

March 2, 2023

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The March 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, Pasola, Driber, Neill, McFadden and Struncius

Absent – Schneider, Davis and McGee

Motion by vice chair Pasola, second by Mr. Dixon to memorialize the minutes of 10/20/22

In favor: Kelly, Pasola, McFadden and Struncius

Opposed: None

Motion by Mr. Dixon, second by vice chair Pasola to memorialize the minutes of 11/3/22

In favor: Kelly, Dixon, Pasola and Neill

Opposed: None

Motion by Mr. Dixon, second by Mr. Neill to memorialize the minutes of 11/17/22

In favor: Kelly, Dixon, Neill and McFadden

Opposed: None

Memorialize Resolutions

Motion by vice chair Pasola to memorialize the action and vote approving application #2023- 03 of Mark/Donna Sieb – 302 Niblick with conditions

Motion by vice chair Pasola, second by Mr. Dixon to memorialize the action and vote approving application #2023-04 – Enrico Trantino – 1625 Ocean Avenue LLC with conditions

In favor: Dixon, Pasola, Driber and Struncius

Opposed: None

Motion by Mr. Dixon, second by Mr. Kelly to memorialize the action and vote approving application #2023-01 of Bill Brazill – 153 Baltimore – with conditions

Kelly, Dixon, Pasola, Driber and Struncius

Opposed: None

Agenda

2022-37 – Chris/Therese Johnson – 105 Morrison Avenue – Block 18.03: Lot 5 & 6 – Applicant is looking to construct a 2-car garage with in setbacks.

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

A1 – Certified Variance Application

A2 –Plot Plan for Variance by Lindstrom, Diessner and Carr, dated 3/18/22; Architectural Plans by Mary Ortman Architect, dated 3/23/22; Photos of Rear Yard (existing conditions).

A3 – Power Point Packet (15 pages)

10/17/22 Board Engineer Report of Raymond W. Savacool, P.E., P.P.

Jeffrey Carr, P.E., P.P., sworn, credentials accepted stated that the applicants are the title owners of the subject property. The subject property is located in the SF5 zone. Single family residential homes are a permitted use in the zone. There is an existing single-family home on the subject property as depicted on the Plot Plan submitted. The property has an area of 13,773 square feet (as measure to the water line of the Lake of the Lilies). It is Applicant's intent per the plans submitted to construct a detached two car garage with storage space. The proposed location is at the rear northeast corner of the subject property as depicted on the plot plan. The driveway adjacent to the east side of the home leading to the proposed garage is 12' in width from the front corner of the home to the property line. The proposed garage is 10' from the existing pool.

The proposed garage is 10.8' from the rear of the home (approximate 5' from the bottom of the rear stairs). He testified that although tight, two vehicles can access and exit the proposed garage. He noted that other detached garages in the neighborhood are similarly deficient for side or rear setbacks. Making reference to the Plot Plan, he pointed out the noncompliant garages depicted on Lots 7 (to the east) and Lots 3 and 4 (to the north). Under questioning by the Board, he acknowledged that a compliant two car detached garage could be accommodated on the west side of the property. He believes that said location was less practical due to the lower elevation, its proximity to the lake, and access from the front of the property. Making reference to page 13 of Exhibit A3, he noted that the Applicant satisfied the concerns of the neighbor (Lot 7) related to drainage. To ensure that no runoff from the proposed garage would be shed onto adjoining Lot 7, Applicant provided for a drainage plan that would provide for all flow from the garage to be westerly toward the lake. Applicant proposed to direct all leaders toward the lake and provide for a swale at the rear of the property directed toward the lake. Applicant agreed as a condition that this drainage plan would be subject to the review and approval of the Borough engineer.

Mary Ortman, R.A., sworn, credentials accepted, stated that she designed the two-car garage requested by the Applicant to be functional and aesthetically appealing to the site. She utilized a style and materials that are complimentary to the existing home. She noted, per the plans submitted, that some of those details included brick at the base of the garage with board and batten sides. The windows are similarly designed for aesthetics and to compliment the primary home architecture. The garage has the cut out to the rear corner to provide space for the pool equipment and generator, in a location that minimizes their visual impact. She noted that the detached garage is designed with flood vents for public safety. The upstairs is only 4.5' high below the ridge and approximately 3' at the windows. The upstairs attic is accessed via pull down stairs. Applicant agreed as a condition that the attic would be for storage only – not finished for any habitable space.

Applicant Christopher Johnson, sworn, stated that he and his wife purchased this property and have undertaken significant renovations/improvements to the existing single-family home, and added the rear yard swimming pool/patio. While there is garage/storage space below the home as shown on the plot plan it is not functional for vehicle parking. Applicants want to provide for two garage spaces for their vehicles with additional storage for the family use. In developing the design of the proposed garage, he laid/inset boards in the location of the garage walls/ door opening to determine whether both he and his wife's vehicles could enter/exit the garage. While tight, he testified that both cars can navigate the site and be parked in and exit the garage.

Audience questions comments

Alice Donadio – 103 Morrison – concerned with the drainage and how it would affect her property.

Dan Friendly, Ocean Avenue appeared in objection to the application.

Deliberations

Kelly – I walked the whole area; I was quite impressed with the sidewalks. There is a 12-foot driveway – my concern is the size of the space. I stepped it off to see where the garage would be and it will be a tight “S” turn. Property is well maintained – very well constructed in back. In favor

Dixon – Beautiful house but I am not sure of the hardship. I particularly don’t care for properties that do not meet the setbacks. You could put this on the other side and meet the setbacks. Not in favor.

Pasola – I agree with most everything Mr. Dixon just said. After listening to Mr. Friendly, I am looking different at this. I believe granting this variance will have detriment to the public good.

Driber – I believe that the problem of the older properties is that they have problems attached to them. I do give stock to Mr. Friendly’s comments. The fire possibilities are real; the setback regulations are for a reason and sometimes you do not get what you want.

Neill- I would not want to store anything underneath with the proximity to the lake. I understand the need for a two-car garage. My issue is the drainage side of it. Installing the dry well would be important. Beautiful structure; beautiful home.

McFadden – I understand having parking. Beautiful house. I understand Mr. Friendly’s concerns.

Struncius – I was on the fence until I realized how big the property is. They have more than enough property to install a garage. I do not know why I would want a garage 2-feet from my steps. Where the tent is setup is a perfect place for a garage. I understand why they don’t want the garage there because they put up tents there to have a party. A conforming garage would still give you storage and some of what you are looking for.

Motion by vicechair Pasola, second by Mr. Dixon to deny application #2022-37 of Chris/Therese Johnson – 105 Morrison Avenue – Block 18.03: Lot 5 & 6 –

In favor: Dixon, Pasola, Driber and Struncius

Opposed: Kelly, Neill and McFadden

Application Denied

Meeting adjourned at 9:45pm

Attest: Karen L. Mills, LUA

Clerk of the Board.