

# February 16, 2023

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*The February 16, 2023 Regular 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, Pasola, Davis, Driber, McGee, McFadden and Struncius*

*Absent – Neill*

## *Memorialize Minutes*

*Motion by Vice chair Pasola, second by Mr. Dixon to memorialize the minutes of October 20, 2022 –*

*In favor: Kelly, Schneider, Dixon, McGee, McFadden and Struncius*

*Opposed: None*

## *Memorialize Resolution*

*Motion by Secretary Schneider, second by Mr. Kelly to memorialize the action and vote approving application #2023-07 –of Matt/Meghan Presutti – 207 St. Louis – Block 106; Lot 19 with conditions*

*In favor: Kelly, Schneider, Pasola, Dixon, Driber and Struncius*

*Opposed: None*

## *Agenda*

*#2023-01 – William/Sarah Brazill – 153 Baltimore – Block 146; Lot 2 – Applicant wishes to install deck and semi-inground pool in rear yard.*

*Carried from January 19, 2023 without notice*

*William Brazill stated that based on the guidance from the board he made some changes. He reduced the building coverage and made a grade deck.*

*Deliberations*

*Kelly – I agree with option 2*

*Schneider – Appreciate all the work you did.*

*Pasola – I agree; give the applicant credit for making the changes*

*Dixon – You made a lot of improvements to the plan.*

*dAvis – I agree – I can't remember a time we ever allowed more than 34%. I appreciate the effort.*

*Driber – I like the way the project turned out. I have no objection. McGee – I agree it is an improvement.*

*McFadden – I think you did a good job. The yard gave you a hardship.*

*Struncius – I like the adjustments and believe you have an enjoyable outdoor space for your family.*

*Motion by Vice chair Pasola, second by secretary Schneider to approve application #2023-01 of William/Sarah Brazill – 153 Baltimore – Block 146; Lot 2 – with conditions.*

*In favor: Kelly, Schneider, Pasola, Dixon, Davis, Driber and Struncius*

*Opposed: None*

*Application approved with conditions*

- – Mark/Donna Sieb – 302 Niblick – Block 104; Lot 19 – Applicant is seeking variance relief to construct a second story to an existing single-family dwelling.*

*Variance requested –*

*Front yard setback (Niblick Street) where 25' is required and 22.1' is proposed to front stairs. Side yard setback where 5' is required and 4.9' is proposed to northwest corner of home. Maximum building coverage where 30% is allowed and 32.1% is proposed. Maximum height of accessory structure (detached garage) where 16' (measured from curb level) is allowed and 17.06' is proposed.*

*John Jackson, applicants counsel stated that the applicant is proposing to renovate the existing home by eliminating the existing attached garage, constructing a second story addition, expanding the existing footprint, creating a front porch, constructing a detached garage, constructing a rear paver patio area, vinyl fencing and expanding the existing concrete driveway as shown on the plot plan presented.*

#### *Exhibits entered*

- *A1 – Certified Variance Application*
- *A2 – Architectural Plans by PDR Designs, Paul Rugarber, R.A., entitled “Sieb Residence” (dated 8/2/22); Plot Plan for Variance by MCH Engineering, Inc., Matthew C. Hockenbury, P.E. (dated 8/1/22); Survey by Charles Surmonte, P.L.S. (dated 7/19/21)*
- *A3 – Power Point Packet (13 pages)*
- *2/13/23 Board Engineer Report of Raymond W. Savacool, P.E., P.P.*

*Matt Hockenbury, P.E., Sworn, credentials accepted stated that the applicants are the title owners of the subject property. The property is located in the SF-5 zone. Single family residential homes are a permitted use in the zone. There is an existing single-family home on the property. The lot is 50' wide by 125' deep. There is an existing 4BR/3Bath cape cod style home with attached garage on the site with basement. The elevation at curb is 7.5 while the average grade at the home is approximately elevation 10. Finished first floor of the home is at elevation 13. This is not being changed as part of the renovation. It is applicant's intent per the plans submitted to renovate the home to expand the footprint, construct a second story addition, front porch, detached garage, widened driveway and rear paver patio. The existing 4.9' side setback at the northwest corner of the home will be maintained both on the first floor (existing) and for the second story addition. As depicted on the plan, the existing attached garage is being eliminated which will also eliminate an existing nonconforming side setback. The side setback to the garage is 4.8' whereas the proposed side setback will now be 14.8' to the home (12.8' at the fireplace bump out). The proposed redevelopment of the site will improve off street parking. The existing home is compliant for 25' front setback. The proposal provides for 25' to the front porch; however, requires variance relief as the design provides for 22.1' to the front steps leading onto the porch. The proposed project complies with impervious coverage requirements where 50% maximum is allowed and 45.66% is proposed. He testified that the plan provides for stormwater management features as depicted on the plan which accounts for the increase in impervious coverage; and is an improvement to the*

*existing drainage on site. He testified that the single-family home as proposed is not within the flood zone and is designed to fully comply with flood regulations. The air conditioner units and generator are set on platforms at Elevation 12 to provide for added safety. He testified that the rinse station shown on the plan shall not have a covered roof so that same is not calculated as additional building coverage. He agreed as a condition of approval that there shall be no conversion of the open porch into any enclosed, habitable finished space without a return to the Board for amended approval.*

*No audience questions*

*Paul Rugarber, R.A., sworn, credentials accepted, stated that the proposed use as a single-family home is permitted in the zone and that the proposed application provides for a home that will be renovated as depicted on the plans and will be a significant aesthetic improvement to the site and neighborhood. He believes that the orientation and design is a better zoning alternative and provides for better air and open space by improving the existing side yard (east) nonconformity. He opined that the minor front yard setback deviation 22.1' to the front stairs where 25' is required will create no negative impact as part of the overall improvement to the site. He noted that the first story porch is set at the required 25' and is an open porch only 7'7" in depth and that to inset the steps into the porch to gain compliance would significantly impact the functionality of the porch. As depicted on the plans submitted, the home is a coastal colonial design and utilizes the porch element, cedar impressions style siding with azek trim. The architectural elements are designed for aesthetic appeal and minimization of visual mass of the structure. In addressing the building coverage variance, applicant agreed as a condition to modify the plan to reduce/recess the rear deck and stair and to reduce the air conditioner and generator platforms to bring total building coverage to 32.1%. He further confirmed as a condition that the surface below the air conditioner and generator platforms shall be permeable surfaces. He confirmed that the existing front yard mature tree will need to be removed as part of the construction.*

*No audience questions*

*Mark Sieb, applicant, sworn stated that they just want to make sure that they have enough room for the family. The tree will be removed because the roots interfere with the project but he will replant a tree.*

*No audience questions*

*John Jackson gave a summation.*

### *Conditions*

- *There shall be no conversion of the open front porch into any enclosed, habitable finished space without a return to the Board for amended approval.*
- *Applicant shall revise the plan to reduce the size of the rear deck and stairs as well as the A/C and generator platforms to bring total building coverage for the proposal to 32.1%.*
- *The ground surface below the A/C and generator platforms shall be a permeable surface.*
- *The rinse station shall not have a covered roof (same not being calculated as part of total building coverage).*
- *Applicant shall provide for one front yard tree (size, type and location to be subject to review and approval of the Board Engineer).*

### *Deliberations*

*Kelly – I think it is a step in the right direction for Niblick. I think this is one of the better designs that we have seen.*

*Schneider – It is a nice addition and design to the neighborhood.*

*Pasola – Beautiful house/beautiful design; I like that the applicant made some concessions.*

*Dixon – People keep buying these small ranch houses and then decide it is too small. It is a nice-looking house; nonsense about parking. Everyone parks on the street and leaves the driveway open. I still have a problem with the porch. The bedroom above it is huge.*

*Davis – Completely in agreement about the point that Chairman Struncius made. How far are you going to push the limits when you design a house. I hope you are hearing what the board is saying. I am an advocate for outdoor space. I think the porch is a benefit to the neighborhood. In favor of this application*

*Driber – I asked if this board ever says no; I have learned a lot. It is a beautiful project but I am going to split my decision. I like the modification to the rear.*

*McGee – Beautiful project and appreciate the concessions that have been made. In favor.*

*McFadden – Beautiful design. As far as the porch goes – I do not like when the envelope is pushed. I would vote yes*

*Struncius – We are getting a modern updated home. Safety and updated mechanicals. Platform is being reduced and in the 32% coverage calculations. House is beautiful with detached garage. Not building within footprint with added porch and deck. You expanded the footprint. I will be watching the alignment of the houses. Overall, I think it is beautiful and a improvement. The positives outweigh the negative.*

*Motion by Vice chair Pasola, second by Mr. Driber to approve application 2023-03 of Mark/Donna Sieb – 302 Niblick – Block 104; Lot 19 – with conditions*

*In favor: Kelly, Schneider, Pasola, Davis, Driber and Struncius*

*Opposed: Dixon*

*2023-04 – 1625 Ocean Ave. LLC – Block 179.02; Lot 13.02 – Applicant  
installed pavers – coverage 64.87% where 50% is permitted.*

*John Jackson, attorney for applicant reviewed requested variances. Maximum impervious coverage where 50% is allowed, 64.87% is existing and 66.87% is proposed. Minimum side yard setback where 5' is required and 4.9' is an existing condition. Maximum building coverage where 30% is allowed and 37% is an existing condition. He stated that the Applicant modified the existing developed single family residential site by providing a slate paver walkway constructed along the northern property line from the front property line to the rear yard. The Applicant requested variance relief for increase of impervious coverage (additional 2%) for the slate walkway; further increasing the impervious coverage nonconformity.*

*Exhibits entered*

*A1 – Certified Variance Application*

*A2 – Survey by Jeffrey Grunn, P.L.S. of Lakeland Surveying, dated 5/21/21 (last revised 7/27/22); photo of subject property/slate walkway*

*A3 – Power Point Packet (6 pages)*

*2/13/23 Board Engineer Report of Raymond W. Savacool, P.E., P.P.*

*Enrico Trantino, applicant, sworn, stated that he is the owner of the subject property. The lot is 6,817 sf in lot area with frontage on both Ocean Avenue to the front and Lake Avenue to the rear. There is an existing single-family home on the subject property together with rear swimming pool and detached garage. Applicant purchased the home approximately two years ago and has made no modifications to the home or site improvements (with the exception of this slate walkway). It was his intent to add the slate walkway from the front property line along the northerly side property line to the rear of the property; so that his family and guests upon returning from the beach could safely and conveniently access the rear yard shower and swimming pool. He testified that he was unaware of the need for a variance to add the slate walkway and once informed he timely filed this variance application for approval. He believes that the proposal advances purposes of zoning as set forth in NJSA 40:55D-2 (a) – noting that the proposal provides for a functional and safety improvement to the site; while the nonconformity creates no detriment to the public good and that there are no negative impacts created by the minimal deviations from strict compliance with the zoning ordinance and that the benefits advanced by the proposed development outweigh any detriments.*

*Deliberations*

*Kelly – This is forgiveness; since this is not a second appearance, I have no problem.*

*Schneider – Beautiful house – beautiful location.*

*Pasola – No problem with it.*

*Dixon – I understand why you did it. Crazy impervious coverage.*

*Davis – For all of the reason stated I agree. I hope you received the message.*

*Driber – No objection*

*McGee – There are times when the apology variances are not believable; I believe you*

*Mc Fadden – I agree it is an attractive house. Believe the explanation*

*Struncius – I would of approved it before you did it.*

*#2023-04 – Motion by Mr. Davis, second by Secretary Struncius to approve application of Enrico Trantino – 1625 Ocean Ave. LLC – Block 179.02; Lot 13.02 with conditions*

*In favor: Kelly, Schneider, Pasola, Dixon, Davis, Driber and Struncius*

*Opposed: None*

*2023-02 – Joseph/Denise Lipman – 112 Washington Avenue – Block 18.01; Lot 6 = Applicant looking to build new single-family dwelling.*

*John Jackson, attorney for applicant, reviewed the revisions to the application. The newer house has a lot more volume than the existing but they have moved the foot print to meet one of the frontages. The roof top deck has been removed from the garage. The application is over on building coverage but most of the coverage is the pool deck.*

*Rui Amaral, PA, sworn, reviewed the new plan. They are going to move the home south to be more conforming.*



*Chairman Struncius commented that the applicant is building the house higher than needed so they can have parking under the house. There is now multi-story in the setback which intensifies the use.*

*Mr. Dixon stated if the house was moved back from Washington and the pool was removed you would only need one variance. Again, you want to keep what you have and then more. Ray Savacool commented that the applicant needs a variance for the third story also.*

*John Jackson stated that the applicant is willing to remove the garage. The applicants requested time to revise the plan. John Jackson waived the time for the application to be heard.*

*Motion by secretary Schneider, second by Mr. Davis to carry application 2023-02 of Joseph/Denise Lipman – 112 Washington Avenue – Block 18.01; Lot 6 without notice*

*In favor: Kelly, Schneider, Pasola, Dixon, Davis, Driber and Struncius*

*Opposed: None*

*Meeting adjourned at 10:35pm*

*Attest: Karen L. Mills, LUA*

*Clerk of the Board.*