

BOARD OF ADJUSTMENT – MINUTES

November 29, 2018 at 7:30 PM

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

Roll Call:

Brian Brendle – present
Susan 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 – absent

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: October 25, 2018 - Motion was made by Mr. Brendle to approve the minutes; seconded by Mr. Nolan;

Roll call taken:

AYES: Mr. Brendle; Ms. Lalji; Mr. Nolan; Mr. Waitzel;
Mr. Quinn; Mr. Tangeman; Chairman Pearsall

NAYS: None

ABSTAIN: None

Correspondence: Chairman Pearsall noted there was no correspondence

Old Business: Mr. Kitrick stated that the Tap House application, 810 Highway 71 has failed to notice so the board has not accepted jurisdiction; therefore there is no application to carry. Mr. Kitrick added that there are two residential applications on the December agenda; therefore, Tap House may consider noticing for the January meeting.

Andrea Lucciola, Application No. ZB-2018-05

1708 Beverly Ave.

Block 56 Lot 6

Construction of an addition, Covered porches; removal of deck, patios, existing porch and a portion of the dwelling

Mr. Kitrick stated that Ms. Lucciola, Mr. Ingalls and Mr. Lobosco were previously sworn at the previous meeting.

Ms. Lucciola apologized for her presentation at the last meeting; she is now ready to go forward. Chairman Pearsall asked Ms. Lucciola what is different for this meeting as compared to the last meeting. Mr. Ingalls stated that the survey now clearly shows what exists and what is proposed. He added that the architect, engineer and he looked at the plans and that now the building coverage has been decreased from what currently exists rather than what existed previously. Mr. Ingalls said that the driveway setback has been moved to the 2 foot setback on the side of the

house and that bilco doors have been removed so there is no side setback variance. Mr. Ingalls added that the air conditioner still requires screening. Mr. Ingalls added that currently the lot is undersized. He added that they are moving the house 5 feet back to address front yard setback with regard to the enclosed covered porch on the first version of plans. Chairman Pearsall asked if maximum building coverage has been brought down. Mr. Ingalls said yes, a little bit. Mr. Ingalls added that they are decreasing impervious coverage substantially. Mr. Nolan asked how they are doing that. Mr. Ingalls stated that the concrete backyard will be grass, and also by making the driveway and pavers narrower. Mr. Tangeman clarified that applicant is not asking for a variance for the drywell, although it still indicates that on the plans. Ms. Lucciola stated they will do a drywell. Mr. Ingalls stated they are doing the drywell. Chairman Pearsall asked about the mechanicals. Ms. Lucciola stated they will be screened. Mr. Nolan asked how it will be screened. Mr. Ingalls stated PVC fencing will be used as shown on the proposed site plan. Chairman Pearsall asked if there were any questions. Mr. Waitzel commented with regard to the lot coverage, if the paver patios will be taken away. Mr. Ingalls stated yes, they will be removed. Chairman Pearsall added that this is a nonconforming lot, the depth is nonconforming and they are getting variances for front yard setback and building coverage. He added that the applicant listened to previous concerns of the board and has addressed them. He asked if there were any further questions

Voice of the Public – Opened on a motion by Mr. Tangeman; seconded by Mr. Quinn
All in favor; none opposed

William Fury, 1707 Brighton Lane, Spring Lake Heights sworn by Mr. Kitrick.

Mr. Fury stated that he is a backyard neighbor; that Ms. Lucciola is a wonderful neighbor and that he has no complaints. Mr. Fury added that he hopes it all goes well. He stated that he and his wife looked at the plans and he feels the plans look great.

Voice of the Public – Closed on a motion by Mr. Brendle; seconded by Mr. Tangeman
All in favor; none opposed.

Motion made by Mr. Brendle to approve the application as submitted with the drywell being included to be installed; seconded by Ms. Lalji.

Roll call taken as follows:

AYES: Mr. Brendle; Ms. Lalji; Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Tangeman; Chairman Pearsall

NAYS: None

ABSTAIN: None

New Business: **Jeremiah & Ann Maloney No. ZB-2018-06**
809 Prospect Ave.
Block 30 Lot 5
Expand second floor to original first floor footprint and erect back covered deck

Mr. Jeremiah Maloney, Mr. Brian Berzinskis and Mr. Lobosco sworn by Mr. Kitrick.

Mr. Maloney stated he and his wife have owned property in Spring Lake Heights for 30 years, the past two and a half years at 809 Prospect Avenue. He added that he has two sisters who also reside in Spring Lake Heights. Mr. Maloney stated that his lot is nonconforming, as most of his neighbors' are. Mr. Maloney stated he is asking for variances for side yard setback, building coverage for a front portico and rear covered deck. The front portico will replace an existing structure. He added the new portico will be more appealing than the existing one. The second floor addition will be increased to the original footprint of the first floor. The rear deck is for protection from the elements. Mr. Maloney said that a water infiltration system will be installed.

Mr. Maloney added that all work on the site will be done by licensed contractors so rubbish removal, noise and parking requirements will be complied with. Mr. Maloney added that the existing driveway will be replaced with a new driveway after the renovation is completed. Mr. Maloney said that the original driveway is 10 feet and that if they were to make it narrower, it will make it hard to get into his detached garage. Mr. Maloney stated that the renovation will increase property values and enhance the neighborhood.

Mr. Berzinskis stated that as far as the side yard setback variance, the side yard setback is an existing condition. He stated that on the second floor they are proposing maintaining the setback to construct a second floor that will fit the existing footprint of the house. He added that by going up with that section, they would be into the side yard setback. Mr. Berzinskis stated that the existing home has an original piece towards the front that is one-and-a-half story and a back section that is a single story. The proposed addition would go over the front section of the house. Two bedrooms and a bathroom upstairs will be removed and replaced with three bedrooms and a full bathroom.

Mr. Berzinskis stated that on the side of the building the existing building coverage is being increased by the front porch being expanded from the original footprint and from the covered rear deck. Off the rear of the existing house is a covered rear deck which conforms to all side yard setbacks and rear yard setbacks. Mr. Berzinskis added that the addition will have a single story roof structure.

Mr. Berzinskis stated that the existing mechanical equipment will stay located in the side yard setback. He added that if the equipment needs to be changed or upgraded, it will be done in that original spot. Mr. Maloney stated that shrubbery the length of the property obstructs the view of the air conditioner from the neighbor to the west and cannot be seen at all. Mr. Berzinskis added that there will be a drywell installed for new water being created from roof runoff. Mr. Berzinskis added that the new roof area is on the back section of the deck and the front porch area.

Mr. Brendle asked if the drywell is just for the new construction. Mr. Maloney said no, it is for the whole construction. Mr. Nolan asked how big the deck is. Mr. Berzinskis said 13 by 17. He added that if this were a conforming lot and had conforming lot area, they would be underneath the maximum coverage. Ms. Lalji commented that the previous applicant had much the same issues; that the board suggested they go back and work on building coverage. Ms. Lalji added she is concerned about lot coverage. Ms. Lalji asked if applicant would consider not having a roof but having a retractable awning that would give sun protection but not affect building coverage. Mr. Berzinskis stated that is not something that had been discussed. Mr. Maloney stated his prior experience with retractable awnings has not been positive. Mr. Quinn stated the building is arched; there may not be room for a retractable awning. Mr. Nolan stated it would not fit. Chairman Pearsall asked how the size of the covered deck was arrived at. Mr. Maloney stated 13 by 17 was a number sizable enough to have company without stepping out and down. Mr. Quinn asked about covering half of the deck as a compromise. Chairman Pearsall asked if applicant could compromise on the size of the covered portion. Mr. Nolan asked about changing the shape of the deck. Mr. Maloney stated that the fence line and the garage would prevent changing the shape. Mr. Berzinskis added the detached garage to the left of the addition would be a problem for changing the shape. Chairman Pearsall asked if the garage will stay. Mr. Maloney said yes. Mr. Maloney added that the driveway currently goes back to the garage and once construction is completed, it will be replaced going all the way back to the garage. Mr. Nolan stated there is a lot of space in the back yard. Chairman Pearsall asked if the applicant lives there. Mr. Maloney stated it is a summer home.

Chairman Pearsall stated he would be willing to compromise on the side yard. Chairman Pearsall added that in his opinion, the previous applicant had many issues; it was a different case. Mr. Waitzel said that he would like to see the overall size of the rear deck addressed. Mr. Brendle said the covered portion is the issue, not the entire deck.

A recess was taken.

Mr. Berzinskis stated they will cut the deck to 13 by 10 ½ to reach 22% lot coverage. Mr. Brendle asked if that is just the covered portion. Mr. Berzinskis said yes. Chairman Pearsall asked if they will make a bigger deck and cover a portion of it. Mr. Berzinskis stated probably. Chairman Pearsall clarified that a portion will be covered to bring lot coverage to 22% and the rest will be open.

Voice of the Public – Opened on a motion by Mr. Brendle; seconded by Mr. Nolan
All in favor; none opposed.

Chairman Pearsall asked if there were any questions.
Chairman Pearsall asked if there were any comments.

Voice of the Public – Closed on a motion by Mr. Brendle; seconded by Mr. Quinn
All in favor; none opposed.

Motion made by Mr. Brendle to approve the application with the change that the maximum building coverage will go to 22% by decreasing the back covered portion of the deck; seconded by Mr. Waitzel.

Mr. Lobosco stated that the mechanical equipment in the side yard is a variance. Mr. Brendle stated it is listed as a variance. Mr. Waitzel stated that it's preexisting. Mr. Kitrick confirmed that it will be included in the resolution if approved.

Roll call taken as follows:

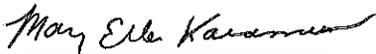
AYES: Mr. Brendle; Ms. Lalji; Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Tangeman; Chairman Pearsall

NAYS: None

ABSTAIN: None

Adjournment - On a motion by Mr. Brendle; seconded by Mr. Quinn, the meeting was adjourned without objection at 8:03 p.m.

Submitted And Approved:



Board Secretary

Date: December 20, 2018