

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2016

PRESENT: Mr. Hutchinson, Ms. Casserly, Mr. Greig, Mr. Lisko, Ms. Young and Mr. Cupoli (arrived 7:38 pm)

ABSENT: Mr. Ross, Mr. Fowler and Mr. Fitzgerald

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, and Zoning Officer Ted Bianchi

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 December 18, 2015 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Greig made a motion to waive the reading and approve the minutes of the March 24, 2016 meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Greig, Ms. Young and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Lisko and Ms. Casserly

Mr. Hutchinson made a motion to waive the reading and approve the resolution granting approvals to Jeff & Clara Willey, 414 10th Avenue, which was seconded by Mr. Greig and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Greig, Ms. Young and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Lisko and Ms. Casserly

Mr. Kennedy read an email from Mr. Fletcher's architect regarding 204A 17th Avenue. The letter requested the plans remove the proposed basement and the house instead be built on pilings and an attic would be added to replace the basement. Mr. Bianchi stated it doesn't create new variances. The Board had no objections.

Mr. Greig made a motion to approve this change, which was seconded by Mr. Cupoli and approved unanimously.

Mr. Greig made a motion to waive the reading and approve the resolution with the amendments for John and Maria Fletcher, 204A 17th Avenue, which was seconded by Ms. Young and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Greig, Ms. Young and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Lisko and Ms. Casserly

Ms. Claudio stated she received a letter from First Equity, 112 13th Avenue. The letter requested permission to finish the basement. Mr. Bianchi stated no new variances are triggered and if they

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2016

had their CO this wouldn't have even come before the Board. No objections from board. Mr. Cupoli made a motion to approve this request, which was seconded by Mr. Greig and approved unanimously.

ELIZABETH ALONSO-ARPAIA: 108 EIGHTH AVENUE

Appearing for this application were Ms. Arpaia and her husband/architect Nick Arpaia. Ms. Arpaia stated she has owned the property for a year. The property currently has two structures, a three family dwelling and a separate rear apartment cottage. The front house currently has a total of five bedrooms and three bathrooms split between the three units. The rear house has one bedroom and one bathroom. The rear house is occupied by them as a second home. The front house is not rented and one of the units is used by their children. The proposal is to convert the front three family into a single family home and to demolish and rebuild the rear apartment. The property has been a rental for many years and was not maintained for many years. The footprint of the front house would not change but would have a small second floor addition. Would like to rebuild the rear apartment into a garage with a two bedroom apartment. The whole property would be owner occupied. There is enough parking in the driveway for their vehicles.

Mr. Arpaia explained the proposed layout and renovations.

Mr. Cupoli asked about the accessory dwelling ordinance. Mr. Bianchi stated this proposal does not comply with that ordinance.

Ms. Young clarified that the property is going from a three family to a two family. Ms. Arpaia replied yes. She added it is not their intent to rent it but wants the option. Ms. Young asked about parking. Ms. Arpaia stated there is a driveway that can hold four vehicles.

Mr. Greig asked how the resolution would be worded regarding the right to rent or not rent the front home. Mr. Kennedy explained the options.

Mr. Arpaia stated they are asking for the following variances: expansion of a non-conforming use and building coverage.

Mr. Arpaia submitted an additional proposed site plan as a different option for the rear structure. (Exhibit A5) The Board liked this option better because the rear yard setback for the rear structure would be increased and no longer require a variance.

Mr. Bianchi clarified that if the Board were to ask them to comply with the conditional use ordinance then this matter would have to go before the Planning Board. Since they don't comply with the ordinance they are then seeking a use variance from the Board.

Ms. Arpaia agreed to abandon the three family use in the front house and record the resolution.

Mr. Greig asked about the location of the a/c units. Mr. Arpaia stated they will comply with the setback requirement.

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2016

Ms. Casserly asked if the property is in a flood zone and needs to meet any flood regulations. Mr. Bianchi stated there is only a small portion of the rear of the property in a flood zone and the structures are not in that area so the house would not have to be elevated.

Mr. Hutchinson asked if they are in compliance with impervious coverage. Mr. Arpaia stated they will be in compliance, possibly even under the allowable.

Mr. Greig asked what material would be used on the driveway. Mr. Arpaia stated they would use pervious pavers.

Mr. Cupoli stated he isn't in favor of the garage. Mr. Cupoli asked about a deed restriction to ban renting the rear structure but Ms. Arpaia stated she would not agree to that.

Public:

Sue DiNapoli, 109 Seventh Avenue, stated she doesn't know when that rear structure was converted from a garage to a one bedroom apartment. She is concerned about it becoming a two bedroom now. She asked about the height of the proposed rear structure. Mr. Arpaia stated it is 12 feet.

Robert Forte, 114 Eighth Avenue, stated he doesn't know these people but understands they are taking an old house and repairing it and bringing it more into compliance with the master plan.

Nettie Aker, 106 Eighth Avenue, stated the three apartments have not been maintained for a long time. Felt the Arpaia's have gone above and beyond to make the property nicer and will be making the front house a one family. She stated six out of the eight properties on the north side of 8th Avenue have rear houses and three on the south side have rear houses. None of those meet the requirements for a rear yard setback. She asked the Board to approve this application.

Steven Rubin, 110 Eighth Avenue, stated he has lived next-door to this house for ten years and it hasn't been updated since it was built. He is happy to see and hear their plans. This block has seen a lot of renovations which is great and has done a lot to bring up property values and make it a nice street to live on. He also has a back house.

Board Comments:

Mr. Cupoli stated he likes the front house being changed from a three family to a single family but does have a little problem with the back structure having a garage. Would have liked it to be kept the same size as it is now. He is not in favor of the application as it stands.

Ms. Young stated she is in favor of the application, it will change the face of the property and reduce the number of units in the front house.

Mr. Greig stated he appreciates their attempt to alleviate the setback problems with the rear structure. Also likes that it is going from a four unit rental to a one unit rental.

Ms. Casserly stated she is in favor of the application given the reduction in rental units.

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2016

Mr. Hutchinson stated he is in favor of the application and doesn't see the rental of the rear structure being an issue.

Mr. Lisko stated he is also in favor of the application. He added that while he is typically not in favor of rear structures he feels the overall neighborhood is being improved by the reduction of the units.

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

AYES: Mr. Hutchinson, Mr. Lisko, Ms. Casserly Mr. Greig, and Ms. Young
NAYS: Mr. Cupoli
ABSTAIN:

Mr. Kennedy stated when he spoke to the applicants last month about them being required to re-notice he mentioned he could prepare a resolution of approval in the event the application was approved, which he did. Mr. Kennedy read the findings of the resolution into the record.

Ms. Casserly made a motion to approve the resolution granting approvals to Mr. and Mrs. Arpaia, which was seconded by Mr. Greig and approved by the following vote:

AYES: Mr. Hutchinson, Ms. Casserly, Mr. Greig, Mr. Lisko, Ms. Young and Mr. Cupoli
NAYS:
ABSTAIN:

RICHARD & JANINE SETTINO: 308 NINTH AVENUE

Ms. Young recused herself from this application because she lives within 200 feet. Appearing for this application was Ms. Settino and her architect Jason Lusardi.

Ms. Settino stated they would like to propose a covered porch on the front of the house. She submitted some photos of the existing home and the proposal. The house has been in the family for many years. Want to have a home with a porch that their family can sit on and enjoy.

She also submitted some photos of other homes in the neighborhood.

Mr. Lusardi stated they need two variances: building coverage and impervious coverage. The proposed porch complies with all of the setbacks and have a roof. He explained the existing impervious coverage is being deceased but is still over the allowable amount.

Mr. Hutchinson asked if the existing bay window will be removed. Ms. Settino replied yes.

Ms. Casserly asked if the second floor apartment is rented and will continue to be rented. Ms. Settino replied yes.

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2016

Mr. Greig asked if they have the average front yard setback for the block. Mr. Lusardi stated they did a visual study and it is within the average. Mr. Greig asked if a front yard variance is required. Mr. Bianchi replied no.

No public

Mr. Kennedy stated this application technically requires a use variance because it is a two family and is an expansion of a non-conforming use.

Board comments:

Mr. Hutchinson stated he is in favor of porches.

Ms. Casserly stated she is in favor of the impervious reduction.

Mr. Greig agreed.

Mr. Cupoli felt the porch would be a great addition.

Mr. Lisko agreed.

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

AYES: Mr. Hutchinson, Ms. Casserly, Mr. Greig, Mr. Lisko, and Mr. Cupoli

NAYS:

ABSTAIN:

(The audio recording had stopped working at 8:53 pm and therefore the above application was not recorded)

At 9:25 pm the Board took a recess. The board reconvened at 9:30 pm. Roll Call was taken, all were still present.

KAREN FAIRHURST: 139 TERRACE ROAD

Appearing for this application was Ms. Fairhurst and her attorney Gregory Vella. Mr. Vella stated they are proposing to build a new single family home. A variance for rear yard setback is being requested. They tried to design a house that didn't need variances but given the odd shape of the lot and relation to the water there are some bump outs on the property that require a rear yard setback variance. Will comply with CAFRA and FEMA.

Ms. Fairhurst stated she is the contract purchaser for this property and plans to live in the house. The existing house is in disrepair. It was damaged by Hurricane Sandy and never repaired. They have removed all utilities from the existing house. She explained the four bump out areas that need the setback variance. These bump outs don't impede on any neighboring properties.

Mr. Vella discussed the Minor Land Use denial. He clarified the lowest rear yard setback is 66.4 feet but is only in one area. Their revised plan marked A5 shows the driveway now complies with the one foot setback requirement. Ms. Fairhurst added that six vehicles could fit on the property. Mr. Bianchi stated only one driveway and one curb cut is permitted. Mr. Vella stated they would request this additional variance. Ms. Fairhurst explained she would like to have the

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2016

two. One of the driveways is existing. Mr. Vella stated the architectural plans will comply with FEMA regulations and no height variance is needed. Mr. Vella stated they will also comply with the dormer ordinance and won't need a variance for that.

Mr. Cupoli asked about the utilities. Ms. Fairhurst stated they will all be underground.

Mr. Greig asked about the material for the driveways. Ms. Fairhurst stated it's not going to be asphalt it will be a mix of pavers, stones and grass.

Mr. Bianchi stated they will also need a DEP permit besides the CAFRA permit.

Public:

Mike DeBlasio, 137 Terrace Road, stated he is representing this property and is the son-in-law of the property owner as well as an engineer. He stated they oppose the second driveway. He questioned the setback of the driveway. Mr. Vella stated they will comply with the setback requirement for the driveway. The variance they are requesting is to keep the existing driveway. Mr. DeBlasio asked about a bump out on the plans in the front of the house that looked like it was near the street. Mr. Vella did not know what that marking was on the plans but added that they will not be doing any work on the street. He felt that many neighbors would be opposed to the proposed garage and would like more information on it such as the height. They feel the garage doesn't belong on this street. Mr. Vella stated the garage hasn't been designed but will not go over the 18ft height. He added that while they may feel accessory structures don't belong on this street it is permitted by ordinance and will be in compliance. He added that there is no legal right of an adjoining property owner to have a view easement across a neighboring property. Mr. DeBlasio questioned how the Board could approve an accessory structure without knowing the use and design of the garage and where the utilities will be. Mr. Vella stated they will comply with all the ordinances for the garage so the design of it is not relevant. He added that it will be a garage and there is no use variance needed; there will be no livable space.

Mr. Vella submitted an aerial view of the site and neighboring properties so the Board could see the views that Mr. DeBlasio's property has.

Mr. Greig asked if the architecture of the garage would match the house. Ms. Fairhurst replied yes. Mr. Greig asked if the height would comply. Ms. Fairhurst replied yes. Mr. Greig asked if there would be any bathrooms or kitchens in the garage. Ms. Fairhurst replied no. Ms. Fairhurst stated the prior owner had submitted plans a year ago for a new house and garage with a pool house that was previously approved by the town but never done. She kept her proposed garage in that same footprint as that one.

John McWeeney, 88 Inlet Terrace, stated while the garage seems legal it is unfortunate that the neighbor will lose their view. It is wonderful that the property will be renovated. Doesn't understand why the plans can't be adjusted specifically when they don't know how the garage will even be used.

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2016

Gloria Yeranian, 135 Terrace Road, asked about the work being done to the bulkhead at this property. Mr. Vella stated it is being replaced because it is in disrepair. Ms. Fairhurst stated it is a three week project. Ms. Yeranian stated the Board should see what the garage is going to look like and what it will be used for before granting any approvals.

Board Comments:

Mr. Cupoli stated the design is tremendous. That piece of property is an eye sore is glad it's being redeveloped. He would like to see the garage removed from the plans and wait to see what it will look like.

Mr. Bianchi stated a garage by definition in the ordinance is for storage of motor vehicles only. Mr. Vella stated it will be a garage and nothing else.

Ms. Young asked if there was a garage on the site previously. Mr. Vella replied no. She felt that the Board can't hold up this application because of the garage. Mr. Bianchi explained if they come in with a permit for a garage and meet all of the requirements then there is no variance. Mr. Vella stated they will comply. Ms. Young stated the garage then is not in the Board's jurisdiction. She advised Ms. Fairhurst to think about her neighbors and maybe take their concerns into consideration and see if there is anything she would want to do about it.

Mr. Greig stated the garage is a legal structure and doesn't feel he has the right to say no to it. He stated he is looking at the two variances and thinks they are fine. While it is unfortunate that they may lose their view they cannot take that into consideration. HE would be in favor of the application.

Ms. Casserly stated she would be in favor of the application.

Mr. Hutchinson echoed Ms. Young's comments about the garage. Aside from that this is a good project and something that needs to be done.

Mr. Lisko stated it is a great design.

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

AYES: Mr. Hutchinson, Ms. Casserly, Mr. Greig, Mr. Lisko, Ms. Young and Mr. Cupoli

NAYS:

ABSTAIN:

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