ZONING BOARD OF ADJUSTMENT

February 23, 2017

PRESENT: Mr. Hutchinson, Ms. Casserly, Mr. Fitzgerald, Mr. Lisko, Mr. Greig, Ms. Young, Mr. Ross and Mr. Fowler

ABSENT: Mr. Cupoli and Zoning Official Ted Bianchi

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 November 18, 2016 and by posting a copy of said notice at the Municipal Complex on the same date.

Ms. Claudio prepared the 2016 Year End Report. The Board reviewed it. Ms. Claudio will submit the report to the Mayor and Council. Ms. Young made a motion to adopt the report, which was seconded by Mr. Hutchinson and approved unanimously.

Ms. Casserly made a motion to waive the reading and approve the minutes of the January 26, 2017 meeting, which was seconded by Mr. Fowler and approved by the following vote:

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

Mr. Fowler made a motion to waive the reading and approve the resolution granting approvals to Christopher & Diana Cocchi, 202 10th Avenue, which was seconded by Mr. Greig and approved by the following vote:

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

JENNIFER & BART NICOLAY – 316 FOURTH AVENUE

Appearing for this application was architect Mary Hearn and the applicant, Mr. Nicolay. Mr. Kennedy pointed out that Mrs. Nicolay is a Council member for the Borough of Belmar and explained how the Municipal Land Use Law views applications like this and how to proceed while avoiding any potential conflicts. The Board members did not have any conflicts with the application.

Mr. Nicolay stated he has owned the property for fourteen years. It currently has a single-family home on the property. They would like to do a renovation on the home while putting on two expansions.

Ms. Hearn stated the house is very old and has had some additions and work done to it over the years that doesn't look very nice. The head space in all of the bedrooms is very low and the closets are cramped. The plan is to improve the bedrooms, add a master bedroom, add a laundry room on the first floor, and open up the living space on the first floor. Would like to remove the old addition on the back of the house and build a bigger new 2 ¹/₂ story addition. Also would like to lift the roof up and put in a half story over the existing second floor. The half story would give them another bedroom, a half bath and a loft area. The existing house is 9.6 inches too close to the west side property line, it's 4.2 feet where 5 feet is required. The addition would maintain the same side yard setback, which requires a variance. Building the addition in compliance with the side setback requirement did not make sense architecturally. They comply with building coverage, impervious coverage, and floor area ratio. The existing garage is in really bad shape and isn't in the budget to fix at this time but wanted to discuss their options. It currently violates the rear yard setback. Mr. Bianchi had advised them that if they remove more than 50% of the garage it becomes new construction and must comply with the setback. She would like to keep the 1.8 ft. setback and either rebuild or renovate the garage in the future. The garage currently is not large enough to hold a car but if rebuilt it would be 22x20. This would not change the building coverage.

February 23, 2017

Mr. Fowler asked if there would be a new foundation. Ms. Hearn stated there would be under the new addition only. Mr. Fowler asked about water runoff. Ms. Hearn stated there are gutters and leaders to drain the water onto the property and away from the neighbors. Mr. Fowler asked about the electric. Mr. Nicolay stated he would like to put the wires underground and will considerate it. Mr. Fowler asked about the location of the a/c condensers. Ms. Hearn stated they will be by the garage and will comply with the setback requirement.

Mr. Greig asked if they would consider working with the Borough engineer and possibly consider a drywell. Ms. Hearn stated they would comply with any recommendations of the engineer. Mr. Greig asked if the garage floor has to be replaced can they move it so it complies with the setback. Mr. Nicolay stated he would like to keep the setback as it is because they have optimal backyard space.

Ms. Young asked for clarification on the setbacks and size of the garage. Ms. Young asked if there is enough parking for five bedrooms. Ms. Hearn replied yes.

Mr. Fitzgerald asked how much more linear feet is being added to the house. Ms. Hearn stated 8 feet.

Ms. Casserly asked if the garage is rebuilt would it create a seventh parking space. Ms. Hearn replied yes.

Mr. Hutchinson asked if the existing foundation will be able to be reused. Ms. Hearn stated they have examined it and it is good.

Mr. Ross asked if the masonry chimney and bay window will remain at 2.2 inches. Ms. Hearn stated those will stay. He asked about the gutters on the garage. Ms. Hearn stated the gutters will lead away from the 1.8 ft setback and may even be placed underground.

Public: Gene Creamer, 318 4th Avenue, stated he has six exhibits to present. The documents included the notice to property owners, property tax card, a survey, and pictures of the site. He felt the side yard setback of 4.2 feet is incorrect. The property tax card shows the house was built in 1932 which answers the question of how old it is. He stated the survey is 15 years old and not accurate. He pointed out that the bumpout on the west side is 1.33 feet from the property line which is the true accurate side yard setback. He felt the bumpout was a terrible idea when built and is a terrible idea in 2017. It prohibits access in a side yard. He pointed out that if he sold his property the next owner could put up a 6 ft stockade fence along their bumpout or even he could. He felt it was not stated what the hardship or practical difficulty is and why they can't comply with the setback requirement. He questioned if it's really worthwhile to keep the existing foot print.

Ms. Hearn stated the existing foundation and footings have been inspected and they are confident it will be sufficient. The bay window is an architectural feature that is enjoyed greatly; it's what makes the dining room work. She agrees they wouldn't want to create something new like that but this house predates any ordinances. She would hate to see that go. Ms. Hearn was not aware if the bay window was permitted to protrude into the side yard setback or not. In regards to the discrepancy of the setback to the bay window Ms. Hearn stated she calculated 2.2 ft.

The Board clarified that the proposed 4.2 ft. setback is for the addition and that the area that is 1.33 feet or 2.2 feet to the bay window is existing and is not being made worse.

Mr. Creamer stated he feels it's a safety concern and should be taken into consideration. He also pointed out that anytime a building is built higher and close to a property line it has a negative

ZONING BOARD OF ADJUSTMENT

February 23, 2017

effect on the solar energy on his property. He did not prepare calculations to determine how much affect it would have on him.

Ms. Hearn felt there would be no more loss of sunlight on his property because there are already two existing large trees that are bigger than the house.

Mr. Kennedy explained the difference between a c-1 and a c-2 variance. A c-1 variance is due to hardship. A c-2 variance is another type of variance where one could argue a proposal is more practical and the benefits outweigh the detriments.

Ms. Young asked if they have jurisdiction to address an existing structure. Mr. Kennedy explained that they could ask that the existing structure comply but is not aware of anything that gives the Board jurisdiction to require it.

Board Comments:

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

Mr. Greig felt the issue of a safety and a fire fighter getting through on the side wasn't an issue in 1932 when it was built but became a possible issue when the fence was put up. Regardless, that is not changing and he would be in favor of the application.

Ms. Young stated she is in favor of the application.

Mr. Fitzgerald appreciated Mr. Creamer's comments and his knowledge on the rules. He stated he is in favor of the application.

Ms. Casserly, Mr. Hutchinson and Mr. Ross stated they are in favor of the application.

Mr. Lisko stated he appreciates Ms. Hearn's work on the plans and explanation of the use of the bumpout. He appreciated the comments from the public. He advised the applicant to be careful of any time limits when it concerns the work on the garage. He added he would be in favor of the application.

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

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

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