

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT
MINUTES
April 25 at 7:30 P.M.**

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

Acting Chairman Brian Brendle – present	Also Present:
Susan Lalji - absent	Mark Kitrick, Board Attorney
Donald Nolan – present	Louis Lobosco, Board Engineer
Bruce Waitzel - present	Mary Ellen Karamus, Board Secretary
Owen Quinn – present	
John Tangeman - present	
Chairman Dennis Pearsall - absent	
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 WEB-SITE.
EACH APPLICANT SHALL BE LIMITED TO FIFTY (50) MINUTES TO PRESENT THEIR CASE, AS PER RESOLUTION #10-2007.

Approval of Minutes: March 28, 2019 - Mr. Tangeman made a motion to approve the minutes; Mr. Waitzel seconded; roll call taken as follows:

AYES: Mr. Nolan; Mr. Waitzel, Mr. Quinn; Mr. Tangeman; Acting Chairman Brendle

NAYS: None

ABSTAIN: None

Correspondence:

Discussion:

Old Business:

Resolution 2019-09
810 Highway 71, LLC, Application No. ZB-2018-04
600 Warren Ave.
Block 53 Lots 4 & 5
Employee parking and overflow parking
810 Highway 71
Block 69 Lot 10
Create an outdoor patio for seating and service

Mr. Tangeman made a motion to adopt Resolution 2019-09; seconded by Mr. Quinn; roll call taken as follows:

AYES: Mr. Nolan; Mr. Quinn; Mr. Tangeman; Acting Chairman Brendle

NAYS: None

ABSTAIN: None

New Business:

Emmett and Brittany Smith

Application No. ZB-2019-01

605 Passaic Ave.

Block 53 Lot 9

Demolish existing structure and build new home

Emmett Smith, Brittany Smith and Mr. Lobosco sworn by Mr. Kitrick

A-1 Survey map showing average front yards of existing homes on street

Mr. Smith stated he and his wife grew up in the area and previously owned a home on Beverly Avenue. Mr. Smith stated his family outgrew that home and they then bought the home at 605 Passaic Avenue. Mr. Smith stated their original plans to renovate the home were not practical, so they are proposing to knock the home down. Mr. Smith added that the foundation is not stable. Mr. Smith stated they are proposing a 2,600 square foot, two story dwelling. The existing home is approximately 4.1 feet off the front property line. Mr. Smith said they are proposing a dwelling at 13 feet off the property line with a porch 5 feet off the front property line. Mr. Smith added there is an approximate 25 foot right of way from the curb to the front setback.

Mr. Smith showed A-1, a survey showing front yard average setbacks of existing homes on the block. Mr. Smith added that 2 out of 6 houses on the street are within the required setback. Mr. Waitzel asked if the structure of the house would be 13 feet from the property line. Mr. Smith said yes. Mr. Quinn asked why not push the house back further to line up better with houses to the west. Mr. Smith stated there is commercial property behind them and they would like to distance themselves from the noise and lights that come from there. Mr. Smith added that east/west and west/east views of the house in the back and sides of the property will be of newer trees and better landscaping that is being put in instead of a view of the structure. Mr. Quinn clarified that the back of the house will align with the back of houses west of the property. Mr. Smith said yes. Mr. Smith added he is a police officer with a rotating shift, and he needs sleep at different times and that the design of the bedrooms in the back works better in helping with noise.

Mr. Smith asked the board to approve the variance for a 5 foot setback from the front property line for the porch and a setback of 13 feet for the house. Mr. Smith stated that granting the variance will not impact the neighborhood negatively at all. Mr. Smith added that this would be an improvement to the neighborhood.

Acting Chairman Brendle asked if the mechanical equipment in the side yard will not be screened. Mr. Smith stated it will be screened. Mr. Kitrick asked how it will be screened. Mr. Smith stated however is required. Mr. Quinn asked if drywells will be installed. Mr. Smith stated yes, the plot plan will have drywells for the back yard, leaders off the house, the back of the garage and the roof. Acting Chairman Brendle asked if the proposed deck is low to the ground.

Mr. Smith stated it is a first floor deck. Mr. Smith added that it is below the fence height even with the required rail. Mr. Quinn asked how far it is from the commercial property in the rear. Mr. Smith stated the deck would be 94 feet from the rear fence line. Mr. Smith added that it is a 12-foot deck. Mr. Waitzel asked if it makes sense to move the house back 20 feet and be approximately 70 feet off the rear property line. Mr. Smith stated his concern is light and noise from the commercial property. Mrs. Smith added that trees and landscaping will also be taking up space in the yard. Acting Chairman Brendle noted the right of way in the front of the house is huge. Mr. Lobosco explained the right-of-way's sizes in that part of town as compared to other areas of town. Mr. Lobosco added they are putting a curb in. Mr. Smith stated they will but that properties on both sides of their property do not have a curb. Mr. Tangeman asked about the future garage, the landscaping on the west and along the back. Mr. Smith stated there will be landscaping along the back but maybe not behind the garage. Mr. Nolan asked the type of landscaping. Mr. Smith stated Leyland Cyprus or arborvitae to block out noise. Mr. Tangeman stated that with the garage and landscaping it should help with the light from the commercial property. Acting Chairman Brendle added it would also help with noise.

Acting Chairman Brendle opened the voice of the public for questions.

Dan Waters – 7 Warren Court asked if fencing on the back end of the property is being proposed. Mr. Smith stated there is currently a wood fence in place; they are proposing trees along the back.

Acting Chairman Brendle closed the voice of the public for questions

Mr. Waitzel made a motion to approve the application as submitted with the addition of screening mechanical equipment and drywells being included, seconded by Mr. Tangeman

Roll call taken as follows:

AYES: Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Tangeman; Acting Chairman Brendle

NAYS: None

ABSTAIN: None

Thomas Walsh
Application No. ZB-2019-02
1009 Park Avenue
Block 25.02 Lot 11
Great room addition

Thomas Walsh, Dave Gordon, Gordon Construction, 1801 Randolph Way, Wall Township and Mr. Lobosco sworn by Mr. Kitrick

Mr. Walsh stated he lives at 1009 Lake Avenue. Mr. Walsh added that he purchased the home in 2010 and described major renovations he had done to the home at the time. Mr. Walsh stated he is proposing building a 14 by 18, 28 foot family room on the back of the house. The room will protrude 17 feet from the existing building. Mr. Walsh added there is currently an 11 foot deck. Mr. Walsh added he will add any drywell that is necessary for the addition, Mr. Walsh stated they would like to build an addition because they would like more communal space for family. Mr. Walsh stated that he and his wife would like to stay in town, and, in the future, they plan to have one of their two children move in with them.

Mr. Walsh stated that the current nonconformities are the home is on an 8,300 square foot lot, not the required 9,000 square foot size required for an R3 zone and the size of the deck is also

nonconforming. Mr. Walsh stated those conditions existed when they bought the home. Mr. Walsh added there is a shed that does not conform in the back of the property in the corner that is not a permanent structure. Mr. Walsh stated it could be moved but it makes sense to have it where it is.

Mr. Walsh said the addition is not intrusive.

Mr. Walsh stated the construction work will comply with what is allowed in the town. Mr. Walsh stated they will delay construction to after Labor Day. Mr. Walsh stated the work should be complete in two months.

Mr. Walsh added that the zoning allowed is 20% percent building coverage and 5% for a detached garage. Mr. Walsh added that his garage is attached to his home and so the 5% will never be used. Mr. Walsh added that he will be within all setbacks and height requirements. Mr. Walsh added that the renovation will increase the value of the neighborhood and that he has support of neighbors.

Mr. Quinn asked if the great room will be on pillars. Mr. Walsh said yes. Mr. Walsh added there is not a foundation under it. Acting Chairman Brendle asked if there is a covered patio underneath it. Mr. Walsh stated yes. Mr. Tangeman asked if the pillars will be exposed and not covered. Mr. Walsh said no, they will not be covered. Mr. Nolan asked if there are plans for another deck. Mr. Walsh said there are no plans for any more additions or decks. Mr. Walsh added that the windows in the rear of the addition are going to be changed; they are putting higher, more decorative windows on the back wall; not regular double-hung windows. Mr. Walsh added that the east and west sides will have actual windows.

Mr. Nolan asked what is on the bottom of the house. Mr. Walsh stated a two-car garage, a bedroom, laundry room, a small tv room and a bathroom. Mr. Walsh added they thought of options of taking the garage out, but it did not work out. They wanted communal space upstairs. Mr. Nolan asked if the shed is movable, could they bring it into conformance. Mr. Walsh stated it can be moved. Mr. Nolan asked if it can be moved to 5 feet off the back. Mr. Walsh stated he can move it if it is required. Mr. Tangeman stated if any nonconformities can be gotten rid of, that would be helpful. Mr. Kitrick asked Mr. Walsh if he agreed to moving the shed. Mr. Walsh said yes.

Acting Chairman Brendle opened the voice of the public

John Crawford - 1008 Lake Avenue stated he lives behind the property. Mr. Crawford asked Mr. Walsh about the windows for the addition. Mr. Walsh explained the windows on the rear wall being higher. Mr. Crawford stated that the windows in the back affecting privacy was his only concern and it seems to have been addressed.

Acting Chairman Brendle closed the voice of the public for questions.

Acting Chairman Brendle opened the voice of the public for comments.

Theresa Casagrande - 1007 Park Avenue sworn by Mr. Kitrick.

Ms. Casagrande stated she has two properties; each on either side of the applicant's property and that she would be affected the most. Ms. Casagrande stated that she is in complete support of the application. Ms. Casagrande stated the neighborhood has bilevels and they are not the best to live in when older. She feels it is a win/win for the neighborhood and the Walshes.

Acting Chairman Brendle closed the comment portion of the voice of the public

Mr. Tangeman made a motion to approve the application with the conditions to install a drywell for the new addition, the shed being moved to conform with the Borough code and the windows across the back will be higher; seconded by Mr. Waitzel.

Mr. Lobosco asked for clarification on the proposed windows.

Mr. Gordon stated the windows will be approximately 6 foot to the bottom of the window off the floor.

Roll call taken as follows:

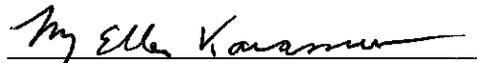
AYES: Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Tangeman; Acting Chairman Brendle

NAYS: None

ABSTAIN: None

Adjournment: On a motion by Mr. Nolan and seconded by Mr. Waitzel the meeting was adjourned without objection at 8:15 p.m.

Submitted and Approved:



Mary Ellen Karamus

Board Secretary

Date: May 23, 2019