

ZONING BOARD OF ADJUSTMENT

SEPTEMBER 29, 2021

PRESENT: Mark Fitzgerald, Phil Greig, Mike Melango, Robert Cupoli, Michael Druz, John Lisko, John Hutchinson

ABSENT: Chuck Ross, Holly Deitz, Annemarie Drazenovich, Tom Palmisano

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

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 August 30, 2021 by posting a copy of said notice at the Municipal Complex on the same date.

SCOTT COLARUSSO/900 13TH AVENUE LLC – 900 13TH AVENUE

Appearing for this application was Mr. Colarusso and his attorney John Haulenbeek. Exhibits: A1 application, A2 statement of corporate ownership, A3 minor land use, A4 plans, A5 survey, A6 hand drawn elevations, A7 checklist. Mr. Haulenbeek submitted eight photos marked A8 (A-H). Mr. Colarusso explained the property is no longer owned by the LLC and is solely owned by him. He currently lives in the home and will continue to do so for the foreseeable future. The property is a two family. The house has three floors with a front and rear unit that are identical. The other unit is rented by a family that has been there for several years and wants to continue to be there. The house is the last one before the Windmill commercial property. The proposal is to cut into the dormer to build a second-floor deck with sliding doors for the rear unit. The windows being removed to build the deck are not code compliant windows. The deck would make better egress in the event there was a fire. It would be aesthetically pleasing. There is no change to the amount of people living on the property and no change to the footprint of the property.

Mr. Hutchinson asked if the only non-conformity is that it's a two family or is the third floor an issue. Mr. Bianchi did not have clear plans to determine if the third floor is a half story or full third floor. Mr. Hutchinson sought clarification on the details of the deck. He felt the drawings and photos were not clear on the dimensions.

Mr. Greig would like to see more detailed drawings, so it is clear what the Board is voting on.

Mr. Fitzgerald stated it doesn't appear to be a significant change but would like to have correct drawings.

Mr. Melango agreed. He added to make sure the deck isn't covered because that is not permitted.

Public: Linda Sharkus, 400 4th Avenue, owns a home behind him. She has no problem with the application. There is greenery between the two properties. The deck will not impinge on her tenant's privacy.

Mr. Haulenbeek suggested postponing the application to obtain new drawings. The new meeting date will be November 18, 2021. Mr. Lisko made a motion to carry the application, which was seconded by Mr. Greig and approved unanimously.

LOUIS & LESLEY FIERRO – 400 NINTH AVENUE

Appearing for this application was Mr. and Mrs. Fierro, attorney William Shipers, and architect Mary Hearn. Mr. Greig and Mr. Cupoli live within 200ft. and stepped down from the Board. Exhibits: A1 application, A2 checklist, A3 average front yard setback calculations, A4 survey, A5 minor land use application, and A6 architectural plans.

Mr. Shipers stated the home was a two family with a kitchen on each floor. Doors were removed and It has been used as a single-family home recently. The Fierro's had made some renovations to the property and would like to continue to do more. The end result would remove the second kitchen.

Ms. Hearn submitted a photo board exhibit. She reiterated the second-floor kitchen would be removed and replaced with a bedroom and bathroom. Would also like to expand the dining room

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and sunroom on the first floor as well as the front porch. The exterior finishes of the addition will match the existing home. The property is a corner lot and undersized for the R75 zone. The sunroom was built over a porch foundation prior to ownership by the Fierro's. They would like to rebuild it and expand it. The existing half story would not change except for new windows. The second floor only legally has one bedroom. One of the rooms which is labeled as a study is too small to be a bedroom and doesn't have a closet. Another room labeled as the den is used to access the half story so cannot be used as a bedroom. The first floor and half story have a bedroom as well. The property would go from a three-bedroom three-bathroom house to a four-bedroom four-bathroom house. Variances: existing lot size, existing lot frontage, building coverage, existing front yard setback to the porch on Ninth Avenue, front yard setback to the house and porch on C Street, existing rear yard setback, a/c and generator location and setback, and side and rear yard setback for the existing accessory structure. The impervious coverage is going to be reduced to comply. The floor area ratio is only 50% where 75% is allowed. Three parking spaces are required. The existing garage doesn't meet the definition of a garage based on size, but a car can fit in it if the garage door is left open. The driveway can only technically fit one legal parking space, but they have been able to fit three cars in the driveway.

Mr. Fitzgerald asked if the sunroom could be reduced two feet to add more setback. Ms. Fierro stated it is the room they use the most.

Mr. Lisko sought clarification on the setback for C Street. Ms. Hearn clarified the proposed setbacks are less than the average setback.

Ms. Hearn was concerned about reducing the size of the sunroom and how it would affect the porch. The porch design would have to be redone.

Mr. Fitzgerald asked what the setback is on C Street from the wall of the house to the curb. Ms. Hearn stated it is 18.4 feet.

Mr. Hutchinson was concerned reducing the size of the sunroom would also change the look of the roof pitch.

Public: Bruce Blattner, 407 9th Avenue, stated he hopes the Board approves the application. Bob Cupoli, 402 9th Avenue, stated he has no problem with the generator location. He stated he has been their neighbor for many years. They are good, keep the house up and you can't get better neighbors.

Linda Sharkus, 4th Avenue, asked for the width of the front porch. Ms. Hearn stated it is 35x9 and it will be 41x9. Ms. Sharkus appreciated the design but being it's a corner lot it's a lot.

Bob Lynch, 316 9th Avenue, asked where there 9000 square foot lots. He doesn't believe there are any. Mr. Shippers stated there are very few. Mr. Lynch questioned if more porch is needed. The 3.4 ft setback is very close.

Mr. Druz felt it is a good application and he is in favor of it. Mr. Melango stated it is a good design. He is not fond of the 3.4 ft. setback but for this particular application it fits and does not encroach onto the sidewalk. Mr. Fitzgerald stated he is still concerned about the setback but is in favor of the application. Mr. Hutchinson stated the 3.4 does bother him a little bit but can understand the relation of the structure to the sidewalk. The design of the house is very attractive.

Mr. Lisko stated he is in favor with the application. He too struggled with the setback. He would not be in favor of the application if it weren't for amount of space between the property line and the sidewalk. Overall, it is a nice a project.

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

AYES: Messrs. Hutchinson, Fitzgerald, Melango, Druz and Lisko

NAYS:

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The Board took a brief recess at 7:42 pm. The Board reconvened at 7:46 pm. Roll call was taken. All were still present.

JAMES & PAULA GIGLIO – 406 11TH AVENUE

Appearing for this application was Ms. Giglio. Exhibits: A1 application, A2 survey, A3 minor land use application, A4 architectural plans. Ms. Giglio has owned the property since June 2019. The house needed a major renovation to get a CO which was done. The house is a single-family home, which she occupies. The proposal is to convert the existing shed to the garage. She submitted three photos of the house and shed which was marked exhibit A5. She explained it is a two-bay shed that is not safe. She would like to convert it to a two-car garage. The garage complies with building coverage because of the 400 square feet exemption. However, they would like to keep it in the existing location because the back yard is not that big, and it lines up with the proposed driveway. Variances: rear and side yard setback for garage, .2 feet and 1.8 feet. She spoke to her neighbor who is adjacent to the garage who is Councilman Brennan. She did not believe he had any objections.

Mr. Greig asked for clarification on why it is staying in the same location. Ms. Giglio stated she doesn't want to lose more backyard. She also wants to expand the driveway which would line up with the garage. Mr. Greig was concerned about the .2 feet setback and would like to see it compliant with 3 feet on each side.

Mr. Hutchinson was also concerned about the setbacks because to install the footings they would encroach onto the neighbor's property.

Mr. Melango asked what utilities would be in the garage. Ms. Giglio stated just electric.

Mr. Cupoli asked if the driveway is going to stay stone. She will be putting in some type of driveway but hasn't decided not decided on the material because she is concerned about drainage. Mr. Cupoli stated he too would like to see it in a compliant location.

Mr. Druz disagreed because the plans show two walls staying up and the existing foundation is remaining. If they want to keep it there to save money and use what's there, then the plans are good.

Mr. Lisko asked if the driveway was included in the impervious coverage calculation. Ms. Giglio stated at this point she is not changing the driveway. Mr. Lisko explained that once it becomes a garage the area in front becomes a driveway and whether its grass or not it would need to be included in the calculation. Mr. Lisko believed it might have been included but would need clarification. Ms. Giglio confirmed it is. Mr. Lisko would also like to see the garage in a compliant location if it's going to be rebuilt. There is no hardship if the only reason is because she wants it in the existing location.

Mr. Druz disagreed. Mr. Fitzgerald felt Mr. Druz is entitled to his opinion but it is not his role to sway the Board. He added there is no hardship as Mr. Lisko stated. Ms. Giglio stated she believes the east wall is being maintained.

Public: Linda Sharkus, 4th Avenue, stated where she stays on 10th Avenue is near this property. The driveway is narrow and concerned that she would not be able to make a dog turn into the garage if it is moved. The house on the other side has a garage with a loft and wouldn't even see that her garage is close to the property line. The Brennan's would be the only ones that would be affected, and they aren't here so they obviously do not have an issue. She thinks it would be best to keep it where it is.

Lynn Amari, 317 12th Avenue, stated she knows Paula and Jim. They have spent a fortune taking a house that was not very nice and made it beautiful. The driveway is narrow, and it is a struggle. She questioned what a hardship is, since the previous application is did not have to give up the two feet because the woman wanted more room to watch television. The building is an eyesore and abuts something similar on the other side. They live in a neighborhood where houses are on the property line. She felt losing space is a hardship.

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Mr. Fitzgerald asked if it could come off the property a little rather than the whole 3 feet. He would be in favor of the application if there can be enough room for a property foundation.

Mr. Greig stated there is a portion of the garage that would require digging footings underneath the neighbor's property which the Board cannot grant permission to do. Therefore, he would have to vote no.

Mr. Hutchinson agreed. The Board can't give permission to encroach on someone else's property. Since it would have to be moved anyway that it be in a compliant location. Ms. Giglio asked if she could request the variance for 1 foot instead of the 3 feet.

Mr. Melango was concerned the existing footings would not be strong enough and would like to see them redone. He would like to see a bigger setback.

Mr. Lisko informed Ms. Giglio that the Board doesn't have to vote, and she could carry the application to submit a revised plan.

Mr. Greig stated he too would like to see it in a compliant location especially since it's a conforming lot and there is room to move it. She would then not need Board approval.

Mr. Druz suggested asking the neighbor to grant permission to dig the footings and perhaps that could change the Board's decision.

Mr. Lisko stated he doesn't see a reason to grant a variance given the size of the lot. Doesn't see any reason why it can't be in a compliant location.

Ms. Giglio would like more time to confer with her contractor, inspect the existing footing and foundation and speak to the neighbor.

Mr. Lisko made a motion to carry the application to the November 18th meeting, which was seconded by Mr. Cupoli and approved unanimously.

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