reconvened.

Roll call was taken.

Mr. Hutchinson made a motion to approve the application, which was seconded by Mr. Fitzgerald, the motion to approve was denied based upon the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Cupoli and Greig

NAYS: Messrs. Brennan, Lisko, and Fowler

Mr. Fowler made a motion to deny the application, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Brennan, Lisko, and Fowler

NAYS: Messrs. Fitzgerald, Hutchinson, Greig, and Cupoli

Ms. Young joined the Board and Mr. Fowler left the meeting. Mr. Greig remained on the dais in place of Mr. Fowler.

Mr. Lisko announced the application for Dariusz Targonski, 807 Main Street will be carried to the July 24, 2014 meeting. Mr. Shipers, attorney for the applicant, felt that given the late hour and the amount of witnesses he has to testify he felt it would be in everyone's best interest to carry the application. Mr. Kennedy advised the public that there will be no further noticing for this meeting and if they are here to hear this application they should come back on July 24<sup>th</sup>.

FRANK & PAULA TRAMONTANO – 217 & 217 ½ 14<sup>TH</sup> AVENUE

Appearing for this application was Paula Tramontano and attorney Michael Mirne. Ms. Tramontano stated the property consists of a front structure with side by side attached units and a rear cottage. It is a pre-existing non-conforming use. The right unit has two bedrooms and one bathroom and is the subject of this application. The proposal is to finish the attic space above to replace the two bedrooms and remove them from the first floor. The attic space to be used is approximately 640 square feet. Her plan is to move into that unit in about a year or so. No floor area ratio variance is required; just need a variance for alteration of a non-conforming use.

The front structure is one story with an attic. The east unit has two bedrooms and one bathroom and is occupied as a rental. The west unit has two bedrooms and one bathroom and is not occupied. The rear structure is a one story dwelling with two bedrooms and one bathroom and is occupied as a rental.

Board Questions:

Mr. Hutchinson questioned the building coverage calculations on the minor land use application. Mr. Mirne stated there is no change in the building coverage and suggested those calculations may be in error. Mr. Hutchinson questioned the calculations of the floor area ratio on the application as well. Mr. Bianchi stated 75% is allowed and he does not see a variance. Mr. Mirne stated his architect who was unable to attend had discussed with him earlier that the proposed FAR is 65%.

Ms. Tramantano stated her contractor had started the work while permits were being reviewed but realized they hadn't been approved yet because it's an alteration of a non-conforming use so she had him stop the work and she paid a fine.

Mr. Greig asked if the access stairs to the attic are along the interior wall in that unit. Ms. Tramantano replied yes.

Mr. Fitzgerald asked what will happen to the existing bedroom on the first floor. Ms. Tramantano stated she would remove the walls so she can have a big open area. Mr. Fitzgerald asked if a parking variance is required. Mr. Bianchi replied no because the number of bedrooms aren't changing.

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Mr. Greig asked if she could just take over the whole first floor. Ms. Tramantano stated she has thought about it but cannot take on that big of an expense at this time.

Mr. Greig asked if any other changes will be made to the house. Ms. Tramontano stated she would like to put up new siding. He asked if there is any off street parking. She replied no. He stated the number of bedrooms are being decreased.

Mr. Ross asked if central air would be added. She would like to add it for that unit. She stated it would be in a location that would not require a variance.

Mr. Lisko asked if any changes would be done to the roof line. Ms. Tramontano replied no adding that she just replaced the roof after Hurricane Sandy.

Public: none

Mr. Kennedy stated Mr. Mirne has offered to have his architect come to another meeting to address the Board if they so desired.

Board Comments:

Mr. Hutchinson stated the application is pretty straight forward and would vote in favor of the application. Several other Board members agreed.

Mr. Greig stated he is not in favor of approving rental units but since the number of bedrooms is decreasing he would be in favor of the application.

Mr. Ross and Mr. Lisko stated they like the number of bedrooms being reduced and are glad to hear she would be moving into the house and would be in favor of the application.

Ms. Young made a motion to approve the application, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, and Greig; and Ms. Young

NAYS:

Mr. Fitzgerald made a motion to adjourn the meeting, which was seconded by Mr. Brennan and approved unanimously.

ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
JUNE 12, 2014

PRESENT: Messrs. Greig, Brennan, Fitzgerald, Lisko, Cupoli, and Ross; and Ms. Young

ABSENT: Mr. Hutchinson and Mr. Fowler

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, and Zoning Official Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on May 1, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

During the workshop portion of the meeting the Board discussed 405 5<sup>th</sup> Avenue and the condition in the resolution of approvals requiring a seepage pit. Mr. Bianchi explained that the applicant was digging to install the seepage pit and hit water three feet down and therefore he thinks it will not be in their best interest to do the installation. The Board suggested this be presented to the Board Engineer for his review and recommendation. The Board also suggested the Board Engineer provide recommendations that can be provided to future applicants in lieu of drywells and seepage pits.

Also during the workshop portion of the meeting Ms. Claudio stated she received a letter from John Cap, 212 North Boulevard, requesting a one year extension on the approvals he received in March 2013. The Board agreed to grant the extension until March 2015.

Mr. Cupoli made a motion to waive the reading and approve the minutes of the May 13, 2014 special meeting, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Greig, Brennan, Fitzgerald, Lisko, Cupoli, and Ross; and Ms. Young

NAYS:

ABSTAIN:

Ms. Young made a motion to waive the reading and approve the minutes of the May 22, 2014 regular meeting, which was seconded by Mr. Fitzgerald, and approved by the following vote:

AYES: Messrs. Greig, Brennan, Fitzgerald, Lisko, Cupoli, and Ross; and Ms. Young

NAYS:

ABSTAIN:

BENJAMIN KIRSCH – 99 13<sup>TH</sup> AVENUE

Mr. Kirsch stated he has owned the property since December 2013. There is a new single-family home on the site which he occupies. He stated there is no room behind the house to place the two air conditioning condensers so he would like to put them on the side of the house. They will be high efficiency units with very low noise. Needs a variance for side yard setback. Five feet is required and two feet is being requested. Willing to put it on either the east or west side depending on the Board's preference. Believes the west side might be better because there is a fence separating his property and a rental property and it may be less obtrusive there.

Mr. Cupoli asked if he checked on the decibel level. Mr. Kirsch stated he did and this has the lowest decibels.

Mr. Fitzgerald asked where the egress to the backyard is. Mr. Kirsch stated it would be on the east side because there is a common driveway there between his house and the new house that is under construction. Mr. Fitzgerald asked if they could fit under the rear balconies. Mr. Kirsch stated there is not a lot of room plus it would be an eye sore for the apartments behind him.

Mr. Brennan asked if he knew what the actual decibel is. Mr. Kirsch stated it is listed on the specs provided. Mr. Brennan asked if there is anything that can be done to muffle the sound. Mr. Kirsch stated he thinks the fence should help. He added he could attempt to plant some shrubs.

Mr. Greig asked about the property to the west. Mr. Kirsch stated it is a four family property with the front building being one foot off the property. Mr. Greig stated he would suggest that it not be placed near a neighbor's window.

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Mr. Lisko asked if the builder told him there was no air conditioning in the house. Mr. Kirsch stated when he purchased the house it was still under construction and the builder told him he would be responsible for installing the air conditioning. Mr. Lisko asked if he has a preference as to what side it should be placed. Mr. Kirsch stated he feels it would be better and less obtrusive on the west side.

Public

Joseph Taromina, 102 14<sup>th</sup> Avenue, stated he lives right behind this residence. The back of his house faces the alley way where the proposed air conditioner will be. He is concerned about the noise affecting him. He would recommend it be put on the east side. He added that he doesn't understand why the Board ever approved this house and the neighboring ones to be built so big.

Mr. Kirsch stated he prefers it on the west side and would do some more fencing or shrubbery to try to muffle the sound.

Board Comments

Mr. Lisko stated he would prefer they be on the east side.

Mr. Ross stated he doesn't have a preference on what side and thinks it won't matter.

Mr. Cupoli suggested he do whatever he can to muffle the sound and make sure it's not near a neighbor's window. He suggested he look into models that have low decibels.

Ms. Young stated she would like to see them on the east side.

Mr. Fitzgerald stated it is unfortunate that Mr. Kirsch has been put into this position and feels it should have been addressed at the design stage. He stated he feels they may be better on the east side.

Mr. Brennan agreed with Mr. Fitzgerald. He suggested looking for a unit with lower decibels and anything else that can be done to minimize the noise would be great. Also suggested moving it further towards the rear of the property.

Mr. Greig stated he has no preference on either side.

Mr. Kirsch stated he would put the air conditioning units on the east side given the public's comments and the Board's comments.

Mr. Brennan made a motion to approve the application, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Greig, Brennan, Fitzgerald, Lisko, Cupoli, and Ross; and Ms. Young

NAYS:

EDWARD BONNER – REILLY'S FUNERAL HOME – 801 D STREET

Appearing with Mr. Bonner was his attorney Timothy Middleton, and architect John Amelchenko.

Mr. Middleton presented photo boards showing the original building and renovations that have been done. He stated on the 8<sup>th</sup> Avenue side of the property they would like to construct a handicap ramp which requires a variance for the front yard setback. The other request is to extend the roof over the existing porch on D Street so the entire porch has a roof.

Mr. Amelchenko explained the approvals granted in 2008 called for a handicap ramp around the proposed addition, however the project was scaled back and the addition was not done. Therefore, they need to relocate the ADA compliant ramp. The two options are at the south of the property where there is only a 3 foot setback or put the ramp adjacent to the side porch facing 8<sup>th</sup> Avenue which is closer to the parking lot which puts the ramp also closer to the handicap parking area. The facing of the ramp would match the facing on the building. Need variances for building coverage, impervious coverage, side yard setback, front yard setback and alteration of a non-conforming use. There will be landscaping along the ramp as well and near the entrance.

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The existing porch on D Street is already made of cement and brick and is impervious so would like to just add a roof over it so there is coverage for those attending services.

Mr. Greig asked if the handicap ramp would be covered. Mr. Amelchenko replied no but would have a maintenance plan to keep it clear of snow. Mr. Greig asked if they looked at doing an elevator instead. Mr. Amelchenko stated they have looked at every option and feel this is the best one.

Ms. Young asked if there are any problems with water runoff. Mr. Bonner and Mr. Amelchenko replied no.

Mr. Ross asked what material the railings on the ramp will be. Mr. Amelchenko stated it will be a composite railing and match the railings on the porch.

Public

Jay DeCristofaro, D Street, stated the place is looking great and has no problem with the ramp and the roof over the deck. His only concern is if there will be leaders and gutters on the new roof area. Mr. Bonner stated there will be. Mr. DeCristofaro asked if the air conditioning units that were put in will be fenced in anymore. Mr. Bonner stated they hadn't plan on doing anything but could fence them in possibly. Mr. Bonner stated they have been turned on this year and Mr. DeCristofaro stated he hadn't heard them which was good.

Board Comments

Mr. Kennedy asked if there will be any increase in parking needs, increase in capacity, or increase in the number of employees. Mr. Bonner replied no.

Mr. Greig stated he understands the need for it. He would like to make sure the shrubbery is maintained.

Mr. Brennan stated he is also in favor of the changes. He added the work they have already done looks outstanding.

Mr. Fitzgerald stated he has no objections.

Ms. Young stated she would be in favor of the application.

Mr. Cupoli stated they have done a tremendous job on the improvements and would be in favor of the application.

Mr. Ross stated the improvements do look really nice and he would be in favor of the application.

Ms. Young asked when renovations will be completed. Mr. Bonner stated they are possibly only a few weeks away from completion.

Mr. Lisko stated everything they have done has been tremendous and thinks the location of the ramp is a good solution.

Ms. Young made a motion to approve the application, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Greig, Brennan, Fitzgerald, Lisko, Cupoli, and Ross; and Ms. Young

NAYS:

Mr. Fitzgerald made a motion to adjourn the meeting, which was seconded by Ms. Young and approved unanimously.

**ZONING BOARD OF ADJUSTMENT  
JUNE 26, 2014**

Present: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig, Ross; and Ms. Young

Absent: Mr. Fowler

Also Present: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Ms. Young made a motion to waive the reading and approve the minutes of the June 12, 2014 special meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ms. Young

NAYS:

ABSTAIN: Mr. Hutchinson

Mr. Brennan made a motion to waive the reading and approve the resolution granting approvals to Frank & Paul Tramontano, 217 14<sup>th</sup> Avenue, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ms. Young

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and approve the resolution granting approvals to Benjamin Kirsch, 99 13<sup>th</sup> Avenue, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ms. Young

NAYS:

ABSTAIN: Mr. Hutchinson

Mr. Kennedy stated only those who voted against the application for Vincent Dispoto could vote on the resolution. Mr. Brennan made a motion to waive the reading and approve the resolution denying the application of Vincent Dispoto, 110 5<sup>th</sup> Avenue, which was seconded by Mr. Lisko and approved by the following vote:

AYES: Mr. Brennan and Mr. Lisko

NAYS:

ABSTAIN:

The resolution approving the application for Edward Bonner, 801 D Street, was not complete yet and therefore will be held off until the next meeting.

Mr. Lisko announced the appeal application of Kanelia Dallaportas, 1002 Main Street, has been withdrawn per a letter received today from her attorney Ronald Gasiorowski.

Mr. Hutchinson made a motion to approve the resolution dismissing the application of Kanelia Dallaportas, 1002 Main Street, which was seconded by Ms. Young and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ms. Young

NAYS:

ABSTAIN:

**CHRISTINE KEATING – 112 NORTH BOULEVARD**

Appearing with Ms. Keating was her attorney Michael Rubino, engineer Michael Cannon, and architect Richard Villano. Mr. Rubino submitted a photo board of the existing site and

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neighboring sites as well as a letter from the Borough stating the existing house is substantially damaged and a letter from a contractor stating the house cannot be raised. Also submitted an illustrated rendering of the proposed home on a large poster board.

Mr. Rubino stated their application is to demolish the existing two family structure and build a new single-family home. The existing house was substantially damaged by Hurricane Sandy. He understands there are some neighbors who are present that have some concerns. He believes one of their concerns is the height of the new structure. They are seeking approval for height of 35 feet from the base flood elevation plus an additional four feet. The reason for the additional four feet is because if they build the home at the base flood elevation plus one foot, it would be below the level of how much water came into the house after Hurricane Sandy. The house is also being proposed as 3 full stories and not 2 ½ stories. The proposed house is 3560 square feet.

Mr. Kennedy pointed out to the Board that the applicant is requesting two “d” variances which are for floor area ratio and height.

Ms. Keating stated she has owned the property since 1998. The existing house is a two-family. She lived on one side and rented the other. She moved out in 2008 and began renting both units. The house was ruined after Hurricane Sandy. It had about three feet of water in the first floor and everything inside was ruined. She spoke to her brother-in-law who was a contractor and he advised her the house was not worth renovating. Then the Borough advised her the house was substantially damaged and must comply with FEMA regulations which meant it needed to be elevated. The same contractor told her it would not be feasible to elevate the existing house because of the type of foundation it was built on. Originally she was going to request to build a two-family but decided she didn’t want to be a landlord anymore therefore she would like to have a new single-family home to move into. She has a large family that visits her so would like to have the house to entertain them. The proposed house has the living area on the second floor so as to enjoy the views of the lake and ocean. The first floor would have some bedrooms and a study. The third floor would have the master bedroom.

Mr. Cannon stated the lot is odd shaped which requires a variance for lot shape. Requesting variances for several setbacks. Front yard setback is 15.67 feet proposed, 20 feet required with a porch setback of 8.3 feet. He prepared a writing showing the average setback on the block, which is 13.9 feet to the house and 9.9 feet to the porches. No variance for side yard setbacks. Rear yard setback is 5 feet at the closest point where 35 feet is required. The existing impervious coverage is at 74%, 55% is the maximum permitted, and 52.3% is proposed. The allowable building coverage is 30%, the existing house is at 34.6% and the proposed house is 46.5%. The current site does not have parking however the new proposal will allow for two cars to park in the garage with a driveway. The proposed building height is 41.75 feet.

Mr. Cannon stated the water from Hurricane Sandy was at an elevation of 11.5 feet. The house being proposed has to be at 10 feet plus 1 foot but they are proposing 14 feet. He took some photos of houses in the neighborhood to show the heights. He measured some neighboring houses to be 38 or 39 feet high.

Mr. Bianchi stated the correct base flood elevation is 11 feet plus 1 which means the house can be 35 feet from the 11 feet elevation. Mr. Cannon estimated the proposed elevation would then be 48.58 feet above base flood elevation which is now a “c” variance and not a “d” variance. There was some discussion amongst the Board and the applicant’s professionals about the exact measurement of height from the base flood elevation and from grade.

Mr. Rubino felt there was too much confusion about the exact measurements of the height and suggested carrying this application to the next month to allow his professionals to provide the correct height measurements.

Mr. Kennedy advised the public that if this matter is carried there will be no further noticing and they should come to the next meeting if they want to see the revised plans and hear the remainder of the testimony and provide public comment as well.

Ms. Claudio stated the next meeting date is July 24<sup>th</sup>. Mr. Rubino consented to extending the time frame in which the Board has to act. This application was carried to July 24, 2014.

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At approximately 8:45 pm the Board took a five minute recess. Roll call taken again at 8:55 pm. All Board members were present.

I2 VENTURES – 201 FIRST AVENUE

Appearing for this application was attorney John Haulenbeek, engineer Richard DiFolco and partners of I2 Ventures Barry DePeppe and Sonny Loran. Mr. Haulenbeek submitted some photos showing aerials of the site, existing conditions and illustrated renderings of the proposed home.

Mr. DePeppe stated the existing home sits on the property now with a pool next to it. The rear of the house was damaged by Hurricane Sandy. The previous owners could not afford to maintain the property so they purchased the property in April of 2014. The proposal is to build a new single-family home. He stated he spoke to the neighbor to the west earlier this week who had 8 concerns which he thinks he has satisfied. One of the changes is to reduce the size of the rear deck to 9 feet. He also agreed to remove a tree in the rear. This change will reduce the building coverage and impervious coverage and will have to submit revised calculations. He stated he also agreed not to enclose any of the porches or decks.

Mr. DiFolco stated most of the properties in the area are in the R-75 zone however this property and three others are in the R-100 zone. He stated none of the homes on these lots meet the 75 foot rear setback requirement. Their proposed home is not as far back as the existing neighboring homes. Their proposed rear yard setback is 57 feet. The building coverage allowed is 25% and they are requesting 28%. The other variances are for lot size and lot area. The impervious coverage is actually being reduced. He felt the proposal is a big benefit for the neighborhood and is consistent with other homes in the neighborhood.

Board Questions

Mr. Cupoli asked if there are any plans to address water runoff. Mr. DiFolco stated the coverage is being reduced, the setbacks are being increased and there is no basement in this home. He feels there will be no water runoff issues.

Mr. Fitzgerald asked about the location of the air conditioner condensers. Mr. DePeppe stated they are proposed in the backyard however the neighbor to the west asked if they could be moved to the front left corner of the house which would be in the side yard setback. Mr. Bianchi stated the required setback is 10 feet. Mr. DiFolco stated the proposed is now 5 feet. This creates an additional variance.

Mr. Fitzgerald asked if there are any plans for a generator. Mr. DePeppe replied no.

Mr. Hutchinson did not have any questions but wanted to point out how much he appreciates seeing an applicant work with the neighbors prior to the meeting.

Public

Corey Gray, attorney for Lynn Johnson, who is the neighbor to the west side of the proposed home, stated Ms. Johnson is supportive of the application and appreciates Mr. DePeppe willing to work with her. He stated Ms. Johnson would like the air conditioning units to be on the west side of the property in the side yard. She also would like to see landscaping in place to buffer the units. She would like the porches to not be enclosed or covered. The applicant already agreed to reduce the size of the rear porch as stated. She would like a tree removed which the applicant has agreed to. She would also like to see the bulkhead repaired which the applicant has agreed to as well. Given the acceptance of these changes by the applicant they would like to see the Board approve the application.

Board Comments

Mr. Greig stated it looks like a good application and a good project.

Mr. Cupoli stated the house looks great and it is extremely rare to see applicants working with the neighbors.

Ms. Young stated it is a nice proposal and the architect does nice work. She can't wait to see it be done.

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Mr. Fitzgerald stated it is a good application.

Mr. Brennan agreed with his fellow board members and stated he would be in favor of the application.

Mr. Hutchinson stated he would be in favor of the application as well.

Mr. Cupoli made a motion to approve the application, which was seconded by Mr. Greig and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ms. Young

NAYS:

ABSTAIN:

Ms. Young made a motion to adjourn the meeting, which was seconded by Mr. Brennan and approved unanimously.

ZONING BOARD OF ADJUSTMENT  
JULY 15, 2014

Present: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Ross; and Ms. Young

Absent: Mr. Fowler and Mr. Greig

Also Present: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on July 7, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

JOHN & FRANCES COLIE – 1710 SURF AVENUE

Appearing with Mr. and Mrs. Colie was their architect Paul Amelchenko. Mr. Amelchenko stated there are two pre-existing single family homes on the one property. The Colies have owned the property for over 30 years. Mr. Colie has a disability that requires a stair lift. The bedroom on the first floor is very small and makes it difficult for him to access. The first level is actually the basement and has a living area, a bathroom and cubicle areas but cannot be used as bedrooms because there are no windows. The proposal is to renovate the existing structure and add a half story with a bedroom and a bathroom. The variances being requested are for expansion of a non-conforming use, front yard setback (the existing porch is being slightly expanded), rear yard setback and side yard setback which are existing conditions, impervious coverage is increasing 1% and building coverage is being increased 2%.

Mrs. Colie stated she has been summering in the house for almost 40 years. The layout of the house makes it very hard for her ill husband to get around. She stated they spend half the year in this house and the other half of the year in Florida. She stated there are three parking spaces currently available for the house and it is only a two bedroom two bathroom house. The other house, 110 18<sup>th</sup> Avenue, is a rental.

Mr. Amelchenko stated the number of bedrooms would increase from two to three and the number of bathrooms would increase from two to three, however he believes one of the existing bedrooms does not qualify as a bedroom because it doesn't have a closet. The renovations would make one bedroom in the basement, one on the second level, and one in the half story.

Mr. Lisko asked about parking. Mr. Amelchenko stated they can fit six cars between the two houses. He added that only two are required for each unit which he feels they comply with.

Mr. Ross asked if the property is in a flood zone. Mr. Amelchenko replied no.

Mr. Cupoli asked about one of the bedrooms not having a closet. Mr. Amelchenko stated they all will have closets.

Ms. Young asked how the height of this structure compares to neighboring structures. Mr. Amelchenko stated right now they are the shorter house and thinks they will be level with neighboring structures.

Mr. Fitzgerald asked about the placement of the a/c condenser. Mr. Amelchenko stated it would be below the front deck or the south side and would be in compliance with the ordinance.

Mr. Hutchinson asked about the concrete patio on the south side being used for parking since it is so close to the driveway. Mr. Amelchenko admitted that a car wheel has touched that area when they've tried to squeeze cars in.

Public

Sandra Caputo, 1705 Surf Avenue, stated Surf Avenue is a bright open sunny block. She felt their proposal would fit in with the neighborhood and would prefer this rather than the houses being demolished and a large house being built.

Board Comments:

Mr. Ross stated he likes the plan and feels it would be aesthetically pleasing.

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Mr. Cupoli stated he is in favor of the application.

Ms. Young stated she is glad they want to stay in town and hopes they can continue to enjoy the house.

Mr. Fitzgerald stated Surf Avenue continues to get better each day with all of the construction going on and he would be in favor of this.

Mr. Brennan stated he is in favor of the application.

Mr. Hutchinson appreciated Ms. Caputo's comments and agrees and added he would be in favor of the application.

Mr. Kennedy asked the plans to be revised to clearly show the property is not being subdivided. The applicant had used plans similar to the ones he had submitted to the planning board last month for a subdivision which was denied by the board.

Ms. Young made a motion to approve the application, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Ross; and Ms. Young

NAYS:

Mr. Brennan made a motion to adjourn the meeting, which was seconded by Mr. Fitzgerald and approved unanimously.

**ZONING BOARD OF ADJUSTMENT  
JULY 24, 2014**

Present: Messrs. Hutchinson, Fowler, Brennan, Fitzgerald, Lisko, Cupoli, and Greig

Absent: Mr. Ross and Ms. Young

Also Present: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, Zoning Officer Ted Bianchi, and Building Sub code Official Robert Torrance

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Brennan made a motion to waive the reading and approve the minutes of the June 12, 2014 special meeting, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Brennan, Fitzgerald, Lisko, Cupoli, and Greig

NAYS:

ASBTAIN: Mr. Hutchinson and Mr. Fowler

Mr. Hutchinson made a motion to waive the reading and approve the minutes of the June 26, 2014 regular meeting, which was seconded by Mr. Greig and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, and Greig

NAYS:

ASBTAIN: Mr. Fowler

Mr. Brennan made a motion to waive the reading and approve the minutes of the July 15, 2014 special meeting, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, and Cupoli

NAYS:

ASBTAIN: Mr. Greig and Mr. Fowler

Mr. Cupoli made a motion to waive the reading and approve the resolution granting approvals to Edward Bonner, 801 D Street, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Brennan, Fitzgerald, Lisko, Cupoli, and Greig

NAYS:

ASBTAIN: Mr. Hutchinson and Mr. Fowler

Mr. Greig made a motion to waive the reading and approve the resolution granting approvals to I2 Ventures, 206 First Avenue, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, and Greig

NAYS:

ASBTAIN: Mr. Fowler

Mr. Brennan made a motion to waive the reading and approve the resolution granting approvals to John & Frances Colie, 1710 Surf Avenue, which was seconded by Mr. Fitzgerald, and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, and Cupoli

NAYS:

ASBTAIN: Mr. Greig and Mr. Fowler

**JAMES O'HARA – 2008 OCEAN AVENUE**

Appearing for this application was James and Laura O'Hara. Mr. Kennedy explained this applicant was previously before the Board earlier this year in March and received approvals to renovate and expand the two structures on the property. Mr. Kennedy read some of the testimony and findings that were listed in the approval resolution adopted by the Board.

Mr. O'Hara stated he was ready to submit construction permits however he was advised by the Construction Office that there was an elevation requirement that was not discussed when they had appeared before the Board. He received an email from the Building Official Robert Torrance stating the house needed to be elevated. He is before the Board asking to now knock down the front structure and rebuild since they now have to elevate it and meet the flood requirements. The architectural plans and foot print will not change except for the removal of a chimney and the addition of pilings. The resolution

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**JULY 24, 2014**

adopted by the Board had said that the front structure would not be demolished. He also added that they are requesting a height variance of 36.2 feet because of the elevation requirement.

Mr. Fowler asked when they are looking to start construction. Mr. O'Hara stated he would like to start in September.

Mr. Cupoli asked if there will be any changes to the rear house. Mr. O'Hara stated there are no changes to the previously approved plans.

Mr. Greig asked why the house is now not structurally sound. Mr. O'Hara stated he had planned to renovate the first floor to make it more structurally sound before putting the addition on but now that they have to remove the chimney and put in pilings it makes sense to build new.

Mr. Fitzgerald pointed out the application listed the wrong height versus what was said earlier. Mr. O'Hara stated the correct height is 36.2 feet which he confirmed with his architect this morning. Mr. Fitzgerald asked if the impervious coverage calculation would change since the stairs to the house have to be larger. Mr. Bianchi stated that would be slightly increased. Mr. Fitzgerald asked if there are any flood elevation requirements for the rear house. Mr. Torrance stated the V zone requirements are only for the front house and not the rear house. The rear house is in an A zone. Mr. Fitzgerald had asked if the deed restriction discussed at the last meeting had been filed yet. Mr. O'Hara was not sure whose responsibility it was to do so. Mr. Kennedy advised Mr. O'Hara that he is to file it. Mr. Fitzgerald asked if the rear structure is up for discussion again because he feels the nature of the application has changed and if the Board had known at the time of the original application that the front house would be demolished that maybe the Board would have responded differently to the application. Mr. Kennedy stated that any part of the application is available for discussion.

Mr. Brennan stated he is confused about the height and how it's measured. He wanted to know what it will look like at grade. Mr. Fitzgerald estimated around 39 or 40 feet from grade. Mr. Brennan asked what the heights are of the neighboring structures. Mr. Hutchinson stated they are in that area. Mr. O'Hara stated at their original meeting they had shown pictures showing many of the homes are three stories.

Mr. Cupoli asked if any of the structures are occupied. Mr. O'Hara replied no. Mr. Cupoli asked if the electric service will be underground. Mr. O'Hara stated he hadn't planned on it because the electric feeds from the rear of the property. He was concerned about agreeing to do that without knowing the costs of it. Mr. O'Hara stated he would agree to do so if it is feasible and also economically feasible. Mr. Cupoli was fine with that.

Public

Richard Seidel, 2010 Surf Avenue, stated he was unable to attend the original meeting and wanted to read a letter that he wanted to have read at the last meeting. His concerns were the heights of both structures, water runoff, setbacks of the rear structure, and how it will affect his property because he lives behind this property.

Nancy Marcotte, 2006 Surf Avenue, stated she has no problem with the back house because it's too small to become an animal house. She also has no problem with the height of the front house because all of the other houses are high. She was concerned about the rear structure being too close to the property lines of the neighboring properties.

Gerald Custode, 2006 Ocean Avenue, is in favor of the application because it will improve the neighborhood.

Tim Malavasi, North Boulevard, stated he isn't sure that JCP&L will allow them to put the electric service underground. He was concerned about the size of the rear structure.

Mr. Fitzgerald asked for the heights of each floor in the front house. Mr. O'Hara stated the first two floors are 9 feet and the third floor is 8 feet. Mr. Fitzgerald suggested reducing the second floor to 8 feet so they don't need a variance. Mr. Lisko asked if any of the floors could be lowered. Mr. O'Hara stated they would agree to take away the height variance and meet the 35 feet but will determine how that is divided between the three floors later. Mr. O'Hara pointed out that some of the numbers on his architectural plans are incorrect but will comply with the 35 feet.

Board Comments:

Mr. Fowler appreciated the neighbor's comments and Mr. O'Hara's attentiveness to their comments and the open line of communication between the neighbors. He felt that the request being made is not extravagant and would be in favor of the application.

Mr. Cupoli stated it will be great for the neighborhood and is in favor of the application.

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**JULY 24, 2014**

Mr. Greig stated he understands the concerns of the neighbors but they have already agreed to the deed restriction and the property is being improved significantly.

Mr. Fitzgerald stated he views their willingness to reduce the height favorably. In the future when it comes to back houses he feels we need to look at the master plan but given the nature of this application and the fact they are just reaffirming what was already approved he would be in favor of the application.

Mr. Brennan appreciated their willingness to work with the Board and would be in favor of the application.

Mr. Hutchinson stated he understands the desire to rebuild since the house needs to be on pilings now. He was concerned about the height of the rear structure but understands that it has already been decided on.

Mr. Lisko agreed with the Board.

Mr. Kennedy suggested that rather than a condition he put language in the resolution that the applicants use good faith efforts to attempt to put the electric service underground.

Mr. Seidel asked to speak again. He stated when he built his house he had some problems with the electricity in that area because there are so many lines to the one pole and suggested Mr. O'Hara speak to JCP&L.

Linda MacNamara 110 North Blvd., stated she had spoken to someone from JCP&L about putting services underground and was advised that everyone connected to the pole would have to agree to go underground.

Mr. Fowler made a motion to approve the application, which was seconded by Mr. Greig and approved by the following vote:

AYES: Messrs. Fowler, Greig, Hutchinson, Brennan, Fitzgerald, Lisko, and Cupoli

NAYS:

ASBTAIN:

Ms. Claudio stated she received a request from Joseph DeJohn of 112 19<sup>th</sup> Avenue who was looking to amend his approved plans. He had requested to change the front porch slightly to allow for a four foot landing with steps coming out of the porch before leading to the steps that go down to the ground. Ms. Claudio showed the Board a proposed rendering. The front yard setback would not exceed 13 feet which is the average setback for that block and no new variances would be created. The Board agreed to allow this change and Mr. DeJohn will be notified accordingly.

Mr. Brennan made a motion to adjourn the meeting, which was seconded by Mr. Fowler and approved unanimously.

**ZONING BOARD OF ADJUSTMENT**

**August 28, 2014**

Present: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ross and Ms. Young

Absent: Mr. Fowler

Also Present: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Grieg made a motion to waive the reading and approve the minutes of July 24, 2014 regular meeting, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ross and Ms. Young  
NAYS:

Mr. Brennan made a motion to waive the reading and approve the minutes of the July 15, 2014 special meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Messrs. Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ross and Ms. Young  
NAYS:  
ABSTAIN: Mr. Hutchinson

Mr. Hutchinson made a motion to waive the reading and approve the resolution granting approvals to James O'Hara, 2008 Ocean Avenue, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ross and Ms. Young  
NAYS:

**CHRISTINE KEATING – 112 NORTH BOULEVARD**

Appearing for Ms. Keating was her attorney Michael Rubino, architect Richard Villano, and engineer Michael Cannon. This application is a continuation of a previous meeting held on June 26, 2014. Mr. Rubino stated at the last meeting there were some concerns about the height and discrepancies in the measurements. The plans have been revised so as to comply with the height requirements so there is no height variance being requested. The plans were also tweaked so as to eliminate the floor area ratio variance. Some of the variances that are being requested such as building coverage and rear yard setback were changed slightly as well.

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Mr. Cannon stated the height measurement was corrected to comply with the ordinance. The peak elevation is 45.9 feet measured from the base flood elevation. The building was shrunk a little bit to eliminate the floor area ratio variance which in turn reduced the building and impervious coverage slightly as well. Variances are still being requested for building and impervious coverage. The front yard setback to the house and porch are higher than the average front setback along the street.

Mr. Villano echoed Mr. Cannon's statements. Mr. Rubino stated the variances requested are for front yard setback, rear yard setback, three stories, an attic balcony with a roof, size of the curb cut, dormers, and size of the front porch.

Mr. Fitzgerald asked for a clarification on the curb cut. Mr. Cannon stated the curb cut is 20 feet wide where only 12 feet is allowed.

Mr. Villano stated that even though the house is a full three story house it has the appearance of a two and a half story house from the exterior.

Mr. Kenned asked Ms. Keating if she would relinquish the multi-family use on the site if the Board approves the application via a deed restriction. Ms. Keating replied yes.

### Board Questions

Mr. Greig asked about the material to be used for the driveway. Mr. Cannon stated they will use asphalt.

Mr. Cupoli asked if they would consider another type of surface for the driveway such as something more permeable. Mr. Cannon stated they could install pavers. Mr. Bianchi stated if they use certain pavers as listed in the ordinance they could get a 50% credit towards the impervious coverage.

Mr. Fitzgerald asked why there is a variance being requested for a third story vs a half story. Mr. Bianchi explained the half story ordinance. Mr. Villano stated the back of the house is what is violating the ordinance definition and creating the variance. Mr. Fitzgerald did not understand why this variance was necessary. Mr. Villano stated the lot is very small and they are trying to maximize the use of the structure.

Mr. Fitzgerald asked if the study were to be used as a bedroom would that affect the parking. Mr. Bianchi stated if it were used as a bedroom that would trigger a parking variance.

Mr. Fitzgerald stated the 20 feet of curb cut could be looked at as a negative thing because it could be taking away an off street parking space. Mr. Cannon stated it would not be a full legal spot because it would only be 8 feet long.

Mr. Hutchinson stated there was discussion about this proposed house being similar in size to other new structures. He added that this home is on a very small lot and asked if there was any data comparison on the other structures as far as building size versus lot size. Mr. Cannon stated he did not have any information. Mr. Hutchinson asked if there could be any changes to the third

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floor to make it a true half story and eliminate a variance. Mr. Villano stated if he lowered the back roof plate it would affect the stair tower and elevator. He added that it would be very difficult to change and still have everything fit inside the house.

### Public Comments

Nicholas Gregory, 111 20<sup>th</sup> Avenue, stated his house is directly behind this property. He is glad to see its going to be developed because he has been looking at an eyesore for a long time. He hopes that the owner will actually live there because for the past 8 years he has dealt with tenants going in and out and their garbage. He is concerned about the location of the air conditioning units. He asked if they could be moved towards the garages. He was also concerned about the three stories because it will block his view from his balcony. He also stated the part of the house where the study is, is very close to the property line and his property and will block his views.

Donna Biata, 107 20<sup>th</sup> Avenue, stated her house was affected by Hurricane Sandy as well but she looked at the neighborhood and her property and took into consideration how what they would build would affect their neighbors who have lived there for years. She was able to build a very nice size house that was in compliance. She feels the portion of the house with the study is really encroaching on the neighbors and their new homes. She would like Ms. Keating to take into consideration how this proposal will affect the neighbors.

Linda MacNamara, 110 North Boulevard, stated she also owns 108, 116 and 118 North Boulevard which completely surround the proposed site. She explained the history of the triangle site where her homes and the proposed home currently occupy. She stated the Gregory's lifted their existing foundation and built a very nice two story home on it. She feels Ms. Keating's proposal is too big for the size of the property. She stated none of them objected to the house at 106 North Boulevard and that is very large and towers over the neighboring houses which she feels Ms. Keating's house will do as well. The only difference is 106 is on a bigger size of property. She questioned the need of the second floor wraparound porch because it is so close to the neighboring houses. She was also concerned about mold in the house because it has not been cleaned out or treated since Hurricane Sandy. She questioned what will happen when the house is demolished.

### Board Comments

Mr. Greig stated the lot is intolerably small and odd shaped and feels they did a pretty good job with the size of the house. He did some calculations and thinks they would lose about a third of the third story if they reduce the size of the first floor which is a lot and therefore he understands Mr. Villano's concerns about changing size of the third floor. He asked if the study could be eliminated and replaced with a porch or something else. Ms. Keating stated she would like to keep the study as she would use it for her office. He stated he would still like to see that be done, however he may still vote in favor of the application either way.

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Ms. Young stated she understands Ms. Keating's needs and the concerns of the neighbors however she would like to see the study removed and if it's not she may vote no on the application.

Mr. Fitzgerald agreed. He added that he would like the air conditioning units to be relocated. He added that a smaller lot requires a smaller house. He felt trying to put a 3300 square foot house on a lot this size is hard and understands the concerns of the neighbors.

Mr. Brennan stated it is a lovely design but it is way too much for the size of the lot. He understands the lot shape is unique and that variances would be needed to build a moderate size house but the concerns of the neighbors need to be taken into consideration. He was also concerned by the fact that Ms. Keating would not agree to any changes.

Mr. Hutchinson agreed it is too much house for the property. He would not be in favor of the application.

Mr. Ross stated he would like to see the study removed as well and struggles with visualizing how a 3300 square foot house would fit on the property.

Mr. Lisko agreed with some of the comments and felt he would be inclined to vote no, however he feels that there are some things that can be done to make the Board feel more comfortable with the proposal.

Mr. Rubino asked if the application could be carried to allow Ms. Keating to decide what she wants to do with the property.

Mr. Cupoli stated he would like Ms. Keating to take into consideration the comments made by her neighbors.

Ms. Claudio stated this application can be carried to the October 23, 2014 meeting. Mr. Kennedy stated there will be no further noticing.

Mr. Brennan made a motion to carry the application to the October 23, 2014 meeting, which was seconded by Ms. Young and approved unanimously.

At approximately 8:40 pm the Board took a recess. At 8:58 the Board reconvened. Roll Call was taken.

### DARIUSZ & ELZBIETA TARGONSKI – 807 MAIN STREET

Appearing for this application was attorney William Shipers, architect Mary Hearn, and engineer Richard DiFolco. This application was scheduled for a previous meeting, however due to the late nature of the hour the application was not heard and was carried. Mr. Shipers did re-notice this application for this meeting.

Rocco Seminara of Mr. Shipers's office prepared a brief outlining the support of this application.

## ZONING BOARD OF ADJUSTMENT

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Ms. Hearn stated the proposed site is next to the proposed brewery site that is currently being renovated. She presented an illustrated photo board of the existing streetscape with their proposal super imposed on it. The current building is one story with three commercial uses: Music Studio Hanley's liquor store, and Valdamier's salon. The proposal is to expand the footprint of the first floor. All three tenants would gain some space by allowing the expansion. Valdamiers would move to the back of the building alongside the music studio and Hanley's would face Main Street. The owner would also like a second and third floor to add apartments to the site. The proposal is two apartments on the second floor and two on the third floor that would face Main Street. Then two on the second floor and two on the third floor facing Belmar Plaza. So the total is six two bedroom apartments and two one bedroom apartments.

Mr. Shipers stated the site was part of a proposed transit village area which would have been similar to seaport redevelopment area if it had gone into effect. Ms. Hearn stated this site neighbors the seaport redevelopment zone but is actually in the CBD-2 zone. She took into consideration the requirements of the CBD-2 but also the design elements of the seaport redevelopment zone when designing the proposed building.

Mr. Shipers and Ms. Hearn discussed parking. The parking demands are from 9 am to 5 pm. Before and after that parking is easier to find. Ms. Hearn added that there is ample amount of parking around the site.

Ms. Hearn read exhibit A-3 which is a list of the bulk requirements for the lot as well as the proposed and existing conditions and variances being requested. The CBD-2 zone allows for a four story building however they are only proposing three stories.

Ms. Hearn stated they are requesting a floor area ratio variance. She stated the Borough Engineer questioned her calculations which she discussed with Mr. Bianchi. Either way she calculates it the difference isn't a lot.

Mr. Shipers went through the letter prepared by the Borough Engineer and allowed Ms. Hearn to address some of the comments in the letter.

Mr. DiFolco discussed water runoff and storm water management. The proposed use of the building requires 46 parking spaces, however if you use the Borough engineer's numbers for FAR, then 52 spaces are required. Presently the site requires 30 spaces. There are zero spaces existing on site. There are approximately 308 parking spaces in the plaza parking lot behind the building and approximately 162 spaces on the street within the area.

Mr. DiFolco and Mr. Shipers discussed how this proposal fits within in the Borough's Master Plan. Mr. DiFolco stated he does not see any negative impacts of this proposal on the surrounding area.

### Board Questions

Mr. Brennan asked if it will be clear to prospective tenants that there is no parking included with their lease. Mr. Shipers stated it will be crystal clear.

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Mr. Fitzgerald asked if there is any future opportunity for the tenants to rent or lease spaces from the Borough or another entity. Mr. Shippers stated it is a good idea but he cannot answer that at this time.

Mr. Cupoli asked if any of the utility services can be placed underground. Mr. DiFolco stated they could feed the building underground but it may not eliminate all overhead wires.

Mr. Greig was concerned about parking and suggested a more responsible development of the site is to only add one story of apartments above instead of two. Mr. Shippers stated we can't hide from the parking problem but we can't stop people from developing their properties either. He added the municipality needs to step up and address parking.

### Public:

Zachary Gross, BMIA, representing the Belmar Mall, stated they have concerns about parking with all of the redevelopment going on in that area of town.

### Board Comments

Mr. Hutchinson stated he is excited about the project. He doesn't see parking being a big issue.

Mr. Brennan agreed it is an exciting project. The existing business tenants will benefit from this. He is concerned about the parking but feels Mr. Shippers has done a great job of selling the shared parking concept. There will be a parking problem in town whether this happens or not. He suggested that maybe this project and future ones will spur movement from the town to address the issue.

Mr. Fitzgerald stated he is in favor of any redevelopment on Main Street. He hopes this will make things move forward with the parking issues.

Ms. Young stated it will look great. Mr. Cupoli agreed.

Mr. Greig stated he is very concerned about parking and is unsure how he would vote.

Mr. Ross stated he is in favor of the application but worries there will be a time where we won't be able to say yes to other applications until parking is addressed.

Mr. Lisko stated he is in favor of the application, the benefits outweigh the detriments.

Ms. Young made a motion to approve the application, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Cupoli, Greig and Ross and Ms. Young

NAYS:

Mr. Fitzgerald made a motion to adjourn the meeting, which was seconded by Mr. Hutchinson and approved unanimously.

ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 25, 2014

PRESENT: Messrs. Hutchinson, Fitzgerald, Brennan, Lisko, and Fowler

ABSENT: Messrs. Cupoli, Ross and Greig; and Ms. Young

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Brennan made a motion to approve the minutes of the August 28, 2014 regular meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Brennan, and Lisko

NAYS:

ABSTAIN: Mr. Fowler

Mr. Hutchinson made a motion to waive the reading and approve the resolution granting approvals to Dariusz Targonski, 807 Main Street, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Brennan, and Lisko

NAYS:

ABSTAIN: Mr. Fowler

MANUEL & SUZANNE TEIJELO – 200 NORTH BOULEVARD

Mr. Teijelo stated they just rebuilt their home with a two car garage. He received approvals from the Board for the house in May 2013. His understanding was that when he received approvals for a two car garage that the driveway and apron were included. The house is near completion and was advised that he needs approval for the driveway apron. The apron is only permitted to be 12 feet wide and it is 23 feet wide.

Public: none

Mr. Hutchinson, Mr. Brennan and Mr. Fitzgerald stated they have no problem with the application. Mr. Fowler and Mr. Lisko agreed.

Mr. Brennan made a motion to approve the application, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Brennan, Lisko, and Fowler

NAYS:

ABSTAIN:

ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 25, 2014

JOSEPH SHAFER & DONNA BIATA – 107 20<sup>TH</sup> AVENUE

Appearing for this application was Mr. Shafer, Ms. Biata, and their attorney Paul Urbania. Mr. Fitzgerald lives within 200 feet of this application and therefore stepped down from the dais.

Mr. Urbania stated their proposal is to build a new garage. The variances being requested are for side and rear setback and distance from the house to the garage. The side and rear yard setbacks are exactly similar to the previous setbacks of the garage that was there before Hurricane Sandy. The new garage would be on the same footprint of the old garage.

Ms. Biata stated their house was also damaged by the storm and they just rebuilt it and elevated it. The garage is closer to the house than it was before because of the requirement to locate the rear entrance steps around the back of the house.

Mr. Urbania stated the prior garage was 14 feet high, the proposed is 17.3 feet and 18 feet is what is allowed. He submitted a photo from five years ago showing the previous garage. He added that the new garage will be similar in size and shape except for it being three feet taller.

Mr. Fowler asked what materials would be used on the exterior of the garage. Ms. Biata stated the siding and roof would match the house. Mr. Fowler asked if there is a shower in the garage. Ms. Biata replied no. Mr. Fowler asked if there will be heat. Ms. Biata replied no.

Mr. Brennan asked about gutters and a plan for water runoff. Mr. Urbania stated there will be gutters on the garage. Mr. Urbania had the applicant's contractor Fred Davies speak. Mr. Davies stated there is a drainage system around the house and it has an extension on it for the garage.

Mr. Hutchinson asked if the change in the roof pitch compared to the old garage was done for aesthetics. Ms. Biata replied yes and added that it gives more storage.

Mr. Lisko asked if there is any issue with the garage being close to the property lines. Mr. Bianchi stated the garage has to be fire rated and cannot have windows if less than 3 feet from the property line.

Mr. Bianchi stated they also need a variance for building coverage and impervious coverage. They are already over both coverages with the house.

Mr. Urbania stated both the house and garage would be on the same foot prints as previously existed so would like to see those two additional variances granted.

Public:

Dennis Lepore, 105 20<sup>th</sup> Avenue, stated he did not see any type of drainage system installed and is concerned about water runoff. Mr. Davies stated there is a pipe system underground along the driveway that the garage would be connected to. Mr. Lepore was concerned about the noise of the air conditioning units. Mr. Lisko suggested he speak to the applicant outside of the meeting as it is not part of the application.

ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 25, 2014

Mr. Kennedy asked if the garage would have water or electric. Ms. Biata stated it would have electric.

Board Comments:

Mr. Fowler stated he understands the need for the garage and he would be in favor of the application.

Mr. Brennan agreed. He added it will fit in style with the house. He is in favor of the application.

Mr. Hutchinson and Mr. Lisko stated they are in favor of the application.

Mr. Fowler made a motion to approve the application, which was seconded by Mr. Brennan and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Brennan, Lisko, and Fowler

NAYS:

ABSTAIN:

Mr. Fitzgerald rejoined the Board on the dais.

KRISTA SPERBER – 512 ½ EIGHTH AVENUE

Appearing with Ms. Sperber was her architect Tim McCorry.

Ms. Sperber stated the house and foundation were damaged by Hurricane Sandy. The proposal is to renovate and elevate the house.

Mr. McCorry stated the proposal is to elevate the house two feet on a new engineered foundation. Once the house is elevated they would begin minor renovations to the house which would also include two minor additions on the house and changes to the attic which includes a new dormer. Any existing non-conformities would not be exacerbated. The height of the house is in compliance.

Mr. Hutchinson asked about the utilities. Ms. Sperber stated they would be moved to the first floor. Mr. Hutchinson asked about the shed on the plans. Ms. Sperber stated she needs an area for storage since she is losing the basement.

Mr. Brennan stated he liked the driveway being replaced with gravel. He asked about water runoff. Mr. McCorry stated the house will have gutters and water would drain onto the ground. Mr. Brennan asked if there is heat or any utilities in the shed. Ms. Sperber stated she would like to have electricity.

Mr. Fitzgerald asked for clarification on the variances being requested. Mr. McCorry stated the variances are for existing side yard setbacks. Mr. Bianchi clarified they are before the board because there are additions on the house which don't comply with the setbacks.

ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 25, 2014

Mr. Fowler asked if the number of bathrooms and bedrooms would remain the same. Ms. Sperber replied yes.

Mr. Hutchinson stated Mr. Bianchi had mentioned a variance for building coverage on the Minor Land Use application. Mr. Bianchi stated that may have been the case at one point but it was corrected.

Public

Irene McCann, 529 Eighth Avenue, stated the Board usually grants relief for codes but they now need to grant relief for a family who has been out of their home.

Board Comments

Mr. Hutchinson stated he is in favor of the application. Mr. Brennan and Mr. Fitzgerald agreed.

Mr. Fowler apologized for what her and her family had gone through and appreciated her tenacity to move forward and get her family back in their home.

Mr. Bianchi asked about the dormer on the third floor. He was concerned about the size. He also stated it is not a dormer per the ordinance definition. Mr. McCorry stated not all of the attic is habitable. Mr. Bianchi questioned whether the attic is a full third floor or a half story per the ordinance. Mr. McCorry stated he is pretty sure they are in compliance with the half story definition and will confirm that in writing. He added they will make sure they comply so there is no need for an additional variance. He would also have to confirm the size of the dormer. Mr. Bianchi stated if it does not meet the definition of a dormer then that's another variance.

Mr. Bianchi stated the dormer is not a dormer it's a cross gable which is a variance. The attic would be a full third floor not a half story.

Mr. McCorry stated he will clarify the plans to say there is no dormer and since he is unsure of the measurements and whether or not they can comply with the half story ordinance at this time so he would like to seek approval for a potential variance for number of stories.

Mr. Fitzgerald stated this third floor is just a technical variance and doesn't think it should be a precedent to allow future third floors.

Mr. Brennan made a motion to approve the application, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Brennan, Lisko, and Fowler

NAYS:

ABSTAIN: Mr. Fowler

Mr. Kennedy stated he had prepared a resolution in the event the application was approved and read the resolution into the record.

ZONING BOARD OF ADJUSTMENT  
SEPTEMBER 25, 2014

Mr. Brennan made a motion to adopt the resolution granting approvals to Krista Sperber, 512 ½ Eighth Avenue, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Brennan, Lisko, and Fowler

NAYS:

ABSTAIN: Mr. Fowler

At 8:50 pm the Board took a ten minute recess

DOUGLAS & DENISE OLIVER – 111 NINTH AVENUE

Appearing for this application was Mr. and Mrs. Oliver, their attorney George McGill and architect Bob Ring.

Mr. McGill submitted revised plans due to some concerns from a neighbor that were discussed privately. He also explained that there was a typo on his application which he submitted a letter clarifying their application. Seeking three variances. One of the variances is for the third floor expansion. The second variance is for total side yard setback. The third variance is for the front porch to be built and connected to the existing side porch. Their original plan was for a deck on the third floor, which was another variance, but the neighbors had some concerns so they decided to remove it from the plans. Since the third floor deck is removed they would like to raise the existing front dormer slightly which may or may not be another variance.

Mr. Oliver stated this home is used as their vacation home. The whole house will be renovated because it is very old. Currently have permits to do work on the house except for the items that need variances.

Mr. Ring explained the existing front dormer front and side walls will remain the same and just the height would be raised from 4 feet to 10 feet. This turns the roof from a shed roof to a gable roof. The house will be no higher than it is today, which is 30 feet. The rear dormer will also be widened six feet so it is the same size as the front dormer. The ridgelines from front to back will now be even. These changes will allow more room from front to rear in the attic.

Mr. Ring stated the attic complies with the definition of a half story as far as size but the non-conforming issue which requires the variance is the height where the front wall meets the roof.

Mr. McGill submitted photos of the existing house and neighboring houses to provide an example of how the renovations would fit in with the neighborhood.

Mr. Fowler asked if the third floor is an attic or a bedroom. Mr. Ring stated it is an open space.

Mr. Hutchinson asked if the house isn't changing other than the new porch. Mr. Ring replied yes.

Mr. Lisko asked about water runoff. Mr. Ring stated there are gutters on the house with splash blocks to direct water to the street. Mr. McGill stated if a drywell is needed by the Borough they would comply.

ZONING BOARD OF ADJUSTMENT  
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Public: none

Board Comments:

Mr. Fowler stated their proposal would enhance the beauty of the town and he would be in favor of the application.

Mr. Fitzgerald stated he would be in favor of the application.

Mr. Brennan stated he really likes what is being done to the house, it is a big improvement. Complimented the attorney for giving a good presentation.

Mr. Hutchinson stated he appreciates them asking for very reasonable variance relief and it will be an enhancement to the neighborhood.

Mr. Lisko stated he too is in favor of the application and appreciates that they worked with their neighbors.

Mr. Fowler made a motion to approve the application, which was seconded by Mr. Fowler and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Brennan, Lisko, and Fowler

NAYS:

ABSTAIN: Mr. Fowler

Mr. Brennan made a motion to adjourn the meeting, which was seconded by Mr. Fitzgerald and approved unanimously.

## ZONING BOARD OF ADJUSTMENT

OCTOBER 23, 2014

PRESENT: Messrs. Hutchinson, Fitzgerald, Lisko, Cupoli, Ross, Greig, and Fowler;  
and Ms. Young

ABSENT: Mr. Brennan

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio and  
Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Hutchinson made a motion to waive the reading and approve the minutes of the September 25, 2014 meeting, which was seconded by Mr. Fowler and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Brennan, Mr. Fitzgerald, Mr. Lisko, and Mr. Fowler

NAYS:

ABSTAIN: Mr. Ross, Mr. Greig, Mr. Cupoli, and Ms. Young

Mr. Fowler made a motion to waive the reading and approve the resolution granting approvals to Suzanne and Manuel Teijelo, 200 North Blvd., which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Brennan, Mr. Fitzgerald, Mr. Lisko, and Mr. Fowler

NAYS:

ABSTAIN: Mr. Ross, Mr. Greig, Mr. Cupoli, and Ms. Young

Mr. Fowler made a motion to waive the reading and approve the resolution granting approvals to Joseph Shafer and Donna Biata, 107 20<sup>th</sup> Avenue, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Brennan, Mr. Fitzgerald, Mr. Lisko, and Mr. Fowler

NAYS:

ABSTAIN: Mr. Ross, Mr. Greig, Mr. Cupoli, and Ms. Young

Mr. Fowler made a motion to waive the reading and approve the resolution granting approvals to Douglas & Denise Oliver, 111 Ninth Avenue, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Brennan, Mr. Fitzgerald, Mr. Lisko, and Mr. Fowler

NAYS:

ABSTAIN: Mr. Ross, Mr. Greig, Mr. Cupoli, and Ms. Young

Mr. Lisko announced the application of Christine Keating, 112-114 North Boulevard, will be carried to the December 18, 2014 meeting without any further noticing.

## ZONING BOARD OF ADJUSTMENT

OCTOBER 23, 2014

Mr. Lisko announced the application of Charles & Adrianna Weidel, 1203 K Street, will be carried to the November 20, 2014 meeting. Mr. Kennedy explained there was an issue with the noticing, and there were some properties that did not receive notice. Those who did not receive notice will be noticed for the November meeting. Those that were noticed will not receive any further notices.

### **VICTOR & TAMMY SOLURI – 1209 MAPLEWOOD ROAD**

Appearing with Mr. and Mrs. Soluri was their architect Paul Amelchenko.

Mr. Amelchenko stated they understand that the Borough is requiring the house to be elevated if the approvals are granted however there is some difference of opinion on this. He stated they wish to proceed with their application and if obtain approvals they will meet with the Building Department and address any flood plain issues. Worst case scenario would be they would have to raise their house two feet which puts their house at 31 feet from grade.

Mrs. Soluri submitted some photos of the existing house and site to the Board.

Mr. Amelchenko stated they are required to have two parking spaces on site and the photos show that they can fit two cars on the property.

Mr. Soluri stated they have outgrown their home. They would like to put two bedrooms for the kids upstairs as well as a master bedroom upstairs. There will be no changes to the footprint, just adding a level.

Mr. Amelchenko stated they need a variance for existing side yard setback for the first floor, however most of the second floor complies with the setback. Also proposing a bathroom and laundry room on the second floor. Also need a variance for existing lot size and width, front yard setback, rear yard setback, total side yard setback, impervious coverage and building coverage, all of which are existing conditions that will not change. No variance required for height or floor area ratio. Some alterations to the interior first floor plan would be made as well. The home would also have new siding.

Mr. Fowler asked how many bathrooms would be in the house. Mr. Amelchenko stated there is one full bathroom to be removed which will leave 2 ½ bathrooms. Mr. Fowler asked if there is central air conditioning and where the condensers would be. Mr. Soluri stated they will be putting it in and will comply with the setback. Mr. Amelchenko stated there is room in the rear yard. Mr. Fowler asked about water runoff. Mr. Amelchenko stated the water would drain the same as it does today. Mr. Soluri stated water drains into the street. Mr. Soluri stated he doesn't see water being an issue but if the Board would like him to install a drywell in the front yard he would do it. Mr. Cupoli suggested a drywell in the rear yard as well.

Mr. Greig asked for total number of variances being asked for. Mr. Amelchenko stated they are asking for seven variances. Mr. Greig questioned a parking variance. Mr. Bianchi stated the parking spot measurements have to be measured from the property line, which according to the survey is 7 feet short of a compliant parking spot. So a parking variance would be required since they technically only have enough for one.

## ZONING BOARD OF ADJUSTMENT

OCTOBER 23, 2014

Mr. Fitzgerald asked if they could pick a location for the air conditioning unit. Mr. Amelchenko stated it would be at the rear of the house near the southerly corner. Mr. Fitzgerald asked if there will be an outdoor shower. Mr. Soluri replied no.

Mr. Hutchinson asked if anything would have to be done with the crawl space if they have to elevate the house. Mr. Bianchi stated it will have to be filled in and flood vents will have to be installed.

Mr. Soluri stated he would have to change the front door as well if he will be required to elevate. He later stated he may be able to recess the door and steps rather than changing the location of them.

Public: Gemma Cafone stated her concern is how the construction would affect her driveway because it is so close to their property. Mr. Soluri stated they will stay on their own property during construction.

Kory Hardmeyer, 14<sup>th</sup> Avenue, stated he wanted to speak in favor of this application. This is what Belmar needs. It's a small house and doesn't want to see them have to sell and it become a rental.

### Board Comments

Mr. Fowler agreed with Mr. Hardmeyer and added he likes their commitment to the town and wanting to stay here. It will be good for the neighbor and a great convenience for them.

Mr. Cupoli stated he noticed a lot of homes in their area doing work and it looks nice. This will be a great addition to the neighborhood.

Ms. Young stated she is in favor of the application and appreciates their willingness to address the neighbor's concerns.

Mr. Greig stated this will be good for the neighborhood and is in favor of the application.

Mr. Fitzgerald agreed. He added that he thinks it might be better to move the front entrance to the front of the house. He agreed with Mr. Hardmeyer about it possibly becoming a rental if they didn't want to work on it.

Mr. Hutchinson and Mr. Lisko stated they are in favor of the application.

Ms. Young made a motion to approve the application, which was seconded by Mr. Greig and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Greig, Cupoli and Mr. Fowler;  
and Ms. Young

NAYS:

ABSTAIN: Mr. Ross

Mr. Fowler made a motion to adjourn the meeting, which was seconded by Mr. Cupoli and approved unanimously.

## ZONING BOARD OF ADJUSTMENT

**NOVEMBER 20, 2014**

Present: Messrs. Hutchinson, Fitzgerald, Ross, Lisko, Greig, and Cupoli

Absent: Ms. Young, Mr. Brennan, and Mr. Fowler

Also Present: Board Attorney Kevin Kennedy, Esq., Acting Board Secretary Sharon Day, and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Greig made a motion to waive the reading and approve the minutes of the October 23, 2014 regular meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, Greig, and Cupoli

NAYS:

ABSTAIN: Mr. Ross

Mr. Cupoli made a motion to waive the reading and approve the resolution granting approvals to Victor and Tammy Soluri, 1209 Maplewood Road, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, Greig, and Cupoli

NAYS:

ABSTAIN: Mr. Ross

### MELONEY HUNT & STEVEN GARRISON – 222 15<sup>TH</sup> AVENUE

Mr. Greig stated he works with Ms. Hunt, however Mr. Kennedy did not feel there was a conflict.

Mr. Garrison and Ms. Hunt stated they have owned the property for one year. They would like to change the existing shed into a 16x22 garage with no living space. It will have only one bay door. The exterior would match the main house.

Mr. Lisko asked if there would be a buffer. Mr. Garrison stated there would be a fence or privacy wall because they live next to an animal house.

Mr. Cupoli asked questions about lighting. He felt the sliding door was overkill.

Mr. Greig thought a side and rear yard variance may be needed but it was determined that they did not need.

## ZONING BOARD OF ADJUSTMENT

NOVEMBER 20, 2014

Mr. Ross asked about gutters. Ms. Hunt stated the garage would have gutters and they may do a rain garden.

Mr. Fitzgerald clarified that the only variance being requested is for lot coverage.

Public: none

Mr. Cupoli stated it looks great but thought it was overkill and would vote no.

Mr. Greig stated he likes the look.

Mr. Ross stated he has no problem with the application.

Mr. Hutchinson stated it looks great.

Mr. Lisko stated he is in favor of the application.

Mr. Fitzgerald made a motion to approve the application, which was seconded by Mr. Ross and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, Greig, and Ross

NAYS: Mr. Cupoli

ABSTAIN:

### ROBERT DEITZ – 118 20<sup>TH</sup> AVENUE

Mr. Fitzgerald stepped off the dais because he lives within 200 feet of this application. Appearing with Mr. Deitz was his attorney William Shippers, architect Paul Grabowski, and engineer/planner Marc Leder. Mr. Shippers stated Mr. and Mrs. Deitz purchased a home damaged by Hurricane Sandy and want to build a new home to make Belmar their principal residence.

Mr. Leder described the existing site conditions and the proposed new home. The lot is undersized because it is a corner lot. The proposal is to demolish the existing non-conforming house and build a new single-family house. He feels there is no negative impact to the neighborhood if this was approved.

Mr. Grabowski stated the first level would have the bedrooms, the second level would have the living room, kitchen, a great room, den, laundry room, and bathroom, and the half story would have a master bedroom suite with a bathroom. The new house would also have an elevator. The garage is being incorporated into the house.

Mr. Hutchinson stated the second story porch cannot be covered and has to be open. He was concerned the balcony over the garage would impact the neighbors.

## ZONING BOARD OF ADJUSTMENT

NOVEMBER 20, 2014

Mr. Ross asked for clarification on the number of bedrooms in the existing house vs the new house.

Mr. Greig asked what the impact would be on the houses to the north and west with the garage. Mr. Shippers stated the house to the north isn't that close.

Mr. Cupoli asked if any fences would be installed. Mr. Shippers replied no.

Mr. Lisko asked if a variance is required for the second floor garage roof balcony. Mr. Bianchi stated it was okay.

Public: Nancy Morrissey, 1906 A Street, stated she has known the Deitzs for over 15 years and a new house would be good for the neighborhood.

Patty Faugno, 1902 Surf Avenue, stated most of the houses in that area of town were damaged by Hurricane Sandy and are being rebuilt much higher. She feels this house would be a great improvement.

Nicholas Gregory, 111 20<sup>th</sup> Avenue, stated it looks great and would like them to build.

Board Comments: Mr. Hutchinson stated he is glad to hear support from the neighbors and thinks it will be a beautiful home.

Mr. Ross was also pleased by the neighbor's support and feels the positives outweigh the negatives.

Mr. Greig stated he had concerns about the number of bedrooms but is satisfied after hearing from the neighbors.

Mr. Cupoli stated they did a good job regarding parking and feels it will be beautiful home that will fit into the neighborhood.

Mr. Lisko stated he is in favor of the design.

Mr. Greig made a motion to approve the application, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Hutchinson, Lisko, Greig, Ross, and Cupoli

NAYS:

ABSTAIN: Mr. Fitzgerald

Mr. Kennedy stated that he had prepared a resolution in the event the application was approved and read the findings into the record.

## ZONING BOARD OF ADJUSTMENT

NOVEMBER 20, 2014

Mr. Greig made a motion to approve the resolution granting approvals to Robert Deitz, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Messrs. Hutchinson, Lisko, Greig, Ross, and Cupoli

NAYS:

ABSTAIN: Mr. Fitzgerald

At approximately 9:00 pm the Board took a 10 minute recess. The Board reconvened at 9:10 pm.

Mr. Fitzgerald rejoined the board on the dais.

### CHARLES WEIDEL – 1203 K STREET

Appearing with Mr. Weidel was his wife Adriana and their attorney Timothy Middleton. Mr. Middleton stated the proposal is to elevate the existing house, build a new garage attached to the house and a new deck. He stated the impervious coverage is being reduced. The house was damaged by Hurricane Sandy and they have tried to repair the home but couldn't because they would be required to elevate. They would like to lift the house and put a garage underneath which they feel looks nicer. Need a variance for the size of the garage.

George McGill, attorney for neighbor Chris Pringle, stated his client objects to the deck for privacy reasons. Mr. Middleton stated the Weidels have decided not to build the deck but if they choose to do so in the future they understand they will have to come back before the Board.

Mr. Middleton stated they will fix the fence and trees that were damaged in the front yard.

Mr. McGill thanked them for working with him and his client.

Mr. Middleton stated the garage would be for storage and to park a car during heavy rain.

Mr. Weidel stated he has owned the property for 14 years. Hurricane Sandy left four feet of water in the house and the house is more than 50% damaged. The house has to be raised 3-4 feet and feels it looks better raised higher. Just need a variance for the size of the garage, all other conditions are existing and are not changing.

Mr. Cupoli asked Mr. Weidel if this is his permanent house. Mr. Weidel replied no but added the house is a mess and he wants to fix it up.

Mr. Ross asked if the driveway will be gravel. Mr. Weidel stated it would be pavers.

Mr. Lisko asked where the air conditioning condensers would be located. Mr. Weidel stated they would be in the rear.

## ZONING BOARD OF ADJUSTMENT

**NOVEMBER 20, 2014**

Public: Eric Henderson, 1004 13<sup>th</sup> Avenue, stated he was concerned about raising the house and the garage.

Board Comments: Mr. Hutchinson stated their plan is reasonable. Mr. Fitzgerald stated it's a standard house. Mr. Lisko stated he is in favor of it. No other comments.

Mr. Hutchinson made a motion to approve the application, which was seconded by Mr. Greig and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, Greig, Ross, and Cupoli  
NAYS:  
ABSTAIN:

Mr. Kennedy stated he had prepared a resolution of approval in the event the application was approved and read the findings into the record.

Mr. Greig made a motion to approve the resolution granting approvals to Charles Weidel, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, Greig, Ross, and Cupoli  
NAYS:  
ABSTAIN:

Mr. Hutchinson made a motion to adjourn the meeting, which was seconded by Mr. Fitzgerald and approved unanimously.

# ZONING BOARD OF ADJUSTMENT

DECEMBER 18, 2014

Present: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Ross, Fowler; and Ms. Young

Absent: Mr. Greig and Mr. Cupoli

Also Present: Acting Board Attorney Michael Lekstein, Esq., Board Secretary April Claudio, and Zoning Officer Ted Bianchi

The secretary stated that adequate notice of this meeting of the Zoning Board of Adjustment was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 30, 2013 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Hutchinson made a motion to waive the reading and approve the minutes of the November 20, 2014 regular meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, and Ross

NAYS:

ABSTAIN: Mr. Fowler, Mr. Brennan and Ms. Young

Mr. Fitzgerald made a motion to waive the reading and approve the resolution granting approvals to Steven Garrison and Melony Hunt, 222 15<sup>th</sup> Avenue, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, and Ross

NAYS:

ABSTAIN: Mr. Fowler, Mr. Brennan and Ms. Young

Ms. Young made a motion to waive the reading and approve the resolution establishing the 2015 meeting dates, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Messrs. Hutchinson, Brennan, Fitzgerald, Lisko, Ross, Fowler; and Ms. Young

NAYS:

ABSTAIN:

## CHRISTINE KEATING – 112-114 NORTH BOULEVARD

Appearing with Ms. Keating was her attorney Michael Rubino and architect Richard Villano. Mr. Fowler was not present at the August meeting when this was originally heard and was unable to listen to the recording therefore he stepped off the dais and left the meeting.

Mr. Rubino apologized for Ms. Keating's actions and emotions at the original meeting. He explained that it was her first time before a Board and she was nervous and she wants to be cooperative even though it did not appear that way. He also added that Ms. Keating's property has never been approached by Code Enforcement for violations in any of the years that she has owned it.

## ZONING BOARD OF ADJUSTMENT

DECEMBER 18, 2014

Mr. Rubino stated the plans were revised so the half story is in compliance so it is a true half story and no longer a third floor. There was a one story room on the west side of the property labeled as a study which has been removed from the plans because of the neighbor's concerns. The air conditioning units have been relocated as well. The side yard setbacks are now in complete compliance. Building coverage was reduced but still requires a variance. The variances being requested are for the 15.67 feet front yard setback, the 8.4 feet rear yard setback, lot size shape, and building coverage of 41.7%. Impervious coverage and floor area ratio were reduced and are in compliance.

Mr. Bianchi asked about the deck on the third floor. Mr. Villano stated it is a balcony. Mr. Bianchi stated the roof line on the front of the house above the porch is not in compliance with the half story definition and therefore it is still a full third floor by definition. Mr. Villano stated that will have to be another variance they will require.

Mr. Lisko had the two sets of revised plans marked as exhibits B1 and B2. He asked if a parking variance is required. Mr. Bianchi and Mr. Villano stated there is no parking variance. Mr. Rubino stated a variance is required for the size of the curb cut.

Mr. Villano stated they took the study off the side of the house so the neighbors to the rear would still have a view of the lake. Also gave up some space in the attic to adjust the roof line and to bring it down to a half story but now understands that it still does not meet the Borough ordinance and is still considered a full third story by definition. Air conditioners have been moved to the other side of the property. The paver patio has been moved closer to the house in the rear yard to be further from the property line. Need a variance for the curb cut because the garage is a double door two car garage and need the width to have two cars in the driveway. Mr. Rubino stated they were originally over the height but are now in compliance with height.

Mr. Villano stated by removing the study the building coverage was reduced but still requires a variance.

Mr. Ross asked why the balcony on the east side has to wraparound the house because they won't have any view of the ocean because there are houses there. Mr. Villano stated the balcony is only 6-7 feet wide which isn't wide enough for a table so they had it wraparound so it could be wider. Mr. Ross asked how the double curb cut would affect public parking. Mr. Villano stated one space would be lost. He added that there is an existing double wide curb cut on the west side of the property that would shift to the east side of the house.

Dan Matthews, contractor, stated he would be building the house. He explained the current home is a two family home with no parking. The neighbor to the west was kind enough to allow Ms. Keating to drive over her property line to allow for parking in her rear yard. He explained it to the Board via the photo board they had presented at the original meeting. He added that the neighbor's curb cut is probably wide enough for 3 cars and will remain and they are adding a

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new curb cut for their property. It was determined that two on street parking spaces would be lost but two would be gained on the property which before there were none.

Mr. Ross questioned the office having the ability to be converted into a bedroom at some point. Mr. Lekstein stated a condition could be made that it not be used as a bedroom if that was a concern. Mr. Ross asked if Ms. Keating would be living in the house. Mr. Matthews replied yes.

Ms. Young was concerned about the office being used as a bedroom as well which would impact the parking. Mr. Matthews stated the closet in the room is for storage and is not a true closet.

Mr. Fitzgerald felt the applicant should have been more prepared. He was concerned that when asked what variances were being requested Mr. Rubino clarified that the architect felt the changes he made to the third floor put it in compliance but it did not. Mr. Fitzgerald stated if the office is to ever be used as a fourth bedroom, that would affect parking and require a parking variance and feels they should ask for it now to make things easier. Mr. Rubino stated he would agree to do a deed restriction that the office would not be used as a bedroom. Mr. Rubino then stated they would rather just ask for a parking variance in the event the office is ever turned into a bedroom in order to make things easier.

Mr. Brennan asked for clarification on the third story vs half story. Mr. Rubino stated they would rather not change the plans and just ask for the third floor variance.

Mr. Hutchinson felt that everyone would be happier if the house was smaller given the lot is so small and irregularly shaped. He asked if anything could be done to reduce the size of the curb cut. Mr. Matthews stated the door size could be reduced but the way it is on the plans now looks nicer.

Mr. Lisko asked if the size of the house was reduced. Mr. Matthews stated 132 square feet was removed from the house which was the 11x20 study room that was eliminated. Mr. Villano stated the third floor was reduced by 202 square feet as well.

Mr. Ross asked how far the proposed generator is from the rear property line. Mr. Villano stated it would be about 25 feet.

Mr. Lisko felt a deed restriction would be hard to enforce. Mr. Rubino stated they will amend the application to request a variance for parking.

Public: Linda McNamara, 110 North Blvd., stated she owns the house with the wide curb cut that Ms. Keating uses. She stated she drew the line in the driveway only because they wanted to reseal it but couldn't do the whole thing because there were so many weeds on Ms. Keating's side. She added that it's in both of their deeds that the driveway be shared. Mr. Rubino stated they would abandon that easement. She would like to see the balcony on the side removed because it would be close to her bedrooms and feels that neither of them would want anyone

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staring at each other. If that change is made she would be happy to welcome Ms. Keating to be her neighbor again.

Nick Gregory, 111 20<sup>th</sup> Avenue, directly behind the property, stated he is thankful for the concessions that were made. He would like to have a nice house there. He is concerned that Ms. Keating won't live there and it will turn into a rental and an animal house. Ms. Keating stated she is tired of being a landlord. He would like to see a privacy fence put up between his property and this property. Mr. Matthews stated he would work with Mr. Gregory to do that.

Mr. Ross asked if the balcony could be stopped at the chimney or end of the house rather than wraparound. Mr. Matthews stated they don't want to remove it.

Mr. Fitzgerald asked for clarification that it be a condition of approvals that the parking easement be abandoned. Mr. Rubino agreed.

Mr. Bianchi pointed out that the third floor balcony requires a variance because it sits above the second floor deck and projects over the second floor deck and the ordinance states a second floor deck cannot be covered. Mr. Rubino stated they want a variance for it. Mr. Matthews recalled that they had asked for this variance at the original meeting.

At approximately 8:48 pm the Board took a recess to allow the attorney and architect to discuss some of the Board's comments.

The Board reconvened at 9:00 pm. Roll call was taken.

Mr. Matthews stated they could reduce the first floor porch and second floor balcony that wraps around by 18 inches.

Mr. Rubino clarified the variances based on discussion tonight and Mr. Bianchi's original review letter: front yard setback, size of the front porch, third floor balcony, third story does not meet half story definition, front porch steps are within the setback, curb cut size, lot shape, rear yard setback, building coverage and parking.

Mr. Lisko asked how far the side porch will be from the property line. Mr. Villano and Mr. Matthews estimated at a minimum it would be 8.8 feet but may be greater given the odd angle of the property.

Board Comments: Mr. Ross stated he feels when there are ten variances he feels you start to think the house is too big for the lot. However, he understands the neighbor's needs for a new house there. He still thinks the side porch/balcony should be reduced further.

Ms. Young stated a lot of changes have been made to allow for the house to be livable and to accommodate the neighbors' concerns. Does feel they are asking for a lot of variances. Doesn't want the town to have oversized homes on small lots regardless of the fact the rendering is

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beautiful. Her main concern is the lot size. Understands the neighbors probably want a nice house there but still feels they are asking for a lot.

Mr. Fitzgerald stated he doesn't feel it's a big ask to bring back the side porch closer to the house to reduce the scale of the house.

Mr. Brennan echoed Ms. Young. It is clear the neighborhood would be well served with something other than what is there now. He is concerned it's too much house on such a little lot. He feels the design could be redone to reduce the building coverage and reduce the third floor.

Mr. Hutchinson agreed ten variances is a big number but does agree that some of them are minor. It is a big house on a small unusually shaped lot. It is a very attractive house and understands it would be nice to have something new there. He is unsure how he will vote.

Mr. Rubino asked for another recess at approximately 9:12 pm. The Board reconvened at 9:16 pm. Roll call was taken.

Mr. Matthews stated they really want a one family house there and there are a lot of irregular lots in the area with large three story houses. He feels they have made a lot of concessions. While the house is a little big Ms. Keating really wants the house and the neighbors want the house.

Mr. Rubino stated they have tried to take the neighbors into consideration. There are a couple new houses to the east that are bigger and higher than this house. If their application is denied they will have to look at renovating what's there or building a new two family which isn't what they want. They feel giving up much more will mean they are not getting the house they want.

Ms. Young stated she understands the lot is the lot but the challenge is what is being put on the lot. A lot of concessions were made and she would love for them to have the house they want but she doesn't think the house they want is suitable for the size of the lot.

Mr. Fitzgerald stated the east side balcony/porch seems to be the issue and is an easy give back. He doesn't think not willing to give up that balcony/porch just to keep the house is a good trade off.

Mr. Brennan made a motion to approve the application, which was seconded by Mr. Fitzgerald:

AYES: Mr. Hutchinson

NAYS: Mr. Brennan, Mr. Fitzgerald, Mr. Lisko, Ms. Young and Mr. Ross

Ms. Young made a motion to deny the application, which was seconded by Mr. Fitzgerald:

AYES: Mr. Hutchinson, Mr. Brennan, Mr. Fitzgerald, Mr. Lisko, Ms. Young and Mr. Ross

NAYS:

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The application was denied.

Ms. Claudio stated she received two letters asking for extensions on approvals received from the Board. The first was from Eugene Murphy, 107 6<sup>th</sup> Avenue, he asked for a two year extension from October 2014. Mr. Fitzgerald made a motion to grant the extension, which was seconded by Mr. Brennan and approved unanimously.

The second was for John and Helen Cap, 212 North Blvd. They had been granted an extension until March 2015 and asked that it be extended to November 30, 2015. Mr. Fitzgerald made a motion to grant the extension, which was seconded by Mr. Brennan and approved unanimously.

Ms. Young made a motion to adjourn the meeting, which was seconded by Mr. Ross and approved unanimously.