

ZONING BOARD OF ADJUSTMENT

SEPTEMBER 23, 2021

PRESENT: John Lisko, Chuck Ross, Bob Cupoli, Mike Melango, Annemarie Drazenovich, Michael Druz

ABSENT: Holly Deitz, Mark Fitzgerald, John Hutchinson, Tom Palmisano and Phil Greig

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 July 6, 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 August 26, 2021 meeting, which was seconded by Mr. Cupoli and approved by the following vote:

AYES: Mr. Lisko, Mr. Cupoli, Mr. Melango, Ms. Drazenovich, and Mr. Druz

NAYS:

ABSTAIN: Mr. Ross

Mr. Cupoli made a motion to adopt the resolution for Michael DeBlasio and Anthony Fontana, 902-904 E Street, which was seconded by Mr. Ross and approved by the following vote:

AYES: Mr. Ross, Mr. Lisko, Mr. Cupoli, Mr. Melango, Ms. Drazenovich, and Mr. Druz

NAYS:

ABSTAIN:

Mr. Lisko made a motion to carry the application of Maria Lufrano, 101 15th Avenue, to the October 28th meeting, which was seconded by Mr. Melango and approved unanimously. Mr. Kennedy advised Ms. Lufrano is only required to do the newspaper notice.

HOWARD & JANI LEVINE – 103 20TH AVENUE

Appearing for this application was Mr. and Mrs. Levine and their architect Paul Damiano. A1 application, A2 application supplement, A3 minor land use application, A4 application checklist, A5 architectural plans. Mr. Levine stated he and his wife would like to retire in this house in the near future. He would like to expand the house. It needs a lot of work. The proposal is to add a 1.5 story addition and relocate the garage to be attached to the house.

Mr. Damiano stated the property is a corner lot. It is in a flood zone but meets the requirements. The existing side yard setback is 2.6 feet, but the proposed addition will meet the 5 feet. Currently the house is only one story. Variances being requested are for: existing lot size, existing lot frontage, front porch setback of 9.7 feet, existing second front yard setback of 16 feet, building coverage of 47% by adding the cantilever and the shed, and the half story does not meet the definition and therefore is a third floor by ordinance. There are three parking spaces on site, 1 in the garage and 2 in the driveway but two of them protrude into the front setback which is a variance. Also need a variance for the driveway width. The floor area ratio complies. The impervious coverage is still over but is being reduced from 71% to 66%. The second-floor porch needs a variance because it is covered.

Mr. Ross referenced Mr. Bianchi's note about the pool being required to be 10 feet from the structure. Mr. Damiano stated they are proposing 8 feet which is a variance. Mr. Ross asked how the impervious coverage was reduced. Mr. Damiano stated they are removing concrete and installing pervious pavers. Mr. Damiano counted the pool water in the impervious coverage calculation which is not required so that number will reduce further.

Ms. Drazenovich asked if any of the utilities will be improved. Mr. Damiano stated they would like to put the electric underground. Ms. Drazenovich asked if any shade trees could be added. Mr. Levine was concerned there was not enough space for them. Ms. Drazenovich suggested smaller trees.

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Mr. Melango asked for the height of the shed. Mr. Damiano stated it will be 12 feet and then have the a/c and generator on top.

Mr. Cupoli asked about screening around the generator to block noise. Mr. Damiano stated there is a 3 ft. fence around it.

Mr. Lisko asked if the fence around the backyard separates the pool and the driveway. Mr. Damiano replied yes.

Public: none

Mr. Ross stated he is in favor of the application however he doesn't understand why all three air conditioning units aren't next to each other. Mr. Levine stated he will move them all together.

Ms. Drazenovich stated she is in favor of the application.

Mr. Melango stated he is in favor of the application. It will fit in with the neighborhood.

Mr. Cupoli stated he is in favor of the application. It's a nice design on a corner lot which is tough. They have been willing to work with the Board as well.

Mr. Druz stated he is in favor of the application.

Mr. Lisko stated he is in favor of the application. It took into consideration the neighborhood and will be a good fit.

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

AYES: Mr. Ross, Mr. Lisko, Mr. Cupoli, Mr. Melango, Ms. Drazenovich, and Mr. Druz

NAYS:

ABSTAIN:

At approximately 7:23 pm the Board took a brief recess. The Board reconvened at 7:30 pm. All were still present.

WILLIAM & JODEE STAPLETON – 313 THIRD AVENUE

Appearing for this application were Mr. and Mrs. Stapleton, their attorney William Shippers, and engineer/planner Rich DiFolco. A1 application, A2 application checklist, A3 letter with zoning denial, A4 floor plans with photos, A5 aerial photo, A6 earth engineering letter, A7 topographic plan, A8 survey, A9 elevations, A10 packet of photographs, A11 architecture plans, A12 engineering plans.

Mr. Shippers stated there are two houses on the property. Mr. Stapleton purchased it in 2011. The two houses were donated to be used by people put out by Hurricane Sandy. They have not been rented out since. The proposal is to build a new single-family home while maintaining one of the rear structures. They will not be rented but used for guests. Also proposing a pool and relocation of the shed.

Mr. DiFolco showed an aerial photo which shows the existing two houses sit at the back of the property and the front is just yard and a tree. The proposal is to keep the existing two-story home and remove the single-story home to the right. The rear structure will not be rented and will only be used as a guest house. The aerial photo also showed there are three adjacent rear homes near their rear home. The shed would be moved to where the one-story home currently sits. The new home would be built in the front yard. The proposal meets all of the zone criteria except for building coverage and setbacks for the existing rear structure, existing height of the rear house, and the use. He referenced ordinance 40-6.14 regarding the conversion of accessory dwellings which encourages the upgrading of accessory dwellings. Since there is no primary structure, they cannot apply the ordinance to this property. If they could then they would be able to lower the building coverage below the 25% except for the shed which would make it 26%. Since the

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ordinance cannot apply the building coverage is 33.5%. He believes the intent of the ordinance is to have year-round back houses.

Mr. DiFolco stated the driveway is large enough for five vehicles. The pool will have a code compliant fence. The outdoor shower will be attached to the shed. The a/c units and generators are located near the rear deck at about 7 feet.

Mr. DiFolco explained building the house will fill in a whole on the block which is an appropriate use. The removal of rentals or animal houses is promoting the general welfare of the neighborhood. It will also be a benefit to the adjacent neighbors. The back house fits in with the character of the neighborhood. The proposal is not changing the look of the neighborhood.

Mr. Stapleton explained the floorplan of the new home. The shed is important because it houses bicycles and will hold the pool equipment as well.

Mr. Melango asked if there will be any renovations to the rear structure. Mr. Stapleton stated they have already replaced the windows. Also plan to put new cedar shake siding on it and a faux stone foundation to match the front house.

Mr. Cupoli asked if all five parking spaces are compliant. It was determined they are. Mr. Cupoli asked where the sump pump will drain to. Mr. Stapleton stated he will pipe it to go in the landscaping bed and out to the street.

Mr. Druz asked if the shed will be new. Mr. Stapleton stated he is hoping to lift it and relocate it.

Public: Walter Murray, 314 4th Avenue, directly behind 313 3rd, spoke about the history of the property. The existing rear structure to remain is less than 3 feet from his property line. He did not understand why the one-bedroom cottage is coming down and not the two-story home. There was no mention of a hardship. He did not understand why they need the two-story home for their guests when the one bedroom one story home would suffice.

Linda Sharkus, 4th Avenue, asked how we ensure the rear home is used for family in perpetuity and not just until the Stapleton's sell their home.

Mr. Shipers stated two things could happen. The resolution could be required to be recorded or there could be a deed restriction which would also be recorded. Mr. Kennedy suggested a deed restriction but either way would work and can work that out with Mr. Shipers. Mr. Stapleton agreed to this condition. Mr. Shipers stated they will do both.

Board:

Mr. Melango stated he is in favor of the application.

Mr. Cupoli stated he toils every time a back house is even considered. He is not comfortable with creating a back house and would not be in favor of the application.

Mr. Druz stated the presentation was well made and it will conform to the area therefore he is in favor of the application.

Ms. Drazenovich also has some issues with the back house. Thinks the best use of the rear structure would be a garage. The design is beautiful, but she is not sure if she's in favor of the application.

Mr. Ross stated right now it's nonconforming with two structures and we would be making it better. The lot would be significantly improved. The deed restriction protects us. If we deny the application, it's still a nonconforming use. If we approve it then it's still a two family but a better one. It fits within the neighborhood. He has many back houses near him and feels there is a charm to them. Back houses bring people into town that can't afford large homes. Can see this being an improvement.

Mr. Lisko stated he normally is against back houses but agrees with Mr. Ross. The proposal is a benefit to the use of the property and is a great design.

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Mr. Shipers asked for a recess to speak with Mr. Kennedy at 8:43 pm. At 8:47 pm the Board reconvened.

Mr. Shipers needed a minute to speak to his client.

Mr. Kennedy suggested we do our executive session now to discuss the Verizon wireless application which was at 8:48 pm.

At 9:10 pm the Board reconvened in public session. All were still present.

Mr. Shipers discussed the matter with Mr. Kennedy and his client. His client understands he has the right to a full board. They would like to carry the application to allow for a 7th Board member to review the transcript.

Mr. Lisko made a motion to carry the application to the November 18th meeting, which was seconded by Mr. Melango and approved unanimously.

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