

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

**February 22, 2018 at 7:30 PM**

The meeting was called to order with a salute to the flag and a moment of silence by Chairman Pearsall at 7:30 p.m.

Bruce Waitzel was sworn in by Attorney Kitrick prior to the meeting being called to order

**Roll Call:**

Brian Brendle – present

Ms. Lalji – present

Donald Nolan – present

Bruce Waitzel – present

Owen Quinn - present

John Tangeman - present

Chairman Pearsall - present

Also Present: Mark Kitrick, Board Attorney

Louis Lobosco, Board Engineer

Mary Ellen Karamus, Board Secretary

Alternate #1 – Thomas Martin – present

Alternate #2 – Georgia Kaminski

**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 website.

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

**Approval of Minutes:**

January 25, 2018 Re-Organization - Motion was made by Mr. Brendle to approve the minutes; seconded by Mr. Tangeman; Roll call taken:

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

NAYS: None

ABSTAIN: None

Mr. Waitzel not called in roll call.

January 25, 2018 Regular - Motion was made by Mr. Brendle to approve the minutes of January 25, 2018; seconded by Mr. Quinn; Roll call taken:

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

NAYS: None

ABSTAIN: None

Mr. Waitzel not called in roll call.

**Correspondence:** Letter from Lou Lobosco, Board of Adjustment Engineer dated  
January 12, 2018 Re. Ordinance 2017-07 changes to Land Use  
Ordinance.

Letter from Department of Transportation dated February 12, 2018  
Re. access permit - Block 20 Lot 9

**Old Business:** None

**New Business:** 206 Highway 71, LLC **Application No. 2018-01**  
206 Highway 71  
Block 20 Lot 9  
Proposed Residential Rental Units - Subject of Litigation

Attorney Kitrick swore in Mr. LoBosco, Mr. Christopher Zehnder, Mr. Robert Smith and Patrick Ward

Attorney Kitrick stated to the board, that the application came before the board on two prior occasions. The first application was for a 6 unit 11 bedroom apartment building; that application was denied by the board. The applicant then submitted a subsequent application for a 4 unit 10 bedroom apartment dwelling. That was denied by the board. Subsequent to the two denials, the applicant filed a prerogative writ with the Superior Court Law Division and the borough filed an Answer. During the pendency of the action, there was an opportunity to go to court, engage in discussions with applicant's council. After getting direction and discussions with the board, they came to what they believe is a fair and reasonable settlement of the matter. Under case law, *Whispering Woods vs. Middle Township*, a proposed settlement for a prerogative writ action would come back to this board for approval of the settlement. Applicant properly noticed application of this hearing, there was a 200 foot notice, and the notice describes what the application is now as far as number of units and bedrooms. This proposal is a result of a settlement discussion and seeking the board's approval for that settlement proposal; that is what brings them to the board tonight.

Jeffrey Beekman, attorney for the applicant stated they are back before the board proposing conversion of the existing property at 206 Highway 71 Block 20, Lot 9 to a 4 unit, 8 bedroom apartment building. They will be converting it with the existing building intact. Mr. Beekman introduced Robert Smith, the developer and managing member of 206 Highway 71, LLC . Mr. Beekman stated that engineer Patrick Ward will testify to the design layout and Chris Zehnder, the architect will testify to the changes of the unit themselves. Patrick Ward is also a planner and will testify as to planning issues associated with the variances that are required. Mr. Kitrick stated that any witnesses may be questioned by the public as it is a public hearing. Mr. Beekman commented that everything has been submitted as part of their application, so unless Mr. Kitrick wants anything else marked it is marked.

A-1 – Colored rendering of site plan marked.

Mr. Beekman asked Mr. Ward if A-1 is no different than the site plan that had been submitted. Mr. Ward said A-1 is a colorized version of the site plan prepared

Mr. Beekman asked Mr. Smith if he is the managing member of 206 Highway 71, LLC and developer of the property. Mr. Smith stated yes he is. Mr. Beekman asked what he is proposing to the Board this evening. Mr. Smith replied to convert the existing 11 bedroom bed and breakfast to a 4 unit building with 2 bedrooms in each unit. He is looking to make it a long term rental property with 1 to 5 year leases geared toward young professionals or older people transitioning into or out of apartment living. This will be an upscale development. Bedrooms can be bigger due to the number of units. The exterior of the building will remain as it is now. Landscaping will be upgraded. Mr. Smith added that the parking area will be more organized than it is now. Mr. Beekman asked Mr. Smith if he heard Mr. Kitrick indicate that they were back before this board as a result of settlement discussions and if Mr. Smith is in agreement with that representations to the board. Mr. Smith replied, yes. Mr. Beekman had no further questions for Mr. Smith.

Chairman Pearsall asked if anyone had questions of Mr. Smith. Mr. Waitzel asked if anyone knew what the building was before a bed and breakfast. Mr. Smith stated it may have been a grocery store. Mr. Waitzel asked with rooms to rent upstairs. Mr. Smith stated he is not sure. He add that he believed that the building was built in the '20s. He noted that the building has been cut up into many sections over the years. Mr. Smith added that he does not think the changes were permitted. There have been changes to the building over the years. Mr. Smith said he thinks the last modifications were about 5 or 10 years ago. Chairman Pearsall said he read that it was built in 1904. Mr. Smith added that he feels it's a well-constructed solid building; this is a great redaptive use for it. Chairman Pearsall asked if anyone had questions. Mr. Quinn asked if they still have the same plans for removing the older sheds. Mr. Smith said yes. Chairman Pearsall asked if anyone from the public had any questions.

Mr. Beekman called Mr. Ward. Mr. Beekman offered Mr. Ward as an expert in field of engineering and planning. Chairman Pearsall accepted.

Mr. Beekman asked Mr. Ward if he was hired by Mr. Smith to prepare a site plan for this property. Mr. Smith said yes. Mr. Beekman asked Mr. Ward if the color rendering of the site plan, A-1, is substantially different than what was proposed to the board at prior meetings on this

property. Mr. Ward stated that it is basically the same. He added that the parking was slightly changed to offer a better solution for better flow. Mr. Ward stated that the building is on the corner of 71 and Ocean Road. He noted that there is a driveway on the east side off of 71 and an asphalt parking area. The property has not been maintained; the fence is in rough shape. Mr. Ward added that there are sheds that are non-compliant; those are to be removed. Mr. Ward added that there will be some pavement modifications and that they will remove as much pavement as possible but still improved the required 8 parking spaces. He added that some trees will be taken down. They are proposing landscaping similar to evergreens. Mr. Ward added that those are the existing conditions. Mr. Ward said the proposed condition entails the building and front porch and rear fire escape being unchanged. They are proposing to bring the site and building up to ADA compliance and provide an ADA parking space with a van loading area next to it. Mr. Ward stated there will be a ramp close to the nearest ADA stall. Mr. Ward said applicant is proposing to do foundation plantings along the front. That will be similar to the area. Mr. Ward added they are proposing 3 street trees which will grow vertically. He said the plan includes parking lot screening for headlights. Mr. Ward added that there will be evergreen plantings where there isn't a ramp as well as evergreen plantings which will screen the refuse area; there will be a flowering tree and a shorter deciduous tree in parking lot. Mr. Ward added that the three sheds will be removed. Applicant is proposing a 10 by 10 shed. That will be the same color as the building. The shed will be for tenant storage. Mr. Ward stated on the plan to the south there are green squares that represent trash cans and recycling; the ordinance requires some screening of that so there will be a solid vinyl fence around those with gates with a paved 3 foot access path to the entrance so for trash pick-up by the private company who will be picking those up. Mr. Ward said that there are 8 parking spaces; the rest of the asphalt footprint doesn't change. There is a concrete sidewalk on both frontages. Mr. Ward said that mechanical equipment will be under the rear fire escape and screened with a lattice enclosure. Mr. Ward added that they will collect roof runoff from the building. Currently rain that hits the property either stays on property or goes on to other property. Mr. Ward also said that they are proposing to collect roof runoff and put in a drywell in the middle of the parking lot. Mr. Ward added this is what the Borough requirements are leaning toward; they are making a better drainage pattern on the site.

Mr. Beekman asked Mr. Ward about the parking space size and the layout. Mr. Ward responded that they are proposing 9 by 18 parking spaces, that that is common for minimum parking stall size. 9 by 18 works for the tight space. Mr. Ward pointed out that the ordinance requires 9 by 20 so this variance they are seeking. Mr. Beekman asked if a larger vehicle would fit in the 18 foot depth. Mr. Ward said it would; he added that there is brown timber curbing. He said their proposal is to fix and keep that. Mr. Ward said there are concrete bumper stops for each parking space that will protect the timber curb and anything beyond that. Mr. Ward said if you have a big vehicle or big truck the 9 by 18 space is enough room on all of the parking spaces for overhang beyond into the grass area. Mr. Beekman asked Mr. Ward to describe what variances are existing conditions. Mr. Ward answered they are undersized for lot area; the zone for this use requires 15,000 square feet; they are at 9,775. Mr. Ward stated that the minimum lot frontage on Ocean is 85 feet; 100 feet is required. Mr. Ward said the depth minimum requirement is 125 feet, they have 85 feet. Mr. Ward added that the set-backs on 71 and Ocean are deficient. He said they are 12 ½ feet from Route 71 and 2.8 feet from Ocean. Mr. Ward added that they are eliminating some of the non-conforming uses. He said the three sheds are being eliminated and they are proposing one. Mr. Ward said the ordinance requires a maximum of 100 square feet for total

shed area and that the existing total shed area is over that. Mr. Ward said they are eliminating that and that the proposed shed is 100 square feet. Mr. Ward noted that sheds are only permitted in the side or rear yard. Mr. Ward said that they are achieving the 5 feet with their proposed shed side yard setback. Mr. Ward said another variance existing today is the lot coverage variance, this zone requires 75% at the maximum; today it is 75.8 today. They are increasing that to 76.5%. They are increasing because of the handicap ramp. Mr. Ward added that it is a Federal requirement to provide handicap access. Mr. Ward added that they have 9 by 18 parking stall size but that 9 by 20 is required. Mr. Beekman asked what material is the ramp. Mr. Ward answered timber. Mr. Beekman asked if water will flow through that; Mr. Ward responded, yes, Mr. Beekman asked if under the ordinance that is considered impervious, will there be some water filtering through. Mr. Ward replied yes; that it doesn't generate any more runoff. Mr. Beekman asked Mr. Ward if there was any other place that the shed could have gone without impacting layout. Mr. Ward there are locations in the parking lot but they would have lost a space; where it is located is an amenity for residents; it also blocks some of the parking lot and trash cans from 71. Mr. Ward said it is the most sensible location for the shed. Mr. Ward said that the fence on the south property line will provide some screening. Mr. Beekman asked about the DEP letter regarding site access. Mr. Ward said DOT was notified because they are on Route 7. In Mr. Ward's opinion, this application qualifies as a no interest application for DOT so there is no formal permit to obtain. Mr. Ward added that as condition of approval they would submit a letter of no interest request to DOT describing the project in full as well as provide a site plan. The DOT would provide a letter of no interest and that there is no permit required. Mr. Beekman asked if that opinion is based upon their using the existing access. Mr. Ward yes as well as they are not proposing curb cuts on 71 and they are not modifying access on Ocean. Mr. Ward said there is no intensification of the use as far as parking demand or expanding the footprint of a building substantially which things that DOT gets involved with. Mr. Ward stated they are lowering the intensity of the use from a parking perspective. Mr. Beekman asked Mr. Ward to discuss access points and the variances associated with ingress, egress, set back. Mr. Ward said those are their waivers and they have two; driveway width, which is pavement width which is 10.8 feet at its narrowest point and the 1.2 feet setback to the property line at its tightest point. Mr. Beekman asked Mr. Ward why this is an appropriate application for a 10.8 foot width as opposed to compliance with the ordinance. Mr. Ward stated there are 4 units; 8 spaces is an adequate amount parking and that in and out traffic will not be substantial. Mr. Beekman asked if cars can turn on the site behind the building. Mr. Ward, yes, there is adequate circulation and maneuverability. Mr. Ward added that because of what they are proposing the only other variance is a D use variance Mr. Ward said that if the board gives approval and grants the application, the D variance and any other bulk variances associated with it would be subsumed and approved as part of the approval of the use. Mr. Beekman said that will be talked about more in the planning testimony. Mr. Beekman had no further questions.

Mr. Lobosco asked if Mr. Ward would explain where the property line is on 71. Mr. Ward said it is easier to see on Mr. Lobosco's file sets; there is a heavy black line around the property. Mr. Ward added that it is somewhat unconventional but the property line is behind the curb line, they are about a foot beyond the curb. The public sidewalk is on the property. Mr. Beekman asked if that's part of the reason why they have an impervious coverage issue. Mr. Ward said it is a contributing factor. Mr. Ward added it is also increased with the handicap ramp. He stated that they have a 4 foot wide sidewalk that is open to the public on their property which they have to count. Chairman Pearsall asked if any Board members had any questions. Mr. Lobosco stated

that in his report he talked about the new ordinance, he stated that it is his understanding that they don't have to put the new requirements in. Attorney Kitrick stated that the ordinance was not part of picture at that time when they were in negotiations. Mr. Brendle asked if they are doing benches, sidewalks, lights. Chairman Pearsall asked what the condition of the existing sidewalk is; would they be replacing it. Mr. Smith said that there is minimal lippage on the far end but it is in pretty good shape. Mr. Lobosco said the curb on Ocean is an important issue. Mr. Ward agreed that the Ocean side is in rough shape. Mr. Beekman stated that his client will comply with the engineer's requirement as far as replacing the curb along Ocean.

Chairman Pearsall asked if there were any questions for Mr. Ward from the board or the public. Christopher Zehnder was called by Mr. Beekman. Mr. Beekman asked Mr. Zehnder if he prepared the architectural plans and is a licensed architect and if he testified before the board and qualified as an architect before. Mr. Zehnder said yes. Mr. Beekman offered Mr. Zehnder as an expert.

Mr. Beekman asked Mr. Zehnder to describe changes to the first floor. Mr. Zehnder said there were minimal changes. Mr. Zehnder said the first floor has the same bedroom count and the same room amenities. He said there are 2 bedrooms, a kitchen, bath, living room in each of the two units on the first floor. Mr. Zehnder added that there is a basement with one corner for landlord's use only which contains all mechanical services. He stated that 80% of the foundation below the two units is crawl space and it is about 30 inches above sand. Mr. Zehnder said that there were small changes from the last application. He said closets were moved and some tightening up of the plan was done. Mr. Beekman asked if there were two units with two bedrooms in each unit on the first floor. Mr. Zehnder said yes.

Mr. Beekman asked Mr. Zehnder to describe changes to the second and third floor. Mr. Zehnder stated that on the second floor plan there it is basically living space; kitchen, living room, dining room; one unit has a home office, half bath. It is accessed by a front stairway. Mr. Zehnder added that there is also a rear stairway. Mr. Zahner stated that previously on the second floor there were three bedrooms for the upper two units; that has been reduced to two. Mr. Zehnder said that they recompiled the space to primarily create larger kitchens, larger living space. Mr. Beekman asked about the third floor. Mr. Zehnder stated that the third floor is mostly the same. Bathrooms and closets were reconfigured to make more efficient in use of space and the way services stack back to back to make construction better. Mr. Zehnder stated there are bedrooms; one in the front and one in the back, each with a bathroom and a closet.

Mr. Beekman asked if access is basically the same. Mr. Zehnder said access to the site is unchanged. He added that one benefit by removing a bedroom is he provided one of the second floor units access to the back stair, originally only one had it but now there is access from the back. Mr. Zehnder said that the site is very well-served from safety point of views. Chairman Pearsall asked if there is access on the back stairway going to the third floor. Mr. Zehnder said yes, it is mean to be extended up to the rear bedrooms. Chair Pearsall asked if there was access from the second floor. Mr. Zehnder said no; that they have a direct stairways down in the front and in the back. Mr. Zehnder added that according to the residential building code the third floor and above needs to have two egress points, so usually there is a central fire-rated stair and residential sprinkler, and on the back of the building a walkway that leads down. Chairman Pearsall asked if there will be an access to that stairway from both units. Mr. Zehnder stated that both units have access; from bedroom two in the rear you'd just step out the window. Bedroom one has two options, either the stairs or going into bedroom two and getting out that way. Mr. Zehnder added that in terms of bedroom count, originally they had come to the board with an

application for 10 or 11; they are now at 8 so it has been reduced. Mr. Beekman asked if the changes that have been made are based on the settlement discussions that Mr. Kitrick spoke about earlier. Mr. Zehnder stated correct. He added that as with all prior applications there are no significant changes to the exterior of the building other than maybe some cosmetic maintenance. Chairman Pearsall asked if the board or the public had any questions of Mr. Zehnder.

Mr. Beekman called Mr. Ward back up for planning testimony. He asked Mr. Ward to explain why he thinks this is a particularly suitable use for the site. Mr. Ward stated that he wanted to go through the existing nonconformities; the ones that still remain. He mentioned lot area, frontage, depth, the setbacks and lot coverage. He stated that even though they are increasing the lot coverage there are hardships based on existing constraints imposed by legal existing conditions. It is an under-sized lot which restricts everything including coverage. He feels there is no opportunity to cure that. As to a D-1 use variance, he said if you look at past use and then look at current use, the bed and breakfast was not permitted in the zone either. They had 13 bedrooms in the bed and breakfast; now they have 8 bedrooms in four apartments. The site is particularly suitable for the proposed use. Mr. Ward stated that the architecture of the building matches a residential use in terms of construction. Mr. Ward added that this is a generally simple conversion from the bed and breakfast to reasonable sized residential units. Mr. Ward added that this adaptive reuse is a huge positive in planning. Mr. Ward said that the site layout is good for a use like this. Mr. Ward said that when looking at the positives of the proposed use if you look at what else is permitted in the zone; this is a tough zone for this lot. The uses that are permitted are not applicable because the Borough has them in other parts of town. Mr. Ward state that the other permitted uses like banks, retail, offices or houses of worship would be a more intense uses such as more parking than their use. Mr. Ward added that if the site was undeveloped, a compliant project would be hard to find from a zoning and a financial perspective. Mr. Ward stated that an important thing to look at is DOT jurisdiction; if it was a sited being completely redeveloped that would involve obtaining relief and approvals from the DOT for driveway locations and other things they look for. Mr. Ward said another variance is the parking lot. He added that their parking lot stall size can be qualified under C-1 and C-2 criteria. Mr. Ward said that with C-1, there is the hardship with limited lot area and parking lot size. Mr. Ward stated they cannot get to 9 by 20 and be compliant with parking. He added that the proposed 9 by 18 is an adequate parking stall size for this residential use. Mr. Ward said that in his opinion as far as planning, their application is an appropriate use for property. Mr. Ward added that this is an adaptive reuse, which is very popular and positive in planning. Mr. Ward stated that the application has safety factors due to the upgrades to building in order to to be in compliance with the building code; it is safer than what exists today. Mr. Ward said that the application provides adequate light air and open space. He added that the open space is maintained. Mr. Ward said that the parking lot is now greener and they now have the ADA ramp. Mr. Ward said that the application is in compliance with the Master Plan. Mr. Ward said that the applicants are enhancing the aesthetics of the site and that the sited did need that. Mr. Ward also said the the application is conserving an historic building. Mr. Ward feels that this is an efficient use of land and that it lessens the cost of land development. Mr. Ward stated that in his opinion there is no impact to the public based on parking demands; they are beautifying the site; they are reducing intensity of the use, reducing required parking spaces. Mr. Ward said there will be no visual impact to neighbors or the public because of screening, that the neighbors will be screened by fencing or their own landscaping. Mr. Ward mentioned the 1999 Master plan reexamination

report which refers to a range of housing to ensure diverse population; he feels this application fits within the statement. Mr. Ward added that this development does not substantially impair the Zoning Plan's purpose. Mr. Ward said that the benefits of the application substantially outweighs any detriment. Mr. Ward feels that the board can approve the application with confidence. Mr. Beekman asked Mr. Ward if they had discussed the Borough sustainable building ordinance. Mr. Ward said yes. Mr. Beekman asked if the redaptive reuse of the property complies with the ordinance. Mr. Ward said yes. Mr. Beekman asked Mr. Ward what a redevelopment of the site by razing the building would with regard to the DOT. Mr. Ward replied that any redevelopment would require a different driveway and that the DOT has standards for driveway location and construction. Mr. Ward feels that the DOT would not allow a driveway on 71; adding that the driveway is too close to the light here. Mr. Ward said that the board is making a decision for Borough but as far as other governmental agencies, this is the best planning alternative and use of property. Mr. Beekman asked Mr. Ward to give the board a range of what is required under permitted uses with regard to parking requirements on the site. Mr. Ward replied 2 per unit; 8 parking spaces for 4 units. Mr. Ward said that the other uses mentioned are based upon square footage so places of worship, 63 spaces; retail use, 7 spaces; office space 22. Mr. Ward stated that current bed and breakfast is 15. Mr. Beekman thanked Mr. Ward. Chairman Pearsall asked if anyone had questions of Mr. Ward, board or public.

Mr. Beekman stated that the applicant is here as a result of settlement; this is a good application for the Borough. Mr. Beekman said that the proposal is not significantly impactful on the area; that it is a residential use, similar to what is around it. Mr. Beekman said that this is 4 units on a small commercial site. Mr. Beekman stated that his client has experience and a good track record; that he has maintained other properties in the area. Mr. Beekman added that the testimony shows that the use variance is appropriate for this use, it is suitable for the site, and that there is not much that can be done with the variances that exist. Mr. Beekman stated that to raze and develop the property would create more significant variances for the town especially the parking. Mr. Beekman thanked the board.

Chairman thanked Mr. Beekman.

Chairman Pearsall called for a motion on the application.

Mr. Nolan, asked if this were turned into an apartment and then if it was turned back to a bed and breakfast, would new applicant with a new application have to come back? Mr. Kitrick said yes.

Mr. Brendle made a motion to approve the application as presented; seconded by Mr. Quinn.

Roll call taken as follows:

Mr. Brendle - yes Mr. Brendle stated he thinks it is a good use for the building; that the builder worked with the board. In addition to bringing the bedrooms to 8 bedrooms there are substantial improvements to the site and street scape, it is good upgrade for the Heights

Ms. Lalji - yes Ms. Lalji stated for the same reasons. Also, applicant has done everything possible to bring the use to something appropriate for the space and has done everything asked for. Ms. Lalji added that nothing would be less impactful other than nothing being there. Also, the building is interesting and she is glad it will remain.

Mr. Nolan - yes. Mr. Nolan stated that he likes that the runoff is being collected from the building. He stated he has some reservations where guests will park, but agrees it is low impact. It will be a nice improvement to the existing site.

Mr. Waitzel - yes Mr. Waitzel feels it is an improvement to the community.

Mr. Quinn – yes. Mr. Quinn said applicant has come up with the best possible solution other than leaving an open field. He agrees if the building were razed DOT involvement would be required with variances and changes

Mr. Tangeman – yes. Mr. Tangeman stated that he had many concerns at the last meetings regarding traffic and parking spaces but the plan is the best you can come up with based on size of lot and location.

Chairman Pearsall - yes Mr. Pearsall said this is his third yes, great idea, maybe needed to be modified, that happened in the ensuing months. Mr. Pearsall said he doesn't like seeing the property the way it is now and he thinks that the project will be a great addition to the community. He also feels the building fits in with 72 as far as commercial and residential being mixed

Break in meeting

Mr. Martin left meeting at 8:22 p.m.

Charles & Carol Sorrano **Application No. 2017-11**  
1212 Crosby Road  
Block 87 Lot 12  
Addition to home

Chairman Pearsall introduced application No 2017-11

Attorney Kitrick swore in Brian Berzinskis, Carol Soranno and Louis Lobosco

Mr. Kitrick stated that Mrs. Soranno had made application previously before the board which was denied; this is a new application. He stated that the legal theory res judicata applies meaning that if you are denied an application for variance approval and you come back that application has to be substantially different. If the board wants further discussion about that after the testimony before they vote, they can but from Applicant's perspective the testimony to be given will indicate that this application is different than the other. The legal standard is very liberal toward an application.

Mrs. Soranno stated she had a previous application before the board in November, they did get denied. She said that she went back to the architect. Mrs. Soranno said she took the board's recommendation, scaled back the house, eliminated the front porch, the structure over the landing will remain, just increasing the platform 2 feet each side for more room getting into the door. Mrs. Soranno said that will be 10 feet wide and no further out from the home. The roofline will remain the same; the peak over the front door will remain the same. They have two sheds; they are getting rid of one of the sheds. Mrs. Soranno said that they have scaled back their addition from 24% over to 21%. Mrs. Soranno stated they will get the drywell to take off runoff created from the addition. The addition will be in the back right-hand corner of the home, back from the road. It is well within their setbacks from the side or the back of the home. Mrs. Soranno stated she feels there are some improvements in the neighborhood coming up; she feels that her renovation will only enhance the neighborhood. All of her neighbors on their street are

in favor of it. Mrs. Soranno added that currently they are not here year-round but that they are looking to spend time here with family. She added that they do have extended family living with them so they need more room. Chairman Pearsall asked if anyone on the board had any questions for Mrs. Soranno.

Mr. Kitrick asked if anyone in public had questions for the applicant.

Mr. Brian Berzinskis stated he is an architect State of New Jersey, owner of Grasso Design Group in Manasquan. He added he has appeared before the board before. Chairman Pearsall told Mr. Berzinskis to proceed.

Mr. Berzinskis stated he did not appear at the previous application so he was going to go over the scope and changes made to the application. He commented that the two variances asked for were a building coverage variance and a front yard setback variance. Mr. Berzinskis stated that they removed the front covered porch from the first application to deal with building coverage. He stated that that had added to coverage and not a lot to living space. Mr. Berzinskis said that was a concern to the board and that it was a violation of the front yard setback. Mr. Berzinskis stated that took an existing front yard setback and made it worse since it was projecting out from the front so that was eliminated as well. Mr. Berzinskis said a portion of the addition in the back right corner of the house is compliant. He said the setbacks are in compliance. Mr. Berzinskis said this is a one story addition and that the purpose of that addition is to add living space to the first floor. Mr. Berzinskis said this is the best resolution to increase living space of the site because it is an existing condition; if it was a new home, there would be a possibility of other options. Mr. Berzinskis said this is why they are before board asking for the coverage variance. Mr. Berzinskis said that in the previous application the addition was slightly larger. He said they scaled back the size of the addition and also took off the front porch bringing down compliance from the 24% coverage to underneath the 22% which was an objective of theirs.

Mr. Berzinskis said that in relation to the front yard setback they have the existing front yard setback to the house currently at 24 feet which they are retaining on the second floor. He added that a majority of the front is coming up at the 24, and then a secondary portion is bumped back; it is recessed about 2 feet. Mr. Berzinskis commented that there are two different levels to the front elevation but the addition that they added to the side of the house does not have a second floor. Mr. Berzinskis commented that with the front there is also currently a stoop which is in violation of the front yard setback. Mr. Berzinskis said that the stoop is currently 5 feet 2 inches deep; it will retain the depth but will increase in width to match the existing overhang that is projecting out from the house. The front elevation of the home is actually an existing condition that will remain. He has some drawings they would ask to mark. They have a rendering that shows the front elevation of the home.

A-1 rendering marked on front

A-2 rendering marked on back

Mr. Berzinskis stated A-2 is the existing condition of the home; the stoop is on the front of the home. He added that it is 5 foot 2 inch depth, not the 10 feet wide. He added that it is currently in the realm of 6 foot wide. The existing overhang over the front door is part of the existing structure Mr. Berzinskis said that the intent in the proposal is keep the existing structure, not expand it but to dress it up to match the current proposed renovation and addition to the second floor.

Mr. Lobosco told the board members about the adopted ordinance and how it addressed front yard setback to porches.

Mr. Brendle asked Mr. Berzinskis if he did the calculations for building coverage. Mr. Berzinskis said yes. Mr. Brendle asked if he counted the shed. Mr. Berzinskis said yes. Mr. Brendle said the shed doesn't count anymore. Mr. Lobosco said it does not count for building coverage but it does for lot. Mr. Berzinskis said he had a lot coverage calculation 21.9%. Mr. Brendle said it says 21.6. Mr. Berzinskis said that is due to the adjustment for removal of the sheds. Mr. Brendle asked if he counted the fireplace. Mr. Berzinskis said no. Mr. Brendle asked if he counted the front stoop. Mr. Lobosco said he did check and came up with the numbers that are in the report. Mr. Lobosco said lot coverage, not building. Mr. Brendle said is the 21.6 accurate according to the new rules. Mr. Lobosco said yes. Mr. Brendle asked if he counted the fireplace. Mr. Lobosco said probably not. Mr. Nolan asked what the reason was that the great room was not made smaller in order to get to 20%. Mr. Berzinskis said there was limitation dealing with the existing layout and to get what the client wanted this is the idea they came up with. Mr. Berzinskis stated that the first floor bedroom towards the front right of the house takes a lot of square footage. Mr. Brendle asked how about moving the kitchen back and make the mud room in the laundry room Mr. Berzinskis stated the kitchen is existing. Mr. Brendle asked if they are expanding the kitchen. Mr. Berzinskis said no. Chairman Pearsall asked if anyone had questions for the applicant or architect. Chairman Pearsall asked if anyone from the public would like to come up. Ms. Lalji asked the application if this is still for her mother. Mrs. Soranno stated yes. Ms. Lalji, said the sitting room, bedroom that corner is her living space. Mrs. Soranno said yes. Ms. Lalji asked if Mrs. Soranno had modified since they bought the house. Mrs. Soranno said no, they bought the house exactly like it is. Chairman Pearsall asked if the room size was reduced Mr. Berzinskis said yes; the overall percentage was 24% and they have brought that below to 22%. Mr. Nolan asked if the proposed 1<sup>st</sup> floor, living room and bedroom stayed the same as what they have now. Mrs. Soranno said the bedroom in the front is her mom's area. Mr. Berzinskis said the living room is staying; the only change is the location of the staircase.

Chairman Pearsall asked if there were any questions.

Attorney Kitrick swore John Cody 13 Jason Drive.

Mr. Cody passed around pictures to board members.

O-1, Packet of pictures showing view of the Soranno's house.

Mr. Cody stated this shows his view of Crosby Road 2 ½ years ago and the view now. He stated the Sorannos and he had an agreement regarding shrubs and fencing. The shrubs were on the property line, overgrown on the Soranno side. He said the Sorannos have not lived up to their agreement, that any shrubs or plantings they put in are too small. He does not go out to his deck anymore because of the view of the Sorannos. He wants privacy. Their agreement was not written. Mr. Cody pointed out the sheds. Mr. Cody said his point is that this is his view and that he would have agreed to splitting the fence and taking their word they would put sufficient plantings on the property line. Mr. Cody offered that he has brought a letter from neighbors. Attorney Kitrick said they cannot be submitted because it can't be cross-examined.

Attorney Kitrick cautioned the board that any agreement relating to a property line is not part of this application.

Mr. Brendle said maybe good screening can be part of the application. Attorney Kitrick replied only if the recommendation were in relation to the variance being sought and not a reaction to something that happened before.

Mr. Cody stated Sorannos never did what was agreed to.

Mrs. Soranno stated she wants privacy, the landscape they put in is growing, will take time. She added that her landscaping is beautiful and added that the one shed is coming out; the other is needed; she has no garage.

Mr. Brendle asked if the shed that will remain meets setback requirements. Mrs. Soranno said yes.

Mr. Nolan asked for clarification, there is no line separating the dining room, is it 11 by 8. Mr. Berzinskis said 11 by 15. Mr. Nolan 11 by 15 and the great room is 15 by 22 so the kitchen to the end of the great room is 33 feet, almost 34. Mr. Berzinskis said yes. Mr. Brendle asked what about the drywell. Mr. Lobosco stated it is now required. Mr. Brendle asked what about everything on the list? Mrs. Soranno said they are going to take out the shed, do drywell.

Attorney Kitrick suggested that if it is the viewpoint of the board that the motion should include that the application is a substantially different application than the prior application.

Mr. Waitzel made a motion stating that the application is substantially different; he doesn't feel that by taking square footage out to the 20% versus what it is now that it will impact the view of the neighbor so he sees no reason to change architectural plans again.

Chairman Pearsall seconded the motion and stated the application prepared for tonight is different for the most part than the application that they came before way he sees it, the porch is removed which is substantial and they shrunk the size of the addition. They have gone down from 24% to 21.06% down; He thinks it is fairly good takeaway so he is going to second Mr. Waitzel's motion.

Mr. Kitrick stated that there is a motion to approve within that. Chairman Pearsall said yes.

The following roll call was taken:

Mr. Brendle – no. He stated he doesn't like when designing and you have the option to hit at 20% you still come back at over 20%; it is only 1% but there is still a lot of opportunity in the structure to not have to do that; also voice of public says there is a difference of agreement about fence line or property line, a couple of shrubs wouldn't kill the entire project. He added that the voice of the public is important; neighbors have to live together.

Ms. Lalji – yes. Applicant reduced lot coverage from last time; they took away the porch they wanted. Applicant is offering a portion of downstairs to her mother. She feels they do need extra space for living. Ms. Lalji said she is disturbed with the neighbor situation, she hopes they can resolve that

Mr. Nolan - no. He has no problem with the variance required for front yard setback. He sees no hardship to decrease the great room by 5 feet. He agrees with Mr. Brendle that when you have open space, you can come in at 20. Applicant did not say why they need the space so he doesn't see the reason for additional lot coverage, building coverage.

Mr. Waitzel- yes for reasons stated before.

Mr. Quinn –yes. Mr. Quinn said he has gone back and forth; concerned about the differences between neighbors and the fact it impacts someone else, but at 1% it is not as significant; applicant did compromise coming down from 24 plus %. They gave up front porch to continue project and the fact that the rules have changed to where it must include front porch even if not covered as part of coverage, he took that into account in voting.

Mr. Tangeman - no basically for what Mr. Nolan mentioned. It is an extremely wide open space.

Chairman Pearsall – yes. He stated he voted yes when they came before the board last time. He doesn't think what was being asked is too far out of line. Board of Adjustment gives

homeowners a break on town ordinances. He feels modifications were substantial, and they gave up things they really wanted. The impact on the neighborhood will not be negative, maybe shrubs will grow in the back and give privacy to neighbors and applicant

Attorney Kitrick stated that the Application is approved.

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

**Old Business:**

**New Business:**

**Adjournment:** On a motion by Mr. Brendle and seconded by Mr. Quinn the meeting was adjourned without objection at 9:08 p.m.

**Submitted And Approved:**

Mary Ellen Karamu

Date: March 22, 2018