

**BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT
AGENDA - REGULAR MEETING MINUTES**

January 23, 2020 at 7:00 P.M.

MEETING CALLED TO ORDER AND SALUTE TO THE FLAG

Roll Call:

Brian Brendle – present
Susan Lalji - absent
Donald Nolan – present
Owen Quinn – present
Bruce Waitzel - present
John Tangeman - absent
Chairman Dennis 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 WEB-SITE.

Approval of Minutes: November 14, 2019 - Mr. Brendle made a motion to accept the minutes seconded by Mr. Waitzel; roll call taken as follows:
AYES: Mr. Brendle; Mr. Nolan; Mr. Waitzel, Mr. Quinn
NAYS:
ABSTAIN: Chairman Pearsall

Correspondence: None

Old Business:

New Business: **Andrew Zaeh & Ioanios Caruso**
Application No. ZB-2019-09
805 Central Ave.
Block 12 Lot 254/255
2nd Floor Addition, new front covered porch, new detached 2 car garage, miscellaneous site improvements.

Andrew Zaeh, 805 Central Avenue, Spring Lake Heights, Tom Petersen, Project Architect, 6 Country Lane, Howell, Ioanios Caruso, 805 Central Avenue and Louis Lobosco sworn by Attorney Kitrick

Mr. Zaeh stated that his grandparents bought the land in 1946 from the town. Mr. Zaeh stated that the house was built shortly thereafter and that by 1968 two additions had been put on: an attached garage and living /dining area expansion. Mr. Zaeh stated that he has many fond memories of the house. Mr. Zaeh added he is third generation Zaeh to own the property. Mr. Zaeh added that he and his husband would like to make some improvements to make the house more comfortable. Mr. Zaeh stated that currently the house can sleep three

comfortably, not including an existing unfinished attic. Mr. Zaeh added that the proposed changes will enable them to have family stay in the house. Mr. Zaeh said they love the neighborhood and want to make the home more livable and comfortable for visiting parents. Mr. Zaeh stated they hired Mr. Petersen, a local architect and have come up with a proposed second floor addition. Mr. Zaeh stated that due to the position of the house on the property, variances are needed. Mr. Zaeh stated that Kevin Fleming is their contractor.

A-1 Board with photographs

A-2 Packet of photographs

Mr. Petersen stated his qualifications as a licensed architect in New Jersey since 1982; a licensed professional planner and licensed professional structural engineer. Mr. Petersen added he appears before boards approximately 6-10 times per year as an expert.

Chairman Pearsall accepted Mr. Petersen's qualifications.

Mr. Petersen stated that this is an existing developed piece of property to which the applicant is looking to make additions and improvements. Mr. Petersen stated that the property is oversized for its zone. Mr. Petersen added that where 9,000 square feet is required; the property is short of 15,000 square feet. Mr. Petersen stated the property is 150 by 100 but that the property is slightly not rectangular which reduces it from 15,000 to 14,997. Mr. Petersen stated that the existing single-family home is 1 ½ story. Mr. Petersen added that the half story upstairs has a bathroom, but it is not finished.

Mr. Petersen stated there is an attached garage on the right-hand side of the house facing the property from the street that will be converted into living space. Mr. Petersen stated that the lot area is oversized; lot width complies; lot depth complies. Mr. Petersen stated that the house is really 1 ½ stories. Mr. Petersen added that they are proposing taking the existing half story off and adding a second floor. Mr. Petersen stated that the proposed second floor will be above the main portion of the house; not above the existing garage. Mr. Petersen added that a front covered porch is proposed, as well as an expansion of the existing screen porch in the back and a detached garage. Mr. Petersen added that most of the proposals comply with zoning.

Mr. Petersen stated that there were some things in Mr. Lobosco's report that they would like to revise. Mr. Petersen stated that under Stormwater Detention, applicant will comply with Mr. Lobosco's letter. Mr. Petersen stated that the applicant's engineer will submit their drawings when they are going through the plan development to Mr. Lobosco or whoever the board would like them to. Chairman Pearsall asked if everything will be brought into the retention area. Mr. Petersen stated that all building, the main structure of the house and the detached garage will go into the retention area. Mr. Petersen added that no paving will go into that; that is considered runoff. Mr. Petersen added that building coverage is below what is allowed, and the impervious coverage is under what is allowed. Mr. Petersen added that that also includes a proposed future pool and deck. Mr. Brendle asked if the pool counts as building coverage. Mr. Lobosco stated that would be lot coverage. Mr. Petersen stated impervious. Mr. Petersen added that they are not sure when they will go ahead with the pool but including the square footage of a pool and deck, they are below the maximum impervious coverage.

Mr. Petersen stated that a variance is needed for the existing east side yard setback, which is 6.6 feet which to comply, would be 10 feet. Mr. Petersen stated that the second floor goes straight up and that the proposed second-floor addition would also be 6.6 feet. Mr. Petersen stated to fit it in to comply would affect the looks of the house and affect the functionality of the house. Mr. Petersen added that that side is next to the back yard of the house on the east side of the property. Mr. Petersen stated that this is a minimal request and does not affect anyone's view or light. Mr. Nolan asked if they are staying at 6.6 feet. Mr. Petersen stated yes, except they would like to bump out an additional 1 foot for the fireplace which is 5-foot-wide so that would be 5.6. Mr. Brendle stated that he did not think fireplaces counted. Mr. Lobosco stated if the setback is met, 2 feet is allowed. Chairman Pearsall asked if that is the only place where the fireplace would fit. Mr. Petersen stated without tearing the house down or changing the proposed layout, yes. Mr. Petersen added that the house will still be a small house. Mr. Brendle asked if it is a gas fireplace, with a rear vent. Mr. Petersen said yes. Mr. Nolan asked if the fireplace could be vented, keep the wall flush at 6.6 and be a foot in the house. Mr. Petersen stated they did not want to take space from in the house. Mr. Petersen added that it is not a wide space inside the house on the first floor. Mr. Nolan asked how wide it is. Mr. Petersen stated about 13 by 20.

Mr. Petersen stated that the second variance is the front yard setback. Mr. Petersen added that currently the house does not comply with the front yard setback requirement at 29.1 instead of 30. Mr. Petersen added that

the proposed second-floor development complies at 30. Mr. Petersen added that the proposed 8-foot porch does not comply with the required 22 feet. Mr. Petersen added that they are proposing to move the porch out 1 more foot where the stairs come up for aesthetic reasons. Mr. Lobosco asked if the distance of the porch is less than 21 feet. Mr. Petersen stated at the stairs they are at 20.1; the rest would be 21 feet. Chairman Pearsall asked if applicant considered a 6-foot porch. Mr. Petersen stated that a porch less than 8 feet is unusable and would prefer not to. Mr. Petersen added that the proposed porch will not interfere with any neighbors. Mr. Petersen added that the proposed porch is an open, covered porch with no rails. Mr. Quinn added that it will not align with other houses on the street and that it would stick out. Mr. Petersen stated they looked at neighborhood porches and others do not align. Mr. Petersen added they can do what they have to but would like to stay with the proposed porch. Mr. Quinn noted that the ordinance recently changed to 8 feet for a porch and applicant is proposing more than that.

Mr. Petersen described the existing house and the proposed plans to the home. Mr. Petersen stated that the existing house is in structurally good shape; there is no basement but there is a crawl space. Mr. Petersen added that mechanicals will go up in the attic. Mr. Petersen stated that the proposed plan keeps the mass of the home on the first floor. Mr. Petersen stated that the existing attached garage will be converted to living space. Mr. Petersen added that coming around the house, there is an existing screened porch they are proposing to expand. Mr. Petersen described the side of the house with the existing 6.6-foot side yard setback where they are seeking the 1-foot bump out. Mr. Nolan asked what is to the right of that on the property line. Mr. Petersen stated that is the neighbor's back yard. Mr. Nolan asked from the property line to the neighbor's yard, what is there. Mr. Petersen stated it is grass and it is open. Mr. Petersen referred to an aerial photo. Mr. Brendle noted that the trees are gone. Chairman Pearsall asked whose property that is. Mr. Zaeh stated it is the neighbor's.

Mr. Petersen stated that the proposed plan for the house is an open family area on the first floor; a foyer area coming off of the covered porch and an open kitchen/dining area where there will be stairs going up. Mr. Petersen added there is a proposed home office area. Mr. Petersen stated that there will be a hallway in the back leading to the proposed conversion of the existing attached garage which will be a first-floor bedroom suite for visiting parents and a mudroom, and small pantry. Mr. Petersen added that the covered screen-in porch will be expanded and a proposed small exterior shower added. Mr. Petersen stated that the exterior shower, the screen porch, the covered porch are all included in building coverage. Mr. Petersen stated that will all of the proposed changes, they are below on building coverage. Mr. Petersen stated the house is a 2,500 to 2,600 square foot house, which is a reasonable-sized house.

Mr. Petersen described the proposed second floor to include a private bedroom area on the second floor with three bedrooms, one of which is a bedroom suite with a bath and a walk-in closet and two guest bedrooms with stairs going to the first floor.

Mr. Petersen described the proposed detached garage. Mr. Petersen added that a detached garage is allowed. Mr. Petersen stated applicant will reduce the proposed size of the garage to the allowed 720 square feet; therefore, they are not looking for a variance for the garage. Mr. Petersen added that they are complying with the height of 15 feet. Mr. Lobosco clarified 15 feet measured from the curb. Mr. Petersen stated there will be no loft or usable area above the garage, only a small attic without standing space. Mr. Petersen confirmed there will be no utility other than electricity. Mr. Brendle asked Mr. Lobosco if the height measured from the curb is confirmed. Mr. Lobosco stated not confirmed but that has been the interpretation. Mr. Petersen added that the property is relatively flat; the grade difference from the curb to the back of the property is not much, if at all. Mr. Petersen stated that the proposed garage is a simple two-door garage that makes a nice appearance. Mr. Petersen stated that there is a proposed space towards the back where cars park for lawn furniture, beach umbrellas, surfboards and things like that. Mr. Nolan asked if mechanicals would go there when the pool is put in. Mr. Petersen stated that has not been decided. Mr. Brendle stated if they move the garage forward, the pool equipment can be put behind the garage. Mr. Petersen stated if the board would like to have the garage moved forward, they can but they wanted open area. Mr. Quinn stated it was not necessary, but a suggestion. Mr. Nolan stated it does not impact needing a variance or not needing a variance. Mr. Petersen stated that if the board approves the application and they decide to move the garage, a variance would not be necessary. Mr. Petersen stated it is a good suggestion and the pool people will decide.

Chairman Pearsall asked about shrubbery and trees. Mr. Petersen stated there is a tree that must be removed; it is not in good shape. Chairman Pearsall asked if there is a plan to replant the tree. Mr. Zaeh stated absolutely. Mr. Zaeh stated he hates to lose the tree; that tree specialist had looked at the tree. Mr. Zaeh added that there is a huge tree in the pool area that will be left in place. Mr. Zaeh stated he loves the trees in the neighborhood. Mr. Zaeh added that they plan on putting in nice landscaping for the whole project.

Mr. Petersen stated that variances are not taken lightly. Mr. Petersen added that when they come in for variances, they make sure the requests are reasonable and not upsetting to ordinances or neighbors. Mr. Petersen added that the proposed application has nothing detrimental in it; it is an advantage to the neighborhood and the requests are minimal. Mr. Petersen stated that there is really nothing in the application from a professional planning standpoint that would be considered a detriment.

Chairman Pearsall asked if there were any questions of Mr. Peterson from the board. There were none.

Chairman Pearsall asked if the public had questions of Mr. Petersen.

On a motion by Mr. Brendle, seconded by Mr. Quinn the voice of the public was open for questions of Mr. Petersen roll call taken as follows:

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

NAYS:

ABSTAIN:

There were no questions of Mr. Petersen from the public

On a motion by Mr. Brendle, seconded by Mr. Quinn the voice of the public was closed for questions of Mr. Petersen; roll call taken as follows:

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

NAYS:

ABSTAIN:

On a motion by Mr. Brendle, seconded by Mr. Waitzel the voice of the public was open for comments from the public; roll call taken as follows:

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

NAYS:

ABSTAIN

Nancy Maclearie, 809 Central Avenue, sworn by Attorney Kitrick. Ms. Maclearie stated that she lives to the west next door to the applicants; she has known the family for years. Ms. Maclearie stated they are great neighbors; it is a great plan. Ms. Maclearie stated she is on the planning board and knows that porches are an issue and that she recognizes the need for complying with zoning. Ms. Maclearie stated that she feels that the proposed porch is fine. Ms. Maclearie stated that she built her porch before the new ordinance was adopted and her 6-foot porch is not deep enough to sit and converse with people. Ms. Maclearie stated that the 29 feet does not matter to her; she herself would like a bigger porch.

John Smith, 111 Eighth Avenue, sworn by Attorney Kitrick. Mr. Smith stated that he has seen the plans and feels the proposed plan is a great addition to the neighborhood. Mr. Smith added that the 1 foot closer to his property does not bother him; it is all open and he doesn't use it for anything. Mr. Smith added that the house is being kept small and that the design is nice.

William Hahn, 810 Central Avenue, sworn by Attorney Kitrick. Mr. Hahn stated that the applicants showed the plans to the neighbors and have been conscientious during the application and that they had looked for input from neighbors. Mr. Hahn added that it is a welcome addition to the neighborhood. Mr. Hahn added he has known Andy for many years, and John for a good number of years.

Kathy Hahn, 810 Central Avenue, sworn by Attorney Kitrick. Mrs. Hahn stated she has known the Zaeh family and Andrew for 40 years, Ms. Hahn stated that the proposed plan will improve the neighborhood and that it will make the town better and is an asset. Mrs. Hahn added that she hopes the board approves the application.

Jennifer Youssouf, 800 Jersey Avenue, sworn by Attorney Kitrick. Ms. Youssouf stated that she lives diagonally behind the applicant. Ms. Youssouf stated that when she moved into Spring Lake Heights, she could not find a house. Mrs. Youssouf added that they looked around the neighborhood and could not find anything, so they eventually built a house where there was a small concrete shed. Ms. Youssouf stated she now has 3 children and loves the neighborhood and loves the applicants and would like to see the application approved.

Donald Zaeh, 5 Stonewall Drive, Grand Springs, New York sworn by Attorney Kitrick. Mr. Zaeh stated he had lived in Spring Lake Heights with his grandparents since 1947 when there was nothing but open fields and could walk from the house to Wreck Pond across grass. Mr. Zaeh stated he knows that the change to the house is for the best and would like to see the application approved. Mr. Zaeh added that the applicants want to improve the house and the town.

On a motion by Mr. Brendle, seconded by Mr. Nolan the voice of the public was closed for comments from the public; roll call taken as follows:

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

NAYS:

ABSTAIN:

Mr. Nolan made a motion to approve the application with the exclusion of the variance for the drywells because applicant said they will be putting the drywells in and the variance for the attached garage because the square footage will be 750 per the ordinance, seconded by Mr. Waitzel roll call taken as follows:

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

NAYS:

ABSTAIN:

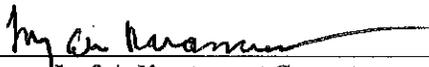
Adjournment: On a motion by Mr. Brendle; seconded by Mr. Nolan the was adjourned without objection at 8:04 p.m., roll call taken as follows:

AYES: Mr. Brendle, Mr. Nolan, Mr. Waitzel, Mr. Quinn, Chairman Pearsall

NAYS: None

ABSTAIN: None

Submitted and Approved:



Board of Adjustment Secretary
Mary Ellen Karamus

Date: February 27, 2020