

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT MINUTES JUNE 30, 2016**

The meeting was called to order with a salute to the flag and a moment of silence by Chairman Pearsall at 7:30p.m

Roll Call:

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

Alternate #1 - Thomas Martin - absent
Alternate #2 – Susan Lalji - present

Meeting Notice: This meeting is called pursuant to the provisions of the 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.

Each applicant shall be limited to fifty (50) minutes to present their case, as per Resolution # 10-2007.

Chairman Pearsall announced that Attorney Kitrick will explain Executive Session Resolution, board secretary Janine Gillis has a revision to the minutes of May 26, 2016 prior to their approval and that the applicant 810 Highway 71 will not be here tonight; so if there is anyone present for that application we will not addressing it tonight.

Mr. Quinn arrived at 7:34 pm

Approval of Minutes: May 26, 2016 Meeting

Board Secretary, Janine Gillis stated that the revisions to the minutes will reflect that Mr. Miller voted no and all others present were yes votes for carrying the 810 Highway 71 LLC application to the next meeting.

Motion was made by Mr. Brendle to approve the minutes of May 26, 2016 as amended; seconded by Mr. Tangeman. Roll call taken:

AYES: Mr. Brendle, Mr. Miller, Mr. Quinn, Mr. Tangeman, Mr. Weiss, Mr. Zelenak, Ms. Lalji
 and Chairman Pearsall
NAYS: None
ABSTAIN: None

Executive Session:

Resolution #2016-13 – Litigation; Monmouth Montessori Academy

Attorney Kitrick read into the record the resolution into the record.

Motion was made by Mr. Brendle to approve Resolution 2016-13; seconded by Mr. Tangeman. Roll call taken:

AYES: Mr. Brendle, Mr. Miller, Mr. Quinn, Mr. Tangeman, Mr. Weiss, Mr. Zelenak, Ms. Lalji and Chairman Pearsall

NAYS: None

ABSTAIN: None

The board convened to the conference room.

Attorney Kitrick explained that the hearing was on May 27, 2016 and done a little different from the usual procedure. It normally would be in Superior Court; this was before a small claims judge who doesn't usually have this type of case on their usual agenda. The proceedings took about 40 minutes. Mr. Kitrick pointed out that at the time of this hearing there no longer a contract for the sale of the building. Both sides presented their case and in the end the Judge felt that the Montessori Academy was not expanding the previous use. Therefore, an order was issued by Judge Escandon that a zoning permit be issued.

Mr. Tangeman asked if this could be appealed, Mr. Kitrick stated yes but that it would not be his recommendation. Members discussed they're disappointment in the judge's decision. Mr. Kitrick stated that at this time there is an order to issue the zoning permit.

The executive session was closed on a motion by Mr. Brendle and seconded by Mr., Quinn at 8:02 pm, the regular meeting continued.

The board returned to the public session at 8:05pm

**Resolution #2016-12 – Approving a Zoning Permit to Monmouth Montessori Academy
2307 Railroad Avenue Block 60 Lots 4 & 5**

Motion was made by Mr. Brendle to approve Resolution 2016-12; seconded by Mr. Quinn. Roll call taken:

AYES: Mr. Brendle, Mr. Quinn, Mr. Weiss, Mr. Zelenak, Ms. Lalji and Chairman Pearsall

NAYS: Mr. Tangeman

ABSTAIN: None

Correspondence: None

Mr. Brendle left the meeting at 8:14pm

New Business: Z2016-05
Dave & Ann Grossbard
1908 Parkview Terrace
Block 46.03 Lot 147
Front Porch & Second Floor Addition

Chairman Pearsall reviewed the hearing process to Mrs. Grossbard

Mr. Lobosco and Mrs. Grossbard were sworn in by Attorney Kitrick.

Mrs. Grossbard explained the proposed improvements to the home include a front porch and an addition to the second story. Mrs. Grossbard explained that there is a front porch that is 8 feet wide but she would like to extend it to 9 feet.

Chairman Pearsall asked if the existing porch is coming down and will the new porch extend across the front of the home, Mrs. Grossbard replied yes. She added that she would like to cover the porch which would have columns to support the roof of the porch and railings and in order to maintain the usable space on the porch she would like to extend it 1 foot. Mrs. Grossbard added that the porch now isn't covered the rain gets in between the porch and the house creating damage.

Mr. Tangeman stated that Mr. Lobosco's review letter indicates that the setback is changing by more than the 1 foot. Mr. Lobosco replied that presently the porch isn't covered so it's not included in calculating the setback, the new porch will be covered so the setback includes the entire width of the porch.

Mr. Miller pointed out that the house next door has a porch; he stated that there are several homes in the area that have porches and extend into the setback.

Mrs. Grossbard presented pictures of homes in the neighborhood with porches, they were entered as exhibit A-1.

Mr. Tangeman clarified that the existing porch is 8 ft. and that the proposal was to add 1 foot. Mrs. Grossbard replied yes, that the furniture she has will not fit once the porch has the roof due to adding the columns and railings.

Ms. Lalji asked if the columns and railings on the neighbor's porch are similar to what's proposed, Mrs. Grossbard replied yes, except they will be round.

Mr. Quinn asked if the neighbors porch aligns with hers, she replied that on the left side is a new home that was a modular so when they built they went back further but the neighbor on the right is pretty much in line. Mr. Quinn stated that it appears then that the porch will extend out further than the neighbor, Mrs. Grossbard replied yes but that there are homes where the porch is further into the setback than what she will be. Ms. Lalji pointed out that the stoop that presently exists already is further out. Mrs. Grossbard stated that without a covering when it rains water has seeped into the basement so the porch has been damaged and needs to come down.

Mr. Pearsall asked about the trees if any have to be removed for the porch, Mrs. Grossbard replied no.

Mr. Weiss asked if a concrete pad will be put in, Mrs. Grossbard wasn't sure.

Mrs. Grossbard explained the proposed 2nd story addition. Presently there are 2 bedrooms; the addition includes 2 new bedrooms, and a master bath. One of the existing bedrooms will be used for the master bath. A new hall with stairs will lead to a third floor. Mr. Tangeman wanted to clarify the 3rd story. Mr. Lobosco explained that it's not a third floor but a 1/2 story.

Chairman Pearsall asked the height of the home, Mrs. Grossbard replied 30 feet 8 inches.

Mr. Weiss asked about the additional space above the second floor, Mrs. Grossbard replied it will be open space used for storage mostly.

Ms. Lalji asked if consideration was given to keeping the porch the same length that it presently is? Mrs. Grossbard offered that she felt that it appeared unfinished that way. She uses her porch daily and to put furniture out the extra space is needed.

Mr. Tangeman asked if Mrs. Grossbard considered reducing the size of the porch. Mrs. Grossbard replied that adding the columns takes away from usable space on the porch, adding the extra foot allows for maintaining the 8 feet of usable space. She would like to keep the plans as they are.

Chairman Pearsall asked if Mrs. Grossbard felt that there was a negative impact to the neighborhood; Mrs. Grossbard replied no that in fact several homes have already been remodeled; she feels the improvements would add to the neighborhood. She stated that neighbors have been positive about the proposed improvements; she offered that she isn't the most attractive home on the block. Ms. Lalji stated that her improvements are very similar to her neighbors.

Mr. Miller pointed out that with furniture the space is needed.

Chairman Pearsall asked if the water service and utilities will remain the same; Mrs. Grossbard replied yes. Chairman stated that the plans show drywells, he asked if they will collect from the entire home, Mrs. Grossbard replied yes, one in the front and one in the rear.

Chairman Pearsall asked if the curbing and driveway apron are in good shape. Mrs. Grossbard answered no, they will be replaced. Chairman Pearsall asked about the installation of a sidewalk; Mrs. Grossbard replied that next door neighbor did install a sidewalk because they were new construction but no one else as them including the neighbors that did renovations.

Mr. Tangeman asked the applicant if she would reduce the size of the porch, Chairman Pearsall stated that he didn't think that 1 foot would hurt the neighborhood. Mr. Tangeman stated that if she was amiable, why not. Mr. Miller added that the board has granted variances for this same type of request. Mrs. Grossbard informed the board that the shed on the plan has been re-located making the setback of the shed conforming.

The meeting was open to the public.

Anna Kuntz 2005 Parkview Terrace stated that she has lived at her home since 1988, her home is the original design and unfortunately all of those lots are non-conforming today. Mrs. Kuntz agreed that water does come into the home without a covering. She also pointed out that the size of the porch is needed to accommodate the outdoor furniture. Ms. Kuntz added that the home was a rental previously and it's nice to have a permanent resident there. She asked the board to approve the application; the proposed improvements are within the character of the neighborhood and will add more character to the applicants home. She agrees a sidewalk isn't necessary.

Ms. Kuntz was hoping that the borough would do something about the house on the corner, it's in terrible shape. Chairman Pearsall asked if the property is abandoned, Anna replied that she thought so. She stated that animals have taken over the house and property.

Mr. Tangeman asked if she has come to a council meeting. Ms. Kuntz stated that she has spoken to the code official and administration but nothing has been done yet with regard to the property maintenance. Mr. Tangeman asked if the board ever received a sidewalk plan from the borough engineer which was to indicate priority sidewalk installation, Mr. Kitrick and Mr. Lobosco replied no.

On a motion by Mr. Quinn and seconded by Mr. Zelenak the public comment period was closed without objection.

Motion was made by Mr. Zelenak to approve the application; seconded by Mr. Miller. Roll call taken:

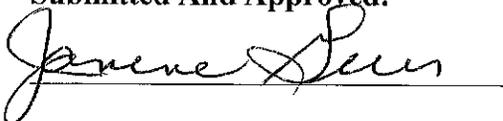
AYES: Mr. Miller, Mr. Quinn, Mr. Weiss, Mr. Zelenak, Ms. Lalji & Chairman Pearsall

NAYS: Mr. Tangeman

ABSTAIN: None

Adjournment: On a motion by Mr. Zelenak and seconded by Mr. Weiss the meeting was adjourned without objection at 8:43 p.m.

Submitted And Approved:



Date:  2016