

February 2, 2023

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The February 2, 2023 Special Meeting of the Board of Adjustment opened at 7:30pm. The clerk read the notice of compliance with the “Open public meetings act.” Present were Board members: Kelly, Dixon, Schneider, Driber, Neill, McFadden and Struncius

Absent – Pasola, David and McGee

Agenda

#2023-07 – Matt/Meghan Presutti – 207 St. Louis – Block 106; Lot 19 – Applicant is seeking approval to construct a second story addition over the existing 1 story single family residence, 1.5 story addition to the side garage with living space above.

John Jackson attorney for applicant, reviewed application and requested variances.

Exhibits entered

A1 – Certified Variance Application

A2 –Architectural Plans by Mary Ortman, Architect, entitled Presutti Residence- Addition & Renovation (dated 3/9/22); Plot Plan by Insite Engineering, Douglas D. Clelland,P.E. (dated 8/4/22); Existing condition photo

A3 – Power Point Packet (15 pages)

1/26/23 Board Engineer Report of Raymond W. Savacool, P.E., P.P.

Mary Ortman, PA, sworn credentials accepted, stated there is an existing one-story single-family home on the subject property with rear yard in ground swimming pool. It is the applicant’s intent per the plans submitted to completely renovate the single-family home via a second story addition over the existing one-story home together with side addition, garage addition, new front porch, new driveway, rear deck and walkways as depicted. The first-floor interior will be renovated on the interior as well as shown on the first-floor plan of the architectural.

Jennifer White, P.E., sworn, credentials accepted, stated that the proposal satisfies the criteria for C(1) relief based upon the dimensions of this large and deep lot that has an existing rear yard swimming pool in place and a functional one story home on full basement; with applicant seeking to renovate/add to the existing home maintaining that structure and the existing swimming pool. She believes that the proposal advances purposes of zoning as set forth in NJSA 40:55D-2 (a), (b), (c), and (i) – noting that the proposal provides for an aesthetic improvement to the site; a functional and safety improvement to the site; adequate light, air and open space; while the nonconformity for front setback creates no detriment to the public good. Referring to the aerial photo presented, she noted that the proposed front setback is in keeping with the front setbacks of the developed homes along St. Louis Avenue. She noted that the proposal is well below the ordinance allowances for both building coverage and impervious coverage; thus, establishing that site is not over built and the large lot provides adequate light, air and open space. She noted that the proposal eliminates nonconformities for the existing shed and driveway, which is a zoning benefit. Applicant agreed as a condition that the proposed relocation of the driveway requires application and approval of the Governing Body. She noted that the proposed driveway opening revision would not eliminate any on street parking spaces. She confirmed that the proposal provides for impervious pavers for the driveway.

Deliberations

Kelly – Knows house very well. That lot is much bigger than the average lot. There is a right of way on the property. House is large but do not see it interfering with anything.

Dixon – Front porch will be nice addition.

Schneider – Nice design for the area. Front porch is necessary. Good improvement.

Driber – It is a beautiful design.

Neill – Beautiful home

McFadden – Like wise; I think it is a beautiful design. Porch will add to the character of the house.

Struncius – I also am very familiar with this house. I too think it is a beautiful design and aesthetically gorgeous. With the condition that the porch remains open. Great improvement to the area.

Conditions

- 1. Applicant shall relocate the existing shed to comply with required setbacks and to eliminate the encroachment into the Borough easement.*

2. *Applicant shall provide a copy of the deed of easement to the Borough, confirming the 8' dimension on the subject property as depicted on the plans submitted.*
3. *Applicant must obtain Governing Body approval for the proposed relocation of the driveway/opening on St. Louis Avenue.*
4. *The proposed front porch must remain a covered open porch. No enclosure of same is allowed without further relief from the Board.*

Motion by Mr. Neill, second by Mr. Driber to approve application #2023-07 of Matt/Meghan Presutti – 207 St. Louis – Block 106; Lot 19 – with conditions

In favor: Kelly, Dixon, Schneider, Driber, Neill, McFadden and Struncius

Opposed: None

2022-39 – Jenkinson’s South – 202 & 204 Broadway – Block 159 – Lot 7 & 8 – Applicant looking to seek “D” variance to construct a storage building and parking lot.

Meeting continued

John Jackson, attorney for applicant explained the use of the ware house. (Rides, prizes and equipment) Will not be a public place; strictly to support the board walk.

Exhibit A3 – entered – 21-page Power Point presentation.

Previously the site of a dry cleaner. All environmental cleanup has been performed. Believes this is an underutilized property. Believes it is an aesthetic upgrade and support the tourism industry and does not believe that it requires parking. Low traffic generator. Warehouse will serve as a buffer to residents – it will be a quiet use.

Jeff J. Carr, PE/PP, sworn, credentials accepted, gave planning testimony. Reviewed permitted uses and what exist in the area.

Chairman Struncius questioned the warehouse across the street.

Anthony Storino, applicant, sworn, stated it would be similar to what is stored and the use across the street. The warehouse across the street is not owned by Jenkinson’s south. Jeff Carr believes this will give the site a purpose and will not have a negative impact on surrounding properties due to low traffic on site, it separates incompatible uses with screening, Impervious coverage has been reduced, will control storm water runoff by being under building coverage. This will create an aesthetic vista along Broadway and be well

screened with landscaping. Smart growth objectives are being met. It might not be a permitted use if it is a viable land use plan by reducing bulk variances.

The applicant's attorney discussed the time of the application is taking to be heard and does not want to waive the time. The Board attorney advised the Board to take a vote this evening without a time waiver on record, otherwise it would be an automatic approval. John Jackson argued the Borough was holding it up with objection. Ben Montenegro cited that the application was deficient in submission. Mr. Dixon believes this will go to the next level so they should take a vote this evening. John Jackson does not understand why the Borough is objecting.

The Board closed for deliberation

Mr. Kelly – stated he has seen residential exceptions, restaurant and an over lay zone and does not see any difference with this particular project. He would have liked to have heard from the audience and would be in favor of this project. Walked around the property today and saw trash and broken bottles and believes anything would be an improvement.

Mr. Dixon – I would have liked to have heard from the public and I think it is sad that there is gamesman ship going on between the town and the attorney. I believe this is going to a higher court. I do not see how anyone can vote yes or no.

Secretary Schneider – I agree it will go to a higher court. With the representation of the Storino's I would be voting yes. They run a nice operation.

Mr. Driber – to make a decision is difficult to do when you do not hear everything. I am with Mr. Dixon and I can not decide without hearing all the information.

Mr. Neill – I also would like to hear what the neighbors have to say. I would be torn and it is a shame.

Ms. McFadden – I also am torn. We are in a difficult position because we do not have all the information.

Chairman Struncius – We do not interrupt deliberations. I am going on my 24th year of doing this and this would be the first time we would make a decision without all testimony. This board makes their decisions on zoning. This has been gamesman ship. I directed you to go to Mayor and Council with your issues and you didn't. 23 years of experience of listening to Planning testimony and I would make a balanced decision. I did not get an opportunity to hear how the mixed use would balance. I did not get a chance to hear the whole case. I would accept a waiver of time because I think it would be fair to hear everything. I would be a no vote at this time without hearing everything. I would like to hear

why everyone is here; it is not our job to figure out why the town is objecting. It is our job to hear how it would fit in the zone.

Ben Montenegro said it is up to the board to now accept the waiver.

Motion by Mr. Driber, second by Mr. Neill to carry application 2022-39 of Jenkinson's South – 202 & 204 Broadway – Block 159 – Lot 7 & 8 – to April 6, 2023 without notice

In favor: Kelly, Dixon, Schneider, Driber, Neill, McFadden and Struncius

Opposed: None

Meeting adjourned at 10:35pm

Attest: Karen L. Mills, LUA

Clerk of the Board.