

**BOROUGH OF SPRING LAKE HEIGHTS  
BOARD OF ADJUSTMENT  
MINUTES - REGULAR MEETING  
SEPTEMBER 26, 2019 – 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 Dennis Pearsall - Present

**Also Present:**  
Mark Kitrick, Board Attorney  
Louis Lobosco, Board Engineer  
Janine Gillis, 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 WEB-SITE.  
EACH APPLICANT SHALL BE LIMITED TO FIFTY (50) MINUTES TO PRESENT THEIR CASE, AS PER RESOLUTION #10-2007.

**Approval of Minutes:** August 22, 2019 - Mr. Brendle made a motion to approve the minutes; Mr. Nolan seconded; roll call taken as follows:  
**AYES:** Mr. Brendle; Ms. Lalji; Mr. Nolan; Mr. Waitzel; Mr. Quinn; Mr. Tangeman  
**NAYS:** None  
**ABSTAIN:** None

**Correspondence:** August 12, 2019 form L. Lobosco to Construction Office  
Re. 609 Sussex Avenue CO  
Mr. Lobosco stated that the recommendation to issue a C of O was made for 609 Sussex Avenue. Mr. Lobosco added that all if the homes in the subdivision are complete and have C of Os.

**Discussion:**

**Old Business:** **Resolution 2019-12**  
**Andrew & Regina Munz**  
**Application No. ZB 2019-04**  
562 Wall Road  
Block 61 Lot 3  
Construct a front porch and a detached garage

Mr. Brendle made a motion to approve Resolution 2019-12; seconded by Mr. Quinn; roll call taken as follows:

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

NAYS: None

ABSTAIN: None

**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

- |      |   |
|------|---|
| A-8  | Photograph of the side of the proposed home                             |
| A-9  | Photo of proposed home with side facing 7 <sup>th</sup> Avenue          |
| A-10 | Photo of proposed home side of house facing Lot 11 away from the street |
| A-11 | Photo of house on Monmouth Avenue and 7 <sup>th</sup> Avenue            |

Mr. Kitrick stated that Mr. John Bontempi, Mr. Charles Stewart and Mr. Lou Lobosco were still under oath from the last meeting.

Mr. John Ferraro of Bruno and Ferraro representing the applicant stated that currently there are 3 units on two lots. Mr. Ferraro stated that the applicant would like take down the existing 3 units and construct a single family house on each lot.

Mr. Bontempi described A-8 as showing what the houses will look like, including the side of the house. Mr. Bontempi stated A-9 shows a modular that is similar to what he would like to build. Mr. Bontempi added that modular homes can be built to look the way a homeowner wants it to. Mr. Bontempi stated that A-9 is the side facing 7<sup>th</sup> Avenue. Mr. Bontempi added that the entrance would face 7<sup>th</sup> Avenue as well as North Lake Drive. Mr. Bontempi described A-10 as the house facing away from the street.

Mr. Bontempi stated that in the summer it is very hard to find a parking spot on the street. Mr. Bontempi stated he would like a garage so that he can take 2 cars off the street for each house. Mr. Tangeman asked if it easier now to turn around at the dead end at the end of 7<sup>th</sup> Avenue toward the pond. Mr. Bontempi stated it is a little easier now because there is cement down the block that helps.

Chairman Pearsall asked Mr. Nolan if the pictures satisfied his concern from the last meeting on what the proposed homes would look like. Mr. Nolan stated that applicant is going from a 12-foot front yard setback to 10; why is the extra two feet needed. Mr. Nolan added the pictures helped but approval can be given and applicant can then change his mind on the plan for the house. Mr. Bontempi stated he could take 2 feet off. Mr. Bontempi added that he would also like to put a/c in the back so nobody would see it. Mr. Nolan asked if it is unusual for an applicant to submit the building envelope with no plan. Mr. Lobosco stated it is not unusual. Mr. Lobosco added that setback approvals would have to be given. Mr. Nolan asked how many square feet Mr. Bontempi is proposing for the house. Mr. Bontempi stated 1,800 or 2,000. Chairman Pearsall asked if the second house is for family. Mr. Bontempi stated the second house would be for his kids, but they would stay with him while the second house is being built. Chairman Pearsall

asked if both houses will be built at the same time. Mr. Bontempi stated he would like to get his house completed first and then think about the second home. Mr. Bontempi added that he would have to have a garage underneath the second house. Mr. Bontempi added that he would like the property to look nice; he will be spending the rest of his life there.

Mr. Quinn asked if the house on Lot 11 could be moved further west even if it creates a variance. Mr. Brendle stated from the property line to the curb there is an easement. Mr. Lobosco stated he is looking for more information on the easement.

On a motion by Mr. Brendle, the voice of the public was open for questions of Mr. Bontempi; seconded by Mr. Waitzel.

All in agreement

None presented

On a motion by Mr. Brendle; seconded by Mr. Nolan, the voice of the public was closed for questions of Mr. Bontempi.

All in agreement

Mr. Ferraro asked Mr. Stewart to describe A-11. Mr. Stewart stated that it is a photograph of the house on the corner of Monmouth and 7<sup>th</sup> Avenues, Block 73, Lot 1. Mr. Stewart stated he reviewed Resolution 11-2001 of the Planning Board. Mr. Stewart described the application that was before the Planning Board where applicant was seeking a 10-foot setback. Mr. Stewart stated that they settled on a 12-foot setback. Mr. Stewart stated that the 12 foot setback on the proposed home would be consistent with existing houses on 7<sup>th</sup> Avenue.

Mr. Stewart stated that applicant is not seeking a variance for the driveway. Mr. Stewart added that the drywells that were undersized on the plan will conform so they are not seeking a variance for that. Mr. Stewart stated that it is a good application. Mr. Stewart stated that currently water runs off the property into the pond from the homes. Mr. Stewart stated it will be collected and recharged and that will be a benefit to the area. Mr. Stewart stated aesthetically the proposed homes will be an improvement. Mr. Stewart stated that parking in a driveway is a benefit to the neighborhood. Mr. Stewart stated that there is more benefit than detriment in the application so the variances should be granted. Mr. Brendle asked if it is only one variance now. Mr. Stewart stated they are seeking a front yard setback variance on 7<sup>th</sup> Avenue. Mr. Stewart added that a variance for lot depth on Lot 11 had been mentioned. Mr. Stewart stated it is preexisting. Mr. Stewart added that he believes that it is conforming. Mr. Lobosco stated that is questionable. Mr. Lobosco asked Mr. Stewart about the existing 40-foot easement. Mr. Stewart stated he did research on the 40-foot wide easement on Lake Drive which runs from 7<sup>th</sup> Avenue to 71. Mr. Stewart stated there is a vacated section of Lake Drive which the borough owns. Mr. Lobosco asked what section borough property is. Mr. Stewart stated a 40-foot piece next to Highway 71. Chairman Pearsall asked who owns the rest of it. Mr. Stewart stated the property owners do, except for the easement across North Lake Drive. Mr. Ferraro stated that the easement is referenced in the deed which was marked at the previous meeting.

Mr. Lobosco asked if any improvements were proposed for the existing 15-foot long gravel road. Mr. Stewart stated it is approximately 12 to 15 feet long. Mr. Stewart stated it is going to be left as it is. Mr. Stewart added that the homeowners maintain it. Ms. Lalji asked who performs snow removal on the gravel road. Mr. Stewart stated that Mr. Bontempi and he would probably hire a contractor to plow it.

The board members discussed the easement and position and shape of the houses.

On a motion by Mr. Brendle; seconded by Mr. Quinn, the voice of the public was open to questions of Mr. Stewart.



Mr. Brown stated his credentials for the board.

- A-1 3/25/19 Brown variance plan
- A-2 Aerial Photograph
- A-3 Architectural rendering (Page A-1)
- A-4 Architectural rendering (Page A-5)
- A-5 Architectural rendering (Page A-3)
- A-6 Picture board with 16 pictures of surrounding homes and the site

Chairman Pearsall allowed a member of the public to be sworn in to speak:

Anna Kuntz, 2005 Parkview Terrace, Spring Lake Heights sworn by Mr. Kitrick

Mrs. Kuntz stated that she lives on a corner lot and can see the applicant's property from her property. Mrs. Kuntz stated her only objection to the application was a balcony which has been removed from the plans. Mrs. Kuntz stated she would like to see the board approve putting in a breezeway. Mrs. Kuntz added that the proposed house is not overbuilt; the applicant did a nice job with the house. Mrs. Kuntz stated she likes that the applicant left the driveway where it exists.

Mr. Lobosco pointed out to the board the balcony Mrs. Kuntz was referring to.

Mr. Brown stated A-5 shows the balcony which will be removed and stated it will now have a gabled roof.

Mr. Tangeman asked about the porch setback. Mr. Rubino reviewed the borough ordinance. Mr. Lobosco reviewed the ordinance for the board. Mr. Rubino stated the existing house is 25 feet from the setback instead of the required 30 feet. Mr. Rubino stated the proposed porch is shown on A-1 on a diagonal. Mr. Rubino stated that since it is on a diagonal, the northern side is proposed at 21.2 feet where 22 feet is allowed and on the south side 21.5 feet is being proposed where 22 feet is required. Mr. Brendle asked if the porch could be changed to make it conform. Mr. Brown stated they can move the porch and landing to conform to 22 feet. Mr. Brown added they can work with the overhang.

Mr. Brown stated that the existing house is on an angle. Mr. Brown added that the existing house is 800 square feet. Mr. Brown said the applicant is proposing a powder room and mudroom on the first floor, with a small breezeway leading to the garage which fits in with the neighborhood. Mr. Brown stated the proposed garage is perpendicular to Woodcrest Drive and that the driveway can remain in the same location. Mr. Brown stated that the proposed garage could be moved back but he would like to keep some backyard. Mr. Brown stated that the house is in good shape so they would like to keep the house and add a second floor. Mr. Rubino referred to the picture board showing the two houses on the side of the applicant's home and stated the proposed home would be in line with them. Mr. Brown stated that the one-story proposed garage will be 19 feet tall. Mr. Brown stated that the second floor will have 4 bedrooms and 2 bathrooms. Mr. Brown said that the first floor will have a kitchen, breakfast and family room with stairs leading up to a powder room, laundry and modest mud room. Mr. Nolan asked Mr. Lobosco if the garage is considered attached. Mr. Lobosco said yes. Chairman Pearsall asked if the existing trees will remain. Mr. Brown stated he does not think they will touch any trees on the property. Mr. Brown said he will present a drywell plan to the engineer for his review and approval.

Ms. Lalji asked if the pine trees in the rear will remain. Mr. Brown stated he is not sure whose property they are on but yes, if they are on their property. Mr. Nolan asked about the setback on

the proposed patio. Mr. Lobosco stated there is no setback for the patio. Mr. Nolan asked about the existing shed. Mr. Rubino stated they can move the shed.

Mr. Brown described the building materials.

Mr. Brown stated that the porch will be moved to conform to 22 foot; the balcony will be removed and replaced with windows and a roof; the garage will be moved back to keep in line with the main house, the shed will be moved to conform; the trees will be kept and drywell will conform to the borough requirements and be reviewed and approved by Mr. Lobosco. Mr. Nolan asked who Campbell Development is and if the daughter will be living full time in the home.

Mr. Rubino stated that is his client, and that their properties are all in the name of Campbell Development. Mr. Brown stated that yes, the daughter will be living there full time.

Mr. Kitrick noted for the record that there was no public present at this point of the application.

Mr. Tangeman made a motion to approve the application with the shed being moved back to the 5 foot setback on both sides; drywell will be installed and be approved by Mr. Lobosco, the porch will be moved so that it will be at 22 feet; the garage to be back 25 feet and the balcony will be removed; seconded by Mr. Brendle.

Roll call taken as follows:

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

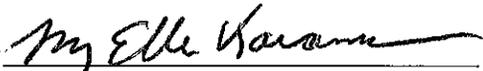
NAYS: None

ABSTAIN: None

**Adjournment:** On a motion by Mr. Quinn and seconded by Mr. Brendle the meeting was adjourned without objection at 8:42 p.m.

All in favor

**Submitted and Approved:**



**Board of Adjustment Secretary**

Date: November 14, 2019