

## Zoning Board Minutes

April 23, 2019

Announcement by the Chairman that the meeting is in compliance with the Open Public Meetings Act, Chapter 231, Public Law 1975. Adequate notice of this meeting has been provided to the Coaster and Asbury Park Press. All notices are on file with the Board Secretary.

Board Members In Attendance: Chris Avallone, Russell Lewis, Daniel Harris, Eric Galipo, Brittany Ashman, Stephanie Hunnell, Melanie Chongolola -Nester, Chris Gonzales

Board Members Absent: None

Board Staff: Jack Serpico, Doug Clelland (InSite Engineering), Donna Miller (CCH), Michele MacPhearson (State Shorthand)

### Agenda

Jack – Michele is taking over as Board Secretary – Barbara is not here tonight

A. Minutes: Motion to approve minutes of April 9: Chris Second: Russell All members in favor

B. Applications:

1. Interfaith Neighbors, 147 Borden Avenue, block 1101 lot 30, 'R1A Zone

Use and bulk variances for a two family use for the "Pathway to Home Ownership" Program  
Hunt Perry, Esq for the applicant – the applicant's architect was not available tonight, requesting the application be carried.

Motion to carry to June 11: Chris Second: Russell All members vote in favor

2. Padraic Gallagher, 1503 Park Avenue, block 3602, lot 12, R1 Zone

Bulk and use variances for construction of rear deck

Kevin Kennedy, Esq – for the applicant- this is an existing townhouse, seeking approval for an uncovered deck off the second floor. The existing townhouse is a pre-existing non-conforming use and need a D variance and also FAR variance – not expanding it, it is a pre-existing condition. City professionals went back and forth and decided technically need a D variance for expansion of the non-conforming use and FAR variance even if not changing and noticed for all variances. Heart of the application is a request for an uncovered deck or balcony off the second floor. The unit suffered heavy smoke damage from the tragic fire of one of the other townhouse units.

Mr Gallagher is here but don't think we need him to testify

Robert Feinstein – project architect – Studio One Architects, not licensed in NJ

Eric- the firm stamps the plans and your represent the firm

Feinstein – correct, Anthony DiAngelo signed the plans

Jack – if find we need the architect,

Chris – we will request to be present

Kennedy – there are 8 fee simple units in this complex. Single family attached units, not permitted in the R1 Zone and hence an expansion of a non-conforming use. The Townhouse owner, owns the land and the home, no association or management company. Single family with three stories with 0 foot side setback, one car garage with bedrooms

Feinstein – propose 10 foot by 20 foot deck off the rear yard, second floor off the living room, split level design  
Deck will have 3 columns to hold it up, have a new fence which has permits and pea gravel and plantings. An open deck is proposed with no cover, 8 feet off the ground

Revised plans submitted to Board, designed by Feinstein and signed by DiAngelo,

Exhibit A1- Sheet Z2 – first and second floor elevation

Exhibit A2- Sheet Z4- Rear elevation

Exhibit A3-Sheet Z1

Exhibit A4- Photo Board #1

Exhibit A5-Photo Board #2

Feinstein – reviews the Exhibits

Sideyard setback variances – deck is set back a few inches from the side, deck goes across the length of the building, keeping the existing setbacks. Existing AC condenser, and adding another condenser and relocating the existing AC and adding an outdoor shower. Revision date March 13, 2019

Donna and Doug Sworn in

FAR - .5 allowed, .6 exists, .6 will continue

Building coverage is 25% allowed and added 6% for deck – 206 square feet – 31%

Will remove the existing concrete pad and wall and push fence back

Donna – there is a platform in the rear that counts towards building coverage

Chris – concerned where the water is going. They need an accessory structure setback variance

Eric – no hardship demonstrated for deck but see how the second floor deck extends the living space but not the Platform

Feinstein – client doesn't want the platform and can remove to reduce the building coverage and eliminate the Variance for the accessory structure

Eric – need to talk about the size of the deck, building width is 20 feet matching the deck

Feinstein –(described deck ad door opening) door opening width is 10 feet, other units have decks

Russell – know other applications came before the board for the other decks, I have an issue with full living Space on the second floor – not a fan of second floor balcony with dining and noise, should be on the first floor Where there is a fence. Board approved other decks. If narrow, then not a party place, maybe stairs to downstairs, deck can open up for living space on second floor. It is a hardship to have the living space on the second floor. I remember the deck that came before the board was 10 feet

Recess 7:50 to 7:57

Feinstein – spoke to client and he wants to reduce the size of the deck to 16 feet by 10 feet and eliminate 40 square feet.

Kennedy – understand the variance runs with the land. If reduce the building coverage and setbacks, reduce party potential – is that concept acceptable?

Chris – need comments from the Board about reducing the deck

Feinstein – outdoor shower is under the deck (discussed drainage situation)

Stepanie – reducing it, impacts the positive and negative criteria – don't have a problem with it

Melanie – didn't have an issue with the deck

Brittany – agree with Russell, support the reduction of the deck for noise issues

Dan – the deck is a nice place to sit? shower, roof leader?

Feinstein – pea gravel, no new grading, no new connections, have added lights with permits, pea gravel at the bottom of the shower, roof leaders not to be changed if change deck

Chris – concern with neighbors effected, appreciate the reduction of the deck from 200 square feet to 160 square feet, variance goes with the property.

Public Questions: none

Chris – more in favor of patio rather than upper floor deck

Russell – appreciate reduction, not here to design deck. can't let people do whatever they want, that's why there is a Zoning Board

Chris – Eric would like to see changes and modifications

Eric – possible connection from second floor to first floor

Chris – more information on neighborhood and what its overlooking

Feinstein – would the stairs be part of the coverage?

Donna – yes

Kennedy – appreciate comments – fair request to see changes, can come back with revisions and more info on neighborhood. This will not negatively affect intensity or parking that typical of expansion of a non-conforming use but need 5 affirmative votes, hopefully, come back at a date certain and address those doubts

Chris – need to carry to June 11

Kennedy – request to be carried to revise the proposal. On behalf of client, Agree to extension of time

Motion to carry to June 11 with not further notice : Chris            Second: Russell        All members vote in favor

Recess – 8:15 – 8:25 pm Motion to have recess: Chris    Second: Brittany        All in favor

3. Advanced Development Group, LLC, 300-302 First Avenue, block 3306 lots 2 & 3, R1 Zone

Site Plan, use variance, bulk variances for the construction of a five story structure for 17 residential units with onsite parking.

Russell Lewis recused from this application and left meeting.

Fausto Simoes, Esq for the applicant

Nicholas J. Netta, Architect for applicant

Exhibit A-11 – Architect Sheet A101

Exhibit A-12 – Sheet A102

Exhibit A- 13 – Sheet A-103

Netta – (discussed reviewed changes) based on Board comments, made changes to the Plan and discussed the Exhibits. Parking level of the building, original design has a looped roadway system and this new one has one central access, there was a problem with the distance of the driveways, this was a design waiver. The waiver was eliminated as well as the driveway being 50 feet from the curbline. There are 6 modifications to the design.

Main one is the reduction of the FAR – was 4.6 to 2.97

Eric – it says 3.97 on the chart

Netta – minimal rear setback increased from 3.9 to 5.75, trash removal was modified, trash is outside the building, so bike storage created, 3,893 square feet reduced building, total building was 40,538 square feet to 36,643 square feet. Plans dated 4/5/19, engineering plans dated 4/3/19, percentage lot coverage reduced to 79.97%. height increased one foot because of the lift system. Basement under the core – less than 400 square foot just for the pump room.

Number of units is still 17, smaller units for lower FAR. Average unit size is 1,300 for two bedroom and 962 for a one bedroom. Material modification – asphalt shingles and siding was clarified

Eric – the overall reduction in size is appreciated but doesn't reduce the intensity of the site, it s the same number of people

Chris – appreciate shrinking is a little, overall the density is the same, concerned with impact to the neighborhood, same place with this application

Eric – FAR is 600% over FAR for a single family zone

Chris – can't change the zone, part of the Master Plan,

Board Questions – None            Professional Questions – none

Public Questions: Galvin Anderson, John Nash,

Corey Chase – licensed New Jersey Professional Traffic Engineer, Principal at Dynamic Traffic, expect in over 80 municipalities.

Chase – no traffic count was done because the project is low traffic and doesn't exceed the threshold for a significant increase in traffic.

Eric – your report is theorizing on the impact of the new development

Chase – original application was 22 units, now 17. Report was generated on March 26, 2019, no traffic counts involved in the report, no data collection. It is based on the access traffic impacts proposed by 17 residential units. Looked at data from Institute for Traffic Engineering which is a standard for projecting traffic for a variety of land uses. The project will generate 14 trips an hour. Peak weekday mornings 7 – 9 am and 4- 6 pm and

weekend peak. The ITE and NJDOT state that 100 or more trips per hour are considered significant increase to impact on existing traffic flow. Based on unit count, which is an equation not a traffic count

Eric – it is an actuarial approach, measuring the number of units, size of bedrooms and uses to determine that it is likely to generate this many trips – but analysis doesn't take into consideration the surrounding network

Chase – correct, based on this analysis, there is no overall impact on traffic from this project

Chris – find it hard to believe

Chase – based on National sources, both State and National say that anything less than 100 trips will not have a significant impact on traffic. One additional car every 4 minutes, includes visitors and residents and overall traffic in and out of this development

Brittany – is there anything for seasonal cities or is it just for all residential uses?

Chase – standard generation for multifamily development

Chris – difficult to believe this is relevant to this neighborhood. traffic peaks for Asbury Park are outrageous and the closer you go to the ocean, traffic is amazing. Hard to believe that is not an impact

Eric -in theory there are 14 trips an hour – 7 in and 7 out

Doug and Donna sworn in

Eric – how do we consider this in context to other developments in the area? The 14 trips plus what is going on down the street. What weight do we put on this?

Donna – put whatever weight you want. Based on the traffic expert's report, this is the result

Chris – it doesn't take into account the town it is in

Eric – it is not part of the analysis

Chase – (Table 2 and Table 4 was discussed)

Eric – don't see lifts on use for this size project (stacking system discussed)

Eric – the intensity on this site has not been alleviated

Jack – It's the value the Board places on the report

Eric – be cautious that it provides too much weight in ameliorative measures or relevance. Can't say it makes the intensity better.

Chase – does satisfy the Residential Site Improvement Standards (RSIS) as far as the parking goes. Providing 16 lifts on the site

Donna – I have questions on the stacking

Chris – we need to talk to Mr. Grant

Simoes – Mr. Grant was not available tonight

Chris – need to hold off asking any questions on the lifts for Mr. Grant

Chase- The report quantifies the overall traffic impact of this development and has a low magnitude of traffic generating, the seasonal time does not play into role of the report

Clelland – explain why the hotel use was used for the ITE for the existing use?

Clase – there wasn't a rooming house category, hotel was the closest

Clelland – agree, the number created from hotel is a bit inflated based on the current site without parking. Board can weigh the information as it sees fit

Public Questions: Chris Folin, Galvin Anderson

Musa Guven – current owner of the property – there are 52 plus residents, it is a rooming house with one person in each room and each person can have a visitor. There is no on site parking. Residents park on the street – maybe 15 cars. In contract to sell the property if get Zoning approval. Residents are there on a monthly basis. Legally can have 52 people and can have guests if they follow the house rules. Now have about 8 residents with cars. If don't get approval, may make requirement that the tenants need a driver's license and have a car.

Jack – the application is based on the proposed use

Guven – I will keep as a rooming house

Eric – we are aware if not approved, it will remain the current use.

Public Questions for Guven: Joseph Barris, Calvin Anderson, Chris Hubert

Guven – 9 units with private bath and each floor has 2 bathrooms

Simoes – want to bring the planner now to testify

Chris – Its 9:30, this may be a good time to break and carry this. Mr. Grant will be coming back to discuss the parking lifts.

Simoes – requests to carry application and grants extension of time

Motion to carry to June 11 with not further notice: Chris          Second: Eric          All members vote in favor

C. Executive Session

9:32 – Board goes into Executive Session to discuss personnel matters

Motion to adopt Resolution to go in Executive Session: Chris          Second: Dan          All members vote in favor

9:52pm – meeting resumes, board attendance taken

Motion to adjourn: Chris          Second: Eric          All members in favor

9:53pm – meeting adjourns