

BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT – MINUTES
April 27, 2017

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 - Present
Chairman Pearsall - Present

Also In Attendance:

Kimberly Bennett, Board Attorney
Janine Gillis, Board Secretary

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: None

Correspondence: None

Old Business: 206 Highway 71 LLC **Application # ZB2017-01**
206 Highway 71
Block 20 Lot 9
Proposed Residential Rental Units

Board Secretary Janine Gillis reported that Alternate Member # 2 Susan Lalji came in on Tuesday, April 25th to listen to the recording and review the exhibits from the March 23, 2017 meeting.

Mr. Lobosco, Mr. Smith Mr. Zehnder and Mr. Ward were sworn in by Attorney Bennett.

Mr. Zehnder reviewed the site as it exists now, which is a defunct guest house. The proposal is for 5 - 2 bedroom apartments and 1- 1 bedroom apartment. The original building as it exists has 13 bedrooms, the proposed has 11 bedrooms. The exterior includes an accessibility ramp, a handicap parking space and landscaping. Attorney Beekman asked if there was consideration for less apartments; Mr. Zehnder replied yes. He added that if anything would change it would be to the third floor making it one apartment but he feels that 6 apartments are ok. Mr. Zehnder explained that the revised plans show the placement of the air

conditioner condensers, the screening around them, the egress walkway to the stairs from the 3rd floor, and the existing door will be filled in and covered to match existing siding. He added that he researched the boroughs code for decibel levels and found none. He also contacted the borough's code official who stated that he relies on the DEP model code which is set at 50 for the evening hours. Mr. Beekman asked about the setback for the condensers; Mr. Zehnder replied that the borough does not have a regulation. Mr. Zehnder explained that they will be placed under the stairs with a wood lattice and that the applicant will work with the board with regard to any additional screenings, such as landscape.

Mr. Tangeman asked if there were any changes to the parking situation; Mr. Zehnder replied that he would defer to the site engineer.

Ms. Lalji asked about stairs for a fire escape from the second floor; Mr. Zehnder replied by code it's not required for the second floor. He added that all building materials will meet all fire requirements including sprinklers. Ms. Lalji stated that it appears the second floor occupants on the north/northeast corner side of the building would have easier access to the back stairwell but not the other side. Mr. Zehnder stated that it worked because the stairs already exist, to cut a corridor for the other unit couldn't be configured without using a large amount of space. The building proposed is fully fire protected, noncombustible inside the building, fire sprinklers throughout and egress windows in the bedrooms. Mr. Beekman asked if the back stairs leads to the driveway and the front stairs lead to the front porch, Mr. Zehnder replied yes.

Mr. Martin asked how this application will impact the traffic pattern; Mr. Zehnder replied that the engineer should answer that. Mr. Martin asked about the control of who will rent, it's been stated you're looking for young professionals and older people. Mr. Zehnder replied it will be up to the applicant or his agents. In his opinion, Mr. Zehnder replied that he feels it would be based on apartment size and amenities.

Mr. Tangeman asked if the handicap accessibility is just for the first floor; Mr. Zehnder replied yes. Mr. Tangeman asked if that is OK. Mr. Zehnder replied yes, that the proposal do to its size falls under the Commercial Building Code.

Mr. Zelenak asked about the required parking. Mr. Beekman replied that the engineer will address any questions on parking.

Ms. Lalji asked if the rentals will be year round; Mr. Zehnder replied yes, that's the intention.

The meeting was open to the public for questions.

Steven Hamilton 615 Central Ave stated that there is 2 air conditioner units shown wouldn't it be 6 based on the 6 units. Mr. Zehnder replied no, we're looking to use a closed circuit system. It provides a central condenser that continuously circulates refrigerant to the air handlers in the individual units and depending on demand it will shut the valve off in one unit to circulate elsewhere. It minimizes the number of condensers needed. He added that it has many benefits: Energy, Environmental and Economical. Mr. Zehnder thinks it will probably work with 1 unit, maybe 2. Mr. Hamilton asked who would pay; Mr. Zehnder replied that it would be likely be split between the units. Mr. Hamilton again stated that 6 units will be loud; Mr. Beekman stated that there is testimony that it will only be 2 units, at most. Mr. Zehnder added that he spoke with the Borough's Zoning Official there is no limitation on the number of units. Mr. Zehnder stated that he does not want a farm of condensers on site.

Nancy Maclearie 809 Central Ave stated you refer to letter of explanation, it implies in the explanation that you are seeking 6 units per acre where zero are permitted. Mr. Beekman explained that is why they are here for a use variance. Mr. Beekman explained that the property doesn't allow for apartments and that is why there are asking for a use variance to allow if apartments based on the existing conditions of the property. Mr. Beekman offered that the engineer would answer questions about the variances that are associated with this application.

Attorney Bennett reminded the public that this is the time for questions of Mr. Zehnder's testimony.

William Moloney 909 Ocean Road asked the size of the units, Mr. Zehnder replied about 1200 square feet. Mr. Moloney asked if there is a limit on how many people could be in each unit, he expressed concern about the number of people in each unit. Attorney Beekman replied that the town has codes in place limiting the number of occupants in the rentals. Mr. Moloney also expressed concern for the impact on the school system.

Glen Stauder 572 Central Avenue asked about questions on parking; Mr. Beekman stated that that would be for the engineer.

Andrea Patterson 110 Ninth Ave She wanted to clarify that a 2 bedroom unit could mean a mother/father with 2 children for a total of 4 occupants.

Casey Willms 106 Meadowbrook Rd asked Mr. Zehnder to clarify his testimony that the building is noncombustible for fire protection purposes. Mr. Zehnder clarified that they will use gypsum rated u-all assemblies. Mr. Zehnder also clarified that the international building code states that they need to provide a barrier system between the units which prevents combustion spread. Mr. Willms stated that the building itself is a combustible building; it's made of wood and is a balloon construction. Mr. Willms asked Mr. Zehnder if he agreed; Mr. Zehnder replied yes, it is a timber structure. Mr. Willms asked if the third floor is a multiply unit or is it single; someone on the board replied 2 unit. Mr. Willms asked if the rear stairwell is the egress for those units, Mr. Zehnder replied yes. Mr. Willms asked Mr. Zehnder if he did landscaping, Mr. Zehnder replied no. Mr. Willms asked how fire & rescue would access the building in an emergency; Mr. Zehnder replied that he feels the access is adequate. Mr. Zehnder replied that he hasn't had any comments from the Fire Department. Mr. Willms asked if it was sent to them; Mr. Beekman replied that the application is submitted to the Board where it goes after that is not known. Mr. Willms stated that even if the renovations would meet code, he feels it's still inadequate. Mr. Beekman stated that the obligation is to meet code. Mr. Zehnder stated that his license is based on protecting the public welfare. He has worked for 15 years on this type of project. He added that there is access on 3 sides. Chairman Pearsall asked Mr. Willms if he had the same concerns when the previous owner operated as a B & B, Mr. Willms stated yes in particular with the third floor occupancy, which prompted some improvements. Mr. Willms explained with the addition and large changes going on; Mr. Beekman objected to the characterization of addition stated there is no addition. Mr. Willms retracted the word addition. Mr. Beekman asked Mr. Zehnder if there are sprinklers now, Mr. Zehnder replied no, there's no protection between floors or units. It is presently a hodge podge of rooms, there's no self-closing doors. He added that the improvements that are proposed will make the building safer. Mr. Beekman stated that there will be sprinklers in the units which do not exist. He explained that smoke detectors will be in each apartment and when it is sounded in one unit the system will alert all the other units as well. Mr. Zehnder added that in order for someone to obtain fire insurance all required protection will need to be in place. Mr. Zehnder stated that he takes his job very seriously.

Mr. Miller asked Mr. Willms if the construction of the building was balloon given its age. Mr. Willms replied yes.

Evelyn Condello 809 Park Ave asked why Mr. Zehnder couldn't answer some questions about engineering, he replied that he did not do the engineering plans, he was the architect. Ms. Condello asked if an elevator was in the building, Mr. Zehnder replied no, that it's not required. Mr. Zehnder explained how the tenants in each unit would exit if necessary. Mrs. Condello asked if someone became handicapped will living there; Chairman Pearsall stated that they would probably have to move. Mr. Beekman explained that the board does not have jurisdiction over the fire code; the jurisdiction of the board is limited to application for site plan and use variance. Mrs. Condello asked if a traffic study done, Mr. Zehnder replied that the site engineer would address.

Mr. Tangeman asked for a definition of balloon construction. Mr. Zehnder explained how a building was constructed prior to the 1950's. It is no longer permitted and if this application is approved, approvals by fire official or building sub-code official would not be obtained if we didn't meet today's standards. Mr. Beekman asked if the simply explanation is that balloon construction would allow fire to travel through the floors, Mr. Zehnder replied yes.

John Sims 620 Central Avenue asked if this is a rooming house; apartments have a kitchen and bathroom; Mr. Beekman stated all units do. Mr. Simms asked about the ventilation for bathrooms and cook tops and natural light in the bathrooms. Mr. Zehnder replied each has its own for the bathrooms and cook tops. Mr. Brendle asked about the cooking ventilation, Mr. Zehnder replied that it could be either a wall vent or through the roof.

Katie Anzzolin 904 Prospect Ave asked who the developer is, Mr. Zehnder replied Robert Smith. She asked if he had done any other projects in the area; Mr. Zehnder that he answer. Mr. Beekman explained that he will testify to that.

Chairman Pearsall asked Mr. Patrick Ward to come up.

Mr. Ward reviewed that the revised plans are based on comments from the previous meeting. With regard to the lot coverage, an area has been carved out to provide a flowering tree with a few bushes which brought the lot coverage down below the existing so that improves an existing condition. There will be 8 trash containers, 1 per unit and 2 recycling containers to share. The existing trees coming down will be replaced with 3 pine oaks, which are columnar in shape and they grow to 40 ft. He added that the existing pine tree needs to be removed because it hinders the proposed parking lot. Mr. Ward stated that they've added subsurface drainage system in the parking lot which will collect from the roof runoff; he added that this is a dramatic improvement.

Marked as exhibit A-3 revised site plan.

Mr. Ward reviewed the site plan. He stated that the parking lot is changing slightly to provide for the handicap parking, the access to the site remains at Ocean Road. He stated that he has repeatedly tried to revise the parking situation; it only allows for 8 spots, one of which is required to be a handicap parking space which actually sized to be 2 spots. Based on comments the area for the garbage and recycling has been revised to have 3ft provided to the trash cans and a gate enclosure. Mr. Beekman asked Mr. Ward to explain how the handicap spot is included in the count of parking spaces. Mr. Ward explained that it is required whether or not a tenant in the building would need a handicap parking space. The handicap spot is included in the count of 8. Mr. Beekman asked if the existing building remains what changes could be made to the site. Mr. Ward explained that the parking area and the pavement could be expanded which would exasperate the existing lot coverage. Any change in use would alert NJ DOT and in his opinion access from Rt. 71 wouldn't be approved. There isn't much that could be done without exasperating other variances. Mr. Beekman asked Mr. Ward about the handicap ramp and parking spot. Mr. Ward explained that the ramp is sized according to ADA requirements. He added the handicap parking space must be located to the nearest location to the accessible route. Mr. Beekman asked Mr. Ward about the permitted uses and their parking requirements. Mr. Ward stated that all of the permitted uses parking requirements all exceed the proposed parking. In his opinion the proposed use is the least intense use when compared to allowable uses and existing use. Mr. Beekman asked about the impervious coverage, and if there is still a variance required. Mr. Ward replied yes, by .4 % which equates to just under 40 ft. Mr. Beekman asked if that be improved without impacting the parking; Mr. Ward replied yes. Some options include clean the edge of the existing timber tie curb, narrow the existing driveway width which is not a good option or bring the south curb line in a few inches. He pointed out that if you took the public sidewalk on Rt.71 out from the calculations we're under the coverage by 3%.

Mr. Zelenak asked how undersized is the driveway; Mr. Ward replied at its narrowest is 10.8 ft. and then widens to 14ft. Mr. Zelenak asked where do you propose the other 4 parking spaces come from. Mr. Ward replied that he will address that in his planning testimony.

Mr. Weiss asked if there will be assigned parking, Mr. Ward replied that they will be assigned. Mr. Weiss stated that when there is a snow event what then; Mr. Ward replied that he would answer that later.

Mr. Beekman explained to the public that there are 3 areas that are covered through testimony; Architect. Engineering and then Planning. All of which address questions separately.

The meeting was open to the public for questions.

Brenda Krampert 743 Wall Road asked about the number of garbage cans. Mr. Ward replied that there will be an enclosed area for the garbage 6 trash & 2 recycling. She asked if it will be picked up at the curb or in the rear and what if that isn't a sufficient number of containers. Mr. Ward replied that it would be worked out with the municipality but if not possible the applicant will arrange for a private company to collect. He added that there is sufficient room to add 2 or 3 more bins if required. Mr. Beekman stated that from an enforcement side the applicant will hear from the municipality if there is a problem. She asked if there will be a site manager, Mr. Beekman replied the client will address that.

Greg Schneider 601 Passaic Avenue offered that he feels there will not be sufficient trash containers. He stated that Mr. Zehnder gave his expertise and that there is sufficient room in the driveway for emergency access and then the engineer offers that the width of the driveway is half of what is required. Mr. Ward stated that he didn't testify to fire access, he identified the existing size of the driveway.

Attendees were speaking over each other; Board Secretary stopped those speaking and announced that everyone must speak one at a time.

Mr. Ward stated that he didn't say anything about access of a fire vehicle; he added that a building of this size doesn't require fire truck access on all 4 sides; the public right of way provides access. This application will be reviewed by the Fire Official and any recommendations will be adhered to. Mr. Schneider stated that if you're dropping off or picking up on Route 71 it's difficult. Mr. Beekman added that any location along Route 71 that requires fire truck access the situation would be the same a fire truck would be parked on the highway; the highway would be blocked off by the police. Mr. Schneider thought that there was difference in the professional's comments. He feels that there isn't easy access from the site.

William Moloney 909 Ocean Road stated that he feels whether it's the town or a private company going into the sight to pick up the trash it would be difficult. He asked if it will it be picked up from Ocean Road or from the rear. Mr. Ward stated that he can't speak to how the trash will be picked up. Mr. Moloney feels the area is very congested. Mr. Ward replied that garbage is picked up all along Highway 71 which is a busy corridor. Mr. Moloney stated that it will include the bulk trash pickup.

Mr. Tangeman asked Mr. Ward when it was the B & B how was trashed picked up; Mr. Ward replied that he did not know. He was told that recycling was kept in one of the sheds and trash under the stairs.

Steve Hamilton 615 Central Avenue asked about the shed's use and if it was necessary. Mr. Ward explained that it would be for the residents to store surfboard or bikes. It would match the facade of the building and have some landscaping around it. He showed the placement of the shed on the site plan; he commented it is the only viable location without impacting parking. Removing the existing sheds helped with the parking.

Glenn Stauder 572 Jersey Ave asked if the shed is going to be sub-divided for the 6 units, Mr. Ward replied no.

Kevin Byrne 912 Central Avenue asked if the shed is along the Rt 71 side, Mr. Ward replied yes. He also asked if a traffic study has been done, Mr. Ward replied no. Mr. Ward stated that the proposed use with 6

units will reduce the trip generation by almost 50%. The calculation is based on the Institute of Transportation Engineers, a National Publication used to calculate trip counts for any traffic report. To calculate the existing B & B with 13 bedrooms has a trip count of 73, the proposed 6 units has a count of 40. Mr. Byrne asked about the impervious coverage, Mr. Ward explained. Mr. Byrne asked about the driveway measurement; Mr. Ward replied it's 10' 8' and then opens to 14'.

Mr. Quinn asked if the trip count is based on a full occupancy as a B & B which was only a seasonal use. Mr. Ward explained that it's based on published data. Mr. Beekman explained it's calculated on what the full use could be and that is the number that the board would rely on.

Ms. Lalji asked if allowed, what the trip count would be. Mr. Ward replied that that would be addressed in his planning testimony. Ms. Lalji offered that it would be helpful to know for the board and the public to know what a permitted use have as a trip count. Ms. Lalji offered that it seems the less intense use is 4 apartments. Mr. Ward agreed; he stated that he would review the numbers for this use and what it would be for permitted uses at the site in his planning testimony. Ms. Lalji added that it appears that 4 apartments would fit the present parking conditions. He added that the applicant would have assessed what the financial liability of the project is.

Mr. Zelenak asked if the board can consider what we know of the present conditions are: Attorney Bennett replied no, that has stated they have to rely on published data not on what we recall.

Casey Willms 106 Meadowbrook Road offered that that is a busy intersection. The parking in the area is limited and those extra vehicles from the site will impact the neighbors on Ocean Rd; he asked if that has been investigated. Mr. Ward replied that the trip count is based on the standard and is going to be less from the previous use; this is based on published data.

Mr. Brendle added previously this was discussed and offered that the proposed tenants will see the limited parking and have to decide. Mr. Ward added that the borough allows for street parking.

Mr. Ward added that when that traffic light was installed it would have been designed to consider that there is full built of the area.

Evelyn Condello 809 Park Avenue stated that the parking is an issue for the neighbor to the east, it's very close. She also asked if there is a generator, Mr. Ward replied none is proposed.

The meeting was adjourned for a 10 minute break.

Attorney Bennett announced that the second application will be carried until the July 27th meeting at the applicant's request.

The meeting resumed.

Mr. Tangeman asked if the trip count is reduced even if the B & B was in full use yearly, Mr. Ward replied yes.

Evelyn Condello 809 Park Ave she asked if the garbage should be a private company based on the Borough's ordinance, Mr. Ward replied no not for this number of units.

Bill Moloney 909 Ocean Road asked how the garbage truck will get in. Mr. Ward replied if necessary the applicant will provide for private pick up. He also asked about the shed height, Mr. Ward replied that it will be conforming.

Karen Davis 621 Central Avenue asked how many parking spaces are needed. Chairman Pearsall stated 12 but the proposal is for 8.

Glen Stauder 572 Jersey Ave asked how a private collector would gain access to the trash; Mr. Ward replied that it would be between the owner and the company. Mr. Beekman asked if a dumpster was considered, Mr. Ward replied yes but he thought the cans were better, he added that if a dumpster was used it would mean losing a parking space.

Attorney Beekman asked Mr. Ward to explain the permitted uses of the zone comparing to the proposed use. As well as what a C1 Bulk variance and a D variance are and how they relate to this application.

Mr. Ward explained that a C1 variance is hardship related some examples are area, setback and coverage. These are existing issues that cannot be rectified. A D variance would be to change the use. A - C 2 variance requires weighting the balance between negative & positive criteria.

Mr. Beekman explained that his applicant is a contract purchaser which means that a condition of the contract is an approval by the board.

Mr. Ward reviewed the existing lot area, lot frontage, lot depth, these are non-conforming issues, and they exist now. Mr. Beekman asked if these conditions could be rectified by purchasing more land; Mr. Ward replied no, they would actually create more variances. Under these conditions does a developer still have the ability to develop their property within reason; Mr. Ward replied yes. Mr. Ward reviewed that the front yard setback is deficient the lot coverage is going to be improved. Mr. Beekman asked about reducing the lot coverage by the additional 40 ft. if requested by the board; Mr. Ward replied yes it could be done without impacting parking.

The most recent use of the property was a B & B with 13 bedrooms, basically a transient use and not a permitted use. The proposed is a building with 6 units totally 11 bedrooms. In this zone, residential is not permitted, what is permitted is banks, retail and places of worship which are more intense uses. They wouldn't function in this location due to the undersized lot. The proposed is a creative design to a historical building, it is a positive use compared to the permitted uses. This is considered an adaptable use. The allowable uses would require DOT approval and have a higher trip count; the proposed is a reduction in trips, therefore a positive. Mr. Ward pointed out that there is Case Law where the board stated that when considering a D variance they must consider the overall sight design and if the D variance is granted, the C variance is subsumed, meaning that they are included in the D variance.. The applicant is requesting a variance to reduce the required size of the parking space to 9 ft. X 18 ft. where 9 ft. X 20 ft. is required. If the spaces were sized to the borough's ordinance the number of spaces would be reduced to 7. Mr. Ward stated that any future tenants would be guaranteed 1 parking space and they would have to consider whether or not that worked for them before renting the unit. He offered that there is on street parking on Ocean Road and that some would use car services. Mr. Ward then described some examples of required parking for some permitted uses: Place of Worship 63, Retail 37, Office 22, this application requires 12. He added that this use is appropriate and would require limited conversation. He added that the building would be up to today's standards, be ascetically pleasing and promotes conservation of the historical building. He feels that it is not a negative impact to the public and is a less impactful use. The trip count for the proposed is less and no visual impact if anything he feels it would be better. The refuse will be screened. Mr. Beekman asked if the impact to the public is less intense than the permitted uses; Mr. Ward replied yes. The 1999 Re-Examination of the Master Plan expresses a desire to have diverse population. This is an important tool for both boards. This is a low intensity buffer for the neighbors from Rt. 71. He added that from a planning prospective the benefits outweigh the negative.

Mr. Zelenak asked for clarification on the trip counts for the B & B to apartments; Mr. Ward replied the B & B is 73 and the apartments is 40. Mr. Zelenak asked if cars could enter & exit at the same time, Mr. Ward replied no. Mr. Beekman asked Mr. Ward if the DOT will approve enlarging the existing driveway. Mr. Ward replied no. Mr. Beekman asked if Mr. Ward if he thought DOT would approve a driveway on Rt. 71; he replied no. Mr. Zelenak asked about improving the entrance on Ocean Road. Mr. Ward replied that DOT approval would be needed due to the proximity to Route 71 and he feels that it wouldn't be approved.

Mr. Beekman suggested that Mr. Smith testify and then open to questions for both Mr. Smith & Mr. Ward.

Mr. Beekman called upon Mr. Smith.

Mr. Smith explained that he is a resident of Wall and that he owns a national construction company that renovates mostly hotels and hospitals. The work is adapting the buildings to new uses. He stated that he has done work Manasquan and Neptune. The Manasquan property is commercial on first floor with apartments on the second floor. He had driven past this building numerous times and thought the building could be preserved. The exterior of the building had been renovated and felt the interior could be made charming as well. Mr. Beekman asked about the garbage pickup; Mr. Smith stated that he would work with the town but if necessary would contract with a private company. He stated that he takes pride in the building and would have seasonal plantings. He stated that the building has good bones and feels the plan for the interior is great. He added that he takes pride in his building. Mr. Beekman asked Mr. Smith about reducing the number of units. Mr. Smith replied that the third floor apartment could possibly be changed to 1 apartment. He feels that it could mean that a larger apartment would have a family although he thinks the apartment would attract younger people based on amenities.

Mr. Brendle asked what the price point would be for the rent; Mr. Smith replied he thought somewhere between \$1,500 to \$2,000 a month. Mr. Brendle asked if he considered made compliant with parking by having 4 apartments. Mr. Smith replied that financial it wasn't good. Mr. Zelenak asked if you got in compliance with 4 apartments and parking could it work; Mr. Smith replied that financially it didn't work. Mr. Beekman asked Mr. Smith if he considered commercial for the site; Mr. Smith stated that he felt there really wasn't a demand for commercial. With the train and beach so close this seemed to fit.

Mr. Lobosco asked if there would be a need for space for office or storage that could be on the 3rd floor therefore reducing 1 apartment.

Chairman Pearsall asked if the units will have a washer & dryer. Mr. Smith stated that each unit will have its own stackable units.

Ms. Lalji asked when looking at the project is consideration given to the feasibility of the project when making your decision before selling; Mr. Smith replied he holds onto his buildings.

Mr. Brendle asked Mr. Smith the time frame, he replied 5 years is great but this would be more like 8-10 years.

The meeting was open to questions.

Karen Davis 621 Central Ave asked if the permitted uses would have overnight parking. Mr. Ward replied that there could be. She asked if he had seen the situation of parking on Ocean Road already. He added that it's assessed as if fully rented. She asked if there could be an estimate of how many cars each resident will have, Mr. Ward replied no that the published data is used. She asked about an agreement with other businesses to help with overnight parking. Mr. Beekman replied no, the applicant can arrange that but not the board. She asked if there have been any tax abatements; Mr. Smith replied no. Mr. Smith replied no. She asked who will maintain property, Mr. Smith replied he does along with staff. She also asked Mr. Smith how long after he rehabs a property does he sell them, he maintains the properties, he has all of them.

Craig Beattie 111 Ninth Ave asked how many variances are requested. Mr. Ward replied 9.

Mr. Beekman asked how many variances are existing? Mr. Ward replied 7 and one use variance. The 2 are for the number of spaces and the size of each. Mr. Ward added that presently there is no stripping on the lot showing parking stalls so that also could be an existing non conformity.

Evelyn Condello 809 Park Ave asked if it is historical building is there restrictions. Mr. Beekman replied that the Borough does not have a policy. The applicant is maintaining the exterior of the building. She also asked who the owner of the property is. Mr. Beekman replied the owner is 206 Highway 71 Land Trust. He added that the owner's trustee signed off on the application.

A break in the meeting was taken

Stephanie Reckord 711 Ocean Road asked Mr. Smith the name of his company; he replied 206 Highway 71 LLC. He added that the current owner is the land trust. Mr. Beekman stated that there is no connection. She has asked Mr. Smith if he's had conversation with the owner, Mr. Smith replied no that he has only had conversation with the realtor.

David Healy 714 Jersey Ave complimented the professionals that are working for the applicant. He asked Mr. Smith who he's working for. Mr. Beekman reviewed who the owner of the property is and who the applicant is. He asked if any persons or organization approached Mr. Smith or the owner about using the building; Mr. Smith replied no. Mr. Healy asked if this will be used as a dormitory; Mr. Ward replied that dormitories is a different use and not a permitted use and would require a subsequent variance. Mr. Healy asked if Mr. Smith is the owner/ landlord; Mr. Smith replied no. Was the renovation done by you, Mr. Smith replied no. When the building was purchased was the plan for a B & B or apartments, Mr. Smith replied he doesn't know, it wasn't him. Mr. Beekman reminded everyone that the applicant is a contract purchaser. If this application is approved Mr. Smith will purchase the property. That information isn't relevant at this time. Mr. Healy replied it was information residents would want to know. Mr. Beekman stated that there is a code official in town in the case that there are issues with the property.

The public was reminded that this time for questions of Mr. Smith or Mr. Ward.

Mr. Healy offered that based on the number of units he thinks there could be 24 cars. He feels that the trip generation is not an exact science. Mr. Ward stated that the trip calculation is supported by the courts.

Bill Moloney 909 Ocean Road asked Mr. Smith if this would be condos, Mr. Smith replied no, he has no experience with condos. He asked if consideration was given to additional recycling containers, is there room for additional. Mr. Beekman stated that the owner would deal with that if issues arise.

Kevin Byrne 912 Central Ave asked if Mr. Smith if the design is his or the owner of the property. Mr. Smith stated that he worked with his architect. Mr. Byrne asked if the property owner if OK with the design, Mr. Beekman replied that he signed off on the application.

Andrea Patterson 110 Ninth Ave asked if consideration given to making it a professional office on first floor with apartments on upper floors. Mr. Smith stated that it would require more parking.

Chairman Pearsall asked Casey Willms a police officer in town and Meadowbrook Road resident about parking at the Community Center. Mr. Willms replied that not allowed except if snow emergency.

Chairman Pearsall asked Mr. Smith if the Manasquan apartments rented with sufficient parking, Mr. Smith replied yes.

Lauren Conway 708 Ocean Road expressed concern about the parking and with the comment about UBER parking they would need to circle looking for a place to pick up. She asked Mr. Ward if there is a measurement for that. Mr. Ward replied no.

Evelyn Condello 809 Park Ave asked if the residents could use the basement for storage and with the installation of bike rack is the shed necessary. Mr. Ward yes, for storage. He added that access to basement is difficult.

Attorney Bennett asked Mr. Ward if the southwest right corner, is the shed and landscaping in the sight triangle, Mr. Ward replied no.

Mr. Weiss asked if parking will be assigned, Mr. Smith replied yes, one space per unit.

Bill Moloney 909 Ocean Road stated that the bike rack is for only 4, he asked if that is enough. Mr. Ward replied that there is potential for more racks. He stated that there isn't a zoning regulation for bike stalls. Mr. Moloney asked if the shed is sufficient for 6 units, Mr. Ward stated that it's a self-limiting condition. If there is a demand for storage potentially the basement could be used. Mr. Maloney asked if the basement has potential use for living space; Mr. Zehnder replied no. Mr. Ward stated an expansion like that would require approval.

Adam Anzzolin 904 Prospect asked if a traffic study was down, Mr. Ward replied no formal study done. He asked if that driveway is a safe situation. Mr. Ward explained that the driveway is an existing non conformity. Mr. Anzzolin asked about improvements to storm water; Mr. Ward replied that gutters will collect the water and deliver to underground drywells.

Chairman Pearsall closed the question period.

The meeting was open to the public for comments.

Attorney Bennett announced to the public to limit their repetitive comments.

Kat Crippen 564 Atlantic Ave announced that anyone can research through the county website ownership of a property.

Nancy Maclearie 809 Central Ave commented that the proposal is not consistent with the master plan, the parking is deficient and she asks the board to deny the application, the applicant is not willing to reduce the number of apartments. She added that if the applicant wants this to be residential he should go to the Mayor and Council and ask to be re-zoned.

Casey Willms 106 Meadowbrook Road offered that he understands the applicant trying to process the application but would like him to consider the impact to the town, as you can see with the number residents present it's not in the towns best interest.

Bill Moloney 909 Ocean Road asked that the board deny the application asking to rezone, what is the benefit to the town is there a tax benefit. He added with 6 units up to 4 people in each is too many. There hasn't been a traffic study and understands that it's not required but would possibly satisfied the publics concerns. He also feels with 9 variance requests, what is the benefit to the town.

Sharon Batteau 1719 Beverly Ave asked that the board implore their wisdom and deny the application as there is too much traffic on Rt. 71, she asked that they preserve residents quality of life.

David Healy 714 Jersey Ave understands that the applicant is a business man but he feels the town shouldn't have any more apartments.

On a motion by Mr. Martin and seconded by Mr. Miller the voice of the public was closed, roll call as follows.

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

NAYS: None

ABSTAIN: None

Mr. Beekman made his summation. You've heard from the applicants experts without hearing any refuting by other experts. He offered that the bulk of the comments relate to the parking, this application is the least restrictive use for parking, compared to all other potential uses. Mr. Ward testified a use on first floor of professional offices and residential on the second & third requires 16, this application requires 12, the same with house of worship, it requires 60. An owner or developer has the right to develop their site, in this case there is no other land available to purchase. Mr. Ward stated that there is 9 variances Mr. Ward testified the bulk of the variance is a use variance, the existing is a use variance, the proposed is a use variance, the variances are existing. The other variance is the parking which may be existing as well. Presently the parking lot isn't marked out so determining the number of spaces isn't known. Testimony was given about trip counts, comparisons were made of the various permitted uses verses this use, this application is the least intense. The variances requested are existing non-conformities. This application is for a use variance, the existing is a use variance and this application is a use. The parking issue of street parking cannot be restricted; no one is entitled to a parking space on the street. The property has several existing non conformities; there has been no expert testimony to refute his client's experts. The question of how this will benefit the town is not a standard for the board to consider. The standard is whether the application is a substantial detriment to the public good and whether or not it will substantial impair the intent of the planning and zoning ordinances. The jurisdiction is to judge each application lot by lot; your decision will not be setting a precedent. The applicant has been put forth a strong argument indicating the positive criteria for the use variance and negative criteria for the use variance. The application is before this board because of the use variance. This justification as to why we're proposing the use and he feels that the board should approve the application.

Attorney Bennett announced that a letter was received at the municipal office from a Ms. Baril with her opinion about this application but it can't be read into the record, she just wanted it noted as being received.

Ms. Lalji asked if the application is not approved the owner has a right to develop his property. Attorney Bennett replied yes, it would have to be substantially different but not that different under the law.

Mr. Brendle asked if fewer units would be substantially different, Ms. Bennett replied yes, even if it's a different party.

Chairman Pearsall asked if the applicant was set on 6 units, Mr. Beekman replied yes; he offered that he would like to submit the evidence into the record and request a vote.

Mr. Miller made a motion to move on this application; put it to a vote. Mr. Miller withdrew his motion.

Mr. Brendle made a motion to accept the project with a reduction in the lot coverage by the 40 ft. and reducing the height of the fence to 3 ft., seconded by Mr. Tangeman,

Mr. Miller questioned his motion; Ms. Bennett explained that he had to motion to approve or deny.

Roll call as follows:

Mr. Brendle voted no; he stated it's a good use of the historic building but any use of the building would have parking issues; fewer units would be better.

Attorney Bennett wanted to confirm his motion to approve the application and then voted no, Mr. Brendle confirmed yes. Attorney Bennett explained that 5 affirmative votes are needed to approve the application.

Mr. Miller votes no; he feels it's going to add to the existing hazard in that area and a hardship to the neighbors. There isn't sufficient street parking on Ocean Road.

Mr. Quinn has given a lot of thought, he votes no, the application isn't good for the neighborhood and the parking issue and the density in that area.

Mr. Tangeman votes no; he understands the use, it is the least restricted but feels it should be less, with 4 apartments the parking would work and less trips.

Mr. Zelenak votes no because the applicant not willing to reduce number of units down to 4; he would have gone for that.

Ms. Lalji votes no, she feels it's a good use but a reduction in the number of units would be better. She appreciates the preservation of the building. She added parking is going to be an issue.

Chairman Pearsall votes yes, I listened to all the testimony in his opinion that the apartment is the best use of the property; there would be less in & out. It is a congested corner, the variances mostly exist now. He thinks that the parking could be absorbed in the street. He commented on the good job of the professionals. He added that at the first meeting no one was here.

New Business: Spring Lake Gardens Associates, LLC **Application # ZB2017-02**
2412 Highway 71
Block 61 Lot 7
Remove Existing Pool - Erect Clubhouse

Attorney Bennett announced earlier, that the applicant decided to be carried to the July meeting.

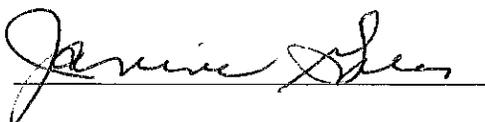
Adjournment: On a motion by Mr. Brendle and seconded by Mr. Quinn the meeting was adjourned without objection at 11:38 p.m.

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

NAYS: None

ABSTAIN: None

Submitted And Approved:



Date: June 22, 2017