

ZONING BOARD OF ADJUSTMENT

JULY 28, 2022

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

ABSENT:

ALSO, PRESENT: Board Attorney Kevin Kennedy, Zoning Official Ted Bianchi, and Acting Board Secretary Kelly Williams

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. Fitzgerald opened with a comment about Bob Cupoli to thank Bob for his service and to wish him well with his health and recovery. Announced that Tom Palmisano will take Bob's place in his absence until a new Board member is appointed by Mayor and Council.

Mr. Fitzgerald made a motion to waive the reading and approve the minutes of the June 23, 2022 meeting, which was seconded by Mr. Greig and approved by the following vote:

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

NAYS:

ABSTAIN: Mr. Ross

Application for 105 13th Avenue to be carried per Kevin Kennedy, no further notice will be needed. Homeowners in the area were notified properly, the applicant had a mishap getting the notice in the newspaper on time. Applicant stated he will be available to come to the August 25th meeting. Kevin Kennedy wanted the record to show that the applicant did consent to extend the time frame that the board will have to act on the matter.

Ms. Deitz made a motion to waive the reading and approve the resolution for William & Jodee Stapleton, 313 3rd Avenue, which was seconded by Mr. Ross and approved by the following vote:

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

NAYS:

ABSTAIN: Mr. Greig and Mr. Melango

Mr. Greig made a motion to waive the reading and approve the resolution for Ray & Joann Kerwin, 304 9th Avenue, which was seconded by Mr. Melango and approved by the following vote:

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

NAYS:

ABSTAIN: Mr. Ross and Mr. Lisko,

Mr. Fitzgerald would like the record to show that the approval for the application at 304 9th Avenue is subject to the applicant bringing in the lot coverage calculations to be verified by the Zoning Official Ted Bianchi.

Mr. Geig made a motion to waive the reading and approve the resolution for Jim Worth, 1207 River Road, which was seconded by Ms. Deitz and approved by the following vote:

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

NAYS:

ABSTAIN: Mr. Ross

Mr. Greig made a motion to waive the reading and approve the resolution for Brian Fleming, 707 15th Avenue, which was seconded by Mr. Melango and approved by the following vote:

ZONING BOARD OF ADJUSTMENT

JULY 28, 2022

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

Mr. Greig made a motion to waive the reading and approve the resolution for Mark Philhower, 308 14th Avenue, which was seconded by Ms. Deitz and approved by the following vote:

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

Mr. Fitzgerald spoke about the process of the board. He has heard that people are saying the board just approves all applications, and that is not true. The applicants go through a process and that process brings the application closer to compliance than it would have been if there was blanket approval. The Board tries to accommodate reasonable applications, the volume of activity has grown tremendously. He announced that the board members are all volunteers and not paid to be on the board. They too are neighbors and residents as well, and that he hopes everyone understands that. None of their decisions are ever personal matters that would turn friends and neighbors into enemies.

Continuance of the Edelman Investment Group LLC application for 112-114 12th Avenue and 108-108 ½ 12th Avenue.

Mark Fitzgerald offered to open the public session back up. Limit comments to 3 minutes per person, closing comments from the Attorneys will be 15 minutes each. Super majority vote is needed which would be 5 votes to approve the application.

Kevin Kennedy swore in: Isabell Rodriguez, who is filling in for Christine Bell and Jerry Freda our Borough Engineers.

William Shippers submitted a legal brief dated 7/18/2022 dealing with air, space and light issues which was distributed to the Board and the opposing attorney Rick Brodsky marked as A50

Mr. Brodsky submitted a legal brief dated 7/27/2022 in response to Mr. Shippers marked as OMatthews6.

Certification that Mike Melango listened to the 2/24/2022 meeting marked as B9. Certification that Mike Melango listened to the 4/28/2022 meeting marked as B10. Certification that Holly Deitz listened to the 4/28/2022 meeting marked as B11. Certification that Mark Fitzgerald listened to the 4/28/2022 meeting marked as B12. Certification that Tom Palmisano listened to the 4/28/2022 meeting marked as B13. Certification that Mike Druz listened to the 4/28/2022 meeting marked as B14.

Kevin Kennedy stated that with all the information we have before us all board members are eligible to vote on the Belmar Inn Application.

Motion to Re-open public comment was made by Mr. Greig and seconded by Mr. Lisko and approved unanimously.

Public Comment:

Mark O'Neill, 410 11th Avenue, quoted ordinance 35-7 subsection 6. He would like to know what the applicant used for hardship. He was concerned about the noise the cars would make for the neighbors.

Jim Agnello, 117 11th Avenue, appreciates the board for their civic duty and volunteer work. He does not feel that this application is reasonable, he feels that the size of this application in a residential neighborhood is out of Zoning compliance.

ZONING BOARD OF ADJUSTMENT

JULY 28, 2022

Sarah Tantillo, 505 13th Avenue, came to support her neighbors and community members; she feels that the building is too high for the area in which it will be. She is against the project and feels that this will complicate the parking situation that we currently have in town.

Randi Brazel, 101 11th Avenue, stated this project is 24lbs of potatoes in a 1/2lb bag. She feels that the number of balconies staring over the other properties is not right.

Mike Minogue, 900 C Street, received flyer about this development, which he feels is aggressive. He feels we need a more moderate approach that would make more sense. He stated that aggressive development cannot be undone. He feels that we do not need to go out of our way to bring people to Belmar. He feels the board should represent the average citizen of Belmar as well.

John Marciante, 105 15th Avenue, thanked the board for representing the community. He stated that codes are made for protecting the quality and life in this community. He understands that their job is to review each application and compare change to the impact that surrounds the community. He feels that a change this big will impact everyone's life that lives around that area significantly. He feels that they as board members should not allow an application like this because their role is to implement the zoning rules.

Martha O'Neill, 410 11th Avenue, was concerned about the compelling cause to grant these applications and the potential damage if they are not granted. The only motivation for the builder to apply for these variances is to make more money. It is not the Borough's job to ensure that profit to the builder.

Beth Rotchford, 1200 Bayview Avenue, was worried about extra traffic around town since she lives on the other side of town on/near 12th Avenue.

Sherry Ginzburg, 201 12th Avenue, Edelman is her maiden name, and her family has no financial interest in the Edelman LLC there only interest is in the betterment of 12th Avenue. Her family has lived there for 70+ years, 2-3 times a week she is woken by the Inn. Condos there would pave the way to get rid of the other 9 Animal Houses in that area. She organized a petition and received 150 signatures that are in agreement with her, and they too would like this project to move forward.

Darleen Gesell, 313 4th Avenue, thanked the Board for their work and patience with this application. She is concerned about the noise that will emanate from the rooftop with up to 70 people allowed on it. She is also concerned about the additional height of the building.

Jim Lonergan, 109 6th Avenue, thanked the Board for their work on this application. Stated his family has been in town for 22+ years and just recently made Belmar his permanent residence. He stated that he was council president of Chatham, so he understands the reason for the Boards, and he is shocked that this application is even being heard. His biggest concern is the Master Plan. The Master Plan is built for a reason and little tweaks are ok, this one is not.

Stephen Persche, 303 12th Avenue, lives on 12th Avenue and has 12 young daughters; he would like to see the Belmar Inn be removed and keep the application as is. He feels that it is a perfect opportunity to have good development come through the town.

Donna Falk, 506 11th Avenue, was against the over developed plan, she feels that it is important to keep applications close to the Master Plan.

Caitlin Ryan Persche, 303 12th Avenue, grew up in Wall Township, went all throughout St. Rose Grammar School and High School and has been a part of our community since then. She is not for overdevelopment but does know that the Belmar Inn needs to go.

Barbara Uretzky, 209 12th Avenue, would like something other than the large condos, she feels houses would look better. She stated that it is a residential neighborhood and should stay that way. She feels that if this application is passed this will become the new normal in Belmar.

ZONING BOARD OF ADJUSTMENT

JULY 28, 2022

Isaura Gonzalez, 208 ½ 14th Avenue, thanked the board for their time, she has lived in Belmar for 5 years now. She does not want condos in that area. She feels that Belmar is changing a lot and it is not good. She would like the board to consider something other than condos with that kind of height in that area.

Bruce O'Leary, 214 15th Avenue, against the development, he visited friends in Long Branch which also has large condos everywhere. All he saw were people on their balconies; he couldn't see the sky. We need to make Belmar more of a family town.

Barry Lubin, 419 15th Avenue, Master Plan is there for a reason this application is not part of the master plan. This application is not reasonable. Homes or townhouses would be better.

Steve Bloom, 1004 A Street, wants to know how many board members came to his backyard to picture what this building would look like. Imagine having 21 balconies looking into your backyard. Wanted to know why the neighbors are being sacrificed to this developer. Why should they have to listen to cars starting, alarms, and people talking. He is losing \$75,000 for sun blockage due to this application.

Linda Sharkus, 4th Avenue, 2nd Meeting in June she handed in a petition with over 300 votes to the Mayor and Council to stop over development in a residential area. She hopes the board will vote against this plan. She would like to see townhouses built instead of condos that are within the Master Plan.

Merry Brennan, 404 11th Avenue, thanked the board for their time. She helped create the master plan with others. The number of variances on this application is not the vision that is reflective of the Master Plan. She feels that if the vision of the town has changed, they should go back to the mayor/council to redo the Master Plan if they plan on allowing this application through.

John Walsh, B Street, stated that most people living in that area around the Belmar Inn are against the application. He said that this application will not only affect the neighbors in that area that it will affect the entire town. He asked the board if they would want this building next to their house.

Art Ammermuller, 106 12th Avenue, over the past four days he and his daughter have passed out flyers to most houses from 17th Avenue to Inlet Terrace. He has interacted with 100+ residents and it reminded him how special Belmar is. He would be open to compromise on this application like town houses. He will have balconies only 12 feet from his bedroom window and his daughters as well. He stated that the master plan was put in place to protect the town.

Brendan Louhier, 1607 River Road, wanted to thank the board. He is for the application, stated parking will be underground rather than on the street like they are presently. He said the height is not much taller than what is there now. He said this building will help raise the property value in the area. He believes that this is a perfectly reasonable proposal and that the developers have been accommodating for years and asked the board to vote yes.

Bridget Curr has lived in town for 40+ years, the town went through the terrible 80's and tried hard to keep their town nice. The area is already overrun with Air B&B, parking is already an issue. Stated that it's a sad that this is happening, and the future of the town is nil.

Arlene Neppel, 15th Avenue, owns three properties in town just north of the Belmar Inn. She feels that this is intensive, and it is not needed in Belmar. She feels that Bradley Beach destroyed themselves with all of the condos they put up. She cannot stand the plan, feels it would be better suited on Main Street. She said at some point the board needs to say no to these applications and profit can be made with selling the land and putting up single family homes.

William Greensberg, 1206 Ocean Avenue, has been a developer for 40+ years and the Zoning board should be implementing the vision of the town. He believes it is the boards job to protect the vision of the town and respect what the residents want.

ZONING BOARD OF ADJUSTMENT

JULY 28, 2022

Steve Bloom, 1104 A Street, said the developers are not from Belmar, they are from Florida. He believes the animal houses across the street are a bigger problem than the Belmar Inn. He said at the last meeting many residents and the ex-mayor came up and spoke in favor of the 21 Condo unit and they do not even live in the neighborhood. The Belmar Master Plan calls for single family homes in that area. He stated that if this application does not pass, he has many developers eager and waiting that would build according to the master plan.

Art Ammermuller, 106 12th Avenue, stated that a bad building is about to become an eye sore for the next 100 years. He asked the board to vote no on the variances and yes to Belmar's continued future as a beautiful charming neighboring beach town.

Kevin Brennan, 605 15th Avenue, said the board is trying to solve one problem by getting rid of the Belmar Inn and creating another problem with the height of the building proposed on this application.

Mr. Fitzgerald made a motion to close the public session, which was seconded by Mr. Melango and approved unanimously.

Mr. Brodsky and Mr. Shippers gave their closing arguments.

Comments from the Board:

Ms. Drazenovich stated she believes there are a couple of issues in the design of the building, the impact of the variances is very significant. The size of the building works against this application, only one elevator, no storage for the homeowners, the impact of the electrical grid for a building concerns her as well. Garbage and recycling do not seem adequate for this building. There is virtually no landscaping because the building itself is so large which will hurt stormwater runoff. There was also no traffic study done on this application which is very problematic to her. She also feels that it is hard to overlook the M75 rules and regulations. She does not think it is appropriate to bypass that ordinance to pass this project.

Mr. Druz had lots of questions; wanted to know how long the Inn has been there and what the max capacity is there now. He believes it is time to redo the master plan, and that this application will not set a precedence in town. He believes this will be a huge improvement to the town. He said he would vote in favor of this application.

Mr. Ross started with fact checking. He said the board is approving 42.5 feet in height, it is not 57 feet that people keep saying it will be. He believes that single family homes at that location are not feasible. The current Belmar Inn has 10 variances the proposal will only have six, three of which are improving the site plan. They will have 47 parking spots on site which currently only has six. He believes this application is better for Belmar than what is there now. He will be in favor of the application.

Mr. Greig would like to reiterate everything that Mr. Ross said. He has been in Belmar for 60+ years, he knows that change comes hard but he believes this change is a good change. He is in favor of the application.

Mr. Lisko believes this is a hard application to vote on, he knows that no one wants the Belmar Inn there. He does not believe the site is good for this development. He does not see any hardship by not granting this variance. He believes that this application would be a detriment to the intent of the zoning ordinance and the master plan the way it is written. He does believe it is up to the town council to change the master plan if they want to change the housing style. Overall, he feels that this is not a better alternative to the master plan than what they have. He believes that the people in that neighborhood have the right to expect the zoning board to uphold the master plan and he is not in favor of this application.

Mr. Melango also reiterated what Mr. Ross stated. He also feels that this is a very difficult decision for him to make but will say there were some concessions made by the developer. He thinks the setbacks on this application are better than what is there now, and he would be in favor of this application.

ZONING BOARD OF ADJUSTMENT

JULY 28, 2022

Ms. Deitz thanked everyone who came out to all of the meetings, she feels this is not an easy process that they are all neighbors and all part of Belmar. She believes this is an important application and she would like two items clarified. She wanted to make sure that these condos will only be yearly rentals and written in the deed stating the same. The other question she has is about the balconies right up against the other properties currently there.

Mr. Palmisano said he has been around for a long time, and he knows what is currently at the Belmar Inn, and he is in favor of the application.

Mr. Fitzgerald stated he has been in town since the 70's and has seen a lot of change happen in town. He sees that people that were once against Taylor Pavilion and Marina Grille and are enjoying them being in town now. He is very aware of the application that is before them and not a hypothetical. They weigh the negative and positive criteria and that is very difficult, but he believes that this application is an overall positive change for the town and will remove what is a poorly maintained property and he will be in favor of this application.

Mr. Shipers said he is sympathetic to the Mathews and the properties to the north. He is willing to get rid of wrap around balconies on the furthest east & furthest west of the rear of the building. The remaining balconies that face east and west to make a solid panel so if someone was on this balcony, they're only looking west they are not interacting or looking north and he will do the same on the other side, so he would eliminate 6 of the rear balconies facing north to do away with some of the concerns.

Mr. Fitzgerald is still concerned about the garbage and recycling pickups. He would like clarity on what the refuse management is going to be. Mr. Shipers deferred to Mr. DiFolco, but the plans show dumpsters. Jerry Freda was asked about this, and he said it would be handled the way DPW sees fit. Mr. Fitzgerald would like the condition to be that the refuse will be provided or handled in a manner in which the town dictates or specifically approves over to the developer, potentially even including not getting the garbage. Jerry Freda stated that according to the plans there is a refuse area currently in the lower level .

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

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

NAYS: Mr. Lisko

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