

## ZONING BOARD OF ADJUSTMENT

JULY 22, 2021

PRESENT: Phil Greig, Mark Fitzgerald, John Lisko, Holly Deitz, Mike Melango, Robert Cupoli, Annemarie Drazenovich

ABSENT: Chuck Ross, John Hutchinson, Tom Palmisano and Michael Druz

ALSO, PRESENT: Board Attorney Kevin Kennedy, Zoning Official Ted Bianchi, 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 June 9, 2021 by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Melango made a motion to waive the reading and approve the minutes of the June 24, 2021 meeting, which was seconded by Mr. Fitzgerald and approved by the following vote:

AYES: Mr. Greig, Mr. Fitzgerald, Mr. Lisko, Mr. Melango, and Ms. Drazenovich

ABSTAIN: Ms. Deitz and Mr. Cupoli

Mr. Fitzgerald made a motion to waive the reading and approve the minutes of the June 29, 2021 meeting, which was seconded by Mr. Melango and approved by the following vote:

AYES: Ms. Deitz, Mr. Fitzgerald, Mr. Melango, and Ms. Drazenovich

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

Ms. Deitz made a motion to waive the reading and approve the resolution for Katherine Duffy, 1007 13<sup>th</sup> Avenue, which was seconded by Mr. Melango and approved by the following vote:

AYES: Ms. Deitz, Mr. Fitzgerald, Mr. Melango, and Ms. Drazenovich

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

Mr. Fitzgerald made a motion to waive the reading and approve the resolution for Lindsay Hood, 200 ½ 15<sup>th</sup> Avenue, which was seconded by Ms. Deitz and approved by the following vote:

AYES: Ms. Deitz, Mr. Fitzgerald, Mr. Melango, and Ms. Drazenovich

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

Mr. Kennedy stated he would have the resolutions for Janis Fitch & Steven Mayhew, 1206 River Road and Verizon Wireless, 1715 Ocean Avenue, ready for the next meeting on July 27<sup>th</sup>.

### ANDREW & MAUREEN SINDT – 409 15<sup>TH</sup> AVENUE

Appearing for this application was Andrew and Maureen Sindt. Mr. Kennedy marked the following exhibits: A1 application, A2 elevations, A3 minor land use application, A4 letter from applicant and A5 plot plan. Mr. Sindt stated they have owned the property for six years. They appeared before the Board about three years ago to build a new house. He would like to build a two-car garage for storage. The garage will have a setback of 3 feet however since it is attached to the house it requires 5 feet. The garage façade will match the main house. Two variances being requested: side yard setback and the second floor of the garage. The second floor of the garage will be for storage and will not be livable space.

Mr. Lisko questioned Mr. Bianchi's comments on the minor land use application. Mr. Sindt stated the driveway was approved when he came before the Board for the house. Mr. Bianchi stated a parking variance is required because one of the cars in the driveway will be in front of the house. Mr. Bianchi questioned the height of the garage. Mr. Sindt will lower it to comply with 18 feet.

Ms. Claudio looked up the 2017 resolution which showed the driveway was approved to be 18 feet wide. It was determined that by adding the garage the property would go from 4 parking spaces to 3 parking spaces however only 2 are legal per ordinance. The garage is not deep enough to count as a parking space. Mr. Bianchi explained if he expands the garage that will change the building coverage and impervious coverage. Only 3 parking spaces are required. Mr.

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Bianchi stated he either needs a parking variance or would need to adjust the building and impervious coverage. Mr. Sindt would like to keep the garage the way it is and ask for the parking variance. He added that his wife's car would technically fit in the garage. There is also room for one in front of the house as well.

Mr. Melango and Mr. Bianchi stated the a/c unit and dryer vent will need to be relocated. Mr. Sindt is looking into options for the a/c unit.

Mr. Greig questioned if the second floor of the garage is a true second floor. Mr. Bianchi stated it needs to be lowered 1 foot, but it is not considered a second floor so does not need a variance.

Mr. Fitzgerald asked why they couldn't build a 15-foot-wide garage to meet the 5 ft. setback.

Mr. Melango asked if there will be any utilities in the garage. There will only be electric.

Mr. Lisko agreed with Mr. Fitzgerald that the garage should be 15 feet wide, so a setback variance isn't required.

Public: Linda Sharkus, 4<sup>th</sup> Avenue, stated most properties in town are 50 feet wide and most people seem to manage with the right size driveway. Because they put in the pool, they now need variances for the garage. She felt the garage should have been a consideration before the pool. There is no hardship.

Mr. Greig would like to see the garage smaller to have the five-foot setback for emergency response purposes.

Mr. Fitzgerald said the garage would be good but would like to see the five-foot setback. Mr. Sindt agreed to reduce the size of the garage to 15 feet wide.

Ms. Deitz stated she understands the need for storage space and with the changes agreed to she would be in favor of the application.

Mr. Melango stated he is in favor of the application given the conditions made. Mr. Cupoli and Ms. Drazenovich agreed. Mr. Lisko agreed with the comments made and added that the five-foot setback is important and necessary.

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

AYES: Mr. Greig, Mr. Lisko, Mr. Cupoli, Ms. Deitz, Mr. Fitzgerald, Mr. Melango, and Ms. Drazenovich

JOSEPH & KIMBERLY MIELE – 307 15<sup>TH</sup> AVENUE

Appearing for this application was Mr. Miele and his attorney Frank Angelastro. Mr. Kennedy marked the following exhibits: A1 minor land use application, A2 application, A3 property survey, A4 photo of outdoor shower. Mr. Angelastro stated this property has been in Mrs. Miele's family for over 75 years. Mr. Miele stated the property has a single-family home that they use during the summer. The application is to install an outdoor shower on the west side of the property. A variance is required for side yard setback. Five feet is required, 2.5 feet is proposed. The property to the west is owned by Mr. Miele's grandmother. Mr. Miele stated he has a lot of family that visit which is why he would like to have an outdoor shower.

Ms. Drazenovich asked if the shower door could open to the rear of the property rather than to the west. Mr. Miele stated they are prefab construction so he is not sure if he can change the position of the door but if he can he will. Mr. Cupoli agreed with Ms. Drazenovich.

Mr. Greig would like to see the door hinge towards the house and not towards the neighbor.

Public: none

Mr. Bianchi confirmed a roof is required over the shower if it will have a drain.

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

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AYES: Mr. Greig, Mr. Lisko, Mr. Cupoli, Ms. Deitz, Mr. Fitzgerald, Mr. Melango, and Ms. Drazenovich

At approximately 7:10 pm the Board took a brief recess. At approximately 7:20 p.m. the Board reconvened. All were still present.

CHRISTOPHER BINIEK – 902 D STREET

Appearing for this application was Mr. Biniek and his architect Mary Hearn. Mr. Kennedy marked the following exhibits: A1 minor land use application, A2 application, A3 variance statement, A4 average front yard setback chart, A5 survey, A6 architectural plans.

Mr. Biniek stated he has owned the property since November 2020. The property has a single-family home that he occupies with an existing garage. He has been trying to buy a home in Belmar since 2014. He finally got this house, but it needs some work. He wants to make it better for the neighborhood and better to live in.

Ms. Hearn submitted a photo board (A7) and an illustrated elevation (A8). Ms. Hearn stated the house is small and old. The gross livable area of the house is 1268 square feet on two floors. The proposed renovations and additions would bring it to 1642 square feet on two floors. The plan is to modify the roof line to raise the room ceilings in certain parts. The addition would be a second story above an existing first floor in the rear. The addition would not be over the entire first floor. Also, they would like a stair addition on the side of the house between the house and the garage. This would open up the interior floor plan. They would also like to rebuild the garage. Would like to keep the wraparound porch and just renovate it. Ms. Hearn explained the changes to the floor plans on each floor. The proposal will gain room for an additional bathroom, larger rooms, more closet space and a washer/dryer area. The new roof lines will help with ceiling heights and maintaining water runoff on site.

The lot is only 3000 square feet in the R75 zone which creates the hardship. Variances are requested for: existing lot size, building coverage 39.7% exists – proposed is 42.6% for the additional 87 square feet of footprint, and 30% is the maximum permitted, 63.4 % impervious exists and it will be reduced to comply at 54.9%. They have removed 250 square feet of hard surface. Front yard setback exists at 6 ft and will not change, 8.4 ft. is the average. Rear yard setback: 3.3 feet exists and will remain; 40 feet is required. Side yard setback to the north: 2.6 feet will remain and be extended with the addition and 5 ft is required. Side yard setback to the south: 33.2 feet is proposed, and 5 ft is required. Garage has a 2 ft setback and 1.5 ft setback which they would keep. Will replace existing a/c which is at 0.9 ft setback where 5 ft is required. Can replace on existing pad. The house and garage will have new siding to look fresh and new.

There is a stormwater pipe through the alleyway that Mr. Cupoli would like to see removed or buried on the north side of the property.

It was discussed that the garage is only 18 feet long where 20 feet is required so a parking variance is required. Ms. Hearn stated a car can fit in the garage technically.

Ms. Drazenovich asked if the fence will be replaced. Mr. Biniek stated he is trying to figure out if it is his fence or not. The neighbor told him the fence is his, but the neighbor had added to it. He discussed with the neighbor replacing the fence after construction.

Public: Linda Sharkus, 4<sup>th</sup> Avenue, has seen the house and the only thing holding the garage together is the siding. Complimented Ms. Hearn on the design.

Mr. Greig commended Ms. Hearn on her design.

Mr. Fitzgerald stated the property is a tremendous challenge. When it is done it will look significantly better for the neighborhood.

Ms. Deitz stated she appreciates the design. Mr. Melango agreed. They did the best they could do given all of the conditions. Mr. Cupoli stated Ms. Hearn did a great job. The house needs a lot of repair.

Ms. Drazenovich stated they did a great job on plans; it looks nice.

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

AYES: Mr. Greig, Mr. Lisko, Mr. Cupoli, Ms. Deitz, Mr. Fitzgerald, Mr. Melango, and Ms. Drazenovich

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