

## PLANNING BOARD

**AUGUST 22, 2022**

PRESENT: Tony Almeida, Rick Meyer, Ted Protonentis, Jay McDermott, William Lindsay, Bob Forte, Lou Fierro, Tom Carvelli, Kathleen West, and Mike DeBlasio

ABSENT:

ALSO, PRESENT: Board Attorney Doug Kovats, Esq., Board Secretary April Claudio, Borough Engineers Jerry Freda and Isabelle Rodriguez

At approximately 7:00 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star and the Asbury Park Press on December 14, 2021 and by posting a copy of said notice at the Municipal Complex on the same date.

Workshop: Mr. Kovats gave a brief explanation of the applications on the agenda.

Mr. Meyer made a motion to waive the reading and approve the minutes of the July 18, 2022 meeting, which was seconded by Mr. Protonentis and approved by the following vote:

AYES: Mr. Almeida, Mr. Meyer, Mr. Protonentis, Mr. McDermott, Mr. Lindsay, Mr. Forte, Mr. Fierro and Mr. Carvelli

NAYS:

ABSTAIN: Ms. West

Mr. Lindsay made a motion to waive the reading and approve the minutes of the July 18, 2022 executive session, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Mr. Almeida, Mr. Meyer, Mr. Protonentis, Mr. McDermott, Mr. Lindsay, Mr. Forte, Mr. Fierro and Mr. Carvelli

NAYS:

ABSTAIN: Ms. West

### ORDINANCE 2022-14

Mr. Kovats and Ms. Claudio explained the purpose of the ordinance. The Board along with Mr. Freda agreed that there should be a requirement for a 12-inch subsurface. Also want to make it clear that parking in the front yard is for an existing driveway. Mr. Kovats will prepare a writing to the Mayor and Council outlining the Board's recommendations.

Mr. McDermott announced the application of Randall and Marvin Newman, 807-809 11<sup>th</sup> Avenue will be postponed to a date to be determined. The applicant will re-notice.

### 414 9<sup>TH</sup> AVENUE – DOWN TO EARTH CONSTRUCTION LLC

Appearing for this application was Bill Merkler of Down to Earth Construction, his attorney William Shippers, and engineer Ray Carpenter.

Exhibits marked: A1 application, A2 subdivision plan, A3 and A4 amended plans, A5 architectural plans, A6 waivers, PB1 Avakian review letter and A7 survey.

The application is for the former first aid lot. The property has been reduced to 100x150 because of an adverse possession claim by one of the neighbors, Mr. O'Connor. A second neighbor, Mr. Karleen, also wants the additional 2-3 feet that Mr. O'Connor received. Mr. Shippers stated they are willing to give the additional few feet to Mr. Karleen which would reduce the size of proposed lot 10.03. They will handle this through a quit claim deed if they receive approval from the Board. Mr. Merkler stated he hired architect Mary Hearn to provide proposed footprints on the new lots and to create a rough zoning schedule so the Board can see that three homes could be built in compliance with the zoning requirements.

Mr. Carpenter stated the first aid building would be demolished which eliminates a non-conforming use. The proposal is to create three 50ft. wide lots and building three single family homes. Variances are requested for lot size, frontage for the corner lot, curb cut size on D Street, and driveway size on D Street, and setback on D Street. The proposal keeps with what is in the area and would not be detrimental.

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Mr. Merkler stated he has built many custom homes in town with North End Builders, and these will be a benefit to the town.

Mr. Carpenter went through the Board engineer's review letter and addressed it accordingly.

Ms. West asked if the homes would have basements. Mr. Merkler replied no.

Mr. Fierro asked for clarification on the pavers and stormwater collection which Mr. Merkler and Mr. Carpenter addressed.

Mr. Kovats asked about a landscaping plan. Mr. Merkler did not prepare one but felt his reputation in town shows he will have nice landscaping.

Public: George Komitas, 111 3<sup>rd</sup> Avenue, can't wait to see three new homes.

The Board appreciated the applicants working with the neighbors and the Board. All felt it is a better zoning alternative and will be a good project.

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

AYES: Ms. West, Mr. Almeida, Mr. Meyer, Mr. Protonentis, Mr. McDermott, Mr. Lindsay, Mr. Forte, Mr. Fierro and Mr. Carvelli

NAYS:

ABSTAIN:

At 8:27 pm, the Board took a recess. At 8:40 pm the Board reconvened. Roll call was taken. All were still present.

### 200 FOURTH AVENUE – NICOLA FUCCILLI

Appearing for this application was Mr. Fuccilli, attorney William Shippers, and engineer Joe Kociuba. Exhibits marked: A1 application, A2 development plan, A3 stormwater report, A4 drainage map, A5 post drainage map, A6 environmental impact statement, A7 subdivision plat, A8 google earth photo, A9 survey, A10 tax map showing undersized lots in the area, and PB1 Avakian report.

Gregory Mascera, attorney for Larry & Maureen Raff, 206 4<sup>th</sup> Avenue, was also present.

Mr. Kociuba explained the property is a 150x150 corner lot. It was once three lots in the 1950's and merged into one. It currently has a single-family home with a pool and garage. The proposal is to create three lots and build single family homes on each. The lots would be 50x150.

Variances would be for the corner lot size, frontage, average setback on A Street. No variances would be needed for floor are ratio, impervious coverage or building coverage. The corner lot needs relief for parking and the curb cut. All stormwaters will be directed to the street and will provide drywells. His opinion is that the application can be granted under C2 variance relief because there is a substantial amount of lots of similar size in the area and there would be no negative impaction to the zone plan or traffic.

Mr. Kociuba and Mr. Freda addressed Mr. Freda's letter and the environmental impact statement.

Mr. Meyer would like it to be a condition of the application that they will comply with the building and impervious coverages.

Mr. Almeida asked if the homes would have basements. Mr. Kociuba was not sure.

Mr. Protonentis would like to see permeable pavers used.

Ms. West asked if two houses could be done instead.

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Mr. Kovats asked about the location of the a/c units and generators. Mr. Kociuba stated the a/c units will be in compliance and generators have not been determined yet. Mr. Kovats asked if two lots could be done without any variances. Mr. Kociuba replied yes. Mr. Kovats asked what the benefit of three would be because it appears it only benefits the owner. Mr. Kociuba stated it would look like the rest of the neighborhood and would be appropriate for the area.

Public: Mr. Mascera questioned how the proposal would be appropriate. He felt if the governing body wanted 50x150 corner lots they would amend the zoning, but they haven't. Mr. Mascera and Mr. Kociuba debated over the variances.

Bill Merkler, 219 2<sup>nd</sup> Avenue, stated he did a two-lot subdivision across the street and one on fifth with similar variances and both are beautiful.

George Komitas, 111 3<sup>rd</sup> Avenue, thought the application would be a no brainer.

Bruce Blattner, 407 9<sup>th</sup> Avenue, agreed with Mr. Merkler and Mr. Komitas.

Board Comments: Mr. Meyer stated he is struggling with three lots and if it is in the best interest of the town.

Ms. West also asked what the benefit would be.

The rest of the Board members felt it was a good application.

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

AYES: Mr. Almeida, Mr. Protonentis, Mr. McDermott, Mr. Lindsay, Mr. Forte, Mr. Fierro and Mr. Carvelli  
NAYS: Ms. West and Mr. Meyer  
ABSTAIN:

Public Comment: None

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