

ZONING BOARD OF ADJUSTMENT

AUGUST 27, 2015

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

ABSENT: Mr. Hutchinson and Mr. Cupoli

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 22, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Ms. Casserly made a motion to waive the reading and approve the minutes of the July 23, 2015 meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Ms. Casserly, Mr. Fitzgerald, and Mr. Ross

NAYS:

ABSTAIN: Mr. Greig, Mr. Fowler, Ms. Young and Mr. Lisko

Mr. Fitzgerald made a motion to waive the reading and approve the resolution granting approvals to Richard Adase, 413 13th Avenue, which was seconded by Ms. Casserly and approved by the following vote:

AYES: Ms. Casserly, Mr. Fitzgerald, and Mr. Ross

NAYS:

ABSTAIN: Mr. Greig, Mr. Fowler, Ms. Young and Mr. Lisko

KEITH KLEISSLER – 207 12TH AVENUE

Appearing for this application was Mr. Kleissler and his architect Allen Robinson. Unit 1 has 3 bedrooms and 1 ½ bathrooms. Unit 2 second floor has 3 bedrooms and 2 bathrooms. Both have summer tenants. Has owned it for 18 years used as mostly a rental. Plan is to remove two bump outs on western side of house to conform to setbacks, remove bump out on eastern side. Will relocate a/c units. Has a 15 ft. front yard setback which is in line with neighbor's front yards. Rebuild garage. Convert two family house to single family house on same foot print.

Variances: side yard setback and rear yard setback, impervious coverage, and front yard setback.

Improvements will be aesthetically pleasing for the neighborhood.

Board questions:

Mr. Fowler asked about water runoff. Mr. Kleissler stated there are gutters and leaders on the house but drainage is good. If it's necessary they may build a drainage pit. Mr. Fowler asked for the setback of the a/c units in the rear. Mr. Kleissler stated they would be about 5 feet.

Mr. Ross asked for clarification on proposed number of bedrooms and bathrooms. Mr. Kleissler stated he will have five bedrooms and three ½ bathrooms.

Ms. Young asked what the house will be used for. Mr. Kleissler stated it would be used by his family. Ms. Young asked if the house will be renovated. Mr. Kleissler stated he is knocking it down to the foundation and rebuilding it.

Mr. Fitzgerald asked about lot coverage. Mr. Kleissler stated he is removing a lot of cement and putting in grass and porous pavers. The coverage is 1% over what's permitted.

Mr. Greig asked Mr. Kleissler if he will do a deed restriction relinquishing two-family. Mr. Kennedy stated a deed restriction could be done or the resolution could be recorded. Mr. Kleissler agreed.

Public: Brian Maloney, 205 12th Avenue, stated he supports the application as it will be good for the neighborhood. His concerns are more about the construction process because the houses are

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so close together. His concerns were about noise, debris, timing, and how construction would impact his family and property.

Mr. Kleissler stated he will comply with any regulations.

Mr. Bianchi stated the Uniform Construction Code states they have to protect the neighboring property during construction.

Mr. Fitzgerald felt this topic is out of the purview of the Board and has no bearing on the variances they will be deciding on.

Mr. Kennedy stated the town has regulations that would address Mr. Maloney's concerns. He suggested Mr. Maloney and Mr. Kleissler exchange phone numbers and if there are any issues Mr. Maloney can call the construction office.

Board Comments

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

Mr. Ross agreed. He likes the concessions the applicant has made and feels the increase in the garage is minimal.

Ms. Casserly and Ms. Young stated they are in favor of the application.

Mr. Fitzgerald stated he is in favor and feels it will be good for the neighborhood.

Mr. Greig agreed.

Mr. Lisko stated making it a conforming house is a benefit for the town and is good for all.

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

AYES: Messrs. Greig, Fitzgerald, Lisko, Ross, and Fowler; and Ms. Young and Ms. Casserly

NAYS:

At approximately 8:20 p.m. the Board took a recess. At 8:30 p.m. the Board reconvened. Roll call was taken. All were still present.

GUIDO SALANDRO (AKA RIVERWOOD HOLDINGS) – 405 14TH AVENUE

Appearing for this application was Mr. Valandra, attorney William Shippers, and Planner Joseph Kociuba

Mr. Kennedy stated Ms. Young and Mr. Fowler were not present at the May 26, 2015 meeting when this application was originally heard but have since listened to the tapes of that meeting and signed a certification of such. Mr. Kennedy stated at the last meeting there was discussion about abandonment of the rooming house license and after the meeting Ms. Claudio had sent an email to the Board and Mr. Shippers with various attachments (mercantile license application, letters from Zoning Official and Fire Marshal, notice of hearing, letter from Mr. Salandra). It appears this issue is still up for debate.

Mr. Shippers submitted a letter from Mr. Salandra to Mayor Doherty dated November 23, 2014 and asked that each Board member read it. He stated at the last meeting there was debate about this property and the rooming house use and is unsure if this issue is still relevant. Mr. Kennedy stated Mr. Shippers should proceed with his testimony and see if the Board has questions.

Mr. Shippers stated he does not believe the rooming house has been abandoned but feels it's not an issue because Mr. Salandra doesn't want to use it as such. The property has three structures, one with 16 bedrooms and two with two bedrooms. He feels the town has no ability to tell them to tear down any of these structures or reduce any square footage. He stated Mr. Salandra is trying to figure out how to use these three structures best with the least impact on the community. The proposal is to take the front building and reduce it to 8 bedrooms and renovate all structures while abandoning the rooming house use. The proposal is to make it three units in the front and two in the back.

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Mr. Fitzgerald stated regardless of the rooming house issue, he felt it was important to point out that the property could stay boarded up and in disrepair forever if the owner wanted to leave it that way.

Mr. Kennedy read an excerpt from the Municipal Land Use Law regarding abandonment. He stated there are factors that clearly lean towards the rooming house being abandoned but would defer to Mr. Shippers to provide a legal brief on why he feels it's not abandoned if this is an issue the Board wants to address.

Mr. Shippers felt this is a nonissue and asked to proceed with his client's application.

Mr. Kociuba stated the proposal is renovate the existing structures on the site. He submitted aerial photos of the site and neighboring properties. Plan is to convert the front structure into three residential units. The total number of bedrooms would be reduced from 16 to 8. Also plan to renovate the two residential units in the rear. These structures are existing legal non-conforming. There is one bulk variance being requested for building coverage which is due to the decks on the rear to provide proper access. These decks would be in lieu of having a metal fire escape. The site currently has no delineated parking on site but the proposal is to have three spaces. Requires a use variance for the multi-family use. He talked about the special reasons for granting a use variance. He reviewed past police reports which had a number of police calls to the property and feels their proposal would create a reduction in public nuisances and police calls.

Mr. Shippers asked what the benefit of their proposal is. Mr. Kociuba stated it will be a visual improvement to the site. There will be a substantial improvement to the structures themselves. The structures will be more energy efficient. The new use is more compatible with the neighborhood. There would be a reduction of noise. There would be a reduction in trash on site. There would be a reduction on impact to the police department and town. He feels their proposal is the best use of the property.

Mr. Greig asked if the majority of the neighborhood is single family or multi-family. Mr. Kociuba stated it leans more towards single family but wanted to point out that there is some commercial/multi-family uses in the area. Mr. Greig stated regardless of the rooming house he asked why the Board would approve a five family. Mr. Shippers stated the structures are already there. Mr. Greig stated typically most applicants offer up something in return for the variance. Such as removing one of the rental units. Mr. Shippers stated Mr. Salandra is giving up a lot by abandoning the rooming house and repairing a dilapidated building which he feels is enough. Mr. Greig stated he is asking if he could give more. Mr. Salandra stated he has looked at how to divide up the front structure so he can obtain family type tenants. He feels it would be easier to rent two bedroom units rather than one four bedroom unit. Mr. Greig stated he would like to see the back house removed just for fire hazard concerns and then would give the front house a backyard. Mr. Salandra stated it is not feasible for him to tear down any structures.

Mr. Fitzgerald asked if the rear porches are the only ingress and egress for the front structure. Mr. Salandra stated there is access in the front of the structure as well. Mr. Fitzgerald felt whether or not the units are rentals or condos could change the application. Mr. Shippers stated it doesn't matter because a condo owner could rent their unit.

Ms. Casserly asked about a parking plan since there are so many units and only three parking spaces. Mr. Kociuba stated they would be used by those living in the front structure. The remainder of the parking would be in the driveway if feasible and on the street. Ms. Casserly asked about construction timing if the application was approved. Mr. Salandra stated he would probably start early next year. Ms. Casserly asked if the units would be yearly or seasonal rentals. Mr. Salandra stated he would like to have year round tenants.

Ms. Young asked when the property was purchased. Mr. Salandra stated in October 2014. She asked if it was a rooming house when he purchased it. He stated it was listed as a commercial rooming house but it was not occupied because there were violations on the property that the previous owner did not take care of. Ms. Young stated she would like to hear what the neighbors have to say.

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Mr. Ross asked about negative criteria not just positive. Mr. Kociuba there is negative criteria in the municipal land use law but it is his job to explain how they mitigate those issues so they aren't negative.

Mr. Ross felt this is complicated because all of the testimony of positive criteria is based on the property going from a rooming house to a five family but on paper it's technically a three family going to a five family.

Mr. Fowler asked if the electric could be placed underground. Mr. Salandra stated he could do it if it's feasible by JCP&L. Mr. Fowler asked about the location of mechanicals. Mr. Salandra stated he hasn't looked into it yet.

Mr. Lisko asked for an explanation on what is going to be done to the back houses. Mr. Salandra stated only the framework and foundation would remain, everything else would be new. Mr. Lisko asked Mr. Salandra if he would work with the engineer to mitigate storm water runoff. Mr. Salandra agreed. Mr. Lisko asked for clarification on the positive/negative criteria testified to earlier.

Mr. Lisko stated he appreciates Mr. Salandra's honesty but feels the two rear structures are not the best use of the property. He feels removing one of them would allow for more parking to be added and would reduce some of the congestion. Mr. Salandra stated is not economically feasible for him to remove one of the rear structures.

Mr. Greig asked where the a/c units for the rear structures would be. Mr. Kociuba stated there is room to the rear of each unit.

Public:

Carol Costello, 416 14th Avenue, stated she is happy that someone is looking to improve the property. She stated the number of bedrooms have changed but the occupancy hasn't changed and the possibility of an increased number of minors on site. She stated the rooming house had bad abstracts but wasn't as bad as it could have been. She never had any problems with the previous tenants. The number of police calls just shows there was a landlord who didn't care. The previous use of a rooming house had no impact on the school system. She asked if the owner could consider removing one of the rear structures and making the front structure a four family instead of three.

William Garcia, 322 14th Avenue, stated his issue is with the parking because typically the residents in the rooming house don't have cars when now there would be more cars.

Tony Digiovanni, 408 14th Avenue, stated he can't wait to see the place beautiful but where is everyone going to park and where are the kids going to play. Feels they are trying to squeeze too much into a small space.

Tom Pimpinelli, 314 14th Avenue, talked about the parking concern because the property has the potential to bring in five families with multiple cars for each family. Everyone wants to see the property fixed up but the parking is an issue.

Joe Pugliese, 400 14th Avenue, stated there is nowhere on the property for children to play. There's not enough room. The proposal looks wonderful but two bungalows is too much. He stated Mr. Salandra purchased the property knowing there was a risk. Doesn't want to see five families cramming into these structures and having no room to move.

John Murphy, 409 14th Avenue, stated he has seen the wars with the rooming house. He was happy when it closed up. Was hoping that it would have been torn down because the property doesn't fit with the neighborhood and is an eyesore because it's so large. Has heard that there are other people who may be interested in buying this property and putting up a single family home. Parking is a horror story now and will continue to be. He is not in favor of the application at all. Would like the board to deny it and let the property be sold to someone who will build something more conforming.

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Mr. Shippers objected to Mr. Murphy's comments about potential buyers for the property since no proof has been given.

At approximately 10:50 p.m. the Board took a recess. At 11:05 p.m. the Board reconvened. Roll call was taken. All were still present except Mr. Bianchi.

Karen Pugliese, 400 14th Avenue, stated there is a piece of property that abuts to this property perfectly for parking. Mr. Salandra stated he tried to purchase that property but they don't want to sell.

Michael Murphy, 414 14th Avenue, parking is not going to fit. Understands that this gentleman wants to improve the property but feels there needs to be more discussion by the Board.

John Murphy stated the letter from Mr. Shippers stated the parking requirement is nine parking spaces and only three are proposed. Feels there should be nine even though that probably wouldn't be enough either.

Mike Suhocki, 403 14th Avenue, stated he has no opinion either way on this but parking is tough all over. He has known the previous three owners and the only problems were with the past owner who was absentee and didn't care. Parking was an issue for him when it was a rooming house and people parking in the driveway or in his driveway.

Mr. Shippers stated he appreciates the Board's discussion and the comments from the public but finds it funny that the main complaint is parking which is a problem all over town and on every application he has represented. Have to think about whose cars you want on the street. He would think you would want the cars of the year round tenants.

Board Comments

Mr. Greig stated he is not sure the rooming house license is an issue except for the fact that if it still exists it's being used as a vail of threat. He also added that just because the buildings exist doesn't mean the application has to be approved. Feels approving the application is approving a density that doesn't fit with the neighborhood. Can't find any reasons to approve the application.

Mr. Fitzgerald stated Belmar is not unique in terms of dealing with parking issues. Parking and traffic is an indication of how successful this town has become. Has seen negative impacts of applications being denied and properties not being improved. Feels rejecting this application would cause more of a significant negative impact versus approving the application, therefore he would be in favor of the application.

Ms. Casserly stated the property is not perfectly laid out but it is what it is. She'd rather take a chance of improving the quality of the neighborhood by having year round residents and an improvement to the property.

Ms. Young stated she is glad to see 14th Avenue becoming a busy neighborhood. Thinks the proposal will be really nice for the area. Agreed parking is an issue and is a problem for everyone. Doesn't think she can vote no on this just because of the parking issue.

Mr. Ross stated he struggles with two things. One being the property going from a three family or rooming house to a five family which he feels is exacerbating the issue. Second being the parking. Understands it's an issue and somewhere down the line we will run out of parking. The property is being used as a business and Mr. Salandra is using public parking for his business since there isn't enough on the property. On the other hand the proposed improvements would be beautiful compared to what's there now.

Mr. Fowler thanked the residents for coming out. He visited the property and saw the monster house and the ugly rear structures. Thought the biggest argument from the neighbors would be they don't want a rooming house but their common denominator was parking. Here's a guy who is taking a risk investing money into a property that looks horrendous. Aside from parking which is an issue anywhere in town he would be in favor of the application.

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Mr. Lisko stated he is in favor of the application. He lives on this street and understands the parking issue. Would like to see the density of the property reduced but the property is a nightmare as it stands now. Overall what is being proposed is a benefit to the neighborhood.

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

AYES: Mr. Fitzgerald, Ms. Casserly, Mr. Lisko, Ms. Young and Mr. Fowler
NAYS: Mr. Greig and Mr. Ross

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