

BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT – MINUTES July 27, 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 - present
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.

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

Approval of Minutes: May 25, 2017 Removed from agenda

June 22, 2017

Motion was made by Mr. Brendle to approve the minutes of June 22, 2017; seconded by Mr. Miller; Roll call taken:

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

Ms. Lalji arrived at 7:33pm

Correspondence: None

Old Business: **Resolution No. 2017-09**
Antonia Arts Application ZB2017-04
816 Pitney Drive
Block 46 Lot 78

Motion was made by Mr. Brendle to approve Resolution 2017-09; seconded by Mr. Miller; Roll call taken:

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

Resolution No. 2017-10

Elaine Maccanico Application ZB2017-05
807 Pitney Drive
Block 79 Lot 18

Motion was made by Mr. Brendle to approve Resolution 2017-10; seconded by Mr. Weiss; Roll call taken:

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

NAYS: None

ABSTAIN: Mr. Quinn, Mr. Tangeman

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

Michael Rubino represented the Applicant. Mr. Paul Daminao, Mr. David Legow, Mr. Peter Van DeKoy and Mr. Lobosco were sworn in by Attorney Kitrick.

Introduced as exhibits:

Aerial photograph of area, marked as A-1.

Site Plan, marked as A-2.

Photograph board of area (9 photos), marked as A-3.

Architectural sheets (S1-S4), marked as A-4.

Architectural model, marked as A-5.

Mr. Rubino stated that the applicant is the apartments on Hwy 71 opposite the shopping center. The portion of the property for the improvement is the pool area which includes the pool, a patio area and a pool house. The applicant would like to remove them and erect a new clubhouse that would include a meeting room, gym, new landscaping and a storage unit. Mr. Rubino explained that it is a residential zone and requires a use variance.

Chairman Pearsall asked about the sustainability checklist adding that it's blank; Mr. Rubino replied that it was an oversight by his office.

Mr. Rubino called on Mr. Legow. Mr. Legow stated that he has property in Spring Lake Heights for quite a while, adding that he owns 3 complexes in town. He stated that over the years there have been many improvements to the units. He feels that the pool is an eyesore and has been difficult to staff. He feels the new clubhouse will offer a sense of community to the residents; it will only be available to the residents of the complex. The storage unit will house snow removal equipment, the golf cart used by the staff. Mr. Rubino asked if there will be an increase in units, Mr. Legow replied no. Mr. Legow added that he has done similar improvements to his other properties.

Chairman Pearsall asked if the pool was open, Mr. Legow stated that it hasn't been open in years. Chairman Pearsall asked about the storage area, Mr. Legow replied it will have a garage door for easy access in and out with the equipment.

Mr. Quinn asked if a resident could rent on behalf of someone that is not a resident; Mr. Legow replied no but you couldn't really police that, the tenant should be the renter. Mr. Legow wasn't sure if there would be a charge.

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

Mr. Rubino called on Mr. Damiano.

Mr. Damiano reviewed the aerial photo showing the property and the photo board explaining each photo. He then reviewed the model pointing out the new clubhouse, maintenance building. He explained the new clubhouse will be a 2 story building, a new patio area with a fountain, tables and chairs and a fire feature. Chairman Pearsall asked why a 2 story building, Mr. Damiano explained that it would have a second floor for mechanicals. Mr. Damiano described the landscaping. He explained the clubhouse will have gym equipment, pool table, kitchenette, TV's; seating area for 25 people. Mr. Legow stated that there will also be seating outside with a barbeque area. Mr. Damiano showed the maintenance shop with the overhead doors for access for the equipment and golf cart.

Ms. Lalji asked about the fire pit and water feature. Mr. Damiano stated there is a fountain that drains to a lower fountain, you can't reach into it. Ms. Legow replied that it would be controlled by the office, there will be cameras and a code for access. He added that the residents will have an access card to get in.

Mr. Damiano stated that a lot of the trees in the area are dead or damaged and will be replaced; an arborist inspected the area. He added that the clubhouse will have a new sewer line. Mr. Rubino asked about a drywell installation. Mr. Damiano spoke with Mr. Lobosco, and since the lot has a high water table; a drain field was best. Mr. Rubino asked about a permit for NJ DEP, Mr. Damiano replied yes, it is in a flood zone. Mr. Pearsall asked for an explanation of a drain field. Chairman Pearsall asked Mr. Damiano what water will that take in, Mr. Damiano replied the roof area. Mr. Damiano added that the walkway is coming out and will help with drainage. Chairman Pearsall asked Mr. Lobosco if the plan is acceptable. Mr. Lobosco explained that there are limitations due to the high water table. He added that the applicant will need to get approval from NJ DEP. Mr. Damiano explained that the existing building has some lights the proposal includes 4 post lights at the benches and lights along the walkway. Chairman Pearsall asked if there will be any light spillage; Mr. Damiano replied no. Mr. Lobosco asked about pervious pavers; Mr. Damiano replied that there will be some around the fountain.

Mr. Weiss asked what pervious pavers; Mr. Damiano explained that they allow water to flow through them.

Mr. Kitrick asked what the reduction in coverage is; Mr. Damiano replied 4,465 sq. ft.

Mr. Damiano added that setbacks are also improving with the proposal.

Mr. Damiano stated that he is not LEEDS certified but the lighting will be LED inside and out, they will be using energy efficient building materials and equipment.

Chairman Pearsall asked if pavers are being removed, Mr. Damiano replied no but we are taking up concrete.

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

Mr. Rubino called on Mr. Van DeKoy. Mr. Van DeKoy provided his credentials and will testify as a planner. He stated that the complex was built around 1973 and in likelihood would have required a use variance, but couldn't determine for sure. He explained the neighboring properties. He feels that the proposed is going to clean up the property and make it aesthetically pleasing. The new building will be elevated in accordance with FEMA requirements. The impervious coverage will be improved as well as the setbacks. Mr. Van DeKoy testified that the project provides no substantial detriment to the public. He explained that it's an existing use and will complement the existing use. The landscaping proposed will improve the buffer also.

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

The meeting was open to the public for comments; none presented.

The comment period was closed on a motion by Mr. Brendle, second by Mr. Quinn

Roll Call Taken:

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

Mr. Rubino offered that this is a great project, there will be improvements, lessening the coverage, he added that Mr. Legow in the future will also be making improvements to the driveway.

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

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

NAYS: None

ABSTAIN: None

There was a 5 minute break in the meeting, we resumed at 8:38 pm

Essex & Sussex Properties, LLC **Application # ZB2017-06**
605 Sussex Avenue
Block 70 Lot 14 & 21
Sub-Division with variances

Attorney Michael Rubino represented the applicant.

Mr. Joseph Kochuba, Mr. William Connellan, Ms. Susan Doolan and Mr. Lobosco were sworn in by Attorney Kitrick.

Marked as exhibits:

1. Color rendering of the site, marked as A-1;
2. Color rendering of the neighborhood, marked as A-2;
3. Preliminary and Final Site Plan, marked as A-3;
4. Photoboard of Area, marked as A-4;
5. House renderings, marked as A-5;
6. 1980 Resolution of Approval, marked as A-6;
7. 1996 Resolution of Approval, marked as A-7;
8. Zoning letter from Neil Hamilton, dated 7/27/17, marked as A-8;
9. Spring Lake Heights Environmental Commission letter, marked as A-9;

Mr. Rubino stated that a part of the Doolans parking lot is in the residential area and Golf Vu (Doolans) would like to keep that which creates a use variance. Five new homes will be built and a variance is requested for a front yard setback on one lot, this is requested to keep similar frontage across the lots.

Attorney Kitrick pointed out that based on the parking lot issue and the need for a use variance this board does have jurisdiction.

Chairman Pearsall asked if the one lot will have a separate tract retained by Golf Vu, Mr. Rubino replied Doolans will retain ownership; the parking lot as it exists will remain. Ms. Dolan stated that she would like to retain the parking area as it is, even though the usage of the facility has been reduced.

Chairman Pearsall asked about the truck that is parked at the rear of the parking lot: Ms. Doolan replied that it was kept there to camouflage the houses; it will be removed, once the homes are built it will be removed.

Mr. Miller asked about the area of the one lot that will be a part of the Doolan's parking lot, couldn't they just retain it and not have this issue. Mr. Rubino pointed out that the Governing Body would have to change the zone.

Mr. Tangeman asked about that lot; some will be parking along with landscaping, Ms. Dolan replied yes.

Ms. Lalji asked for clarification on who owns the property and what lots are under contract.

The meeting was open to the public for questions of Ms. Doolan.

Kat Crippen 564 Atlantic Ave asked who the applicant is; Mr. Connellan replied Essex & Sussex Properties. Mr. Rubino stated Mr. Connellan is one of the principals.

Kathleen Keating 801 Sixth Ave offered that the letter she received indicates the variance for the front yard setback states 30 ft. is required; Mr. Rubino replied 20 ft. is allowed, Mr. Rubino stated that it was a typo.

Mr. Rubino addressed Mr. Neil Hamilton's letter; he had suggested a shed. Ms. Dolan replied she didn't need it. His letter addressed the trash and the box truck should be removed; Ms. Dolan replied yes, some of this has been taken care of.

Mr. Tangeman asked if someone was living in one of the structures. Ms. Doolan replied yes in 1; he is charged with keeping an eye on the property. He will be moving if the approval is given and the contract signed.

Mr. Rubino called Mr. William Connellan. Mr. Connellan reviewed his background. Chairman Pearsall asked if he had done any work previously in the area, he replied yes, Essex Ave, Homestead and Wall Road. Chairman asked if the construction on Essex is his work, Mr. Connellan replied yes.

Mr. Connellan explained that he is proposing to build 5 single family homes with a single garage in the back. One lot will have a driveway entrance on 6th, the others will enter from Sussex. Chairman asked if there will be blacktop all the way to the garage, Mr. Connellan replied yes. He added that the variance relief is for one property on the corner of Sixth & Sussex which would allow for the homes to all line up the same.

Mr. Brendle asked width of the right of way strip; Mr. Lobosco replied 15ft.

Mr. Rubino asked Mr. Connellan if he is going to develop the project himself, he replied yes. Mr. Connellan showed exhibit 5 of the house renderings, they will be slightly different from each other.

Mr. Weiss stated the plan doesn't show the driveway extending to the garage, Mr. Connellan replied that it would.

Mr. Rubino asked Mr. Connellan about the one lot that was talked about earlier that will have the parking lot next to it. Mr. Connellan replied that it would have a fence and landscaping including evergreens so that year round there will be a buffer.

Mr. Tangeman asked how wide the buffer will be; Mr. Rubino stated 16.5 ft. Mr. Tangeman thought it should be 20ft. Mr. Lobosco replied this is a little different since the lots are a combination of commercial & residential.

Mr. Rubino added that Mr. Connellan will be diligent about the buffer in order to protect those buying the new homes.

Mr. Lobosco offered that possibly the parking spaces are about 25 ft. and could be reduced and add to the buffer. Mr. Kochuba pointed out that although the stalls are long, the aisle is narrow.

Mr. Weiss asked about the width of the driveways, Mr. Connellan replied 12 ft.

Chairman Pearsall asked about saving some of the trees on the property rather than clear cutting. Mr. Connellan replied that he had an arborist visit the site and many are a danger, he added that where possible he would save those that are in good shape. Chairman Pearsall asked if a member from the Environmental Commission walk the site also. Mr. Rubino offered that possibly Mr. Connellan, Mr. Kochuba, the arborist and the board engineer could walk the property. Mr. Kitrick explained that a board member can't participate. Mr. Rubino stated that if Mr. Lobosco has arborists he would be welcome as well. Chairman Pearsall asked Ms. Crippen, Chair of the Spring Lake Heights Environmental Commission if she would like to attend; she replied yes. Ms. Crippen stated that she walked the property with the Planning Board liaison and the Board of Adjustment liaison; that they didn't observe any diseased trees.

Ms. Crippen was sworn in. Mr. Rubino asked her expertise and objected to her comment. Ms. Crippen replied a Masters Degree in history, with a minor in botany and has spent 40 years studying horticulture and has worked as landscape designer. Mr. Rubino also objected to receiving the Environmental Commissions report tonight.

Mr. Rubino stated that the offer is that the applicant, the boards engineer, the applicants engineer and the arborists walk the property.

Chairman Pearsall stated that the board relies on members of the community in making their decisions. He added a previous applicant that keep mature trees and it was great.

Chairman Pearsall asked about the corner house and the need for the 17ft and thought it should be reconsidered. Mr. Miller stated that many homes in that area including his own with the same setback.

The meeting was open to the public for question of Mr. Connellan. None presented.

Mr. Rubino stated that he spoke to his client and Ms. Crippen, Environmental Commission Chair will accompany Mr. Connellan, Mr. Lobosco and the tree arborists to walk the property to see what trees could remain.

Mr. Joseph Kochuba reviewed his engineering credentials.

He reviewed the site as it exists consisting of 7 bungalows, garage and a single family home all in depilated state. Doolans Shore Club will remain. The surrounding uses are residential along with the fire house on Sixth Ave. He added that there were previous approvals with regard to parking and that there was also a parking agreement with the property across the street, Wintron; which that parking lot is now owned by Doolans. Based on the last approved resolution it required 176.4, the sight has 177 available parking spaces, so that are in compliance. The proposal does eliminate some existing variances. Mr. Kochuba described the proposed dimensions of each of the new lots. The drainage presently goes out to Sussex Ave but drywell systems will be installed on all properties. He stated that they will conform to the Borough's ordinance and he would work with Mr. Lobosco to take from both the houses, their garages and sump pumps as asked in Environmental comment letter.

Mr. Rubino stated that the applicant doesn't object to the Environmental Chair accompanying the walk of the site.

Mr. Kochuba stated that the arborist is from Burke and that the hazardous trees are marked as well as trees that need to be removed due to construction. He added that during excavation, trees could be compromised. Mr. Kochuba stated that the applicant is very aware of the importance of saving trees.

Mr. Kochuba stated that the right of way is excessive at 20 ft. and then a 30 ft. front setback which means it's a 50 ft. from the curb line to the front of the house making for a great street scape. It also affords that there will be less impact during construction. This application is a substantial improvement to the neighborhood.

Mr. Kochuba reviewed what the variances that are being requested and could be granted under C2 criteria. He reviewed that variances required and testified as to some of the improvements that will be done with this proposed application. He added that the use variance for the parking is existing and is needed to maintain the required parking requirement, it will be buffered.

Chairman Pearsall asked about the existing curbs and sidewalks, Mr. Kochuba replied all will be replaced or put in where none exist.

Mr. Kochuba stated the C variances, this relief does not have a negative impact, he feels no, he stated that the condition currently exists on the corner of Essex & Sixth.

Mr. Brendle asked the distance from the property line to the curb on 6th, Mr., Kochuba stated 15 ft. Mr. Brendle stated that then it's actually 32 ft. from the curb; Mr. Kochuba stated yes.

Mr. Tangeman asked about the length of the parking spaces they discussed earlier; Mr. Kochuba replied that 20 ft. long. Mr. Kochuba showed them on the exhibit and explained that the entrance and the aisle kicks over and adds 5 ft. Mr. Tangeman asked if you removed 3 ft. of pavement would that help. Mr. Kochuba thought be doing that it would create another variance. There was discussion if there was a way to shorten the length without creating a new ordinance. Mr. Kochuba didn't think it was possible. Mr. Rubino pointed out that this has existed for 55 years and previous boards have approved it the way it is.

Mr. Tangeman asked about the resolutions Mr. Rubino mentioned; the board hasn't seen them. He would like to review if possible. He took a few minutes to review them.

Mr. Kochuba reviewed the sustainable checklist, stating that energy star appliances will be installed, the lighting will be LED, tank less water heaters, all building materials where possible will be recycled if possible, drywells will be installed, the HVAC will be energy efficient. Chairman Pearsall asked about roofing material, Mr. Kochuba stated standard materials. Chairman asked about color, Mr. Kochuba didn't know. Chairman Pearsall stated that the sustainable checklist states no darker than lt. grey. Mr. Connellan replied they will vary so that they all don't look the same, he will use. Mr. Zelenak stated that the checklist states that you will comply. Mr. Kochuba stated his office made an error stating that they would comply.

Mr. Kochuba reviewed points from the Environmental Commissions letter; drywells will be installed, there is no objection to sump pumps not draining to the street; there will be no improvements with the Doolans parking lot. Driveway and curbing will be as per code. Grading will be such that it doesn't drain on to neighbor's property and animal control will be done before demo.

Chairman Pearsall about landscaping, Mr. Kochuba replied that each house will have sod and some landscaping. Mr. Lobosco pointed out that there are some street scape trees.

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

Kat Crippen 564 Atlantic Ave wanted to point out that Alex Burke has done some work for the Environmental Commission and wanted to make sure that there wasn't a conflict. She also asked if the boards engineer would have a tree arborist, Mr. Lobosco stated yes. Mr. Lobosco asked that the footprint of the houses and garages are marked out prior to the visit so that everyone could see where building will take place.

The meeting was open to the public for comment.

Kathleen Keating 801 Sixth Avenue commended the board for trying to save some of the trees. She also expressed concern over a sidewalk going in on Sussex as there are no other sidewalks; Mr. Rubino stated that it's a Borough ordinance.

Kat Crippen 564 Atlantic Avenue stated that she is not opposed to the project, she would just like it to be environmental she appreciated the efforts on stormwater management. She also thanked everyone for including her on the walk of the property.

Mr. Connellan wanted to point out that as the builder of the homes if trees are damaged and not removed he would be responsible; adding that if there are trees not salvageable they will have to come down.

The public comment period was closed on a motion by Mr., Brendle and seconded by Mr. Tangeman, Roll Call taken:

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

NAYS: None

ABSTAIN: None

Attorney Kitrick reviewed how the motions and votes would be taken as the use variance needs 5 yes votes the other requests need just a majority.

Motion was made by Mr. Brendle to approve the use variance and sub-division; seconded by Mr. Weiss; Roll call taken:

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

NAYS: None

ABSTAIN: None

Motion was made by Mr. Brendle to approve the coverage variance on lot 14.01 with a buffer as presented; seconded by Mr. Zelenak; Roll call taken:

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

NAYS: None

ABSTAIN: None

Motion was made by Mr. Brendle to approve the variance for setback; seconded by Mr. Miller; Roll call taken:

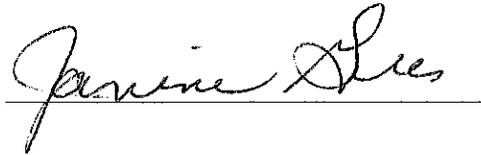
AYES: Mr. Brendle, Mr. Miller, Mr. Quinn, Mr. Tangeman, Mr. Weiss, Mr. Zelenak

NAYS: Chairman Pearsall

ABSTAIN: None

Adjournment: On a motion by Mr. Brendle and seconded by Mr. Quinn the meeting was adjourned without objection at 10:45 p.m.

Submitted And Approved:



Date: *September 28*, 2017