

August 18, 2022

The August 18, 2022 the 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: Mr. Kelly, Vice Chair Reynolds, Mr. Pasola, Secretary Schneider, Mr. McGee, Mr. Driber, Mr. Neill, Ms. McFadden and Chairman Struncius

Also, present –Ben Montenegro, Ray Savacool and Karen Mills

Denise Sweet – court Reporter

Memorialize minutes –

Motion by Mr. McGee, second by Mr. Neil to memorialize the minutes of June 1, 2023 –

In favor: Kelly, Dixon, McGee, Neil and Struncius

Opposed: None

Motion by Ms. McFadden, second by Mr. Neill to memorialize the minutes of June 15, 2023

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

Opposed: None

Memorialize resolutions

Motion by Mr. Neill, second by Ms. McFadden to memorialize the action and vote approving application #2023-11 of Flugrad – 9 Niblick Street – Block 130; Lot 9 – Applicant seeks variance relief for a/c platform with conditions.

In favor: Driber, McGee, Neill, McFadden and Struncius

Opposed: None

Motion by Mr. McGee, second by Mr. Neill to memorialize the action and vote approving application #2023-05 of Joe Disciulli – 72 inlet – Block 176; Lot 9.01 – Applicant wishes to construct a residential home. Zone does not permit residential. With conditions

Motion by Mr. Driber, second by Mr. McGee to memorialize the action and vote approving application #2023-18 of Christina Campbell -411 Yale Avenue – Block 162; Lot 12 – Applicant wishes to build new single-family home with conditions

In favor: Driber, McGee, Neill, McFadden and Struncius

Opposed: None

Agenda

#2023-22 – Jill Watson – 607 St. Louis – Block 78; Lot 2 – Applicant looking to replace existing a/c unit that is in setback.

A1 – Certified Variance Application

A2 – Survey by Morgan Engineering, David Von Steenburg, dated 8/18/19 with hand marked location of proposed air conditioner/platform and location of the existing air conditioner on ground level pad

Photo of existing site condition

Jill Watson and Brian Harvey, applicants, sworn, stated that the subject property is located in the SF5 zone. The lot is a corner lot, 62.5' by 100', with frontage on St. Louis Avenue and Trenton Avenue. There is an existing single-family home on the subject property that provides a 20.4' front setback to St. Louis Avenue and a 14.9' front setback to Trenton Avenue. The existing air conditioner on a 30" by 30" ground level pad is located adjacent to the home within the Trenton Avenue front setback. It is the Applicant's intent per the plans submitted to replace the air conditioner on a FEMA compliant elevated platform (42" by 42") in the front setback to Trenton Avenue as depicted. Applicant opined this is the best and most efficient location due to the existing location of windows at the rear of the home and the limited side setback on site.

Applicant agreed as a condition to maintain a permeable surface below the elevated platform so as not to increase coverage on site.

Deliberations

Kelly – Ideal spot for it

McGee – I agree

Dixon – Nothing else you can do

Driber – I agree – nothing else you can do

Neil - agree

McFadden - agree

Dealmeida - agree

Struncius – Platform should be done in an aesthetic way.

Motion by Mr. McGee, second by Mr. Driber to approve application #2023-22 – Jill Watson – 607 St. Louis – Block 78; Lot 2 with conditions

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

Opposed: None

Application approved with conditions

#2023-21 – 50 Inlet Partners LLC – 50 Inlet Drive – Block 176; Lot 20 – Applicants looking to elevate existing home and expand square footage to 1792 sf. Residential not allowed in zone.

Applicant’s Attorney, Dante M. Alfieri, Esquire, reviewed application and the requested variances:

Minimum lot area where 10,000 SF is required and 3,449.8 SF is proposed (existing)

Minimum lot width where 100’ is required and 35’ proposed (existing)

Minimum lot frontage where 100’ is required and 35’ is proposed (existing)

Minimum lot depth where 125’ is required and 98.4’ is proposed (existing)

Minimum side yard setback where 10’ is required and 3.34’ and 3.4’ are proposed

Maximum building height where 32.5’ above BFE is allowed and 33.33’ is proposed;

The applicant proposed to elevate and expand an existing nonconforming single-family home and construct an elevated two-story dwelling with a non-habitable storage/parking area on the ground floor level whereas single family residential use is no longer a permitted use in the MC zone.

Applicant submitted the following in support of the Application:

Exhibit A1 – Certified Variance Application; and

Exhibit A2 – Variance Plan by MCH Engineering, Inc., dated 3/9/23; Architectural Plans by Kwiecinski & Associates, Architects, dated 3/8/23.

Matthew Hockenberry, applicant’s professional engineer, sworn, credentials accepted, stated that the proposed home is a two-story home elevated over a ground floor level that provides for a garage parking space, storage, staircase and elevator shaft. The second-floor plan provides for a living room, dining room, kitchen, decks and half bath in an open concept.

The first-floor plan provides for three bedrooms, a laundry room, an office and two full baths.

A review of the elevations identifies the architectural details and balconies/decks incorporated for functional and aesthetic purposes. He stated that the proposed development is consistent and similar in style to the newer development in the immediate area and that the proposed development is an aesthetic improvement to the site and surrounding area.

He also stated that the elevated home with full flood zone/ FEMA compliance is a safety improvement to the site and surrounding properties.

The existing site is located in the MC zone and currently contains a single-family residential home that is a prior-nonconforming use in the MC zone. The home predates 2002, when the Ordinance was changed to eliminate single family use as a permitted use in the MC zone.

The applicant proposes to elevate and renovate/expand the existing nonconforming single-family home and construct of an elevated two-story dwelling with a non-habitable storage/parking area on the ground floor level.

He noted that despite the limited lot size, the proposed development meets the Ordinance criteria for building and impervious coverage (design meets coverage criteria in SF5 Zone).

Applicant agreed as a condition to revise the plan to move the home forward on the lot so as to meet both a 25' front setback and 25' rear setback. This eliminates an existing nonconformity on site for the rear setback, which is a zoning benefit to the area.

He noted that the proposal provides for one parking space in the ground level garage and a second parking space in the driveway. He noted that not only is the immediate area developed primarily with single family uses as proposed; but the Master Plan Re-Examination Reports in both 2015 and 2021 recommended allowing for the single-family use (existing bungalows) in the MC zone with possible overlay zoning to address development/design standards.

He believes that the proposed development as depicted on the plans submitted will be a significant aesthetic and functional improvement to the site and that due to the small dimensions of the lot, development of the lot with permitted uses in the MC Zone is unlikely.

Conditions

The applicant shall be bound by all exhibits introduced, all representations made, and all testimony given before the Board at its meeting of 8/17/23.

The improvements are to be constructed in accordance with the plans submitted to the Board as part of this Application.

The applicant shall comply with all requirements of the Board Engineer report, by Raymond W. Savacool, P.E., dated 8/10/23, unless specifically exempted herein.

The Applicant shall comply with the following special conditions:

- 1. Applicant shall revise the plan to move the home forward on the lot so as to provide for a minimum 25' front setback and 25' rear setback.*

2. *Applicant shall revise the plan to provide for fencing compliant with the ordinance - maximum 3' front yard fencing, 4' side yard fencing, and 6' rear yard fencing.*

Deliberations

Kelly – The whole area is zoned MC and the only commercial are is across the street. Truned out to be a joint venture at this point.

McGee – I agree – This zone needs to evolve – that is where wer are heading

Dixon – I think you did an excellent job of presenting – you compromised and did not take advantage. Overall, it is a nice-looking house. Do not have a problem.

Driber – My opinion is usually a little different. I agree the zone needs changing but I do not think we should be legislating it. You buy a lot thinking to get an approval. I disagree on principal.

Neil – I do agree that the zone needs to be looked at. I believe the area is shifting that way. It is SF5 like

McFadden – I agree with Mr. Neill, that you tried to conform to SF5

Dealmeida – I appreciate the concessions

Struncius – With all due respect I do not feel we are legislating. When you are changing something, you come to the zoning board. You cannot put anything that the MC zone allows without trying to buy property around it – which you did. The town has not put a criteria on it so you look at surrounding properties. This is trending in the area. With that I then look to the public good and you see something that is not flood compliant and has a basement. You are correcting safety and fire – you are getting an aesthetic upgrade. Based on that criteria and the fact that you worked with us on the setbacks I will be in favor.

Motion by Mr. Neil, second by Ms. McFadden to approve application #2023-21 – 50 Inlet Partners LLC – 50 Inlet Drive – Block 176; Lot 20 with conditions

In favor: Kelly, McGee, Dixon, Neil, McFadden and Struncius

Opposed: None

Karen L. Mills, LUA

Clerk to the Board

Meeting adjourned at 9:10pm

Attest: Karen L. Mills, LUA

Clerk of the Board