

**ZONING BOARD OF ADJUSTMENT  
SPECIAL MEETING  
JUNE 29, 2021**

PRESENT: John Hutchinson, Holly Deitz, Mark Fitzgerald, Mike Melango, Tom Palmisano, Annemarie Drazenovich

ABSENT: Robert Cupoli, Phil Greig, Michael Druz, John Lisko and Chuck Ross

ALSO, PRESENT: Board Attorney Kevin Kennedy 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 June 9, 2021 by posting a copy of said notice at the Municipal Complex on the same date.

KATHERINE DUFFY – 1007 13<sup>TH</sup> AVENUE

Appearing for this application was Katherine Duffy. Ms. Duffy has owned the property for five and a half years and currently resides there. The property has a single-family home with a single-family rear dwelling. The rear home is occupied by her parents. The proposal is to construct an inground pool. A variance is required because the property is a legal non-conforming use.

Ms. Drazenovich asked how many vehicles can fit in the driveway. Ms. Duffy stated she can easily fit five. Ms. Drazenovich asked about a fence. Ms. Duffy has not determined a fence location yet. Mr. Melango asked why the pool equipment is being attached to the house. Ms. Duffy stated it was due to the location of the gas lines. Mr. Melango suggested relocating the equipment to not block access to the driveway.

No public.

Ms. Drazenovich stated she doesn't see any problems with the application. Mr. Melango stated it is a good design. Mr. Hutchinson stated it will be nice for her and her parents. Ms. Deitz stated she is in favor of the application. Mr. Fitzgerald requested the fence be in compliance with the construction office.

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

AYES: Mr. Hutchinson, Ms. Deitz, Mr. Fitzgerald, Mr. Melango, Mr. Palmisano and Ms. Drazenovich

LINDSAY HOOD – 200 ½ 15<sup>TH</sup> AVENUE

Appearing for this application was attorney George McGill, engineer Matt Wilder, Ms. Hood and her husband Greg Brownstein. Mr. Palmisano recused himself from the application because Mr. McGill is his attorney. Mr. McGill submitted an additional exhibit prepared by architect marked A10. The proposal is for a new single-family home. Variances requested are: it's a 3 ½ story home because of the definition of a basement vs a cellar, the house is 2 ½ story above the basement which is elevated out of the ground, also the driveway width and the garage façade is more than 50% of the front façade. He reads the definition to be 50% of the front façade but Mr. Bianchi believes it to be 50% of the first-floor façade. Ms. Claudio read the ordinance to the Board.

Ms. Hood stated she has owned the property for six months. It was previously owned by her family. She would like to move here full time and build a new home. The existing home is small. Tried to design a home with minimal variances. The lot is only 30 feet wide. The garage would be under the house next to the basement. They have four vehicles and need the garage. House at 118 16<sup>th</sup> Avenue is a similar design to her proposal.

Mr. Wilder explained the need for the basement to be exposed above ground, which is a high-water table. The only way to not do it would be to install several sump pumps, but it would jeopardize the integrity of the foundation. There are some existing variances that are being eliminated. The existing house doesn't comply with front and side yard setbacks. Believes the

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three variances can be granted as C1 variances, due to hardship. There is no detriment to granting the variances. There are two homes in the neighborhood on 16<sup>th</sup> Avenue with a similar design.

Ms. Drazenovich asked for more details on the garage. Mr. Wilder stated they can fit two cars in the driveway and two in the garage. Mr. McGill stated the plans show a driveway apron of 10 feet, but the code is 12 feet so therefore they will build at 12 feet. Ms. Hood stated they will use the existing permeable pavers for the new driveway.

Mr. Hutchinson and Ms. Drazenovich confirmed with the applicant that no variance is required for impervious coverage. Mr. Hutchinson asked about the size of the lots for the two houses on 16<sup>th</sup>. Mr. Wilder estimated those lots to be slightly wider at 33 feet.

Mr. Melango asked how many sump pumps are proposed. Mr. Wilder replied two. Mr. Melango asked about the French drain. Mr. Wilder stated the homeowner will tie the French drain and two sump pumps into the inlet in the street underground.

Ms. Deitz asked if the basement would only be used for storage. Mr. Brownstein replied yes because it is only 7 feet high.

Public: Dana Abdulkafarova, 208 15<sup>th</sup> Avenue, stated she is happy to have them as neighbors. Their block doesn't have nice new homes yet. Hopes the Board approves the application. She would eventually like to do her house as well.

Mr. Hutchinson stated he appreciates the design and eliminating existing nonconformities. Have done a terrific job with a very tough lot size. Ms. Deitz agreed and added she has no issue with the garage variance because it's always a benefit to take a car off the street. Mr. Fitzgerald stated the improvement of the setbacks is terrific. He appreciated they did not ask for a lot coverage and parking variance. The variances are technical and not a detriment to the application. Ms. Drazenovich appreciated the improvements to the setbacks. She would like to see rocks in the front replaced with grass to improve the greenery. Mr. Melango stated it is a carefully planned design.

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

AYES: Mr. Hutchinson, Ms. Deitz, Mr. Fitzgerald, Mr. Melango, and Ms. Drazenovich

**JANIS FITCH & STEVEN MAYHEW – 1206 RIVER ROAD**

Appearing for this application was Ms. Fitch, Mr. Mayhew, their attorney Mark Steinberg and architect Robert Dooley. Mr. Steinberg stated they are requesting a D variance because the rear garage apartment was reconstructed. It was completed about 80% when the stop work order came out for exceeding the scope of work approved. Mr. Steinberg submitted a packet of documents (A6) from Mr. Dooley addressing the stop work order and explaining the permits and work that has been done to the site.

Mr. Mayhew stated they originally received permits to elevate the garage apartment. Other permits were taken out to renovate the structure but through the process the building essentially became new construction. At the time of the framing inspection he was notified he exceeded the scope of work and needed zoning approval. Mr. Steinberg submitted some photos of the construction process as exhibits. Mr. Mayhew stated in order to meet codes it wasn't possible to save as many walls as he wanted. The building is 100 years old. The garage is in the same footprint. The only change was moving the stairs to the other side.

Mr. Fitzgerald pointed out that if they had come to the Board initially the Board would have asked for a greater setback. Mr. Melango asked if they considered relocating the foundation when they elevated it. Mr. Mayhew stated he did not. He was just trying to fix the block work that was damaged due to Hurricane Sandy.

Mr. Kennedy asked about the existing dwellings. Mr. Mayhew stated the front structure has two dwellings in it. The home has three bedrooms and the apartment has one bedroom. The rear

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garage apartment had two bedrooms and one bathroom and now has one bedroom and one bathroom. The height of the garage apartment was 24-25 feet and is now 27.6 feet. Mr. Fitzgerald questioned if a height variance is needed. Mr. Mayhew stated he was permitted to elevate the structure. Mr. Fitzgerald also added the preexisting side yard and rear yard setback nonconformities are also a variance.

Mr. Dooley felt Mr. Mayhew would have received approvals to do the work if had asked for it in the beginning under the rehabilitation code. He did remove one bedroom as well. All of the utilities are now above the base flood elevation.

Mr. Hutchinson pointed out that the home was elevated to be brought into code compliance which is a good thing and helps with their D variance.

Mr. Steinberg stated the use is less intense by losing a bedroom which is a benefit to granting the variance. Secondly, the building is fire proofed and brought up to code which is an advantage to who lives in it and the neighborhood.

Public: Frank Cozzi, 1000 13<sup>th</sup> Avenue, stated Steve and Janis's integrity is above approach. Felt Steve never intended to make any mistakes. The house looks great and will add to the neighborhood.

Linda Sharkus, 1202 River Road, didn't understand how they didn't know or look to see if the house had to be rebuilt. Doesn't understand why it was a surprise. Why was the structure not looked at before it was elevated? Mr. Mayhew stated he assumed it had enough integrity to just repair it.

Ms. Deitz stated they are between a rock and a hard place. Had this come before the Board initially things may be different. The footprint is not changing but would be in favor of the improvements of bringing it up to code.

Mr. Melango stated this is a tough application. He asked if the roofline could be softened because it is very high. Mr. Mayhew did not see how he could do it because the ductwork and mechanicals are already in the attic. Mr. Melango stated he can see they went through the process and tried to do the right thing but is concerned about the height. Mr. Dooley stated he would like to keep it the way it is because it matches the front house. He thought he might be able to clip the corners but would have to look at it further. He would prefer to leave it. Mr. Melango stated he would probably be in favor of the application despite being a tough application.

Mr. Hutchinson stated whenever anyone tries to work with old structures you never know what you are going to encounter. He has no problem with the application and felt they tried to do everything right.

Ms. Drazenovich stated they did a lot of work to try to follow everything the best they could.

Mr. Palmisano agreed with the Board. Their intention was to do a good job.

Mr. Fitzgerald stated he sees the dilemma and is in favor of the application. Each application is approved on their own merits and would have probably made some changes if came to the Board initially.

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

AYES: Mr. Hutchinson, Ms. Deitz, Mr. Fitzgerald, Mr. Melango, Mr. Palmisano and Ms. Drazenovich

Ms. Deitz made a motion to go into Executive Session to discuss the DeFranco litigation, which was seconded by Mr. Fitzgerald and approved unanimously.

At approximately 8:40 pm. the Board returned to the public meeting and Mr. Hutchinson made a motion to adjourn the meeting, which was seconded by Ms. Deitz and approved unanimously.