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**BOROUGH OF BELMAR**  
**PLANNING BOARD MEETING**  
**AUGUST 16, 2010**

**AGENDA:**

- 7:00 PM – Workshop:
  - Executive Session: Steve Irwin vs. Borough of Belmar
  
- 7:30 PM - Regular Meeting:
- Reading of Notice of Meeting
- Pledge of Allegiance to the Flag
- Roll Call
- Approval of Minutes of the June 21, 2010
- Resolution approving application for Frank Romano – Con Sapore, 1500 Main Street
- Resolution approving application for Robert Forte, 114 Eighth Avenue
- Review and discuss amendments to Redevelopment Plan and Design Guidelines with Planner Dave Roberts

**BOROUGH OF BELMAR PLANNING BOARD RESOLUTION**

Name of Applicant:

Frank Romano

NOIA, LLC d/b/a Con Sapore

1504 Main Street

Belmar, New Jersey 07719

Address

Outdoor Dining Area

Outdoor Eating Area

Sidewalk Café

Block/Lot 155.01/7

Zone CBD2

WHEREAS, the above application was considered by the Borough of Belmar Minor Site Plan Committee and/or the borough of Belmar Planning Board; and

WHEREAS, after a public hearing conducted on June 21, 2010 the Board has determined that the application is in compliance with the Ordinance requirements of the Borough of Belmar and/or the following requirements have been waived:

Site Plan for Seating Areas/Aisles, etc.

Litter Control Plan

Illustration/Photo of Furniture/  
Umbrellas/Awnings, etc.

Trash Receptacles Identified on Plan

NOW, THEREFORE, BE IT RESOLVED that the above application is hereby approved subject to the following conditions:

- Installation of brick pavers in dining/eating/café area. – Brick pavers have been presently located.
- Installation of an architectural barrier as follows: Two (2) planters, one at each end of the storefront containing appropriate plantings, located perpendicular to the building but no deeper than 24”.
- Applicant shall provide a litter control plan.
- Submission of a site plan reflecting location of (enclosed) trash receptacles.
- Applicant shall indemnify and save harmless the Borough of Belmar, its employees, agents or officers, from all claims, losses, liens, expenses, suits and attorneys fees (liabilities) arising from the placement, operation and maintenance of Owner’s sidewalk café/outdoor dining/outdoor eating.

BE IT FURTHER RESOLVED that this approval is subject to the following:

1. Hours of operation: 11:00 a.m. to 11 p.m.
2. Permit valid from May 1, 2010 to November 1, 2010.
3. Alcoholic beverages are prohibited.
4. No picnic tables are permitted.
5. Waiter/Waitress service prohibited.
6. Operations may not interfere with pedestrian/vehicular traffic and/or entry

to building.

7. Other: Two (2) 24” round tables with façade mounts shall be located in front of Applicant’s store with two (2) chains per table as depicted in Applicant’s submission (A1), for a total seating of four (4). One table shall be located beneath the storefront windows immediately north of doorway; one table located immediately south of the doorway. Seating shall be located in order to maintain an eight (8) foot passageway from outer boundary of seating area to curb. Tables shall be constructed of wood with formica tops or acrylic material. The brackets for placement of the tables on the front façade shall be of cast aluminum. The chairs shall be of cast aluminum or a commercial wood chair.

8. Patrons will self-serve and a litter control plan shall be submitted by the Applicant. It is agreed that there shall be no picnic benches and/or picnic tables located in the seating area.

9. The Applicant shall, when tables are not in use during the season, collapse the same against the front façade of the building and remove seating. From November 2<sup>nd</sup> to April 30<sup>th</sup>, the tabletops and seating shall be removed, provided however that the mounting brackets for table tops, attached to façade shall be permitted to remain.

10. There will be no outdoor music and/or sound system.

11. Only existing lighting shall be permitted.

12. Applicant withdraws from the Board’s consideration that portion of the development application associated with a proposed seating area at the corner of 1500 Main Street and Fifteenth Avenue and no approval for such seating area is considered or granted by the Board.

The undersigned, Secretary of the Borough of Belmar Planning Board, hereby certifies, that the above is a true copy of a Resolution adopted by the Board on June 21, 2010.

\_\_\_\_\_  
Secretary

[NOTE: An Applicant receiving minor site plan approval for the foregoing application may apply to the appropriate official for a permit each succeeding year without obtaining Planning Board approval **PROVIDED THAT** the operations and plans approved above are not changed.]

BOROUGH OF BELMAR PLANNING BOARD RESOLUTION

GRANTING SITE PLAN APPROVAL OF CONDITIONAL USE  
TO CREATE AN ACCESSORY DWELLING WITH  
ATTACHED GARAGE ON LOT 11, BLOCK 70 TO  
ROBERT AND FRANCINE FORTE

WHEREAS, Robert and Francine Forte (h/w), hereinafter referred to as the “Applicant” are the owners of property located at Block 70, Lot 11, as shown on the official tax map of the Borough of Belmar, located at 114 Eighth Avenue, in the Borough of Belmar, County of Monmouth and State of New Jersey; and

WHEREAS, the Applicant has made application for site plan approval to establish/continue an accessory dwelling structure with an attached single-car garage located at the site; and

WHEREAS, the site is currently developed with an existing two and one-half story framed residential structure at the front portion of the property and a one story framed secondary dwelling at the rear portion of the lot; and

WHEREAS, the Applicant had initially proposed to make certain modifications to the residential structure located on the front portion of the lot and was advised to the extent that the secondary single-story detached dwelling presented a non-conforming use, variance relief would be necessary; and

WHEREAS, the Applicant has now modified its application to convert the rear accessory dwelling structure in accordance with the Borough of Belmar Development Regulations 40-6.14.1 *et seq.*; and

WHEREAS, the modifications made by the Applicant in this instance include the creation of an attached accessory garage structure to the age-restricted accessory dwelling and, as a result of a modification of plans, the proposed modifications to the principal 2 ½ story residential structure located on the front portion of the lot no longer needs variance relief; and

WHEREAS, in accordance with the Borough of Belmar Development Regulations, the Applicant appeared before the Planning Board for site plan approval to convert the secondary dwelling structure to an age-restricted dwelling unit with an attached single-car accessory garage in accordance with the Ordinance. The proposed renovations include finishing the age-restricted accessory dwelling with vinyl siding

similar to the siding to be placed on the principal structure located at the site as well as bringing the accessory structure up to code; and

WHEREAS, as modified, the application will result in a conforming, conditional use in the Zone and otherwise conforms to the Borough of Belmar Land Use Ordinances in all respects; and

WHEREAS, after proper notice, a public hearing on the application was heard on June 21, 2010; and

WHEREAS, as amended, the purpose of the project proposed by the Applicant is to conform and/or comply with the conversion of a secondary dwelling structure to continue the same as an age-restricted accessory dwelling unit with an attached single story accessory garage, a conditional use permitted in the R-75 Zone wherein the property is located; and

WHEREAS, the Board considered the following evidence:

- a. Application, submitted by the Applicant dated June 7, 2010, marked A-1;
- b. Floor plans prepared by Tom Peterson, Licensed New Jersey Architect, New Jersey License No. AI08201, consisting of floor plans, elevation, survey and site plan, dated June 3, 2009 prepared by Tom Peterson, Licensed New Jersey Architect, dated April 12, 2010, marked A-2;
- c. Single Sheet containing two photographs depicting existing conditions at the site, identified by the Applicant as the accessory structure to the rear of the lot and a photograph of the principal residential structure located at the front portion of the lot, marked A-3;
- d. Board of Adjustment/Planning Board Variance Review Sheet prepared by Patrick McMahon, Zoning Official, dated June 16, 2010, marked A-4;

as well as testimony by or on behalf of the Applicant; and

WHEREAS, after carefully considering the evidence presented to it, the Board has made the following findings of fact:

1. The property is located at the northeast corner of Eighth Avenue and A Street in Borough of Belmar within the R-75 Zoning District (single family).

2. The site is developed with an existing two and one-half story framed residential dwelling at the front of the property and a detached single story framed dwelling located to the rear of the lot.
3. The application before the Board is to remodel the rear accessory structure to add a single-car garage to the same, increase the height of the accessory structure and develop the accessory structure as an age-restricted conditional use in accordance with the Borough of Belmar Ordinances referenced hereinabove.
4. The accessory structure will be located on an existing concrete slab with a footprint of 13 feet x 24 feet, one inch.
5. The height of the accessory structure will be 18 feet and contain an attic storage area above the accessory garage and age-restricted dwelling.
6. No living area will be contained within the attic area. In accordance with the Borough of Belmar Ordinances, a non-habitable attic is permitted to be developed with the age-restricted accessory structure.
7. Modifications will also be made to the principal residential structure; however, as a result of the conversion of the rear dwelling unit to conform with the Borough of Belmar Ordinances, the improvements made to the principal residential structure no longer need variance relief nor Board approval.
8. In accordance with the Ordinance, an age-restricted dwelling structure is a conditional use subject to site plan review.
9. The proposed renovations to the one-story age-restricted dwelling structure provides for a living room, kitchen, bedroom, bathroom, all of which presently exist within the residential structure. The additional single car garage structure, measuring 13 feet by 24 feet, will include a stairway up to the non-habitable attic. The non-habitable attic will traverse the garage and accessory living structure and be used by the Applicant as an open storage area.
10. There will be no plumbing, kitchen, or lavatory facilities within the attic storage area.

11. The Applicant has agreed that upon completion of the renovations described hereinabove, they will abide by the age-restriction requirements of the Ordinance.

12. The Ordinance at Section 40-6.14.5-c provides:

The square footage associated with the Accessory Dwelling Structure shall not count towards the stormwater requirements of the Borough Ordinances, stormwater mitigation measures shall be provided by way of drywells or by bio-retention basis (rain gardens).

However, the Applicant, with the development of the site, shall provide appropriate improvements to mitigate stormwater runoff, to include directing roof runoff to drywells or rain gardens to promote stormwater recharge.

13. The Applicant has agreed to submit a deed restriction on the property, in accordance with the Ordinance, relinquishing any prior non-conforming rights and agreeing to continue use as an age-restricted accessory dwelling.

14. The Applicant, as a condition of approval, shall submit a proposed draft deed restriction for the Planning Board attorney's review.

15. The Applicant agrees, as a condition of his approval, to comply with the local construction codes and utilities inclusive of the following recommendations by the Water and Sewer Department of the Borough of Belmar to ensure adequate service to the principal and rear accessory dwelling structure.

16. The Applicant shall comply with all local construction codes and utilities and obtain any and all other permits or approvals as required; and

NOW, THEREFORE, BE IT RESOLVED, that the Board finds therefore, that purposes of the Municipal Land Use Law, will be advanced by the granting of the site plan approval in this instance, subject to the following conditions;

A. Payment of all taxes and assessments to date. No building permits or certificates of occupancy are to be issued until proof is furnished to the Secretary of the Planning Board that there are no taxes or assessments due or delinquent on the property in question.

- B. Publication by the Applicant of a notice of this decision in the official newspaper serving the Borough of Belmar and return of proof of publication to the Secretary of the Planning Board.
- C. The Applicant will comply with any and all other requirements of the Borough of Belmar and any governmental subdivisions as set forth in any laws, ordinances or regulations and will obtain any permits or approvals required thereunder.
- D. The Applicant shall, as a condition of its approval, comply with the recommendations of the Borough and/or its professionals, inclusive of but not limited to the Borough Engineer, Superintendent of the Water and Sewer Department and Zoning Officer, concerning site improvements, code improvements, energy efficiency improvements and water and sewer improvements.
- E. The Applicant shall resubmit their plans addressing the notes on the same to indicate that the accessory garage structure is a new structure; Applicant shall provide samples of the exterior vinyl siding for approval by an appropriate Committee of the Board.
- F. The Applicant, where necessary, shall submit appropriate designs for the Borough Engineer to review to provide for stormwater mitigation inclusive of drywells, bio-retention basins and directing roof runoff to drywells or rain gardens to promote stormwater recharge. Such plans shall be approved by the Borough Engineer prior to the issuance of a Certificate of Occupancy for the accessory dwelling structure.
- G. The Applicant shall submit a proposed form of Deed and execute the same restricting the use of the property in accordance with the Borough of Belmar Development Regulations, 40-6.14.1 *et seq.* relinquishing prior non-conforming rights and agreeing to continue the use as an age-restricted accessory dwelling. The draft of the proposed deed restriction shall be submitted to the Planning Board's Attorney for review prior to the issuance of a Certificate of Occupancy for the age-restricted accessory dwelling.

H. The area developed above the accessory garage and age-restricted dwelling unit shall be developed solely as a storage area consisting of the non-habitable attic space and no other accouterment of living space shall be permitted within the attic.

BE IT FURTHER RESOLVED that a copy of this Resolution certified by the Secretary of the Planning Board to be a true copy be forwarded to the Borough Clerk, the Borough Construction Official, the Borough Engineer, the Borough Tax Collector, the Borough Tax Assessor, the Water and Sewer Department and the Borough Attorney and the Applicant herein;

BE IT FURTHER RESOLVED that this Resolution be and herewith is effective on June 21, 2010.

The foregoing Resolution was offered by Ms. Provenzano and seconded by Mr. Hoffman and adopted by a roll call vote:

In Favor: Messrs. Meyer, Hoffman, Meuerle, Kaye, Windas, and Ms. Sheridan and Ms. Provenzano

Opposed:

Abstained:

Ineligible:

Absent: Messrs. Pringle & Doherty

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Belmar on this 21<sup>st</sup> day of June, 2010.

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April Claudio, Planning Board Secretary

## PLANNING BOARD

AUGUST 16, 2010

A regular meeting of the Planning Board of the Borough of Belmar was held on the above date at 7:30 pm., in the Municipal Complex.

Present: Messrs. Pringle, Hoffman, Meuerle, Kaye, Windas, and Ms. Sheridan and Ms. Provenzano

Absent: Messrs. Meyer & Doherty

Also Present: Doug Kovats, Esq., Board Attorney and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by fax to our official newspapers, the Coast Star and the Asbury Park Press on December 14, 2009 and by posting a copy of said notice at the Municipal Complex on the same date.

Ms. Provenzano made a motion to waive the reading and approve the minutes of the June 21, 2010 meeting, which was seconded by Mr. Hoffman and approved by the following vote:

In the Affirmative: Messrs. Hoffman, Meuerle, Kaye, Windas, and Ms. Sheridan and Ms. Provenzano

Opposed:

Abstain: Mr. Pringle

Ineligible:

Mr. Hoffman made a motion to waive the reading and approve the resolution granting outdoor dining approvals to Con Sapore, 1500 Main Street, which was seconded by Ms. Sheridan and approved by the following vote:

In the Affirmative: Messrs. Hoffman, Meuerle, Kaye, Windas, and Ms. Sheridan and Ms. Provenzano

Opposed:

Abstain: Mr. Pringle

Ineligible:

Ms. Provenzano made a motion to waive the reading and approve the resolution granting approval for an age-restricted rear dwelling to Robert Forte, 114 Eighth Avenue, which was seconded by Mr. Hoffman and approved by the following vote:

In the Affirmative: Messrs. Hoffman, Meuerle, Kaye, Windas, and Ms. Sheridan and Ms. Provenzano

Opposed:

Abstain: Mr. Pringle

Ineligible:

At approximately 7:35 p.m. Chairman Windas made a motion to go into Closed Session to discuss pending litigation, which was seconded by Ms. Sheridan and approved unanimously.

At approximately 7:40 p.m. the Board returned from Closed Session.

### DISCUSSION: AMENDMENTS TO THE REDEVELOPMENT PLAN

Dave Roberts, Planner, stated he has been working with Administrator Robbin Kirk and the Mayor and Council on amending the redevelopment plan. The amendments would include changes to setbacks, step backs, and building height, which would comply with the LEED-ND rating system. Mr. Roberts showed a drawing, which explained the step backs and building height to street line ratio. Mayor Pringle explained the plan will still

have some of the original requirements but the new requirements give more flexibility especially for those developments that would not have interior parking. The amendments also would allow smaller projects.

Mr. Kaye and Ms. Provenzano liked the changes and felt it would give more flexibility to developers.

Mr. Roberts stated the Design Guidelines will also be amended at a later date to reflect these changes, but in the meantime the ordinance will read that if there are any discrepancies between the redevelopment plan and the design guidelines, the redevelopment plan would overrule the design guidelines.

Chairman Windas made a motion to authorize Mr. Kovats to prepare a writing to the Mayor and Council requesting these amendments be adopted, which was seconded by Mr. Kaye and approved unanimously.

At approximately 8:15 p.m. Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Chairman Windas, and approved unanimously.