

BOROUGH OF SPRING LAKE HEIGHTS PLANNING BOARD

Minutes

October 20, 2021

Meeting commences at 7:00 PM

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.

A. Flag Salute

B. Roll Call

Board Members Present: Chair Eileen Eilenberger, Brian Brendle, Councilman Wilms, Bruce Waitzel, Elizabeth Stader, Roy Francolino, Dennis Pearsall, Nancy Maclearie, Adam Anzzolin

Board Members Absent: Mayor Campion, Joseph Tompey, Thomas Martin

Board Professionals present: Mark Kitrick, Esq, Lou Lobosco, PE, Christine Bell, PP, Barbara Van Wagner, Secy.

C. Applications:

1. **Application # 2021-04** Applicant requested to carry application to **December 15, 2021**
Frank Viggiani, 913 Wall Road, block 85.01 lot 32.04, R-4 Zone

Bulk Variance – exceeds maximum 50% impervious coverage requirement

Applicant will be required to re-notice for the December 15, 2021 virtual meeting

Motion to carry to December 15, 2021: Roy Francolino Second: Nancy Maclearie

In Favor: Chair Eileen Eilenberger, Councilman Wilms, Brian Brendle, Elizabeth Stader, Bruce Waitzel, Roy Francolino, Dennis Pearsall, Nancy Maclearie, Adam Anzzolin

Opposed: none

2. **Application #2021-14 Dorothea & John Specht,**
608 Ocean Road, block 35 lot 4, R3 Zone

Bulk variances for an addition to the existing single family home

Mark – All professionals sworn in – Board Professionals: Lou Lobosco-Board Engineer, Christine Bell-

Board Planner and applicant's professionals: Brian Berzinskis-Architect and Dave Gordon-Builder and home owners: Dorothea & John Specht

John Specht-stated that they are requesting variances for a second floor addition and they are over on the setback requirement. They want to live in the house full time, year around.

Berzinskis-want to build an addition to the house, which is non-conforming. The side yard to the east requires 10 feet and they have 5.6 feet. Want the addition to stay in the current footprint and be aesthetically pleasing and stay in line with the with wall. He presented Exhibit A-1.

Exhibit A-1 – Revised Architect Elevations dated 10/14/21

West side of property is conforming. The proposed first floor addition is mostly the same except for the right corner. The Dry Well plan was approved by the Board Engineer. The mechanical equipment can be screened.

They have an existing hardship and want to have a traditional Spring Lake Heights home

Lou-did receive dry well plans and it meets the ordinance for the entire roof runoff of house

Eileen- the half story – does it meet the setback?

Berzinskis- there is a concern because the stairwell is on the east side going to the attic and that will be the side that needs the setback variance. It meets the height requirement

Brian – where are the mechanicals?

Berzinskis – on the side

Adam – clarify what addition is in the setback

Berzinskis-the first floor addition, the bedroom, is in the setback. The majority is at the existing wall. 10 foot is required, 5.6 feet is proposed. They have 18.2 feet on the west side setback

Elizabeth – the first floor addition requires a setback variance?

Nancy-rear new bedroom on first floor, want to make conforming, not more non-conforming

Berzinskis- the variance is for the first floor and second floor for the staircase

Nancy-you are making the existing more non-conforming. How close is this to the house next door?

Can the bedroom be brought in to be conforming?

Elizabeth-why not put the addition on the west side?

Berzinskis-west side has the driveway. Can have a discussion with the client but would need to make modifications to the second floor at the area over the first floor bedroom.

Dennis- the plans as submitted, make sense. To square off, makes sense.

Brian- don't see making changes. There would be costs and ramifications to cutting off the piece. Prefer plan as proposed.

Dennis- the dry well meets the specs and would screen the mechanicals – took away two variances
Variances needed are for side yard setback of 5.6 feet. Additions as proposed seem to make sense

Mark – what kind of screening for mechanicals?

Lou- existing fence

Elizabeth- front porch looks bumped out

Lou- porch conforms, has to be 22 feet from the property line

Elizabeth – opens questions of this witness to the public

Public Questions for witness, Brian Berzinskis: none

Public questions closed

Elizabeth – opens comments to public

Public Comments: none

Elizabeth – would like to review the variances before vote

Mark- applicant agrees to provide the dry well which will accept run off from entire roof and subject to review and approval by the Board Engineer.

Mechanical equipment in rear and will be screened

Front stoop extended with a roof and will stay within the required 22 foot setback and comply with height requirement

East side setback is 5.6 feet for entire east side

John Specht – if not able to square off the first floor, then can't put in the staircase. Respectfully ask to keep the original plan

Brian- building on the east side is important to the plan

Motion to approve with conditions: Elizabeth Stader

Second: Roy Francolino

Councilman Chris Wilms – Yes

Nancy Maclearie- Yes

Dennis Pearsall- Yes

Brian Brendle-Yes-glad they kept the original design with the back corner the way it is in the plans, it makes total sense

Roy Francolino-Yes

Adam Anzolin- No

Bruce Waitzel- yes, application is an improvement to the community and don't see any negative impacts as proposed

Elizabeth Stader- vote yes, it is aesthetically pleasing, but wished they developed on the west side

Chair Eileen Eilenberger- vote yes, will improve the look of the present house

In Favor of granting the variances: Brian Brendle, Councilman Wilms, Bruce Waitzel, Elizabeth Stader, Roy Francolino, Dennis Pearsall, Nancy Maclearie, Eileen Eisenberger

Opposed: Adam Anzzolin

Application approved

3. Application #2021-11 Matthew and Heather Nolan

1009 Wall Road, block 86 lot 52, R-4 Zone

Use and bulk variances to expand use for a shed and in-ground pool

Mark- this is a use variance application requiring 7 board members and 5 affirmative votes for approval. The elected officials need to recuse themselves from use variance applications pursuant to Land Use Law. In this instance, Councilman Wilms cannot hear this application.

Eileen- Do you want to present the Use Variance first?

Mark – that will be up to Mr. Rubino

Michael Rubino, Esq. attorney for the applicant

Rubino – Only here for a Use Variance. The other issue raised was the water infiltration system and there is an existing water collection system but if approved, we will submit a revised infiltration system subject to Mr. Lobosco's review. The only issue here is the D Variance because there are two structures on one lot

Barbara- can a 2 foot setback be provided by the applicant for the driveway?

Rubino-that would be difficult. In the back there is room to fool around but in the front, the first 30 feet is tough to change the driveway. There the two driveways meet, the neighbor to the west, the driveway where the bushes start, the two driveways are joined at the hip..

Mark – we focusing now on whether they need a variance for that

Rubino- existing driveway, why don't we hear the application, then decide if a variance is needed

Mark- Mr. Rubino, you noticed for any and all other variances, correct?

Rubino- yes

Mark – want to discuss procedures for a use variance – 7 members vote with 5 affirmative votes for approval. Elected officials need to recuse themselves from use variance applications. Councilman Wilms cannot hear this application

Eileen- do we want the use variance presented first?

Mark – that is up to Mr. Rubino. I reviewed the notices and the Board can accept jurisdiction.

Sworn In: Heather & Matthew Nolan and Joseph Kociuba, PE

Rubino – only here for a use variance, the other issue is the water infiltration system and they have a water collection system. If application is approved, will submit a revised infiltration system and submit to Lou. The only issue is the D Variance because there are two structures on one lot.

The front and back structures were built in 1945, the back unit was a flag lot going to Wall Road. Mrs. Nolan bought front house in 2002 Tenant by Entirety, rear house was sold to someone else. Nolans bought back house in 2015 in LLC, 2018 put together on one lot and took back house out of LLC, consolidated lots to have two residential lots on one property. They want to take down the existing garage and replace in same spot with a new garage and a pool. They created this condition by combining the two lots into one lot measuring 14,556 square feet – double what is required

Brian- would they need a subdivision if they separate?

Rubino- yes. Municipality does not favor flag lots or two structures on one lot, they chose the best of the two evils to have control of both lots.

M. Nolan- here for 20 years, wanted to buy the back lot, it was more valuable to have the entirety of the lots. Have 6 years before the kids go off to college- wanted a pool and a bigger driveway.

Rubino – by combining, they are stuck with it, if separate, need subdivision and use variance.

M. Nolan- yard has fence and arborvitaes for privacy, need to remove the existing garage to build the pool and bigger garage with storage.

Exhibit A-1 – 9 Photos taken by Mr. Rubino

Photos show landscaping south of the pool area

Shed-keeping, shown on plans to be removed. Neighbor wants to keep the shed there even though it is on both lots.

Elizabeth – is the garage going to be used as a pool house?

Nolan- not intended as pool house- to be used for shade and storage, going to be a room

Eileen – this is more of an accessory structure than a garage

Elizabeth – it's a room

Adam – 28 foot garage– what kind of car can fit in there?

Rubino- need 20 feet for a car

Elizabeth – needs to be used as a garage, not another structure. It will have a wall between?

Nolan-yes. Separate room for pool equipment and storage.

Dennis – will there be utilities in the garage?

Nolan- just electric, no sink

Open to Public for questions for Matthew Nolan

No questions from the public

Joe Kociuba, Engineer and Planner for the applicant – discusses his qualifications

Exhibit A-2 – New Aerial Photo

Kociuba- (describes lot and structures) oversized lot 60 feet by 242 feet, not conforming as to width and frontage. Two story structure-1,900 square feet, front setback is 17 feet and with porch – 9 feet, is conforming with other surrounding houses. Home built in 1920's. Rear structure is one story 960 square feet built in 1931 Pre-existing garage from 1940's

Properties east and west have similar setbacks, mix of conforming and non-conforming setbacks in the neighborhood. They bought the back house to have control. Applicant proposes a 14 foot by 28 foot pool, and a garage measuring 18 feet by 28 feet with a storage area in the rear, will have an interior wall to shift to have 20 feet of garage. There is substantial privacy with 8-10 foot high arborvitaes. Will remove 2 foot strip in center of driveway to lessen impervious. The driveway next door matches to existing driveway – non-compliant with the required 2 foot setback. Areas that comply, will continue to comply in the rear. Have to shift driveway to accommodate existing shed.

Applicant will comply with the dry well required and be fully compliant.

Proposes 19.98% building coverage and 48.38% impervious coverage with a .2% increase in impervious

The only variance required is because there are two houses on one lot. Existed on property- existing non-conformity. A use variance can be granted without substantial detriment to the public good or to the Master Plan. Use promotes general welfare. All three structures existed for 80 years – want to expand garage and add a pool. Modest expansion and is conforming as to coverage and setbacks, pool meets setbacks. No impact to the 2 homes which are screened from each other. No detriment to home or to surrounding area or to neighbors. There is a higher density nearby. Will not have a visual impact to surrounding properties or to the street. No impact on parking.

Mark- if applicant wants to maintain the shed, they will need a variance

Kociuba- both property owners are in agreement to keep the shed

Lou- will be over in building coverage if keep the shed

Kociuba- will remove the shed, no variance will be required

Adam- is the garage a garage or an accessory structure?

Bruce- rear of the garage should not have a dividing wall, creating an accessory structure

Adam- rear elevation shows a big door and says sunroom, agree with Bruce

Kociuba – defer to Mr. Rubino and the applicants

Public questions: NONE

Two Minute pause for Mr. Rubino to discuss with applicants

Meeting Resumes, attendance

Nancy- needed to step away during the meeting to help a neighbor who fell and needed an ambulance but had my phone with me listening to the meeting, but think I recuse myself

Rubino- if Board want, the applicant will take down the partition and leave open, and have a door in the back

Public Questions: NONE

Mark- the existing non-conformity will remain and not change

Lou- what roof will the dry well cover – houses? garage?

Kociuba- new garage, but up to the board, not clear

Eileen- there is no existing dry well?

Nolan- front house has a dry well

Lou- new construction requires a dry well

Eileen – the dry well needed for the new garage

Public comments: NONE

Board Comments:

Elizabeth- the front house is nice, but trying to get a square box in a round hole. Concerned that the garage is not really a garage

Christine Bell – Mr. Kociuba did a good job with the positive and negative criteria and met the proofs as required by State Statute. Both structures are existing and this is an odd situation, only variance required because there are two structures on one lot, meets all other requirements, don't see any other issues.

Rubino- When the houses were separate, was not good, they wanted more control over both houses and eliminate the flag lot. The pool and garage are permitted uses and meet all the requirements. remove the wall in the garage, have a door, remove the shed and have the 2 foot setback for the driveway

Motion to approve by Brian Brendle with conditions: remove the wall in the garage, have a door in the rear of the garage, remove the shed, have 2 foot setback Second: Dennis Pearsall

Brian- vote yes – pre-existing condition

Dennis- yes, makes sense based on the history of the lot, Nolans combined the properties, did a good thing

Roy-yes, based on the Planners testimony and that the two buildings are pre-existing structures

Adam-yes, structures are pre-existing

Elizabeth – yes, with the conditions

Brian- yes, pre-existing condition, appreciate the applicant addressing the minor issues

Eileen – yes, owner wanted to more control over the use of the properties and to eliminate the flag lot

In Favor of granting the use and bulk variances: Chair Eileen Eilenberger, Brian Brendle, Bruce Waitzel, Elizabeth Stader, Roy Francolino, Dennis Pearsall, Adam Anzzolin

Opposed: none

Application approved

D. Resolutions: None

E. Correspondence: None

Motion to adjourn: Elizabeth Stader Second: Bruce Waitzel All Members in favor to adjourn

Meeting adjourns: 8:58 PM