

**ZONING BOARD OF ADJUSTMENT  
JANUARY 23, 2020**

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

ABSENT: Robert Cupoli

ALSO, PRESENT: Board Attorney Kevin Kennedy and Board Secretary April Claudio

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 23, 2019 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. Hutchinson, Mr. Fowler and Mr. Melango.

Workshop Discussion: Regarding the Annual report for 2019. Mr. Fitzgerald stated we need to be mindful of Air BNB's. Mr. Hutchinson stated we would like the Mayor and Council to look into it. Mr. Hutchinson would like last year's comment regarding garage uses to be added to the report. Mr. Greig made a motion to accept the 2019 report as amended, which was seconded by Mr. Hutchinson and approved unanimously.

Mr. Lisko requested to postpone the nominations for Chair and Vice Chair until the next meeting.

Mr. Greig made a motion to waive the reading and approve the minutes of the December 19, 2019 meeting, which was seconded by Mr. Fowler and approved by the following vote:

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

NAYS:

ABSTAIN: Mr. Lisko and Mr. Melango

Mr. Greig made a motion to waive the reading and approve the resolution appointing a Board Secretary, which was seconded by Mr. Hutchinson and approved by the following vote:

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

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and approve the resolution appointing a Board Attorney, which was seconded by Mr. Palmisano and approved by the following vote:

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

NAYS:

ABSTAIN:

Mr. Greig made a motion to waive the reading and adopt the resolution granting approvals to Dan Haring & Melissa Schlank, 506 15<sup>th</sup> Avenue, which was seconded by Mr. Hutchinson and approved by the following vote:

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

NAYS:

ABSTAIN: Mr. Lisko and Mr. Melango

Mr. Fitzgerald made a motion to waive the reading and approve the resolution dismissing the application of Edeleman Investment Group, 112-114 12<sup>th</sup> Avenue, which was seconded by Mr. Greig and approved by the following vote:

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

NAYS:

ABSTAIN: Mr. Melango

Mr. Fitzgerald questioned a letter included in the DeFranco, 1905 Surf, application package. He felt the Board has set a precedent to not accept letters because they are technically hearsay. Mr. Kennedy stated this matter was not noticed for tonight and doesn't want to have too much discussion on this, however, he gave a brief explanation on letters vs. hearsay. Mr. Fitzgerald would like them to bring their witness to the

**ZONING BOARD OF ADJUSTMENT**  
**JANUARY 23, 2020**

February meeting. Mr. Kennedy explained sometimes letters can be accepted for factual reasons. This application was not noticed for and will be heard at the February 27<sup>th</sup> meeting.

Mr. Lisko stated the application for Len Forsyth, 1599 Maplewood Road will be heard on March 26<sup>th</sup>. Ms. Claudio stated Mr. Forsyth had a family matter and did not notice for this meeting.

Jodi & Richard Kinney – 400 10<sup>th</sup> Avenue

Appearing for this application was Mr. and Mrs. Kinney and their builder Mike DeBlasio. Mr. Kennedy stated the application is for a property with a garage apartment and there was nothing in the notice regarding a use variance. The Zoning Officer's denial stated this application was an expansion of a non-conforming use. He felt the Board does not have jurisdiction to hear the application and hopes they will re-notice.

Mr. DeBlasio stated the non-conforming use is not part of the application. They are really here for the addition on the front house that is a very minor issue. He doesn't believe anyone is here against this application.

Mr. Lisko asked the Board if we should hear the application or reschedule. Mr. Lisko stated he would defer to Mr. Kennedy's recommendation to re-notice. Mr. Fitzgerald stated is a legal matter and the Board couldn't decide to go contrary to the law. Mr. Lisko stated it's been the opinion of the Board and past practice that a use variance is not included in the statement "any and all variances".

Mr. Lisko made a motion to carry the application to the February 27<sup>th</sup> meeting, which was seconded by Mr. Hutchinson and approved unanimously.

Ms. Claudio stated Jimmy Alburtus, contractor for the Manahan 122 14<sup>th</sup> Avenue project is present to address the Board.

Mr. Alburtus stated they received approval to remove the existing house and build a new home on the existing foundation. Their engineer stipulated the existing foundation could handle the new addition. After investigation he discovered the engineers never checked the footings and they are not sufficient. Mr. Bianchi stated they should come before the Board to discuss. He is proposing to remove the existing foundation and put in a new foundation where the old foundation was and the same footprint as the Board approved back in November.

Mr. Kennedy reiterated the variances and some of the conditions the Board granted back in November.

Mr. Hutchinson asked if the proposed house once built would look the same as it would based on the approvals. Mr. Alburtus stated yes, just a newer looking foundation.

Mr. Greig questioned the language in the resolution regarding parking. Kevin Manahan stated the issue with the driveway was that it was not deep enough. Mr. Kennedy stated three spaces are required and per the ordinance there is 0 however there are 2-3 functional spaces on site. Mr. Alburtus stated they don't meet the size requirement. Mr. Manahan stated nobody came for the first application and doesn't think anyone would come to question them making a foundation sounder. He had three builders, engineers and a home inspector and nobody noticed the foundation would be an issue.

Mr. Greig asked if they could shift the foundation to move it a little bit to help with the parking. Mr. Manahan stated there is no place for it go. Mr. Alburtus stated the setback on the A Street side is 1 ft and if they shift it the other way it would affect the driveway.

Mr. Fitzgerald made a motion to administratively approve the change, which was seconded by Mr. Greig and approved unanimously.

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