

**ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2015**

Present: Messrs. Hutchinson, Fitzgerald, Lisko, Cupoli, Fowler, Ross, Greig; and Ms. Casserly and Ms. Young

Absent:

Also Present: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, Building Subcode Official Robert Torrance, 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 22, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kennedy administered the oath of office to Board Members: Michelle Casserly, Phil Greig, and Chuck Ross

Mr. Fowler made a motion to nominate Jonathan Lisko as Chairman of the Zoning Board, which was seconded by Mr. Fitzgerald and approved unanimously.

Mr. Fowler made a motion to nominate Mark Fitzgerald as Vice Chairman of the Zoning Board, which was seconded by Mr. Lisko and approved unanimously other than Mr. Fitzgerald abstaining from the vote.

Ms. Young made a motion to waive the reading and approve the minutes of the December 18, 2014 regular meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

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

NAYS:

ABSTAIN: Ms. Casserly, Mr. Cupoli and Mr. Fowler

Ms. Young made a motion to waive the reading and approve the resolution appointing Kevin Kennedy as Board Attorney, which was seconded by Mr. Fowler and approved by the following vote:

AYES: Messrs. Hutchinson, Fitzgerald, Lisko, Cupoli, Fowler, Ross, Greig; and Ms. Casserly and Ms. Young

NAYS:

ABSTAIN:

Mr. Fowler said a few nice words about Mr. Kennedy and thanked him for his many years of service to the Board and for continuing to be the Board Attorney.

Mr. Cupoli made a motion to waive the reading and approve the resolution appointing April Claudio as Board Secretary, which was seconded by Mr. Hutchinson and approved by the following vote:

**ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2015**

Messrs. Hutchinson, Fitzgerald, Lisko, Cupoli, Fowler, Ross, Greig; and Ms. Casserly and Ms. Young

Mr. Fowler said a few nice words about Ms. Claudio and thanked her for the many years of being Board Secretary.

Ms. Young made a motion to waive the reading and approve the resolution denying the application of Christine Keating, 112-114 North Boulevard, which was seconded by Mr. Fitzgerald and approved by the following vote:

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

NAYS:

ABSTAIN: Ms. Casserly, Mr. Cupoli and Mr. Fowler

VICTOR & TAMMY SOLURI – 1209 MAPLEWOOD ROAD

Mr. Kennedy explained the applicants were here at a previous meeting and there were some concerns about flood plain issues. The resolution stated the applicants needed to meet with the flood plain administrator and construction department to discuss those issues. The applicants met with the appropriate officials and there were three flood plain issues that needed to be resolved and they were able to resolve two of them. The Borough has a flood regulation ordinance that allows for property owners to seek a variance from the Borough's flood regulations from the Zoning Board.

Mr. Ross stated he lives within 200 feet of this application, and although he won't be voting because he's an alternate member, he wanted to put that on the record and note that he will not be participating in the discussion of this application.

Mr. Soluri explained he spoke to Mr. Torrance a few hours before this meeting and is not sure he will be able to answer some of the questions that may be asked. He explained he is here for a variance from the requirement to fill the crawl space to grade. He feels it makes the crawl space unusable and is concerned about the pipes under the house that would need to be moved.

Mr. Fowler asked who is making this requirement. Mr. Kennedy suggested Mr. Torrance explain how this came about.

Mr. Torrance explained the Borough's flood damage prevention ordinance, which is approved by FEMA and is a requirement to have in order for residents to get flood insurance. He explained the Borough recently joined the Community Rating System which is a point system that gives the Borough's residents flood insurance at a discounted rate based on the amount of points the Borough receives. He explained that when property owners do substantial improvements to their home and are in a flood zone they are required to comply with these flood regulations.

Mr. Kennedy asked what the impact would be if a variance is granted. Mr. Torrance stated FEMA reviews all of the new houses and substantially improved houses on an annual basis to make sure they are in compliance with the flood regulations which affects the Borough's point system.

**ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2015**

Mr. Soluri stated there needs to be a fine line or waiver from this. He added he can't fill the crawl space because his neighbor won't let him use their property during construction and for the reason stated earlier.

Mrs. Soluri stated her property wasn't always in a flood zone. Mr. Torrance stated that is correct. He stated FEMA introduced new maps in 2013 which put their property in a flood zone. He added that the Borough has adopted the map for development purposes however the Soluris will not be required to get flood insurance until FEMA officially adopts the new map which won't be until the end of this year or early next year.

Mr. Torrance explained how much a flood insurance policy would cost the Soluris if they complied with the regulations versus not complying. The difference is thousands of dollars.

Mr. Soluri asked if there is any way to get around this hitch.

Mr. Hutchinson suggested they meet with their architect to determine if there is any way they can comply.

Mr. Kennedy offered to have a resolution prepared for next month if the applicant chose to carry the application so there is no loss of time in the event the Board would approve the application.

Mr. Bianchi stated this isn't the first house that has had to fill in their crawl space and won't be the last.

Mr. Lisko asked if the town has vested interest in this. Mr. Torrance stated a lot of hours were put in to get the town a good rating so reduced flood insurance could be offered.

Mr. Soluri stated he would like to postpone the application. Mr. Kennedy explained he would not have to re-notice.

Mr. Fitzgerald suggested the Board provide comments before Mr. Soluri makes any decisions.

Mr. Fowler stated he understands the hardship they would go through and understands the position of the town. He asked if construction is under 50% would they have to go through this. Mr. Torrance stated that if the cost of construction was less than 50% they would not have to comply with flood regulations however FEMA has stated that by adding a second floor its automatically a substantial damage and has to comply with the regulations.

Mr. Cupoli stated everyone wants to help but also have to consider everyone else in Belmar.

Ms. Young suggested Mr. Soluri talk to his experts to see if there is a solution.

Ms. Casserly stated she understands what they are going through and suggested they meet with their professionals to determine if there are other options and get more information.

**ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2015**

Mr. Fitzgerald stated he would like to see them be able to move forward with their project based on the previous variances granted.

Mr. Hutchinson stated he thinks they should confer with their architect and get more information.

Mr. Greig stated he would like to hear more information before making a decision, however he is not inclined to vote in favor of something that would affect the entire town based on what he is hearing tonight.

Mr. Lisko suggested they consult their professionals and see if there are other solutions.

Mr. Soluri would like to carry his application to the February 26th meeting.

Mr. Torrance offered to meet with the applicants and their architect and an insurance expert if they so choose.

At approximately 8:46 p.m. the Board took a recess. The board reconvened at 8:57 pm. Roll call was taken, all members were present. Mr. Torrance left the meeting.

DONALD & GLENN BRAND – 900 D STREET

Donald Brand stated there is a two ½ story single family home that faces Ninth Avenue on the property that is occupied as a single family by himself. There is another one story dwelling behind this that uses an address of 900 D Street and another two story garage apartment known as 900A D Street. The structure known as 900 D Street is rented. The garage apartment is not currently occupied but has been used by tenants and family in the past.

Glenn Brand stated they would like to do some interior renovations to just the garage apartment. During hurricane sandy the roof came off and there was water damage inside. Would like to do some interior renovations to bring it back so it can be used.

Donald Brand stated he would like to have it upgraded right and to code and structurally safe.

Glenn Brand stated it would stay a two bedroom one bathroom apartment. The renovation would just reconfigure the bedrooms in a different location nothing else would change too much.

Mr. Hutchinson asked when the roof was replaced. Glenn Brand stated it was repaired after Hurricane Sandy.

Mr. Fitzgerald asked what the intended use is of the garage apartment. Donald Brand stated it would be a year round rental unless one of his grandchildren want to live in it. Mr. Fitzgerald stated the property looks very well maintained.

Mr. Cupoli stated he noticed the electrical utilities are secured from the pole to this structure and suggested they speak to an electrician about it. Glenn Brand stated JCP&L did that and was unsure if they can dictate to them how they run their wires but will speak to them about it. Mr. Cupoli asked if the shower in the storage area of the garage is connected to the sewer. Donald Brand replied yes.

**ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2015**

Mr. Fowler asked when construction would start if the application is approved. Glenn Brand stated as soon as possible.

Public: none

Mr. Hutchinson., Mr. Fitzgerald, Ms. Casserly and Ms. Young stated they are in favor of the application. Mr. Cupoli stated he too is in favor of the application but would like to look into the electric issue. Mr. Bianchi stated the electrical inspector would look at that issue after permits are issued. Mr. Fowler stated he is in favor of the application. Mr. Greig, Mr. Ross and Mr. Lisko agreed.

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

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

NAYS:

ABSTAIN:

MARK PRESTO – 110 13TH AVENUE

Mr. Kennedy explained he spoke to the applicant's attorney Greg Vella who is not here tonight. Mr. Vella had explained to him that First Equity and Mark Presto were co-applicants, however Mark Presto is the contract purchaser and would like to amend the application so he is the sole applicant.

John Child, Manager of First Equity (current owner), Mark Presto, contract purchaser, and Michael Moss, architect were present for this application.

Mr. Child stated there are two structures on the property now. The front structure was occupied by three families and the rear structure was occupied by one family. Both structures are not currently occupied. The proposal is to demolish both structures and build a single family home. Mr. Child and Mr. Presto agreed that the nonconforming multi-family use would be abandoned if their application is approved.

Mr. Child submitted an enlarged zoning chart because the one on the plans was small. He would like to demolish the structures and build a new house that Mr. Presto would buy. They need two variances: building coverage and half story definition. Building and Impervious coverage will be reduced compared to what exists. He added that they don't comply with the definition of a half story but will have his architect discuss that.

Mr. Moss explained the existing site conditions. The proposal would be a three or four bedroom modest size house. Also proposing a one story detached garage.

**ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2015**

Mr. Bianchi asked if the driveway will have pervious pavers because if not they would be over the impervious coverage. Mr. Moss stated they will submit documentation for this to get the 50% reduction in coverage.

Mr. Moss discussed the proposed floor plans. He added that in the half story the section near the outdoor deck does not comply with the requirements of the half story ordinance. The purpose of this is to make the deck accessible. If they were to comply with the half story definition it would add another 400 cubic feet of area to the roof.

Mr. Presto stated he has lived in Belmar on 15th Avenue for several years in the summer and then most recently full time. They've decided they want to live in Belmar full time at this property. He explained the building coverage variance is because of the two car garage.

Mr. Fowler asked where water runoff would go. Mr. Moss stated it would be guttered to the rear of the property. He suggested they could install a drywell. Mr. Presto would prefer to do a rain garden or rain barrel. Mr. Fowler asked if the garage will be heated and have a bathroom. Mr. Presto replied no. Mr. Fowler asked if the attic will be heated. Mr. Presto replied yes and added that the attic would be prepared so it could be used as extra space for them or someone in the future.

Mr. Cupoli asked where the air conditioning condensers would be. Mr. Moss stated they would be 2 ½ feet from the property line. Mr. Cupoli asked if there will be a basement. Mr. Moss replied yes. Mr. Cupoli asked if the electric service could be put underground. Mr. Presto stated he would like to do that if it's possible.

Ms. Young asked if the proposed height is comparable to neighboring homes. Mr. Presto replied yes. He added there are a several new homes in that area that are 35 feet.

Ms. Casserly asked when construction would start if approved. Mr. Presto stated he would like to start tomorrow. Mr. Child stated it would take about nine months to complete.

Mr. Fitzgerald asked why the air conditioning units aren't placed in the back next to the rear deck rather than encroaching on the side yard. Mr. Bianchi stated if they leave them where proposed it's a variance. Mr. Presto stated there is an access road to the east and since they will have a 6 foot fence he doesn't think it would bother anyone.

Mr. Greig asked if the air conditioning unit could be put under the deck. Mr. Moss stated he did not think it would meet the manufacturer's specifications.

Mr. Ross questioned the peak of the roof that sits at 36.6 feet and whether or not that's a variance. Mr. Moss stated that is for a stair tower. Mr. Bianchi stated there are exceptions in the ordinance for stair towers. Mr. Ross asked how the front porch will line up with neighboring houses. Mr. Presto stated their site plan shows one of the new neighboring homes which it lines up with.

**ZONING BOARD OF ADJUSTMENT
JANUARY 22, 2015**

Public: Ted Protonentis, 106 15th Avenue, stated they are his neighbors and is glad they are staying in the area. He feels the house they are proposing will be good for the neighborhood and offers his support of their application.

Jodi Balestrieri, here to support them, has known them for 25 years.

Board Comments:

Mr. Fowler stated he is encouraged by the fact they are removing so many structures. He is glad they would like to move to Belmar full time. He is in favor of the application.

Mr. Cupoli stated this house would be an improvement to the area.

Ms. Young stated the plans are very nice.

Ms. Casserly stated she is also in favor of the application and feels it speaks highly of them that their neighbors came out to show support.

Mr. Fitzgerald stated it will be a tremendous improvement compared to what is there now. He is impressed that they didn't push the envelope.

Mr. Hutchinson stated he likes that there are several nonconforming issues being removed.

Mr. Greig stated he likes everything about it especially the loss of the rental units.

Mr. Ross agreed and stated it will be a beautiful house.

Mr. Lisko stated it is a well done house and he is in favor of it.

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

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

NAYS:

ABSTAIN:

Mr. Fitzgerald wanted to acknowledge Tom Brennan's service to the Board which they forgot to do at his last meeting. Mr. Kennedy stated he will prepare a letter to him on behalf of the board.

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