

BOARD OF ADJUSTMENT – MINUTES
May 24, 2018 at 7:30 PM

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

Roll Call:

Brian Brendle – present
Susan Lalji – present
Donald Nolan – present
Bruce Waitzel – present
Owen Quinn - absent
John Tangeman - present
Chairman Pearsall - present

Also Present: Mark Kitrick, Board Attorney
Louis Lobosco, Board Engineer
Mary Ellen Karamus, Board Secretary

Alternate #1 – Thomas Martin – absent
Alternate #2 – Georgia Kaminski - absent

This meeting is called pursuant to the provisions of the Open Public Meeting Law. Notice of this meeting was included in a list of meetings sent to the Coast Star and Asbury Park Press, posted on the bulletin board in the Municipal Building and on the Borough website.

Each applicant shall be limited to fifty (50) minutes to present their case, as per Resolution #10-2007.

Approval of Minutes: March 22, 2018 – Motion was made by Mr. Brendle to approve the minutes; seconded by Mr. Tangeman; Roll call taken:

AYES: Mr. Brendle; Ms. Lalji; Mr. Nolan; Mr. Waitzel; Mr. Tangeman;
Chairman Pearsall
NAYS: None
ABSTAIN: None

Correspondence: 04.09.2018 County Planning Board Re.: Block 20 Lot 9
Resolution 2018-84 appointing Borough Planner

Old Business:

New Business: The Fronk, LLC Application No. ZB-2018-02
600 Mercer Avenue
Block 68 Lot 22
Reconstruct front covered porch; construct in-ground pool,
reconstruct driveways

Chelsey Altomaro, Louis Lobosco and Mary Hearn were sworn in by Mr. Kitrick.

Entered as exhibits:

A-1 - Color site plan

- A-2 - Photoboard, color front elevation
- A-3 - Photoboard with aerial photographs
- A-4 - Photoboard; interior photos of front house
- A-5 - Photoboard; exterior of front dwelling and street
- A-6 - Photoboard; exterior of rear dwelling and street
- A-7 - Alternate driveway plan
- A-8 - Certificate of Occupancy for back dwelling
- A-9 - Certificate of Occupancy for front dwelling

Attorney for the applicant Mr. Rubino stated that the applicant is seeking variance relief. He stated that the property, 600 Mercer Avenue, is over 100 years old, and in bad shape. Mr. Rubino stated that the applicant would like to put a full second floor on the top of the front house; that requires a variance. The applicant would like to replace the existing porch in its existing location, which is approximately 16 feet off of Mercer Avenue. Mr. Rubino indicated that a variance for the setback is required for that. The house presently is 24 feet from the setback, not the required 30. A variance is needed to put the second floor on. Mr. Rubino stated that two bulk variances are needed. Mr. Rubino stated that the house presently sits 10 feet off of Sixth Avenue where it should be 20 feet so that requires a variance. Since they are proposing a second floor over that section of the house, a variance is needed to encroach into that setback. Mr. Rubino mentioned that Ms. Hearn was advised 4 parking spots are needed for the two structures. In order to do that, there are 2 curb cuts that would have to be widened to accommodate 2 cars to each curb cut. Ms. Hearn has come up with an alternate plan. If the board does not like the two curb cuts side by side; one curb cut would be by the rear dwelling and the other on the front off of Mercer.

Mr. Rubino added that due to the setback violations the applicant has to be before the board. The zoning officer determined that because there are two dwellings on the premises a use variance is needed to add to the front dwelling. Mr. Rubino stated that he feels that since the front dwelling is the principal structure and they are not touching the rear dwelling that a use variance should not be required. Mr. Kitrick pointed out that there are 6 members present and that 5 affirmative votes for use variance approval are required. It was discussed and determined that a use variance is needed.

Chelsey Altomaro testified that she is the only principal of the LLC. Ms. Altomaro stated that she and her husband have two small children and a dog and wanted a second home here and not have to stay with family. She and her husband bought the property last August. She added that her residence is in Connecticut, but she grew up locally, went to school in the area and that her family presently lives locally.

Ms. Altomaro stated that in the front house, downstairs and upstairs are both in horrible shape. She would like to put a new story on the second floor. Ms. Altomaro added that the bedroom count in the front house will be reduced from 5 to 4, they are adding a bathroom and putting a new story on upstairs. There will be a suite on the first floor instead of 2 bedrooms. Upstairs there will be 3 bedrooms, a full bath and a master bath.

Ms. Altomaro stated that the back house has had some small improvements. There are two bedrooms in the back house. Mr. Rubino asked if she understood by keeping that back, it creates

a use variance. Ms. Altomaro responded yes. Ms. Altomaro added that family and friends will be staying in the rear dwelling. If there are times when the rear dwelling is empty, they do intend to rent it. Ms. Altomaro stated that she cannot say she will never rent the front house but she intends to leave the house as hers.

Ms. Altomaro confirmed that there are two Certificate of Occupancy permits; A-8, the certificate of occupancy given for the rear dwelling allows occupancy. A-9, the certificate of occupancy for the front dwelling is for transfer of title and does not allow occupancy.

Ms. Altomaro was asked to describe the basement. She stated it is scary and you cannot stand up in the basement.

Ms. Altomaro described the back yard as a decent size. She added there is a shed and a patio off the rear house they are getting rid of. There are two curb cuts. Ms. Altomaro stated they would like to put in a pool. Mr. Rubino asked Ms. Altomaro if she was aware there were 4 parking spots required per zoning. She indicated yes. Ms. Altomaro said they tried one curb cut but it took up too much space. Ms. Altomaro indicated she will go with the alternate driveway plan if need be.

Mr. Nolan asked why the property is an LLC. Ms. Altomaro stated since refinancing it is no longer under the LLC name; at the time they bought the house, she assumed that's what you do. Mr. Nolan asked if she intends to flip the property; she said no. Mr. Nolan asked if the property will be rented through Airbnb. Ms. Altomaro said no. She added that her mother is a realtor. Mr. Nolan asked if it would be a weekend, summer or permanent rental if rented. Ms. Altomaro said it would not be a permanent rental.

Chairman Pearsall asked if they would be renting both houses. Ms. Altomaro said right now they do not want to rent out the front in the winter, but it is possible they may rent the rear. Ms. Altomaro added that it is her intent to be here.

Mr. Tangeman asked where her primary residence is. Ms. Altomaro stated Connecticut

Mr. Nolan asked where they will store bikes. Ms. Altomaro said a bilco door would be put into the basement for storage. Mr. Nolan asked Mr. Lobosco if they have a side entrance, or bilco door does that increase lot coverage. Mr. Lobosco said, yes Mr. Lobosco added that if they go over, they would need a variance.

Mr. Waitzel asked if the proposed 48% lot coverage takes into account patios, pool and new driveways. Mr. Rubino said Mary Hearn will testify, but yes.

Ms. Lalji asked about making the driveway the same width but longer into the property. Ms. Altomaro replied that if they did it that way, they could not have the patio or pool.

The meeting was open to the public for questions of Ms. Altomaro

Larry Mains: 603 Warren Avenue asked if the applicant plans on putting a fence in the back by the rear house. Ms. Altomaro said no.

Carol Keller: 558 Mercer Avenue asked what the proposed size of the pool is. Ms. Altomaro said 12 by 16. Ms. Keller asked if the side setback was being changed on Sixth or Mercer. Ms. Altomaro said nothing will be added to the house, it is just going up. Ms. Keller asked if they would consider not having the pool but making the driveway longer on Sixth Avenue. Ms. Altomaro said she considered not having the pool but the longer driveway cuts through the backyard completely.

Mr. Tangeman asked if the zoning officer said they have to have 4 parking spots. Ms. Altomaro said she was told that through Mary, yes.

Chairman Pearsall asked if there is any way to have 1 curb cut on the property. Ms. Altomaro said no because they need 2 spaces per dwelling.

Mr. Rubino called on Mary Hearn. Ms. Hearn stated her credentials to the board. Mary Hearn was qualified by Chairman Pearsall.

Ms. Hearn said that when taking on a project, her goal is to minimize the variance or the size of a variance. Ms. Hearn stated to have the required 4 parking spaces for the two dwellings she tried 1 curb cut off of Mercer midway branching off to the north and south with parking spaces; that plan looked like a commercial lot and took up too much impervious coverage. Ms. Hearn stated in an alternate plan the two existing curb cuts were widened for two cars. Ms. Hearn stated that has a driveway on the west side coming off of Mercer Avenue. Ms. Hearn stated she has an alternate sketch done for the alternate parking plan. Ms. Hearn added that impervious coverage with either layout is not an issue.

Ms. Hearn stated that the front house is in very bad shape; nothing is level, there is mold, walls are crumbling. Ms. Hearn added that upstairs the ceiling height is 6 foot 9 in the majority of the rooms. The stairs are under 30 inches wide. At two feet wide, the intermediate risers are a tripping hazard.

Ms. Hearn indicated that the plan is to go down to the foundation, reinforce the walls on the first floor, put in a whole new second floor structure and go up from there. The applicant is proposing to relocate the stairs. The existing house now has 1,600 square foot livable space; the proposed plan is for 2,060 square feet. Ms. Hearn stated that the front and rear dwellings combined are under 25%. Ms. Hearn added there are two sheds they would remove; referring to A-1, one in the middle of the yard and one attached to the rear of the front dwelling. Ms. Hearn said they would like to square off two bump-ins by the kitchen. Ms. Hearn added that by taking out the two sheds and squaring off by the kitchen, that would bring them under building coverage as planned. Ms. Hearn added they are also taking the deck off in the rear.

Ms. Hearn stated that other than squaring off the bump out, they will be within the existing footprint. The plan calls for using the old chimney, renovating the fireplace and rebuilding the front porch in its existing position. The depth and the width will be kept. The roof line will

change. Ms. Hearn said the hope is to take the roof off of the house, take the second floor off, rebuild the second floor, reinforce the first floor interior walls, gut and renovate inside and add a new roof. Ms. Hearn stated if approved the height will be 31 feet.

Ms. Hearn added that they are going up over the footprint. Ms. Hearn stated that Sixth Avenue has a 15 foot right-of-way and Mercer, a 20 foot right-of-way. Mr. Lobosco stated that is the distance from the curb to the property line. Ms. Hearn agreed. Ms. Hearn added that the proposed covered front porch and the existing are 16.7 feet back, from the curb it would be 36.7 feet back. On 6th they are at 10 feet off where 20 is required. They are proposing to be at 10 feet off again.

Mr. Rubino asked if since this is an existing condition on a 50 foot corner lot would it be difficult to comply with the ordinance when adding anything to the house because of existing conditions. Ms. Hearn said yes.

Ms. Hearn stated that a gated fence will be north/west back alongside the house; the west side is hedged on three sides; the ac and pool equipment will be behind the fence. Ms. Hearn added that the alternate modified plan with the pool has the fence to the back wall of the house.

Mr. Rubino asked Ms. Hearn about the drywell. Ms. Hearn stated that as stated on the plans, if approved they will meet all engineering requirements with underground storm water management to Borough satisfaction.

Mr. Rubino asked if Ms. Hearn feels this application is a plus for the neighborhood and if the proposed addition keeps in line with newer characteristics of the newer houses in the area. Ms. Hearn said yes. Mr. Rubino added that the sidewalks will be fixed up if need be. Ms. Hearn said absolutely. Chairman Pearsall commented that sidewalks and the curbing look pretty good.

Chairman Pearsall asked about the big tree. Ms. Hearn stated if the pool goes in, they do not want the tree there; it will not work. They are willing to put in other trees if the tree comes down.

Mr. Nolan asked what the plan is for the fireplace. Ms. Hearn said to take the top portion off, put in a gas unit that will direct vent out back. Mr. Nolan asked if they are keeping the existing lower portion of the fireplace. Ms. Hearn said yes.

Mr. Lobosco asked if the construction department determines that replacement of the basement foundation walls is required because they cannot support the work that is being proposed, will they be put up in the same spot as they are now. Ms. Hearn stated if that is a condition, absolutely. Chairman Pearsall asked if they have been looked at and told they can support what is proposed. Ms. Hearn stated yes.

Mr. Brendle confirmed there are no sheds proposed on the property. Ms. Hearn added that the pool equipment is directly behind the ac units on the westerly side, approximately 6 feet off that property line with hedge around them. Chairman Pearsall asked if the ac units are on the side of the house. Ms. Hearn said yes, and pool equipment is directly behind them in line so it can be

hedged around all of it and not have it in the patio area. She added that she believes no variance is required for where they are proposed.

Ms. Hearn asked if there is a minimum width for the driveway. Mr. Lobosco stated no. Ms. Hearn added they are 10.3 feet off at the chimney.

The meeting was open to the public for questions of Ms. Hearn. No questions.

The public comment period was open

Jim Haines 611 Mercer Avenue: Mr. Haines sworn by Mr. Kitrick.

Mr. Haines stated that his only concern is he believes the applicant is being honest, but has a fear that the property can turn into a full time rental; are there any type of repercussions if 50 people are living in the property as a rental. Mr. Kitrick stated compliance with any ordinance would apply if the property was rented. The testimony stands for itself. He added the applicant did not rule out renting out the property. Mr. Tangeman pointed out they probably would not remove a bedroom if they were going to rent it.

On a motion by Mr. Brendle and seconded by Mr. Nolan, the public comment period was closed, all ayes

Mr. Kitrick asked Mr. Rubino if he wanted to address the board

Mr. Rubino stated he still feels a use variance is not warranted since the rear dwelling is not being touched. Mr. Rubino added that the applicant would be before the board any way because of front setback issues but by turning this into a use variance, it is an additional burden to the applicant. Mr. Rubino added that enlarging the driveway for the rear dwelling could be considered an expansion. He stated that wherever they put the driveway, on 6th or Mercer, that is not an expansion of a nonconforming use; neither is the pool. He stated he feels this application should not be considered an expansion of a nonconforming use.

Mr. Tangeman asked is having two units on one lot a nonconforming use if both are residential uses. Mr. Kitrick stated that having two structures on the property is not a permitted use. What makes it nonconforming in this application is the primary structure is being expanded. Mr. Kitrick added it is clear it's a use variance situation. Mr. Lobosco added it is a minor expansion but it is an expansion. Mr. Tangeman stated that he feels a use variance is required. Mr. Kitrick added he believes under municipal land use law and being consistent with zoning ordinances, that a use variance is required; the zoning officer's interpretation is correct. Ms. Hearn added they are seeking that. Mr. Kitrick added they noticed for that.

Chairman Pearsall asked the board if there were thoughts on the parking. Mr. Brendle stated the alternate plan is preferable because of green scape that it gives to 6th Avenue. Mr. Waitzel agreed adding that the double parking spots in the rear looks too commercial; separating on two different streets makes more sense to him. Mr. Lobosco stated that if the alternate driveway plan is used, the driveway opening that is not used anymore has to be closed up, as well as any new curb, new sidewalk and apron is required. Mr. Chairman Pearsall asked the width of the

driveways. Ms. Hearn answered 9 feet wide for the back; 9 feet for the front. Ms. Hearn added that there is a choke point at the chimney; they want to have 2 feet of green at the chimney.

Chairman Pearsall asked if the board agrees with Mr. Kitrick that a use variance is needed on the property.

All in agreement.

Chairman Pearsall asked if the applicant wanted to go forward. Mr. Rubino asked for a short break.

8:53 to 8:57 - break in meeting

Mr. Rubino stated the applicant wished to go forward.

Ms. Hearn stated that the applicant is willing to remove the chimney completely and put a new direct vent fireplace inside.

Mr. Brendle made a motion to approve the application with the alternate driveway plan.

Mr. Kitrick clarified that the motion is to approve the application for a use variance and the proposed bulk variance. Mr. Brendle stated correct, with the alternate plan. Ms. Hearn stated that she would be preparing a new plan with the driveway and would re-submit.

Mr. Waitzel seconded the motion.

Roll call taken as follows:

AYES:	Mr. Brendle, Mr. Lalji, Mr. Nolan, Mr. Waitzel, Mr. Tangeman, Chairman Pearsall
NAYS:	None
ABSTAIN:	None

8:59 to 9:04 - break in meeting

Robert Cao **Application No. ZB 2018-03**
805 Clairidge Drive
Block 80 Lot 36
Second floor addition; renovation to existing residence

Entered as exhibits:
A-1 - Plans

Mr. Robert Cao, Jacob Trpisovsky and Mr. Lobosco were sworn in by Mr. Kitrick

Chairman Pearsall asked Mr. Cao to describe the application.

Mr. Cao explained that the property is his parents' house; they have owned it for the past 30 years; his parents are elderly; he is taking over the home. He is married, lives in Cranford with his wife and three children and a dog. He loves this area. The house presently has 3 bedrooms. Mr. Cao added that the kitchen holds 4 people. They are proposing an addition to the house. He would like to put in a pool. He would like to expand the second floor and put in 3 bedrooms and a master bath. Mr. Cao stated that they will keep a master bedroom downstairs for his parents. Mr. Cao said he would like to put an addition on the kitchen so as an extended family, they can eat together. Mr. Cao stated that downstairs, they would like to expand the entire back of the house to include an eat-in kitchen and living room area. Mr. Cao added that the dining room will be to the front of the house and there will be a seating area for his father to watch his TV.

Chairman Pearsall commented that the mechanicals are shown in the front of the house. Mr. Cao stated yes; that there will be a fence and shrubbery around that so it will not be seen from the street. Mr. Trpisovsky added that Mrs. Cao did not want to hear the condensers on the back patio. Ms. Lalji said if they can be put in the back in line where they are now, it would be preferable. Mr. Cao and Mr. Trpisovsky both stated they can be put behind the dining area in the back.

Mr. Nolan asked why there are two dining rooms. Mr. Trpisovsky stated one formal; one informal dining room was included at the request of Mr. Cao's parents.

Chairman Pearsall inquired about the drywells. Mr. Trpisovsky said he was unclear whether the drywell calculation is based upon the existing roof surface versus the proposed roof which has 806 square feet of additional square footage. Mr. Brendle said the whole house. Mr. Trpisovsky stated that they will conform to the Borough drywell requirements.

Mr. Brendle asked if the existing wood deck, the hot tub and shed are being removed. Mr. Cao replied yes.

Chairman Pearsall asked about the drainage pipes taking water out to the street. Mr. Cao said they tapped into the two existing drains that were there when they bought the house; the only thing they did was put in PVC. Mr. Lobosco stated the drain goes through the curb. Chairman Pearsall asked if it is dismantled. Mr. Cao said no.

Chairman Pearsall asked if anything on the project can be done to bring building coverage to 25% from the proposed 26.7 Mr. Trpisovsky said they were at 29% originally; he added that they have taken square footage off the house already. Mr. Lobosco stated that there is a covered patio and that brings them over coverage. Chairman Pearsall asked if it was a permanent cover. Mr. Cao said yes.

Mr. Brendle asked if the porch can be cut in on two sides. Mr. Trpisovsky said it is only big enough for a small patio set. Mr. Brendle clarified if that was the front porch. Mr. Trpisovsky said no. Mr. Trpisovsky added that they would have to take 200 feet off of the house to decrease 1.6%.

Mr. Nolan asked if the covered patio is screened. Mr. Cao said it is a covered patio with a roof. Mr. Cao added the one in the back right-hand corner by the garage would be a covered patio.

Chairman Pearsall asked if there any trees in the back that are being removed. Mr. Cao replied he has one dogwood that he likes but if they need to remove it, they will. Chairman Pearsall asked if it comes down, will they replant. Mr. Cao said yes, new plantings of arborvitae and if they take down the kousa dogwood, they would like a new kousa dogwood.

Mr. Cao added they are not tearing down the house; they are keeping the same foundation, same footing, and leaving 2 or 3 walls. Chairman Pearsall asked what the width is on the porch. Mr. Trpisovsky said that the porch is now a stoop, a landing. Mr. Nolan asked will it be a 5 foot porch. Mr. Trpisovsky said yes. Mr. Trpisovsky added that it will be the full length of the house and that the current landing is 4 feet deep. Chairman Pearsall asked about the curbs. Mr. Cao said they are in good shape. Chairman Pearsall asked if they will plug up the drains. Mr. Cao said yes. Mr. Nolan asked how long they have owned the house. Mr. Cao said 30 years. It has been a summer house but they also come up in the winter, he comes down for peace and quiet.

The meeting was open to the public for comments.

On a motion by Mr. Tangeman and seconded by Mr. Nolan, the public comment period was closed, all ayes

Mr. Cao stated he wants to come down here in the summer and the winter, enjoy the house with his parents, cousins, family, friends and would like the board to approve his application.

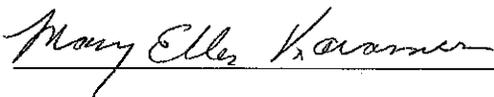
Mr. Tangeman made a motion to accept the application with the provision to remove the old drainage that goes to the curb, and that all of the roof run-off from the total house will go to a drywell or underground system and mechanicals will go to the rear, seconded by Mr. Nolan.

Roll call taken as follows:

AYES:	Mr. Brendle, Mr. Lalji, Mr. Nolan, Mr. Waitzel, Mr. Tangeman, Chairman Pearsall
NAYS:	None
ABSTAIN:	None

Adjournment: On a motion by Mr. Brendle and seconded by Mr. Nolan the meeting was adjourned without objection at 9:34 p.m.

Submitted and Approved:



Date: June 28, 2018