

EXHIBIT B-3

Zoning Board Minutes

Regular Meeting

March 3, 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, Brittany Ashman, Chris Gonzales & Tim Szlyk (Alt. 1) & Catherine Minervini (Alt.2)

Board Members Absent: none

Board Members Recused: none

Board Staff: Kevin Kennedy, Conflict Board Attorney; Jason Fichter, Board Engineer (Insite); Donna Miller (CCH); Kerry Piazza (State Shorthand); Irina Gasparyan, Board Secretary

A. Roll Call

B. Minutes:

1. Minutes of 2/25/20 regular meeting

No questions or comments by the board.

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

C. Applications:

1. 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, owner of property, sworn in

Eagan: 1st floor basically 1 bedroom, additional area is for storage, & top floor 2nd unit. Plan to clean up, renovate.

Rihacek: What are you going to do with the 2nd floor

Eagan: Plan to live on 2/3 floor

Rihacek: Where will water go?

Eagan: reduce # of parking spots, reduce units, water runoff to parking lot area, permeate.

Lewis: Staircase now is changing? You prefer outside stairs?

Eagan: yes

Harris: Where is parking

Eagan: side parking lot area

Gonzales: I've been to property, alley is dark, will put lights there?

Eagan: yes plan to have lighting

Avallone: asphalt parking lot?

Eagan: wanted to go w/ permeable pavers

Board Professionals sworn in

Avallone: now that have 2 units assume 4 parking spaces enough?

Miller: not sure because of RSIS, but usually higher and we go by the town.

Fichter: RSIS standards 3.9 spaces, town is 4

Ashman: looks like going for use, building overage, what else?

Miller: still FAR, use and bldg. coverage. No longer density after removing 3rd unit. Wouldn't be able to sell the 2 lots.

Ashman: So use & building coverage & FAR

Fichter: I was going to ask for lot consolidation or proof

Avallone: variance previously granted was for what?

Miller: was for use- office & apts.

Eagan: and for parking lot

Miller: my position was that it was voided b/c substituted as another use.

Lewis: only thing sticking out to me is staircase. Though of any other ways can configure staircase so it may not look like long run. Wonder if another way to incorporate into clean & modern design. Rest of it looks great, and thank you for reducing, and for parking lot.

Rihacek: would tightening the stairs work?

Eagan: we can make the area smaller?

Miller: so narrow width of platform, possibly 5-6' wide and eliminate seating area of porch. I don't think board opposed. Ideally would prefer that staircase

Lewis: is there any option of having sitting space anywhere else on property? Maybe on ground floor?

Eagan: one of reasons put stairs outside, I really don't want to put inside would disrupt the floorplan and take away

Avallone: I think if decreased size of upper deck & decreased floor space of deck would get more of an approval from board. Personally would prefer them inside

Gonzales: personally no problem w/ stairs, think if decrease would be better.

Minervini: don't mind stairs outside, I think if stairs were closer & more integrated, would have better flow. Would make for tighter look & feel

Eagan: sure I agree to bring stairs closer

Lewis: if wouldn't mind making those changes & bringing back

Avallone: would like to see new rendering. I don't think they need to come

Mike Evans, 702 Monroe Ave: concerned w/ parking, 4 parking spots? No more? Vinyl fence, how close to property line? Gutters on house, where will they drain?

Eagan: no more, that's what's proposed. Fence on property line.

Dario Pasquariello, licensed architect for applicant, sworn in

Rihacek: Where there many changes?

Pasquarello: no not much just to reduce units. Just moving interior stairs.

Lewis: approx. sq ft of 1st unit?

Pasquarello: 850. There must be typo bc FAR is not changing.

Daniel W. Caruso, Licensed Engineer for applicant, sworn in

Fichter: anything that you agree w we don't need to go through. If anything don't agree with report, we can discuss.

Caruso: only the parking lot, use ashphalt.

Avallone: how propose draining? Any other ideas to remediate?

Caruso: just pervious pavers.

Fichter: pavers are fine w/ me, but I think roof dry well would be better and easier to maintain. Bldg. foot print 650 sq ft. if take 1456 sq ft of lot size, so roof dry well is way to go.

Eagan: would prefer pervious pavers

Fichter: if ground water doesn't accommodate a dry well then we can default to pervious paving.

Rihacek: we can provide car stops for parking spaces

Caruso: main was just stormwater, rest we can take care of, housekeeping items.

Fichter: go over refuse area

Caruso: can put them under stairway.

Harris: can screen them?

Eagan: yes, we can screen.

Avallone: HVAC going where?

Eagan: under stairs

Fichter: lighting?

Avallone: want parking lot lit

Harris: have sensor in parking lot lights.

Miller: would suggest full cutoff fixture not more than 14' high. Need at least 2 fixtures, make sure doesn't exceed
Fichter: normally want to see min of ½ foot candle. Important to set the standards so we can review. I would say
ideally min of ½ ' candle in driveway & 0 foot candle by neighbor. Should ensure that get lot consolidation done
it done

Kennedy: we can make it a condition of approval to consolidate lots

Ashman: can provide metric plan

Avallone: will be condition of approval

Allison Coffin, licensed professional planner for applicant, sworn in

Coffin: Site part. Approp for use. applicant propose to reduce units. significant improvement to impact. Far-
variance requested but no change. Site can accommodate. Bulk variances are hardships. Since stairs will be
moved closer the bldg. coverage will actually decrease as well.

Public Q's

Ernest Mignoli, deal lake drive: major revisions, density less, think improvement to area?

Open to public comment

Ernest Mignoli: think they're making it better, more in line with area

Close public comment: Motion: Avallone Second: Lewis, All in favor

Ashman: after seeing how small rear yard is on this building, ok with reducing it. my biggest concern is stormwater.

Harris: congratulate you on coming prepared with all your team, building hasn't changed in 40 years.

Lewis: agree with everyone

Avallone: I agree.

Avallone: think should have separate vote for use variance & previous use abandoned

Kennedy: grading & drainage, landscaping details coordination w/ board planner & ETSC. Lot consolidation, proof of
recording. Revising plans to reduce width of 2nd floor access platform & stairs closer to building. FAR to be
updated on bulk chart of plans. Revise plans to include roof drywell; if doesn't accommodate that, then
pervious pavers, will need soil data. Install wheel stops in parking lot. Refuse area enclosed & screened under
stairwell. Lighting full cutoff fixtures not to exceed 14' and submit photometric plans to be approved by board
engineer as part of resolution coverage. HVAC under stairs within setback. Abandon all prior uses and
approvals.

Fichter: take same staircase & push it up against the building

Avallone: and platform will be reduced & plans updated to show

Fichter: building code is 5' for platform

Eagan: ok will go w 5'

Motion to approve application based on all conditions: Avallone Second: Lewis

All vote in favor

Motion to abandon all prior uses of property and approve current use as a 2-Family: Avallone

Second: Lewis All vote in Favor

APPLICATION APPROVED

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

Roll Call 8:46pm

2. 215 Borden Properties, LLC / 1302 Mattison, LLC (Carried from January 7, 2020)

215 Borden Avenue & 1302 Mattison Avenue, block 1101 lot 25 and block 1101 lot 23, R1A Zone

Use variance for three family structure and site plan for adjoining lot with pre-existing 2 family structure.

Christopher Avallone recused himself from this application.

Mark Breitman, attorney for applicant

Breitman: 215 Borden removed from this application. Only for 1302 Mattison.

Kennedy: for record, one applicant, 1302 Mattison. Identify principles for record.

Donna Miller, Board planner sworn in

Miller: still use variance to permit 2 family house in single family zone. Hoping to hear some clarification to how its been used. Going to be approaching this as a use variance not a cert of nonconformity. Hoping to hear clarification to use, history, but approach as use variance.

Miller: because of the timing of when city purged records, would have to prove back to 80's that conformance.

Exhibit A-1: CO for lower level

Exhibit A-2: CO for upper level. Permitted at time of CO. then received violation from zoning.

Harris: so always a 2 family?

Breitman: as far as we can tell

Mathew Sigman, principal, real estate developer & realtor, sworn in.

Sigman: Mainly buy, fix hold, onsite management. Face to face landlords.

Breitman: what type of tenants?

Sigman: mostly everyday tenants, lower income families.

Breitman: what are plans for this property

Exhibit A-3: Video walk-through of property.

Harris: was everything in there when purchased?

Sigman: yes.

Kenn: how many bedrooms in upper unit?

Sigman: 3 bedrooms.

Lewis: possible to have floorplan? Important to add to file so in 15 years don't have this problem.

Miller:

Sigman: purchase date was 6/23/15.

Lewis: no other supporting documents other than

Harris: is it possible to go to utilities to see when meters were installed?

Miller: testified not making any changes to interior or footprint, nothing about porch encroachment. Have encroachment of porch and on neighbor's property.

Breitman: have planner to testify.

Open to public Q's

Ernest Mignoli: was father one who did closing? When closed on property, showed as 2 family?

Lewis: Donna can you help explain why this is not an interpretation?

Miller: so have option to appeal ZO or ask for use variance. So in 2013 tax assessment. In 2016 tax assessment shows increase. Paying taxes as 2 family?

Sigman: still paying as 2 family. Didn't go to tax assessor.

Breitman: for record, you did nothing to convert this property from one family to 2 family?

Miller: don't have verification of legal 2 family. Doesn't matter when conversion took place. What board should focus on is if appropriate

Lewis: typically in these situations its an interpretation. This is diff. they are asking our permission to make this happen.

Breitman: history of property is vague so decided to go this route

Minervini: how long has tenant downstairs been there?

Sigman: not sure sorry.

Lewis: if tenant has been there for long time, maybe willing to come testify?

Mark Remo, licensed professional engineer and planner

Remo: described property. Min. parking is 3 spaces, existing 0. Project positive criteria- need for additional housing in area. Several 2 family dwellings in area. Went out to site & marked up

Miller: some lots are outside of the zoning area & part of other zones.

Remo: just from observation several multifamily units in area.

Miller: if there are multifamily in R1A, could have been permitted there before.

Lewis: not helpful to use. too general and vague. Would need something more specific

Lewis: Need history & floorplan, need more information. I appreciate you coming in & taking high road. This is a high ask for us. If conversion was done in 2014-2015, then not

Sigman: we tried to get more information. Won't give information

Harris: people who live in neighborhood are important source of information.

Ashman: also want to see stormwater

Kennedy: if there is an approval, this board has no jurisdiction to grant approval to use someone else's property.

Sigman: I really tried to get more information

Lewis: give us details. Show what properties are multifamily. Right now we don't have enough to go on legally.

Kennedy: asking to adjourn without further notice to April 14, do you consent to extend the time frame?

Breitman: yes we do.

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

APPLICATION CARRIED TO April 14, 2020

Motion to adjourn: Lewis Second: Ashman All in favor

Meeting adjourned: 9: 58 PM