BOROUGH OF SPRING LAKE HEIGHTS
BOARD OF ADJUSTMENT
REGULAR MEETING MINUTES
VIRTUAL MEETING
May 28, 2020 at 7:30 P.M.

Roll Call:
Vice Chair Brian Brendle – present
Susan Lalji - absent
Donald Nolan – present
Owen Quinn – present
Bruce Waitzel - present
John Tangeman - absent
Dennis Pearsall - absent
Alternate #1
Thomas Martin – present

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.

Approval of Minutes:

Correspondence: 5/15/2020 Request to carry Application ZB 2020-01, Miles 610 Hwy. 71

2/25/2020 Freehold Soil Conservation, regarding 610 Ocean Rd.
AC Construction Application ZB2019-10

Old Business:

New Business: **AC Construction Mgt., LLC**
Application No. ZB2019-10
601 Ocean Road
Block 20 Lot 17
Construct a 2-story single family residence

Chair Brendle referred to Mr. Lobosco's two review letters. Mr. Brendle asked about Ordinance 22:517.6. Mr. Lobosco stated in the February 19 review he referred to an older ordinance which was brought to his attention that he made part of the report for the members to see since this is a smaller lot. Mr. Lobosco stated if they had everything outlined in the paragraph, they would not have to come before the board. Mr. Lobosco stated they could have gotten a building permit if they fit all the requirements without coming to the board.
Mr. Kitrick stated based on discussions with the applicant, they are not relying on that ordinance for approval.

Mr. Kitrick stated this is the Board's first virtual notice. Mr. Kitrick added that the legal notice for a virtual meeting is different than a regular meeting. Mr. Kitrick added that the notice is proper. Mr. Kitrick stated that the board can accept jurisdiction of the matter.
Mr. Kitrick stated that a difference in the virtual meeting notice is that the notice includes that public comments and questions could be submitted to the board secretary two days before the meeting, as opposed to during a public meeting where the public must appear to be able to comment or question. Mr. Kitrick added that if anyone who sent in a comment is present during the meeting, they can participate live during the meeting. If people sent in comments or questions from the public who are not present on the meeting, then the comments and/or questions can be read into the record and addressed.

Mr. Rubino stated he represents the applicants.
Mr. Rubino referred to the ordinance that Mr. Lobosco referred to in his review letter. Mr. Rubino stated that after discussing the ordinance with Mr. Lobosco, since they are applying for variance relief, the ordinance does not apply. Mr. Rubino stated they need to be before the board for the setback off Ocean Road and a setback off of Sixth Avenue as well. Mr. Rubino stated this is a corner lot.

A-1 Application
A-2 Notice
A-3 Plans
A-4 Lobosco Report
A-5 Photograph
A-6 Photograph
A-7 Photograph
A-8 Photograph
A-9 Photograph
A-10 Photograph
A-11 Photograph
A-12 Photograph
A-13 Photograph
A-14 Photograph
A-15 Photograph
A-16 Photograph
A-17 Photograph
A-18 Photograph

Mr. Al Seniszyn, Mr. Joseph Kociuba and Mr. Lobosco sworn by Mr. Kitrick.
Mr. Seniszyn stated that he has been a resident of Spring Lake Heights for 31 years and that he has owned 4 homes over the last 20 years in Spring Lake Heights. Mr. Seniszyn stated that he and his wife have retired to this area. Mr. Seniszyn described prior projects he has been involved with in homes and renovations by himself and with his partner.
Mr. Seniszyn stated he and a partner bought the lot at 601 Ocean Road. Mr. Seniszyn stated originally, they thought they would renovate it. Mr. Seniszyn said that after reviewing the home, based on the poor condition of the home, it was decided that removing the home would be best. Mr. Seniszyn stated it was not structurally sound and trees had to be removed due to raccoons living in it. Mr. Seniszyn and his partner felt that the home should be taken down right away.
Mr. Seniszyn stated they are proposing a 2-story colonial home. Mr. Seniszyn said that on the first floor there is a bedroom or study, a kitchen, a breakfast nook, a full bathroom and a family room. Mr. Seniszyn said that on the second floor they are proposing 3 bedrooms; a master and two other bedrooms, and a laundry area. Mr. Seniszyn said that they are proposing a porch in the front, a deck in the back and the house will be vinyl sided so that it fits in with other homes west of the property. Mr. Seniszyn added that two new modular homes were put up on Ocean Road. Mr. Rubino stated this is an undersized lot. Mr. Seniszyn said yes. Mr. Rubino asked Mr. Seniszyn to describe some of the homes across the street

that are not 1 story or cottages. Mr. Seniszyn stated that west and east on Ocean Road there are 2-story homes. Mr. Seniszyn said that the proposed home will comply with building coverage and lot coverage, although the previous home had not. Mr. Quinn asked if the fireplace jutting out from the home is within the 23.84 shown or in addition to. Mr. Seniszyn stated that the fireplace is on the west side. Mr. Brendle stated that even on the west side, it is encroaching into the 10-foot setback. Mr. Lobosco stated there is an ordinance that allows 2 feet or less for a chimney. Mr. Kociuba stated there is an ordinary projection ordinance. Mr. Rubino stated that that ordinance will be complied with.
Mr. Seniszyn stated he feels the house fits in with the area. Mr. Seniszyn added that on Ocean Road in the area of the proposed home, there are 2-story homes, with heights of 28 to 30 feet. Mr. Seniszyn stated that the proposed home is 28 ½ feet. Mr. Seniszyn then described cottages next to his property that are 2 feet from the property line. Mr. Seniszyn described construction of new 2-story homes in the neighborhood and improvements to the neighborhood.
Mr. Seniszyn stated that mechanical equipment in the side yard will be screened. Mr. Nolan asked what side the mechanicals are going on. Mr. Seniszyn stated the west side. Mr. Seniszyn stated the mechanicals can be put in the back. Mr. Waitzel asked if the building height is the building itself, not taking into account the height off of the street center. Mr. Seniszyn stated, looking at the drawings, that the foundation is 2 feet, the first floor is 9 feet, the second floor is 8 feet and they plan to go 28 feet from the street. Mr. Kociuba stated that the plan defines building height per the ordinance as calculated at 30.91 feet which complies with the ordinance. Mr. Nolan stated no variance is needed for the building height. Mr. Kociuba stated yes, no variance is being asked for building height. Mr. Nolan asked Mr. Seniszyn if he intends to resell the property. Mr. Seniszyn stated yes. Mr. Nolan asked about landscaping on the 6th Avenue side. Mr. Seniszyn stated they will landscape. Mr. Rubino stated applicant is willing to submit a landscape plan to Mr. Lobosco if approved for his review as a condition of the approval. Mr. Seniszyn stated they would put staggered boxwoods, a couple of trees on the property and make it nice, as well as sod and mulch and 2 shade trees. Mr. Quinn asked if the current tree on the back-west corner will come down. Mr. Seniszyn stated that is on the neighbor's property. Mr. Kitrick stated that a condition of approval would be that a landscaping plan will be submitted to and subject to Mr. Lobosco's approval.
Mr. Quinn asked about the location of the drywells. Mr. Kociuba stated the front northeast corner of the property.
Mr. Martin asked Mr. Seniszyn about his experience with purchasing properties. Mr. Seniszyn summarized his 20-year history of projects in Spring Lake Heights and neighboring towns. Mr. Seniszyn stated he has flipped some homes with his partner and that he has kept some as well.

Chair Brendle asked if there were other questions of the applicant by the board.

On a motion by Mr. Waitzel, seconded by Mr. Martin the voice of the public was open for questions of Mr. Seniszyn.

AYES: All in Favor

Mrs. Kathryn Meehan stated she submitted questions in writing. Ms. Meehan asked Mr. Rubino if he saw her written questions. Mrs. Meehan stated that Mr. Rubino's comments seemed directed to her questions. Mr. Rubino stated he did address her comments and probably would have anyway. Mrs. Meehan asked about the process of the hearing, the timing of questions and the timing of comments in a public meeting. Mr. Kitrick explained the process of asking questions of people testifying and that after someone is sworn, comments are given at the end of the application. Mrs. Meehan asked the necessity of building a large structure on a nonconforming lot. Mr. Rubino stated that the applicant feels that the lot is unusual, and that the ordinance would provide for a 22-foot house. Mr. Rubino stated that applicant feels that they are not overbuilding the lot.

Mrs. Meehan referred to her experience of trying to build a deck in the past and she was not allowed to because of town rules. Mrs. Meehan stated that the one-story homes were not shown in photographs. Mr. Rubino stated photographs were provided of various homes. Mr. Rubino referred to A-12 showing Mrs. Meehan's home. Mrs. Meehan stated she does not have access to computers to see the exhibit photographs. Mr. Rubino displayed various photographs which show cottages and 1-story homes as well. Mr. Rubino held the photos up to be seen on camera. Mrs. Meehan asked if it doesn't matter that the house being built will overpower the neighborhood. Mr. Rubino stated he can't answer that. Mrs. Meehan asked about seepage pits and drainage. Mr. Rubino stated that the engineer will explain the drainage. Mrs. Meehan stated she has no further questions but will be making comments later.

Chair Brendle asked if anyone had any other questions. Mr. Ryan Hennessy asked why setbacks originally existed. Mr. Rubino stated towns put in ordinances requesting that homes should comply with. Mr. Rubino added that for setback requirements and a corner lot they are allowed to go before the board seeking relief. Mr. Hennessey asked why the setbacks were put in place and what is the reason towns wanted people to build 30 feet off of the street. Mr. Rubino stated he disagrees with the statement. Mr. Hennessey stated he is not answering the question. Mr. Rubino stated he does not want to answer and deferred to Mr. Lobosco. Mr. Lobosco stated that the setbacks are the standards that the town put together. Mr. Hennessey asked then why the proposed house cannot meet the town rules. Mr. Kitrick stated that the applicant is before the board for exceptions to Spring Lake Heights ordinances. It is up to the board to decide if they will permit the application be approved based on the exceptions they are looking for. Mr. Hennessey stated he still wants to know why the town decided on the rules. Mr. Kitrick stated nobody at the meeting is around from when the ordinances were determined to answer that. Mr. Hennessey stated the application should be carried. Mr. Rubino stated these are not questions, they are comments.

On a motion by Mr. Martin, seconded by Mr. Quinn the voice of the public was closed for questions of Mr. Seniszyn.

AYES: All in Favor

Mr. Joseph Kociuba stated he is a NJ licensed planner and engineer and will be addressing both areas for the application, he offered his credentials.
Chair Brendle accepted Mr. Kociuba's credentials.
Mr. Kociuba stated the lot is undersized at 5,400 square feet, he described the previous nonconforming dwelling.
Attorney Lynda Lee entered the hearing for Mr. Rubino.
Mr. Kociuba stated that the prior dwelling was nonconforming and that it has been demolished. Mr. Kociuba stated that a 2-story home is being proposed and that it will comply with rear yard and side yard setback. The front yard setbacks will be increased but still not conforming. Mr., Kociuba added that the dimensions are to the right-of-way line. The curb is another 10 feet further. Mr. Kociuba stated that a two-car driveway is being proposed, keeping the existing driveway entrance, so the apron is being saved. Mr. Kociuba stated that a drywell system per ordinance will be provided at the northeast corner of the property.
Mr. Kociuba stated that this application is fully conforming for building coverage and impervious coverage. The impervious coverage s substantially under.
Mr. Kociuba said that the house and porch will face toward Ocean Road. Mr. Kociuba said that the proposed building is compliant with building height, so no building height variance is being looked for.
Mr. Rubino reentered the meeting.

Mr. Kociuba stated that the mechanical equipment will be in the side yard and will be screened and there will be a chimney in the side yard as permitted by ordinance.
Mr. Kociuba stated that C1 and C2 criteria variances are required. Mr. Kociuba quoted the criteria. Mr. Kociuba stated that the lot is undersized in depth and area. Mr. Kociuba read the definition of hardship. Mr. Kociuba stated that the hardship in developing the property is a reasonable request. Mr. Kociuba stated that the front yard setback requested is a reasonable request and that the previous home was closer to Ocean Road than the proposed home. Mr. Kociuba said that the front yard setback on Sixth Avenue request is a typical situation on corner lots. Mr. Kociuba stated that with the house facing Ocean Road will be more in character with corner lot orientations throughout the Borough. Mr. Rubino asked if a house that is 26 feet wide is considered fairly narrow; he replied yes. Mr. Kociuba stated that the wider home is aesthetically more in keeping with area, more visually desirable.
Mr. Kociuba said that this property is more compliant than what existed previously. New home is more contemporary style, promote the desirability of neighborhood. Mr. Lobosco asked to explain the plot plan showing location of house with other homes in the area. Mr. Kociuba described the aerial. Mr. Nolan asked what the red box on site plan is? Mr. Kociuba drafting color of the driveway. Mr. Nolan asked if there is an existing garage. Mr. Kociuba there is not and there is no garage being proposed. Mr. Kociuba discussed that the benefits outweigh detriments lot coverage is compliant, even though lot is undersized. Mr. Kociuba stated height is conforming 2 story typical to the area. Looked at other homes on the block, there are 19 - 2-story and remainder 1 or 1 ½ have story. Two story homes are permitted in zone and typical of construction. Mr. Kociuba feels the benefits of variance outweigh detriments. Mr. Rubino asked if board granted similar variances based on Mr. Hennessy question and referred to prior application. Mr. Kociuba stated that yes, and variances was c
Chair Brendle asked if the board had questions of Mr. Kociuba.
There were no questions by the board of Mr. Kociuba.
On a motion by Mr. Nolan, seconded by Mr. Waitzel, the voice of the public was open for questions of Mr. Kociuba.

AYES: All in Favor

Kathryn Meehan stated that a hardship would be a neighbor having triplets and having to add to the house. Mrs. Meehan added that building a taj mahal is not a hardship Mr. Kitrick explained municipal land use law and the meaning of hardship. Mr. Kociuba summarized the definition of hardship in Municipal Land Use Law. Mr. Kociuba stated that the narrowness, shallowness and shape of the property creates the hardship criteria for the property.
Mr. Rubino asked Mr. Seniszyn the size of the house. Mr. Seniszyn stated that the first floor and second floors are 1,100 square feet. Mr. Brendle stated by today's standards that is modest and nice to see in the Borough.
On a motion by Mr. Waitzel, seconded by Mr. Quinn the voice of the public was closed for questions of Mr. Kociuba.

AYES: All in Favor

On a motion by Mr. Nolan, seconded by Mr. Waitzel, the voice of the public was open for comments by the public.
AYES: All in Favor

Rob Slifer, 406 Ocean Road sworn by Mr. Kitrick, stated he has lived in the neighborhood 21 years and is happy with current development. Mr. Slifer stated that he saw plans for the house and feels that it is a good job, modern and meaningful and appropriate to the neighborhood, more uniform and a benefit. Mr. Slifer stated that the previous home was creepy and that this plan is an improvement and adds to the neighborhood. Mr. Slifer added that prior projects by the applicant are nice and this will be a nice project.

Ryan Hennessey, 205 Sixth Avenue, sworn by Mr., Kitrick, stated his family has owned their home for 50 years. Mr. Hennessey stated he is not comfortable holding a meeting of importance this way. Mr. Hennessey said that the house should stick to the rules. Mr. Hennessey likes the likes old era and a small-town feel. Mr. Hennessey asked why can't houses be built following rules of Borough. Mr. Quinn explained to Mr. Hennessey that the proposed home's setbacks will be improved and that the previous house was closer than the proposed. Mr. Hennessey stated that the problem is he does not understand the plans or technology and does not understand what is going on. Mr. Quinn said that the prior house was closer to the street on Ocean Road and closer to Sixth Avenue, so this will be an improvement. Mr. Hennessey stated he cannot see the plans as they are explained. Mr. Kitrick asked Mr. Hennessey if he came by and looked at plans. Mr. Hennessey yes. Mr. Kitrick stated that this is a unique situation but that the ability to go look at plans prior to the meeting was available and that it is for all meetings, virtual and lives. Mr. Hennessey said yes but he is not an engineer or architect and from what he saw he does not agree and does not like the building. He wants to stay within the rules and stay within setbacks. Mr. Hennessey said he is not happy.

Kathryn Meehan, 208 Sixth Avenue, sworn by Mr. Kitrick said she has been here 50 years and has seen some good changes, but she thinks the lots were sufficient for what is there. Mrs. Meehan stated this home will infringe on her life and she strongly opposes it.
Tony Thornton, 570 Ocean Road, sworn by Mr. Kitrick, stated thank you to the applicant for taking down the house and that he bought his home in 2012 and he loves the neighborhood and the renovations going on and he plans on staying. Mr. Thornton stated he does not oppose the house and thinks it's a great thing. Mr. Thornton said he had gone for a pergola and understands a corner lot and that variance approval is needed. Mr. Thornton thanked applicant for his investment and beautifying the neighborhood.

Chair Brendle asked if anyone else had comments.

On a motion by Mr. Waitzel, seconded by Mr. Nolan, the voice of the public was closed for comments.

AYES: All in Favor
Mr. Nolan made a motion to approve the application with a landscape plan in place to be reviewed by Mr. Lobosco, seconded by Mr. Martin; roll call taken as follows:

AYES: Mr. Nolan; Mr. Waitzel voted aye and noted to make sure Freehold Soil approval was obtained before going ahead, Mr. Quinn, Mr. Martin, Chairman Brendle
NAYS: None
ABSTAIN: None

Adjournment: On a motion by Mr. Martin; seconded by Mr. Nolan the meeting was adjourned without objection at 8:56 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:

Mary Ellen Karamus

Date: June 25, 2020

Board of Adjustment Secretary