

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT – MINUTES May 25, 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 - absent
John Tangeman - present
Andrew Zelenak - present
Steven Weiss - present
Chairman Pearsall - present

Also Present: Mark Kitrick, Board Attorney
Louis Lobosco, Board Engineer
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: Copy of Memo send to Mayor & Council on March 30, 2017, along with Resolution #2017-05 Adopted by Board – Review of Decisions and Request for definition of garage.

Old Business: Resolution #2017-07
206 Highway 71 LLC **Application # ZB2017-01**
206 Highway 71
Block 20 Lot 9
Proposed Residential Rental Units

Motion was made by Mr. Brendle to approve Resolution 2017-07; seconded by Mr. Miller; Roll call taken:

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

New Business: 206 Highway 71 LLC **Application # ZB2017-03**
206 Highway 71
Block 20 Lot 9

Proposed Residential Rental Units

Attorney Kitrick reviewed for the public the procedures to be followed, explaining that the professionals will testify, the public could ask questions of that professional's testimony. At the end of the hearing, there will be an opportunity for the public to speak in favor of or against the application. He added that if a question has already been asked, please refrain from asking the same question.

Marked as exhibits were the following:

- A-1 Revised color site plan dated May 25, 2017
- A-2 11" X 17 " of the site plan
- A-3 Architectural Plan

Attorney Beekman introduced himself.

Mr. Robert Smith, Mr. Zehnder, Mr. Patrick Ward and Mr. Lobosco were sworn in by Attorney Kitrick.

Mr. Beekman asked Mr. Smith if he is the managing owner of 206 Highway 71, LLC, he replied yes. Mr. Beekman asked Mr. Smith if he was previously before the board for a 6 unit apartment and denied and now you're requesting approval for 4 units; Mr. Smith confirmed yes. Mr. Smith stated that he feels this structure is well suited for a multifamily; this was the type of purchase he was looking for. Mr. Beekman asked if he had done this type of work before; Mr. Smith replied yes in Manasquan as well as renovations to hotels across the country. Mr. Smith stated that he is a long term investor in the property.

Mr. Brendle asked what changed financially that 4 units now work. Mr. Smith replied that he rethought the timeline of his return. He added that with a 3 bedroom unit, he's able to collect more rent.

Mr. Martin asked if the previous proposal included 11 bedrooms and now it's 10; Mr. Smith replied yes.

Mr. Miller stated that with 10 bedrooms it could potentially mean 20 cars. Mr. Beekman replied that the Borough's ordinance requires 8, which is what is there.

The meeting was open to the public.

Nancy Maclearie 809 Central Avenue asked if all the bedrooms in the proposal will have windows; Mr. Beekman replied the architect would address that.

Bill Moloney 909 Ocean Road asked if there's been a change financially what do you expect to collect in rent. Mr. Beekman objected and replied that it isn't relevant. Mr. Moloney asked Mr. Smith if he would consider having in the resolution that occupancy would be limited to the number of parking spaces; Mr. Smith replied no. Chairman Pearsall added that young children could be residing there.

Dr. LoBuono 211 Highway 71 expressed concern about the parking, he's directly across the street and he doesn't want parking in his lot. Mr. Smith replied that there will be assigned parking spots and there is on street parking.

Rachel Castellon 2212 Parkview Terrace asked how many bathrooms in each of the 4 units. Mr. Smith replied that the 3 bedroom units will have 2 and the 2 bedroom units will have 1. Ms. Castellon asked if closets in each bedroom, Mr. Smith replied yes.

Mr. Beekman asked Mr. Patrick Ward to introduce himself and gave his credentials as licensed engineer and planner.

Mr. Beekman asked Mr. Ward to review some of the permitted uses allowed at the site. Mr. Ward stated that the property is in a B2 Zone. Some permitted uses include municipal facilities, essential services, retail, bank, motel, professional office, others that require a conditional use include; place of worship, public utility. All of which have their own parking requirements. The proposed is a 4 unit apartment which requires 8 parking spaces which is what we have. Mr. Ward testified that based on established standards a building this size parking requirements for a place of worship is 63, retail 37, and professional office 22, B&B 15, all of which exceed. Mr. Ward detailed that the proposal decreases the parking demand.

Mr. Ward described the property as it exists. Mr. Beekman asked if there a change to the entrance or the parking lot. Mr. Ward stated that the entrance will not change but the parking lot will be improved with 8 parking spaces; which will be 9' X 18'; this requires a variance. He added that the ordinance requires 9' X 20'. Mr. Beekman asked how the garbage will be handled. Mr. Ward described on the south side of the lot will be an enclosure holding 8 cans for trash and recycling; which could be private pickup or municipal. Mr. Beekman asked about impervious coverage as it exists and what is the proposed. Mr. Beekman stated that presently it's just over 75%. Mr. Ward explained that the most recent change was the curb line was moved and landscaping added it brings it to 75%. Mr. Beekman asked with this change it mitigates the deficiency; Mr. Ward replied yes. There will be landscaping along the front porch, there are some existing trees that are in a deferred maintenance that need to come down. They will be replaced with 3 trees. There will be some shrubs that will surround the handicap ramp. There will be landscaping by the trash cans. Mr. Beekman asked about the sheds on the property; Mr. Beekman replied presently there are 3; the proposed will have just one, for resident storage. Mr. Beekman asked if the placement of the shed will impact the traffic on Route 71, Mr. Ward replied no. He added placing it anywhere else in the parking lot would impact the number of parking spaces. Mr. Beekman asked if there is an opportunity to acquire any adjacent property to improve any of the existing deficiencies on the property on either Route 71 or Ocean Blvd side; Mr. Ward replied no. Mr. Beekman stated that a property owner has a reasonable ability to develop their property; Mr. Ward replied yes.

Mr. Zelenak asked for clarification. Mr. Beekman stated that a property owner has the reasonable ability to develop their property.

Mr. Ward described the front yard setbacks as they exist by using Exhibit A1, there will be no changes to that. Mr. Beekman asked about the age of the building; Mr. Ward replied that it's been that way since 1908.

Mr. Beekman asked about the lighting. Mr. Ward stated that the lighting as it exists is deficient. The proposal includes 2 building mounted LED lights which are down lights; this means no light pollution upward. On the east of the building will be a wide spread, fanning out. The light on the south will project further out. Mr. Beekman asked if it will protect the neighbors, Mr. Ward stated the downward angle will protect the neighbors.

Mr. Beekman asked what are the new variances needed. Mr. Ward replied the new variance would be for parking spaces size, it also includes a variance for a use change. He added that the existing non-conformities are considered a hardship.

Mr. Tangeman asked the old use, the B & B, what would the required parking spaces would be. Mr. Ward replied if full occupancy it would be 22.

Mr. Weiss expressed concern if a garbage truck needs to pick up with traffic in that area. Mr. Ward stated with garbage pickup, the traffic would be the same for whatever the site would be used for.

Mr. Zelenak asked how the garbage cans will come out with vehicles parked; Mr. Ward replied that there is sufficient room. Mr. Zelenak asked if a tenant has an oversized truck, like 22 ft., it wouldn't fit. Mr. Ward replied that it would have to be a self-limiting choice, they probably wouldn't rent.

Mr. Martin asked about the width of the driveway. Mr. Ward replied 16 ft. and then 11 ft. at the street. Mr. Ward corrected that the survey shows 10' 8" at the street.

Mr. Brendle asked about the outside lighting. Mr. Ward stated that nothing has been proposed. Mr. Smith offered that they would probably be on a timer.

Mr. Zelenak offered that earlier it was stated that a person should have a reasonable opportunity to develop their property; he asked what does that mean. Mr. Ward stated that every property owner should have the ability to develop their property. Mr. Ward added that there are numerous residential lots in town and if purchased would need to come before the board if putting in a new home.

Mr. Kitrick explained that the questions should be with regards to engineering.

The meeting was open to the public for questions of Mr. Ward.

Rachel Castellon 2212 Parkview Terrace feels that the property is close to the highway and asked if there are easements. Mr. Ward replied none that he is aware of. Mr. Lobosco stated that the applicant actually owns the sidewalk on Highway 71, which is unusual. Ms. Castellon asked about the shed. Mr. Ward stated that the existing sheds will be removed and one new to be installed. She also inquired about the garbage, if it will go out to Rt. 71. Mr. Ward replied no, the garbage will go out to Ocean Road with either the borough or private pickup.

Bill Moloney 909 Ocean Road asked about the parking; he feels it's substandard. Mr. Ward replied that the borough ordinance requires 8; there are 8 on the site. Mr. Ward explained that the applicant is seeking a variance for the size of the spaces. Mr. Lobosco asked if a couple of the spots could be 20 ft. long; Mr. Ward replied yes. Mr. Ward pointed out that even if the lot went to 7 spots it doesn't help with the circulation. Mr. Moloney stated that the handicap parking space should be full size; Mr. Ward stated that the handicap parking stall is to ADA standards.

Mr. Brendle asked if the concrete wheel stops could be moved forward a little, would it help with circulation. Mr. Ward replied yes.

Mr. Zelenak asked if the handicap spot does meet the size requirement at 18ft; Mr. Ward replied yes.

Mr. Weiss asked if the handicap spot is included in the 8, Mr. Ward replied yes.

Nancy Maclearie 809 Central Avenue asked if a house of worship is permitted. Mr. Ward replied that he stated it would be a conditional use.

Rachel Castellon 2212 Parkview Terrace asked for clarification of the size of the parking space for the handicap spot.

Casey Willms 106 Meadowbrook Road asked if the proposed trees on the property could be shorter, in particular the one closest to the building to make for access in an emergency. Mr. Ward replied that the applicant would accommodate with whatever the board requests. Mr. Willms asked about the driveway width and what would be required to accommodate 2 vehicles; Mr. Ward stated the ordinance requires 25 ft. Mr. Willms asked about traffic; Mr. Ward stated that it would be addressed in the planning testimony. Mr. Willms asked about bringing the driveway up to code. Mr. Ward replied that it could be enlarges but it would exaggerate the lot coverage.

Keenen Reynolds 304 8th Avenue asked about the hedges on the east side who do they belong to, Mr. Ward stated he thought it was the neighbors; he thought backing out would be difficult. Mr. Ward stated that he wouldn't recommend backing out of the driveway; there is sufficient room to turn the vehicle around and drive straight out.

Mr. Beekman asked Mr. Zehnder to review the floor plans; asking if it changed from a 6 unit facility to 4 units. Mr. Zehnder replied yes. He testified that the first floor has 2 units, each with 2 bedrooms, kitchen, living room and bathroom. The other 2 units are on the second and third floor, consisting of 3 bedrooms, kitchen, dining room, living room and 2 bathrooms. He added that each bedroom has a minimum of 1 window and a closet. Mr. Zehnder reviewed the building code definition of a bedroom. The front porch is the main entrance. When you enter there is a door to each unit on that level, you climb the stairs where there are 2 doors to enter those apartments. Each of those apartments has a stairwell to the third floor. The applicant is installing fire sprinklers on all levels with a inter-connected alarm system. The third floor has an existing exterior fire escape.

Mr. Weiss asked if the wooden staircase on the rear exterior is permissible; Mr. Zehnder replied yes, provided it meets the standards. The material used does not matter.

The meeting was open to questions of Mr. Zehnder.

Rachel Castellon 2212 Parkview Terrace asked if there is a basement, Mr. Zehnder replied yes but with limited space. The steps going down to the basement are steep, about 1/3 of the space is a full basement while the rest is a crawl space. He testified that the open area houses the electrical equipment, hot water heaters and boilers. He

added that if approved the fire alarm system will also be installed there. She asked if there are steps to outside, Mr. Zehnder replied yes. Ms. Castellon asked if there will be washer/dryers in the basement. Mr. Zehnder stated that he in the common area no, but that hasn't been discussed for the individual units.

Katie Reynolds 304 8th Avenue asked about the air conditioners, Mr. Ward replied that they are under the rear stairs in the back and will have screening. He explained that the unit will circulate to all apartments. Mr. Zehnder stated that he reviewed the borough ordinances and there are no requirements. He stated that they will be screened and to benefit the neighbors and tenants.

Michael Skea 114 Tenth Avenue asked if the units will be individually metered. Mr. Zehnder replied that for water, it will probably one meter but electric will be individual meters. Mr. Skea asked about gas, Mr. Zehnder replied that there hasn't been discussed regarding that. Mr. Skea asked if they will be condos, Mr. Zehnder replied not that he is aware of. The discussion has always been turning the existing layout to apartments and then renting them. Mr. Skea asked if the applicant is an LLC; Mr. Beekman replied the applicant is a contract purchaser.

Chairman Pearsall called for a five minute break.

Mr. Carran 210 Fifth Ave Belmar, NJ was sworn in by Mr. Kitrick.

Mr. Beekman asked if he is the registered owner of the property at 206 Highway 71, he replied yes. Mr. Beekman asked him to explain his business. He offered that he purchases property, fixes them up and then sells. Sometimes purchases and roll over to another contractor. Mr. Beekman asked if he purchases homes in foreclosure; he replied yes. Mr. Beekman asked if that was the case here, he replied yes. Mr. Beekman asked if his contract with Mr. Smith is contingent on this application and if approval is given; Mr. Carran replied yes.

The public was invited for questions.

Rachel Castellon 2212 Parkview Terrace asked Mr. Carran if he is the trustee and at what percent; Mr. Carran replied 100%.

William Moloney 909 Ocean Road asked about the taxes in the arrears; will that be resolved. Mr. Carran replied yes. Mr. Beekman clarified that a 3rd party has a lien on the delinquent taxes. Mr. Moloney asked if there are past due taxes, Mr. Beekman replied no.

Nancy Maclearie 809 Central Avenue asked Mr. Carran if he is a full time resident in Belmar, he replied no; Maryland. She asked if he is responsible for cutting the grass, he stated yes. He added that the rain has held things up.

Attorney Kitrick asked those with questions to ask them all at once.

Rachel Castellon 2212 Parkview Terrace asked if Mr. Carran will reside there, he replied no.

Casey Willms 106 Meadowbrook Road asked Mr. Carran if he owned other properties. Mr. Carran replied yes, in Marlboro and Freehold.

Mr. Ward stepped forward for planning testimony. Mr. Ward gave his credentials.

Mr. Ward explained the C1 bulk variance request includes the existing non conformities; lot area, lot frontage, lot depth, front yard setbacks on both Ocean Road and Route 71. All of these are existing conditions are hardships with no opportunity to cure; he added the lot coverage has been cured with this application. The C2 variance is for the parking stall size of 9' X 18'; this is a common size, it is needed to meet the 8 parking stall requirement. Mr. Ward offered that this size is an industry standard. Mr. Lobosco added that the shed falls under this category also. The D1 use variance is for the use variance. He added that the existing use as a Bed & breakfast was transient in nature; the proposed is a steady occupancy. Mr. Ward reviewed what the parking requirements would be for any of the permitted uses; all of the permitted uses would require more parking than the applicant. The style of the building is fitting to the application, this is a perfect example adaptive re-use of an existing structure and it would have limited interior construction.

A new building would have to meet the required 30 ft. setback and would not work on this site. It would also require DOT approval which he feels would not be attained. Mr. Ward added that reducing the density is always a positive impact. The proposed development is conserving a historical building in town. The benefits outweigh the negative. He added it's an appropriate use of the property. There is no detriment to the public with this application. The trip generation is 1/3 of what it was for a B&B. Mr. Ward stated that the average for the apartments would be 27, the B & B would be about 73. Mr. Ward feels this is the best use of the property and does not have a negative impact to the public. It's an improvement over what exists today. Mr. Ward added that the 1999 Master Plan re-exam calls for a range of housing for a diverse range of population.

Mr. Beekman asked if it was a vacant lot what would be the limitations be as to building on the lot. Mr. Ward replied that the proximity to the corner wouldn't meet the setbacks; the lot couldn't be redeveloped without severe approvals from DOT. This would impact the neighbors which in all likelihood wouldn't be approved. Mr. Beekman asked under those circumstances the best use of the property is using the building as it exists; Mr. Ward replied yes. Mr. Beekman asked if any of the permitted uses would require a variance for parking, setbacks and lot coverage; Mr. Ward replied yes.

Mr. Beekman asked if you were exiting the property how would you travel, Mr. Ward replied that most would make use of the traffic light but could leave by going right.

Mr. Beekman asked about the trip generation and if this would be the least intense; Mr. Ward replied yes. He reviewed the number of trips for the application and the trip count for some of the permitted uses, all of which exceeded the trips for the 4 unit apartments.

Mr. Beekman reviewed land use regulations with regard to existing hardships on a property; Mr. Ward explained that there are existing conditions on this property; he added that this property is heavily constrained. Mr. Beekman asked Mr. Ward if the building as it exists is legally and lawful permitted on this property, Mr. Ward replied yes.

Mr. Miller asked if we can proceed with questions of Mr. Ward.

The meeting was open to questions of Mr. Ward.

Mr. Zelenak asked about the DOT requirements with putting in a new driveway. Mr. Ward replied that you need a width of 24 ft, with 100 ft. from the corner and 25 ft. side lot line. Mr. Zelenak asked is it reasonable to think that they would say no; Mr. Ward replied yes.

Ms. Lalji asked if looking at the property with nothing there, a new building put in, how would it look. Mr. Ward explained that it would be tucked back with parking in the front. Mr. Ward didn't think DOT would allow it because of pulling in and out directly on to Route 71.

Mr. Weiss asked how DOT would feel about the driveway; Mr. Ward replied he feels that they would preference keeping it in place.

Mr. Kitrick asked about Mr. Ward about the trips for this project; Mr. Ward replied 27 total for the 4 units.

Chairman Pearsall asked the public not to go up for questions multiple times, ask them all at once.

The meeting was open to the public for questions of Mr. Ward.

Julie LaForge 908 Central Avenue asked if the trip count is based on Spring Lake Heights, Mr. Ward replied no. She felt that the trip generation would change in July. Mr. Beekman stated that the information is obtained from a nationally published document; the number is determined by the number of units at the sight.

William Moloney 909 Ocean Road commented that the notice and letters included the stall size, and that he thinks there was conflicting information. Mr. Kitrick stated that he reviewed the notice and in his opinion the board can take jurisdiction. Mr. Moloney asked about calculations to the allowable number of occupants, Mr. Kitrick explained that this is for questions regarding the planning testimony. Mr. Ward offered that it would be a code official regulation. He asked if a traffic study was done, Mr. Ward replied no. Mr. Ward added that he

didn't feel it was warranted and the board didn't ask for one. Mr. Lobosco clarified the ordinance on the requirements for parking stall size.

Rachel Castellon 2212 Parkview Terrace asked if consideration was given to making it a 2 family home. Mr. Ward stated he couldn't comment on that. Mr. Beekman added that it's not permissible in that zone.

John Gannon 1711 Beverly Avenue asked if the applicant would need to apply if it was re-opened as a Bed & Breakfast. Mr. Ward replied that he did not know. He wanted to clarify if it was opened as a B& B, the trip generation would be more than this application; Mr. Ward replied yes.

Mike Kuehne 913 Ocean Road asked about the calculations, are there variables that are open to your interpretation. Mr. Ward replied no, it's based on studies; the accounting is based on the number of units. Mr. Kuehne asked about the allowable number of occupants. Mr. Lobosco replied that it's by Borough Code. Mr. Beekman asked Mr. Ward that as a B & B, could you conceivably have 26 people in 13 bedrooms with 2 cars each requiring 26 parking spaces. Mr. Ward replied yes.

Chairman Pearsall asked if the building was anywhere else in town, would the trip count remain the same; Mr. Ward replied yes.

Mr. Miller stated if it's a B & B, its 13 bedrooms one car for each, he offered that they would probably be in one car.

Casey Willms 106 Meadowbrook Road stated Mr. Ward referenced that this is a good use of the property. Mr. Ward replied that a 4 unit apartment is a good use of the building. Mr. Willms asked if a 2 unit apartment would be less of an impact with less trip generation; Mr. Ward replied yes. Mr. Willms asked if the comments about the existing conditions existing today being legal, would they have required board approval, Mr. Ward stated that he couldn't comment on previous approvals.

Glenn Bodner 123 Tenth Avenue asked about the trip count. Mr. Ward explained how it's calculated. Mr. Bodner asked about occupancy; Mr. Ward stated that he didn't testify to occupancy.

Mike Kuehne 913 Ocean Road asked about the variables when calculating occupancy. Mr. Beekman stated that they are standards established for decades and updated as needed.

Michael Skea 114 Tenth Avenue asked Mr. Ward if he is a traffic engineer. Mr. Ward replied that he is a licensed professional engineer, mainly civil engineering. Mr. Skea asked about a traffic study, Mr. Ward replied the board didn't require it. Mr. Skea asked about the occupancy, Mr. Kitrick stated that there hasn't been testimony to occupancy. Mr. Skea asked Mr. Ward if the use would be less with only 2 apartments. Mr. Beekman objected. Mr. Kitrick asked the basis of the objection. Mr. Beekman replied that there hasn't been testimony to occupancy; he added that the questions have been repeated.

Mr. Martin agrees with Mr. Beekman; we're answering same questions over and over.

Chairman Pearsall opened the meeting to the public for comments. He explained that you come to the microphone, state your name and address and you will get sworn in.

Ms. Lalji asked Mr. Carran how long the property was on the market and if this was the first person to show interest. Mr. Carran replied no there was interest as a single family; he added that Mr. Smith was the only one that had a proposal. Chairman Pearsall asked how long the property has been vacant; Mr. Smith replied about a year and a half.

Sharon Batteau 1719 Beverly Avenue stated that the applicant doesn't have to live with consequences.

William Moloney 909 Ocean Road wanted to share information; Mr. Beekman stated that he would object if it was regarding occupancy. Mr. Kitrick stated that it would have no bearing on the board's decision. Mr. Moloney stated that in the Spring Lake Heights code, occupancy is determined by square footage of the bedroom. He feels the proposal is a change to the Master Plan, he urged the board to reject the application.

Matt Hayduk 809 Central Avenue urged the board to stick with the Master Plan. Mr. Tangeman asked if he was looking for a permitted use to go there, he stated that would be more of intense issue with parking.

Mike Kuehne Ocean Road stated he was uncomfortable about the garbage and driveway situation

Nancy Maclearie stated that Spring Lake Heights allow multiple family housing and that the board should adhere to the ordinance. The applicant should go to Mayor and Council to change ordinance. In her opinion that did not show that it is not a detriment to the neighborhood.

Rachel Castellon 2212 Parkview Terrace objected to the application, she feels it's a burden on the school.

Michael Skea 114 Tenth Avenue felt the traffic in that area is a problem, the use will make it more intense. He added that the outside of the building does look good.

Julie LaForge 908 Ocean Road feels the area is already too dangerous with traffic.

Elizabeth Stader 566 Central Avenue feels parking is deficient. Mr. Beekman stated that the parking meets the Boroughs ordinance.

Katie Anzzolin 904 Prospect Avenue asked the board to deny the application.

Richard Gannon 1711 Beverly Avenue offered that he knows Mr. Smith and can speak to his character and the quality of his work; he's very precise in his work.

Glen Bodnar 123 Tenth Avenue stated that he would probably wouldn't mind that building but just not on that corner.

Casey Willms 106 Meadowbrook Road appreciated the work the professionals did on this application but feels other uses for the building would be better.

On a motion by Mr. Martin and seconded by Mr. Brendle; the public portion was closed; roll call taken, all ayes.

Mr. Beekman summarized. He described that testimony shows that this is a less intense use; the existing condition is a hardship, the parking meets the Borough's ordinance, the apartments are not going to create a traffic issue, one already exists. The building presently sits next to a residence, the building looks like a residence. He added that the trip count is 27 which exist over 1 hour of the day. He stated that the applicant was here in April and many board members commented that 4 units would be more acceptable. The applicant can't change that the 7-11 is there and the traffic at the corner. The testimony supports that each variance is legitimate; there has been overwhelming testimony that the application should be approved.

Attorney Kitrick reviewed that consideration is for the use variance, the 9' X 18' parking stall size and the accessory building. Mr. Kitrick reviewed that a prior application was denied and that the applicant has met the requirements of res judicata.

Motion was made by Mr. Brendle to approve the application, adding that the size of the trees are reduced as per the request of fire department; seconded by Mr. Tangeman. Roll call taken:

Mr. Brendle voted yes, the presentation today was very detailed and reduced the units as requested.

Mr. Miller voted no, feels it's too dangerous with traffic and hazard to the neighbors.

Mr. Tangeman voted yes, the improvements are great, the traffic will be a little busier but the other permitted uses would generate more. Mr. Smith and the owner have a reasonable ability to develop the property.

Mr. Weiss voted no, he sees it as traffic problem and feels it will be an inconvenience to the community.

Mr. Zelenak voted no, he is concerned about the safety and that it doesn't conform to the master plan.

Mr. Martin voted no, he's concerned about the traffic

Chairman Pearsall voted yes, he feels it's an improvement over the prior application, it's less intense, he feels it would be a good fit.

Based on the vote: the application is denied.

NAYS: None

ABSTAIN: None

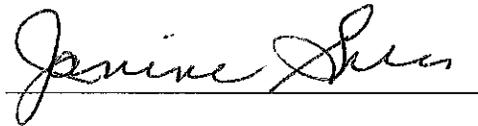
Adjournment: On a motion by Mr. Brendle and seconded by Mr. Martin the meeting was adjourned without objection at 11:30 p.m.

AYES: Mr. Brendle, Mr. Miller, Mr. Tangeman, Mr. Weiss, Mr. Zelenak, Mr. Martin, & Chairman Pearsall

NAYS: None

ABSTAIN: None

Submitted And Approved:



Date: August 24, 2017