BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT
MINUTES
August 22, 2019 at 7:30 P.M.

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

Brian Brendle – present
Susan Lalji - present
Donald Nolan – present
Bruce Waitzel - present
Owen Quinn – present
John Tangeman - present
Chairman Dennis Pearsall - present

Alternate #1
Thomas Martin – arrived at 7:35 p.m.

Also Present:
Mark Kitrick, Board Attorney
Louis Lobosco, Board Engineer
Mary Ellen Karamus, Board Secretary

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 PERSENT THEIR CASE, AS PER RESOLUTION #10-2007.

Approval of Minutes: May 23, 2019 - Mr. Brendle made a motion to accept the minutes; Mr. Tangeman seconded; roll call taken as follows:

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

NAYS: None

ABSTAIN: Ms. Lalji

Correspondence: 6.25.19 Freehold Soil – 625 Passaic Ave. Smith Block 53 Lot 9

8.2.19 L. Lobosco correspondence re. Lucciola, 1708 Beverly Ave, Block 56 Lot 61
Mr. Lobosco reviewed the plans for construction. Mr. Lobosco stated the plans he reviewed had an inside porch, so the first floor is a little smaller but the footprint is the same.

8.2.19 Lobosco correspondence re. Smith 605 Passaic Ave. Block 53 Lot 9
Mr. Lobosco stated he reviewed the architectural plans and that the architectural plans were exactly the same as what was before the board at the time of the application.

Mr. Kitrick stated in follow up to the board's discussion at the May meeting, that he did send a letter regarding the outdoor dining issue to the Borough attorney. As of this date, he has not heard back.

Discussion:
Old Business:
New Business:

Andrew & Regina Munz
Application No. ZB 2019-04
562 Wall Road
Block 61 Lot 3
Construct a front porch and a detached garage

A-1 Picture board with 20 pictures
A-2 Architectural drawings
A-3 Garage rendition

Regina Munz, Brian Berzinskis, Louis Lobosco sworn by Mr. Kitrick
Mr. Rubino stated that the subject property is an existing residential property in a business zone; therefore, a variance is needed. Mr. Rubino stated the house is approximately 90 to 100 years old.
Mr. Martin enters the meeting at 7:35 p.m.
Mr. Rubino stated that applicant is proposing adding a 39-foot-long wrap-around porch across the front of the dwelling. Mr. Rubino stated that the total porch addition will be 389 feet. Mr. Rubino stated it will make the house, which is older, look more attractive. Mr. Rubino stated that the applicant is proposing adding a 2-car garage on the east side of the premises. Mr. Rubino stated that currently there is what appears to be a shut off garage which is used for storage on the west side of the property. Mr. Rubino stated the applicant would like to use the western side for the driveway due to traffic to 71.
Mr. Rubino stated that a height variance is being sought for the garage to make it 15 feet rather than 11 feet.
Mrs. Munz stated that her family has owned the home for 10 years and has lived full time in town for a year. Mrs. Munz stated they did some improvements to the home; windows, roof, air conditioning. Mrs. Munz believes the home is less than 1,500 square feet living space. Mrs. Munz stated they would like to have a front porch to have the house look better, make the house cooler and be a buffer going into the house. Mrs. Munz stated that the proposed additions to the house will look nice and improve the neighborhood. Mrs. Munz added that there are 4 neighbors in the immediate area on her side of 71 and that her house is similar to theirs.
Mrs. Munz described the structure on the west side of the house as having maybe been a garage. They use it as a shed presently. Mrs. Munz stated it is attached to the house but there is no entrance to the house from it.
Mrs. Munz stated they would like to add a 2-car garage to store their cars and for needed storage. Mrs. Munz added that the proposed height of the garage would be for storage and to make the garage more attractive.
Mrs. Munz added that the house is situated on the western side of the property. Mrs. Munz added that putting the driveway on the left would be better because of traffic going to 71.

Mr. Tangeman asked what type of door is on the attached building that they use for storage. Mrs. Munz stated it is not a garage door; it is a regular door that does not go into the house. Mr. Rubino stated it may have been a garage built for a car from the 20s or 30s. Mrs. Munz stated it is on a slab.
Mr. Rubino stated that although this is a commercial zone and they are proposing a residence, both additions meet building coverage and impervious coverage ordinances for residential.
Mr. Rubino stated that there is an existing 4.5 setback on the west side of the house. Mrs. Munz stated it was there when they bought the house and that she would like to keep that as a buffer from the gas station. Mrs. Munz added that they have put trees up to buffer the noise and make their yard look nice.
Chairman Pearsall asked if the house next door is a B-1 zone as well. Mr. Rubino said yes. Mrs. Munz stated her neighbor is also zoned business or commercial.
Chairman Pearsall asked about two trees on the lot in the area of the driveway and if they intend to keep them. Mrs. Munz stated that they would like to save the trees and will landscape around the driveway area. Mr. Rubino added that a paved driveway as opposed to the gravel one is proposed. Mr. Rubino added that it does not change the impervious coverage at all. Mr. Lobosco confirmed that it does not change the impervious coverage. Chairman Pearsall asked if they will close the curb cut on the other side when the curb cut for the new driveway with the garage is put in. Mrs. Munz said yes. Mr. Rubino stated they will stipulate it will be closed. Mrs. Munz stated that they will dig out the existing gravel and put plantings there. Chairman Pearsall asked if they will keep their stucco exterior. Mrs. Munz stated the garage and a sunroom on the side will probably be vinyl sided.
Mr. Brendle asked why the proposed detached garage is far from the house and without a walk. Mr. Brendle added it will make it difficult with packages and weather. Mrs. Munz stated that they want a yard with landscaping and a natural path between the house and the garage. Mrs. Munz added that from the driveway they can go through the house or through the back door into the back of the house.
Chairman Pearsall asked if the porch will wrap around the whole house. Mrs. Munz stated just the west side. Chairman Pearsall asked if the Munzes call the attached building a shed. Mrs. Munz stated they call it a shed that they use for storage. Mr. Nolan asked if anything architecturally will be done to that space. Mrs. Munz stated that her husband is handy, and he will do some stonework on that and the garage. Mr. Nolan asked how big the space is. Mr. Rubino said it may be 10 by 22.
Chairman Pearsall asked if anyone would like to ask questions of Mrs. Munz from the public. There were no questions of Mrs. Munz from the public.

Mr. Berzinskis confirmed he is a licensed architect by the State of New Jersey. Chairman Pearsall stated they accept Mr. Berzinskis's credentials. Chairman Pearsall added that Mr. Berzinskis has recently been before the board.
Mr. Berzinskis stated that the project proposes a covered entry semi-wrap around porch on the left side of the home which will add to the aesthetics of the property and a detached 2 car garage which will be used for cars and storage. Mr. Berzinskis stated that the proposed garage height is within the town rule of 15 feet, which will add to the aesthetic of the garage.
Mr. Rubino asked Mr. Berzinskis to describe A-3. Mr. Berzinskis described height and dormer details on the garage renderings on A-3. Chairman Pearsall asked if there is storage room on the proposed 15-foot garage above the cars. Mr. Berzinskis stated there is a stairway in the back of

the garage leading to some storage. Mr. Nolan asked what the ceiling height is on the proposed garage. Mr. Berzinskis stated it is about 4 feet to the slope of the pitch. Mr. Nolan clarified that upstairs would only be for storage. Mr. Berzinskis added that the pitch of the roof is for the look as well as for storage. Chairman Pearsall asked if there would be any utilities upstairs. Mr. Berzinskis stated no; there would be electric but no water or heat.
Mr. Berzinskis stated that the wrap-around porch meets the required setback. Mr. Berzinskis added that the proposed porch is attractive as well as it is a buffer going into the front door. Mr. Berzinskis added that it has 3 entrances; the front where the existing concrete walk comes up; a second entrance toward the driveway and garage and access from the attached shed toward the back. Mr. Rubino stated that the proposed porch is 389 square feet and that the garage is 24 by 26, 624 square feet. Mr. Berzinskis agreed.
Mr. Rubino asked about a proposed infiltration system for the roof runoff. Mr. Berzinskis stated that currently there is no existing infiltration system. Mr. Berzinskis added that there can be gutters and downspouts where there is new roofing that will go into a drywell system. Mr. Brendle asked if that will be done for the garage as well. Mr. Berzinskis said yes.
On a motion by Mr. Brendle; seconded by Mr. Quinn the voice of the public was open for questions of Mr. Berzinskis.
On a motion by Mr. Brendle; seconded by Mr. Waitzel, the voice of the public was closed for questions of Mr. Berzinskis.
On a motion by Mr. Martin; seconded by Mr. Brendle, the voice of the public was open for comments on the application.
On a motion by Mr. Martin; seconded by Mr. Brendle, the voice of the public was closed for comments on the application.
All in agreement
Mr. Rubino stated that there are different uses in the area. Mr. Rubino stated that improving the property and adding the porch and garage is preferable to turning it into a business and that it is a welcome addition to the neighborhood.
Mr. Rubino added that the existing curb-cut on the west side of the property will be shut off and that there will be a new driveway to the garage.

Mr. Waitzel made a motion to approve the application for use variance for the porch, the garage, garage height; install a water infiltration system to the garage and new roof on west side porch addition and to remove the existing curb cut. Mr. Tangeman added the existing gravel driveway will be removed. Ms. Lalji added that the applicant would preserve the existing trees when installing the new driveway; seconded by Mr. Nolan;
Roll call taken as follows:

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

NAYS: None
ABSTAIN:

A break in the meeting was taken

John Bontempi Application No. ZB 2019-05
501- 503- 505 Seventh Avenue
Block 73 Lots 10 & 11
Remove 3 dwelling units and build 2 new homes

Mr. John Ferraro of Bruno and Ferraro for the applicant stated that currently there are 3 dwelling units on 2 adjoining lots; the application is to remove the 3 units and put up two single family dwellings on the individual lots.

Mr. John Bontempi, Mr. Charles Stewart and Mr. Lou Lobosco sworn by Mr. Kitrick.

A-1 Photograph
A-2 Photograph
A-3 Photograph
A-4 DEP Letter of no interest
A-5 Deed
A-6 Rendering
A-7 Rendering

Mr. Bontempi described 3 homes on 2 lots; one on Lot 10; one on Lot 11 and the third on both Lot 10 and mostly on Lot 11. Mr. Bontempi stated his mom bought the property in 1966; he grew up in the house and that he has maintained the home for the past 15-16 years since his mom is no longer in the home.
Mr. Bontempi described the existing 3 dwellings shown in A-1, 2 and 3. Mr. Bontempi stated they are bungalows. Mr. Bontempi stated A-1 on Lot 11 is a year-round rental with heat; A-2 is a one-bedroom bungalow used as a summer rental which is on both lots; A-3 is on Lot 10 and is a 2 bedroom bungalow which he uses in the summer.
Mr. Bontempi stated he went to the DEP to get approval to build on the property and he did get a letter of no interest from the DEP which is A-4.
Mr. Ferraro stated A-5 is a1965 deed conveying Lot 10 and Lot 11 to Mr. Bontempi's mother. Mr. Ferraro read Page Two of the deed and stated that currently there is a gravel road access easement from Lake Drive for Lot 10 to reach 7th Avenue. Mr. Bontempi agreed and added you park on 7th Avenue and walk back. Chairman Pearsall asked if it has always been like that. Mr. Bontempi stated cars never went on the path; it was always gravel and people walked on the path running along Wreck Pond. Mr. Bontempi stated in the summer there are a lot of cars parking on 7th Avenue so he has had guests pull onto the gravel path to get off 7th Avenue to park.
Mr. Ferraro stated that Lot 11 is on the corner and that Lot 10 is one house to the west. There is an access easement on Lot 10 for Lot 11 to access the gravel road on Lake Drive. Mr. Nolan asked if that is recorded. Mr. Ferraro stated yes.
Mr. Brendle asked about a new house on Lake Drive and how they get to their property. Mr. Tangeman stated off 71. Mr. Nolan asked if they can access it from Lake Drive. Mr. Bontempi stated sometimes they do. Mr. Bontempi added the road is used now more than it has been; post office and delivery trucks use the road. Mr. Tangeman stated that on that portion of Lake Drive it is not paved. Mr. Bontempi added that it is a dirt gravel road. Mr. Martin asked if the town plows the road when it snows. Mr. Bontempi stated no. Mr. Quinn asked if Mr. Bontempi intended to pave it. Mr. Bontempi stated no, he may put stones down. Mr. Bontempi added he feels it would take away from the property.
Mr. Tangeman stated Lake Drive does not go out to Route 71; it is not a through road. Mr. Bontempi agreed. Mr. Nolan asked who owns Lot 14. Mr. Stewart stated he owns Lot 14. Mr.

Brendle asked how he accesses his lot. Mr. Stewart stated he has an easement to Route 71 through Lot 7. Mr. Stewart stated that it is Mr. Skellinger's driveway.
Mr. Lobosco stated that there is another lot in between Mr. Bontempi's Lot 11 and Mr. Stewart's property Mr. Stewart stated that that is Lot 13 and Lot 14. Mr. Lobosco asked if there is a house on Lot 14. Mr. Stewart said no. Mr. Lobosco asked how you access the lot. Mr. Stewart stated off 71 and that there is also an easement across Lot 13. Mr. Nolan asked if Lot 14 has an easement to go across Lot 10 or Lot 11. Mr. Stewart stated no but it has North Lake Drive.
Mr. Ferraro stated that according to the deed, the town can create Lake Drive on its property. Mr. Ferraro added that Lake Drive bordering Wreck Pond is the access easement that Lot 10 and Lot 14 can use Mr. Nolan stated that would have to be on Lot 14's deed. Mr. Brendle asked if Lot 14 has two possible easements. Mr. Stewart said yes. Mr. Lobosco asked if it has two legal ways. Mr. Stewart stated he believes it is legal. Mr. Tangeman stated to access Lot 14 you can go from the highway to 13 to 14. Mr. Stewart agreed.
Mr. Nolan asked Mr. Bontempi what he will do with the two houses. Mr. Bontempi stated he would like to live in Lot 11 and keep Lot 10 for his family. He added that he has no intention to sell it. Mr. Bontempi added that he feels the proposed construction will improve the appearance of the property. Mr. Bontempi stated there are new homes on the block and the proposed homes will match their appearance. Chairman Pearsall stated there are beautiful shade trees on the property; will they have to come down with the construction. Mr. Bontempi said he thinks he can save the mature trees. Chairman Pearsall asked if the homes would be stick built or modular. Mr. Bontempi stated he would put up a modular first and a stick built second. Mr. Bontempi stated he would live in the modular. Chairman Pearsall asked if that is the one closer to 7th Avenue. Mr. Bontempi said yes. Chairman Pearsall asked if the smaller of the two lots has a 7th Avenue street address. Mr. Bontempi stated all three bungalows do.
Chairman Pearsall asked if there were any questions for Mr. Bontempi from the board. There were no questions from the board.
On a motion by Mr. Brendle, seconded by Mr. Martin the voice of the public was open for questions of Mr. Bontempi.
All members in agreement.
On a motion by Mr. Brendle, seconded by Mr. Quinn the voice of the public was closed for questions of Mr. Bontempi.
All members in agreement.
Mr. Charles Stewart stated he has a degree in civil engineering, and is a licensed professional engineer, professional planner, and professional land surveyor who has testified around the state. Mr. Stewart stated his company has been acquired by Suburban Consulting since submitting the plans for the application.
Mr. Stewart stated that Lot 10 and Lot 11 extend out into a portion of the bank of Wreck Pond and Lake Drive. Mr. Stewart added that the overall size of the lots is in conformance with the R-5 zone. Mr. Stewart stated that a variance for front yard setback is being sought. Mr. Stewart added that a 10-foot setback on 7th Avenue is being proposed where 30 feet is required. Mr. Stewart added that the existing house is about 12 ½. Mr. Stewart added that there are existing dwellings on 7th Avenue that are 10 feet off the right-of-way so the proposed house will line up with other homes on the block. Mr. Stewart added that the existing homes are in disrepair. Mr. Stewart added that since the two new homes will be similar to existing homes in the neighborhood and there is no negative impact on the neighborhood, that the variance can be granted. Mr. Stewart said that the two proposed homes are to be in the same general location as

the existing homes. Mr. Stewart stated that the driveway setback on Lot 11 will conform to what is required. Mr. Stewart added that any drywell ordinance requirements will also be met.
Mr. Stewart stated that they will obtain Freehold Soil approval prior to construction. Mr. Stewart stated that they are not proposing any improvements to the gravel driveway and the access easement. Mr. Stewart added that there is an existing municipal sewer line and water main located in the easement area that can be connected to. Mr. Stewart added that the municipal line runs east from 71 to the pumping station. Mr. Lobosco asked if there are both water and sewer easements. Mr. Stewart stated within the Lake Drive easement and that there is no written easement.
Mr. Lobosco asked Mr. Stewart if he owns the two lots to the west. Mr. Stewart said yes. Mr. Lobosco asked do you come off 71 to access those two lots. Mr. Stewart stated yes, he comes in off an easement on 71. Mr. Lobosco asked if you can come through legally. Mr. Stewart stated it is an existing easement that is legal. Mr. Stewart added that he researched and did a title opinion when he did his prior application. Mr. Stewart stated that Lake Drive has existed since 1880. Mr. Stewart added that there is an original map of Spring Lake running from the ocean to 71 and that the easement is shown. Mr. Tangeman added that only recently could it be driven on because it was covered with trees and debris. Mr. Stewart stated it was a massive pile of junk that he cleared.
Mr. Nolan asked the dimensions of Lot 10 and Lot 11. Mr. Stewart stated that Lot 10's westerly lot line is 132 feet and the easterly lot line is 175 feet. The lots are 50 feet wide. Mr. Stewart stated that Lot 11 has a 175 dimension in the middle, and the easterly lot line, which is the sideline of 7th Avenue is 210 feet. Mr. Nolan asked if they could turn the lots so they would all face 7th Avenue. Mr. Stewart stated that the orientation of the lots allows you to look at the lake which is preferable. Mr. Stewart added it is the same orientation as the existing lots. Mr. Nolan asked how many square feet the house on Lot 11 is. Mr. Stewart stated approximately 2,600 square feet including the garage. Mr. Nolan asked if there is living space above the garage. Mr. Stewart stated there are no architectural plans. Mr. Nolan said it is a problem that there are no plans to look at. Mr. Nolan added that they want a 10-foot setback where 30 is required and he does not know how big the house is other than it is approximately 2,600 square feet. Mr. Stewart stated it is in line with existing houses in the neighborhood. Mr. Tangeman agreed. Mr. Tangeman added that they have a general idea that they are putting something in the spaces, but the design is unknown. Mr. Martin stated what is proposed will look better than what is therebut he would like to see what is proposed. Mr. Stewart agreed.
A-6 and A-7 renderings were marked. Mr. Ferraro clarified that A- 6 is a rendering of the structure on Lot 11 and A-7 is the rendering of the structure that's going to be built on Lot 10 with a floor plan. Mr. Stewart stated the driveway is in the back. Mr. Stewart stated they are approximately 30 by 40-foot houses. Mr. Stewart added A-6 and A-7 are a general picture of the home that Mr. Bontempi is looking for. Mr. Nolan stated he would like to see the exact home before approving anything. Mr. Stewart stated that Mr. Bontempi has not picked out a house yet. Chairman Pearsall asked Mr. Bontempi if A-6 is the rendering of the modular house. Mr. Bontempi stated yes. Mr. Bontempi added that he is looking to put something of that size facing the pond. Mr. Bontempi added that A-7 needs the garage underneath it if there is a garage. Chairman Pearsall asked if the houses will be elevated because of proximity to the pond. Mr. Bontempi stated if he needs to, yes. Mr. Stewart stated he is not even close to the flood line. Mr. Kitrick stated that any approval given by the board for any projet is subject to any required outside agency approvals. Mr. Tangeman asked if this side of the pond is elevated. Mr. Stewart

stated yes, especially Mr. Bontempi's lot. Ms. Lalji asked if anything will be done with the vegetation along the pond. Mr. Bontempi said no.
Chairman Pearsall clarified that A-6 and A-7 are ideas; not plans. Mr. Bontempi stated the aesthetics may be different, but size and idea-wise that is what he proposes. Mr. Bontempi stated he would like it to be about 2,000 square feet.
Chairman Pearsall stated that he agrees with Mr. Nolan and approving the application without having specifics.
Chairman Pearsall asked for board comments. Mr. Brendle stated he agrees with Chairman Pearsall especially with the side of the house facing 7th Avenue. Mr. Stewart stated the applicant is unsure of what will be approved which is why he came in with the general rendering rather than to come back with a full set of plans and not get approved. Mr. Brendle stated he can come back with A-6 and A-7 but they would have to be used. Mr. Brendle added that the homes that currently line up on 7th Avenue have front yards on 7th Avenue; what is being proposed in this application is a blank wall facing 7th Avenue. Mr. Stewart stated it is a side yard. Mr. Bontempi stated that it matches what exists now. Mr. Stewart added that an architectural feature can be added on the side to make it look like a front and to break up the side. Mr. Bontempi stated it will still be nicer than what exists now. Mr. Martin asked if the existing houses face 7th Avenue. Mr. Stewart stated yes, that the ones that are 10 foot back from the right of way line along 7th Avenue all face 7th Avenue. Chairman Pearsall asked Mr. Bontempi if he would consider one bigger house meeting the setbacks instead of two. Mr. Bontempi stated if that is what it has to be. Mr. Lobosco stated that would require a subdivision. Mr. Stewart added that they have two conforming lots. Chairman Pearsall stated you still need a variance. Mr. Stewart stated that there is a new house on the southwest corner of 7th Avenue fronting on Monmouth which he believes is a 30-foot-wide house on a 50-foot lot with a 10-foot side yard on one side which would be similar to the proposed house. Mr. Quinn asked if the neighbors on the other side of 7th Avenue would look straight at the side of the building. Mr. Stewart stated yes, as they do now. Mr. Tangeman asked if they could put plantings on the side to soften the view of the side of the house. Mr. Stewart added they can put an architectural feature like a small roof or dormer. Chairman Pearsall asked if applicant would like to regroup and come back with more specifics. Mr. Stewart said yes. Mr. Ferraro said yes. Mr. Martin said if they can, come back with general plans or square footage and how the house is situated. Mr. Stewart stated they can do that. Mr. Waitzel said sketches so they can see it would help. Mr. Nolan stated he would need visuals and why they are asking for 10 feet, not 15. Mr. Lobosco added the distances of the houses on 7th Avenue. Mr. Stewart stated they can do that.
Mr. Brendle made a motion to carry the application to the September 26th meeting without any further notice; seconded by Mr. Waitzel.
All in favor

Adjournment: On a motion by Mr. Brendle and seconded by Mr. Quinn the meeting was adjourned without objection at 9:15 p.m.
All in favor

Submitted and Approved:

Date: September 26, 2019