

**BOROUGH OF SPRING LAKE HEIGHTS**  
**BOARD OF ADJUSTMENT – MINUTES August 24, 2017 at 7.30 PM**

Roll Call:

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

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

Chairman Pearsall read the following:

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.

**Executive Session**                      **Resolution #2017-13** – Litigation; 206 Highway 71 LLC

Attorney Mark Kitrick read the resolution into the record.

Motion was made by Mr. Brendle to approve Resolution 2017-13; seconded by Mr. Tangeman; Roll call taken:

AYES:            Mr. Brendle, Mr. Quinn, Mr. Tangeman, Mr. Martin, Ms. Lalji, and Chairman Pearsall  
NAYS:            None  
ABSTAIN:        None

Attorney Kitrick reported that a previous applicant, 206 Highway 71 has filed a complaint with Monmouth County Superior Court. Members agreed that an answer should be filed by Mr. Kitrick. He will keep members updated as things progress.

**Approval of Minutes:**            May 25, 2017  
    July 27, 2017 **removed from agenda**

Motion was made by Mr. Brendle to approve the minutes of May 25, 2017; seconded by Mr. Tangeman; Roll call taken:

AYES:            Mr. Brendle, Mr. Tangeman, Ms. Lalji and Chairman Pearsall  
NAYS:            None  
ABSTAIN:        Mr. Quinn

**Correspondence:**                      Resignation Letter – Andrew Zelenak  
    Letter from Mr. Lobosco - Drainage Approval for 816 Pitney Drive

Mr. Lobosco reported that the meeting for tree inspection at the Essex & Sussex Properties went very well. He indicated that in the northeast corner they were able to save a few more. Ms. Crippen stated that she was very pleased and happy more trees were saved. The neighbors were pleased and felt that this will help to maintain the character of the neighborhood.

**Old Business:**                      **Resolution 2017-11**  
Spring Lake Gardens Associates, LLC  
2412 Highway 71  
Block 61 Lot 7  
Remove Existing Pool - Erect Clubhouse

Motion was made by Mr. Brendle to approve Resolution 2017-11; seconded by Mr. Quinn; Roll call taken:

AYES:            Mr. Brendle, Mr. Quinn, Mr. Tangeman, Ms. Lalji and Chairman Pearsall  
NAYS:            None  
ABSTAIN:        Mr. Martin

**Resolution 2017-12**  
Essex & Sussex Properties, LLC  
605 Sussex Avenue  
Block 70 Lot 14 & 21  
Sub-Division with variances

Mr. Tangeman pointed out

Motion was made by Mr. Brendle to approve Resolution 2017-12; seconded by Mr. Tangeman with the additional condition of collecting runoff; Mr. Tangeman pointed out that the applicant had agreed to this it should be added as a requirement. Roll call taken with the amendment:

AYES:            Mr. Brendle, Mr. Quinn, Mr. Tangeman, Ms. Lalji and Chairman Pearsall  
NAYS:            None  
ABSTAIN:        Mr. Martin

**New Business:**

**Paul & Annemarie Patella Application # ZB2017-06**  
818 Pitney Rive  
Block 46 Lot 77  
Second Story Addition & Front Porch

Mr. & Mrs. Patella introduced themselves. Mr. & Mrs. Patella, Mr. Lobosco and Mr. Berzinskis were sworn in by Attorney Kitrick. Mr. Berzinskis reviewed his credentials for the board which were accepted.

Architectural Plan was marked as Exhibit A-1.

Mr. Patella explained that he and his wife have lived in the home for 11 years. Recently, several neighbors have expanded which has prompted their looking to do the same. He added that the family is expanding with grandchildren and the addition will better accommodate the family. Mr. Berzinskis reviewed the existing structure. The plans show the addition exceeds the allowable height but the applicant is changing that and will now conform to the allowable 32ft. He stated that the home as it exists is in violation of the front yard setback, any addition would be a violation. The front stoop will have a covering over the front entryway. The side yard setback is 3.5 and by adding the second story that non-conformity will still exist. The improvements will increase building coverage to 26%.

Mr. Patella explained that the existing concrete patio is coming out and will be replaced with grass. He added that on his street several of the homes have made improvements and he feels this will also be an improvement to the neighborhood. Mr. Patella offered that he would put in a drywell if the board required.

Chairman Pearsall asked about the size of the porch, Mr. Berzinskis replied that presently it sticks out about 4ft and will now be out about 5ft and about 9ft wide.

Ms. Lalji asked about the existing steps and patio on the west side of house if they will be removed; Mr. Patella replied yes. Mr. Brendle pointed out that this will help to decrease lot coverage.

Mr. Tangeman asked how many stories; Mr. Berzinskis stated 2 with walk upstairs to the attic.

Mr. Quinn asked about the tree in the front; Mrs. Patella stated that she wants to keep the tree.

The meeting was open to the public for questions; none presented

Mr. Patella stated that he loves living on the street and hopes the board approves the application. Mr. Quinn asked if the garage is staying. Mr. Patella replied yes that part of the 2<sup>nd</sup> story addition is going over it.

Mr. Tangeman asked if sidewalks are being installed. Mr. Patella replied no; there aren't any in the neighborhood now.

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

The comment period was closed on a motion by Mr. Martin, second by Mr. Quinn Roll Call Taken:

AYES: Mr. Brendle, Mr. Quinn, Mr. Tangeman Mr. Martin, Ms. Lalji & Chairman Pearsall

NAYS: None

ABSTAIN: None

Motion was made by Mr. Martin to approve the application; seconded by Mr. Brendle with the following conditions; the height of the home will conform to Borough code, the installation of a drywell and that the patio on the west side will be removed; Roll call taken:

AYES: Mr. Brendle, Mr. Quinn, Mr. Tangeman, Mr. Martin, Ms. Lalji &, Chairman Pearsall

NAYS: None

ABSTAIN: None

Kathleen & William Gallagher **Application # ZB2017-09**  
1010 Highway 71  
Block 53 Lot 12  
Handicap Ramp

Mr. Patrick Accisano, Esquire introduced himself as representing the applicant. Mr. Gallagher was sworn in by Mr. Kitrick.

Mr. Accisano stated the improvement requires a use variance because of expansion of a non-conforming use; this is a commercial use in a residential zone. It has existed for quite some time.

Marked as exhibits:

A-1 Architectural Plans consisting of sheets marked as A1 through A3

A-2 Survey

Mr. Accisano stated that the commercial use is located in a R5 residential zone.

Mr. Gallagher described the building as it exists with 2 porticos. The building includes 3 separate offices. Mr. Gallagher stated that the placement of the new ramp will configure to provide direct access to the elevator in the

building. It will have a new portico with an awning over the new ramp. The existing handicap parking space will be moved to align with the new ramp.

Mr. Accisano asked how many offices are on each floor. Mr. Gallagher testified there is one of the first floor and two on the second floor. Mr. Gallagher stated that he has owned the building for 24 years and tenants have included attorneys, dentists and real estate offices. Mr. Gallagher stated that the existing curb cut will be curbed with the new handicap parking space will have a curb cut.

Mr. Accisano asked if there will be any interior changes; Mr. Gallagher replied no.

Mr. Accisano asked if the use as been the same during that time, Mr. Gallagher replied yes. Mr. Accisano if he had plans to change the use, Mr. Gallagher replied no. Mr. Brendle asked if the existing ramp going to be removed; Mr. Gallagher replied no, it will just be a pedestrian walkway. Mr. Brendle asked if this improvement is for easier access; Mr. Gallagher replied yes. Chairman Pearsall asked why a fabric awning; Mr. Gallagher replied that a designer recommended as a more aesthetically pleasing look. Chairman Pearsall asked what prompted the project now. Mr. Gallagher stated that the elevator was put in 24 years ago; at the time he was ahead of the times; when the existing ramp was put in it made sense at the time.

Mr. Lobosco expressed concern for the turning radius of the ramp, that it should be 5 ft. Mr. Gallagher replied that the plans would be revised to 5 ft. Mr. Gallagher stated that he would make revise to Mr. Lobosco's recommendation.

Mr. Gallagher explained that the are 3 downspouts on the building; one drains underground, one to the parking lot and one to the grass area. He was concerned about putting in a drywell system since there is a full basement and probably not enough space to install the system underground. Mr. Lobosco agreed. There was discussion as to the best alternative. Mr. Brendle suggested a perforated pipe on top of the ground that would lead to the trees. Mr. Gallagher agreed and stated that he would put in a berm around the pipe to disguise it.

Mr. Accisano reviewed that although the property is in a R5 zone, this property along with the surrounding properties are mostly commercial; adding that this is a pre-existing condition. This improvement is going to better the use.

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

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

Roll Call Taken:

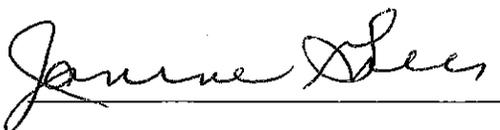
AYES: Mr. Brendle, Mr. Quinn, Mr. Tangeman Mr. Martin, Ms. Lalji & Chairman Pearsall  
NAYS: None  
ABSTAIN: None

Motion was made by Mr. Tangeman to approve the application; seconded by Mr. Brendle with the following conditions; the installation of the pipe to collect from the south side of building and that the turning radius on the ramp will be increased; Roll call taken:

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

**Adjournment:** On a motion by Mr. Brendle and seconded by Mr. Quinn the meeting was adjourned without objection at 9:10 p.m.

**Submitted And Approved:**



Date: October 11, 2017