

## ZONING BOARD OF ADJUSTMENT

JANUARY 24, 2019

PRESENT: John Lisko, Philip Grieg, Mark Fitzgerald, John Hutchinson, Judy Zoppi, Robert Cupoli, Manny Fowler, and Charles Ross

ABSENT: Michelle Casserly

ALSO, PRESENT: Board Attorney Kevin Kennedy Esq., Board Secretary April Claudio, Zoning Official Ted Bianchi and Borough Engineer Peter Avakian

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 21, 2018 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Kennedy administered the Oath of Office to Mr. Ross and Mr. Greig

Workshop: The Board reviewed the 2018-year end report and asked that it include a follow up to their questions and concerns from the 2017-year end report.

Mr. Kennedy stated the Board heard an application for Michael Fradkin at 80 Inlet Terrace twice. The plans showed an outdoor shower in a noncompliant location however it was not discussed at either hearing or in the resolution. The Board discussed how to proceed with this. The Board decided the applicant should prepare an amended application and notice for the variance.

Mr. Fitzgerald nominated Mr. Lisko as Chairman, which was seconded by Mr. Hutchinson and approved unanimously.

Mr. Fowler commended Mr. Greig for not missing a meeting last year and for his commitment as being an alternate. He wished he could have nominated Mr. Greig as Chair or Vice Chair.

Ms. Zoppi nominated Mr. Fowler as Vice Chairman, which was seconded by Mr. Hutchinson. Mr. Fowler declined the nomination. Being no further nominations Mr. Fitzgerald volunteered to be Vice Chairman, which Mr. Hutchinson seconded and was approved unanimously.

Ms. Zoppi made a motion to waive the reading and approve the resolution appointing a Board Secretary, which was seconded by Mr. Fowler and approved unanimously.

Mr. Greig made a motion to waive the reading and approve the resolution appointing a Board Attorney, which was seconded by Mr. Hutchinson and approved unanimously.

Ms. Zoppi made a motion to waive the reading and approve the minutes of the December 20, 2018 meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

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

ABSTAIN: Mr. Hutchinson

Ms. Young stated she will not be at the February and March meetings.

Mr. Lisko stated the application for Noel Chapman at 97 13<sup>th</sup> Avenue has been postponed to March 28, 2019.

### JERRY BUCCI – 217 12<sup>TH</sup> AVENUE

Appearing for this application was Mr. Bucci. The property is a single-family vacant home. He purchased the home in May of 2018. He would like to add central air conditioning to the home. The best place for the compressor is on the right side of the house. The electric for it is already there. The house is only five feet from the property line which is why he would be unable to meet the setback. The location is behind an existing vinyl pool fence. It would be near the neighbor's outdoor shower and not any bedrooms. The house has a bump out that would be closer to the property line than the air conditioning unit. The setback would be 3.6 feet from the property line.

Mr. Fowler asked if he spoke to the neighbor about the location. Mr. Bucci stated he tried to, but they are not home in the winter. He added they have a bunch of a/c units on that side of the house as well.

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Mr. Cupoli stated he would prefer it behind the bump out in the house. It wouldn't need a variance and would be easy enough to do. Mr. Bucci felt the proposed location would be better and be less noisy for all. He added it would also block the door to the outdoor shower if he moved it.

Mr. Fitzgerald asked if the neighbor uses their backyard to park cars. Mr. Bucci confirmed that.

Mr. Greig stated he would like Mr. Bucci to purchase the quietest unit he can afford.

Mr. Hutchinson asked for some clarification as to what is in the back yard because the aerial photo did not match the survey.

The Board asked Mr. Bianchi if he had any recommendations on another location. Mr. Bianchi suggested on the other side of the house by the driveway. Mr. Bucci was concerned about it being in the driveway and losing driveway space.

No public.

Mr. Fowler stated this is a simple application that has become complicated. If the unit is put on the other side of the property, then a variance wouldn't be needed. Mr. Bucci was concerned about putting it in the driveway because there is no fence near it and it would be near the deck. The proposed location has a fence that would limit noise.

Mr. Cupoli stated he is not happy with the location and feels a better one could be picked. He would not be in favor of the application.

Ms. Zoppi stated there are other location options.

Mr. Bucci stated the neighbor on the left would be more affected because their house is right on the property line next to the driveway and there is only a small fence not a pool fence like on the other side.

Mr. Fitzgerald was also thinking about the driveway side but after the last comment the least intrusive spot would be the proposed location.

Mr. Greig stated he has no problem with the proposed location given how quiet the new units are.

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

Mr. Ross stated it looks like the variance is for 16 inches and doesn't think that is a lot and the proposed location seems reasonable.

Mr. Lisko stated they struggle with people asking for variances they don't really need however this application is minor. The noise will be minimal being behind a fence. Also understands how valuable parking is.

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

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

NO: Mr. Cupoli

### VINCENT & ANGELA MINUTILLO – 212 13<sup>TH</sup> AVENUE

Appearing for this application was Mr. and Mrs. Minutillo. The property is an empty lot with a concrete driveway. Would like to build a new single-family home with a one and a half car garage. The house would have five bedrooms and four and a half bathrooms with a deck. The home would be two and a half stories with a covered porch in the front. The height of the house will be 35 feet which does not require a variance. Need three variances: building coverage, impervious coverage, and rear deck projection. A drywell will be installed as shown on the plans.

Mr. Hutchinson asked about the average front yard setback. Mr. Minutillo stated he amended the plans to comply with the front yard setback so that was not needed. He also stated they comply

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with the half story requirements. Mr. Hutchinson was concerned about the loft being a sixth bedroom. Mr. Minutillo stated the half story will be an office and it has no closets.

Mr. Greig asked if there will be utilities in the garage. Mr. Minutillo stated just electric. Mr. Greig confirmed no parking variance is required. However, a parking variance is required because the driveway is an inch short. He would like Mr. Minutillo to review the drywell location with the Borough engineer for compliance. He asked if the walkway in the front of the house could be done with pervious pavers. Mr. Minutillo agreed. He added he would put pavers between the concrete driveway and the garage as well.

Mr. Fitzgerald asked if the size of the rear deck could be reduced.

Ms. Zoppi got some clarification on the floor plans.

Mr. Cupoli asked if the deck is reduced would that affect the impervious coverage. Mr. Bianchi stated 50% of the deck is counted in the impervious coverage so it would decrease slightly.

Mr. Minutillo suggested he keep the deck the size proposed and instead he will replace the concrete driveway with pervious pavers.

Mr. Cupoli was concerned the powerlines might be too close to the proposed garage which will need to be addressed.

Mr. Fowler asked when construction would start. They would like to start immediately. Mr. Fowler asked if the outdoor shower will comply. Mr. Minutillo replied yes.

Mr. Ross confirmed the garage will not have livable space.

Mr. Greig suggested shrubs be installed in the rear to shield the neighbors from the deck. Mr. Minutillo stated they are proposing a six-foot fence. Mr. Greig would like both.

Mr. Hutchinson asked how close the rear neighbor is. Mr. Minutillo stated it is a brand-new house behind him with a big shed that is off center from his property. He estimated at least 15 or more feet from the property line to his neighbor's patio.

Mr. Lisko asked about lowering the elevation of the deck. Mr. Minutillo felt with the fence and arborvitaes there won't be any issues with looking over into the neighbor's yards.

Public:

Mark Presto, 110 13<sup>th</sup> Avenue, stated he is in favor of the application. It is nice to see full time residents coming in to town. They have been very considerate as to what they are asking for. Can appreciate the value of having a deck and size does matter. Swapping the deck for pervious pavers is a great trade off. The planting of trees or arborvitaes is effective. In advance they offered a drywell which is very thoughtful.

There was some discussion as to whether the parking variance is required because there is enough setback for a compliant driveway. Mr. Bianchi didn't site them for needing a variance for it.

Board:

Mr. Hutchinson stated most of his concerns were addressed just wished the deck was a little smaller.

Mr. Greig understands the need for the deck and with the trade off for the shrubbery and pavers he would be in favor.

Mr. Fitzgerald stated if the deck was lowered one foot it would be less intrusive.

Ms. Zoppi stated it is awesome that they want to build a single-family home here. It will be a great addition. There are no objections from the public. They have made quite a few concessions. Would be in favor of the application.

Mr. Cupoli stated he is in favor of the application. They have been very cooperative.

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Mr. Fowler stated he appreciates the concessions they have made. The plans are well thought out. Thanked them for considering Belmar to be their home.

Mr. Ross stated he appreciates the improvements made to the plans before coming before the Board. He would be in favor of the application with the conditions discussed.

Mr. Lisko stated he struggles with the height of the deck however the proposal will be good for the neighborhood.

Mr. Bianchi and Mr. Kennedy pointed out that the impervious coverage variance may no longer be needed with the change in the addition of the permeable pavers. Mr. Minutillo will submit a new calculation.

Ms. Zoppi made a motion to approve the application, which was seconded by Mr. Greig and approved unanimously.

Mr. Bianchi explained the issue with the garage at 114 9<sup>th</sup> Avenue. It has been reconstructed when the owner had told the Board it would just be a renovation and expansion. The neighbor is complaining about it.

Mr. Kennedy stated the applicant feels they have not exceeded the scope of work, however if Mr. Bianchi feels they have exceeded it they can appeal his decision to the Board. The Board agreed they should appeal if Mr. Bianchi deems it to be a rebuild.

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