

ZONING BOARD OF ADJUSTMENT

FEBRUARY 22, 2018

PRESENT: John Hutchinson, Michelle Casserly, Mark Fitzgerald, Charles Ross, Phil Greig, John Lisko, and Bob Cupoli

ABSENT: Ms. Young and Mr. Fowler

ALSO, PRESENT: Board Attorney Kevin E. 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 December 18, 2017 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kennedy administered the Oath of Office to Ms. Casserly and Mr. Fitzgerald.

Workshop Discussion:

2017 Year End Report

Mr. Fitzgerald would like the area of the driveway in front of the house to be counted towards parking. Mr. Hutchinson agreed.

Mr. Lisko would like an answer from the mayor and council on the garage use. Mr. Hutchinson agreed.

Mr. Lisko would like to give the mayor and council specific examples on issues that have come up. Mr. Fitzgerald and Ms. Casserly agreed that would be helpful.

Ms. Claudio explained the Mayor and Council would task the Planning Board with reviewing any ordinances to see if and how they should be amended if they choose to do so. Ms. Claudio will wait to receive suggestions from the Board and prepare a revised report to be discussed at the March meeting.

Mr. Lisko announced the application of 111 10th Avenue has been postponed to 3/22.

Mr. Greig made a motion to waive the reading and approve the minutes of the January 25, 2018 meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Lisko, Mr. Cupoli, Mr. Ross and Mr. Greig

NAYS:

ABSTAIN: Ms. Casserly and Mr. Fitzgerald

Mr. Greig made a motion to waive the reading and approve the resolution of Dennis and Yvonne Sweet, 1304 A Street, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Hutchinson, Mr. Lisko, Mr. Cupoli, Mr. Ross and Mr. Greig

NAYS:

ABSTAIN: Ms. Casserly and Mr. Fitzgerald

Mr. Cupoli made a motion to confirm authorization of a special meeting to be held on February 28, 2018, which was seconded by Mr. Greig and approved unanimously.

MARK AUMACK & ANTOINETTE RAUCCI – 309 THIRD AVENUE

Mr. Aumack stated they have owned the property since 2016. The property has a front and a rear house. The front house is their full-time residence. The rear structure is uninhabitable and used for storage. The proposal is to build an inground pool on the right side of the rear yard. The only variance is for expansion of a non-conforming use.

Mr. Cupoli asked about the use of the rear house. Mr. Aumack stated he doesn't know what he will use it for down the road but it currently only has electric and no other utilities.

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Mr. Greig asked if they would give up renting it. Mr. Aumack replied no. Ms. Claudio asked if it has heat. Mr. Aumack replied no. Ms. Claudio explained if they were to fix it up to make it habitable they would only be able to use it as a summer rental. If they were to add heat they would have to come back before the Board. Mr. Aumack stated he imagines sometime before he owned it, it may have been rented. He added the walls are caving in and it is not in any condition to rent. He would like to build the pool and then decide what he would like to do with rear house.

Mr. Fitzgerald asked what the owner could do on the rear structure that would trigger either just permits or coming back to the Board for a variance. Ms. Claudio explained what could be done with just permits and what would trigger a variance. Mr. Fitzgerald would like a condition that if they decide to make the rear structure a rental that they come back before the Board so the neighbors could have input. He was concerned the rental use has been abandoned.

Mr. Hutchinson just wanted the applicant to make sure they comply with the fencing requirements.

Public:

Bart Nicolay, 316 4th Avenue, he is a neighbor to the rear. They are great people and have become great friends. Understands the Board's concerns about the two family. He has no issue with it and no concerns about them ever renting it.

Board Comments:

Mr. Kennedy stated the rear house may or may not be considered abandoned but that is not part of tonight's application and that would be an issue for the applicant to discuss with their attorney. Regarding the condition Mr. Fitzgerald suggested, it is tough to add a condition on something that may not be required. However, since the applicants have agreed to it the Board could memorialize it.

Mr. Lisko didn't feel comfortable putting a condition on a property that could go above and beyond what the ordinance allows. Ms. Casserly agreed, especially since the applicants don't have their attorney present. Mr. Hutchinson agreed.

Mr. Kennedy explained if there is no condition the applicants would make an application to the Zoning Officer and he would determine if it could be approved or he would tell them they need a variance and why.

Mr. Fitzgerald stated since the neighbor that would be affected by this has no concerns he would be willing to give on the condition. Also understanding that if they add heat it would trigger a variance so the neighbors would have a chance to speak then.

Mr. Ross, Mr. Cupoli and Mr. Greig agreed no condition is needed.

Mr. Greig asked about the rear house being a pool house. Mr. Aumack stated he has thought about it. Ms. Claudio and Mr. Kennedy explained there have been applications before the board to convert rear houses into pool houses or guest houses that are not rentals and have deed restrictions.

Mr. Aumack stated he will not give up the ability to rent but will submit plans to do something with the rear house in the future.

Mr. Hutchinson felt the application is for a pool and we've spent a lot of time talking about a rear house which doesn't seem necessary.

Mr. Fitzgerald felt this is a variance for a non-conforming use which allows the Board to review the use of the entire property.

Mr. Ross stated this is a small request and the lot is plenty big for a pool. They have done great work on renovating the front house.

Mr. Cupoli noticed they put a lot of money in the property and thinks the pool will look great.

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Mr. Greig stated his concerns are over and he is in favor of the pool.

Mr. Fitzgerald apologized if it felt like he was badgering them but stated he is in favor of the application.

Ms. Casserly stated she appreciates their investment in the town.

Mr. Hutchinson and Mr. Lisko stated they are in favor of the application.

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

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

NAYS:

BLANE CORDES – 1404 C STREET

Mr. Lisko lives within 200 ft. and therefore stepped down and left the meeting.

Appearing for this application was Mr. Cordes and his contractor James Alburtus. Mr. Cordes stated he purchased the property in February of this year. He will be living there starting in April. The property currently has a brand new modular home. House is great but needs space for storage for his grandkids toys. The house has a great basement but only has one entrance through the kitchen. Would like to add a second access to it by adding a bilco door which requires a variance because it's in the front yard. The property is a corner lot and therefore has two front yards.

Mr. Alburtus stated they would also like to add a patio. This increases the impervious coverage from 38.4% to 48.8%. It does not require a variance, however when the property was subdivided as approved by the Planning Board the impervious coverage proposed was 38.4%.

Ms. Casserly asked what kind of pavers would be used. Mr. Cordes stated he is open to using pervious pavers.

Mr. Fitzgerald asked why not just do a door with steps down rather than a bilco door. Mr. Cordes felt that would be ugly.

Mr. Greig asked if the property is in a flood zone. Mr. Alburtus replied no.

Mr. Cupoli asked if it was considered to put the bilco door in the back near the driveway. Mr. Alburtus stated it wouldn't affect the setback but it would affect the parking.

Mr. Ross pointed out the impervious coverage would be reduced if they use pervious pavers.

Public: None

Board Comments:

Ms. Casserly is in favor of the application. Mr. Fitzgerald agreed. Mr. Greig stated he has no problem with it. Mr. Cupoli, Mr. Ross and Mr. Hutchinson agreed.

Mr. Cordes clarified they will have a white vinyl fence around the property and lots of flowers and shrubs on both sides of the fence to soften the look.

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

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

NAYS:

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