

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT MINUTES NOVEMBER 17, 2016**

The meeting was called to order with a salute to the flag and a moment of silence by Chairman Pearsall at 7:40p.m. The meeting was delayed awaiting arrival of a quorum.

Roll Call:

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

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

Chairman Pearsall announced: 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.

Approval of Minutes: October 27, 2016 Meeting

Motion was made by Mr. Brendle to approve the minutes of October 27, 2016; seconded by Mr. Miller; Roll call taken:

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

NAYS: None

ABSTAIN: Mr. Tangeman, Mr. Martin

Correspondence: None

Old Business: None

New Business: Linda Ronan Application No. Z2016-08
600 Prospect Avenue
Block 36 Lot 61
Variance for Front Yard Setback

Ms. Ronan, Mr. Lopez and Mr. Lobosco were sworn in Attorney Kitrick. Michael Rubino, introduced himself as Attorney for applicant.

Introduced as Exhibits:

A-1 Photoboard of 18 photos of home & neighborhood

A-2 Certification of Paul Lynch

A-3 Photoboard of 5 photos of home

A-4 Building Plans

Attorney Rubino stated that the applicant is requesting a variance for a porch and adding a second floor and installing a shed. Chairman Pearsall asked about the placement of the shed, Mr. Miller asked if there's an existing shed, Ms. Ronan replied no. She added that it would be sided to replicate the house. Chairman Pearsall asked if the hedge row would remain, Ms. Ronan replied yes.

Ms. Lalji arrived at 7:50pm.

Attorney Rubino asked Ms. Ronan to go over her history with the property. Ms. Ronan stated that she purchased the property in 2005 and that the house has since become too small for her, her husband and their 2 children. She would like to have the porch not only because their pretty but it would actively be used. If the children are playing out front, her or her husband could watch from the porch. She stated that they have upgraded the kitchen and did landscaping. The proposal includes 4 bedrooms, 2 bathrooms and a laundry room. On the first floor the existing garage will be converted to a family room/playroom and the existing sunroom will be a dining room. She added that presently the garage is used for storage which is why she is requesting the shed. With the change to the sunroom it will make the side yard setback on that side conforming.

Mr. Rubino pointed out that presently are no sidewalks except for a few brand new homes. Mr. Brendle pointed out that the property slopes so sidewalks would be difficult. Chairman Pearsall asked about the condition of the curbing, Ms. Ronan expressed concern about the cost. Mr. Brendle explained that the curb helps to maintain the street; Ms. Ronan replied that if the board required she would replace. Attorney Kitrick asked Ms. Ronan if she would do new curbing, Ms. Ronan replied yes.

Mr. Lobosco wanted to make it clear that the shed is 100 square feet with a height of 10ft. He also reminded all that the borough has a maximum driveway cut of 16 ft. and a max width of 20 ft. Ms. Ronan replied that they would conform to that.

The meeting was open to the public for questions of Ms. Ronan; none presented.

Mr. Rubino introduced Joseph Bruno, architect for the project. Mr. Bruno gave his credentials. Mr. Rubino pointed out that Mr. Bruno was the architect for the home across the street.

Mr. Bruno testified that the existing sunroom will be demolished making replaced by a small addition for the dining room. He added that the side yard setback will be improved from 6ft to 10.8 ft. The front porch will be 7ft by 41ft, he added that is the minimum size it could be to accommodate furniture. He stated that the second story will also have a porch from the master

suite but will be half the size. Mr. Rubino asked if placing the porch on the side of the home would work, Mr. Bruno stated no as it would require more variances. Mr. Rubino asked if the work is aesthetically pleasing and consist with the neighborhood; Mr. Bruno replied yes. He stated that there is no negative impact to the neighbors. Mr. Rubino asked if there is an alternate location for the shed; Mr. Bruno replied no, using the existing hedge row you wouldn't see it from the street. Mr. Bruno explained that a seepage pit would go in; Chairman Pearsall asked if it would collect from the entire house, Mr. Bruno replied yes. Chairman Pearsall asked if it works like a drywell, Mr. Lobosco stated yes. There was discussion about the measurement of the height of the house; Mr. Lobosco reviewed how to measure on a corner lot. Mr. Brendle asked about the modification of the existing deck in the rear, Mr. Bruno stated that it was to accommodate an outdoor fire pit; a portion had to be removed to properly install the fire pit. Mr. Brendle asked about bringing in the shed Mr. Tangeman asked if the front porch will be open, Mr. Bruno replied yes.

The meeting was open to the public for questions of Mr. Bruno; none presented.

The meeting was open to the public; none presented.

On a motion by Mr. Brendle and seconded by Mr. Martin, the public comment period was closed: Roll call taken, all ayes.

Attorney Rubino stated that the relief requested is reasonable. He added that they are bringing the house up to date.

Mr. Tangeman made a motion to approve the application with the following conditions: a new curb on Prospect Ave, the driveway should stay within the standards of the borough, that the landscaping around the shed should remain, the seepage pit be installed and that the porch will remain open; the motion was seconded by Mr. Martin, roll call as follows.

AYES: Mr. Brendle, Mr. Miller, Mr. Tangeman, Mr. Martin, Ms. Lalji and Chairman Pearsall

NAYS: None

ABSTAIN: None

The meeting was recessed at 8:39 pm.

The meeting resumed at 8:41pm.

Steve Costalos **Application No. Z2016-11**
507 Sixth Avenue
Block 74 Lot 18
New Construction with front & side yard setbacks

Mr. Tangeman and Mr. Miller recused themselves and left the dais. Attorney Kitrick reviewed that it left 4 members present and that the next applicant would need 3 affirmative votes. He reviewed this with the applicants and they elected to proceed.

Mr. & Mrs. Costalos and Mr. Lobosco were sworn in by Attorney Kitrick.

Mr. Costalos stated that he and his wife bought the home in 2015. They along with their 2 children are full time residents of Westfield, NJ. When they bought the home they did cosmetic fixes like painting the interior. The home has an odor which they have not been able to get rid of; mold was the culprit. They would like to take it down and build a new home but maintain the existing garage. The existing structure has a front yard setback of 18 ft. the new home would have a front porch, with maintaining the same setback but the home would now have an open front porch. The home would be a center hall colonial with a 6 ft. wide entrance. Chairman Pearsall asked about reducing that to 4 feet, Mr. Costalos thought it would feel tight. Several Board members asked about the size of the home and if demoing the existing structure why not build a conforming home. Mr. Brendle explained that the size of the lot would allow for a home to be built a home that would conform. Mr. Brendle asked about the home build in to the rear, Mr. Costalos replied that the family would like to maintain the size of the rear yard for their use. Ms. Lalji asked when the home was purchased what drew to the lot; Ms. Costalos liked that it was somewhat of a dead end; price was a factor and proximity to the beach. She also asked if the applicant came to view the town's requirements, Mr. Costalos replied yes, they determined it was a conforming lot. Chairman Pearsall asked if originally did the home accommodate them but with the mold factor is that what has changed the plans, Mr. Costalos replied yes. Chairman Pearsall asked about the garage that it didn't look good, Mr. Costalos agreed. Chairman Pearsall asked if salvageable, Mr. Costalos replied part yes and part no, some of the cinder blocks are deteriorating. Chairman Pearsall asked if it had a concrete floor, Mr. Costalos replied no. Ms. Lalji asked about the floor plan for the second floor. Mr. Costalos explained that it's an open floor plan with bunk beds and a double bathroom, as well as a separate bedroom which has its own bathroom. Ms. Lalji asked if they intended to rent the home in the summer, Mr. Costalos replied no. Chairman Pearsall asked if there is an outdoor shower, Mr. Costalos replied no. Mr. Brendle asked Mr. Lobosco if the large room is allowable. Mr. Lobosco stated that the board would be approving the construction not how many people would be apply to occupy, although he thought it was questionable. Mr. Brendle pointed out that you may get the variance but not be able to do the second floor. Ms. Costalos stated that they would re-design it. Chairman Pearsall asked if they understood that it may need to change, Mr. & Mrs. Costalos replied yes. Mr. Brendle asked about the front yard setback, he explained that a modest front yard setback was just granted for an existing nonconformity which is modest, Mr. Costalos pointed out that they are looking to go into the exact same spot and to stay similar to the neighborhood. Mr. Costalos presented a chart which depicted homes in the neighborhood and their frontage; it was marked as Exhibit A-1, which varied but similar to the proposed setback of this application.

Chairman Pearsall asked if there will be a basement, Mr. Costalos replied yes. Mr. Brendle asked about the pea gravel on the plan and if it's counted in the coverage, Mr. Lobosco yes. Mr. Costalos explained that he liked the look of the pea gravel; it was somewhat rustic. Chairman Pearsall asked if the driveway will go all the way back to the existing garage, Mr. Costalos replied no, it'll be storage. Chairman Pearsall asked if the goal was to preserve as much rear yard as possible which is dictating the placement of the home, Mr. Costalos replied yes. Ms. Lalji asked about the patio, Mr. Costalos explained that he likes something rustic like a natural stone with dry set not masonry. Mr. Martin asked Mr. Costalos if there was a home inspection when he purchased, Mr. Costalos replied he wasn't sure but that no mold was shown. Mr. Costalos described the French drain that would be installed around the home and how the water would be collected.

The meeting was open to the public for questions.

John Tangeman 564 Atlantic Avenue asked how many children are in the family; Mr. Costalos replied 3, Mr. Costalos explained that upstairs could accommodate 10 people to sleep. Mrs. Costalos added that there are guests over the weekend. Mr. Tangeman asked if they intended to violate the allowable amount of Mr. Costalos replied no.

John Husselman 509 Sixth Avenue asked for verification of the front yard setback. Mr. Brendle explained that there is a right of way, which if included in the measurement really adds to the setback. Mr. Costalos pointed out that this is the neighbor that would be affected by the 8 foot setback; Mr. Husselman stated that he was OK with that.

Kat Crippen 564 Atlantic Avenue asked what the square footage of the house, Mr. Costalos replied 2,886 square feet. Ms. Crippen asked why they were not building a new garage if there building a new home. Mr. Costalos replied that he didn't want to lose the existing setback of 5 ft. Mr. Brendle pointed out that an accessory structure is allowed to be a 5 foot setback.

The meeting was open to the public for comments.

Thomas Szymanski 506 Sixth Avenue He felt that if the house was situated back the neighborhood would lose its character. He offered that for 16 years this property was a problem with various violations. He stated that the previous homeowner passed away, the house was cleaned up and made to look pretty but it was not a true picture of the condition of the home. He supports the application.

John Tangeman 564 Atlantic Avenue showed pictures of the existing garage and the condition that it is in. He agreed that the property was a problem for many years. He's concerned about the upstairs room and its size; he's concerned that it will become a rental. Ms. Costalos stated that they do not intend to rent, she in fact is changing her job location to this area so that the family will spend more time in Spring Lake Heights. Mr. Costalos replied that the 2nd floor design is intended to be different but cozy.

Kat Crippen 564 Atlantic Avenue offered that she is probably has the longest residency in that neighborhood having lived there for 59 years. She added that at one time it was mostly rentals but slowly the homes became fulltime owners. She stated that there was an incident at the home: Ms. Costalos states that it was resolved. Ms. Crippen stated that the ordinance does have restrictions with regard to the number of persons allowed in bedrooms.

Thomas Szymanski 506 Sixth Avenue stated that all the houses on that side of the street are year round residents

John Tangeman 564 Atlantic Avenue offered that a homeowner on the corner of Monmouth Avenue came before the board for a variance for a porch and it hasn't been used as described by the applicant.

On a motion by Mr. Brendle and seconded by Mr. Martin, the public comment period was closed: Roll call taken, all ayes.

Attorney Kitrick offered that the resolution could include that the porch should not be enclosed, Mr. Lobosco also offered that if the garage isn't structural sound and is rebuilt that it meets the requirements of the Borough. Ms. Lalji asked if it turns out the 2nd floor room is not allowed what would happen, Mr. Brendle offered that it would probably have to be partitioned. Mr. Martin asked Mr. Costalos if they intended to rent, Mr. Costalos replied no. Mr. Costalos replied that they had rented a home they owned in LBI and did not want to do that again.

Mr. Lobosco pointed out to the board members that they are not approving the house design just the variances. Attorney Kitrick added that they would not need to come back to the board provided they stayed within the footprint.

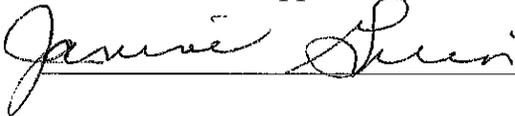
Motion was made by Mr. Brendle to approve the application, the resolution should include that the front porch should not be enclosed, a new garage would have to conform to the Borough's requirements, that the seepage pit and French drain are installed according to the Site Plan; seconded by Mr. Martin. Roll call taken:

AYES: Mr. Brendle, Mr. Martin, & Chairman Pearsall
NAYS: Ms. Lalji
ABSTAIN: None

Chairman Pearsall announced that the December meeting would be changed to Tuesday, December 20, 2016 at 7:30 pm.

Adjournment: On a motion by Mr. Martin and seconded by Mr. Brendle, the meeting was adjourned without objection at 10:00 p.m.

Submitted And Approved:



Date: *December 20, 2016*