# BOROUGH OF POINT PLEASANT

**ZONING BOARD OF ADJUSTMENT**

**January 23, 2019**

## The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to

Order by Chairman Schroeder at 7:00 P.M. Mr. Schroeder led the Salute to the Flag. He proceeded to open the meeting in compliance with the “Open Public Meetings Act”.

### Roll Call Vote

 Members Present: Mr. Shrewsberry Mrs. Petrillo Mr. Coleman Mr. Weiglein Ms. Masterson Mr. Giordano Ms. Commins Mr. Schroeder

Members Absent: Mr. Nikola Mr. Marshall Mr. Blank

Attorney: Mr. Gertner

Board Engineer: Raymond Savacool

**18-19- Weshnak- Block 386 Lot 43- 1512 Bel Aire Court West- Side Yard Setback for shed and Set Back from principal structure- Denied**

**18-26- Schaffer- Block 340 Lot 4- 1506 Treeneedle Road- Lot Coverage- Approved with conditions**

A motion to memorialize was made by Mr. Coleman, seconded by Mr. Weiglein.

**Roll Call Vote**

Mr. Coleman- Yes Mr. Weiglein- Yes Mr. Giordano- Yes

### 15-18- Lombardi Residential, LLC- 2113 River Road- Use Variance, Preliminary and Final Site Plan (7:32-9:23)

**An application has been received for a use variance along with preliminary and final major site plan for a proposed 18-unit multi-family development. The development would contain 18 units consisting of 6 one-bedroom and 12 two-bedroom units elevated over a parking garage. The property is located in the Residential Multi-Family/ Public Open Space Zone. A use variance is required for density and bulk variances for setbacks, building and lot coverages.**

Daniel Popovitch, attorney for the applicant

Matthew Lombardi, applicant was sworn in.

James Monteforte, Architect was sworn in

Matthew Robinson, PE was sworn in

Scott Penick, attorney for Waters Edge homeowners association

The following exhibits were marked into evidence:

A-1 Entry Sign

A-2 Photo of existing property

A-3 Aerial View

A-4 Rendering

A-5 Photo of fence and tree barrier

A-6 Rendering

A-7 Overall view of property

Mr. Giordano has read the transcript from the previous meeting.

Mr. Popovitch called Mr. Robinson, Engineer in order for Mr. Penick to cross examine.

Mr. Penick has no questions for Mr. Robinson.

Mr. Popovitch recapped the applicants are proposing an 18-unit apartment building improving the current unsightly non-conforming use. The proposal was for fifteen two bedrooms, three one bedroom. There are thirty six parking spaces, meeting the requirements.

Mr. Robinson explained there was a slight discrepancy in the site plan compared to the architectural plans. The accurate mix is fifteen two bedroom and three one bedroom. The proposed parking, meets the requirements. Mr. Robinson went over the proposed buffers A-6.

Eileen Couch 2201 River Rd, questioned the variances requested.

Mr. Gertner replied the planner will address the variances.

A-8 was marked into evidence setback exhibit.

Mr. Robinson explained that if all setback and variances were met there would only be 93sq ft. of buildable area.

**Public questions:**

Lawrence Anderson, 2201 River Rd, questioned what if a manager/ superintendent isn’t hired.

Mr. Popovitch there will always be an on-site manager.

Robert Eickmeyer, 2201 River Rd questioned where the additional cars for overnight guests and contractors will park.

Mr. Robinson replied they meet the requirements for parking. Typically contractors will be at the building during the day while residents are at work.

Barbara Woolley-Dillon, Professional Planner. Ms. Woolley- Dillon testified this site is appropriate for the proposed development. While looking at the whole site, this proposal does in fact meet the density requirements.

Mr. Savacool asked the planner to please explain how the density criteria is being met.

Ms. Woolley stated she is comparing the total parcel and what is left to develop. The whole site, including the park area and what is already developed, allows for an additional sixty-two units in theory. Ms. Woolley referred to the area as a redevelopment area.

Mr. Cortland commented, that is very hypothetical.

Ms. Woolley explained this was the old hospital site. The 13.7 acres can be designated as an area that requires redevelopment. If you look at the density of the entire parcel, it allows for ten units per acre.

Mr. Savacool replied the ordinance reads six dwelling units per upland acre.

 Ms. Woolley agreed. If she based her calculations on six units per acre they would be slightly over the density.

Mr. Giordano replied based on Ms. Woolley’s calculations, there would only be seven units available and the application is for eighteen.

Mr. Savacool, calculated the proposed use would be 25% over the density allowed.

Ms. Woolley stated the application meets the requirements for D-5. There will not be a substantial impact on the neighborhood or zone plan and it is consistent with the other development, in size and shape. There isn’t much they can do without variance relief. The bulk variances meet the exception of shallowness or narrowness, which this lot is. There is hardship associated with this lot. They must satisfy one purpose of zoning to meet the negative criteria. The use is permitted, eliminating the off street parking and the design is compatible with other building. The sight has been designed to be consistent with the neighborhood. The application meets nine out of eighteen positive criteria requirements. There is some negative to the application, the number of daily trips to the site. She feels they have met the burden of proof. The requested variances will outweigh any negative criteria.

A-9 – Standard and regulations was marked into evidence

Mr. Giordano doesn’t believe the planning testimony satisfied the criteria.

Ms. Commins stated that everything is included in the planner’s density calculations, A-3. Water’s edge has a pool, walking area. Everything has be combined in the density calculations and these areas would be excluded.

Ms. Woolley, correct.

Mrs. Petrillo questioned why the applicants proposing eighteen units.

Ms. Woolley is presenting the application that was presented to her.

Mr. Lombardi replied in order to complete a project like this fire suppressions systems are needed, water service, sewer, parking, etc. It is very expensive. You need some type of substantial benefit. This property has sat abandoned for years. They have met the parking requirement and they are trying to get everything to match. This works from the development standpoint. It’s early to criticize, but there has been so much time and effort put into every detail of this application. The building lends itself to a higher cliental.

Mr. Coleman is not crazy about the density testimony. The rendering is beautiful, high quality. The concern is the density. Is there any room for less units? Where it works better for everyone? Anyway to drive down the density?

Mr. Schroeder questioned if the number of units is reduced, would the footprint be the same size?

Mr. Lombardi replied most likely yes. We can fix one area and add more variances to another if the building size is reduced. The parking requirements wouldn’t be met.

Ms. Woolley stated it would be hard to only have seven units.

Mr. Savacool reiterated it doesn’t meet the parking requirement now. Economic considerations are not for the Board to consider. The application has to be reviewed from a planning aspect. Anything that is proposed on this lot will need a variance.

David Meris 304 Osborn Ave, six units per acres and this is a ½ acre. If you combined all 13.70 acres, you can have an additional 62 units.

Ms. Woolley replied yes and additional 62 units if you consider the whole area, 13.70 acres.

Scott Penick, attorney for Waters Edge questioned the planners opinion of the purposed used.

Mrs. Wooley stated they are maintaining open air light and space for the property.

Mr. Penick Urban

Mrs. Woolley it is a fully developed community.

Mr. Penick asked if she physically visited the site.

Mrs. Woolley replied yes, not Waters Edge as she didn’t want to trespass.

Mr. Penick calculating all land 13.7, opposed the ½ acres.

Ms. Woolley replied in planning you have to look at surrounding, what the municipality envisioned for the area.

Mr. Penick is it standard practice to use the whole zone when determining the density for one lot.

Ms. Woolley replied yes it was appropriate.

Mr. Penick is this a common or extreme density request.

Ms. Woolley it is a case by case basis.

Mr. Penick negative traffic?

Ms. Woolley, yes. There is a traffic engineer.

Mr. Penick questioned where the tenants would most likely go for recreation purposes.

Ms. Woolley replied the park.

Mr. Schroeder asked what would be the suitability to a single family home on this lot.

How would that impact the character?

Ms. Woolley may fit across the street, this is in a different zone. There would be a drop in topography, a single family home would look dwarfed.

Mr. Giordano asked the best reason why this proposal is good for the zone.

Ms. Woolley would be aesthetic enhancements.

Mrs. Masterson the density requirement is a hardship for the builder. They might need to give a little, it too big.

The Board took a five minute recess.

Mr. Popovitch stated the applicant will be coming back with a revised plan decreasing the density. He would like to still have the traffic engineer testify.

David Shropshire, traffic engineer was sworn. The Board accepts qualifications.

Mr. Shropshire explained they are looking at trip generation reports to see if there is a negative impact on the area. During the peak hours, generation was thirteen trips per hour. The Water’s Edge complex generated fifty nine trips, per hour. If a permitted use was proposed at the site three – four trips per hour. The increase generates ten trips, an additional one trip every six minutes. It is not going to generate a lot of traffic. His professional opinion this will not generate a negative impact on the area.

See below report:



Nancy Scalabrini, 2201 River Rd #4101 what is considered a trip?

Mr. Shropshire vehicle movement.

Maura Brennan, 324 Osborn Ave questioned if a study was conducted on Osborn Avenue? It is a major cut through street.

Mr. Shropshire stated he didn’t study Osborn Ave

Scott Penick, attorney for Waters Edge questioned the intersection of Osborn Ave and River Ave, adding the two way flow of the proposed building.

Mr. Shropshire the two way flow operates a safe condition.

Drew Budzek 305 Osborn Ave questioned the construction and the traffic it would generate.

Mr. Shropshire replied he doesn’t believe that would create a problem and all town ordinances would need to be followed.

The meeting was carried to February 27, 2019 NO FURTHER NOTICE WILL BE GIVEN.

A motion to adjourn was made by Mr. Coleman, seconded by Ms. Commins. All were in favor. The meeting adjourned at 10:23pm.

Respectfully submitted,

Sharon Morgan

Zoning Board Secretary