

PLANNING BOARD

FEBRUARY 11, 2019

PRESENT: William Lindsay, Tom Burke, Joe Rizzitello, Rick Meyer, Mike Campbell, Patricia Wann, Ted Protonentis, Nick Valente, Jay McDermott, Robert Forte, and Sal Marchese

ABSENT:

ALSO, PRESENT: Board Attorney Doug Kovats, Esq., Board Secretary April Claudio, Board Engineer Jerry Freda

At approximately 7:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on November 15, 2018 and by posting a copy of said notice at the Municipal Complex on the same date.

Workshop: Mr. Kovats gave a brief description of the application on the agenda including the approvals they are seeking.

Mr. Kovats administered the oath of office to alternate members Robert Forte and Sal Marchese.

Mr. Burke made a motion to waive the reading and approve the minutes of the January 14, 2019 meeting, which was seconded by Mr. Campbell and approved unanimously.

ELW610 LLC – 1501 D STREET

Appearing for this application was contractor James Albutus, principal owner Sean Wong, engineer Michael Cannon, and attorney Mike Mills. The application is seeking approval for a minor subdivision with site plan approval. The proposal is to subdivide the property into two lots and build a single-family modular home on each lot. The property is currently vacant. The lot is oversized for the R-36 zone. Both proposed lots would front on D Street. Variances will be required for the front, side and rear yard setbacks, lot coverage, and minimum diameter shape. Both properties will have four bedrooms. While a driveway is proposed for each lot a variance is required for the size of the driveways and number of parking spaces provided. There will be landscaping and grass plantings to address any water runoff concerns. New underground utilities will be provided for each lot.

Mr. Cannon felt the proposal is the best option for the property. There is adequate open air and light being provided. It will be more aesthetically pleasing for the neighbors compared to a vacant lot. There is a hardship due to the unique shape of the property, which is what creates the setback variances. There are several lots nearby and next-door that have frontage of 30 feet or less than the required 40 feet. The site development will not affect the adjacent properties. There will be no detriment to the neighborhood. The proposed side yards are actually the rear yards of the neighboring houses on each side.

Mr. Kovats pointed out the Board engineer determined a variance is also required for the parking in the front yard. Mr. Cannon stated they did determine there is an additional 9 feet they can add to both driveways. Mr. Kovats stated the issue is that parking is not permitted in the front yard which is another variance. Mr. Freda confirmed and added that three parking spaces are required for each lot, but the proposal is for 2.75 spaces. Mr. Cannon stated if the subdivision is approved, individual plot plans will be submitted for permits reflecting the changes to the driveways. Mr. Albutus stated the proposal included three parking spaces to alleviate the parking concerns of the neighbors since D Street is a one-way street and there is not a lot of street parking. He added they could remove the second front yard spot and seek a variance for only two parking spaces if the Board so desired.

Mr. Burke asked how close the neighbor on 15th Avenue is to the new proposed house because it looks very close on the plot plan. Mr. Cannon stated the adjacent home on lot 1 sits closer to D Street. The proposed new home sits further back and won't be directly adjacent.

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Mr. Campbell stated if they reduced the homes to three bedrooms there would be no need for a parking variance.

Mr. Burke stated he would like to know the history of the property, such as how long it has been vacant.

Mr. McDermott asked if drywells are proposed. Mr. Cannon stated they have not designed the water runoff management yet but could do drywells if need be. Mr. McDermott asked if they will repair or replace any sidewalks or curbs if need be. Mr. Cannon agreed.

Mr. Valente was concerned there could be additional bedrooms added given the size of the attic. Mr. Alburtus did speak to the owner about a possible concern. The owner agreed to reduce the pitch of the attic so there will be no habitable space and the interior stairs will be replaced with pull down stairs. The owner also agreed to reduce the number of bedrooms to three to remove the parking variance.

Mr. Protonentis asked if the second floor will be strictly three bedrooms and not another room labeled as a den. Mr. Alburtus replied yes.

Mr. Alburtus spoke about all the new homes he has built in town and specifically near this property. The photos submitted in the application package show the conditions of the neighborhood. One of the photos shows the property at 106 14th Avenue which he built and mimics the floor plan of the proposed homes with exception of the porches and the roof pitch. The other photos show other 30 ft wide lots and proof that nice homes can be built on them with a side yard setback variance. Many of the lots in the neighborhood are 1500-4000 square feet. This lot is over 11,000 square feet. Feels the objections are not about the size of the proposed lots but the fact it's been vacant for so long that people have become used to it. Not sure what else could be done to develop this property. Contacted neighboring properties to offer to give them more land that they don't need but nobody responded. He stated he was asked why he doesn't build just one home. Per the zoning he could be an 8000 square foot home which isn't what the town wants. Has been hired to build a new home at 1502 D Street. Feels they have done a lot to try to address any concerns from the neighbors.

Mr. Rizzitello asked if there will be any fencing between the two homes. Mr. Alburtus stated he would prefer not to have any so there is a 6 ft access to the backyards.

Ms. Wann asked if the basements would be finished. Mr. Alburtus stated he doesn't believe the Board could stop anyone from doing that but would agree that it would not be used as a bedroom.

Mr. Valente asked for clarification on the parking. Mr. Alburtus stated he has eliminated one parking spot. The parking will be in the garage and the one space in front of the garage. Mr. Freda stated it is still a variance per the Borough ordinance.

Mr. McDermott asked about the basement. Mr. Alburtus felt there will be no issue with keeping it in the ground so that the houses aren't elevated above the ground higher than proposed.

Public:

Jonelle Clark, 508 16th Avenue, stated her great grandmother owned the property several years ago and it was subdivided at one point. There was never anything on the property. The applicant owns 502 16th Avenue and is a summer rental with a lot of problems. This proposal affects 8 other homes because of the shape of it. Most of the people that live near there are used year-round or as second homes and not rented. The house at 502 has caused a lot of noise. Feels these homes are being built for over capacity and for summer rentals. Concerned the proposal will take away from the value of their homes not add to it. Would like to see one home.

Mr. Alburtus stated the two homes being built are for sale. Both sides of each home will be fire rated. In 2017, 502 16th was rented as a yearly rental, 2018 was the first time it was a summer rental. There were no tickets issued to the property last summer. The property is now a year-

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round rental. These proposed homes were designed to be put up for sale and allow for tweaking by potential buyers.

Blaine Cordes, 1404 C Street, stated Mr. Alburtus built two homes for his lot, one of which he owns. Encourages everyone to go down to C Street and see what is happening there. We have to take this town back one home and one street at a time. Can't let the part town mentality prevent beautifying the town.

Christine Cardellino, 510 15th Avenue, requested the application be denied because of the variances being requested. Would rather see a vacant lot. Feels the homes are monstrosities. Feels there will be a negative impact on traffic.

Mr. Alburtus reiterated they will not be summer rentals. Nobody is going to buy a brand-new house and turn it into a summer rental.

Wayne Theilen, 501 15th Avenue, went through the photos submitted the applicant and explained the history of them as he knows them. When it rains, the corner house on 16th Avenue, their sump pump runs into the street for at least two weeks. What is the guarantee there won't be any runoff into his basement. No doubt the homes will be nice but what will happen if they are turned into summer rentals. There will be two street parking spaces removed if two driveways are put in on this lot.

Mr. Alburtus stated we can't look at assumptions. He has been in the town long enough to know these homes will sell. They will be affordable homes for people who may not be able to afford a home in Belmar. The drywells will take care of the water.

Ms. Wann asked for an estimate on what the homes would sell for. Mr. Alburtus stated he doesn't see them selling for more than \$650,000.

Steve Dnistrian, 515 15th Avenue, stated we are all in favor of responsible development. Feels like trying to shove 10 pounds of sand in a 5-pound bag. Understands there is precedent in town but doesn't mean we need to continue it.

Mr. Alburtus stated they are trying to make the best use of the lot. One home on this lot doesn't make fiscal or reasonable sense. The proposed homes are very modest in size and not out of character with what is coming into Belmar. Can't address the existing parking concerns but have tried to address the concerns but providing some off-street parking.

Board Comments:

Mr. Valente stated he appreciates the consideration for modifying the dormer space and parking. Feels the public comments are more against the application than in favor but it is an odd shape lot. If it was a one family home, it would not preclude miss-use of the property or summer rentals. Has concerns about the basement being used as living space.

Mr. Burke stated the benefits must outweigh the detriments and must not have a negative impact on the neighborhood. This is a tough decision. Need to figure out if this is good or bad for the town. Not sure can look at conjecture of the future. Not sure how he feels about the application.

Mr. Lindsay stated he feels similar. Finding the balance between the concept of existing regulations and quality of life. The issue here seems to be more about summer rentals than the individual aspects of the lot. Thinks it is great the applicant has made some changes but doesn't think that will sway the neighborhood. Not sure how he would vote right now.

Ms. Wann stated she understands how the neighbors feel, Mr. Alburtus builds beautiful homes and it would be nice to see these, but two parking spaces are being lost on the street. Also concerned about the basement.

Mr. Campbell stated Ms. Clark makes a lot sense and respects that, but the applicants have gone above and beyond by reducing the number of bedrooms. As far as sleeping in the basement, the code doesn't allow that. Understands Belmar is worried about parking and summer rentals but if we deny this application and a single house is built it would be large enough for a summer rental.

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The likelihood of these homes becoming summer rentals is less than it would be having one very large home.

Mr. Protonentis stated he feels the property is dense and could have an effect on the neighbors.

Mr. Rizzitello stated when he first looked at the application he wasn't too happy about it. Had some concerns about the number of bedrooms and fire access. He is happy with some of the changes. No matter if there are one or two homes there, street parking will be lost.

Mr. Meyer agreed Mr. Alburtus builds beautiful homes. Belmar has a lot of odd shape lots and each of them stand on their own merit. These two homes would sit on a side street which doesn't alleviate density, it's creating more. It's also creating variances where it's not needed.

Mr. McDermott stated the town is riddled with irregular lots and have to look at each one on their own merit. This is a challenging lot. The applicant has agreed to multiple conditions by reducing the homes to two stories, reducing the number of bedrooms, removing a parking space that was a concern and agreeing to drywells. The issue seems to not be with the homes but with the use of the property. Any of the neighbors that are here could sell their homes and then they could become summer rentals. There is nothing anyone can do about that. Given the conditions agreed to, he would be inclined to vote in favor of the application.

Mr. Kovats gave a summary of the application including the relief being sought and changes made.

Mr. Campbell made a motion to approve the application, which was seconded by Mr. Rizzitello. The application was denied based on the following vote:

AYES: Mr. Rizzitello, Mr. Campbell, Mr. McDermott, Mr. Lindsay

NAYS: Mr. Meyer, Mr. Protonentis, Ms. Wann, Mr. Burke and Mr. Valente

Public: Ms. Clark, thanked the board. Not opposed to building just over building.

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