

# ZONING BOARD OF ADJUSTMENT

**FEBRUARY 24, 2022**

PRESENT: Tom Palmisano, Chuck Ross, Bob Cupoli, Mark Fitzgerald, Phil Greig, Annemarie Drazenovich, John Lisko, Holly Deitz and Michael Druz

ABSENT: Mike Melango

ALSO, PRESENT: Board Attorney Kevin Kennedy, Borough engineers Jerry Freda and Christine Bell, 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 January 14, 2022 by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Greig made a motion to approve the minutes of the January 31, 2022 meeting, which was seconded by Mr. Lisko and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Lisko, Mr. Fitzgerald, Mr. Palmisano, Mr. Cupoli

NAYS:

ABSTAIN: Ms. Deitz

Mr. Greig made a motion to approve the minutes of the January 27, 2022 meeting, which was seconded by Ms. Deitz and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Lisko, Mr. Fitzgerald, Mr. Palmisano, Mr. Cupoli and Ms. Deitz

NAYS:

The resolution to approve the application for Francis & Karen Raia, 421 12<sup>th</sup> Avenue, was postponed to the next meeting.

Mr. Greig made a motion to waive the reading and approve the resolution for Ocean Harbor Apartments LLC, 805 Ocean Avenue, which was seconded by Ms. Deitz and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Lisko, Mr. Fitzgerald, Mr. Palmisano, and Ms. Deitz

NAYS:

ABSTAIN: Mr. Cupoli

Mr. Greig made a motion to waive the reading and approve the resolution for Kenneth Walters, 303 Ocean Avenue, which was seconded by Mr. Ross and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Lisko, Mr. Fitzgerald, Mr. Palmisano

NAYS:

ABSTAIN: Mr. Cupoli and Ms. Deitz

Mr. Cupoli made a motion to waive the reading and approve the resolution for Sam & Amy Sloane, 204 5<sup>th</sup> Avenue, which was seconded by Mr. Greig and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Lisko, Mr. Fitzgerald, Mr. Palmisano and Mr. Cupoli

NAYS:

ABSTAIN: Ms. Deitz

Mr. Greig made a motion to waive the reading and approve the resolution dismissing the application for James Caverly/Booskerdoo Coffee, 1012 Main Street, which was seconded by Mr. Ross and approved by the following vote:

AYES: Mr. Ross, Mr. Greig, Mr. Lisko, Mr. Fitzgerald, Mr. Palmisano, Mr. Cupoli and Ms. Deitz

NAYS:

EDELMAN INVESTMENT GROUP LLC – 112/114 12<sup>TH</sup> AVENUE & 108/108 ½ 12<sup>TH</sup> AVENUE

## ZONING BOARD OF ADJUSTMENT

**FEBRUARY 24, 2022**

This application is a continuation from the October 14, 2021 meeting. Appearing for the application were attorneys David Lonski and William Shippers, engineer Richard DiFolco, architect Mary Hearn and objecting attorney Rick Brodsky.

Mr. Brodsky cross examined Mr. DiFolco. They discussed the R75 zone vs the MF75 zone. Mr. DiFolco reiterated the positive criteria's for granting the variances. Mr. Brodsky asked why the proposal is a suitable use. Mr. DiFolco explained there are already 43 units on site which will be decreased to 24. There will be lower density and more parking. What is proposed is better than what is there and what could be there if used the MF zone criteria.

Art Ammermuller, 106 12<sup>th</sup> Avenue, asked about the distance from his property line and the decks. He submitted a photo of his bedroom window and how it will be in relation to the proposed decks. Mr. DiFolco stated his concerns about the windows would be the same if a single-family home was built. Mr. Ammermuller was concerned about noise and water runoff. He submitted photos of flooding on his property and the street. He also submitted photos of solar panels on his rear house which will be blocked by the proposal. He questioned how he benefits from the project. Mr. DiFolco stated the benefits are aesthetics, a new building, reduction in services to the town plus more. Mr. Ammermuller felt there was no benefit to him.

Steve Bloom, 1104 A Street, asked if a light and wind study was done. Questioned if the infrastructure can support the proposal.

Carol Costello, 416 14<sup>th</sup> Avenue, asked about the pavers and a/c location units.

Sandra Alvear, 115 12<sup>th</sup> Avenue, asked about setbacks.

Joe McEvoy, 700 Main Street, asked if a study was done on the electrical grid and asked if there would be an increase in traffic. Mr. DiFolco replied to no.

Beth Mane, 308 12<sup>th</sup> Avenue, asked if the application is not approved what is the undue hardship. Mr. DiFolco stated they are not arguing for a hardship.

At approximately 7:25 pm the Board took a brief recess. The Board reconvened at 8:00 pm. Roll call was taken. All were still present.

Mr. Brodsky had his Planner Peter Steck provide testimony. He submitted a pack of photos as an exhibit. He felt the proposal is a five-story building not four stories. He spoke about car hoods sticking out over the landscaping area. There are no four or five story homes in that neighborhood. He felt the town is cutting back on multi family use except for in redevelopment areas. The proposal will create more blockage of air, light and open space. Density is going to be substantially increased. He discredited the building coverage, impervious coverage and far calculations. He felt they are either too much or not accurate. He felt the roof deck counts as a fifth floor. Flat roofs are not permitted. No land use laws are being advanced by this proposal. It is not an appropriate use. The site is not suited for the proposed use. The burden of proof has not been met. There is too much negative criteria.

The Board discussed how to proceed further given the late hour of the meeting. Mr. Shippers stated he will need about an hour to cross examine Mr. Steck and then the Board may want to ask questions. It was decided to carry the application to the April 28<sup>th</sup> meeting without the need to further renote.

Ms. Claudio stated Mr. Thacker, 1502 D Street requested a one-year extension of his approvals. Mr. Greig made a motion to grant the extension, which was seconded by Mr. Ross and approved unanimously.

Ms. Claudio stated Tony Almeida, 419 10<sup>th</sup> Avenue, requested approval to finish his attic space. There would be no changes to any of the variances granted. The floor area ratio would increase but it would not require a variance. Mr. Greig made a motion to approve the change, which was seconded by Mr. Ross and approved unanimously.

## **ZONING BOARD OF ADJUSTMENT**

**FEBRUARY 24, 2022**

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