

Minutes of the Asbury Park Zoning Board  
Regular Public Hearing of  
**July 9, 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, Chris Gonzales  
Board Members Absent: None  
Board Staff: Jack Serpico, Board attorney, Doug Clelland (InSite Engineering), Donna Miller (CCH), Michele MacPhearson (State Shorthand), Irina Gasparyan, Board Secretary  
Meeting Begins 7:00pm

A. Minutes: Motion to approve minutes of June 11, 2019: Avallone          Second: Lewis    All members in favor

B. Old Business:

**1. College Achieve Public Charter Schools  
508 Third Avenue, block 3404 lot 4**

Motion to carry: Avallone          Second: Lewis          All in Favor

Application **CARRIED to Sept. 10, 2019**

C. Applications:

**1. 300 Sixth Ave, LLC  
300 Sixth Avenue, block 3606 lot 5, R2 Zone**

Motion to carry: Avallone          Second: Lewis          All in Favor

Application **CARRIED to Sept. 10, 2019**

**2. 405 Sewall, LLC & 407 Sewall, LLC  
407-409 Sewall Avenue, block 3202 lot 10, PO Zone**

Zoning Determination on expansion of non-conforming use; Renovation of existing multi-family structure to renovate existing 19 units to create 20 apartment units.

Andrew Karas, Attorney for applicant, Described application, bifurcation of application, currently before council

252 NJ S appellate case 1991- if board makes determination that work done on bldg. is minimal, does not increase use. Only if substantial change.

Galipo: changing 19-20 units is an increase

Karas: case actually similar, decrease of # of bedrooms. New apts were 1 bdrm.

Serpico: case involved # of other items. Case sites another, where focus should be on intensity of use, not just on numbers. If determine what u hear is more intense use. You decide whether substantial or not.

Galipo: despite fact that # of units decreases, parking increases.

Serpico: even though bifurcate, you should take into consideration on totality of project.

Karas: when consolidate lot, fAR decreases

Galipo: # of parking units

Serpico: don't overcomplicate it, look at total, is there substantial increase in intensity. Have to not only consider quantitative but also qualitative.

Harris: how many units/bdrms?

1<sup>st</sup> witness: Michael Savarese, architect for applicant.

Exhibit A-1: Prelim final major site plan

Savarese: # of units & bedrooms

Karas: What is changing?

Savarese: making rooms larger, interior alterations, intent not to intensify site, just to make it work.

Ground floor- 1x 3 bd eliminated

2<sup>nd</sup> fl: 1 bd becomes 2 bd, 3 bd becomes 1

3<sup>rd</sup>: 1 goes to 1, add 1 bdrm

Whole has 19, new has 20. Existing 33 bedrooms. With alts 30 bedrooms.

Savarese: Also, existing units were not in keeping with current requirements for bedroom size, with changes they are.

Harris: more bdrms more ppl, less bdrms, less ppl

Savarese: also add windows, increase quality of life

Galipo: A101 (pg 3). Will u point out 3 bedrooms on this?

Savarese: when we surveyed it was used as a bdrm

Ashman: is there a door?

Savarese: no door

2<sup>nd</sup> witness: Peter Siegal, sworn in

Siegal: may I ask q? when bought bldg., got Cos, there were 3 ppl. There are conditions in 3bdr units, prev owner installed doors, flimsy, occupied as 3 bdrms,

Harris: is sf of 3<sup>rd</sup> bdrm still within requirements of bedroom? Technically, those are legal 3 bedrooms.

Galipo: do you have the Cos, what does the CO say?

Siegal: perhaps can supply it?

Galipo: A-102 that same room in unit is a living room. On A101, that same living room is being called a bedroom.

Donna Miller sworn in

Miller: He may have CO for units as occupied by certain# of ppl, when do co inspection, they check sq ftg to make sure its valid for # of people. However, based on docs provided for review, looking at this unit, would say theres no way this is 3 bd apt.

Galipo: in unit F1 there is no door.

Siegal: there are hinges in that unit, someone removed it. Also, in ref to closets, this bldg. is so old, there are no closets in many of units.

Miller: Karas is correct. U should be focused more on qualitative effect

Savarese: client not increase, less ppl, better quality of life.

Karas: and Q is whether there is substantial increase

Serpico: whether or not substantial increase or decrease, when in doubt, be conservative

Avallone: why go 19-20?

Siegal: Units have electrical & plumbing issues that will be upgraded, market doesn't show need for 3 bdrm units

Karas: who are renters of 3 bdrms?

Siegal: several couples & more ppl in 3 bdrm units. More market for studios, 1 bd,

Miller: Clarify statements of occupants

Siegal: 2 bdrms sit for long time, looking for income, credit, pets, and not neg impact use of bldg.

Avallone: answer is reducing sf of units

Harris: Get more \$ for 3 bd, the \$ lose for 3 bd, gain by adding 1 apt.

Siegal: economics is one of reasons, but there are others

Galipo: is 3 unrelated tenants allowed?

Karas: yes, used to be prohibited

Ashman: is there currently AC? Will that change interior?

Galipo: showing 6 condensers on roof

Miller: what has history of tenancy been for this bldg.? Are they multiple family occupancies?

Siegal: one of them is 6ppl, 1 is 4 ppl. Signif. Use in AP has been young 20-40 yrs. There is new applicant in market w/ better credit, capable of renting 1bd or 2 bd. When

Miller: do they drive or have cars?

Siegal: see change in town. Many ppl don't have cars. We see both, have bldgs. W parking lots & without.

Avallone: what is occ rate in this bldg.

Siegal: 17 of 19 currently occupied

Gonzales: so from 3-6 cars

Miller: describe how bldg. currently deals with trash/deliveries

Siegal: trash is outside containers, tenants take out, deliveries- vestibule

Galipo: indicate vestibule on A101?

Siegal: there is security to vestibule

Savarese: lobby, handicap lift; have 2 lobbies, with a few steps between floors.

Harris: what is turnover in 9 months you've had bldg.? once start renovations, will there be ppl that will leave?

Siegal: in 3bd units, there was some shuffling of tenants, and a couple of tenant changes. Not sure if ppl will leave.

Gonzales: are u vacating whole bldg. or apt by apt?

Siegal: Yes, will do apt-apt. intention to renovate stacks of 3, there are chases so can work on a few at a time.

Avallone: increase rent to pay for improvements?

Serpico: keep in mind, application is limited to 1 unit. They have to come back for site plan. Very limited issue. Can't go out & start to renovate.

Karas: not intensification, its reduction.

Ashman: how can do that without seeing site plan?

Serpico: not locked in. this approval will be contingent on council approval & site plan.

Avallone: were here to just talk about units

Lewis: reduction in # of bdrms, increase in # of units

Qs from public for Mr. Siegal:

Ernest Mignoli: when bldg. changes ownership, inherit COs, correct, do u have proof they are 3 bdrm units?

Can we see documents? When purchase bldg., did u get form 10x?

Siegal: current use, occupancy, tot inspection, COs. No knowledge of forms.

Karas: talking about lead remediation? Did not testify to that

Mr. Savarese called back

Aval: any Qs from board for architect?

Galipo: new stairs on outdoor?

Savarese: ADA ramp to get up to bldg.

Harris: will there be room to add dumpster outside?

Savarese: when get to site plan, will look at these things

Miller: will u do any brick pointing?

Savarese: planters, steps, ramp, for now.

Galipo: is basement included in FAR?

Miller: depends, don't know height. If habitable area, then included. To use as laundry room, wouldn't have to increase ceiling height.

Savarese: laundry room now

Avallone: Qs for Savarese?

Avallone: open up for public comments

Judy Hull: sworn in, Idk if this is for site plan. Object to parking lot use next door to my property

Serpico: threshold: is there D2 variance, your comments would be more appropriate before Council

Karas: based on case, additional unit is not intensification, then don't need variance for increase non conform use. That's all were here for, whether or not its substantial.

Serpico: if they decide that there is a variance, they would vote on Variance.

Avallone: What comments does board have?

Lewis: don't think its substantial increase, nets out

Harris: based on improvement, any improvement is welcome

Ashman: agree w Harris

Gonzales: Agree w/ Russell

Avallone: Agree w/ colleagues

Lewis: I'll make a motion that its not substantial change

Serpico: Not substantial, d2 variance not req

Serpico: Do you want to vote on density?

Karas: hold off until Council approval for removal from redevelopment plan

Motion to approve: Lewis Second: Avallone

In Favor: Chris Avallone, Russell Lewis, Daniel Harris, Eric Galipo, Brittany Ashman, Chris Gonzales

Opposed: none

Application **APPROVED**

Motion for 5 min recess: Avallone Second: Ashman All in favor

8:32 meeting resumes

Roll Call

D. Resolutions:

Wells Fargo, N/A c/o Aaron M. Bender, Esq., 140 Ridge Avenue

Motion to approve: Avallone Second: Lewis All in favor

Motion to adjourn: Avallone Second: Galipo All in favor

8:39 meeting adjourned