

**BOROUGH OF POINT PLEASANT
ZONING BOARD OF ADJUSTMENT
March 24, 2021**

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. Hutchinson Mr. Nikola Mr. Giordano
Mrs. Masterson Ms. Coulson Mr. Veni Mr. Coleman
Members Absent: Mrs. Petrillo Mr. Shrewsberry
Attorney: Mr. Gertner

New Business/ Unfinished Business

20-24- 604 Ocean Shores, LLC- Block 136 Lot 1.01- 604 Ocean Road- Use Variance, Site Plan, Minor Subdivision and Bulk Variances

Jillian McLeer, attorney with King, Kitrick, Jackson, McWeeney & Wells, LLC

Mr. Gertner explained the Board currently has six members present and the applicant is entitled to a full Board. The applicant chose to continue with the application.

Mr. Giordano was now present.

Ms. McLeer stated this application is for a use variance, site plan, minor subdivision, and bulk variances. The Professional Engineer is Timothy Lurie, Professional Planner is Christine Cofone. Representatives of Holston Group LLC, Mr. Don Slaght and Darrell Monticello.

A-1 was marked into evidence 18-page PowerPoint presentation.

Ms. McLeer explained a short background of the property. This is great local company they bought this property several years ago they were dealt a little bit of a bad hand. Some of the conditions found on the property have since been rectified and the applicant spent thousands of dollars. Now the site is remediated, and the old building has been removed. Some things have evolved since prior Board approvals. Her client sees this as an opportunity to make this site even better than what was previously proposed.

Mr. Slaght, owner Holston Group, LLC, was sworn in. Mr. Slaght purchased this property in 2015 and proposed a 16-unit apartment complex. After hearing the concerns of the neighbors, he realized the project was in fact too dense. This application was withdrawn. A new application was filed for a subdivision to construct a single-family home, apartments, and a commercial office. This application was approved. While demolishing the site a 2000-gallon gas tank was found. With the expense of the proper remediation, the previously approved plan was no longer economically viable. Here we are today. They wanted to create something of value that would be aesthetically pleasing and acceptable to our neighbors. They are looking to construct 4 two-

bedroom apartments and a subdivision for a 50 x 100 residential lot. Basically, exchange the commercial office use for a single-family lot.

Mr. Timothy Lurie, Professional Engineer was sworn in. The Board accepted his credentials. The lot is in the GC zone. The lot area is 15,000sq ft, 100 x 150, in a flood zone. The applicant is proposing a subdivision for 2-line items, lot 103 and lot 104. New lot 103 is 50 x 100, 5000 square feet, where in this zone 20,000 square foot is required. They are requesting variances for lot size and the bulk requirements. In the GC Zone lot frontage required is 35', where 25' is being requesting to be more conformance with the residential uses. The side yard setbacks are 10' in the commercial zone, they are requesting 5'. No variance is requested for the rear yard. The building coverage is 20%, we are requesting 30%. The impervious coverage for this zone is 70% and our house we will be less than that. They are proposing a 3' fence along the front and then transition to a 6' fence along the side property line. Lot 104, which is located at the intersection, we are proposing the four-apartment building, with nine parking spaces. There is currently access through a driveway on Ocean Road, we are going to maintain the same configuration. The front yard setback is 35' required, the front of the apartment building will be 54.5'. The front yard of Wilmington is 15', we are setting the apartment building at 27' back from Wilmington. The side yard will comply. The rear yard setback is 25', were holding at 10'. The height of the building will be less than 35', which is required in the zone. The building coverage for the zone is 20%, where 24.22% is proposed. A variance for impervious coverage is also needed, 70%, where we are proposing 74.4%. They are requesting a waiver for the parking stalls to be 9 x 18, versus 10 x 20. The engineer review letter requested dry wells for the roof areas of both the apartment buildings and the single-family house, they will comply. The 6 x 8 trash enclosure will be relocated to the side of the units, further away from the front of Wilmington. Storage units are proposed. There is some existing landscaping planted along Wilmington and which can certainly supplement if the Board chooses. They will comply with lighting requests as per the Board Engineer.

Ms. McLeer wanted to clarify that there is not a requested for a parking variance, they meet the requirements. Ms. McLeer stated they can certainly supplement with additional plantings.

Mr. Lurie stated they can also move the air conditioners and they can relocate the storage units to the rear. The dumpster can be moved to the front portion of the building, covered by additional landscaping. The trash enclosure will be consistent with the architecture and the finishes of the structure.

Mr. Giordano would like to see a small sign with the name of the complex. There is a lack of definition with the architectural plan in with the landscape. He would like to see more with landscape, lighting, signage, and enough information to be sure.

Mrs. Cofone, Professional Planner was sworn in. Mrs. Cofone testified they are looking to comply with the standards for the R-1A Zone. Density wise they are essentially the same as if they took the 10,000 square foot lot that 1.04 the multifamily is sitting and subdivided into 2 equal 5000 sq ft lots. If two 4-bedroom single family homes were constructed density wise, bedroom count wise, its essentially the same bedroom count that is proposed. They are proposing 4 two-bedroom apartments, eight bedrooms. From a planning point of view, it is very

difficult to site for a single-family home. Economics cannot be a decision of the Board, but it can be considered. In the borough once you go over a certain number of units it must become an inclusion project and you must build affordable housing units. The plantings on site do need to be enhanced. The negative criteria make sure that you are minimizing the impacts. The right thing in for this property is honestly to eliminate the commercial use, which is conforming, but is more impactful to the neighborhood. It would create more traffic, more noise, more negative impacts, and less consistency with the neighborhood. The front portion of the lot is a tough retail site. The second burden proof is the positive criteria or special reasons. The application meets four: population density, desirable visual environment, storage units and sufficient space. They are meeting the requirements were able to design proper screens, provide sufficient parking, adequate storage, and desirable visual environment. As far as the negative criteria and the impact on the public there are conditions that can be put in place. Such as, a yearlong lease to protect the residential community, the additional landscaping, there should be an understated attractive small sign on this property too. They can also increase the curb appeal along Wilmington by adding some more plantings.

Mr. Gertner questioned if this application did in fact fall under the fair housing agreement, this is a 5-unit development.

Mrs. Cofone replied that through this application there are only four of the units are associated with the variance. The single-family home is permitted in the zone. Only four of the units are subject of the D variance.

Mr. Coleman opened the meeting to the public.

Public questions/comments:

Robert Taylor, 1212 Wilmington St, was sworn in. He feels this builder is always looking to overbuild. If approved the tenants are going to need a patio or some type of outdoor green area
Anthony Capolino, 612 Delaware Ave was sworn in. The applicant has tried to overdevelop the property. He also had concerns about drainage.

Sherry Curry 1217 Wilmington St, was sworn in. Mrs. Curry has concerns about storage, grills, and occupancy limits.

Eliza Percontino, 1210 Wilmington St was sworn in. She is feeling the only reason the applicant is seeking further relief is, due to economic reasons.

Sharon Lopes, 1211 Wilmington St was sworn in questioned if pets will be allowed.

Mr. Slaght was not sure.

Mr. Gertner replied to be fair to the applicant, there are laws for service animals.

Sherry Curry questioned construction start time and end times.

Anthony Capolino stated there are two large storage trailers, are they permitted.

Mr. Gertner suggested to contact code enforcement.

That concluded the public portion at this time.

Mrs. Masterson questioned the amount of the space in the back of the units.

Mr. Savacool replied 10ft.

Mr. Coleman questioned the flood zone.

Mr. Lurie replied they are in the flood and will abide to any conditions in the zone.

The Board took a 5-minute recess.

Ms. McLeer is requesting the hearing to be carried.

The application was carried to April 28th, 2021. No further notice will be given. The applicant waived any time requirements.

A motion to adjourn was made by Mr. Hutchinson, seconded by Mrs. Masterson. All were in favor. The meeting adjourned at 9:35pm.

Respectfully submitted,

Sharon Morgan
Zoning Board Secretary