

ZONING BOARD OF ADJUSTMENT
May 25, 2017

PRESENT: John Hutchinson, Michelle Casserly, Mark Fitzgerald, John Lisko, Robert Cupoli, and Ms. Young (arrived 7:50 p.m.)

ABSENT: Manny Fowler, Chuck Ross, and Phil Greig

ALSO PRESENT: Board Attorney Kevin Kennedy, Esq., 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 November 18, 2016 and by posting a copy of said notice at the Municipal Complex on the same date.

Workshop: None

Mr. Cupoli made a motion to waive the reading and approve the minutes of the April 27, 2017 meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Hutchinson

Ms. Casserly made a motion to waive the reading and approve the resolution granting approvals to Andrew Sindt, 409 15th Avenue, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Hutchinson

Mr. Fitzgerald made a motion to waive the reading and approve the resolution granting approvals to Michael & Debra Fradkin, 80 Inlet Terrace, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, and Mr. Cupoli

NAYS:

ABSTAIN: Mr. Hutchinson

Mr. Lisko announced the application of Michael and Lauren Radossich, 98 20th Avenue, is being carried to the July 27th meeting without any further noticing.

WALTER & BETTYANNE SUCHOWIECKI – 1102 E STREET

Appearing for this application was Mr. and Mrs. Suchowiecki and their architect Mary Hearn. Mr. Suchowiecki stated they have owned the property since 2005 and currently live there.

Ms. Hearn presented a photo board of the site and illustrated renderings of the architectural plans. Ms. Hearn stated the lot is very small. The proposal is to add 364 square feet of footprint to the existing home. The addition provides a one car attached garage, one bedroom, one bathroom, stairs to the second floor, two closets and improves the overall first floor layout. The existing home is only one story with a loft that is only accessible with a ladder, which is not a legal living space. The final size of the home would be 1439 square feet if the plan is approved. Two bedrooms will be added upstairs. One of which will be a master bedroom with a shared hallway bathroom.

Variances: Building coverage, majority of it is due to the garage and the stairs. Impervious coverage is existing 55.4 and will increase to 60.8%, side yard setback, and total side yard setback.

There are 8 pre-existing non-conformities: lot size, lot frontage, parking, front setback, rear setback, south side setback, total side setback, accessory structure side setback, distance between accessory structure and principal structure.

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There is room now to park along the side of the house in the front. Improving the on-site parking by one but still need a variance. The shed currently attaches to the back corner of the house, would like to move it away from the house to comply with 10 ft. setback from the house and 3 ft. setback from property line. The house is still smaller than other houses on the street. The proposal makes the home look like the other homes on the street.

Mr. Hutchinson asked what the lots on each side look like and how close they are to this house. Mr. Suchowiecki stated the one house has about 35 feet because it's their rear yard and there is a two-car garage between the two houses. The house to the north is about the same distance.

Ms. Casserly asked if there would be any relocation of utilities or drainage plan. Ms. Hearn stated there is no drainage plan now. The electric panel is in the living room; they could consider putting it underground but don't know if it's feasible and how much it costs.

Mr. Fitzgerald asked about the a/c unit. Ms. Hearn stated there is one existing that will remain but proposing a second one that will be compliant with setbacks.

Mr. Cupoli stated there are a lot of wires entangled there so he would like to see the service go underground. He asked if the outdoor shower will be connected properly. Mr. Suchowiecki stated they will make it comply.

Public: none

Board Comments: Mr. Hutchinson stated it seems like it's a reasonable request. Understands the small lot makes it hard.

Ms. Casserly stated she would be in favor of the extra square footage.

Mr. Fitzgerald stated he is in favor of the application.

Mr. Cupoli stated he is in favor of the application.

Mr. Lisko stated he is in favor of the application, it's a very challenging lot.

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

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

NAYS:

ABSTAIN:

At approximately 7:45 p.m. the Board to a brief recess. At approximately 7:54 p.m. the Board reconvened. Roll call was taken. Everyone were still present. Board member Young arrived to the meeting during the recess.

JAG PROPERTIES LLC – 1405 MAIN STREET

Appearing for this application was attorney Louis Felicetta and architect Mark Fessler.

Mr. Kennedy explained the applicant originally had planned to appear before the Planning Board however the Planning Board Attorney felt the application should appear before the Zoning Board for a potential floor area ratio variance.

Mr. Felicetta presented a package of colored photos as an exhibit. The application is for minor site plan approval for a restaurant use with take out, existing floor area ratio and some existing non-forming bulk variances. The structure is existing and has been since the 1970's. There will be no change to the structure. The only addition is outdoor seating area and signage.

Mr. Fessler stated the interior of the building will be gutted to allow for installation of a kitchen, counter area and handicap accessible bathroom. The public space inside is only 150 square feet. The land is only 1200 square feet and the building is 800 square feet, both of which are existing. The restaurant would sell cheesesteaks and like food. It would mostly be a walk-up business with some outdoor seating. The sidewalk in front of the building slopes slightly so they would like to

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build a 5-inch-high wood platform then on to a 5-inch-high step into the building. This would make it more accessible than it is now. Also, would like to build a 3-ft. fence around the roof to screen the mechanical equipment. This would allow them to have a sign on the front of the building and on the side of the building without affecting the existing mural on the building. The building exceeds the floor area ratio however it precedes the adoption of the far ordinance and is not changing. Also, need a parking variance, for zero parking spaces which is existing.

He added there is no landscaping plan because there is no place to put any. There is some existing landscaping in the rear of the building near the bilco doors. The only access to the rear is through an easement with Busy B Laundromat. They are attempting to make the building more handicap accessible but cannot make it wheelchair accessible because they would be building in the public right of way on the sidewalk.

Ms. Young asked how much sidewalk would be left for public use. Mr. Fessler stated 8 feet. Ms. Young asked if there would be tables on the boardwalk. Mr. Fessler replied yes. Ms. Young asked if the entrance could be made wheelchair accessible. Mr. Fessler stated yes but it would take up a lot of the sidewalk.

Mr. Cupoli stated he feels there are other things that could be done to make it more accessible. He asked if the boardwalk is permanent. Mr. Fessler stated it is removable. Mr. Cupoli asked if the windows are sliders for takeout. Mr. Felicetta stated yes there would be some take out windows.

Mr. Lisko asked about outdoor dining. Ms. Claudio explained the ordinance.

Mr. Fitzgerald agreed with Mr. Cupoli. He doesn't believe a platform for the outdoor dining area is something the board should grant because there are no others like it in town. Mr. Felicetta stated this Board has jurisdiction to grant the approvals they are seeking. Mr. Fitzgerald felt uncomfortable voting on this application for the outdoor dining and food window without knowing how the Planning Board feels about it. Mr. Kennedy stated this Board does have jurisdiction on this application. He further explained the Board has statutory approval to grant site plan approval and variances. Mr. Kennedy suggested a hold harmless agreement could be requested if there is a concern about the boardwalk.

Mr. Fitzgerald thought there was another application for a take-out window. Ms. Claudio stated the planning board had one last year and denied the variance for the window. Mr. Fitzgerald asked if they would consider a different variation of the front of the store. Mr. Fessler stated he could do a 4x4 platform by the front door just to allow a better step into the store. Mr. Fitzgerald stated an alternate step design could be created.

Ms. Casserly asked if they did the boardwalk could it be removed in the event of the storm. Mr. Fessler replied yes. She asked if they must use railings around the outdoor dining area. Mr. Fessler replied no but thought it would help with crowd control. Ms. Casserly asked for information on the take-out window. Mr. Fessler explained how it would work. Ms. Casserly was concerned about the affect it would have on the people passing by.

Mr. Hutchinson stated the idea of the boardwalk is common in most cities and other towns and has no issue with it. He did feel they could work out some ADA issues. He suggested running a ramp to the south in front of the Getty's planting area which is on the borough sidewalk. Mr. Fessler stated it could be done. Mr. Hutchinson thought a walk-up window at Jake's on Main would have been a cool idea but the Planning Board denied it. Thinks the window would add something interesting to the town.

Mr. Lisko was concerned about the logistics of having a ramp in front of someone else's property. Mr. Felicetta stated as a condition of approval they could do a hold harmless letter or obtain written approval from the council.

Ms. Young asked if they would be keeping the boardwalk and the proposed handicap ramp. Mr. Fessler stated that would be ideal.

After more discussion, Mr. Fessler clarified the new proposal would be to keep the boardwalk as proposed but it would be at 10 inches high with the addition of a ramp to the south of it, running in front of the planter area in front of Getty.

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Mr. Kennedy was concerned about significant changes being made without seeing it drawn out or reviewed by the zoning officer. He added the Board can vote tonight or ask to carry it.

Ms. Young stated she would be inclined to vote in favor if there are conditions.

Mr. Hutchinson felt the plan view doesn't change, just the elevation. He doesn't feel it's a substantial change, just adding a ramp.

Mr. Fitzgerald was concerned Getty might have an issue with the ramp. He would be willing to vote on this tonight but with a long list of conditions that would need to be validated.

It was discussed that they would just do a new 4x4 step into the building and if they choose to do a ramp or boardwalk area with a ramp in the future they would resubmit that to the board for approval. The board understood how it's challenging to make it wheelchair accessible.

Mr. Cupoli would like to see the take-out window removed.

Ms. Casserly stated she wasn't concerned about effect on the community given Boathouse is nearby with a large outdoor dining area.

Grant Golin, one of the owners, stated the hours of operation would be 11 am to 2 pm on Fridays and Saturdays and 11 am to 8 pm on other days. He added there would be a total of 10 employees and about 3-4 working at any one time. Nine seats proposed inside and twelve outside. No outdoor music or entertainment.

Public: none

Board comments:

Ms. Young stated she is inclined to vote yes. However, she did like the idea of the boardwalk with the ramp.

Mr. Cupoli stated he is good with everything except the take-out window.

Mr. Fitzgerald stated he appreciates their flexibility. Would like them to think about the ramp in the future. Inclined to vote yes but wanted validation from council or planning board that take-out window is acceptable.

Mr. Kennedy explained the board has full jurisdiction to vote on the entire application and was concerned about the outcome if the applicant has to get approval from planning board or council.

Mr. Felicetta was concerned about that as well and felt the Board should be able to vote on it based on their testimony.

Ms. Claudio added that Mr. Bianchi would defer to the Board to either grant or deny the take-out window since the ordinance is unclear on it.

Mr. Fitzgerald stated he would then be in favor of it. He added that there are some other businesses in town with the take-out window.

Ms. Casserly and Mr. Fitzgerald stated they would be in favor of the application given all the conditions and ability to work with the board.

Mr. Lisko stated it is a unique business opportunity and they need a unique solution to bring them to town. He is in favor of the application and wished them luck.

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

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

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