

March 16, 2023

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The March 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, Schneider, Pasola, Struncius, Dixon, Davis, Driber, McGee, Neill and McFadden

Also present: Karen Mills, Clerk and Ray Savacool, Board Engineer

Denise Sweet – court Reporter

Memorialize resolution

Motion by Vice chair Pasola, second by Mr. Dixon to memorialize the denial of application #2022-28 of Chris/Therese Johnson – 105 Morrison – Block 18.03; Lots 6 & 6 2023-02 –

In favor: Dixon, Pasola, Driber and Struncius

Opposed: None

AGENDA

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

Carried without notice from February 16,2023

John Jackson, attorney for applicant, reviewed previous meeting and the discussion about the Washington setback. He explained that if they move the house back on Washington to meet the setback it will affect the easterly neighbors view of the Lake. Chairman Struncius stated that the board has quite a few issues. Chairman Struncius stated that they need to design a final plan for the board to review. John Jackson stated the garage will be removed and that curb cut will be removed. Vice chair Pasola stated that the applicant is the one that said the house would be moved back. John Jackson is looking for the boards input for the final design.

Motion by, second by to carry application 2023-02 – Joseph/Denise Lipman – 112 Washington Avenue – Block 18.01; Lot 6 to May 18, 2023 without notice

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

Opposed: None

Application carried without notice

2023-17 – Scott Kuzmic – 803 Walnut – 92 Block Lot 15 – Applicants wishes to a construct gazebo.

John Jackson attorney for applicant, reviewed application.

Exhibits entered

A1 – Certified Variance Application

A2 –Architectural Plans by John C. Amelchenko, R.A., entitled Proposed Gazebo For: Kuzmic Residence (dated 2/7/23);

3/14/23 Board Engineer Report of Raymond W. Savacool, P.E., P.P.

John C. Amelchenko, R.A., sworn stated that the applicant is the title owner of the subject property and the subject property is located in the LR Zone. There is an existing single-family home on the subject property and an existing inground pool in the rear of the property. There is also an existing detached garage in the side rear of the property. The LR Zone permits as accessory uses swimming pools, sheds, private garages, fences and walls. Gazebos are not an expressly permitted use.

As depicted on the plans, the proposed gazebo is a 20' x 16' open air gazebo, built with 8' x 8' columns on stone piers, with a metal roof. As per the plans, gazebo will contain a bar and a built-in grill and the gazebo will be attached to the existing detached garage. An expansion of the existing pool terrace area is also proposed. Architect testified that the grill will be built with a fireproof backing buffer between the grill and the garage.

Audience questions

Jim DeBenedett – neighbor commented that he is his neighbor and in favor of the gazebo.

Deliberations

Kelly – I drove by and tried to figure out where it was going since it is such a big piece of property. I am in favor.

Schneider

Pasola – I think it fits in really well. I like the design. In favor

Dixon – Won't bother the neighbors. Firewall was my main concern. In favor

Davis – Fan of outdoor living space'; benefit to the home owner.

Driber – I went by today I think it is a nice design.

McGee – I think it is nice and there is a arborvitae screen wall.

Neill – I think it is nice and private.

McFadden – Beautiful plan and perfect spot. In favor.

Struncius – This works in this situation – the garage buffers it. In favor.

Conditions

- 1. Applicant shall not enclose the covered gazebo depicted on the plans submitted for approval.*
- 2. Applicant shall not provide heating for the gazebo.*

Motion by vice chair Pasola, second by Secretary Schneider to approve application 2023-17 – of Scott Kuzmic – 803 Walnut – 92 Block Lot 15 – with conditions

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

Opposed: None

Application approved with conditions

2023-08 – Louis/Maria Grosso – 103 Central – Block 101 – Lot 2 – Applicant wishes to park on gravel drive way.

Louis Grasso applicant reviewed application request. The board has many concerns about the renters pulling into the backyard and parking. Chairman Struncius does not want the pavers in the front of the house to become parking. Mr. Dixon has no doubt that people will park on

the pavers. Vice chair Pasola stated the driveway is so wide that people will park on it. Mr. Davis believes the parking area should be delineated.

The applicant stated that there is an existing gravel driveway on the front of the property and continuing down the side of the property up to the side property line. The Applicants' intent with the application is to maintain the driveway as it currently exists to use for parking as intended. Applicant does not propose any changes to the existing driveway. Applicant advised the Board that he received a zoning violation for the driveway as it extends to the side property line. Applicant was unaware that this was a violation until he received the violation notice. Applicant advised the Board that this was not disclosed at the time he purchased the property.

Pursuant to the violation notice, Applicant discovered that the builder had sought approval for the driveway, but that application was denied. This denial was not disclosed to the applicant, nor did it appear in an OPRA request seeking a list of permits before closing on the property. Applicant testified that the property is intended to be rented to seasonal tenants, and will be used by Applicant for parts of the year.

Ray Savacool stated that if someone's needs a spot they will park there. The applicant needs to do someone so the public knows it is not a parking area. Mr. Dixon also has concerns about the cars jamming in to the back of the property; he would like a gate to the yard installed. Mr. Dixon would like some landscaping around the paved area in front. Lou Grasso had thought about getting rid of the pavers all together, but would like a walkway.

Deliberations

Kelly – I would suggest if you need more parking to build a garage. In favor

Schneider – In favor with conditions

Pasola – No problem with the conditions I stated.

Dixon – Same with the conditions

Driber – Same

McGee – concur

Neill – Same

McFadden – Concur

Struncius – Meet with Ray and get a plan.

Conditions

- 1. The existing gravel driveway will remain gravel and not be paved.***
- 2. The existing front yard patio will not be used for parking.***
- 3. Applicant to provide a plan creating a delineation and/or barrier on this area indicating that there is no parking, subject to review and approval by the Board Engineer.***
- 4. In the alternative, Applicant may remove all or part of the front yard patio and replace it with grass and/or landscaping.***
- 5. Applicant shall provide a plan for some form of barrier or gate on the existing driveway to prevent parking beyond the existing gravel area, subject to review and approval by the Board Engineer.***

Motion by Mr. Dixon, second by Mr. Driber to approve application 2023-08 – Louis/Maria Grosso – 103 Central – Block 101 – Lot 2 with conditions

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

Opposed: None

Application approved with conditions

2023-06 – Alex/Milla Star – 201 Parkway – Block 103; Lot 1 – Applicant wishes to construct two-car garage and paver driveway.

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

Exhibits entered

A1 – Certified Variance Application

A2 –Architectural Plans by Christopher Dougherty, R.A., entitled Proposed Free-Standing Garage (dated 10/2/22); Grading Plan by Jensen Design Group (dated April 13, 2021); Plan of Topography by Leeper Land Group, LLC (dated March 22, 2021).

A3- PowerPoint Presentation by John J. Jackson, Esq. (10 pages);

A4- Photographs of property;

3/14/23 Board Engineer Report of Raymond W. Savacool, P.E., P.P.

Applicant is looking to install garage with elevated garage floor to 7 feet elevation.

The board did not think the elevation was necessary.

William E. Jensen, P.E., sworn, credentials accepted stated that the Applicants are the title owners of the subject property. The subject property is located in the SF5 Zone and there is an existing single-family home on the subject property. There is an existing inground pool in the rear of the property.

It was discussed that flooding will probably not affect this property.

Applicant agreed as a condition to modify the plans so that the proposed new driveway and walkway will be gravel to reduce the proposed impervious coverage.

Applicant agreed as a condition to submit an updated Grading and Drainage Plan to the Borough Engineer for review and approval.

Deliberations

Kelly – That fence will be exposing a lot of roof area; worry about kids on the roof. Wonderful addition to the house.

Schneider – I think it will be a good addition to the property with the conditions.

Pasola – I had a lot of questions as it was first presented; due to the changes made I am in favor with conditions.

Dixon – Conditions make this possible.

Davis – Only hold out; I find this overzealous. I am on the fence. I want to know where we will draw the line.

Driber – I agree with Mr. Davis – a lot of talk of flooding but we are going to put a garage in that spot which only leaves the lawn for drainage. Inclined not to support it.

McGee – Not voting but I think this is excessive.

Neill – Not voting but I also think it is excessive with impervious coverage.

McFadden – I also do not have a vote but my opinion would be more negative because of coverage.

Struncius – Oversight to not discuss drainage. Added condition. He can overlook grandfathered pavers and then it comes down to building coverage. I do think it makes the property more functional. Offset building coverage with gravel walkway. It is pushing the envelope but I don't think it is hurting the neighborhood.

Motion by vice chair Pasola, second by Secretary Schneider to approve application 2023-06 – Alex/Milla Star – 201 Parkway – with conditions.

In favor: Kelly, Schneider, Pasola and Dixon

Opposed: Davis and Driber

Application approved with conditions

Conditions

- 1. Applicant shall keep the driveway at current grade so that the height of the proposed garage will be $\leq 17.6'$.*
- 2. The new driveway and walkway shall be gravel to reduce proposed impervious coverage.*
- 3. Applicant shall submit an updated Grading and Drainage plan to Borough Engineer for review and approval.*

2023-05 – Joe Disciulli – 72 Inlet – Block 176; Lot 9.01 – Applicant wishes to build new elevated single-family home. Residential homes are not a permitted use in the MC Zone.

John Jackson, attorney for applicant. Power Point entered as A3. He reviewed the application and that it needs a “D” variance.

Robert Lombardi, PA, sworn, credentials accepted. Gave an overview of proposed house. Small bungalow on property presently; looking to replace it with new flood compliant three-bedroom house.

First floor is garage and storage. First floor kitchen, dining room and bathroom and third floor is three bedrooms. Vinyl sided colonial style house. It will have a beachy look. Flood elevation is higher to have parking underneath. 1 car in garage and 1 car inside. House is under 35 feet.

Joe Kociuba, Professional Engineer, sworn credentials accepted reviewed plan. Believes this is suited for this particular lot.

Motion by Mr. Davis, second by Mr. Driber to carry application 2023-05 of Joe Disciulli – 72 Inlet – Block 176; Lot 9.01 – to July 20, 2023.

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

Opposed: None

John Jackson waived the time for the application to be heard.

Meeting adjourned at 10pm

Attest: Karen L. Mills, Clerk of the Board