

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT - MINUTES**

March 23, 2017 at 7.30 PM

The meeting was called to order by Chairman Pearsall and a salute to the flag at 7:30 PM.

Roll Call:

Brian Brendle – Present
Raymond Miller- Present
Owen Quinn – Present
John Tangeman - Present
Andrew Zelenak - Present
Steven Weiss - Absent
Chairman Pearsall - Present

Also Present: Mark Kitrick, Board Attorney
Louis Lobosco, Board Engineer
Janine Gillis, Board Secretary

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

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.

Approval of Minutes: February 23, 2017 Regular

Motion was made by Mr. Brendle to approve the minutes of February 23, 2017; seconded by Mr. Zelenak; Roll call taken:

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

Correspondence: None

Old Business: Resolution No. 2017-05; Report of Findings on 2016 Decisions

Motion was made by Mr. Brendle to approve Resolution No. 2017-05; seconded by Mr. Tangeman; Roll call taken:

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

New Business: 206 Highway 71 LLC **Application # Z2017-01**
206 Highway 71
Block 20 Lot 9
Proposed Residential Rental Units

Mr. Lobosco, Mr. Robert Smith, Mr. Christopher Zehnder and Mr. Patrick Ward were sworn in by Attorney Kitrick. Mr. Jeffrey Beckman introduced himself as attorney for the applicant, Robert Smith, contract purchaser.

Mr. Smith addressed the board as the contract purchaser, he stated that he had driven past the property many times, saw the renovation to the exterior and once put on the market thought that it would be perfect for apartments. He explained that he has done many renovations to both hotels and commercial buildings. Some of which he has held onto for income.

Chairman Pearsall stated this application includes many variances, he asked Mr. Smith what attracted him to this property. Mr. Smith replied that the building has good bones, is close to the beach and train; he feels with the amenities it would attract young professionals.

Mr. Tangeman asked if consideration was given to keeping it a Bed & Breakfast. Mr. Smith replied that there were too many deficiencies and as a B & B it was only seasonal rentals.

Mr. Brendle asked about the interior renovations, Mr. Smith replied that it would be gutted. He added that improvements included an outside handicap ramp. He stated that the multiple chimneys would be removed and replaced with siding matching what's there already.

Mr. Brendle asked if they would be converted to condos at a later date, Mr. Smith replied no. Mr. Brendle clarified that the goal is to have yearly rentals, Mr. Smith replied yes. Mr. Brendle asked how the decision was made for 6 units and not a lesser amount. Mr. Smith replied that the layout worked for 6. Chairman Pearsall offered that the 3rd floor could be reduced to 1 apartment; you could consider it a penthouse.

Chairman Pearsall asked about the removal of the trees, he offered that they're nice mature trees. Mr. Smith explained that 1 is damaged and needs to come down; the other interferes with the handicap ramp. Mr. Smith explained that they would be replaced with sizable trees elsewhere on the property.

The meeting was open to the public for questions - none presented.

Christopher Zehnder, Architect reviewed his credentials. – Board Accepted. Mr. Zehnder explained that with the building's history he tried to maintain the exterior but the interior needs upgrading. He felt the footprint of the building dictated what could be done. He explained that it is a 3 story building, each room has a gas fireplace with vents to the exterior; all of those would be removed. The fire escape from the 3rd floor will not be removed but will be upgraded or repaired if needed. He added that presently there is a door there, it will be removed and the stairs will be accessed by a window. All of these changes will be brought up to code with today's fire standards. He added that there will be an alarm system that will alert all units. He explained that previously the Innkeepers on the first floor with guests staying on the second and third floors. The first floor will be ADA compliant; access to the units will be from the front door.

Chairman Pearsall asked if the bedrooms sizes are average size, Mr. Zehnder replied a little smaller. In his opinion the apartments are geared to young couples with no children. He explained that presently it has 14 bedrooms and with this application it's reduced to 11 bedrooms which reduce the parking requirement. He added that the site as it exists has several variance issues. Mr. Tangeman pointed out that the B&B's use was seasonal. Mr. Beckman offered that it has the potential to be a year round use. He explained that both the request tonight for apartments and the prior use of a B&B are non-conforming uses. Mr. Beckman pointed out that the building will have life safety upgrades as well as electrical, plumbing and mechanical upgrades.

Mr. Tangeman asked who owns the building. Mr. Beekman replied that Mr. Smith is a contract purchaser. He added that the present owner acquired the property through a foreclosure sale. Mr. Tangeman asked if the applicant will only purchase the property if the application is approved; Mr. Beekman replied yes.

Mr. Kitrick defined a contract purchaser. Mr. Tangeman stated that the applicant isn't suffering a hardship since he doesn't own the property; Mr. Kitrick explained that the applicant applying stands in the shoes of the current owner's rights under Land Use Law. There was a discussion of what hardship variances are.

Mr. Lobosco asked why the 3rd floor had 2 apartments as they are small; Mr. Zehnder felt the space was available and worked. Mr. Lobosco offered it would help reduce variances if the applicant went to 5 apartments.

Mr. Zelenak asked if consideration was given for a different use, maybe knocking it down for a permitted use. Mr. Zehnder replied that no consideration was given to demolishing the building and that if that were to happen, you wouldn't have the same building envelope.

Mr. Brendle offered that he doesn't think it's a bad use for the property but concerned about the parking. Mr. Zelenak agreed.

Mr. Quinn asked about central air and if there were, where the unit would be. Mr. Zehnder explained yes, all units will share the same condenser but will have split distribution. The unit will be placed under the back stairs and will have screening around it.

Mr. Beekman asked about storage in each apartment. Mr. Zehnder replied yes; it will be based on the size of each apartment. He explained that the shed in the rear will be available to all tenants for surfboards, bikes, etc. Mr. Smith added that there will be a fence and landscaping around the property which will block the shed. Mr. Lobosco asked about the placement of the shed and losing space for parking. He went on to ask how viable 8 parking spaces are where 12 are required. Mr. Zehnder explained that in his opinion ½ of the apartments will have only 1 vehicle and the other half ½ will have 2 vehicles. He offered that being close to the train, residents will use that as well as the new UBER taxi service. Mr. Tangeman stated he felt that was too optimistic.

The meeting was open to the public for questions.

Kat Crippen 564 Atlantic Ave. announced that she was the Environmental Chair and questioned the venting of all the kitchen vents. Mr. Zehnder replied that a determination hadn't been made yet but that the vents would probably be stacked and vent up to the roof. She added that the Environmental Commission was also concerned about the removal of the trees. She asked about the decibel level of the compressor, Mr. Zehnder did not know; he added that presently the Borough does not have any regulations on condensers.

Mr. Patrick Ward was introduced and gave his credentials as an engineer and planner; board accepted.

Introduced as Exhibit A-1 – Color Version of the Site Plan in the proposed condition. He explained that the dotted line on the plan indicates the required setbacks and it shows that you would lose more than ½ of the existing building. The proposal includes replacing the existing fence; some vegetation will be removed and replaced with grass and new vegetation. The 2 trees on the property have issues; 1 is not healthy and the other has been trimmed and not shaped properly. They will be replaced with 3 new flowering trees that will provide shade and be decorative. The ADA ramp will come from the parking lot up to the porch. He added that the handicap parking space is van accessible and right next to the ramp. Mr. Ward stated that he tried every which way to do the parking lot and the best scenario was 8 parking spaces; one of which is the handicap. He added that one of the variance requests was for a reduction in the size of the parking spaces to 18 ft. Mr. Beekman offered that the ramp adds to the impervious coverage. Mr. Ward pointed out that if the sidewalk was removed from the calculation, that the impervious coverage would be OK. He added that a new 4 ft fence with some type of open design would be installed; he added that this height was for additional protection of the property since it is so close to the street and sidewalk. Mr. Beekman added that the applicant would reduce to 3 ft if requested by the board. Mr. Ward added that

the 3 existing sheds would come out and replaced with 1 shed for storage. There will be 6 garbage and 1 recycling receptacles; they will be fenced in and locked. Board members asked how the town would be able to collect with the limited space in the parking lot; Mr. Beekman offered that the applicant would work with the town or possibly have a private collector. Mr. Beekman offered that consideration was given to try and work to have more than 8 parking spaces; it just couldn't be done. He added that the proposed use is less intense than the permitted commercial uses. The size of the driveway is an existing condition and was used in its present state for many years. Mr. Brendle asked if the residents will have to back out of the lot; Mr. Ward replied no, there is sufficient space to turn the vehicle around and drive out. Mr. Tangeman asked Mr. Lobosco if there are only 8 parking spaces, how many apartments would be allowed, Mr. Lobosco replied 4. Mr. Zelenak asked what happens with the handicap space when there are no residents of the building that are handicapped. Mr. Ward added that 1 space must be designated as a handicap spot, adding that it is counted as part of the required 8 parking spaces. He added that street parking is available. There will be a bike rack on site to help with the parking issue. He feels that the owner will guarantee at least one parking space per unit.

Mr. Beekman asked Mr. Ward to explain the impervious coverage. Mr. Ward stated that presently the coverage is at 75.6 %; we would be adding 1% to that. Mr. Beekman asked what that is equivalent to; Mr. Ward replied about 97 sq. ft. He added that if the public sidewalk was removed from the equation the coverage would go down about 3%; the applicant shouldn't be burdened with that. Mr. Beekman asked Mr. Ward about the inclusion of the handicap ramp and the access area for the handicap spot increases the impervious coverage. The applicant is required to install the ramp and handicap parking spot. Mr. Beekman asked Mr. Ward about drainage for the property. Mr. Ward explained that there are no drainage issues on the property but that the applicant will install drywells and work with the board to devise a plan. Chairman Pearsall stated that he visited the site and felt the downspouts needed to be addressed. Mr. Smith added that he would work on a plan with Mr. Ward to collect the roof runoff and drain it to a parking lot drain. Chairman Pearsall asked Mr. Lobosco if that would be agreeable, Mr. Lobosco replied yes.

Mr. Beekman asked Mr. Smith if there is street drainage, Mr. Ward replied yes but the plan is to catch from the site and drain to the drywell.

Mr. Beekman asked about the variances required. Mr. Ward explained that it is an undersized lot; variances would be need for lot area, lot depth and frontage which are existing conditions. He added that they are all hardships. Mr. Beekman asked Mr. Ward if there are adjoining properties available to obtain, Mr. Ward replied no. He added that the height of the building is slightly over and the driveway width is undersized both being existing conditions. The site lighting will be wall mounted; one in the driveway by the stairs and one on the south side of the building. Chairman Pearsall asked if it was sufficient for the safety of the residents, Mr. Ward replied yes. Mr. Ward addressed the additional concern about exiting from the property and Mr. Lobosco's recommendation for a no left turn sign; he thought that it was a good idea. Mr. Ward did announce that based on the IT trip generation standards, the B & B would generate 75 trips a day; the proposed application would be 40. Board members discussed and weren't sure if it would be followed. Mr. Zehnder proposed that the residents would have to be self-regulated when it came to abiding to the no left turn sign.

Chairman Pearsall asked if the applicant is almost done. Mr. Kitrick explained that with 6 members here we haven't heard planning testimony yet the applicant would want a 7th member to hear the application. This would require a missing member to listen to the tape prior to the next meeting. Mr. Kitrick expressed that it could be done. At this late hour Mr. Ward could come back regarding the planning issues.

Mr. Beekman agreed but would like a break to speak to his client.

The meeting was recessed for 3 minutes.

Mr. Beekman asked Mr. Ward if there will be wheel blocks in the parking lot, Mr. Ward replied yes. Mr. Beekman asked Mr. Ward about the new landscaping; Mr. Ward replied that there would be 28 shrubs planted. If the board had any changes to the landscaping, they would be open to that.

The meeting was open to the public for questions.

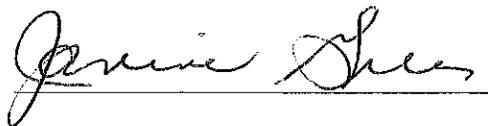
Kat Crippen 564 Atlantic Ave. She stated that she appreciated the preservation of the building but she is concerned about the parking at the site. She inquired how many handicap spaces are required; Mr. Lobosco explained only 1 needed for this size lot. She offered that even if someone were to use an UBER where would they do the pickup, the driver would have to circle because there is no street parking.

Chairman Pearsall offered that the Community Center is on Ocean Road for parking, Ms. Crippen and Board members explained that it is not allowed, there is no overnight parking in any municipal lots except for snow and special permission.

Chairman Pearsall asked to stop the meeting and carry to the April 27th meeting; all agreed. Mr. Kitrick explained that no further notice is required.

Adjournment: On a motion by Mr. Brendle and seconded by Mr. Tangeman the meeting was adjourned without objection at 10:18 p.m.

Submitted And Approved:



Date: 