

ZONING BOARD OF ADJUSTMENT

MAY 26, 2022

PRESENT: Annemarie Drazenovich, Michael Druz, John Lisko, Mike Melango, Tom Palmisano, Chuck Ross, Mark Fitzgerald, and Holly Deitz

ABSENT: Robert Cupoli and Phil Greig

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 January 14, 2022 by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Melango made a motion to waive the reading and approve the minutes of the April 28, 2022 meeting, which was seconded by Mr. Ross and approved by the following vote:

AYES: Ms. Drazenovich, Mr. Ross, Mr. Lisko, Mr. Melango, and Mr. Palmisano
NAYS:
ABSTAIN: Mr. Fitzgerald and Ms. Deitz

Ms. Deitz made a motion to waive the reading and approve the minutes of the May 11, 2022 meeting, which was seconded by Mr. Ross and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Ross, Mr. Melango, and Mr. Palmisano
NAYS:
ABSTAIN: Mr. Lisko and Ms. Drazenovich

Mr. Ross made a motion to waive the reading and approve the resolution for John Shinnick, 812 12th Avenue, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Ross, Mr. Melango, and Mr. Palmisano
NAYS:
ABSTAIN: Mr. Lisko and Ms. Drazenovich

Ms. Deitz made a motion to waive the reading and approve the resolution for Aaron & Helene Graff, 309 Ocean Avenue, which was seconded by Mr. Melango and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Ross, Mr. Melango, and Mr. Palmisano
NAYS:
ABSTAIN: Mr. Lisko and Ms. Drazenovich

Mr. Ross made a motion to waive the reading and approve the resolution for Sahar & Mario Autiero, 306 16th Avenue, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Fitzgerald, Ms. Deitz, Mr. Ross, Mr. Melango, and Mr. Palmisano
NAYS:
ABSTAIN: Mr. Lisko and Ms. Drazenovich

The application for Robert & Joanne Bakerian, 213 South Lake Drive has been rescheduled for a new date because the incorrect meeting date was noticed. The applicant's attorney will renote for the new date.

ARTHUR & MYRA FERRERI – 106 13TH AVENUE

Appearing for this application was Mr. Ferreri and his attorney Mike Rubino, builder Matt Meccia, and architect Victor Malerba. Exhibits marked: A1 application, A2 checklist, A3 violation notice, A4 Trop Pub Redeveco Resolution, A5 plans, A6 survey, A7 illustrated rendering, A8 series of illustrated renderings, A9 photo board.

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Mr. Rubino stated there is a new home under construction that has been built up to the third floor. Variances are being requested for the third story because it does not meet the half story definition and for height of 36.3 feet.

Mr. Ferreri stated he lives in NYC with his wife and three children. They started living in Belmar in March 2020 during the pandemic and ended up staying a year and a half in a rental. They fell in love with the town and purchased this property to build a new home. He is putting an elevator in the home for when his mother eventually moves in which triggered changes to the roof.

Mr. Meccia stated he worked with the architect to add the elevator but the only way it fit was to do a flat roof which triggered the two variances.

Mr. Malerba explained not the entire roof is flat, only a portion of the master bedroom and elevator. The elevator requires 2 ft clearance above the equipment. The rest of the house complies with the approvals in the Trop Pub Redevco resolution. The flat roof is the best design for function and aesthetics.

The Board discussed if fire suppression is needed because of the third floor. Mr. Bianchi stated they will have to comply with construction code requirements.

Ms. Drazenovich questioned if the floor area ratio calculation was correct.

At approximately 7:05 pm the Board took a brief recess. The Board reconvened at 7:15 pm. Roll call was taken. All were still present.

Mr. Shipers stated his client would like to come back to the next meeting so the architect can review the FAR calculation and determine if it is correct. Mr. Fitzgerald made a motion to carry the application to the July 28th meeting, which was seconded by Mr. Melango and approved unanimously.

1208 MAIN LLC – 1208 MAIN STREET

Appearing for this application were owners Ashish Bindal, Jaspreet Singh and their attorney William Shipers, engineer Rich DiFolco and architect Brian Berzinskis. Exhibits marked: A1 application, A2 site plan, A3 architectural plans, and A4 Avakian review letter.

Mr. DiFolco explained the property is on Main Street and is an L Shape. The existing building has the Super Savers market with three apartments on the second floor. The building had a fire four years ago and has been rebuilt. In the rear is a 3 bay garage used for storage for the business along with a paved area, which is accessed from 13th Avenue for four parking spaces. The proposal is to remove two bays of the garage and make it one bay which would increase the parking to 13 spaces and to add a fourth apartment. A total of 1 handicap parking space and eight regular parking spaces will be added. The paved parking area will increase impervious coverage however a trench drain to an underground pipe will be added. Trees will be added on the east side of the property as well as a 6ft. fence. The dumpsters will be relocated to a designated area and other additional landscaping will be placed. There will be no changes to the footprint of the building. The FAR is in violation now and is not increasing. There is adequate space for the apartment. There will be no lights in the parking lot. A waiver from submission of a traffic study and an environmental impact study is requested because of the small nature of the project.

Mr. Bianchi explained this application is before the Board because the ordinance states going from three apartments to four is considered a change of use.

Mr. Berzinskis explained the floor plan of the apartments. The building originally had two apartments on one side of the second floor and a third larger apartment across the hall. When they rebuilt, they made the third apartment smaller in hopes to get approval to add a fourth apartment.

Mr. Ross questioned an old soda machine and other garbage sitting in the rear yard. Mr. DiFolco stated they will make room next to the dumpsters for spoils and other garbage.

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Ms. Drazenovich was concerned about the location of the dumpster. Mr. Shippers suggested removing parking spot 13 to allow for an enclosed dumpster area to be built. The Board was amenable to that change. Mr. DiFolco stated doing that would eliminate a variance for driveway width. Ms. Drazenovich requested the unused curb cut on Main Street be eliminated. Mr. Shippers agreed. She also asked for a gutter on the garage. Mr. DiFolco agreed.

Public: Tina & Sean Connelly, 612 13th Avenue, stated the garage does cause drainage issues for their property. She was concerned about some of the parking spaces being less than 5 feet from her windows, noise, light, and smoke from the cars. She would like the fence to be fully solid. She was concerned it is a highly used area and the density is being increased. Mr. Connelly was concerned about truck deliveries. Some trucks don't pull all the way into the driveway and block traffic on 13th Avenue. Ms. Connelly would like to see the face of the rear of the garage repaired as well. She asked if the handicap parking space on 13th Avenue would be lost.

Mr. Fitzgerald suggested they speak to the town Council about assisting with the issue with the trucks blocking the street.

Mr. Melango suggested a retaining wall with the fence or something more to block the headlights. Mr. Druz questioned how long they lived next to a commercial property. Mr. Ross had no issue with the apartment and suggested signage be added to encourage people to use the parking lot. The rest of the Board felt it would be an improvement. Mr. Palmisano suggested they push their suppliers to use the driveway and the operators of the business to keep the area clean.

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

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

NAYS:

ABSTAIN:

At 8:44 pm the Board took a brief recess. Board reconvened at 8:49 pm. Roll call was taken. All were still present.

WILLIAM & JODEE STAPLETON – 313 3RD AVENUE

Mr. Kennedy gave a history of the application. First hearing was September 23, 2021. There were only five board members present at the meeting. The applicant requested to carry the application to get a full board. Then there was some brief discussion on January 27, 2022 regarding how to proceed. Exhibit B3 was marked, certifying Mr. Palmisano listened to the meeting recording for September 23, 2021.

The Board discussed whether or not to reopen the hearing or go straight to a vote now that there were 7 eligible voting members. Mr. Fitzgerald felt the application should be reopen so the Board could ask questions and allow the objecting attorney to ask questions.

Appearing with Mr. Stapleton was his attorney, William Shippers. Mr. Shippers was concerned about reopening the application and if that would include allowing witnesses to speak.

Mr. Fitzgerald made a motion to reopen the application, which was seconded by Ms. Deitz.

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

NAYS: Mr. Ross and Mr. Lisko

Mr. Ross stated he voted no because the Board has never done something like this before. The delay on the vote was the town's fault not the applicant's fault. He did not want to see old testimony and facts rehashed and felt the application should only be reopened if there will be something of value added to the application.

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Ron Gasiorowski, attorney for Walter and Carol Murray, wanted to speak and postpone the meeting so he could be a Planner to testify against the application. Mr. Fitzgerald stated it was not the Board's issue that Mr. Gasiorowski is not prepared to present tonight.

Mr. Fitzgerald asked why there would be two primary homes on the property and what the logic was behind the application.

John E. Taikina, Planner for Mr. Stapleton, stated he disagreed with Mr. Fitzgerald's statement that there would be two primary homes on the property. The approvals are for expansion of a non-conforming use to allow for two dwellings to exist where two exist now. The only difference is a new home will be built at the front of the property. Two homes are appropriate for this site and the neighborhood. He pointed out that if there was a house in the front and there was a tiny back house then they would be appearing before the planning board under the conditional use ordinance. But the back house doesn't meet the requirements for the conditional use because of its size. From a planning perspective the block will look better.

Mr. Gasiorowski questioned if Mr. Taikina read the ordinance definition of an accessory structure and whether or not the conditional use ordinance is relevant. He suggested keeping the smaller rear structure and removing the bigger rear structure. Mr. Gasiorowski and Mr. Taikina debated the definition of a principal structure vs an accessory structure.

Mr. Bianchi stated he considers the existing two-story home the primary structure and the one-story structure the accessory structure.

Mr. Stapleton explained why he chose to keep the two-story structure vs the one-story structure. The one-story structure was a converted garage that does not meet codes. The two-story structure has had improvements done to it over the years. It is also not the biggest rear structure in the neighborhood.

Public: Linda Sharkus, 4th Avenue, stated banks don't give mortgages for accessory dwellings. Mr. Shippers stated this was not relevant to zoning.

Mr. Gasiorowski gave his summary of why his clients object to the application. Felt anyone could come in to do the same in the future. Mr. Fitzgerald clarified the Board doesn't set precedents. Mr. Gasiorowski felt the Board would be allowing two single family primary homes on the property.

Mr. Shippers pointed out that Mr. Murray has a back house which the Board approved in 2012. He felt it would be silly to not fill in the block with allowing a two-story home at the front of the property. He did not understand the logic of not wanting a beautiful house in the front.

The Board closed the public portion of the meeting officially.

Mr. Ross felt the discussion tonight was irrelevant. The existing rear house will not be the biggest back house on the block. It's clear there will be a beautiful front house built with a back house.

Mr. Lisko stated his comments were previously put on the record and he is still in favor of the application.

Mr. Melango felt it is a big ask but agrees the house in the front will make the block look better.

Ms. Deitz agreed with Mr. Ross but had an issue with choosing to keep the bigger back house.

Mr. Palmisano stated he is in favor of the application because it will make the block look better.

Mr. Fitzgerald stated he is not in favor of have the larger accessory structure.

Ms. Draznovich stated the new house will be beautiful but has an issue with the back house and tandem parking.

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

AYES: Mr. Ross, Ms. Drazenovich, Mr. Lisko, Ms. Deitz, and Mr. Palmisano

NAYS: Mr. Melango and Mr. Fitzgerald

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