

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
July 8, 2020**

The regular meeting of the Point Pleasant Zoning Board of Adjustment was called to Order by Chairman Coleman at 7:00 P.M. Mr. Coleman 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. Nikola Mrs. Masterson Mrs. Coulson
Mrs. Petrillo Mr. Veni Mr. Coleman
Members Absent: Mr. Shrewsberry Mr. Hutchinson Mr. Giordano
Attorney: Mr. Gertner
Engineer: Charles Cullif, sworn in

New Business

20-06- Schuler- Block 251 Lot 40.01- 2109 Bridge Ave- Use Variance

The applicant is looking to expand an existing structure. The expansion would add a third story living area to the existing structure while converting the second story to a residential use, where mixed commercial/residential uses are not permitted.

Mr. Gertner explained there are only 6 members present, applicant has the right for a full Board.

Mr. Jackson proceeded with the meeting, with an option to adjourn for deliberation at his discretion.

Attorney: John Jackson
Applicant: Robert Schuler
Architect: Jeff Schneider
Engineer/Planner: Robert Burdick

Mr. Jackson stated Mr. Schuler he has been in the roofing business for 53 years. He is looking run an awning manufacturing business from this location. Mr. Schuler sold his home and he was planning on living above the business. The living unit is approximately 2200 sq ft. The proposal will be an esthetic upgrade.

A-1 - 13 pages

Mr. Jackson went through the power point.

Mr. Schneider, architect was sworn in. The Board accepts credentials.

Mr. Schneider testified this is an existing dwelling. The current configuration is commercial on the first floor with offices on the second floor. They are adding to the roofline, removing the outside stair. The architecture will fit in with the area, creating seashore look. There is a picnic table proposed outside for the business use only. There are numerous commercial properties

with apartments above in the immediate area. There is no proposed footprint change to the commercial unit, 1500 sq ft. The residential unit will be approximately 2200 sq ft. The residential unit has three bedrooms with an open floor plan and an existing deck.

Mr. Schuler, applicant was sworn in. Mr. Schuler testified he was in business approximately 53 years. He bought the building for the awning business, they need open space for the awnings. Should he have to rent it would be a yearly rental, preferably to someone he knows. The deliveries are minimal, a few rolls of fabric. The hours are 7am- 4 pm Monday – Saturday, with the occasional Sunday. There is one employee. There is one Alicia Awnings van that is currently parked at Schuler Roofing. There is room for a shed or bicycle rack.

Mr. Jackson stated the approval is for an awning manufacturing operation. Should there be a change of use, Board approval would be required.

Mr. Burdick’s testimony:

R.C. BURDICK, P.E. P.P. P.C.

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Testimony Outline
Meeting July 8, 2020
Project No. 20-7733

Description: This project is for the construction of a second story residential apartment above an existing two story commercial office/retail building at 2109 Bridge Ave. The applicant recently purchased the property and wants to give up the commercial use of the second story and use and expand it for a residence above commercial use.

The property is located within the General Commercial zone and second floor residential use within the General Commercial zone requires a use variance. In addition, there are several bulk variances which exist at the site and need to be recognized.

The site has been the subject of several land use applications. It once contained two commercial buildings but a subdivision of the property approved in 2015 which formally separated this lot from lot 14.02 at the rear.

As part of that subdivision several bulk variances were granted for:

Minimum Lot Area 20,000 sf required where 11,980 sf exists and will remain
Minimum Lot Width 150’ where 103.34’ exists and will remain
Principal Building Front setback to Bridge Ave. 35’ required and 33.5’ exists and will remain. It is important to point out that the proposed second story residential structure will comply, being 35.2’.
Principal Building Side setback, 10’ required where 5.6’ exists and will remain. The expansion of the building will be within the setback area but will not be beyond the current footprint of the structure and is adjacent to the commercial building north of the site which used to be part of the property. The board should also recognize that there is an existing access stairwell within 2’ of the north property line which will be removed thus actually increasing open space in the side yard.

Maximum Impervious Cov. 70% is required where 70.6% exists and will remain

All of these bulk variances are existing conditions which will remain. The only area where the proposed construction will encroach is into the side yard on the second and third floor but the height is well under the allowable amount and as stated a stairway in the side yard will be removed. The applicant cannot acquire additional property to conform to the ordinance and requiring him to remove the non-conformities would be an undue hardship on him.

Regarding the use variance of allowing a second floor and the bulk variances for a third story and side yard setback at the property we offer the following:

We believe that the proposed improvements will be a better alternative to the current zoning provisions. They will allow for an onsite presence 24 hours per day thus providing better security for the property. In addition, the property will be better maintained by virtue of a residential use present at the site. The property is overgrown and in poor repair and the owner will renovate it and re landscape it providing for a more aesthetically pleasing structure and a more stable infrastructure consistent with what he did next door at the Schuler roofing building.

The replacement of the second floor office space with a single residential use will reduce the potential intensity of use at the site by reducing parking need, noise, and refuse from the property. The third floor will enable allow for a three bedroom apartment, 2000 sf apartment which will be which will a more upscale residential use and will allow a functional apartment for the owner. The height of the building will be well under that allowed by ordinance, (32.3' vs. 35' allowed) thus the number of stories is somewhat secondary. As shown in Mr. Schneider's architectural plans an attractive structure is planned.

The side yard setback will be adjacent to the commercial use north of the property. As stated, an existing stairway which previously provided access to the second story office uses will be removed in favor of an interior access to the new residential apartment.

The mixed residential/commercial use of the building will act as a good buffer between the commercial uses along Bridge Ave. and the residential uses at the end of Duff Place.

I am sure that the board members are familiar with several areas within the GC zone which have second floor residential structures including Schuler roofing adjacent to the site, Butlers Pharmacy, the old Lenny's market and Gerald's liquor. Those units are nice and do not create problems with the surrounding area. It is the applicant's goal to have a similar property and as he has shown by his actions next door, we believe that a significant improvement to the property will occur.

The disadvantages of allowing the improvements appear to be minimal. While they would allow a third story, the height would still be under ordinance limits. The proposed structure will be within the side yard setback but no closer to the property line than the existing structure and the construction will be adjacent to a commercial use, not residential. Intensity of use, traffic and refuse generated by the proposal will actually be less than the potential of the existing conditions.

The advantages of allowing the improvements appear to be:

- 1) A significant aesthetic improvement in accordance with MLUL goals. The proposed structure will significantly improve the existing building and grounds and provide an attractive site similar to the applicants existing building across Duff Place from the property.
- 2) The proposal will not significantly affect air, light and open space as the impervious coverage will remain the same.
- 3) The proposal will lessen intensity of development at the site by replacing office/commercial use on the second floor with one residential unit. This will lower impacts on noise, traffic, etc.
- 4) The proposed residential use of the property should result in better property maintenance and the existing overgrown landscaping will be replaced.

- 5) Handicap parking will be upgraded to better comply with ADA requirements.
- 6) A good transition between the commercial use along Bridge Ave. and the single family residential use at the end of Duff Place will be provided.
- 7) The proposed residential use will be a more upscale residence and much more desirable than second floor commercial uses. Therefore, the owner will have a more stable source for rents which will help to maintain the property and not allow it to be run down like it now is.

Based on this we believe that the proposed project will enhance the Borough and provide for a better use of the facility. The advantages of approving the variances outweigh any disadvantages and the project complies with the several of the Municipal Land Use goals. Therefore, we believe that the relief requested can be granted without substantial detriment to the zoning ordinance, master plan or public good.

We have also reviewed the 2013 Master Plan Re Examination and the plan appears to comply with some of the specific goals and objectives outlined in the plan.

- 1) As one of the goals and objectives the plan recommends that the borough “provide greater flexibility along major streets in the Borough”. Essentially this project is requesting the board to approve a project which we believe to be beneficial and we request that the board consider greater flexibility for the proposed variances.
- 2) The Master plan also recommends the borough to “orient commercial uses more directly to the major streets and to protect residential neighborhoods from encroachment of commercial uses”. This project lessens the existing commercial use of the Duff Place parking area in favor of residential uses which will help to protect the residential area at the end of Duff Place.
- 3) Part of the comprehensive objectives is to protect neighborhood characteristics by enforcing buffer areas between non-residential and residential uses and this project enhances this goal.
- 4) Part of the master plan also suggests 3rd floor habitable spaces with conditions and that seems to support the idea of the third floor proposed.

With regard to Mr. Savacool’s Site Plan comments:

- 1) As stated, the site was subdivided by the previous owner in October, 2016 and sight triangle and road widening easements were granted to the county.
- 2) Notes that most of the existing non conformities exist and will not be affected by the project.
- 3) As stated, we are proposing a partial additional habitable area above the structure which is defined as a third story. However, the height of the structure is well under the allowable height 32.3’ vs. 35’ allowed.
- 4) Notes that the building area will be increased 1250 sf and that will be virtually all devoted to the residential unit.
- 5) As stated, there are side yard encroachments for the second and third floor allowing the applicant to use the entire existing footprint but at the same time

removing an access stairway in that side yard. The encroachments are adjacent to an existing commercial use so its impact is minimal.

- 6) The only site improvements will be landscaping and a more central refuse storage area which will be well screened.
- 7) We will correct the discrepancies in the landscape plan and make sure that the plantings will not interfere with sight distances.
- 8) We will correct the parking note but the board should be aware that there are 13 spaces at the site, four with access to Duff Pl. and 9 in the Bridge Ave. parking area.
- 9) The refuse area is proposed to be adjacent to the residential parking area and will be fenced and screened and pick up will be by curbside pick-up.

Master Plan:

Goals and Objectives:

- 1) To provide greater flexibility along major street in the borough – which is exactly what we are proposing
- 2) To orient commercial uses more directly to the major streets and to protect residential neighborhoods from the encroachment of commercial uses - Is accomplished with this plan
- 3) Comprehensive Objectives – Promote the protection of neighborhood characteristics by enforcing buffer areas between non-residential and residential areas Once again the residential use will provide a buffer use between the Duff Pl. residences at the end and the Bridge Ave. commercial uses
- 4) Recommended for residential uses is 3rd floor habitable space with conditions.

Public- None

Mr. Jackson surmised an awning business is a natural complement for an existing roofing business. There are so many nice amenities in the area, it is nice to have the mix of commercial and residential. This is a light industrial use, with one residential unit.

Caucus:

Mrs. Masterson has some safety concerns with the lighting and she's not happy with the garbage in front.

Mr. Gertner questioned if there was a lighting plan.

Mr. Jackson replied one can be supplied for the Board Engineers review.

Mr. Schneider replied everything will comply with code.

Mr. Jackson stated revised plans with lighting and trash location will be submitted.

Caucus:

Mrs. Petrillo stated the applicant keeps his adjacent property immaculate. The storage concerns will work itself out. If needed the applicant will have to come back.

Mr. Nikola nice plans, one unit and nice to have an awning shop in Point Pleasant

Mr. Veni likes the mixed use.

Mrs. Coulson thinks it's lovely. She would also like the trash to be relocated.

Mr. Coleman feels it's an improvement to the property, likes the mixed use. He would like residential parking on east and commercial on the west.

Mrs. Masterson in concerned with the picnic table, no grills.

Mr. Gertner reiterated the Board will grant 71% of impervious coverage, passive use on the outdoor space that fronts Bridge Ave. It is an employee area. A lighting plan and revised site plan will be submitted.

A motion to approve was made by Ms. Coulson, seconded by Mr. Nikola.

Roll Call Vote

Mr. Nikola- Yes Mrs. Petrillo- Yes Mrs. Masterson- Yes
Ms. Coulson- Yes Mr. Veni- Yes Mr. Coleman

A motion to adjourn, all were in favor. The meeting adjourned at 8:05pm.

Respectfully submitted,

Sharon Morgan
Zoning Board Secretary