

REGULAR MEETING

ZONING BOARD OF ADJUSTMENT

July 8, 2024

The meeting was called to order at 7:00 PM by Chairman Craddock with a salute to the flag. He announced the following:

“Pursuant to The Open Public Meetings Act adequate notice of this meeting has been provided to two local newspapers, filed with the City Clerk and posted in a public place. Agenda for this meeting has been provided in the same manner”.

Chairman Craddock requested Secretary Meischker call roll and the following members responded:

PRESENT: Craddock, Gilbert, Kent, Lawler, Rowan, Helbig, Granus

ABSENT: Kedziora

Solicitor Manos, Engineer Wahl and Zoning Official McLarnon were also present

Chairman Craddock asked for a motion to approve minutes from May meeting. Motion was made by Mr. Rowan. and seconded by Mr. Granus. Board voted in favor.

Chairman Craddock asked for a motion to approve the Decision and Resolution for Mr. and Mrs. Mazza. Motion was made by Mr. Granus and seconded by Mr. Helbig. Board voted in favor.

Chairman Craddock asked for a motion to approve the Decision and Resolution for David and Kelli Mills. Motion was made by Mr. Granus and seconded by Mr. Helbig. Board voted in favor.

Jim Ginn

115 Holly Hills Dr. Block 1915/Lot 8 Zoned HC-2

Use variance and front yard setback variance to construct single family dwelling

Attorney Carlucci represented applicant. Witnesses Mr. Schaffer, Mrs. Dix and Mr. Ginn came forward and were sworn in by Attorney Manos. Mrs. Dix discussed her qualifications and was accepted by the Board. She stated the property has environmental constraints. She believes the current owners, Orlandinis, got fed up with trying to get permits. Letter of Interpretation from DEP was received. Wetland and buffer make it difficult, however can average buffer. Have received CAFRA permit. East side of property is a ditch. Buildable area is on Holly Hills Dr. Wetlands buffer has been averaged, complies with DEP, CAFRA and wetland rules. Mr. Helbig noted the 10’ back yard. Mrs. Dix confirmed it will be fenced, so no clearing. Mr. Helbig asked why not move north? Attorney Carlucci explained trying to limit variances. Mr. Helbig asked about the maintenance of the ditch. Mr. Schaffer stated there is no easement for the ditch. Would suggest City maintain. He stated the site of the house might change before construction. Chairman Craddock asked if property was ever developed. Mr. Schaffer stated it has never been developed. Chairman Craddock asked the square footage. Attorney Carlucci stated 1.3 acres. Mr. Schaffer stated there is 7500 sq ft buildable area. Mr. Helbig asked about a deed restriction to get a larger back yard. Mr. Schaffer stated this is limit of buildable area. Mr. Kent referred to the wetland on left side and asked the setback. Mr. Schaffer replied 30’. Chairman Craddock asked about variances. Attorney Carlucci stated 2 variances, use and front yard variance. He stated property is in HC-2 zone. He stated the front yard will match the R-1 zone next door, at 20’ setback. He stated Holly Hill Dr. serves as an access to residential area only. There is a 200’ wide wooded area to south of the natural separation. He stated the application promotes the public health and welfare and fits into the neighborhood. Chairman Craddock asked how close is it to the resident next door. Mr. Schaffer stated maybe 30’. He stated property is located on road to residential area. Application has adequate light and space, within population density, has a 30’ side setback. Also preserving the wetlands. A contemporary house will be built which is well suited for the neighborhood. He stated there are no negative impacts and no detriment to the zoning or Master Plan. Chairman Craddock asked if it could be a commercial use. Mr. Schaffer stated only a small commercial building would fit and it would be an

impact on the area. Mr. Kent confirmed a 44' x 45' envelope. Mr. Schaffer stated it is an envelope. Ms. Lawler asked if they must go back to CAFRA. Mrs. Dix stated yes. The application can only go smaller. Duplexes and SFD are regulated the same. Ms. Lawler asked if there will be a 15' finish floor. Mrs. Dix stated yes. Mr. Helbig asked about pilings. Mr. Schaffer stated he has not done soil borings. Mrs. Dix stated there is a cemetery across the street. Mr. Schaffer stated property front on County road, who maintains the ditch. Mr. Helbig asked about the tidelines claim line. Mrs. Dix stated the creek went thru property. The grant was not recorded. Told to reissue, now has clear title. Ms. Lawler asked if driveways face Holly Hills. Mrs. Dix replied yes. Mr. Ginn came forward. Attorney asked him the size of the house. Mr. Ginn stated 44' x 45' envelope. Riparian is in packet. Chairman Craddock asked if he will reside in house. Mr. Ginn stated his wife is a descendant of the Somers. It will be an overflow for house on Broadway. Mr. Helbig asked if there will be a 3 car garage and driveway. Mr. Ginn replied yes. He stated the 2nd floor deck allows for more open space. Motion to open to the public was made by Mr. Rowan and seconded by Mr. Granus. Mr. Burns, 111 Holly hills came forward and was sworn in by Attorney Manos. He stated he is opposed. He stated the front yard variance of 20' where 50' is required. Without variances would lay on wetlands. No hardship for variance. Applicant seeking for financial gains. Mr. Helbig asked if he is right next door. Mr. Burns stated the ditch has had flooding. Motion to close to the public was made by Mr. Granus and seconded by Mr. Helbig. Engineer Wahl stated application is for a use variance because single family dwellings are not permitted in the zone. Environmental are all addressed. Positive criteria addressed. Have existing buffers. Lot is over 40000 sq ft. coverage is approximately 8%. Mr. Helbig stated the curbs and sidewalk are in bad shape. Engineer Wahl suggested create a City easement. Mr. Rowan stated the ditch area does flood. Mr. Schaffer stated will provide easement to City, or provide an easement 20-30' wide. Mr. Helbig stated the fence ends. Suggested tie along wetlands to property line. Ms. Lawler asked if owner maintains ditch. Mr. Schaffer stated no, City Council should address. Mr. Gilbert asked if property could be squared off. Mr. Schaffer stated no. Zoning Official McLarnon stated the BFE is more than adequate. Mr. Helbig reminded applicant to comply with tree ordinance. Mr. Schaffer stated they will comply. He will enhance survey to show trees. Engineer Wahl stated Cape Atlantic soil and sewer approvals are preapprovals for construction. Attorney Manos stated easement to be handled by homeowner. Attorney Manos stated motion and conditions. Use variance for SFD in HC-2 zone., "C" variance for 20' where 50' are required. Attorney Carlucci stated there is a hardship issue. He cited Crawford vs. Twp of Warren. Supreme Court ruled property crossed by stream would be better to grant variance to protect the stream. Motion was made by Mr. Helbig and seconded by Mr. Rowan. Secretary Meischker called roll.

Mr. Rowan-yes. Professional work has been done.

Mr. Gilbert-yes. Home fits, commercial use wouldn't fit into neighborhood..

Mr. Helbig-yes. Commercial use is inappropriate. Permitting work went into application.

Mr. Granus-yes. With conditions, hard work went into preparation.

Mr. Kent-yes. SFD is a better fit. Did due diligence.

Ms. Lawler-yes. Consideration for environment. Residence is best fit.

Chairman Craddock-yes. Good presentation. Makes more sense as a residential. Front yard would conform with R-1 zone. Buffer maintained. Will fit into neighborhood.

Approved



David Carmen
200 W. Connecticut Ave. Block 1417/Lot 8 Zoned R-1
"C" variances to construct addition

Attorney Stanton represented applicant. Ms. Simon and Mr. Carmen came forward and were sworn in as witnesses. Ms. Simon stated her qualifications and was accepted by the Board. She stated the existing structure is ENC. Chairman Craddock size of addition. Ms. Simon stated 542 sq ft., 2 bathrooms and 1 bedroom. It will be 2 stories. Attorney Stanton stated on the plan it shows a 10' front yard setback is needed. Ms. Simon stated they have 3 parking spots. Attorney asked if there is any detriment to public good. Ms. Simon stated no. Attorney Stanton stated it will not impact the Zoning or Master Plan. Mr. Granus stated there is a large RV in the parking spots. Attorney Stanton stated it will be removed if necessary. Attorney Stanton asked if building line is the same. Ms. Simon replied yes. Attorney Stanton asked if roof line will remain the same. Ms. Simon stated yes. Mr. Helbig confirmed there will be 4 bedrooms. Ms. Lawler confirm applicant will remain in the house. Attorney Stanton stated yes. Ms. Lawler confirmed addition will match the existing exterior finishes. Mr. Carmen came forward and stated he has lived in house for 4 years. His daughter and grand children came to live with him. Exterior finishes will match. Mr. Rowan stated the RV needs to be moved. Driveway is 20 x 40'.

Zoning Official McLarnon stated it is conforming. Motion to open to the public Ms. Lawer and seconded by Mr. Granus. Hearing no one, motion to close was made by Ms. Lawer and seconded by Mr. Rowan. Zoning Official McLarnon stated bring the fence gate back onto property. Ms. Simon stated there will be no changes to the existing fence. Attorney Stanton stated there are 2 front yards for this corner property. The ENC structure is a hardship. The addition will better the neighborhood. Attorney Manos stated the motion with the conditions the fence gate is moved onto property and the RV is moved. Motion was made by Mr. Rowan and seconded by Mr. Helbig. Secretary Meischker called roll.

Mr. Rowan-yes. Hardship exists with extra family members moving in.
Mr. Gilbert-yes. ENC not expanded. No negative impact to neighborhood.
Mr. Helbig-yes. 10,500 sq ft. lot. No negative impacts.
Mr. Granus-yes. Good presentation.
Ms. Lawler-yes. No parking issues, all resolved.
Mr. Kent-yes. A conforming addition would not look right.
Chairman Craddock-yes. Legitimate need for addition presented. Conforms to lot coverage.

Approved

Brian and Jenna Sullivan
139 Gibbs Ave. Block 1510/Lot7 and 7.01. Zoned HVR
“C” variance relief for approval of a house plan previously approved in 2016

Attorney Baylinson represented the applicants. Attorney Baylinson stated this application was previously approved in 2016, copy of the D & R is part of the application. He stated there is a hardship and “C” variance relief is needed. The shape of the lot and it is 40’ wide. In 2016 Architect Blumberg received approvals. Applicant is requesting to have the same house and get the same approvals with this application. House complies with BFE standards, will need to get CAFRA approval. Ms. Morrissey, PP came forward and was sworn in by Attorney Manos. She stated her credentials and was qualified by the Board. Attorney Baylinson stated this is a unique property. Ms. Morrissey stated 2016 approvals were received. Applicant did not develop within 1 year, per ordinance. There is no change to zoning. Master Plan is still in effect. Bulkhead has been replaced. 2016 variances were for lot area, lot width, 8’ front setback and 6’ side setback. Same plan as 2016 is being used. Mr. Rowan asked if neighbor’s statements are addressed. Ms. Morrissey stated there are no changes to the 2016 approval. The bulkhead was done 6 months ago. Mr. Helbig asked about parking or landscaping. Ms. Morrissey stated there will be parking. Attorney Baylinson stated landscaping will stay. Mr. Gilbert stated the zoning chart is not filled in. Ms. Morrissey gave the numbers for the zoning chart. Mr. Gilbert confirmed the building height will be 31’ + 11’ for BFE. Mr. Helbig asked about HPC approval. Ms. Morrissey stated they will meet next Wed. A condition of approval will be HPC approval. Mr. Gilbert asked why house wasn’t built. Attorney Baylinson stated former owner died. Engineer Wahl stated architectural elevation plans Show decks bump out 3’, will change setback. Ms. Morrissey stated there is a C-1 hardship, can’t change existing conditions. Lot width is 40’. Lot area is greater than 5113 sq ft. It is ENC. C-2, benefits outweigh the detriments. Advances the purposes of zoning with population density and it is consistent with the area. It is a desirable design and visual. Improvements are landscaping and bulkhead. Negative criteria is there is no detriment to the public good and there will be 4 parking spaces on site. Chairman Craddock asked if there was a house there previously. Ms. Morrissey stated no. Chairman Craddock asked if there are other undersize lots in neighborhood. Ms. Morrissey stated at least 8. Chairman Craddock asked if there is a differential for undersized lots. Ms. Morrissey stated only if there was a house there before. Mr. Helbig asked if there is a CAFRA permit. Ms. Morrissey stated no. Mr. Kent stated there are 4 spaces but 1 can’t be used. Zoning Official McLarnon stated parking may be stacked. Mr. Helbig asked to extend landscaping. Ms. Lawler asked about the lot next door where the beach is. Zoning Official McLarnon stated it is owned by the City. Ms. Lawler asked about a fence. Ms. Morrissey stated none. Motion to open to the public was made by Mr. Granus and seconded by Mr. Kent. Mr. Caserta, 136 Decatur came forward and was sworn in by Attorney Manos. Mr. Caserta stated the Owners are wonderful. He has lived there for 40 years. He stated the property is interesting and wished them luck. He asked where do CAFRA calculations come in? Maybe could combine several lots. Hopefully something can be done but a monstrosity was approved in 2016. Mr. Rowan stated Mr. Caserta testified in 2016. Mrs. McCabe, 142 Decatur Ave., came forward and was sworn in by Attorney Manos. Mrs. McCabe stated she called building office. Once they have variance that approves the building envelope that can be approved by CAFRA too. Motion to close to the public was made by Mr. Rowan and seconded by Mr. Granus. Attorney Baylinson stated applicant is well aware CAFRA permit is needed. Zoning Official stated a non-conversion agreement for the 1st floor is also required. Mr. Helbig stated need bulk table and landscaping. Attorney Baylinson stated they will do. Attorney Manos stated motion for “C” variances along with conditions of HPC and CAFRA approvals. Compliance plans must

have stacked parking and add landscaping. A Non-conversion agreement must be executed. Motion was made by Mr. Helbig and seconded by Mr. Granus. Secretary Meischker called roll.

Mr. Rowan-yes.

Mr. Gilbert-no. Pieces are missing. CAFRA, HPC are missing. No hardship.

Mr. Helbig-yes. Consistent with neighborhood. Landscaping will be included.

Mr. Granus-no. Package not complete.

Ms. Lawler-yes. House fits with neighborhood.

Mr. Kent-yes. Parking provided and fits neighborhood.

Chairman Craddock-yes. Application was previously approved. Fits in neighborhood. Lot not unique.

Approved

Motion to open to the public was made by Ms. Lawler and seconded by Mr. Granus. Hearing no one, motion to close to the public was made by Mr. Rowan ad seconded by Mr. Helbig.

Fitzpatrick's site for parking was discussed. It is a code enforcement issue. Zoning Official McLarnon will discuss with Code enforcement. The site of the Water Co. was also discussed.

Motion to close was made by Ms. Lawler and seconded by Chairman Craddock.

Adjourned 9:30

