

**ZONING BOARD OF ADJUSTMENT**

**DECEMBER 16, 2021**

PRESENT: John Hutchinson, Chuck Ross, Holly Deitz, Mark Fitzgerald, Phil Greig, Annemarie Drazenovich, John Lisko, and Mike Melango

ABSENT: Bob Cupoli, Tom Palmisano and Michael Druz

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.

This was John Hutchinson’s last meeting with the Board. The Board thanked him for his years of service.

Mr. Greig made a motion to waive the reading and approve the minutes of the November 18, 2021 meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Ross, Mr. Lisko and Mr. Melango

NAYS:

ABSTAIN: Ms. Deitz, Mr. Fitzgerald and Mr. Ross

Mr. Greig made a motion to waive the reading and approve the resolution granting approvals to Allison and William Ringer, 402 14<sup>th</sup> Avenue, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Ross, Mr. Lisko and Mr. Melango

NAYS:

ABSTAIN: Ms. Deitz, Mr. Fitzgerald and Mr. Ross

Mr. Greig made a motion to waive the reading and approve the resolution granting approvals to Scott Colarusso/900 13<sup>th</sup> Avenue LLC, 900 13<sup>th</sup> Avenue, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Ross, Mr. Lisko and Mr. Melango

NAYS:

ABSTAIN: Ms. Deitz, Mr. Fitzgerald and Mr. Ross

Mr. Greig made a motion to waive the reading and approve the resolution granting approvals to Gennaro & Filomena Contella, 510 8<sup>th</sup> Avenue, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Ross, Mr. Lisko and Mr. Melango

NAYS:

ABSTAIN: Ms. Deitz, Mr. Fitzgerald and Mr. Ross

Mr. Greig made a motion to waive the reading and approve the resolution establishing the 2022 meeting dates, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Ms. Deitz, Mr. Fitzgerald, Mr. Ross Mr. Hutchinson, Mr. Ross, Mr. Lisko and Mr. Melango

NAYS:

ABSTAIN:

BELMAR LEGACY LLC – 1206 OCEAN AVENUE

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Appearing for this application was attorney John Sarto, landscape architect Kim Nuccio, planner Andrew Janiw.

A1 application, A2 landscape plan, A3 engineering review letter, A4 application checklist, A5 revised landscape plan, A6 existing conditions photo,

Mr. Sarto stated the application is for an elevated landscaping bed in the front yard. A variance is required for the amount of fill being brought onto the property.

Ms. Nuccio stated the existing grade will be elevated 21 inches and require 87 cubic yards of soil. There will be no issue with runoff because the house has four existing downspouts. The raised planting bed will have extensive native and natural plants that can succeed on Ocean Avenue.

Mr. Janiw showed photos of other properties with elevated landscaping or fencing on top of walls on Ocean Avenue. It is seen more on corner lots because they have bigger lots and more pedestrian traffic nearby. He referenced the 2016 Master Plan report that recommends elevated landscaping beds of no more than 2 feet in height. It will be attractive and consistent with the character of Ocean Avenue. The benefits of the application outweigh any detriments. The proposal will protect the property as well as funnel pedestrian traffic into the crosswalks.

Mr. Bianchi asked about existing and proposed impervious lot coverage because of the addition of the wall and steps.

At approximately 6:43 pm the Board took a recess. The Board reconvened at 6:47 pm. All were still present.

Mr. Sarto stated Ms. Nuccio stated the property is at the maximum lot coverage of 55% now. The addition of the top of the wall adds an additional 217 square feet which triggers an additional variance. Will submit confirmation of the percentage over and work with the Borough engineer to address any drainage concerns.

Mr. Hutchinson stated the engineer's letter referenced 112 cubic yards, but they mentioned 87 cubic yards. Ms. Nuccio stated the initial application was at 112 which was an estimate, but a grading plan was done to determine 87.

Mr. Greig asked if the fill that will be used will be consistent with the existing soil. Ms. Nuccio stated it will be close and enriched with nutrients.

Public:

Linda Sharkus, 4<sup>th</sup> Avenue, sought clarification on the plans and the perimeter wall. Ms. Nuccio showed her the plans.

Arlene Neppel, 15<sup>th</sup> Avenue, stated she is 100% for this and wishes everyone was allowed to do it.

Board:

Mr. Hutchinson stated he is in favor of the application. Mr. Greig stated he is in favor of the plan; it will be a benefit to the corner. Mr. Fitzgerald stated it will look great. Mr. Melango stated it is a great design and won't be intrusive. Mr. Ross, Ms. Deitz, Ms. Drazenovich, and Mr. Lisko were all in favor of the application.

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

AYES: Ms. Deitz, Mr. Fitzgerald, Mr. Ross Mr. Hutchinson, Mr. Ross, Mr. Lisko and Mr. Melango

NAYS:

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ABSTAIN:

### FRANCIS & KAREN RAIK – 421 12<sup>TH</sup> AVENUE

Appearing for this application was Mr. Raia, his son Ryan Raia and their attorney Carlton Kromer. Mr. Kromer stated the application is for the placement of a generator. It will be located within the 5 ft. setback in the side yard behind the house. The property is a corner lot and there are no other locations to put it.

Ms. Deitz asked how close it will be. Mr. Raia stated it will be six inches to 1 ft. from the property line. Ms. Deitz asked if they looked at other options because it is so close to the property line.

Mr. Ross was concerned about the cars in the driveway at the neighboring property being close to the generator. Mr. Raia stated they own that property and plan to put a pole between the driveway and the generator. Mr. Ross suggested moving it to the D Street side.

Mr. Bianchi stated the bollards have to be 3 feet from the generator and protect it on all sides.

Mr. Greig suggested moving it to the D Street side in the garden area near the pool. Mr. Raia stated it has to be within 25 feet of the breaker panel. Mr. Bianchi stated that was inaccurate.

Mr. Kromer asked about curbing instead of bollards. Mr. Bianchi stated it would have to be 18 inches high. Mr. Melango suggested instead doing a full platform. Mr. Bianchi stated they have to watch the distance from the windows.

Mr. Ross suggested putting the generator between the pool and garage or behind the garage. He would be reluctant to vote yes on six inches from the property line.

Mr. Raia stated the garage shown on the plan is not there it's actually a parking area.

Mr. Ross suggested carrying the application so they can prepare revised plans and look at their options.

Mr. Kromer stated they feel the location proposed is the best solution and want to proceed with asking for the variance for the setback with the condition that they must meet the construction code.

Mr. Ross and Mr. Greig felt there was not enough information to vote on the application as presented.

Mr. Ross, Mr. Greig, Ms. Deitz, Mr. Lisko and Ms. Drazenovich wanted more information on if the generator can be installed in the proposed location and be compliant with the construction code.

Mr. Melango pointed out we also need an accurate survey.

Mr. Lisko made a motion to carry the application to January 27<sup>th</sup>, which was seconded by Mr. Fitzgerald and approved unanimously.

### EMMA & MARK SPAGNUOLO – 519 13<sup>TH</sup> AVENUE

Appearing for this application was Mr. Spagnuolo, their attorney George McGill, and architect Tom Lavin.

A1 application, A2 application checklist, A3, addendum to application, A4 photos, A5 survey, A6 minor land use, A7 architectural plans, A8 illustrated architectural rendering, A9 garage apt photo, A10 photo board of nine photos.

Mr. McGill stated the proposal is to do renovations and an addition to the front structure and to renovate the rear structure to reduce its size. The variances requested are a use variance because it is a two family, a/c condenser setback and building coverage even though its being decreased 2%.

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Mr. Spagnuolo stated he and his wife, and two small children currently occupy the rear structure which is a one bedroom. They will move into the principal dwelling after the renovations are done. The main structure is in disrepair. The rear structure is in better condition. He wants to keep the history of the home and restore it rather than build a new house.

Mr. Spagnuolo would like to keep the back house for use as a guest house, office, gym. There are no plans to rent it. He has family that will come to visit.

Mr. Lavin explained the architectural plans. The interior staircases of the main home do not meet code which would result in the loss of a bedroom. Hence the addition of a master bedroom suite on the third floor. He explained the changes to the floor plan which are proposed. The property has three front yards. Third floor meets the definition of a half story. The screened porch on the rear structure will be removed and replaced with a small open porch. The floor plan will be rearranged to open the flow and add a closet to the bedroom. The size of the structure will not change.

Mr. Hutchinson asked about the condition of the foundation. Mr. Spagnuolo stated they have to do some masonry work. Mr. Lavin stated there is some wood damage that needs to be repaired and replaced.

Mr. Greig asked if they would consider some form of finish on the rear structure foundation. Mr. Spagnuolo stated he wants the rear structure to match the front house, so it looks like one property.

Mr. Fitzgerald asked about the setback for the a/c unit. Mr. Lavin stated there will be 1.5-2 feet between the generator and property line. Mr. McGill stated they will move the generator near the rear structure to be complaint. Mr. McGill stated the neighbor next to the a/c units is present and can testify she is okay with it.

Mr. Ross asked about parking. Mr. Bianchi stated the bedroom amount didn't change so it didn't trigger a parking variance. Mr. McGill stated there is only one parking space on site now and is not changing. Mr. Bianchi stated it is a pre-existing nonconformity.

Ms. Deitz asked about landscaping. Mr. Spagnuolo wants grass and to make it beautiful. Haven't determined specifics yet.

Ms. Drazenovich asked about the bilco doors. Mr. Spagnuolo stated they will be removed.

Public: Linda Sharkus, 4<sup>th</sup> Avenue, owns 514 13<sup>th</sup> as a rental property, the improvements will be great for the neighborhood.

Kristen McAvoy, next-door neighbor, excited for new neighbors instead of renters. No issues with plans.

Arlene Neppel, 15<sup>th</sup> Avenue, 100% in favor of this. Will shine a nice light on the whole street.

Board:

Mr. Hutchinson stated it is a great project and is aesthetically pleasing.

Mr. Greig stated it is a good plan and will complement the neighborhood.

Mr. Fitzgerald liked it.

Mr. Melango stated it is a great design and will be a benefit to Belmar.

Mr. Ross is in favor of the application.

Ms. Deitz likes that they are remodeling.

Ms. Drazenovich and Mr. Lisko agreed with all of the comments.

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

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AYES: Ms. Deitz, Mr. Fitzgerald, Mr. Ross Mr. Hutchinson, Mr. Ross, Mr. Lisko and Mr. Melango

NAYS:

ABSTAIN:

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