

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT MINUTES
October 23, 2014**

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

Roll Call:

Brian Brendle - present
Randolph Maccanico - present
Owen Quinn - present
John Tangeman - absent
Steven Weiss - present
Andrew Zelenak - present
Chairman Dennis Pearsall - present

Alternate #1 Thomas Martin - absent
Alternate #2 Robert Cindea - present

THIS MEETING IS CALLED PURSUANT TO THE REQUIREMENTS OF NEW JERSEY'S OPEN PUBLIC MEETING LAW. NOTICE OF THIS MEETING WAS INCLUDED IN A LIST OF MEETINGS SENT TO THE COAST STAR AND ASBURY PARK PRESS, POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND ON THE BOROUGH WEB-SITE.

Approval of Minutes: July 24, 2014

Motion was made by Mr. Brendle to approve minutes of the meeting on July 24, 2014; seconded by Mr. Zelenak. Roll call taken:

AYES: Mr. Brendle, Mr. Maccanico, Mr. Quinn, Mr. Zelenak
NAYS: None
ABSTAIN: Chairman Pearsall

Correspondence: None

Old Business: None

New Business: Resolution 2014-09
Amending Meeting Dates for November & December 2014

Motion was made by Mr. Brendle to approve the change of meeting dates to the following Tuesday, November 11, 2014 and Tuesday, December 9, 2014; seconded by Mr. Zelenak. Roll call taken:

AYES: Mr. Brendle, Mr. Maccanico, Mr. Quinn, Mr. Weiss, Mr. Zelanek, Mr.
Cindea and Chairman Pearsall.
NAYS: None
ABSTAIN: None

Application # Z2014-04
Fernando & Patricia Valdez
706 Warren Avenue
Block 42.02 Lot 7
Addition to Home

Attorney Michael Rubino introduced himself as the Attorney for Mr. & Mrs. Valdez. Mr. Damiano, Mr. LoBosco and Mr. & Mrs. Valdez were sworn in. The following were marked as exhibits.

1. Photoboard depicting 16 photographs, marked as A-1
2. Colored rendering of variance plan, marked as A-2
3. Floor plan, marked as A-3
4. Elevations, marked as A-4
5. Six (6) photographs on photoboard, marked as A-5

Attorney Rubino explained that the Valdez family has lived in the home since 2005 and now have grown in size requiring the additional living space. They enjoy living in Spring Lake Heights; the children continue to go through the school system in town and would like that to continue. Attorney Rubino described the home as it exists and that it is situated in a commercial zone. He went on to say that the addition would be to the front of the home, the existing porch will be removed for the addition and that the existing house will not change. Attorney Rubino stated that if the variances weren't approved the family would have to move and that the lot would then be open to a commercial use which he felt would have a greater impact.

Mr. Paul Damiano, Architect, reviewed his qualifications. He reviewed the residence as it exists. He explained that the side yard setbacks will remain as they exist, the existing porch will be removed, the addition will be added to the front of the existing structure, it does include a new porch. Attorney Rubino asked if there will be a change to the existing rear and side yard setbacks, Mr. Damiano replied no. Mr. Damiano explained that a drywell will be installed,

collecting water from the rear of the home decreasing flow to the street. Mr. Cindea asked what size the pipe will be, Mr. Damiano stated 4"; Mr. Cindea suggested that 6" should be used.

Mr. Maccanico asked about the windows in the rear of the addition, what you would see if looking out, Mr. Damiano replied that the windows are just to allow light, if you look out you would just see a roof.

Chairman Pearsall asked if the driveway is going to be gravel or paved. Mr. Damiano replied that the family would like it paved; they felt it would be easier for snow removal.

Mr. Valdez explained that when he purchased the home it worked very well but since the size of his family has grown the home doesn't work to well for them. He stated that he would want to stay in Spring Lake Heights.

The meeting was open to the public for questions of Mr. Damiano and Mr. Valdez.

Barry Franklin 1556 Beaver Hollow Drive Toms River, NJ is the property owner of the Investors Savings Bank next door to the Valdez property, he objected based on what he stated were encroachments of the existing fence and that if the AC unit needed repair they might have to walk on his property. Mr. Cindea asked if the fence was removed would that be satisfactory, Mr. Franklin replied yes. Mr. Franklin stated he would like the AC moved to the rear of the property.

Jerry Kaden 2 Magnolia Ct. stated that he felt it would be too much on the site. He also asked about the kitchen vents and if the fire place is wood burning or gas. Mr. Damiano answered that the fire place is gas and the vents will face west.

The board took a break at 9:36pm. The meeting resumed at 9:43 pm.

Attorney Rubino stated that his client would change the plans for the proposal so that lot coverage would reduce to 50% and to reduce building coverage to below 25%, these changes would be presented to the Board Engineer for review and approval. They would also remove the fence where it encroaches on the east side of the property.

The meeting was open to the public for comment.

Mr. Franklin 1556 Beaver Hollow Drive Toms River, NJ owner of the property Investors Bank is located, presented a survey which was marked as exhibit O-1.

Thomas Basile 40 Dogwood Ct stated that he was the President of the Fairway Mews Community, he expressed his objection, he felt it would impede sight lines.

Vincent Keneally 1 Dogwood Ct. expressed his objection to the addition.

Jerry Kaden 2 Magnolia Ct stated that he objected to the height of the structure.

Susan Kaden 2 Magnolia Ct stated that she was happy to have the Valdez family as a neighbor but also objected.

Barry Franklin 1556 Beaver Hollow Drive Toms River, NJ read a statement expressing his objection to what he feels are encroachments on his property.

Public portion closed.

Attorney Rubino stated that the requests his client was making is reasonable, they are willing to remove the fence that encroaches on the neighbor's property. Chairman Pearsall asked if the AC could get serviced without impeding on the neighbor, Mr. Damiano replied that servicing is on a limited basis and felt that the neighbor would not be inconvenienced.

Motion was made by Mr. Brendle to approve the use variance, seconded by Mr. Zelenak. Roll call as follows:

AYES: Mr. Brendle, Mr. Maccanico, Mr. Quinn, Mr. Weiss, Mr. Zelenak, Mr. Cindea and Chairman Pearsall
NAYS: None
ABSTAIN: None

At this time, Mr. Maccanico excused himself from the meeting.

Motion was made by Mr. Brendle to approve the requested variances with the following conditions, the removal of the fence that is on eastern property line encroaching on neighbor, install a drywell with a 6" pipe, removal of the deck, reducing lot coverage to under 50% and building coverage to below 25% and to provide new plans to the Board Engineer for his approval; seconded by Mr. Zelenak. Roll call as follows:

AYES: Mr. Brendle, Mr. Quinn, Mr. Weiss, Mr. Zelenak, Mr. Cindea and Chairman Pearsall
NAYS: None
ABSTAIN: None

Adjournment: On a motion by Mr. Brendle and seconded by Mr. Zelenak, the meeting was adjourned without objection at 10:45 p.m.

Submitted And Approved:



Date: *November 11,* 2014