

**ZONING BOARD OF ADJUSTMENT
SPECIAL MEETING
MAY 28, 2019**

PRESENT: Thomas Palmisano, Mark Fitzgerald, Phil Greig, John Lisko, Chuck Ross, Bob Cupoli and Manny Fowler

ABSENT: Judy Zoppi and John Hutchinson

ALSO, PRESENT: Board Attorney Kevin Kennedy, Esq., Board Secretary April Claudio, Board Engineer Jerry Freda

Mr. Cupoli made a motion to waive the reading and approve the resolution granting approvals to Gordon Tiner, 207 10th Avenue, which was seconded by Mr. Palmisano and approved by the following vote:

AYES: Mr. Palmisano, Mr. Lisko, Mr. Ross, Mr. Cupoli and Mr. Fowler

ABSTAIN: Mr. Fitzgerald and Mr. Greig

Mr. Cupoli made a motion to waive the reading and approve the resolution granting amended approvals to Myron Suseck/Surfboard LLC, 114 9th Avenue, which was seconded by Mr. Fowler and approved by the following vote:

AYES: Mr. Palmisano, Mr. Ross, Mr. Cupoli and Mr. Fowler

ABSTAIN: Mr. Fitzgerald, Mr. Lisko and Mr. Greig

DOWN TO EARTH CONSTRUCTION – 102 SECOND AVENUE

Appearing for this application was the applicant William Merkler, his attorney William Shipers, his architect Mary Hearn and his engineer Rich DiFolco. Also present were attorneys Tim Middleton and Rick Brodsky. This is a continuation of the April 10, 2019 special meeting. Mr. Palmisano certified that he reviewed the transcripts and/or listened to the recordings of all of the hearings, so he is eligible to participate in this application.

Mr. Kennedy stated we left off with Mr. Shipers cross examining the objecting attorney's planner, Peter Steck. Mr. Shipers stated his cross examine is complete and would allow Mr. Middleton to cross examine. Mr. Middleton stated he recalled Mr. Steck stating the removal of the rooming house was not a big deal. Mr. Steck stated he recalled stating the removal of the rooming house was not a better option given the number of variances that are being requested. Mr. Middleton stated parking is a big commodity and uses that don't have off street parking can create issues for the Borough. Mr. Steck stated some uses generate more parking than others. Mr. Middleton explained the existing use of a hotel requires more off-street parking than is required. The new proposal while does not meet the off street parking the requirement is less than the hotel. He asked how this would not be a benefit to the neighborhood. Mr. Steck stated it is a balancing act and planning is more than off street parking. Mr. Middleton asked if it would be a substantial benefit to the community to eliminate a use that requires 30 parking spaces it does not have. Mr. Steck stated if it is looked at it that way then yes. Mr. Middleton stated the current property has the opportunity to rent all 34 units and not be owner occupied and the proposal given the price point would be owner occupied. Mr. Steck did not agree as he felt zoning has no control over rentals vs owner occupied. Mr. Middleton asked if off street drainage is a benefit and if the existing hotel has any. Mr. Steck agreed it is a benefit and is not aware if the existing property as any or not as it is not new development. Mr. Steck stated he felt the applicant has not met the burden of proof needed to grant the variances. Mr. Middleton referenced a 2013 case that stood for the proposition that bulk variances are assumed by the use variance. Mr. Steck felt the Board could make the decision that there should be greater setbacks required given the nonconforming use. Mr. Middleton asked Mr. Steck if he would agree the existing building is in blight condition. Mr. Steck stated he thinks the building is in adequate condition given its age however he has not been inside it. Mr. Middleton asked him if he feels the proposal is in character with neighborhood. Mr. Steck replied no. Mr. Middleton asked him if he is familiar with the apartment complexes in the neighborhood. Mr. Steck did not know the apartments by name but has driven and walked the area. Mr. Middleton questioned how the proposal does not fit into the character of the neighborhood based on the two apartment complexes across the street. Mr. Steck stated the master plan calls for a low-density single-family use in the area. Mr. Middleton stated he is referring to the character of the neighborhood not what the master plan calls for. Mr. Middleton pointed out a third complex with 32 units caddy corner to the subject

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property. Mr. Steck stated that complex is not as tall as the proposal. He did not know of any 3 ½ story buildings in the neighborhood. Mr. Middleton pointed out a fourth complex that has condominiums. He added the character of the neighborhood is multifamily use with apartments, condominiums and townhouses. Mr. Steck stated the properties most affected by this proposal are single family use. Mr. Middleton asked how many single-family homes are within 200 ft of the proposal. Mr. Steck did not have the information. Mr. Steck stated the Master Plan recognized these existing uses but still called for a single-family use in that area. Mr. Middleton stated the master plan also allows for multi family use. Mr. Steck did not agree that the predominant use in the area is multi family. Mr. Middleton questioned how Mr. Steck would prefer the rooming house in disrepair over new townhomes with parking and drainage and built to code. Mr. Steck felt the continuation of the existing use is the only use that meets the statutory requirements.

Mr. Brodsky had Mr. Steck clarify or expand upon some of his previous statements. Mr. Steck felt the property is better suited to be a single-family use as indicated on the real estate listing. The testimony that the proposed use is better than the existing use is not sufficient for the burden of proofs.

Mr. Shipers asked what the substantial negative effects are. Mr. Steck stated the proposal is outside the permitted building envelope. He added the new building is taller and longer than what exists. The proposal is over on building coverage, impervious coverage and floor area ratio. It will look like a crowded site. It is too big and over the permitted density. He felt it cannot be justified. Mr. Shipers asked what the substantial detriment is to the community except granting some bulk variances. Mr. Steck stated it is not a permitted used. He felt that the existing use is a comfortable use and many shore towns would consider it historical. Mr. Shipers asked Mr. Steck if he is familiar with ocean front development since 2002 in Belmar and what type of buildings have been taken down. He was not familiar with this.

Mr. Brodsky asked to have his client Joel Russell, 106 2nd Avenue, speak. Mr. Russell stated he is right behind this property. He felt his property will be greatly impacted. Thought some day the Whitehouse would be demolished, and a single-family home would be built. The current property owner had approached him and offered to sell the property, but he was asking too much. Would have loved to buy it but it was overpriced. Was shocked to see this proposal of townhouses and was upset about eight air conditioners being in his back yard. He asked Mr. Merkler if he would consider less units but was told no. Understands Mr. Merkler is a family man and a good contractor but feels he is greedy. Feels he won't get sun light in his backyard and will have to sell his property at a loss if this is approved. It is clear a single-family home should be built there.

Mr. Shipers asked Mr. Russell where his principal residence is. Mr. Russell lives in Piscataway. Mr. Shipers asked him how much rent he gets for his Belmar home. Mr. Russell stated he rents it for \$4000 a week to help pay off mortgage so he can retire here. Mr. Shipers pointed out he's rented his house from \$2500-7000 a week. Mr. Russell expressed concern about his basement flooding with this new development. Mr. Shipers asked him if he knows how many parking spaces he is required to have for his rental home. Mr. Russell did not know but he can fit three cars in his driveway. Mr. Shipers submitted a google map of the area that shows Mr. Russell's house which shows that he legally has room for two parking spaces when three is required based on the Borough's ordinance that you can not park in the front yard setback. Mr. Shipers asked Mr. Russell if he is aware that if he built his house today he would require 8 variances. Mr. Shipers pointed out that Mr. Russell bought his house at 1.4 million dollars when it was assessed at \$800,000 and the Whitehouse is assessed at 2.4 million dollars which is why the purchase price is so much higher.

At approximately 8:32 pm the Board took a recess. At approximately 8:46 pm the Board reconvened. Roll call was taken. All were still present.

Mr. Kennedy stated during the recess members of the public expressed concerns about speaking in public and being badgered by the attorneys. We need to hear comments from the public whether we agree or don't agree with them. We need to allow them to participate without fear or intimidation. Everyone should refrain from unsolicited comments, applauding and jeering.

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Mr. Fowler asked if a single-family home was presented would we all be here now. Ms. Hearn, Mr. Merkler, Mr. Middleton, Mr. Shippers, Mr. Brodsky all replied no.

Mr. Cupoli asked if the air conditioners on the west side be moved into the garages which would sufficiently diminish the noise. Ms. Hearn stated she is not 100% sure but there is a possibility they could go in the attic. Mr. Cupoli asked if the one unit could be moved back since the driveway is one-way access. Ms. Hearn did not think there would be enough turn area for the garages. Mr. DiFolco stated there is 29 feet from door to door, but Ms. Hearn stated there is only 20 feet between the buildings. Mr. DiFolco stated they could move it maybe 1 or 2 ft. Mr. Cupoli was referring to moving units 5 and 6 to the west. Mr. Cupoli asked about the height. Ms. Hearn stated she would lower it one inch to be a less severe variance but would prefer to keep it as she has been involved in over 20 homes in the oceanfront area at the same height as what is proposed.

Mr. Ross stated Mr. Steck had said the property should be classified as single-family home. Mr. Ross questioned if it was just this property or other properties in the area. Mr. Steck stated it referenced all of the properties. Mr. Ross pointed out there are homes that exceed the 2 ½ story requirement. Mr. Steck agreed but did not see any that are 3 ½ stories. Mr. Ross asked what the square footage would be of a single-family home within the proper setbacks. Mr. Steck did not know but he could do the calculation. Mr. Ross pointed out that given the shape of the property one would have to build a house in the shape of a triangle as shown on Mr. Steck's exhibit. He questioned what that would look like. Mr. Ross asked if there is any consideration in downsizing or removing unit 1. Ms. Hearn replied not to date. Mr. Ross asked Mr. Lamicello for clarification on previous testimony regarding assessed values if the property was subdivided. Mr. Ross asked for clarification on the number of variances. Ms. Hearn explained the variances, west setback, porch setback along River Avenue, existing lot shape, building coverage, impervious coverage, front setback along River Avenue, number of stories, height, floor area ratio, parking, front yard setback for second building on River Avenue, front yard setback to the porch for second building. Mr. Kennedy asked if a dense variance is required. He also pointed out there is a use variance required.

Mr. Greig asked for clarification. Ms. Hearn counted 9 variances plus the use variance. She added they are looking up the density variance. Mr. Greig stated this a premium lot in town. Mr. Lamicello agreed. Mr. Greig asked what a single-family home with some variances could be worth. Mr. Lamicello stated he didn't do an analysis of that. Mr. Lamicello stated someone could buy this property and occupy it or build it as a single-family home, but they would not be able to sell it for market value and it would not be economically feasible unless they didn't care about resell value. Mr. Greig asked how many of the multi family buildings in the area pre-zoning code are. Mr. Greig questioned the parking calculations. Mr. DiFolco stated there are five spaces being lost on the street but there will only be two less than the required spaces on site. The hotel as it is now could put 34 cars on the street. Mr. Greig asked if there is anyway the westerly most building could be moved further away from the neighbor. Mr. Merkler stated they could slide the building up 7 feet but then would need to lose two feet in the front towards the park. Ms. Hearn stated they could move one of the buildings but not both. Mr. Greig asked Mr. Russell if 7 ft makes a difference instead of 5 ft. Mr. Russell replied no, it won't make much of a difference because of the height. Mr. Greig pointed out that the proposed height is 1 ft higher than the existing structure. Mr. Russell stated the height near his property will be higher because of the angle of the existing building. Mr. Greig also pointed out the existing structure is only a few inches from Mr. Russell's property line. Mr. Russell stated he would rather have that than the new project.

Mr. Fitzgerald stated there was a question that if this was for a single-family home it wouldn't need to be before the Board but felt it would be highly likely that a lot like this would generate variances even for a single-family home. He asked if there was any testimony about bringing the Whitehouse into compliance with fire codes or safety. Fears the current structure could burn down with loss of life and bringing something into compliance is important. Ms. Hearn stated the building is inspected but today's codes are stricter. The windows today do not provide adequate egress. The rooms are not fire rated. Mr. Fitzgerald stated the town can't compel the current owner to bring it up to code.

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Mr. Lisko asked if we were to compare this type of multi family dwelling to the multifamily ordinance, is this designed in the spirit of that ordinance. It was mentioned that this is in the spirit of what we see in the seaport redevelopment zone. Ms. Hearn stated there are guidelines for building in the redevelopment zone that abuts a single-family zone but is not familiar with all of the requirements as it has changed many times. Mr. DiFolco reviewed the multifamily ordinance which if using that then the density could allow for 3 more units than what is proposed, and the building coverage would be closer to what is permitted. Mr. Lisko stated that master plan has called out some boarding homes to be converted to multi family homes such as townhomes. He asked why this property wasn't included. Mr. DiFolco stated the master plan refers to this property as a commercial use which imposes the question should it be something else commercial. Mr. Steck stated the land use map shows it as a commercial use, but the property is zoned single family. Mr. Lisko asked Mr. DiFolco if he agreed because that's not how he read the master plan. Mr. DiFolco stated the master plan does recognize multifamily are an important use in the Borough and does not say it needs to be single family. He pointed out on one of the exhibits that there are only two single family lots on their entire block.

Mr. Fowler recalled testimony that six units is needed to make a profit on this property. Mr. Merkler stated he lives a block and a half away and has concern about what could happen on this property. He felt a single-family home squeezed on top this property would not be as aesthetically pleasing as what Ms. Hearn has proposed. He added this is a risky project but is ready to move on it as proposed. He added they could do less units but would not be proud of it.

Mr. Cupoli asked what the individual units would sell for. Mr. Merkler stated the range would be \$1.4 to 1.9 million.

Mr. Lisko mentioned Mr. Long who testified at the last meeting. He recalled Mr. Long purchasing several properties amongst these apartment buildings and built a single-family home. Mr. Shippers stated he does not recall the specifics of when Mr. Long purchased his property and built but it was many years ago and assessments were different then. He suspected Mr. Long bought in at a much lower assessment and price.

Public Questions:

Linda Sharkus, 400 4th Avenue, asked Mr. DiFolco asked if the 12 parking spaces are located inside or outside of the garage. Mr. DiFolco stated they are inside the garage. She asked if most people park in the garage. Mr. DiFolco replied yes if that is where your spot is.

Gene Creamer, 4th Avenue, referenced the Coast Star notice from October 2018 and the application that referenced major site plan approval. He asked if the applicant is bifurcating their application. Mr. Shippers replied no. Mr. Creamer asked if the public was notified that the applicant was seeking major site plan approval. Mr. Shippers stated the notice was ruled sufficient before proceeding. Mr. Creamer felt if they are seeking major site plan approval there are submission requirements. Mr. Kennedy stated the Maser Consulting review letter references the applicant is seeking preliminary and final site plan approval. Mr. Creamer asked if an environmental impact statement was submitted. M. Kennedy stated the Borough engineer in December 2018 reviewed the application and deemed it complete. Mr. Freda stated his firm wasn't involved initially but Maser did two review letters on this application and the applicant did comply with the checklist. Mr. Freda stated he has not seen any requests for waivers.

Maria Florio, 12th Avenue, asked Mr. Merkler why he can't build two beautiful homes up like he did at the Barclay sight. Mr. Merkler stated he purchased the Barclay at half of what he is paying for this property and built four homes there. Mr. Merkler added he reviewed building three homes with Ms. Hearn but felt it would not be something to be proud of that showcases the property. She would like to see only two or three units. Mr. Merkler stated he has done a lot of development in town and wants to have a showcase product that you can see when you come over the bridge. Ms. Florio was concerned that if this application is approved she will see something similar across the street from her where the Belmar Inn is. Mr. Merkler stated this project is going to beautify the neighborhood.

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Public Comment:

Mike Neary, 101 First Avenue, stated he bought in Belmar two and a half years ago. When he bought he was under the impression that the lot was zoned single family. Concerned about the foot print of the building and the height. Felt it is disturbing that the use of the property is being dictated by the price the seller wants. Seems unfair to the residences in the immediate area.

Frank Giannaci, 5 Ocean Avenue, stated he supports the application. He lives in Northwind Condos across the street. The benefits of the aesthetics would improve their property values. Also feels a no vote will open up a question mark as to what will happen with the property. Feels the property the way it is set up requires something bold which is what they have proposed. Feels we will all be proud of it.

Diana Leight, River Ridge Apartments, stated her window from her living room faces the Whitehouse. Has been looking at it for twenty-four years. Feels this will be a great asset to the neighborhood and a wonderful plan.

Jacqueline Hyers, 2nd Avenue, has been a resident on 2nd Avenue for 25 years. Asked who wants to look out their window or walk by an almost four-story structure. Strongly objects because it is a saturation of the property. Feels the future of Belmar is beautiful single-family homes.

Art Ammermuller, 106 12th Avenue, thinks the property is too dense, too high and doesn't fit within the master plan. Seems we take nonconforming lots and make them more nonconforming to satisfy financial needs.

Randie Brazel, 101 11th Avenue, stated this project is beautiful but it is just too big. Felt there is no land anymore. Felt it was uncomfortable to come to these meetings because Mr. Shippers is intimidating.

Tom Fahy, 400 River Avenue, stated emotions are very high. Mr. Merkler is a friend of his and feels Mr. Russell's statement of him being greedy is not fair. This project is being litigated because of the sins of past projects. Understands the people opposing this project but we need to look at this case as it is. It is a beautiful project on a predominant lot in town. It is something you look at as soon as you enter the town. It will improve the neighborhood.

Linda Sharkus, 400 4th Avenue, stated she is not in favor of the application. Wonders how the Board can say yes with so many variances.

Mike Seebeck, 110 2nd Avenue, has lived in town for 25 years. Knows Mr. Merkler and current owner Tom Wagner very well. Can't support this application and feels it sets a bad precedent.

Alex Taylor, 124 Inlet Terrace, has friends on both sides of this but it's not an easy call. The people against this bring up the master plan. Didn't know it was zoned single family when in reality it is multi family. Not really sure it says it should go to single family. Doesn't think number of variances matters as many of them are due to the shape of the lot. Felt the other variances have to do with the shape of the lot when you really dig into it. It will not be a detriment to the town.

Jay Thibodeau, 2nd Avenue, has lived here 19 years. He is totally against this because it is not zoned for something this size. Feels it would devalue the homes in the area. Would like to see one nice home.

Dave Kinsel., 112 Third Avenue, has lived here for 25 years, has seen a lot of things change. The building is at the end of its useful life. Would like to see something nicer. Thinks when it is done everyone will say we were right, and it is a good project.

Donald Winters, 302 14th Avenue, stated he is against the project. No argument it is a beautiful building, but it is too much for the lot and way too big. The ability for the developer to make money should not be considered.

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Tom Wagner, 102 2nd Avenue, stated it is a 130-year-old building and is just getting worse. No longer economically feasible for him to run the property for 3 months out of the year and make money to cover taxes, insurance, etc. The time has come, how much longer can he keep putting band aids on it. Can't remodel it. There's no off-street parking. The project is going to be much better than what is there now which will be closed for the summer.

Board Comments:

Mr. Fitzgerald thanked everyone for coming out. Glad to hear from both sides. Mr. Brodsky interrupted and asked to do a summation. Mr. Shippers and Mr. Middleton were willing to waive summation as it has been hashed out, but Mr. Brodsky wanted to speak.

Mr. Brodsky stated we have to ensure the law is being followed. Said it on the first night that it is a wonderful plan but its not right for this piece of land. Feels this allows people to think they can build what they want because the owner needs a certain amount of money. They need a lot of variances. Would need less variances if built less units. There has been no testimony from the applicant that this property cannot be built with a single-family home. There has been no testimony that this property would have no value if marketed as a single family. The use of the property is not limited to the existing use or proposed use. There are other options that would require less variances. Feels the applicant feels like they know what's best for the property than those that are immediately adjacent to it. Since the Whitehouse isn't operating the argument that it is bad for the neighborhood doesn't mean as much. Urged the Board to apply the law, zoning ordinances and master plan and not approve the application. The variances are not minimal. The applicant is asking the Board to ignore the zoning ordinance and basically ask for a zone change because they know what's best.

Mr. Shippers felt Mr. Brodsky was belittling Mr. Merkler because he didn't have arguments, so he attacked the man. Mr. Merkler is trying to build a project that would work. Economic feasibility is the keystone to a successful project. It's not realistic to sit and wait to see what happens with the property. Have to look at the lot to see if it particularly suited to fit the design proposed. Mr. Wagner testified that there were times there were 40-60 parking spaces being used up by this property. The proposal is going to house far less than the existing building. Won't have the turmoil and headaches Mr. Wagner testified about. The current building violates 9 bulk variances as it exists and is a non-conforming use. The hotel use is far more abhorrent than the proposed use. It promotes proper density. Contributes to the surrounding neighborhood. Provides a condominium residential style unit that provides more affordable ocean front housing stock. The only testimony from the other side is its too big. It eliminates an eye sore, increases setbacks to the west, and stormwater runoff is controlled on site. Would love a \$5 million sale on Ocean Avenue but that is not happening with all of the multi families in the area. If Mr. Merkler felt, he could do 3 homes he would have done so. Not talking about making a profit when talking about economics, talking about how to build without going in the red. There is no detriment. It is a great project, and everyone will be proud of it when it is built.

Mr. Middleton stated the Board has a unique opportunity. Have a developer who said they can develop the property. The owner isn't going to give away his property. Do we let the site continue to sit or develop a project that addresses parking, stormwater runoff, aesthetics? It will change the area and the Board should approve the application.

Mr. Fitzgerald stated the decision of the Board is not based on price point or profitability. It's based on the positive and negative criteria. Is it good for Belmar? Each application is decided on its own merits. Each is unique. If we say yes tonight it doesn't mean, we will say yes on another application in another area of town. Approval of the application would be less dense, provide parking, and closer to conformity. Good to hear the building is not being rented because safety is a concern. He is in favor of the application.

Mr. Greig stated he doesn't envy the Board making a decision. Has gone back and forth so many times. Can see both sides. It is a benefit and a deficit in both ways. It is an attractive building. Does fall short with the FAR being higher, falls short in parking but not that bad, would need that rear yard increased to 7 ft as discussed, and the a/c units would have to be put in the attic.

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Mr. Shippers agreed. Mr. Greig stated it seems like we are rewriting the zoning ordinance, but the shape of the lot demands a lot of these variances be in existence. Thinks he will vote yes.

Mr. Ross stated we keep hearing about the number of variances but the existing property that everyone wants to remain has 10. The property is a triangle and sees a lot of hardship. Has gone back and forth on this over the past few months. Would like to see a smaller structure but that is not what is being proposed. Could throw a dice and talk about hypotheticals. The drawings are unlike any other multi family design. It's not a square box like most apartments are. It would be great to have a single-family home but that is not what is being presented. Feels if we were to deny the application based on a dream, then some other developer who isn't from Belmar or doesn't have pride in Belmar could propose something worse in front of a different Board. Doesn't think its that much larger than what is there now. Would be inclined to vote in favor with the conditions Mr. Greig asked for.

Mr. Cupoli stated this is one of the hardest applications they have seen since he has been on the Board. The project has addressed a lot of the issues that exist such as parking and drainage. Nobody mentioned asbestos abatement which will probably have to happen. We are looking at a vacant building now. Walks by it all the time and always thinks something has to be done. It has served its time. It's going to be a beautiful building. Thinks there will be a lot of good things to say about it. Not trying to set a precedent.

Mr. Fowler stated he doesn't like the application, doesn't like that we started this in October, doesn't like the fact they want six units because they want to make a profit. Likes what Mary is doing, always liked her architecture. Doesn't like all of the testimony because it feels a lot was redundant and unnecessary. Feels the size of the building is too much. Doesn't like the idea that when the Whitehouse comes down something bigger is going to be built in its place. Likes when concessions are made but none have been made until a few minutes before there is a vote. Nobody has suggested reducing the number of units. Doesn't like the conversations the attorney's have had with each other and the public. Doesn't like the people buying the property couldn't have a decent conversation with the neighbors. We want to be a single-family community. He is on the fence for how he is going to vote. Likes everyone in the room and applauds all of those who have been here since October. Has to believe that if this building doesn't get built there will be other offers to purchase the property. With whatever decision he makes he is not happy with how this all went down.

Mr. Palmisano stated the plan is very aesthetically pleasing and will be a benefit to Belmar. Understands mixed feelings from the residents. Not happy with the building that's there now. Would probably vote in favor.

Mr. Lisko stated this is the toughest application he has had to vote on. At the end of the day feels it is just too big. The two neighbors immediately to the west oppose this and that weighs on him. It is beautiful but too big for his taste and is not in favor of the application at this time.

Mr. Kennedy gave a summation. Explained the criteria for granting variances. Five affirmative yes votes are needed for the application to be approved. Summarized the conditions in the event the application is approved.

Mr. Freda stated he is not a builder and an architect but was concerned the a/c units could not go in the attic. Ms. Hearn clarified they would be outside on the roof recessed in the attic. Mr. Greig would like them to use the quietest units. Mr. Merkler stated they will be screened.

Mr. Shippers stated they did request a waiver from the environmental impact statement. Does not feel it is necessary. If there was a traffic impact study required, they would have asked for a waiver. If a stormwater plan was required, they have addressed it with their engineer's testimony. Would do a soil boring test with the Borough engineers' satisfaction. Will comply and work with the Borough Engineers.

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

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AYES: Mr. Palmisano, Mr. Fitzgerald, Mr. Greig, Mr. Ross and Mr. Cupoli
NAYES: Mr. Lisko and Mr. Fowler

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