

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2022

PRESENT: Chuck Ross, Phil Greig, Annemarie Drazenovich, and John Lisko

ABSENT: Mike Melango, Holly Deitz, Bob Cupoli, Mark Fitzgerald, Tom Palmisano and Mike Druz

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 waive the reading and approve the minutes of the March 24, 2022 meeting, which was seconded by Mr. Ross and approved by the following vote:

AYES: Ross, Greig, Lisko and Drazenovich

Mr. Greig made a motion to waive the reading and approve the minutes of the March 29, 2022 meeting, which was seconded by Mr. Ross and approved by the following vote:

AYES: Ross, Greig, Lisko and Drazenovich

Mr. Greig made a motion to waive the reading and approve the resolution for the application of Kevin Koonjy, 209 7th Avenue, which was seconded by Mr. Ross and approved by the following vote:

AYES: Ross, Greig, and Drazenovich
ABSTAIN: Lisko

Mr. Greig made a motion to waive the reading and approve the resolution for the application of Thomas Damico and Jody Devito, 308 11th Avenue, which was seconded by Mr. Ross and approved by the following vote:

AYES: Ross, Greig, and Drazenovich
ABSTAIN: Lisko

Mr. Greig made a motion to waive the reading and approve the resolution or the application of Cynthia Beradino, 103B 9th Avenue, which was seconded by Mr. Ross and approved by the following vote:

AYES: Ross, Greig, Lisko and Drazenovich

Mr. Kenney requested the resolution for Kyle Hingher, 1219 Briarwood Road be placed on the next meeting's agenda.

Continuance of the Edelman Investment Group LLC application for 112-114 12th Avenue and 108-108 ½ 12th Avenue. Present for the application were attorneys William Shipers and Dave Lonski, their engineer Rich DiFolco and architect Mary Hearn. Present for the objectors were attorney Rick Brodsky and Planner Anthony Steck.

Mr. Kennedy stated the Board has a quorum and is able to continue with the meeting however there are not enough members present to proceed with a vote.

Mr. Shipers cross examined Mr. Steck based on the testimony he provided at the last hearing. He asked Mr. Steck if he was familiar with other hotels in town, existing and former. Mr. Steck felt it was not relevant. Mr. Shipers asked if adding parking, eliminating a commercial use, and increasing quality of life was a benefit to the town. Mr. Steck stated he cannot say without comparing it to the proposal, it would depend. Mr. Shipers questioned Mr. Steck on an application before the Montclair Zoning Board in which he was speaking on behalf of a condo proposal. Mr. Steck questioned the relevancy. Mr. Shipers explained how it was relevant and the

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2022

reasons Mr. Steck gave to the Board for them to approve that use variance application. Mr. Brodsky objected to the relevancy. Mr. Shippers was attempting to point out that Mr. Steck applies different zoning principles when he is the Planner for an applicant versus an objector.

The Board took a brief recess at 7:02 pm. The Board reconvened at 7:12 pm. Roll call was taken. All were still present.

Mr. Shippers marked exhibit A42, Montclair Zoning Board transcript for their September 18, 2019 meeting. (A37-41 were not marked and were skipped). He also submitted exhibit A43, a posterboard showing a blown-up version of page 5 of the transcript. He questioned Mr. Steck on his testimony reflected in the transcript where he spoke in favor of multi-family use abutting residential properties. Exhibit A46, a posterboard of page 6 of the transcript was also marked. Mr. Steck explained that site was in a single-family zone that was predominantly multi-family use. Mr. Shippers pointed out that this block of 12th Avenue is mostly multi-families. Mr. Shippers marked exhibit A46, page 16 of the transcript. Exhibit A45 and A47 were skipped. He also submitted A48, page 19 of the transcript and A49, page 20 of the transcript. Mr. Shippers felt Mr. Steck's testimony for the Montclair application contradicts his testimony for the Whitehouse application. Mr. Brodsky felt the facts were not the same.

Public: Steve Bloom, 1104 A Street, asked Mr. Steck if a light study was done. Mr. Steck felt it was not necessary because it is obvious the proposal will have a negative effect.

Cecilia Matthews, Mr. Brodsky's client, 109 11th Avenue, stated she built her single-family home without variances and the proposal will have a major impact on her property and the town. She felt it will take away the charm of the Belmar and could happen anywhere else in town too. She submitted exhibit O-5 Matthews, a series of photos from August 2021 showing aerial views of what the view would be like from the 3rd floor of the Belmar Inn. She was concerned about the proposed balconies and windows looking into the neighboring properties. She asked the Board to consider the long-term negative impact the application will have.

Mr. Shippers stated there is approximately 90-96 feet from the back of her home to the proposal. He explained to her that if they were to build according to the MF75 overlay zone she would have townhomes closer to her property than the proposed.

Brian Matthews, 109 11th Avenue, discussed the views from the photos as well. The proposed balconies will be intrusive. He objects to the proposed roof deck and is concerned about the cars in the garage, loss of light, loss of privacy and noise.

The Board took a brief recess at 8:09 pm. The Board reconvened at 8:15 pm. Roll call was taken. All were still present.

Mr. Ross questioned Mr. Steck's chart that stated the proposal has a height of 52.2 ft, but the plans say 42.5 ft. Mr. Steck felt the roof top appertences exceed the height and therefore it should count as a full story which makes it a five-story building with a height of 57.2 feet. Mr. Ross pointed out the majority of the height is 42 feet except for the elevator tower which is at 57 but is not within the setback it's in the center of the building. He asked Mr. Steck what was better, the proposal or the Belmar Inn. Mr. Steck stated it depends. He felt if the Belmar Inn is a detriment to the town, then the town could shut it down. Mr. Ross asked him what the better planning alternative is. Mr. Steck felt it would be for the municipality to enforce their zoning laws. He also felt the application needs to prove positives and negatives, but the replacement is obnoxious, and they can't satisfy the negative criteria. Mr. Ross questioned Mr. Steck's calculation of the impervious coverage which was 81%. Mr. DiFolco calculated it at 74% but Mr. Freda had questioned it and clarified it was 76%. Mr. Steck included the cars that overhang outside of the garage in his calculation. Mr. Shippers stated the proposed impervious coverage is less than what exists today.

Ms. Hearn explained the height. She read Ordinance 40-7.12. The flat roof is at 42.5 feet and the parapets are permitted to extend 4 ft. above. She read the exemptions which are not permitted to exceed 10% of the roof. The stairs, elevator, and HVAC units do not get counted in the height. The stairs and bathrooms are at 52 feet and the elevator is at 57.2 feet. She and Mr. Shippers

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2022

agreed they could remove the bathrooms, so the height is definitely 42.6 feet. Mr. Freda agreed it is not a five-story building.

Public: Matt Doherty, 115 Inlet Terrace, stated he supports the application. As a former Mayor and member of the Council he was part of when the overlay zone was created to get rid of problems such as the Belmar Inn. During his tenure he learned that people not from Belmar were placed at the Belmar Inn by the State Parole Board. They tried to get it shut down many times and couldn't. It has been a burden on the police department and problematic for decades. Single family homes are not going to happen; the economics aren't there. If the Board passes on this what will the property look like 20 years from now. It will be more challenging to get rid of it in the future because of property values.

Danny Pepe, 13th Avenue, backed up Mr. Doherty and supports the project. He understands the neighbor's concerns, but the place needs to go.

Robert Giuliani, 103 11th Avenue, supports the application. He respects the neighbors' opinions, but he lives around the block and has two small children and was not aware of the many issues Mr. Doherty had raised and is now even more concerned.

Sandra Alvera, 115 12th Avenue, stated everyone agrees the Belmar Inn needs to go but they are against the proposal. She would prefer to wait and see what else could be built there. She felt that since the Belmar Inn was not publicly listed for sale that other developers aren't aware it's an option and might have other ideas.

Art Ammermuller, 106 13th Avenue, he stated the problem isn't with the Belmar Inn, it's with the applicant not respecting the neighbors. The proposal will damage the character of the neighborhood. Single family homes or townhouses would be better. He was concerned about the hardship on his solar panels if the proposal were built and his privacy being destroyed.

John Walsh, 1101 B Street, stated nobody wants the Belmar Inn but they also don't want the alternative and suggested they follow the law. The neighborhood will be ruined.

Joe McEvoy, 700 Main Street, felt this application is all about fear and greed. Twenty-six air conditioning units on the roof will affect brown outs and the proposal will affect traffic on 12th Avenue.

Linda Sharkus, 4th Avenue, also felt there are other options for the site.

Tony Almeida, 419 10th Avenue, Belmar Inn is not part of the community. He is sympathetic to the neighbors because he rented across the street for 20 years, but this change will be better for the community. There are trees the neighbors can plant in their yard to add to their privacy. He imagines that 50% of the residents of the proposed building will be snowbirds and those are types of neighbors he would like to have. He stated that the proposal maybe isn't the best thing, but it is better than the Belmar Inn. The statement about other people not making offers to build because the property isn't for sale isn't true. If there was a developer that thought, they could build something there and make money there would make an offer to the owner.

Bob Morrissey, 1906 A Street, stated the number one priority is the removal of the Belmar Inn. The proposal is significantly changed compared to the proposal presented three years ago. He understands there are people that want something different, but he knows of 146 people who signed a petition in favor of the application.

Mr. Bloom was concerned about reducing the number of parking spaces on 12th Avenue and the effects it will have on the infrastructure. He was also concerned about noise, garbage collection, BBQs on the balconies, etc. The variances cannot be granted for financial gain. Single family homes or townhomes could be built and be in compliance with the master plan.

Mike Sellitto, 210 12th Avenue, felt this project is tearing everyone apart.

ZONING BOARD OF ADJUSTMENT

APRIL 28, 2022

Drew Fromkin, 201 South Lake Drive, felt the Board has a tough job. The Belmar Inn is a real issue. The proposal would create ratables and people dining and shopping in town. If the Belmar Inn stays, there will be issues with property values on that street. Nobody else is stepping up to make a change.

Erica Ammermuller, 106 12th Avenue, stated there are good people that reside at the Belmar Inn. If the project is approved an identical building will be built across the street. She felt those in favor of the application don't live near the property.

Mark Presto, 110 13th Avenue, stated everyone wants the Belmar Inn to go but at what price. Not one neighbor close to it supports the application.

Gerald Buccafusco, 409 5th Avenue, was disappointed there wasn't a full Board present for the meeting.

Mr. Greig made a motion to close the public session, which was seconded by Mr. Ross and approved unanimously. The Board reserved the right to reopen public comment in the future.

The Board decided at the next meeting the board will ask questions, maybe have another public comment session if need and Mr. Brodsky and Mr. Shipers will give their summations.

Mr. Greig stated he values the testimony of the property owners. He asked Mr. Shipers to consider have a light study done to address the concerns raised about the affects on neighboring solar panels.

The Board agreed to carry the application to the May 11th special meeting to allow for time to come up with a new hearing date that is suitable for all parties and won't require renoticing. The Board will announce the new hearing date at the May 11th meeting.

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