

ZONING BOARD OF ADJUSTMENT

OCTOBER 1, 2018

PRESENT: John Hutchinson, Michelle Casserly, Mark Fitzgerald, John Lisko, Phil Greig, Robert Cupoli and Manny Fowler

ABSENT: Chuck Ross and Judy Young-Zoppi

ALSO, PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, Zoning Official Ted Bianchi and Board Engineer Derek Jordan

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 September 9, 2018 and by posting a copy of said notice at the Municipal Complex on the same date.

ANDREW & LAURA KRANTZ – 318 NORTH LAKE DRIVE

Appearing for this application was Mr. and Mrs. Krantz, attorney Kevin Asadi, architect Dan Governale, and engineer/planner Matt Wilder. The proposal is for renovations and construction of a garage to make this their full-time residence.

Mr. Governale presented a photo of the existing site and an illustrated rendering of the proposal. The proposal includes exterior changes to clean up the architectural features. Many of the other changes are in the third-floor area. Will fill in basement to be flood compliant. The proposal would alter the interior floor plan. The exterior porch, siding, roofing and other features would all be replaced. There will be new dormers and gables to add architectural features. A new garage will also be constructed which is accessed from the side street to the West.

Mr. Wilder stated there will be a pool between the house and garage and an outdoor kitchen area in the rear yard. The land use denial stated they needed a variance for the pool equipment setback however the equipment will comply, it's the concrete pad underneath that needs the variance. Need variances for building and impervious coverage because the lot is undersized. Requesting a variance for the width of driveway and width of curb cut to allow for three parking spaces on the property; one in the driveway and two in the garage. There are other driveways on the side street that are existing and larger. The impervious coverage is over the maximum permitted because of the pool. Mr. Bianchi stated the pool doesn't count towards the calculation. Mr. Wilder stated they don't need the variance then. The pool and outdoor kitchen will be enclosed with a six-foot fence. Felt the benefits outweigh the detriments and the Board can grant the variances under the "c2 variance" criteria. The proposals will allow them to have a home that can be used year-round and fits in with the neighborhood.

Mr. Fowler asked for clarification on the variances. Mr. Bianchi stated there is also a variance for the third story and front yard setbacks. Mr. Fowler asked for the height. Mr. Governale stated the height is under the 35 ft from base flood elevation. Mr. Fowler asked if the garage will be heated and have a bathroom. Mr. Governale stated it will just be a garage with a sliding door so can be used as a pool house when not being used as a garage. Mr. Fowler asked about placing the electric underground. Mr. Governale stated if they can they would like to put it underground. Mr. Miller stated they would have to open the road or install a new pole which are not likely. Mr. Cupoli would like them to try to put the electric underground if the utility pole in the rear of the property is on their property. He asked if the media room upstairs would be turned into a bedroom. Mrs. Krantz replied no.

Mr. Greig asked how much square footage is being added to the house. Mr. Governale estimated less than 500 square feet. Mr. Greig asked about materials to be used on exterior. Mr. Governale stated they will use vinyl siding and PVC railings, etc. Mr. Greig asked for clarification on the driveway. Mr. Bianchi stated they are in compliance with the number of parking spaces required but need a variance for the width of the driveway. Mr. Greig asked for clarification of the use of the garage. Mrs. Krantz stated it will be used for one car and storage of pool supplies and bicycles.

Mr. Fitzgerald stated he was impressed with their presentation.

Ms. Casserly asked about the pool equipment and outdoor kitchen being in a more compliant area. Mr. Miller stated because of the size of the lot they are limited as to where they can put it.

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Mr. Hutchinson asked if the house is two and a half stories now or is a full third floor. Mr. Bianchi stated is two and a half and they are asking to make it a full third floor. Mr. Hutchinson thought there was a garage on the property at one point. Mrs. Krantz stated there was.

Mr. Lisko asked why they can't comply with the half story requirement. Mr. Governale stated they could have expanded the second floor but instead alter the third floor to keep the house proportionate. The highest ceiling point in the third floor is less than 8 feet. Mr. Lisko stated he doesn't like to see the kitchen and pool equipment within the setback and asked if there are other locations. Mr. Asadi stated the equipment will not be in the setback but the concrete pad for it is. Mr. Lisko asked if the pad could be made smaller to remove the variance. Mr. Miller stated they could shift it 1 ft to eliminate the variance for the pool equipment. He also stated they could remove the outdoor kitchen and use a standard BBQ grill. Mr. Asadi felt they would like to keep the outdoor kitchen if the Board would permit.

Mr. Cupoli asked about using pervious pavers instead of concrete for the garage. Mr. Miller stated since they don't need an impervious coverage variance and the cost of pavers is high, they would not be inclined to do it.

Public: none

Mr. Fowler stated the application is refreshing. Likes the intent of the owners and the proposed changes.

Mr. Greig stated it looks like a good project. Was concerned about the third floor but it's not that big of a change.

Mr. Fitzgerald stated the presentation was good; will beautify the corner. Variance requests are minimal.

Ms. Casserly stated she would be in favor of the application.

Mr. Hutchinson stated his only concern was the third floor but that was mitigated.

Mr. Lisko stated he too was concerned about the third floor but it's not a big change. Given the concessions made he would be in favor of the application.

Mr. Kennedy asked how many bedrooms exist and how many are proposed. Mrs. Krantz there are six and there will be five.

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

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

At approximately 8:08 p.m. the Board took a brief recess. The Board reconvened at 8:17 p.m. and all were still present.

CHARLES & ANNE PETERS – 202 19TH AVENUE

Appearing for this application was Mr. and Mrs. Peters and their architect Brian Berzinskis. Mr. Peters stated they have owned the property since 1986. There is a front structure and a garage apartment on the site. The front house is a single-family home one and a half story home with two bedrooms and one bathroom. They live in the front structure. The rear structure is a two-bay garage with an apartment above. The structure is two stories with two bedrooms and one bathroom in the apartment. It is not currently leased and hasn't been leased in many years. It has been used by their children. There is room for three parking spaces on the property. Mr. Peters stated there is a problem with the roof of the front structure leaking. Since must replace would like to expand it. Mrs. Peters stated they can't walk in the attic currently.

Mr. Berzinskis stated they would like to expand the existing second floor on the front structure. This would give them more usable loft space. Eventually they would fill in the loft space with

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two bedrooms and one bathroom. The building and impervious coverages are existing and noncompliant, they will not be expanded. The noncompliant side yard setback is existing and would be maintained for the second floor. The front yard setback is existing and is not changing. The second floor will be more compliant in the front yard than the first floor. They would like to put heat in the rear structure as well this creates a variance or expansion of a non-conforming use.

Mr. Hutchinson asked for some clarification on the height and other issues. He asked when phase two would be completed. Mr. Peters stated six months to a year. He stated he originally wanted to put an addition off the rear of the house but that would require him to fill in his basement which means he would have to relocate all his utilities that he just replaced. Mr. Hutchinson stated he has always thought having a year-round rental is better than a summer rental.

Ms. Casserly asked if they would make it a condition that the rear structure only be rented year-round once it is brought up to code. Mr. Kennedy stated that would be done as a deed restriction. Mr. Peters stated he would agree to that if he decides to ever rent it. Mrs. Peters stated they live in the front, so the Board should keep that in mind. Ms. Casserly asked how many cars can park now. Mr. Peters stated at least three. Ms. Casserly asked how much the height is increasing in the front structure. Mr. Berzinskis stated about 4-5 feet.

Mr. Fitzgerald asked for clarification on the variances. They are: front yard setback, side yard setback, rear structure setback to the stairs, impervious coverage, building coverage, and expansion of a non-conforming use.

Mr. Greig asked if anything will be done to the outside of the garage. Mr. Peters stated it has new siding and windows and matches the front house already.

Mr. Cupoli asked about the two surveys submitted. Mr. Berzinskis stated the only difference is one has the topography.

Mr. Bianchi stated if it comes before the building department and is considered a substantial improvement they may need to fill in the basement.

Mr. Lisko asked about the rear steps. Mr. Bianchi stated they are existing and he doesn't have to replace them but if he does then they must be brought up to code. Mr. Lisko wouldn't be in favor of expanding them. Mr. Peters stated he will leave them alone.

Public: none

Mr. Hutchinson stated what they have asked for is reasonable.

Ms. Casserly stated it needs work and likes hearing people investing in Belmar.

Mr. Fitzgerald stated they are willing to make a substantial investment so would be in favor of the application.

Mr. Greig, Mr. Cupoli, Mr. Fowler and Mr. Lisko stated they are in favor of the application.

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. Fowler, Mr. Cupoli and Mr. Greig

At approximately 9:00 p.m. the Board took a recess. The Board reconvened at 9:04 p.m., all were still present.

SPRINT SPECTRUM LP – 1000 OCEAN AVENUE

Appearing for this application was attorney Christopher Quinn, engineer Douglas Clelland, and frequency engineer Yvan Joseph. Mr. Quinn stated they are requesting a site plan waiver for collocate antennas at 1000 Ocean Avenue above the Mayfair Hotel. Sprint would be the fourth carrier at the site. The proposal is for three antennas that would at the same height as two of the

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other carriers and smaller in size. The other carriers have their equipment on the ground however their equipment will sit right behind the antennas and will not be seen by the public. It's very minor in scope compared to what the other carriers have. In the past the Board has granted approvals for other carriers, but the laws were changed in 2014. It is now interpreted that use variance relief is no longer required but a waiver of site plan approval is. He read the federal regulations that state the Borough shall not deny a collocation being installed on a site like this. The FCC has come out with regulations as to what can be done without being a substantial improvement which they comply with. He explained the borough ordinance that allows for site plan waivers.

Mr. Clelland stated there are three proposed antennas. There will be nothing on the ground. All connections will be wired in the basement and routed to the roof. The equipment will be behind the antennas and will not be visible from the street. There are no variances being requested. The antennas are 30.5 inches in height by 29.4 wide and 7.4 inches deep. The roof is structurally sound to hold the antennas. There will be no noise disturbance. Will be complaint with all state and federal regulations.

Mr. Fowler asked how long the installation will take. Mr. Clelland stated about a week or two.

Mr. Cupoli asked if the antennas will be in line with the other ones. Mr. Clelland replied yes.

Mr. Greig asked if there is any noise from the antennas. Mr. Quinn stated the noise is usually from the cabinets on the ground and not the antennas. Mr. Greig asked what the need is for the antennas. Mr. Quinn stated it will provide voice and 4G service available to the entire borough.

Mr. Fitzgerald asked if the roof starts leaking and the owner of the property must do work on it how are they involved. Mr. Quinn stated the lease will say they cannot do any damage to the building. If work is required, they would work with the owner to relocate the antennas temporarily while the work is done.

Mr. Hutchinson asked about LTE vs 4G which Mr. Quinn and Mr. Joseph explained the difference. Mr. Hutchinson asked about radio frequency emissions. Mr. Joseph stated there will be no interference with neighboring properties. They are low wattage.

Mr. Lisko asked about a cage ladder. Mr. Quinn stated it is there to make it safer and more accessible for all the carriers. Mr. Lisko asked if it is needed. Mr. Quinn stated it is a safety concern. Suggested they could have it painted to match the color of the building. It would also be available to the fire department to use if ever need be.

Public: none

Mr. Fowler stated he would be in favor of the application. Mr. Cupoli stated he is also in favor. Mr. Greig agreed. Mr. Fitzgerald stated he is confused about whether the board has jurisdiction to vote on this and therefore will abstain. Ms. Casserly stated she is in favor of the application. Mr. Hutchinson stated he will abstain. Mr. Lisko stated he will vote yes because he believes he must.

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

AYES: Ms. Casserly, Mr. Lisko, Mr. Fowler, Mr. Cupoli and Mr. Greig

ABSTAIN: Mr. Hutchinson and Mr. Fitzgerald

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