

ZONING BOARD OF ADJUSTMENT

JUNE 25, 2015

PRESENT: Mr. Ross, Ms. Casserly, Mr. Fitzgerald, Mr. Cupoli and Mr. Fowler

ABSENT: Ms. Young, Mr. Greig, Mr. Hutchinson, and Mr. Lisko

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 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 May 28, 2015 regular meeting, which was seconded by Mr. Cupoli and approved by the following vote:

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

NAYES:

ABSTAIN: Mr. Ross and Mr. Fowler

Ms. Casserly made a motion to waive the reading and approve the resolution granting approvals to Reed Fraasa, 405 Fifth Avenue, which was seconded by Mr. Fowler and approved by the following vote:

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

NAYES:

ABSTAIN: Mr. Ross and Mr. Fowler

Mr. Cupoli made a motion to waive the reading and approve the resolution granting approvals to Paul Elia, 106 19th Avenue, which was seconded by Mr. Fowler and approved by the following vote:

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

NAYES:

ABSTAIN: Mr. Ross and Mr. Fowler

Ms. Casserly made a motion to waive the reading and approve the resolution granting approvals to Alex & Alicia Reese, 1007 14th Avenue, which was seconded by Mr. Cupoli and approved by the following vote:

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

NAYES:

ABSTAIN: Mr. Ross and Mr. Fowler

MICHAEL & VERONICA O'CONNOR – 508 13TH AVENUE

Appearing for this application was Mr. O'Connor and his architect Robert Dooley Jr.

Mr. Kennedy explained to Mr. O'Connor that he is seeking a use variance which requires five affirmative votes and there are only five members present. Mr. O'Connor stated he wished to proceed with his application.

William Shippers, attorney for property owners at 507 and 509 12th Avenue, which are the two properties to the rear of this property announced his presence.

Mr. O'Connor submitted photos to the Board. He stated he has owned the property since 2005. The property currently has two separate detached structures. The front house is a single-family one and a half story home. It is currently occupied by a family friend. The rear structure is a single-family one story home. It is currently occupied to a tenant. There are a total of three parking spaces on the property for the two structures. He stated they envisioned using this property as their retirement home when they purchased it. They lived in the house since purchased it except for two years when they lived in Manasquan which is ending soon as they are selling the house. The plan is to do modifications to both structures to accommodate them and their existing tenant. The

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proposal is to alter the interior of the rear structure by turning the attached garage into a bedroom and utility room. This would allow for the tenant who lives in the front house to relocate to the rear house as they are a long-time resident. The proposal to the front structure is to remove the existing half bathroom at the rear, extend the rear of the house the full width which adds 7 feet. This allows for space to make a handicap accessible first floor living space. Also asking to do a cross gable roof on the front house to move the bedroom that would be lost on the first floor to the second floor. Also proposing a new 260 sq. ft. garage since the other garage is being lost.

Mr. Fowler asked several questions to get clarity on the testimony provided by Mr. O'Connor. He asked about water runoff and asked if they would consider a drywell. Mr. Dooley replied yes. Mr. Fowler asked if the proposed garage will be heated. Mr. Dooley replied no, and added there will be no water, it's strictly a garage. Mr. Fowler asked if they are installing central air conditioning. Mr. O'Connor replied no.

Mr. Cupoli asked if the utilities in the rear structure could be relocated into an attic rather than the garage. Mr. Dooley stated there is no room.

Ms. Casserly asked about the gable roof vs a dormer. Mr. Bianchi clarified their plan is for a cross gable roof and not a dormer. Ms. Casserly asked for clarification on the parking. Mr. Dooley stated there is an extensive amount of impervious surface on the property that will be reduced and some of the concrete will be replaced with crushed shells. There are three parking spaces on the property now and there would be three still. Mr. Bianchi stated the ordinance states a driveway can go all the way to the garage but does not permit parking pads off of the driveway, which would be a variance. Mr. Dooley stated they would ask for the variance. Mr. Bianchi clarified that the crushed shells would be considered impervious because vehicles would be parked on them and requires a variance.

Mr. Ross asked the architect to walk through the plans and explain all of the changes for clarification. Mr. Dooley explained the plan. He added new windows will be added to the front structure and new cedar shake siding. The number of bathrooms in the front house will not change, they will just be rebuilt and relocated. There will be one bedroom added to the front structure in the half story. The addition on the front structure would be handicap accessible. Mr. Ross asked how big the garage in the rear structure is. Mr. Dooley stated it is 24x13. Mr. Ross stated the utilities and a car could then fit in the garage. Mr. Dooley replied yes but they want to add a laundry room and a bedroom into that area which would take up a lot of the room. There would be some area left for storage for the tenant to use.

Mr. Fitzgerald stated he likes the improvements to the front house but has questions about the rear structure. He explained the Board has to look at the changes to the back house and take into consideration the affect it has on the neighborhood and cannot take into consideration the economic benefit of it. He asked what variances are being requested.

Mr. O'Connor stated he is requesting variances for alteration of a non-conforming use, building coverage, impervious lot coverage, and parking layout which includes width of the driveway.

Mr. Bianchi suggested they review the ordinance regarding getting a 50% credit on impervious coverage by using a certain type of permeable paver system rather than using crushed shells.

Mr. Shipers asked what will happen to the current tenant in the rear structure. Mr. O'Connor stated their lease is expiring and he will not renew it. Mr. Shipers stated the municipal land use law states they must give special reasons why a use variance can be granted which hasn't been done. He added he feels these special reasons don't exist.

Mr. Dooley stated he has to redo some calculations on the plans and given that and Mr. Shipers' concerns he would recommend to Mr. O'Connor that they carry the application to allow for these changes to be made and for them to bring a planner to the next meeting to address Mr. Shipers.

Mr. Shipers stated his only other comments would be regarding the setbacks of the existing rear structure. Mr. Fitzgerald asked if the footprint of the rear structure isn't changing, do the setbacks have to be considered as variances. Mr. Bianchi stated it is an existing structure and the footprint isn't change so they are not additional variances. Mr. Shipers stated his clients concerns have to do with the impact of putting more people in a structure with nonconforming setbacks.

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Mr. Fowler made a motion to carry this application to the July 23, 2015 meeting, which was seconded by Mr. Ross and approved unanimously.

At approximately 9:00 pm the Board took a five minute recess. The Board reconvened at 9:05 pm and roll call was taken, all were still present.

JACK & SUSAN MARINO – 1902 B STREET

Appearing for this application was Mr. Marino and his architect Brian Berzinskis. Mr. Marino stated he has owned the property since December 2014. It is currently a vacant property. There was a structure on the property that was demolished in February. The property is undersized. Would like to build a house that is attractive to the neighborhood. The proposal is for a single-family home for their own personal use. The previous structure was poorly built and damaged from Hurricane Sandy.

Mr. Berzinskis stated the proposed two story home would be a modular home and he was brought into the project to design the foundation and pilings that would need to be built per FEMA regulations which the modular would sit on. Parking has been included in the lower level as well as access to the first floor of the modular.

The variances being requested are: front yard setback, side yard setback, and building coverage.

Mr. Marino stated it is a straight forward three bedroom, two and a half bathroom house that they will use on the weekends. He feels the proposal fits well on the property and with the neighborhood.

Mr. Ross asked how the building height is measured. Mr. Marino stated the height is measured from the concrete slab to the ridge. Mr. Ross stated he saw a generator on the plan. Mr. Marino stated he is not going to install one anymore. Mr. Ross asked how storm water management will be maintained. Mr. Marino stated the house will have gutters and leaders and would be willing to do a drywell or whatever is needed to contain water on site.

Ms. Casserly asked about parking. Mr. Berzinskis stated there are three parking spaces proposed. Ms. Casserly asked about Mr. Bianchi's note regarding the second floor balcony having a roof. Mr. Marino stated he removed the roof from the balcony.

Mr. Fitzgerald asked for clarification on the parking. Mr. Bianchi clarified the area in front of the garage is not big enough to be considered a parking space however they only need two. Mr. Berzinskis had stated that two cars can fit in the garage.

Mr. Fowler asked if the location of the air conditioning units will be complaint. Mr. Marino replied yes.

Mr. Cupoli asked if the electric could be put underground if possible. Mr. Marino stated he could do that.

Public

Elizabeth McLoughlin, 1900 B Street, stated she is also a licensed planner. Her house has been in her family for many generations. She feels they need to take into consideration light and air. She doesn't feel the design fits with neighborhood and will impact her property and her neighbor's significantly. She feels the house is oversized. She would like the Board to vote no on this application and require them to redesign their plan.

Bob Yurman, 1904 B Street, agreed with Ms. McLoughlin. He was concerned about a shared driveway which he spoke to Mr. Marino about. He was concerned about the setbacks and the size of the house.

Mr. Marino stated it's not really a shared driveway it's a walkway connected to Mr. Yurman's driveway that he had an arrangement with the previous owner to be used for parking. Mr. Kennedy asked if there is a formal driveway easement. Mr. Marino stated to his knowledge there is not one. Mr. Marino added that as a courtesy he told Mr. Yurman he could continue to park in that area.

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Ralph Marino, 11th Avenue, stated he doesn't believe anyone is technically allowed to park in that area in question. He added that they are not building a big house, it's a comfortable house. The front of the house is in line with the neighbors.

Mr. Marino stated the concept of a shared driveway is moot because if there is no deed restriction he could eliminate the driveway in its entirety and put up a fence. He added that's not what he is going to do but it is an option.

Mr. Fitzgerald asked why the house couldn't be moved back to comply with the front yard setback.

Mr. Marino clarified the 12 ft. front yard setback is to the porch and not the house. The house is setback further. He added that he paid a surveyor to compile the average front yard setback which showed the Yurman's house to be in line with his proposed house.

Mr. Bianchi stated the ordinance allows for the average front yard setback to be used.

Mr. Kennedy explained the law regarding undersized vacant lots which says you have to allow somebody to build something. Mr. Kennedy read the law into the record.

Mr. Fitzgerald suggested moving the house back one foot. Mr. Marino stated he would be fine with that. Mr. Fitzgerald felt this was a reasonable compromise.

Board Comments

Mr. Fowler stated he is delighted to have an open conversation between the applicant and the neighbors and an agreement has been made. He feels the proposal was tastefully done and he would be in favor of the application.

Mr. Cupoli stated it is tremendous that we had a discussion and came to an agreement. It is great that they want to be good neighbors and make concessions. He would be inclined to vote in favor of the application.

Ms. Casserly stated she is in favor of the application.

Mr. Ross questioned the curb cut on the suggested shared driveway and how it would affect the property since he is putting a new curb cut in. Mr. Bianchi stated the ordinance only allows for one curb cut but would be an issue for the Borough engineer. Mr. Kennedy suggested the resolution state the existing curb cut would remain subject to review of the Borough engineer.

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

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

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

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

NAYS:

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