

ZONING BOARD OF ADJUSTMENT

JULY 25, 2019

PRESENT: John Hutchinson, Phil Greig, Mark Fitzgerald, John Lisko, Judy Zoppi, Chuck Ross, Manny Fowler and Tom Palmisano

ABSENT: Robert Cupoli

ALSO, PRESENT: Board Attorney Kevin Kennedy, Board Secretary April Claudio and Zoning Official 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 21, 2018 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Greig made a motion to waive the reading and approve the minutes of the June 27, 2019 meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Lisko, Ms. Zoppi, and Mr. Palmisano

NAYS:

ABSTAIN: Mr. Hutchinson and Mr. Fowler

Mr. Greig made a motion to waive the reading and approve the resolution for Ann Noble, 219 South Lake Drive, which was seconded by Ms. Zoppi and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Lisko, Ms. Zoppi, and Mr. Palmisano

NAYS:

ABSTAIN: Mr. Hutchinson and Mr. Fowler

Mr. Greig made a motion to waive the reading and approve the resolution dismissing the application of Thomas and Rose Mercadante, 2004 Ocean Avenue, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Lisko, Ms. Zoppi, and Mr. Palmisano

NAYS:

ABSTAIN: Mr. Hutchinson and Mr. Fowler

Mr. Greig made a motion to waive the reading and approve the resolution for Jeffrey Shapiro, 512 10th Avenue, which was seconded by Ms. Zoppi and approved by the following vote:

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

NAYS:

ABSTAIN:

Mr. Kennedy stated the resolution for Down to Earth Landscaping, 102 2nd Avenue, is not quite complete yet and therefore he will present that to the Board to vote on at the next meeting.

Mr. Greig made a motion to carry the application of Victor and Tammy Soluri, 1209 Maplewood Road, to the 8/22 meeting, which was seconded by Mr. Hutchinson and approved by the following vote:

AYES: Mr. Greig, Mr. Lisko, Mr. Palmisano, Mr. Hutchinson and Mr. Fowler

NAYS:

ABSTAIN: Ms. Zoppi and Mr. Fitzgerald

Mr. Greig made a motion to carry the application of Noel Chapman, 97 13th Avenue, to the 8/22 meeting, which was seconded by Mr. Fitzgerald and approved unanimously.

VICTOR TUMA – 506 SIXTH AVENUE

Appearing for this application was Mr. Tuma and his contractor Joe Schaad. Mr. Tuma stated there is a single-family home on the property that is his primary residence. When he brought the property there was an apartment that was renovated and brought into the house to make it

ZONING BOARD OF ADJUSTMENT

JULY 25, 2019

abandoned. Mr. Schaad explained the renovations that have been done to the house and the existing layout. The existing garage was improved and is now used as a shed. The proposal is to put a single-story addition on the rear to create a great room and a rear deck. Also proposing to remove a significant amount of impervious coverage. Need a variance for building coverage, which is 3% of the maximum allowed. The addition would be 231 square feet. Mr. Bianchi stated if the impervious coverage is 50.8% then that is an additional variance. Mr. Schaad stated they could ask for the variance or remove some impervious surface.

Mr. Fowler asked about water runoff. Mr. Schaad stated there would be leaders and gutters that lead to an existing French drain.

Ms. Zoppi asked for clarification on the variances being requested. Mr. Schaad stated building coverage and impervious coverage.

Mr. Kennedy explained how the resolution will reflect that the previous two-family use will be officially abandoned if has not been done with the Tax Assessor already.

Mr. Hutchinson asked about the location of mechanical equipment. Mr. Schaad stated the exiting A/C condenser will be sufficient for the addition. Mr. Hutchinson was concerned about equipment in the basement. Mr. Tuma stated he has had no water in his basement since he redid the leaders and gutters and installed the French drain.

Mr. Lisko would like the Grasso Design zoning chart revised so it is not confusing. Mr. Schaad stated it was probably a template they used which is why it is showing zeros. Mr. Kennedy suggested they have it revised and resubmitted.

Public: none

Mr. Fowler stated he has no problem approving this application. Mr. Palmisano agreed. Ms. Zoppi stated she will vote yes. Mr. Fitzgerald stated the changes are minor and will vote yes. Mr. Greig stated he intends to vote yes. Mr. Hutchinson stated they are minor changes and will vote in favor. Mr. Lisko stated he too is in favor of the application and wished them well.

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

At approximately 7:57 pm the Board took a recess. At approximately 8:05 pm the Board reconvened. Roll call was taken. All were still present.

DOUGLAS & SUSANNE SWEENEY – 1711 SNYDER AVENUE

Appearing for this application was Mr. and Mrs. Sweeney and their architect Paul Moore. Also appearing was an objecting attorney, Michelle Donato representing Mr. and Mrs. Howarth of 1709 Snyder Avenue. Ms. Donato stated she was concerned about the wording of the notice because it appeared, they are putting a bedroom and kitchen above the garage. Mr. Sweeney replied to her letter stating she was incorrect. She was also concerned about the total side yard setback and floor area ratio and whether or not a variance is needed. Mr. Sweeney read from the notice he sent out which provided the description of work being proposed. There was no mention of a second kitchen over the garage. What Ms. Donato was objecting to, was the wording in his application which was interpreted incorrectly. Mr. Sweeney stated this is not designed as a two-family and the only way to access the new bedroom over the garage is through the stairs in the kitchen. This property would come off the rental market and be used for his family. There is no floor area ratio variance being requested, they are well under the allowable amount. He also sent letters and plans to the adjacent neighbors which was above the required certified mail notices and the newspaper notice. Mr. Kennedy explained the content of the notice and discussions he had with Mr. Bianchi and Mr. Sweeney for clarification. He determined the notice to be sufficient.

Mrs. Sweeney stated the property has been in her family since 1944. There is a single-family home on the property that is rented out through a charity they run. Mr. Sweeney stated they would like to integrate the garage into the house, expand the first-floor kitchen, and add a bedroom and bathroom on the second floor. There will be more lawn added. The existing kitchen is far too small; cannot open the dishwasher and the stove at the same time.

ZONING BOARD OF ADJUSTMENT

JULY 25, 2019

Mr. Sweeny stated there are four variances being requested: Parking, three spaces required, and two spaces exist and are proposed. While they technically do not comply with the ordinance, they can fit four vehicles on site. Building coverage will increase from 23.9 to 34.3% which is 4% over the allowable coverage. The last two variances are existing side and rear yard setback. The impervious coverage is currently over the allowable amount, but they will be reducing it to bring it into compliance. The existing a/c unit will be relocated to be in compliance with the setback requirement. The expansion is for the kitchen, a staircase to the new bedroom and bathroom. There is no second kitchen nor room for one to be added.

Ms. Donato asked how many bedrooms currently exist in the house. Mr. Sweeny stated there are two bedrooms on the first floor, a loft on the half story that is open and not a bedroom. Their CO occupancy is for six people. Ms. Donato asked if the footprint of the garage is being expanded. Mr. Sweeny replied no. Ms. Donato asked what is in the garage. Mr. Sweeny stated it has a car, a utility area and a shower. Mrs. Sweeny stated the shower inside the garage is being removed. Ms. Donato asked what is coming off to reduce the impervious coverage. Mr. Moore explained there are notes on the plans that reflect the removal of pavers throughout. Ms. Donato questioned Mr. Moore's calculation of the floor area ratio. Mr. Bianchi clarified floor area ratio is determined by habitable floor area. Ms. Donato asked if the property is in a flood zone. Mr. Sweeny replied no. Ms. Donato was concerned about the rear yard setback and how that affects her clients. She asked if the air conditioner being on a roof will cause noise problems. Mr. Moore explained how air conditioning units work. Ms. Donato asked why there are pavers being added between their home and the Howarths. Mr. Moore stated it is a walkway to the existing paver patio.

Mr. Hutchinson asked if the house is on a slab. Mr. Sweeny stated it is on a crawl space and has no mechanicals in it. Mr. Hutchinson asked what the distance is from the garage to the neighbor's dwelling. Mr. Sweeny estimated 3-5ft. Mr. Hutchinson clarified the principal structure is not being changed. Mr. Sweeny confirmed. Mr. Hutchinson asked if they could use pervious pavers to help with water runoff. Mr. Sweeny stated he could use pervious pavers or stepping stones instead for the new walkway.

Mr. Greig asked what the change in height is for the garage. Mr. Moore stated it is going from 12 ft to 18 ft.

Ms. Zoppi asked how many bedrooms are in the current home. Mr. Sweeny stated there are two bedrooms on the first floor, but one does not have a closet, the second floor is an open loft with a closet and a small room that is 7x14 with a closet. When the town gives them permission to rent it, it is for 3 bedrooms. Adding one bedroom to the garage would make it four bedrooms. Ms. Zoppi asked how many bathrooms. Mr. Sweeny stated there are two bathrooms and adding a third one. Ms. Zoppi asked if they have spoken to the neighbors. Mr. and Mrs. Sweeny stated they sent additional letters and spoke to several neighbors.

Public: none

Jerald Howarth, son of Mr. and Mrs. Howarth, and an attorney was present to assist his elderly father with this testimony. John Howarth stated he has been in Belmar since 1969. He was concerned about drainage and water runoff. He was concerned about the addition being a separate unit. He was concerned about drainage and loss of sunlight by the increase in height. Felt his quality of life in the backyard would change. Also concerned what it will look like. He was concerned about the location of the air conditioning unit. Felt it could be relocated to a different location. He stated he built his home without any variances. Jerald Howarth presented a survey of 1709 Snyder Avenue.

Mr. Hutchinson pointed out the survey shows their side yard setback is just over 3 ft, which is in line with what their neighbor is proposing. Mr. Hutchinson asked if the exhaust pipe the neighbors are concerned about could be moved. Mr. and Mrs. Sweeny replied yes.

Mr. Greig pointed out the roofline of the addition will match the garage which means the water would pitch towards the west of the property not the Howarth's property.

Mr. Fitzgerald stated the renovations being requested is significantly less than what they typically see. Normally someone would bulldoze the house and build a new two and a half story home which would affect them more. If the Board was going to vote yes, he would like to know

ZONING BOARD OF ADJUSTMENT

JULY 25, 2019

what would make Mr. Howarth happy. Jerald Howarth stated they need more of a setback. Agnes Howarth was concerned about it being damp and dark on their side.

Ms. Zoppi clarified the variances with Mr. Moore.

Mr. Ross asked why gutters aren't being installed. It was because of the type of the roof that exists. He asked why the addition and the garage couldn't be two feet less.

Mr. Moore stated the area to the north of the addition is the stair to the new bedroom and can't move it because there is a door to access the kitchen from the patio.

Mr. Lisko asked how they can control water runoff. Mr. Sweeny stated the water drains east to west. There's a small hip roof on the north and south sides where there may be some runoff. He would like to keep the architectural integrity of the roof and adding gutters and leaders would be a deal breaker. He offered to install a French drain or something else to control runoff on the north side.

Mrs. Sweeny stated if there was a water issue why did they never complain before.

Given the late hour the Board decided to continue the application at the next meeting. Ms. Zoppi made a motion to carry the application to 8/22, without the need for further public notice, which was seconded by Mr. Fitzgerald and approved unanimously.

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