

Zoning Board Minutes
Annual Reorganization Meeting
January 28, 2020

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, Jill Potter, Tim Szlyk, Brittany Ashman & Chris Gonzales

Board Members Absent: Eric Galipo

Board Members Recused: none

Board Staff: Jeffrey Beekman, Conflict Board Attorney; Donna Miller (CCH); Michele MacPhearson (State Shorthand); Irina Gasparyan, Board Secretary

A. Discussions:

1. Zoning Board Bylaws 2020

No questions or comments by the board.

Motion to approve the 2020 Zoning Board Bylaws: Avallone Second: Lewis All members vote in favor
APPROVED

B. Old Business:

1. College Achieve Public Charter Schools

508 Third Avenue, block 3404 lot 4

Resolution compliance and discussion of conditions of approval.

Formal Action may be taken

Andrew Karas, Attorney for Applicant

Calls Officer Reng, APPD, sworn in

Reng: observed first day of school. Only complaints was double arking by parents. Alleviate by having section in front f 3rd ave. watched that for 2 months & went smoothly & we released.

Karas: last year we rec'd complaints so I would go down & watch. From time there was a vehicle that would block, but drop child off prob takes 30 seconds

Kar: indicated cones, also staff members out there assisting

Avallone: there's signage there now that indicates no parking?

Reng: correct to my knowledge we haven't had any complaints. Issued maybe 1 summons

Karas: and all signage installed to your knowledge, what about crossing guards?

Reng: yes. Asked for list of all students that would be walking. Have to check notes, but believe it was only 1 family.

Avallone: when did u do that? As u know every year is different

Reng: when they opened. Usually we get a request or parent or school informs us.

Karas: determination to have a guard is police dept determination?

Reng: yes

Public Questions for Mr. Reng

Mignoli: could I OPRA your traffic & studies? are they in writing?

Reng: no

Avallone: based on observations. I will accept based on his credibility

Charles Liebling: right at start when decided to shift school bus to grand?

Reng: yes

Liebling: thank u we didn't realize when buses moved that it was based on police department decision.

Shimler: parents don't use area drop off starts at parking lot. not being used for drop off. Is that supposed to be used? Are parents encouraged to pull over in parking lane and drop off. Was intention of that lane to be for drop off?

Reng: yes that's what we changed to

Karas: although not encouraged, made observation that some parents do park there and drop off.

Avallone: we designed how we think would work and u changed that

Harris: when kids crossing north side of 3rd and east side of grand are kids crossing street?

Reng: no that was stipulation that there would be no need. Originally, crossing was supposed to be at grand but no one crossing there

Harris: how many children this year? Children walk by selves?

Reng: anyone can. City uses safety corridors. That location 3rd & grand is diff b/c when started only 2 students. But haven't had any referrals. Ultimately would fall on city manager to hire crossing guard.

Lewis: do cross guards only cross or direct traffic also?

Reng: only cross

Harris: reassess each year?

Reng: also possible to have school provide list of walkers to see where coming from and if assisted, easier to map out what we need.

Karas: we can do that. Provide a list as part of resolution compliance.

Avallone: do have another charter school on Grand how does that work?

Reng: have hope academy & Thurgood marshall there

Avallone: and only couple block away from college ach

Karas: do u also find at hope academy that parents double park at times?

Reng: Asbury is a city and we have issue w double parking everywhere

Public Questions:

Stefan Ashan: please explain how u went about traffic study? How came to conclusion that safe environment? How did u approach that? Was it every day?

Reng: just by sitting out there. There for several days. I believe I was out there for 2 weeks every day. I believe it was in sept. don't recall dates

No other Qs

Lewis: what about staff members that are supposed to assist pick up drop off?

Avallone: to be clear, we are retaining jurisdiction, would like to review

Karas: I'll get that next time.

Mark Siegle, Zoning Officer for City of Asbury Park, sworn in

Exhibit RCB1: drop off photos

Exhibit RCB2: Pick up Photos

Avallone: how long did observe?

Siegle: Morning. In terms of staff assisting, they need to be more consistent with that. No space for people. if look at pictures near signs

Lewis: are u referring to (pic of sign no parking)

Siegle: yes. condition (read condition) believe A-13 or A-14 there was another location for signs and those were not used.

Avallone: how would u describe the condition

Siegle: doesn't meet conditions but not bad

Karas: how long does process take? Is one of biggest problems people parking where they shouldn't

At any time how long are cars in queue?

Siegle: drop offs typically 30 sec, pick up maybe 5 min

Avallone: do u think it's working better

Siegle: typically because of bike lane. Never really been a problem. Out last week, 3 full size buses. Only time witnessed issue. At time he was out probably warranted changing location

Karas: any observations of kids crossing?

Siegle: only 2 kids on separate occasions, crossing grand

Liebling: when kids drooped off double park situation, are kids walking between cars?

Siegle: typically pull up to driveway, child gets out. Not squirting btwn cars

Ashman: legally what are we allowed to ask for from them?

Beekman: have 2 issues: have to consider annual analysis. Also signage from city

Karas: this is 1st time we learned that all signage was not placed

Beekman: might be helpful to carry to have that ordinance. Ultimately going to be more police control. Every year is going to be different. Should be re-analyzed annually.

Avallone: in your estimate, Mr. Siegle in your estimation how is this working

Siegle: not working as is. may need to modify.

Siegle: haven't seen bc of cars & lack of signage along grand

Harris: do u think putting officer there would help situation, may deter, assist.

Segl: yes even if one

Public Questions

Stefan Ashan: u were on case for 4 months? There is section in variance that reference charter school required to come back to board

Siegle: 6 months. Yes, there is condition. To my knowledge this is 1st time coming back.

Ashan: drop off time is 730-8. Any observance after that time? In between?

Siegle: 7, 730, 745

Ernest Mignoli: could be dangerous?

Siegle: my observation is it doesn't meet the letter of the resolution

Mignoli: is it ok for public to opra your data? So u took them with phone? So time date.

Siegle: on side of church

Karas: know where that child comong from?

Siegle: from east to school

Siegle: not expert but think annual review would suffice.

Karas: not testifying

Karas: based on observation, did u see any danger to children?

Siegle: no

Elise Kahn, third ave: see any illegal u turns?

Siegle: at intersection of grand & 3rd

Sharon Krengle, 1003 Grand, sworn in

Liebling: have copy of resolution? Cond #7 relates to parking space

Krengle: see that cars are not parked in spaces but along our property.

Leibling: not sure when

Exhibit RCO1: photo of parked car in front of house

Krengle: play on lawn of church & end up on sidewalk, come close to street

Avallone: staff member there? Monitors?

Lewis: is this grass area? With tree?

Krengle: usually have something to play but usually just running around

Liebling: before school took over there, was it grassy, how now?

Krengle: Dirt & mud.

Liebling: cond of board on board fence

Avallone: have u personally observed in afternoons coming & going.

Krengle: have seen kids getting on and off, can't see third ave. I didn't know the locations changed. Have to say that buses on grand works. There is a staff member.

Gonzales: have u seen kids now in winter?

Karas: how long outside?

Krengle: I would say 20 min.

Karas: in terms of how bus work, no issue?

Krengle: yes

Harris: would say that having officer there would be helpful?

Krengle: would say supervised getting on off buses would be helpful.

Lewis: will we have agenda of what you will present

Avallone: as stated, will want to review all of conditions

Karas: yes we will

Avallone: you were supposed to review that, still your responsibility to make sure it was there.

Motion to carry to February 25, 2020 without further notice: Avallone Second: Ashman

All in favor

APPLICATION CARRIED TO FEB. 25, 2020

C. Applications:

1. **300 Sixth Avenue, LLC** (Carried from November 12, 2020)

300 Sixth Avenue, block 3606 lot 5, R2 Zone

Bulk and FAR variances to construct a two-unit structure.

Andrew Karas, Attorney for applicant

Micheael Savarese, architect, sworn in

Exhibit A-6: revised rendition

Exhibit A-7: revised plans dated 1/12/20

Savarese: listened to board comments, made revisions, look down size

Karas: went through comments on CCH report dated 1/22/20

Savarese: note on site plan

Ashman: is that a sidewalk there?

Savarese: if look at rendering see lawn & shrub.

Avallone: clarify are these 2 car garages?

Karas: and parking on site complies w/ requirements?

Savarese: yes

Ash: have Q for Donna & Jason

Board professionals sworn in

Ashman: can u clarify comment in report about the design standards 3.3 last sentence. Arch design guidelines.

Miller: read comment, this would be more modern take. Photo is more art deco, more streamlined. Think of Miami beach.

Karas: 550 Cookman has art deco elements

Ashman: doesn't mean permitted

Miller: 1st iteration had wood clad balconies, this fits in more to that style.

Ashman: is this in waterfront area?

Miller: infill area

Savarese: I personally like this style, looked at master plan & this is permitted, think it fits into beach

Miller: on that street more traditional, this is significant departure, but still fits in

Savarese: balconies, trying to give units some outdoor amenity. Not going to see because its going to be behind the wall

Ashman: have tried to design bldg. accord to setbacks requirement?

Avallone: I think overall is dealing w undersized lot, that putting fairly oversized bldg. appreciate that have downsized, but in essence still putting large bldg. on small lot

Miller: 25' wide there are lots of condos that are 25' wide

Savarese: some Victorian bldgs. Are larger, more mass
Karas: corner lot, visual impact on that corner
Avallone: want to make sure its appropriate structure for vacant lot
Miller: 2.5 story zone, so over on stories b/c of zone. Again on 3500 sq ft that seems like too much
Karas: how define mass? Balconies? Bldg., or envelope
Ashman: that setback 4' is horrible
Fichter: DEP permit would be required
Ashman: what was reason for not having access on 6th?
Savarese: parking. We could put a door there, didn't think made sense. Figured would say use as future living space
Miller: had some suggestions about making bldg.
Avallone: feel board is agreeing w some of my comments
Lewis: I agree really nice bldg.
Karas: say logical. One family house doesn't fit in here. And if doing 2 fam any size smaller than what were purpose is not out of reason
Lewis: don't disagree, but not necessarily our job to be going out of. What asking us to do is almost beyond jurisdiction
Karas: FAR 0.7 is really not a lot.
Lewis: do feel that planner is going to help a lot. Have very small lot & trying to do a lot there

Public Questions

Ernest Mignoli: planning to come back w changes? Are u going to modify plan?
Savarese: don't know. Come back w/ planner
Karas: we will come back to address
Werner Baum: where did get guidance? What zone?
Savarese: city planner, master plan. Our review & board. This site falls within waterfront redev area
Miller: renovation infill area
Baum: what is legal zoning? What makes you believe that this lot is in waterfront redevelopment zone
Savarese: R2
Karas: its within the waterfront redevelopment plan. Don't have to to go to TRC
Avallone: donna can u plz give quick explanation of zoning?
Miller: had this disc before. Mr. Baumgartner has opinion. City map says this lot falls in infill area and loosely under there and that's how we would look at it. You wouldn't go before TRC or be redeveloper, would just come to Board
Baum: any traditional front porches on plan? Is there traditional gable roof? Any modern bldgs.
Savarese: not able to give u answer tonight but I can give u. bldgs. Behind are Victorian, bldgs.
Karas: does planner report identify this style as permitted?
Savarese: yes.

Motion to carry to February 25, 2020 without further notice: Avallone Second: Lewis All in favor
APPLICATION CARRIED TO FEB. 25, 2020

Motion for 5 min recess: Avallone Second: Lewis All in favor
Roll Call

2. Paul & Thomas Eagan

507 Bond Street, block 2503 lot 7, R1 Zone

Bulk and use variances for an addition to a multifamily structure including a parking lot.

John Rihacek, attorney for applicant

Paul F. Eagan, sworn in

Rihacek: how many years owned bldg.?

Eagan: 20 yrs. Now needs renovation work, came up w design & make more presentable

Avallone: what was transfer of title?

Rihacek: 2 family

Eagan: when purchased property assumed 3 fam. There was apt above, one on right side & one below

Avallone: do u understand that violating zoning?

Eagan: if saying that's what we did, don't remember. Property had 3 Water heaters, 3 baths, . 3rd floor had family living there. went down to city & received COs for each apt.

Board Professionals sworn in

Eagan: prior to purchasing prop went out w inspector & he signed off as 3 fam. Understand letter I got from u

Avallone: for board clarification. Have to understand history. Not trying to penalize you

Eagan: just one of COs one says 3 family that's what going by, didn't understand back then.

Avallone; going to have to take your word for that.

Rihacek: also reason we're here is to ask for use variance.

Avallone: that's why I sent application back

Rihacek: well aware, will do everything possible.

Lewis: see COs from 2016, are there still renters in all units?

Eagan: upstairs is vacant now.

Lewis: changed anything?

Eagan: no never moved a wall or anything, just replaced some items that needed

Rihacek: could u explain

Exhibit A-2: alleyway to access 2nd floor apt.

Eagan: door is at back of alley, little creepy.

Exhibit A1: entrance to back

Lewis: no interior work?

Dario Pasquariello, Architect for applicant, sworn in

Pasquarello: no just exterior

Ashman: aren't u removing stair?

Pasquarello: interior stair removed

Lewis: don't have bedrooms on plans

Public Questions

Ernest Mignoli: install fire escape?

Rihacek: no exterior stair fire compliant

Edward t. Betz, licensed professional engineer, sworn in

Rihacek: here for Mr. Caruso, discuss waivers

Betz:

Avallone: also putting in parking lot

Betz: parking lot at one time. Educ assump based on my. No reason to have 2 curb cuts & 2 driveways

Avallone: unless it was commercial. Where do tenants park now?

Eagan: not sure, believe ride bikes. Last time went thru zoning the parking lot was approved. Like I said tenants as of now don't think they drive cars.

Rihacek: heard about using turf block, agree w using that?

Eagan: yes

Ashman: is that allowed?

Fichter: can use that. In my opinion, if constructed prop would work, there are various kinds

Betz: other waivers on engineers report, we are asking for

Avallone: stop for one sec, Mr. Beekman would it be best if we decide if 3 family or not first?

Beek: that's up to applicant

Rihacek: Call planner

Allison Coffman, licensed professional planner for applicant, sworn in

Coffman: in looking at use variance my opinion that would not. Proposed parking lot would justify changes to property. Site is particularly Appropriate to proposed use than orig use. significant improvement to impact. Parking demand will decrease from comm to residential, where none is provided. Based on that, I would recommend. (read from the MLUL) Renovations will be significant improvement to property.

Avallone: just one Q- if u have to describe the hardship for use variance what would be?

Coffman: hardship is not required for use variance, almost never use that. Hardship is for bulk variances.

Avallone: what are the primary reasons. not sure agree b/c were granting to go from single family to 3 fam

Coffman: not asking that, asking going from mixed use to 3 family

Ashman: not our place to come into compliance w code

Miller: approval granted in 1989, use variance is diff if never actually effected thing granted

Coffman: we don't know applicant wasn't the owner

Avallone: would still be considered commercial?

Coffman: if city issued certificate after that, then it would be logical to follow

Miller: but applicant testified that 3 fam house. So any conversations about changing from commercial to 3 fam

Ashman: they would come into compliance without coming to us?

Miller: really best thing is that its more suited to be multifamily dwelling, maybe even more than single fam dwelling. How does site work fit into?

Coffman: there doesn't seem to be legal authority about commercial use. however operated as 3 family and operating well.

Motion to take 5 minute break: Avallone Second: Lewis All in favor

Roll Call 10:13pm

Rihacek: ask to come back at a later date with changes

Motion to carry without further notice: Avallone Second: Ashman All in favor

APPLICATION CARRIED TO MARCH 3, 2020

D. Resolutions:

1. 300-302 First Avenue, Advanced Development Group, LLC

Motion to memorialize: Avallone Second: Ashman All in favor

Motion to adjourn: Avallone Second: Lewis All in favor

Meeting adjourned: 10:14 PM