

BOROUGH OF SPRING LAKE HEIGHTS PLANNING BOARD

Minutes

June 8, 2022

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, Bruce Waitzel, Roy Francolino, Councilman Chris Willms, Dennis Pearsall,

Board Members absent: Nancy Maclearie, Elizabeth Stader, Joseph Tompey, Thomas Martin, Mayor Campion, Adam Anzzolin

Board Professionals present: Mark Kitrick, Esq, Lou Lobosco, PE, Barbara Van Wagner, Secretary

C. Approval of Minutes: Meeting of April 20, 2022

Motion to approve: Brian Brendle

Seconded by: Chair Eileen Eilenberger

In Favor: Roy Francolino, Bruce Waitzel, Brian Brendle, Chair Eileen Eilenberger

D. Application:

1. Application # 2022-07

Daniel & Nancy Myers

601 Monmouth Road, block 74 lot 7, R5 Zone

Bulk variances for shed – side and rear setbacks, building coverage

Charles Shaw, Esq, representing the owner – recently bought the property and found out about the shed and found out today about the dry well.

Mark – if the dry well is not active, will you put in the dry well? Can be a condition of approval

Sworn in: Lou Lobosco, David Myers, Joseph Kociuba

Lou – doesn't seem to connect to the roof

Myers – We had the closing on Monday, March 1, 2022. The Thursday before, Barbara did the CO inspection and said the shed was not in compliance and no permits were issued for the shed. The closing was conditioned upon the shed being resolved. This is a small house on a small lot, there is no room for a lawn mower, rake or beach chair and may not have bid on the house if couldn't have the shed. This will be our primary residence and want to keep the shed and be in compliance. There is a basement but it has steep stairs – difficult to get a lawn mower up

Exhibit A-1 – 3 photos of the shed and house

Dennis – was on the Board that approved the front porch variance and the shed was not there. Did you look at moving the shed?

D.Myers- sits on a 4 by 4 slab but can be moved

Myers – didn't realize there was no permit for the shed. Broker said it was a little thing about the shed but it was not a little thing. Wasn't sure could close, but Barbara gave CO conditional that we apply for a variance
Eileen – there are two issues – the setbacks for the shed and the building coverage, one issue could be resolved by moving the shed to have the 5 foot setbacks

D.Myers- willing to move the shed

Joe Kocuiba accepted as a witness

Kocuiba – it's a 6 foot by 8 foot shed and meets the height requirements. They are requesting two variances one for building coverage- has 27.5 % where 25% is permitted. The lot is undersized for the zone with 5,000 square feet where 7,500 is required. The lot is 100 feet deep, where 150 feet is required and the shed has 3.6 feet and 4 foot setbacks where 5 feet is required. It is an undersized lot with no garage. This variance relief can be granted pursuant to the C1 and C2 requirements- undersized lot, not a detriment to the area, ordinances or Master Plan and is a benefit to planning – no unsightly outside storage

Kociuba- unaware of the dry well, can verify if there is a drywell and if not, can install one

Brian – for porch not for entire house

Lou- coverage for front porch and side porch – covered porch with composite deck

Dennis- with regard to the shed, he bought in good faith and told everything was in good order. We passed an ordinance to install a dry well, onus was on the previous owner to install

Eileen – if they are keeping the shed, it is an increase in building coverage. We do require the dry well, it is an important issue with the town. Hopefully they can move the shed, there is a reason for the ordinance and do not want to be too close to the neighbor

Public Comments:

Phil Beesley, 515 Sixth Avenue – ok with the where the shed is, don't want to see stuff outside

Brian – motion to approve shed if it is moved to have the 5 foot setbacks and approve the variance for the building coverage

Councilman Wilms – second motion

Motion to approve: Brian Brendle

Second: Councilman Wilms

In Favor: Dennis Pearsall, Roy Francolino, Brian Brendle, Bruce Waitzel, Councilman Chris Wilms,
Chair Eileen Eilenbeger

Opposed: None

1. Application # 2022-01

551 Sussex Ave, LLC

551 Sussex Avenue, block 78 lot 3, R5 Zone

AMENDED Minor subdivision with bulk variances to create two residential lots

Mike Rubino, Esq for the applicant – requesting a variance for lot 3.01 with the width of 48.32 feet, - lot not fully compliant. After the Board granted the subdivision, applied to SMRSA (South Monmouth Regional Sewer Authority) and found a 20 foot wide easement area on the eastern side of the lot. Had ordered the title search previously but it did not come up in the search. The best solution was to present a new case. Proposed to subdivide into two lots. Since there is a 20 foot easement to the east on proposed lot 3.01, requesting a variance for a 5 foot setback to the west where a 10 foot setback is required. It will be adjacent to the other newly created lot.

- Exhibits: A-1 – Letter from Taft Davies
A-2 – Title Binder dated 8/6/21
A-3 – Title Binder dated 1/20/22
A-4 – Email from Brian Krause from SMRSA
A-5 – Title dated 1/23/76
A-6 – Picture Board
A-7 – Site Plan dated 4/15/22
A-8 – Aerial photo
A-9 – Architectural Rendering
A-10- Architectural Rendering

Sworn In: Lou Lobosco, Joe Kociuba, Bill Conellon (owner), Paul Krobaski

Conellon- built 5 houses on Sussex and 3 on Essex, east of the Fire House and also on Old Mill Road We were before the Board in March for this subdivision. As long as had clear title, could develop on the property. Based on the dimensions, could develop. Ordered the title search and it came up clean, and closed on property in October. Prepared the plans and came before the Board in March. On April 7, I got a phone call from SMRSA telling me of the easement on the property for a 36 inch high pressure sewer main from Brielle to SMRSA and 24 feet of area that cannot be touched. If the Board does not grant relief, can only build a 20 foot wide home, a 25 foot home would fit in the neighborhood, the 5 feet makes a difference. There are now three structures on the property, a house, shed and a cottage – possibly a grooming business in the past. If grant relief, would get rid of the three structures. If we move the house 50 feet back, could get the 25 foot wide, but it would look ridiculous.

Rubino – what made SMRSA notify you?

Conellon- had to notify SMRSA

Lou – they found the structure over the easement?

Conellon – they spent a day with radar locating the pipe, at 18th Street it makes a left

Kociuba – can't build over the easement, according to Brian Krause, no structures but a driveway is OK, shed is not ok. Will build the dry well outside the easement

Brian – if you put the dry well in the back, it will be difficult to install a pool

Kociuba – can do it, only can have dry well in the rear

Dennis – do you have plans for a house?

Conellen – the eastern house is 25 feet wide, and the western house is 29.4 feet wide

Public Questions – None

Paul Krobaski, Architect – there is an alternate design for the eastern lot with the proposed 5 foot setback to the west, will be a 4 bedroom, 2 ½ bath, 2,593 square foot house was 2,730 square feet

Roy – can you drive over the easement?

Kociuba- SMRSA said yes, there is 10 feet for driveway for equipment

Kociuba – Planner and Engineer – the lot is oversized, 15,454 square feet, in 1953 it was two lots and then was consolidated, needs 50 foot of frontage and it has 48.28 feet, the western lot has 50 feet. It is currently a wide house and a rear structure with a shed on the easement and the pipe. The Railroad station is to the north and the Railroad tracks are to the east. The proposed western lot conforms. The east lot needs two variances – one for the 48.28 feet where 50 feet of frontage is required, it is only narrow in the front of the lot, and a variance for a 5 foot side setback to the west of the home that is going to be constructed. There will be 15

feet between the two new homes. Will be removing two large trees, need to conform with SMRSA for the arborvitae to be permitted.

Lou – you will need to get a letter from them

Dennis – if you can't put shrubs, can you put in a fence?

Kociuba – want to put in the arborvitae. The proposed changes do not change the drainage, only one dry well proposed in the yard, which is large. Can grant the variances – C1-exceptional narrowness, unique and specific to the property because of the 20 foot easement to the east. And also C2- for purposed of Zoning Advancement, existing non-conforming structures to be eliminated, moving existing structure off the easement, more in conformance with Zoning Plan. The variances requested are de minimis. There is no substantial detriment to the public good. The 5 foot side setback is next to the applicant's house. There is more light and open space.

Rubino – read the easement, gives SMRSA unobstructed easement, can't build on it

Roy- can he drive on the easement for equipment to the rear?

Kociuba – Krause not concerned with driving on the easement, but no structures

Eileen – need to provide curbing, driveway and apron details

Rubino – part of the Lou review letter

Kociuba – not requesting any other variances

Lou – meets all other ordinances

Public Questions and Comments: None

Brian – made motion to approve subdivision with the two variances. 5 foot setback is acceptable

Councilman Wilms – seconded motion

Bruce – gets rid of non-conformity

Dennis – these things happen, thought all set and discover something that you have no control over

Eileen – the setbacks will be like other houses in the area.

In Favor: Dennis Pearsall, Roy Francolino, Brian Brendle, Bruce Waitzel, Councilman Chris Wilms,
Chair Eileen Eilenberger

Opposed: None

E. Resolution:

Resolution #2022-15 809 Woodcrest Drive, block 129 lot 82

Donald and Karen Brahn

Motion to approve: Brian Brendle Second: Chair Eileen Eilenberger

In Favor: Bruce Waitzel, Brian Brendle, Chair Eileen Eilenberger

Opposed: None

Motion to Adjourn: Seconded by: Dennis Pearsall

Second: Bruce Waitzel

All Members vote in favor to adjourn

Meeting Adjourns at: 8:10 PM