

BOARD OF ADJUSTMENT – MINUTES

October 25, 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 - present

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

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: June 28, 2018 Motion was made by Mr. Brendle to approve the minutes; seconded by Mr. Nolan;
Roll call taken:
AYES: Mr. Brendle; Ms. Lalji; Mr. Nolan; Mr. Waitzel;
Mr. Quinn; Mr. Tangeman; Chairman Pearsall
NAYS: None
ABSTAIN: None

Correspondence: Borough Council Resolution R2018-137 Re. 206 Highway 71, LLC Block 20 Lot 9 Performance Guarantee – Mr. Lobosco stated council approved the Resolution.

9/10/2018 Application No. ZB-2018-04 request to carry to 10/25/2018 meeting

10/03/2018 Kaminiski resignation – Chairman Pearsall commented that Ms. Kaminski had never taken the oath, therefore her resignation may not have been required.

10/10/2018 Application NO. ZB-2018-04 (810 Highway 71) request to carry to 11/29/2018 meeting - Mr. Kitrick stated that applicant has been advised to be at the November 29 meeting. Mr. Kitrick added that no further notice of publication is required.

Old Business: None

New Business: **810 Highway 71, LLC, Application No. ZB-2018-04**
810 Highway 71
Block 69 Lot 10
Create an outdoor patio for seating and service

Andrea Lucciola, Application No. ZB-2018-05

1708 Beverly Ave.

Block 56 Lot 6

Construction of an addition, Covered porches; removal of deck, patios, existing porch and a portion of the dwelling

Mr. Kitrick stated notice and publication are in order and the application can proceed.

- A-1 Plot Plan
- A-2 Architectural Plan dated 8/9/2018
- A-3 10 Photographs
- A-4 Front Elevation dated 9/24/2018

Andrea Lucciola and Louis Lobosco were sworn in by Attorney Kitrick

Attorney Accisano stated that applicant is proposing demolishing the existing house and constructing a new home. He added that the existing lot is undersized. Mr. Accisano stated that almost all of the variances being requested are pre-existing. Mr. Accisano added that they are building on the old footprint and that the footprint is actually being decreased. Mr. Accisano added that they are proposing a decrease of over 11% in lot coverage. They are also proposing what they consider a diminimus 3% increase of building coverage.

Ms. Lucciola stated that she has owned the property a year and a half, she lives there full time. She added that her fiancé and she will be living in the home with two adult children who will be there at different times. She feels the proposed home will be pretty. Ms. Lucciola stated that the house is very old; the foundation is not stable and there are issues with a flat roof. She added that the flat roof leaks.

Ms. Lucciola said that when she originally purchased the home, she thought major renovations would be performed. As a result of continuing issues coming up during renovation plans, she decided to demolish the house.

Mr. Accisano referred to A-2, the architectural rendering of the building. Ms. Lucciola stated that on the first floor there will be a dining room, a living room, a kitchen, a bathroom, a closet and a back porch and a front porch. On the second floor, there will be 3 bedrooms, 2 full baths. Ms. Lucciola added that everything will be modernized and beautiful.

Mr. Accisano stated there have been changes to the plans previously submitted to the board; however the footprint will remain the same and variances will remain the same. Mr. Accisano asked Ms. Lucciola to describe the change to the plan for the front porch. Ms. Lucciola stated that instead of the front porch going across the entire front of the house, there will be a bump out at the end of a half porch. Ms. Lucciola added that will be the dining room. Mr. Accisano stated that there will be no impact on bulk requirements pertaining to the change to the plan. He added that aesthetically it will be an improvement. Mr. Quinn asked if the living room will be as far out as the porch. Mr. Accisano said yes, it will be flush with the porch. Mr. Accisano added that there will be no changes in any variance or any effect on the setback with the new plan. Mr. Brendle commented that the new plan is for two stories; the original plan was for a small second story renovation. Ms. Lucciola stated that this will be level all the way up. Mr. Brendle stated that the bulk then comes forward. Mr. Lobosco commented that the change to the porch as well as the front of the house will change the setbacks. Mr. Lobosco added that he had not seen the new plans now before the board. Mr. Accisano stated he did not realize that there would be a separate setback requirement for the porch and house with the changed plans. Mr. Accisano added that this is a more modern, elegant looking home than what is existing.

Mr. Accisano asked Ms. Lucciola if there have been flooding or storm water problems in the past. Ms. Lucciola stated just from the roof, not coming up from the ground.

Mr. Accisano had no further questions.

Mr. Nolan asked if the away room will be 7 feet bigger. Ms. Lucciola stated it is a dining room, but yes, 7 feet is being added. Mr. Nolan asked if the house is being demolished, why the house would not be put deeper into the lot away from the road. Ms. Lucciola pointed out her home on the first page of photos marked A-3. She added that her home is in line with the other homes in the neighborhood. She added that the house next door to hers comes out further than hers. Mr. Accisano stated that the plans for the new home are in keeping with the neighborhood. Mr. Accisano added that the existing footprint is shown on the plot plan.

Mr. Accisano stated that this is an undersized lot and nothing can be done with regard to variances being looked for with respect to lot area and lot depth. Mr. Accisano stated that the front yard setback of 30 feet shown as 10.24 is a pre-existing nonconformity. Mr. Waitzel asked if that was going to become 4.8 feet. Mr. Accisano said as to the front portion of the new building, yes, not as to the porch. Mr. Accisano added that building coverage currently is 30.6 and is going to be increased to 33.64 and 25 is required. Mr. Quinn asked if the north side yard will increase to 5.37 or stay at 5.13. Mr. Accisano stated that the existing north side yard addition is coming down. Mr. Brendle asked if the foundation will stay. Mr. Accisano said the foundation is going.

Mr. Accisano stated that a variance for the AC units and an entrance into the basement is being sought. Mr. Lobosco stated that the mechanical units require a separate variance. Mr. Brendle asked if they are putting a bilco entrance to the basement. Mr. Accisano said yes. Mr. Brendle said that is foundation then. Mr. Lobosco said that is why it is 5.37. Mr. Accisano said that the square footage of the nonconformity is substantially reduced. He added that the variance still exists since they are proposing replacing two ac units and a basement entrance but the size is smaller. Mr. Accisano added that building coverage will be increased but there will be a substantial decrease in impervious surface and lot coverage. Ms. Lucciola added that a concrete patio and a paver patio in the front will be removed. Mr. Accisano stated that will account for an 11% reduction in impervious surfaces. Mr. Accisano stated the applicant currently has a shared driveway and is proposing a paver driveway and that that requires a variance for driveway setback. He stated that there is currently no setback and that they are looking for 1 foot where 2 foot is required. He added that it will no longer be a shared driveway. Mr. Quinn asked what will be in the 1 foot area. Ms. Lucciola stated plantings or grass maybe. Mr. Kitrick asked what the neighbor who shares the driveway would do for a driveway. Mr. Accisano stated it is not really a shared driveway.

Mr. Brendle asked the requirements for mechanical equipment in a side yard. Mr. Lobosco stated it has be screened. Mr. Accisano said whatever the town wants for screening of mechanicals, will be complied with.

Mr. Accisano stated with regard to water infiltration and drywell requirements a variance is being requested since impervious surface is being decreased and there has never been a flooding issue before. Chairman Pearsall stated that whether or not there have been issues, and especially with new construction, that even before the ordinance, the board policy is to have an applicant do it. Chairman Pearsall added that should be worked out with Mr. Lobosco.

Mr. Brendle stated that he feels that the 33% building coverage where 25 is permitted is an issue. Mr. Accisano stated that as it exists now, they are currently at 30; that the proposal is going up 3% but they are decreasing 11% impervious. Mr. Accisano added this is diminimus. Mr. Accisano asked the board to consider that the nonconformity on the north side of the property is being taken away. Mr. Brendle stated the whole street is nonconforming. He added when you buy a property where the structure has nonconformities, any improvements will require coming before the board. Mr. Accisano stated that the 3% increase, which is a variance, is outweighed by the benefits that are being given and that the neighborhood will be improved. Mr. Brendle asked what areas are being given back. Mr. Accisano said removing the addition with the flat roof is a

substantial amount. Mr. Brendle stated that brings lot coverage to still not quite conforming. Mr. Accisano stated that the lot is currently undersized.

Mr. Waitzel stated the plan for the porch, with regard to the undersized lot in comparison to the neighbors made sense but why not push the house back since they have room to the rear of the property line. Mr. Accisano said their plan conforms better to the houses on the block in that area.

Mr. Waitzel stated that he feels that the porch setback along with the location of the basement entryway needs to be addressed. He added that if the entryway to the basement can be put in the rear yard without difficulty, that should be done. Mr. Accisano said they will put the basement entry in the rear.

Mr. Quinn stated that the 6 foot bump out proposal is significant; that the original plan may have worked. Ms. Lalji asked if there is a full third floor and if it will be habitable. Mr. Accisano stated the third floor will not be habitable and that can be a condition of any board approval. Ms. Lalji stated that the neighborhood has one or one and a half story homes. Ms. Lalji added that with the bump out and an allowable 32 feet, it would be a large structure for an undersized lot and not in keeping with the neighborhood.

A recess was taken.

Mr. Accisano stated regarding the front wall, the applicant proposes that they will move the structure back 5 feet getting rid of the nonconformity. He added that applicant would like to keep the basement entrance on the side of the house but that they will screen around the bilco, as well as screen around the AC. Mr. Nolan stated that everything will still be nonconforming. Mr. Accisano, stated it would conform as to 10 feet.

Mr. Brendle suggested applicant may consider coming back with a new plan. Mr. Brendle asked if dormers will be on the attic level of the home, now that it will be inhabitable. Ms. Lucciola said no.

Michael Ingalls, Ingalls Building Contracting, 2307 Highway 71, Spring Lake Heights was sworn in by Attorney Kitrick.

Mr. Accisano confirmed with Mr. Ingalls that he is the builder for the project and is familiar with the drafting of the plans.

Mr. Brendle stated that the plan before the board does not represent what is going to be done. Mr. Ingalls stated that he has not seen the plan presented to the board this evening. He added that the architect and Ms. Lucciola have been working on the project.

Chairman Pearsall stated that with the changes being made, both for the board and for the applicant themselves, that he believes the applicant should come back to the board with a clearer idea for what they want to do with the project. Chairman Pearsall added that they are close on some of the variances but they should try to eliminate them; what may be considered diminimus by applicant may not be considered diminimus by the board. Chairman Pearsall added that the board understands that it is an undersized lot which comes with challenges. Chairman Pearsall stated that lot coverage has been reduced, but maybe it can be reduced more. Chairman Pearsall commented that the application is confusing; the board and applicant want to do it right. Chairman Pearsall confirmed this application can go on to the next meeting agenda.

Chairman Pearsall asked if the board had any comments. There was discussion about moving the fireplace. Chairman Pearsall added that maybe the structure can be moved back 6 or 7 feet which still needs a variance. Mr. Nolan asked about the detached garage. Ms. Lucciola said the garage is in good shape and used for storage. Mr. Brendle asked why they are getting rid of the habitable attic. Ms. Lucciola said they want 9 feet on the first floor. Mr. Brendle asked what the building height is now. Ms. Lucciola stated 32 feet. Mr. Accisano said it stays the same throughout.

Mr. Kitrick suggested the public be heard tonight.

Voice of the Public – Opened on a motion by Mr. Brendle; seconded by Mr. Nolan

Sharon Batteau, 1719 Beverly Avenue sworn by Mr. Kitrick.

Ms. Batteau stated that she is a neighbor across the street and is familiar with the house from being friends with the previous owner. She stated after seeing the plans, she feels it would be beautiful for the street. The bump out is no problem to her. The street is eccentric and the houses are close to the street. She feels it would be a great addition to Beverly Avenue. Ms. Batteau added that she wanted to come to the meeting to give her support.

Sandra Hallstead 1706 Beverly Avenue sworn by Mr. Kitrick

Ms. Hallstead stated that she lives next door to the right of the applicant. She is in support of the project. She stated that their driveway is not really shared; the driveway is pavers and gravel. Her car fits on the pavers; it is tight but her car fits. She added that she feels that the project would be a great addition to the neighborhood.

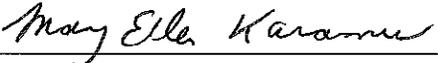
Voice of the Public – Closed on a motion by Mr. Brendle; seconded by Mr. Tangeman

Mr. Accisano clarified that the next meeting is November 29. Mr. Accisano reviewed the issues that need to be addressed. He added that the biggest issues are driveway setback and moving the house back to lessen the front yard variance. They will look into the fireplace on the driveway. Chairman Pearsall suggested trying to get the lot coverage to 50. Mr. Brendle suggested cutting the driveway half a foot. Ms. Lalji stated building coverage is a concern. Chairman Pearsall mentioned maybe lessening building coverage if possible. Mr. Nolan would like to see new plans and to clarify the dormers. Mr. Accisano said they will submit new plans.

Mr. Brendle made a motion to carry the application to November 29 with no further notice or publication; seconded by Mr. Waitzel; all in agreement.

Adjournment On a motion by Mr. Brendle; seconded by Mr. Nolan, the meeting was adjourned without objection at 8:28 p.m.

Submitted And Approved:


Mary Elle Karam
Board Secretary

Date: November 29, 2018