

ZONING BOARD OF ADJUSTMENT

NOVEMBER 16, 2017

PRESENT: John Hutchinson, Philip Greig, Mark Fitzgerald, Jonathan Lisko, Judy Young, Robert Cupoli, Charles Ross, and Manny Fowler

ABSENT: Michelle Casserly

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

Workshop Discussion: None

Mr. Greig made a motion to waive the reading and approve the minutes of the October 26, 2017 meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Lisko, and Ms. Young

NAYS: Mr. Hutchinson, Mr. Fowler and Mr. Cupoli

Mr. Greig made a motion to waive the reading and approve the resolution granting approvals to Toni Dahrouge, 109 Eighth Avenue, which was seconded by Ms. Young and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Lisko, and Ms. Young

NAYS: Mr. Hutchinson, Mr. Fowler and Mr. Cupoli

DONATO APICELLA – 307 11TH AVENUE

Appearing for this application was attorney Steven Polinsky, engineer Ray Carpenter and property owner Mr. Apicella. The application is for a shared driveway between two properties, 307 and 309 11th Avenue. Both properties have multifamily dwellings. Both properties require three parking spaces. The proposal would allow for two parking spaces. However, they can amend the application to conform and have three parking spaces for each side by extending the driveway an additional 20 feet.

Mr. Bianchi pointed out that a parking spot is 9 x 20 which changes their application.

Mr. Carpenter explained the existing structures sit to the rear of the property leaving the front yards wide open. There currently is no onsite parking for either property. Having no parking is extremely hard in the summer time. Adding onsite parking will help the property and the neighborhood. The application requires a use variance because they are technically expanding the non-conforming use even though they are adding conforming parking. The impervious coverage would be 66% which also requires a variance. There are also some other existing non-conformities that are not being affected by this application. Mr. Carpenter submitted a photo of the existing site. Also seeking approval for a shared driveway apron. Drainage could be installed

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if the Board felt it was necessary. Mr. Polinsky pointed out there is no increase in the density of the property nor the units.

Mr. Lisko asked if the impervious coverage was calculated using the 9x20 parking space. Mr. Carpenter stated the coverage would be 66% for three parking spaces at 9x20. The existing coverage is 56%.

Mr. Carpenter stated the proposed location of the driveways is in the center of the two properties, which was done to not affect the neighbors on each side.

Mr. Apicella stated he has owned the properties since April 2016. Both properties have a two-family home. He occupies one of the units at 307 11th as a second home, the other units are rented on a yearly basis. He has been renovating the properties inside and out. There is no garage or driveway on the properties.

Mr. Polinsky stated their application satisfies the requirements under a "D" variance by not creating a detrimental harm to the neighborhood or zoning ordinance. They took into consideration the neighbors and put the driveways in the center rather than one on each side of the property.

Mr. Fowler asked what material would be used for the driveway. Mr. Carpenter stated it will be pavers, asphalt or concrete, not sure. Mr. Fowler asked if they considered other locations for the driveway. Mr. Carpenter stated they originally planned a driveway on each property but that would impact two street parking spaces.

Mr. Cupoli suggested if they used the proper pavers they could get a 50% credit towards the impervious coverage. Mr. Apicella stated he would agree to pervious pavers.

Mr. Bianchi stated the properties are required to have a total of 9 parking spaces and a curb cut is required to be 12 feet which is variance. Mr. Carpenter stated they are requesting 10 feet because of a tree they don't want to remove. Mr. Bianchi added a variance is needed for parking in a front yard.

Ms. Young asked how this affects the neighbors. Mr. Carpenter stated there is one parking space being removed from the street but there are five cars that used to park on the street that would now park in the driveway.

Mr. Fitzgerald was concerned about the tree they don't want to remove. He asked if they were aware of the ordinance regarding parking in a front yard. Mr. Carpenter stated he is aware of it however they have a hardship because the houses are setback at the rear of the properties. Mr. Carpenter added that he could park 8 cars head on along the front of both structures to keep them setback further but that would increase the impervious coverage. Mr. Fitzgerald asked for clarification on the number of parking spaces. Mr. Polinsky stated their proposal was a total of four spaces but offered to do six. Mr. Fitzgerald asked why they would add two more. Mr.

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Polinsky stated he felt it would be a benefit to the property and the neighborhood because it would be six cars not parking on the street.

It was clarified that the variances are for: expansion of a non-conforming use, parking in the front yard, and number of parking spaces.

Mr. Greig asked how paving the front yard is not detrimental. Mr. Carpenter stated parking on the street is hard. The more cars that can be taken off the street, the more better it is for everyone in general.

Mr. Hutchinson asked if they met with any of the neighbors to find out their concerns and how they feel about this. Mr. Polinsky stated the only complaint he was aware of was when their application was originally submitted before he got involved, the driveways were on the side of each property and a neighbor was concerned about it being close to their house, hence they moved the driveways to the center. Mr. Hutchinson felt it looks like a parking lot in a residential neighborhood.

Mr. Ross asked Mr. Apicella if he reviewed the history of the property before purchasing it. Mr. Apicella stated he feels he is trying to do the right thing with the property.

Mr. Lisko questioned the hardship. Mr. Carpenter repeated his opinion on the application.

Public:

Rosemarie Pappa, 303 11th Avenue, stated she strongly objects to the proposal. Feels it will transform the property into a parking lot and will affect the look of the neighborhood. Nobody else has parking in the front yard. Tenants don't adhere to existing parking laws so what is to stop them from not doing worse with the new plan. She asked they guarantee the tree not be destroyed.

Mr. Polinsky asked Ms. Pappa if she has a garage and driveway. She stated she did and has four parking spaces but it's on the side of the house not the front.

Gail Budlow, 305 11th Avenue, stated she is opposed to the plan because of quality of life issues. Their bedroom is on the first floor right near his front lawn. Any change to the property would affect them. Tenants have parked on the lawn before which has been a problem. Doesn't trust that Mr. Apicella or the tenants will park in the driveway appropriately and will park on the lawn. Feels it would be a disturbance to the neighborhood.

Leonard Klein, 306 11th Avenue, stated there has never been a driveway on these properties in the 64 years he has lived here. Concerned the tree may be a safety issue when backing out of the driveway. Also concerned there is no walkway for people to walk up from the sidewalk if cars are parked in the driveway. Feels the plan doesn't make sense for the neighborhood.

Kathleen Kortulis, 304 11th Avenue, submitted pictures of the properties showing cars parked on the lawn. Stated she hopes the Board votes no. Felt Mr. Apicella knew there was no driveway

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when he purchased the properties. Also concerned about the tree. Doesn't think Belmar wants cars sitting on a front lawn. Feels it would be out of character.

John Kortulis, 304 11th Avenue, stated he is against the proposal.

Tom Brennan, 404 11th Avenue, stated he is very familiar with the neighborhood. He used to live on a property with a shared driveway and it was very inconvenient. Concerned about increasing impervious coverage and runoff. He felt there are only 10 weekends out of a year where parking is an issue. Doesn't see where it warrants granting a variance. Mr. Kennedy felt it was appropriate to disclose that Mr. Brennan is a Councilman however he has the right to present his position on a case without his position being treated any better or worse than someone else's comments. The Board understood.

Joseph Schaiman, 300 11th Avenue, agreed with all his neighbors. Felt it's not going to look good.

Regina Walsh, 1101 B Street, agreed with the neighbors.

At 8:45 pm the Board took a brief recess. The Board reconvened at 8:55 p.m. Roll Call was taken. All Board members were still present.

Mr. Polinsky stated they are seeking a "d" variance not a hardship variance. Their proposal is to attempt to reduce the non-conforming use. They cannot supply all the required spaces but are trying to make it more conforming. He offered an alternative where there would be no parking in the front yard setback but that would only then allow two parking spaces for each. He mentioned the public stated they all do the "Belmar Shuffle" with their cars, which he feels is proof that there is not enough off-street parking. They are trying to reduce a preexisting non-conformity and trying to address an issue that is a problem. They are not trying to create a parking lot, just two side by side driveways. Feels under the testimony the Board can approve the application for a "d" variance.

Board Comments:

Mr. Fowler stated there are a lot of people here who are unison in the fact they don't want it. There was testimony that the owner didn't meet with the neighbors to discuss the plans. Must consider the future of the property. Based on the testimony he would not be in favor of the application.

Mr. Cupoli stated he appreciates the neediness of the application but also appreciates all the neighbors coming out. He would also be opposed to the application.

Ms. Young felt it goes both ways and that the neighbors could have talked to the applicant as well. Would like them to figure out how to get along and is not in favor of the application.

Mr. Fitzgerald stated he appreciates the neighbors coming to speak and feels they have spoken loud and clear.

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Mr. Greig stated he does appreciate the neighbors coming out, understands the need for additional parking but at what price. Appearance means a lot. Felt if there was a better plan with maybe more landscaping, maybe he would think different. He is not in favor of the application.

Mr. Hutchinson stated looking at the benefits and detriments feels the detriments outweigh the benefits.

Mr. Lisko stated he is also not in favor of the application. Appreciates trying to comply with the parking variance but they are creating more variances. Didn't hear anyone from the neighborhood in favor of the application. He advised the applicant they could revise the plans and come back or the Board could vote tonight. Mr. Polinsky conferred with his client and they decided to proceed with the vote.

Mr. Kennedy gave a summary of the application, the pros and cons discussed, the variances discussed, and the criteria for granting a "d" variance.

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

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

NAYS:

No motion was made to approve the application. Application was denied.

Mr. Ross left the meeting.

HOWARD & NORMA EDELMAN – 201 12TH AVENUE

Appearing for this application was attorney William Shippers, engineer/planner Joseph Lalka, builder Anthony Zarilli, and Mr. and Mrs. Edelman.

Mr. Lisko stated his company hires DW Smith Associates. Mr. Kennedy felt Mr. Lisko should possibly abstain. Mr. Shippers felt he would waive any conflict so that Mr. Lisko could remain on the Board and a full Board would be present. He added that Mr. DeFalco was the original engineer on the property but could not attend the meeting so Mr. Lalka is filling in. Mr. Kennedy was comfortable with proceeding.

Mr. Edelman stated he has attended six meetings of the Board and has learned a lot about how the Board operates. Him and his wife have been married for 57 years and own the property together. The home is 115 years old and has been owned by his family for last 65 years. Has lived here for the last 17 years. Spends five months here and seven months in Hawaii. Belmar has always had a warm place in his heart. He would like the Board to allow him to build a new home because the existing home is deteriorating. His children and grandchildren love to come visit Belmar and stay with them. The existing home is only 1300 square feet and the rooms are

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very small. The current home has five bedrooms with one and a half bathrooms. The new home would have five bedrooms with five bathrooms.

Mr. Lalka stated the applicant is proposing a two and a half story single family home consistent with the neighborhood. The property has an existing driveway on A Street but is not a conforming parking spot. A lot of the variances being requested are due to the lot being undersized and a corner lot. The lot is only 2,525 square feet where 6,000 square feet is required. He submitted a new exhibit showing the property sizes and setbacks of neighboring properties to obtain the average front yard setback. He explained all the existing and proposed setbacks and how they align with neighboring houses. Variances: lot size, lot frontage, building coverage, impervious coverage, floor area ratio, parking, front yard setback on both streets, front yard setback for porches on both streets, and rear yard setback. Three parking spots would be required, proposing two. Mr. Shipers stated the second spot might need a variance for being partially in the front yard by 7 feet.

Mr. Lalka and Mr. Shipers prepared a colored rendition of the 200-ft. map showing animal houses listed in orange. Mr. Lalka stated they are willing to make a huge investment in their future in Belmar and Belmar's future in an area with a lot of animal houses. The proposed house is consistent with other houses being built in town. Mr. Lalka stated the house would comply with the floor area ratio if the property had a conforming lot size. Same for building and impervious coverage. If complied with these, they would have a doll type house among larger homes on normal size lots. The new home would alleviate any water drainage problems that previously exist. All water is going towards the streets. Could use pervious pavers, drywells or perforated pipes if the Board felt it was necessary. Would like to put electric, phone and cable underground if allowed by the utility companies.

Mr. Lalka felt the proposal fits within the neighborhood, does not increase the density of the zone, promotes a desirable visual area and promotes residential development which is all listed in the master plan. He submitted three packages of photos into the record.

Mr. Zarilli explained the floor plan of the proposed home. The home will have an elevator and be energy star compliant. The exterior will have cedar impression siding.

Mr. Bianchi questioned whether the half story is an actual half story or a full third floor. He felt it does not comply with the definition of a half story which is another variance. Mr. Shipers stated it's about a 5x18 ft. portion of the front room that violates the ordinance.

Mr. Hutchinson stated we appreciate their willingness to invest in Belmar. He asked if the garage and driveway comply. Mr. Bianchi stated it does. Mr. Hutchinson stated they said this house would be great on a 6000-square ft. lot but they don't have a full-size lot. The existing house looks squeezed in. Would have less of an issue if they didn't exacerbate what was already there. Asked if they tried to design a house that wouldn't exacerbate what already isn't non-conforming. Felt that would have been a good starting point.

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Mr. Shippers stated rebuilding the existing house wouldn't satisfy them. Mr. Hutchinson stated they could add an additional story though. Mr. Shippers stated the foot print isn't much different except where they built over porches and moved the house to the east to allow for more parking.

Mr. Greig asked where they will put a BBQ since there is no backyard. Mrs. Edelman stated there is just enough room. Mr. Greig asked about the a/c condenser. Mr. Zarilli stated it will be on the roof and enclosed with railings. Mr. Greig asked if functioning drywells could be installed. Mr. Lalka replied yes. Mr. Greig would like a condition that they install drywells consistent with what the town engineer feels is appropriate.

Mr. Fitzgerald felt the cantilever over the first floor feels choppy and isn't ideal. Struggling with the design. Mr. and Mrs. Edelman looked at other designs and felt this worked and looked the best.

Ms. Young stated she is concerned about the number of variances and is interested in hearing what the public must say.

Mr. Cupoli asked if there would be gas and a stove on the third floor. Mr. Zarilli replied no.

Mr. Lisko stated the whole front façade of the house isn't serving the community as designed. Asked if there is anything that can be done to fit within the half story definition. Also asked how we can get a less aggressive design on such a small lot.

Public:

Joan Corallo, 1201 A Street, stated she has lived next-door for 45 years and they are very good neighbors. Her issue is drainage and could not hear the engineer's testimony on it. She submitted some photos of the alley between their houses that show her concern about water. The house will be big but is an improvement to the neighborhood.

James Perger, 203 12th Avenue, glad they want to spend their hard-earned money to stay in Belmar and not have someone new coming into town. The house will be big but we want big homes not little bungalows. Asked the Board to approve the plan.

Nancy Morrissey, 1906 A Street, has known the Edelman family for the last ten years, they are a wonderful family. Has been in the house and it is tiny. Their intent is to make the home comfortable for their family and thinks they have done a good job doing that.

Holly Deitz, 1907 Surf Avenue, supports the proposal. One of the reasons she came to Belmar is because of the family bond. Thinks they have worked hard to incorporate what they could on a small lot while supporting their family. Hopes the Board will approve.

Board Comments:

Mr. Hutchinson stated the house is very nice but doesn't think it's the right house for the size of the lot. Would be open to hearing some discussions on the size of the third floor. But if not, he probably would not vote in favor.

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Mr. Greig stated it is an aggressive house. Concerned about the third floor. But it is an improvement to the corner and would probably vote in favor.

Mr. Fitzgerald stated when he built his house the neighbors thought it was large but now that more have built his house is the smallest on his block. He is inclined to vote yes on the variances but is not a fan of the design. Feels it could be more aesthetically palatable.

Ms. Young stated seeing there is nothing but support from the public she would vote yes.

Mr. Cupoli stated he wished the house could be shrunk a little. It is a beautiful design but it's a lot of house on a little lot.

Mr. Fowler stated he wrestles with the size of the house as well but it is appealing that they want to make such a big investment in town. He stated he would probably vote in favor but agrees it is oversized.

Mr. Lisko stated he is not in favor of the application feels it is too much for the size of the lot.

At 10:57 p.m. Mr. Shipers asked for a recess so he could confer with his client. At 11:11 p.m. the Board reconvened, roll call was taken, all were still present.

Mr. Shipers stated in the spirit of working together and having a goal of getting a unanimous yes, while they love this home, they are understanding of recommendations of their professionals.

Mr. Lalka asked for more specifics on what the objections are to the cantilevers on the second floor.

Mr. Greig stated he felt the house is too big. So, he would want to see some reduction, not sure how much of a reduction, but something. Also, would like to see a true half story and not a third floor. Maybe lose a bathroom or two.

Ms. Young asked about the height. Mr. Zarilli stated they are lower than the 35 feet.

Mr. Lisko stated the cantilevering is a concern but he isn't going to design the house. His issue is the third floor. Suggested maybe not making the house so bulky, possibly add some design elements to break it up.

Mr. Shipers stated he would like to carry to the January 25th meeting. However, Mr. Edelman asked to speak. He stated they've been working on this since April. His children were involved with the process because they will be purchasing the house eventually. Understands what the Board is saying about it being too big for the lot but it's the house they've had for 65 years. They could chop it down and make it smaller but will lose a beautiful house. They worked with the neighbor to address her concerns and the drainage issues. Have talked to all their neighbors and

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none of them had any concerns about the size of the house. Doesn't want to spend more time chopping it into pieces and coming back again in hopes of getting it approved.

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

AYES: Mr. Greig, Mr. Fitzgerald and Ms. Young

NAYS: Mr. Hutchinson, Mr. Lisko, Mr. Cupoli and Mr. Fowler

The application was denied.

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