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 bifurcuate, 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?
1st 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
2nd fl: 1 bd becomes 2 bd, 3 bd becomes 1
3rd: 1 goes to 1, add 1 bdrm
Whole has 19, new has 20. Existing 33 bedrooms. With als 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
2nd witness: Peter Siegal, sworn in
Siegal: may I ask q? when bought bldg., got Cos, there were 3 ppl. There are conditions in 3 bdr units, prev owner installed doors, flimsy, occupied as 3 bdrms,
Harris: is sf of 3rd 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
Avalone: 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.
Avalone: answer is reducing sf of units
Harris: Get more $ for 3 bd, the $ lose for 3 bd, gain by adding 1 apt.
Siegel: 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?
Siegel: one of them is 6 ppl, 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?
Siegel: 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.
Siegel: 17 of 19 currently occupied
Gonzales: so from 3-6 cars
Miller: describe how bldg. currently deals with trash/deliveries
Siegel: trash is outside containers, tenants take out, deliveries- vestibule
Galipo: indicate vestibule on A101?
Siegel: 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?
Siegel: 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?
Siegel: 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?
Siegel: 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, I’dk 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