# BOROUGH OF POINT PLEASANT

**ZONING BOARD OF ADJUSTMENT**

**February 27, 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 Ms. Commins Mrs. Petrillo Mr. Coleman Mr. Weiglein Mr. Nikola Mr. Schroeder Members Absent: Mr. Giordano Ms. Masterson Mr. Marshall Mr. Blank

Attorney: Mr. Gertner

**New/ Unfinished Business**

**15-18- Lombardi Residential, LLC- 2113 River Road- Use Variance, Bulk Variances, Preliminary and Final Site Plan- Requesting Adjournment**

**This matter was adjourned to March 27, 2019. NO FURTHER NOTICE WILL BE GIVEN.**

**25-18- Blackley- Block 128 Lot 50- 1128 Borden Ave- Use Variance**

**The applicant is looking to construct eight additional apartment units. A use variance is needed for density.**

Daniel Popovitch, attorney for the applicant

John Blackley, applicant was sworn in

Robert Burdick, PP was sworn in

A -1 – A-4 - Rendering

A-5 – First floor plan

A-6 – Second Floor Plan Units 1-7

A-7 Second Floor Plan Unit 8

Mr. Popovitch explained the applicant is looking to construct eight additional apartment units. A variance is needed for density because a recent survey showed the lot being slightly under two acres. However, the lot was always assessed and assumed to be two acres.

Mr. Blackley testified he is the manager/owner and currently lives on site. The proposal is for eight units, modular construction. Units one – seven will consist of two-stories. The eighth unit will have a garage on the lower level and living area above, reserved for the manager. The exterior will be vinyl siding with a three tab shingle roof. Two units will be utilized for affordable housing. The shed on the property is going to be removed.

Mr. Popovitch explained that moderate income for Point Pleasant affordable housing is approximately $95,000.

Mr. Schroeder stated the units look drab. There is no character, no coverage from weather. It is very plain.

Mr. Blackley didn’t want to impact the setback.

Mr. Savacool stated a variance is not needed for setbacks.

Mrs. Petrillo questioned if the air conditioning condensing units will be outside.

Mr. Blackley replied, no everything will be within the buildings, crawl space or attic.

Ms. Commins would like to see some lighting for the entryways.

Mrs. Petrillo is questioning why the original units are set so far back and not closer to the street.

She believes that was the setback.

**Public questions or comments**

Mr. Joseph Berman 1125 Borden is questioning the parking and he would like to see more landscaping along Borden Avenue.

Mr. Joseph Livio 1127 Borden Ave is concerned about the traffic on Borden Avenue.

Mr. Robert Burdick professional testimony:

TESTIMONY

BLACKLEY

1128 BORDEN AVE.

LOT 50, BLOCK 128

BOROUGH OF POINT PLEASANT

PROJECT NO. 19-7287

February 26, 2019

 This project is for the construction of eight new townhomes at 1128 Borden Ave. The property is located within the RM residential multifamily zone and currently there are 24 existing apartments at the site. The existing apartments have been at the site since prior to 1970.

 The property surrounding the parcel consists mostly of single family residential uses with the exception of the lot at the southeast corner of the property which is a commercial use. Zoning in the surrounding area is a mixture of R-3 and R-1A zoning but the southeast corner abuts a General Commercial property fronting on Rte. 88.

 Regarding Mr. Savacool’s letter of 1/25/19, as outlined, the proposed use of multifamily residential is an allowable use for the zone provided that the residential density is a maximum of 16 units per acre. We are proposing a total of 32 units for this lot which the tax records show as 2 acres, but is actually only 1.92 Ac. Therefore our density is 16.7 units per acre. Based on this a Use variance is required for the development.

 The board should also be aware that there are preexisting non conformities for the existing apartment buildings at the property where the side yard setback is required to be 30’ and 20.7’ is provided to the south building and 35.3’ to the north building. Those preexisting non conformities will remain.

 A preexisting non conformity for accessory structure setback to a side yard of 1’ exists but will be eliminated.

 With regard to Mr. Savacool’s comment that there is a proposed side yard setback to the proposed building the board should be aware that we will move the structure 2’ south to eliminate the need for any bulk variances to the proposed structure.

 With regard to waivers we are requesting a waiver for 9’ x 18’ parking spaces vs. 10’ x 20’ required by ordinance. The proposed size is normal and customary particularly within the shore CAFRA areas.

 We will not request a waiver for screening for the parking and will adjust the plan to provide plantings or fences to meet that requirement.

 We would like to defer testimony on the use variance to later to deal with the technical issues first, but as stated no bulk variances are proposed for the new construction.

5) As stated there is a current variance for parking at the site where we are 8 spaces short but the proposed project will rectify that variance and bring the plan into conformance with the ordinance.

6) With regard to the storm water the board should be aware that this property is lower than many of the adjoining properties and as such recharges storm water for the area. Currently after large storms water stands in the low at the north side of the parking lot. The proposed development will collect storm water into inlets for subsurface recharge and will not pond water on site for the 2 and 10 year storms. The system is designed based on ½ the measured permeability rates at the site and Mr. Savacool has requested several additional technical procedures which will make the system even more conservatively designed. We will work with Mr. Savacool to address his comments.

7) The proposed water system will tie directly into the borough’s main in Borden Ave. While there is an existing fire hydrant in Ridgefield Dr. which is within 4’’’ of the existing and proposed buildings, the applicant will install an additional hydrant along Borden Ave. if the board wishes.

8) The sanitary sewer system serving the rear units currently goes under the area of the proposed building. It will be rerouted to avoid the building and we will provide the details and profiles showing that it will comply with Borough standards as part of any resolution compliance.

9) No sign exists at the site and the only sign which will be built will identify the address of the property and will be in accordance with all borough standards.

10) The trash enclosure is proposed to better meet the existing and proposed residential units. All trash and recycling will be from the central facility and the frequency of pick up will be a minimum of once per week and by private hauler. Circulation to the trash enclosures area will be much more accommodating with the truck able to use the entire parking lot for ingress and egress.

11) Notes that the concrete apron and handicap cur ramps are adequate.

12) Site lighting is proposed to better serve the property and we will adjust the plan in accordance with Mr. Savacool’s letter.

13) As stated the landscape plan is adequate particularly with the additional screening along the south side of the parking lot which we have agreed to.

14) There are no restrictions on the use of the open spaces throughout the development so all occupants can use them appropriately. The only areas which will be restricted would be the patios and porches but no formal regulations are necessary for those elements.

15) The property is intended to function as apartments and no community or condominium assoc. is proposed.

16) As notes units 1 through 7 will be rental units. Unit 8 will have a garage and storage area and is intended for an onsite manager who will use the storage for site related equipment to better maintain the property.

17) The deck will only be on unit 8.

18) We will revise the signature block.

19) We will correct the plans in accordance with the comments.

With regard to the proposed density use variance:

As stated in Mr. Savacool’s letter the proposed use is permitted at the property since it is zoned for the use. However the proposed increase in density requires affirmation that the additional units will not have a more detrimental effect on the neighborhood than construction of a project consistent with the zones restrictions. In that regard we point out to the board that the proposed building coverage for this lot will be 17.5% vs. an allowable 25%. If the applicant were to redevelop the property and maximize the building coverage per ordnance, he could have 30 larger units with additional living area and bedrooms. That additional living area would result in a development with more people causing more intensity of use at the site. Also the mix of apartments would include many more 3 bedroom unit which would lead to shared living and additional vehicle trips and parking demand. Based on this we believe that the proposal is modest and will not have a more detrimental effect on the neighborhood than that proposed.

With regard to the variance an examination of the disadvantages and the advantages of allowing the proposal must be performed. For this application we believe that the disadvantages are:

1. An increase in the intensity of use of the site. However as stated we believe that redevelopment of the site with conforming units larger than existing would create at least if not more intensity of use at the property.
2. The increase use will create additional noise, lighting and traffic over the existing use. However once again a conforming larger development will create at least as much if not more disturbance.
3. The development will create additional impervious area which generally generates more storm water runoff. But the plan has been designed to accommodate the increase and to reduce or eliminate surface storage. No increase in storm water discharge from the property will be experienced since all storm water will be infiltrated into the underlying soils.

With regard to the advantages of allowing the development we believe that there are several including:

1) Enhanced storm water recharge system which will eliminate surface ponding for most storms.

2) An enhanced landscaping plan to provide an aesthetic improvement to the property.

3) Improved parking lot circulation and the elimination of an existing parking variance at the property.

4) We believe that the proposed units will provide a significant aesthetic improvement to the site by providing a more modern front appearance than the existing older brick facades of the units.

5) The plan provides for adequate air, light and open space at the property with building coverage far below that allowed by ordinance and impervious coverage under the allowable limits.

6) The plan provides for alternate housing choices for new and growing families in an appropriate location.

7) Enhanced safety of the property and neighborhood by construction of a new fire hydrant to serve the community.

Based on this we believe that the advantages of allowing the increase in density far outweigh the disadvantages.

IN reviewing the Borough’s Master plan as amended in 12/19/13, one of the goals of the plan is to “provide for more flexibility in the residential land use zones to encourage the upgrading of dwellings.” This plan allows for a significant upgrade of the site and the current owner has been working on improvements with the installation of rain gardens, removal of old landscaping and proposal for new facilities, new parking area, trash enclosure, etc. Which seems to meet that Borough goal.

Under comprehensive Objectives of the plan:

1. Encourage the redevelopment or revitalization of vacant or underutilized properties. This property is an older development and the front area is certainly underutilized. So we believe that the development will comply with this objective of the Borough’s master plan.

e) The plan encourages the utilization of innovative and creative approaches in order to facility the provision of housing for low, moderate, and work force housing opportunities and choices which will enhance the quality within and contribute to the value of the community. The project provides for expanded housing opportunities and is well under the ordinance requirements for building coverage.

Under the Specific Goals of the Master Plan:

a) Encourage and support the rehab and infill of the housing stock where appropriate while maintaining the character scale and privacy of the established residential neighborhoods. The project is rehabbing an aged property and providing infill appropriate to the ordinance requirements.

With regard to the MLUS we believe that the plan complies with several of the goals as outlined in NJAC 40:55

Among them:

1. We believe that the proposed development is an appropriate use of the property, consistent with master plan and zoning ordinance uses.
2. The plan will provide a safer facility by providing for compliant vehicular and emergence vehicle circulation and the fire hydrant agreed to will enhance the safety of the site and surrounding neighborhood
3. The plan provides adequate light, air and open space which are less than allowable by ordinance
4. The project will promote a desirable visual environment though enhanced landscaping, an attractive building and a well-designed parking areas providing for adequate vehicular circulation, proper refuse pick up and move access for emergency vehicles.

Based on this we believe that the proposed project will meet the goals and objectives of the Borough Master Plan, meet the goals of the MLUL and that the advantages of allowing the variance far outweigh the disadvantages. Therefore I believe that the plan can be approved without substantial detriment to the zoning ordinance, master plan or public good.

Ms. Commins questioned the mailbox expansion and if one dumpster is adequate? She stated there is an area next to Unit 8 that the Board could approve if it is necessary down the road.

Mr. Burdick replied yes there will be additional mailboxes. For now one dumpster is adequate.

**Public Comments:**

Mr. Al Fecci 1136 Borden Ave, he agrees that was the setback to keep the units hidden from the neighborhood. There is always litter on Borden Avenue for the apartments. His main concern is the drainage. There is already a problem on Borden Avenue.

Mr. Vincent Corrao 1135 Borden Ave agrees with the drainage concerns

Mr. Burdick replied there is no release, all water will stay on property.

Ms. Kathy Livio 1127 Borden Ave questioned if the new driveway will be left and right with no line separating.

Mr. Burdick replied they can paint a white line.

Ms. Barbara Dalpe, 1130 Borden Ave questioned the parking

Mr. Joseph Bermann, 1120 Borden Ave, stated there a safety concern and the fire hydrant takes away from parking.

Mr. Popovitch stated this is a minor increase in density. The lot has always been assessed for two acres. It wasn’t until a recent survey that it was discovered the lot was slightly under two acres. This is a well-run apartment complex. There will be landscaping and drainage enhancements to the site. All other requirements will be met.

**Caucus:**

Mrs. Petrillo would like to see an upgraded landscaping plan. She doesn’t feel this adds any value to anyone but the applicant. She is not in favor of the application.

Mr. Weiglein feels it is an enhancement to the property and the changes will make it more inviting to the neighborhood.

Mr. Gertner reiterated, portico, lighting will require administrative approval.

Mr. Coleman agrees that it is drab and stark. He feels it is a reasonable application and the conditions will make it more functional. He does like that the owner lives on site.

Ms. Commins feels that they have been assessed and the property has always been considered two acres, which is a hardship. She likes that the units are only two bedroom. They are making upgrades to the site to improve water pressure, a fire hydrant and improving the storm water runoff.

Mr. Nikola it is nice and clean, but is in need of some dressing up.

Mr. Schroeder believes the improvements to the aesthetics will help hide the building in the back. The zone is for multi-family.

A motion was to approve was made by Mr. Weiglein with a revised plan to be administratively approved showing design enhancements, landscaping and a secondary garbage site Seconded by Mr. Nikola.

**Roll Call Vote**

Mr. Shrewsberry- No Ms. Commins- Yes Mrs. Petrillo- No Mr. Coleman- Yes Mr. Weiglein- Yes Mr. Nikola- Yes

Mr. Schroeder- Yes

A motion to adjourn was made by Mr. Coleman, seconded by Mrs. Petrillo. All were in favor. The meeting adjourned at 8:37pm.

Respectfully submitted,

Sharon Morgan

Zoning Board Secretary