

BOROUGH OF SPRING LAKE HEIGHTS

PLANNING BOARD

Minutes

March 10, 2021

Meeting commences at 7:00 PM

A. Announcement:

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, PUBLIC LAW 1975. ADEQUATE NOTICE HAS BEEN PROVIDED TO THE COAST STAR AND THE ASBURY PARK PRESS, POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING AND THE BOROUGH WEB-SITE. NOTICES ARE ON FILE WITH THE BOARD SECRETARY. OFFICIAL ACTION MAY BE TAKEN ON THE MATTERS LISTED.

B. Flag Salute

C. Roll Call

Board Members present: Eileen Eilenberger, Councilman Willms, Brian Brendle, Dennis Pearsall, Nancy Maclearie, Adam Anzzolin, Roy Francolino
Alternates: Elizabeth Stader, Bruce Waitzel

Board Members absent: Mayor Campion, Joseph Tompey, Thomas Martin, Fredric Manger

Board Professionals present: Mark Kitrick, Esq.(Board Attorney), Lou Lobosco, (Board Engineer) Jennifer Beahm, (Board Planner) Barbara Van Wagner (Board Secretary)

D. Approval of Minutes:

Chair Eilenberger discussed recommended two revisions – 1. the porch is an addition and 2. elimination of last sentence on the third page.

Minutes of Planning Board – February 17, 2021 meeting -

Motion: Elizabeth Stader Second: Brian Brendle

Ayes: Eileen Eilenberger, Councilman Willms, Brian Brendle, Elizabeth Stader, Bruce Waitzel

Nays: none

E. Application:

1. 711 Ocean Road, block 16, lot 324, R3 Zone

Stephanie Reckord & Arturo Santamaria

Application for bulk variances for construction of second floor addition with a front porch of an existing single family residence on a pre-existing non-conforming undersized lot.

Kitrick – Board can accept jurisdiction. There is a supplemental list of property owners to be Notified in addition to the 200 foot list. Advised the applicants that since they did not utilize the Supplemental list, understand that if those on the list object, they have a right to appeal. Asked the applicants if they wish to proceed, need to verify.

Reckord – yes

Kitrick – asked the applicants who they have to testify

Reckord – the owners of the property. The professionals that will testify are Chris Rice of Rice & Brown and William Merunka, PE of RC Associates.

Kitrick – swears in the applicants – Stephanie Reckord and Arturo Santamaria, the applicant’s professionals Chris Rice and William Merunk. The Board professionals – Jennifer Beahm and Lou Lobosco.

Reckord – Thanks the Board and states that they have been the owners of the home since November 2008 – more than 12 years. Making an application for hardship variances because they are proud of their house and want to stay and would like to make improvements but the existing non-conformities prevent them from making changes to the home. Hired professionals to prepare a plan to expand to meet their needs and also be respectful of Zoning to the best of their ability. They have three children in the Spring Lake Heights Elementary School and need to expand their existing 1 ½ story home. Want to have the children’s bedrooms on the second floor and maximize the downstairs. In addition, want to add a front porch to keep in character with the neighborhood and have the house be more appealing. Want to expand the home that they love.

Chair Eilenberger – discussed Board procedures to the public. Explained that the experts to testify and questions can be asked relating to their testimony and comments can be made at the end.

Chris Rice gave his credentials – Architect of Rice & Brown, located in Sea Girt, has appeared before the Board in the past and will be testifying as a professional architect.

Chair Eilenberger accepts Chris Rice as an expert.

(application plans are put on shared screen for public to view as the testimony is given)

Rice – Home located on Ocean Road on the block closed to Route 71 on a street with a mixture of existing expanded Capes, new homes or expanded pre-existing homes. The basic premise to maintain the existing footprint with the pre-existing conditions, leave the first floor as is, it is in great shape, saving all the outside walls and build a second floor addition over the existing footprint. Now have a 25 foot front setback where 30 feet is required and have a 10 foot setback on one side and 5.3 feet and 5.7 feet on the other side. The zone requires a 9,000 square foot lot and this is a 7,500 square foot lot with a 50 foot width – excessive narrowness. The home now has four bedrooms, want to put the 3 bedrooms for the children on the second floor and combine two of the bedrooms on the first floor to create a master suite.

The variances requested are for the pre-existing non-conforming front and side setbacks and ask to continue the 5.3 and 5.7 side setbacks. Ordinance allows 8 feet into the front setback for a porch but are only asking for a 6 foot front porch, which is the minimum for a usable porch. Porch not going to the corners, will come in a couple of feet on the sides. 22 foot setback to a porch is permitted and presently have 21 feet to the covered stoop and steps and asking for 19 foot setback to the new porch. Not exacerbating the existing non-conformities. This is a smaller lot than what the zone requires but they do meet the maximum building coverage requirement.

Chair Eilenberger – on the plans it shows 9.9 feet on the side not 10 feet on the west side

Pearsall- going to need variances for both sides – west side also

Chair Eilenberger – since the porch is at a different setback, want see porch as a separate variance for the setback.

Kitrick – good idea. Asked if any questions from the Board or the public for this witness, Chris Rice. (there being no public questions, the next witness for applicant presents his testimony)

William Merunka, PE gave his credentials – professional engineer at RC Associates since 2018 and has appeared before the Spring Lake Heights Planning Board in the past

Chair Eilenberger – accepted Mr. Merunka’s credentials

Merunka – There are numerous pre-existing non-conformities and will not be increasing any non-conformities except for the new front porch. The house is now at 25 feet not 30 feet for front setback, and it does match with the houses in the area having a 25 foot setback. The house next door to the right, has a porch that matches with the proposed porch and will not be restricting air or light. The second floor addition goes up matching the existing sideyard setbacks. The proposed porch is keeping

with the intent of the Zoning Ordinance with a front porch, they are just starting with 25 feet instead of 30 feet. In reviewing the Lobosco letter regarding drainage, the only additional roof area is for the porch, not the second floor so the proposed system was only for new roof area.

Lobosco – the Zoning Board in the past wanted an infiltration dry well to be for the house but it is up to the Board's interpretation. This is only for the front porch

Chair Eilenberger – Since there is a new second floor and since don't have an infiltration system now, would appreciate considering having it for the whole structure

Pearsall – agree with Chair, there was an application in December with an addition and the Board required them to incorporate the drainage system for the entire structure – it was a trench around the whole house. We should ask the same for this application

Chair Eilenberger – applicant can work with the Board Engineer for the best feasible system. Want to get as much infiltration system in the Borough as possible and appreciate you working with us.

Pearsall – would like to see one less variance

Rice – will communicate with Lou Lobosco on this to work on something that is acceptable to everyone.

(continued review of Board Engineer Report)

Rice – Item #4 (Front Yard setbacks in the area discussed) property to the east and west all about the same setbacks. 715 Ocean Road might have gone to 30 feet but the rest of the houses in the area are non-conforming at 25 feet. Item #5 – will comply – will add a note that will repay any damaged curbing or sidewalks

Reckord – stated that they are willing to install the infiltration system

Pearsall – need to relocate AC but want to discuss the shed which is 2 ½ times the allowable size. Want to know if it will remain and whether it was there when you purchased the home

Reckord – it was not there when we bought the home, we installed it

Pearsall – asked if they were aware that it was larger than permitted

Reckord – they did not, they thought it was ok because they didn't have a garage, have a large yard

Chair Eilenberger - asked if the enclosed porch noted on the plans as a mud room, will remain

Reckord - it is an existing enclosed porch used for storage, it will remain, nothing will change structurally.

Kitrick – asked for clarification on the air conditioning unit and how it will be addressed

Rice - they have the ability to relocate the AC unit from the side to the rear next to the deck.

Stated that the home presently has a second story and has 4 bedrooms. Did not want to expand structure but keep the first floor and foundation and expand on second floor instead of expanded cape. Want to contribute to the neighborhood and have a positive impact on the architecture and keep it simple. Want to build over the existing rectangle. The ordinance allows an 8 foot porch but there is currently only a 25 foot setback, so thought a 6 foot porch was fair. Want to contribute to the neighborhood, common for a 25 foot setback. The excessively narrow lot is a hardship and see only positive and no negatives to this.

VanWagner – (asked about the existing shed). The shed is over 100 square feet and is over the permitted size. Over 100 square feet would also require a Building Permit. Did not see any permits in the file. Asked the applicant if they obtained permits for the shed.

Reckord – stated that they did not

VanWagner – for the record, this is not a pre-existing legal structure if no permits were obtained.

Maclearie - what is the setback for the shed – 5 feet is required

VanWagner – there is 4 feet off the rear and 3 ½ feet from the side.

Beahm- while seeking relief now, can seek relief for the size of the shed so moving forward won't have problem with the oversized shed

Kitrick – the problem is that they did not mention the catch all phrase “any and all other variances” and the Board cannot provide any extraordinary relief without noticing.

Reckord – we can move the shed

Maclearie- asked if the application can be carried so the applicant can notice for the shed. Asked the maximum size of a shed

VanWagner – 100 square feet is permitted, this is approximately 12 feet by 20 feet.

Chair Eilenberger – it is about 242 square feet

Pearsall – shed is there, don't want to delay the application. Can we let the shed be the way it is?

Kitrick – Board cannot afford relief for the shed

Reckord – don't have a garage, use shed for storage, can move the shed

Rice – asked if can move forward with the application for the main house and agree to move the shed

Kitrick – the size of the shed becomes an enforcement issue with the Borough
(Barbara Van Wagner sworn in)

VanWagner- if the shed is moved, it will require a permit. Since it exceeds 100 square feet, a Building Permit from the Construction Department will be required but they cannot issue a permit with a Zoning Permit. Since it exceeds the permitted maximum size of 100 square feet, a Zoning Permit cannot be issued. The shed can be removed and replaced with a conforming shed or they can come back to the Board for a variance at a later date for the existing shed. For the record, a permit cannot be issued for the non-conforming shed because of its size.

Rice – would like to proceed with the main house separate of the shed. Can decide whether to remove the shed or return to the Board for a variance.

Chair Eilenberger – asked if any further questions from the Board or questions or comments from the public.

Public Comments/Questions (all were sworn in by Mark Kitrick, Esq.):

Jodi Gardner, 707 Ocean Road – supports the application. Will look beautiful on the street and will add value to the neighborhood

Sherri Saltzman, 713 Ocean Road – rendering is beautiful, supports application

Patricia Sharin, 710 Ocean Road – will enhance the neighborhood, nice family, supports application

John Tobin, 714 Central Ave – asked why a dry well is required and what the reference numbers were for that are on the plans.

Lobosco – stated that it is required in the Ordinance that an infiltration basin/dry well is required for new construction. It is required by Borough Ordinance.

Beahm – water has to get into the storm drain system somehow or infiltrate into the ground. Its in the ordinance as a requirement. This helps infiltration which is consistent with the new regulations by DEP Takes the water and helps infiltrate into the ground

Chair Eilenberger – this prevents run off to the street. It is 7 blocks to the ocean and 4 blocks to Wreck Pond. The water could cause pollution. Want zero runoff to prevent pollution.

Lobosco – the numbers shown on the plans are for spot elevations of grade

Chair Eilenberger – asked if any other comments or questions from the public (there were no further public questions or comments). Asked the Board for any comments or questions from the Board before approving or disapproving the application.

Maclearie – since the shed is not a permitted size, they would have to apply to the Board again. Should carry the application to include the oversized shed in the notice which would be better for the

applicant in the long run. Not rejecting the application, just giving option to include the shed and re-notice. Asked Mark for opinion

Kitrick- valid point, don't know the time line for construction, something need to be addressed by applicant or their professionals. As for doing efficiently and economically, would make more sense to carry, applicant does have cost of re-noticing.

Waitzel-risk approval by the delay. Board can't approve an oversized shed. Can address what was applied for and the shed can be addressed later.

Stader – can the applicant get a smaller shed?

Reckord- the smaller shed is an option but want to proceed with this application and make a determination of the shed later.

Pearsall-could your carpenter make a smaller conforming shed to move along with the application

Reckord- want to proceed, haven't made a decision yet on the shed to make it smaller or apply for a variance, want to do at a later date.

Pearsall- difficult to word the passing of the application. The oversized shed is in a gray area. Is it possible to make a decision on the shed tonight?

Behm- do not recommend that, the applicant should take the time to make the decision. Board needs to be silent on the shed and not be discussed by the Board. Recommend they come back to the Board for the shed as is. Don't think this muddies the application for the second floor addition and the porch.

Lobosco- could make it a garage

Chair Eilenberger- does not qualify as a garage. Applicant has to decide what to do with the shed
Need to discuss variances requested and proceed with the application.

VanWagner- can't call it a garage just because its too big to be a shed, needs access by a vehicle

Behm- don't want to discuss the shed, they will address the shed at a later date

Kitrick – if approve the application, the Resolution will be silent on the shed but keep in mind it then becomes an enforcement issue.

Chair Eilenberger- any further comments

(no further comments) asks Mr. Kitrick to review the requested variances.

Kitrick- There is a condition of approval made by the applicant that they will submit a dry well system for the home, not just the porch, and it will be subject to review by the Board Engineer.

The variances requested are for front yard setback of 25 feet, a front porch landing of 19 feet and two side yard setbacks – one for east side for 5.3 feet and one on the west side for 9.9 feet. Applicant will move the mechanicals to the rear yard as opposed to the side yard.

Chair Eilenberger- would like stated as a separate variance for the east sideyard setback of 7.5 feet where 10 feet is required. One for porch and one for the house.

Kitrick – the notice does cover the side setbacks, both are side yard setbacks.

Pearsall – stated that he thinks the air conditioner can stay where it is on the side

Chair Eilenberger – are there any motions for this application?

Councilman Wilms – motion to approve application

Stader –seconded motion approval of application

Maclearie- vote yes, beautiful house and will be an addition to the neighborhood. Fantastic that people are improving the neighborhood. Good Luck

Pearsall – yes, house will make the block on Ocean Road look nice. Gives the family the room they need and the drawing looks good. Had the same situation 35 years ago, adding a second story to our bungalow. Worked out fine and hope it all works out for you.

Councilman Wilms – yes, great addition to neighborhood, look forward to seeing the finished project.

Congratulations

Brendle- yes, architect did a fine job, staying in the footprint. The Town wants front porches, which will change the appearance of the neighborhood and town. They are also adding the dry well and the all the neighbors are in favor.

Francolino- yes, nice attraction to the neighborhood and Township. Homeowner minimized variances as much as possible due to the non-conformities. Good Luck

Anzzolin – vote yes

Stader – yes, beautiful plan and appreciate architects concern with staying within the footprint. Its gorgeous. Good Luck

Wetzel- should be approved, its an improvement to the neighborhood. Did all they could do to meet the criteria we are trying to meet as a Planning & Zoning Board Good Luck

Chair Eilenberger- vote to approve. Based on hardships and size of the property, did they best they could to have a beautiful home on Ocean Road, which is one of our main streets.

Application is approved.

Chair Eilenberger- will discuss the Ordinance changes that will be brought back to Council but would to vote on the Resolution first

F. Resolution: 808 Central Avenue, block 13 lot 295, Alexis & Paul Halas

Chair Eilenberger – discussed two revisions to the Resolution

- Chart needs to be corrected – the west side needed a variance not the east side
- Addition will be setback 10 and revised plans will be submitted

Motion to approve resolution: Brian Brendle Second: Elizabeth Stader

Vote in favor: Councilman Wilms, Brian Brendle, Elizabeth Stader, Bruce Waitzel,
Chair Eileen Eilenberger

Votes opposed: none

G. New Business: Discussion and vote on recommendations to the Borough Council on Proposed Land Development Ordinances referred to the Planning Board for review and comment.

Chair Eilenberger- saw two things would like to discuss to recommend a change. The first is the definition of a porch. Recommend that it no allow windows.

(Porch definition discussed)

Maclearie- agree, if have windows, will eventually have headers and walls

Brendle –if put windows in a porch, it won't be a porch, it will be an addition. Screens are ok in a rear porch. Front porch should be open. Intent is to promote community with an open front porch

Pearsall – want to allow screens in front porch

Chair Eilenberger – wants front porch open, back porch ok for screens, not windows

Maclearie- screens ok, not windows

Anzzolin – porch should be open.

(Lot coverage definition discussed)

Chair Eilenberger – wants pools to be included in lot coverage

Maclearie – pools can only accept so much water then it overflows

Chair Eilenberger – recommend eliminate the exclusion of pools and include pools in lot coverage

Maclearie – regulate where stones and gravel are located. When concrete is removed from driveways and replaced with stone and gravel, eventually it becomes impervious.

Chair Eilenberger – if they pass our recommendation, stones will be eliminated from the front yard and for driveways. Maybe stone used for landscaping features.

(Lot Line definition discussed)

Maclearie – edge of right of way line at property lot line

Beahm- all lots have frontage on street, setback parallel to property line

(Garage definition discussed)

Beahm – Instead of saying needs to accommodate a motor vehicle, have dimensions – maybe based on RSIS standards – minimum parking space is 9 feet by 18 feet.

Councilman Wilms – have a minimum and maximum size for a garage

Beahm – 10 foot by 20 foot should be a minimum and has to be accessible by a driveway. Can't just put a structure in the rear yard with no access by driveway and call it a garage.

Councilman Wilms- Minimum should be 250 -275 square feet for a garage. That is what surrounding towns have a minimum. Need to say unobstructed access to eliminate from turning into entertainment access.

Chair Eilenberger – this should be a change to Section 502 for garage size, not for Definition Section.

(Lot Line Definition discussed)

Chair Eilenberger – need to define front, rear and side line

Beahm – street line should be right of way line. Take out the word perpendicular, say connecting front to the rear.

(Banquet Facility definition discussed)

Chair Eilenberger – there are 3 or 4 banquet facilities in town. Would like a definition and also need parking requirements. There is a definition for Pub, Bar and Tavern

Maclearie – confused with the difference between bar and restaurant, both can serve liquor

VanWagner – could define a restaurant based on percentage of net floor area and have maybe 75% of net floor area devoted to table service not including the bar or stool area.

Maclearie – seating area is interesting requirement, need to look at further

Chair Eilenberger – in zoning it allows restaurants and bars in the B2 Zone, could say Restaurant/Bar since we have a permitted use, need a different definition. Could add Banquet definition now and add others later.

Maclearie – its important to correct the ordinance already adopted, so others don't become grandfathered.

Motion to send Board recommendations to Borough Council: Nancy Maclearie

Second: Elizabeth Stader

All members present vote in favor none opposed

VanWagner - Next scheduled meeting is March 17 but there are no applications.

The following scheduled meeting is April 14 but would only have tonight's resolution for that meeting.

The attorney for the next application has requested to be heard at the April 21 meeting.

Kitrick – without an application, we can do the Resolution at the following meeting, its only a week later

VanWagner – the next meeting will be April 21.

Motion to adjourn: Chair Eilenberger

Second: Elizabeth Stader

Meeting adjourns: 9:23 PM

