

Zoning Board Minutes
Regular Meeting- Virtual
July 14, 2020

Announcement by the Chairperson that “the meeting is being held by electronic means in accordance with the “Open Public Meetings Act,” Chapter 231, Public Law 1975, amended 2020, which explicitly permits a public body to conduct meetings electronically during a state of emergency. Adequate notice of the meeting has been provided to the Coaster and Asbury Park Press. All notices are on file with the Board Secretary. In addition, a notice regarding this virtual meeting and instructions were published in the Asbury Park Press and the City of Asbury Park website. A copy of that notice is on file with the Board Secretary. The notices and the conduct of this meeting are in accordance with the guidelines for virtual meetings issued by the New Jersey Department of Community Affairs.”

Board Members in Attendance: Chris Avallone, Russell Lewis, Jill Potter, Brittany Ashman, Tim Szlyk, Daniel Harris, Christopher Gonzales, & Catherine Minervini

Board Members Absent: Bonnie Nach

Board Members Recused:

Board Staff: Jack Serpico (Board Attorney); Donna Miller (Board Planner), Jason Fichter (Board Engineer) & Irina Gasparyan (Board Secretary)

A. Roll Call

B. Minutes:

Approval of Minutes of June 9, 2020 regular virtual meeting

Motion to approve: Avallone Second: Lewis All eligible in favor

C. Applications:

1. 13 Grand Point Way, LLC dba Ocean View Developments

704 Fourth Avenue, Block 2805 Lot 5, R2 Zone

Preliminary and final site plan and variances for a 3-family residential development.

August Santore, Attorney for applicant, provided overview of project

Avallone: plan to demolish current house?

Santore: yes, plan to demolish current site. Seeking Far variance, really important one, strictly for basement.

As pertains to true living spaces, no far, not for living space, for storage & mechanicals.

Avallone: vacant?

Santore: yes, currently vacant boarded up.

Avallone: when did Hanas purchase?

Santore: purchased last year, started making some submissions.

Frank Saveghi, PE, for applicant, sworn in

Saveghi: current conditions of property. Proposal to build building, with 5 parking spaces.

Santore: what is existing setback on sides?

Avallone: prop originally 2 family?

Santore: planner can speak about current building

Lewis: before we move on can we get the current status of the property?

Santore: sure, we can jump to Mr. Leff

Brian Leff, PP for applicant sworn in

Leff: tract 7500sf, currently 2 family abandoned 2 story structure. Named relative neighboring properties and their use. the proposed use is permitted in R2 zone.

Santore: place has been gutted for number of years, to best of applicant knowledge it may have been rooming house or boarding house.

Avallone: is this property going to be owner occupied?

Santore: going to be rented, 3 units. Continue with describing

Open to public questions

Edward Baumgarten, -how did you get to pavers & driveway being inoperable

Saveghi: pictures & notes from field crew, broken brick. Was speaking about concrete strips on east side.
Driveway overgrown but usable as driveway.
Baumgarten: how will runoff work?
Saveghi: way we've graded property is to capture all runoff,
Ernest Mignoli: will parking lot be paved? How will water runoff flow?
Saveghi: direct to 4th ave. with grading design we can provide a high point in back right corner of property & direct water to 4th ave.
Santore:
Mignoli: was there water runoff study done? Did that study call for any drains once paved? Did it propose anything? Is there fence?
Saveghi: yes, drainage calculations. New fencing. Curbing proposed around entire area, planned for regular cars
Joel Cohen: are you involved in Jackson township for improper notice?
Serpico: if questioning credentials, then can continue, if not has nothing to do with this hearing. I've reviewed the notices for this application and they are in order
Close public Q's
Santore: like to bring in owner
Tara Hanna, applicant, sworn in
Joseph Hanna, sworn in
Santore:
Hanna: to bring it up to code, would be like building another house.
Open to public Q's
Baumgarten: when looking at house & determine
Serpico: law says she can put a 2-4 house on property
Miller: in fact, this use as I understand it would have been before the planning board if weren't for the basement area. There are ways to modify it. If took basement out, it's a permitted use aside from the parking & porch roofs.
Serpico: we've determined that this is not townhouse project, and there is one less variance. so, ask that do not refer to it as townhouse.
Condatore: reason why didn't have porch over, felt that by designing this way that would avoid variance. based on Millers report,
Ashman: why is there no dining area? Also want to add that if reduce # of rooms would allow room for eating area &
Miller: footprint may need a little
Serpico: if eliminate basement height variance, where would this leave application?
Miller: don't want to change venue.
Fichter: made comment about lighting, need some clarification
Avallone: did your client ever consider putting 2 units instead of 3?
Santore: the affordability of units in AP for medium range households. Trying to put more affordable accessible housing for public.
Gonzales: what is size of ea. unit?
Condatore: 2 units in back 1156 & 1122 sq. ft of living space
Avallone: this is good place to stop
Fichter: if plans are going to be revised, please put together a list of all changes?
Hanna: eliminate variances, probably
Miller: suggest make comprehensive revisions to let us review again

Motion to carry to September 8, 2020 without further notice: Avallone Second: Ashman
All in favor
Application CARRIED to SEPT. 8, 2020 without further notice

2. BBC Capital Group, LLC (CARRIED FROM APRIL 28, 2020)

117 Borden Avenue, block 1101 lot 37, R1A Zone

Appeal/Certificate of non-conformity for proposed 6-family residential with 2 structures on site.

Avallone: jack go over what the application is about

Serpico: overview of application, board actions that can be taken, what is in evidence

Mathew Posada, attorney for applicant

Posada: describe history of site.

Avallone: when did client purchase prop?

Posada: 2016. Front had tenants & back had tenants but evicted.

Avallone: units in back are intact & habitable?

Posada: they are, but need to be rehab. It's our intent to rehab so its building code compliant

Serpico: if want have previous zoning officer who said this was 6 units so don't need to go back before then.

Posada: tax record- indicate both structures on there & specify both structures

Edward Kolling, PP for applicant, sworn in

Kolling: our position that this is pre-existing non-conforming use.

Posada: reviewed zoning ordinances & master plan? Why is this application consistent with master plan?

Kolling: applicant did not abandon use of rear, if rehabbed could be used. Think cert of zoning compliance

should be continued for property, would also foster recommendations

Harris: how long have owned building? Why haven't repaired it then?

Posada: next witness will address comments

Yona Weiss, applicant BBC Capital sworn in

Posada:

Serpico: your attorney that represented you didn't have those records?

Weiss: contacted attorney several times indicated in storage & couldn't get it

Posada: review tax records? See 2 structures on site?

Weiss:

Harris: why didn't you repair preparty when u purchased so long ago?

Weiss: didn't have the funds at the time

Ash: when purchased property said front had tenants but rear was evicted?

Weiss: seller advised that reason rear was vacant was because they were evicted.

Miller: clarify- following purchase in 2014, rear structure was not occupied

Posada: structures needed to be rehab and didn't have funds

Posada: summation- believe always been 6-unit structure, never been abandoned, would like to bring

Open public comments

Ernest Mignoli

Close public comments

Lewis: as long as passes code, don't have problem

Ashman: same as Russell, as long as code enforcement is ok with this

Potter: hope front building does get some improvements

Szlyk: agree w comments, as long as façade is rehabbed.

Minervini: agree w/ code enforcement comments, some specific comments about aesthetics. Hope that the rehab is more than just code, & more improvements

Avallone: hope it gets rehabbed, there's already a zoning compliance in file. Would like to see both structures rehabbed.

Motion to approve certificate of Non-conformity: Avallone Second: Lewis

All members vote in favor

APPLICATION APPROVED

Motion to Adjourn: Avallone Second: Lewis All in favor

Meeting Adjourned: 10:22pm