

PLANNING BOARD

JUNE 17, 2019

PRESENT: Rick Meyer, Joe Rizzitello, Ted Protonentis, Mike Campbell, Jay McDermott (arrived at 7:05 pm), Patricia Wann, William Lindsay, Tom Burke, Nick Valente, and Sal Marchese

ABSENT: Robert Forte and Mark Walsifer

ALSO, PRESENT: Board Attorney Douglas Kovats, Board Secretary April Claudio, and 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 stated on tonight's agenda we have a resolution memorializing last month's application, approval of minutes, review of an ordinance and one application. He explained to the Board their role and purpose for reviewing the ordinance. He gave a brief explanation of the application and variances being requested.

Mr. Campbell made a motion to waive the reading and approve the minutes of the May 20, 2019 meeting, which was seconded by Mr. Burke and approved unanimously.

Mr. Burke made a motion to waive the reading and approve the resolution for ELW610 LLC, 1501 D Street, which was seconded by Mr. Campbell and approved unanimously.

JOHN & LINDA BOCK – 205 SEVENTH AVENUE

Appearing for this application was attorney William Shippers, applicant John Bock and engineer Rich DiFolco.

Mr. Bock stated he has owned the property for 41 years. It has been his principal residence for the last 5 ½ years. Would like to subdivide the property into two lots. Would build a smaller home on the new lot for him and his wife to live in while his son would take over living in the existing larger house.

Mr. DiFolco explained the existing house and lot conditions. The existing house has a nonconforming side and front yard setback. The proposed new home will meet the side and front yard setbacks. There would be 17 feet between the proposed home and the existing home. A new driveway is proposed on the east side of the new home to add more distance between the neighbor. Goal is to make it look not crowded from the street. There is an existing shed that will be relocated to meet the side yard requirement. The two lots would be 5,000 square feet each. There are six lots in close proximity that are also small lots. Both lots will comply with parking. There is no detriment to the neighbor nor substantial detriment.

Variances: Proposed lot size for both lots, proposed minimum lot frontage for both lots, existing front yard setback, existing side yard setback, total side yard setback, new rear yard setback, existing porch setback, new lot shape diameter, existing building coverage, and existing accessory structure setback.

Mr. DiFolco requested a waiver from the environmental impact statement because the lot is already developed. Applicant would probably agree to install a drywell. Will install a paver ribbon driveway on the new lot minimize storm water runoff. Will relocate the pavers 1 ft off the property line to comply with the setback requirement.

Mr. DiFolco stated the Borough's Master Plan calls for varied types of housing choices rather than large buildings. Talks about multi-family and smaller sized buildings. This lot would go along with this thought process. Also asking for waiver of traffic impact study as it is not necessary since just adding one additional home.

Mr. Bock stated he would not be able to put electricity underground as the existing poles are across the street and does not want to tear up the road.

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Mr. Kovats pointed out a variance for the existing driveway which is being relocated slightly. Mr. DiFolco stated they are also asking for a driveway easement. Mr. Kovats stated the driveway for lot 2.02 encroaches onto lot 2.01 via the easement but also requires a side yard setback variance for lot 2.01. Mr. DiFolco disagreed as he does not consider a driveway a structure.

Mr. Kovats asked if there are any deed restrictions that preclude development on new lot 2.01. Mr. Shippers replied no.

Mr. Freda stated he would not consider a driveway a structure, but the line of questioning Mr. Kovats was asking is on point. Mr. Freda felt the proposal is kind of awkward. Felt it would probably work with a relative living next door but was concerned about when two relatives aren't living next door and how it will be maintained. Asked if the existing garage could be removed to square off the lot. Mr. Bock stated he would not like to do that.

Mr. Shippers questioned making changes to the easements to accommodate more space. Mr. Campbell felt if either property were to go up for sale the buyer would be aware of the easement and know what they are getting into.

Mr. Lindsay asked if the garage could be moved. Mr. Bock replied no.

Mr. Valente asked Mr. DiFolco if he's ever designed lots like this. Mr. DiFolco did not think he has. Mr. Valente asked Mr. Bock if he would be comfortable with a new neighbor if his son sold the larger house. Mr. Bock felt both properties will be in the family forever. Mr. Valente asked Mr. DiFolco if the six small lots out of the 80 nearby makes this proposal fit in the character of the neighbor. Mr. DiFolco stated it does.

Mr. Burke asked if the driveway on the existing lot could be widened. Mr. Bock replied no because it would make it tighter. Mr. Burke stated if you got rid of the flag lot shape and just made the new lot 3500 square feet it would be more desirable. Could see conflict down the line with the proposed layout. He asked how many bedrooms are in the new house. Mr. Bock replied three. Mr. Burke asked if the big tree would have to come down. Mr. Bock replied yes. He will add some nice landscaping in the back.

Mr. Lindsay asked if there were any discussions with neighbors. Mr. Bock stated none of the ones he spoke to have any problems with the plan. Ms. Wann and Mr. Lindsay suggested they work with the Shade Tree Commission regarding street trees.

Ms. Wann was concerned about the driveway easement and asked if there is anyway to adjust it. Mr. Bock stated there is no way to put in a driveway without an easement so might as well make it practical to use.

Mr. Campbell stated he has no issues with the subdivision fitting in with the neighborhood as he lives in the area. He has a driveway easement which is reason for his earlier comment.

Mr. Freda stated the paver ribbons are pretty narrow and asked what will be used to hold it together. Asked for a paver detail to be submitted. Mr. DiFolco agreed. Mr. Freda requested the paver strip in the right away on the new lot either be all concrete or all pavers rather than strips. Mr. Bock agreed. Mr. Freda asked about location of air condition condensers. Mr. Bock stated the existing house has them on the east side of the building. The new lot will have them in the rear of the building.

Mr. Kovats asked for a new plot plan outlining the changes and additional details needed prior to the next meeting. Mr. DiFolco agreed.

Public: none

Board Comments:

Mr. Valente stated it is an odd shape. Would have been better if the garage was moved and lines were squared off.

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Mr. Burke stated he has no problem with the waiver requests and variances but is concerned about less than 2 feet between the house and the driveway.

Mr. Lindsay stated he thinks they've done a good job trying to make it work. Wish could make all the details fit but satisfied it's a good effort.

Ms. Wann stated she hopes the property stays in the family for a long time.

Mr. Campbell stated he likes the plan and wished them nothing but luck.

Mr. Protonentis stated he feels there are a lot of variances needed and it encroaches on the neighborhoods.

Mr. Rizzitello stated he has an issue with the backyard for the new lot being a flag lot and you won't be able to see the kids playing.

Mr. Meyer stated he has a problem with the number of variances being requested.

Mr. McDermott stated he likes the spacing and they were able to provide greenery for the new lot. Doesn't like easements but understands the need. The lot is irregular, but we have housing needs for senior housing or active adults as the community evolves.

Mr. Campbell made a motion to grant all the waivers requested, which was seconded by Mr. Lindsay and approved unanimously.

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

AYES: Mr. Campbell, Mr. McDermott, Ms. Wann, Mr. Lindsay, Mr. Burke and Mr. Valente

NAYS: Mr. Meyer, Mr. Rizzitello, Mr. Protonentis

REVIEW OF ORDINANCE 2019-20

Mr. Kovats explained the ordinance is being asked by the FCC and explained the ordinance in more detail. Doesn't see anything in the ordinance that is at odds with the existing ordinance or master plan. Ms. Claudio stated the ordinance modifies the existing ordinance to allow for the new 5G technology and is being mandated by the FCC to be adopted by all towns.

Mr. Meyer stated if the Board has no objections to the ordinance since the Mayor and Council are recommending this be adopted based on their counsel then there is no further discussion needed.

Board is good with the ordinance. Mr. Kovats will prepare a memo to the Mayor and Council on behalf of the Board.

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