

**BOROUGH OF SPRING LAKE HEIGHTS PLANNING BOARD**

**Minutes**

**July 20, 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, Nancy Maclearie, Dennis Pearsall, Joseph Tompey, Bruce Waitzel

**Board Members absent:**, Elizabeth Stader, Mayor Campion, Roy Francolino, Councilman Chris Willms Thomas Martin, Adam Anzzolin

**Board Professionals present:** Mark Kitrick, Esq, Jennifer Beahm, Planner, Lou Lobosco, Eng. Barbara Van Wagner, Secy.

**A. Approval of Minutes:**

1. Meeting of June 8, 2022

Motion to approve: Brian Brendle                      second: Dennis Pearsall

In favor: Brian Brendle, Dennis Pearsall, Chair Eileen Eilenberger

Opposed: none

2. Meeting of June 15, 2022

Motion to approve: Brian Brendle                      second: Dennis Pearsall

In favor: Brian Brendle, Dennis Pearsall, Chair Eileen Eilenberger

Opposed:

3. Resolutions:

1. Resolution # 2022-17                      551 Sussex Ave, LLC

551 Sussex Avenue, block 78 lot 3, R5 Zone

Amended Minor subdivision with bulk variances to create two residential lots

Motion to approve: Brian Brendle                      Second: Dennis Pearsall

In favor: Brian Brendle, Dennis Pearsall, Chair Eileen Eilenberger

Opposed: none

2. Resolution# 2022-16                      Daniel & Nancy Myers

601 Monmouth Road, block 74 lot 7, R5 Zone

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

Motion to approve: Brian Brendle                      Second: Dennis Pearsall

In favor: Brian Brendle, Dennis Pearsall, Chair Eileen Eilenberger

Opposed: none

#### 4. Applications:

##### 1. Application # 2022-05

**Michael & Mary Quinlan, 713 Jersey Avenue, block 14 lot 217, R3 Zone**

Bulk Variances for addition to existing single family home

Bruce Waitzel – recused himself from the application- he lives within 200 feet

Mark- reviewed the public notices and are acceptable– Board has jurisdiction to hear this application.

Sworn in: Jennifer Beahm, Lou Lobosco, Mary Hearn

Mary Hearn- licensed architect since 1992- for applicant.

Hearn – Quinlans bought home in 2011, want to construct a covered porch on the side, there is no front door on the home. Porch will be 5 feet wide and 7.5 feet deep. Existing home with shed currently exceed the building coverage with 23.4 % and will have 23.54% with the porch addition. Application for bulk variances to construct a covered porch in the side yard setback with a 6.5 foot setback where a 10 foot setback is required. Building coverage is 23.5 % where 20% is permitted. The side setback of the accessory structure is 1.6 feet and 3.3 feet where 5 feet is permitted, the shed, replaced a year ago, measures 119 square feet where 100 square feet is permitted. Lot area of 7,500 where 9,000 square feet is required and lot frontage of 50 feet where 75 feet is required. There is no infiltration system.

The porch needs a roof because packages get wet and it's a safety concern, it's a slippery porch, husband fell. It will also have aesthetic value. In 2017 the owners renovated the living space in the rear of the home and kept the fireplace in the family room, the door stayed on the side.

Hearn-the application will promote health and safety and be aesthetically pleasing, no negative impact to the neighbors or to the zone plan. The health and safety issues outweigh detriments. No negative impact to the neighborhood or intent of the Zoning Ordinances.

Exhibits:

A-1-Photographs of property-current and before the 2017 renovation

A-2- Aerial photograph

Public Comments:

Bruce Waitzel-704 Shore Road-roof makes sense, shed does not impact neighbors

Board believes the porch addition is improvement and aesthetic upgrade to the home and the applicant has satisfied the hardship criteria under NJSA 40:55-70c.1 and c2 and Municipal Land Use Law. The variances can be granted without substantial detriment to the Zoning Ordinance, or public good. The variance relief can be granted as being consistent with the Master Plan.

Jenn- this is a di-minimis request without negative impact to the neighborhood or any zoning impact. Not major construction, don't need dry well.

Eileen- no problem with the building coverage, but would like the shed moved, it's too close to the neighbor

Nancy- a permit is required for the shed, need a smaller shed, it's oversized.

Mary Quinlan - Get 5% more coverage for a garage but don't have that.

Mark – each application decided on its own merits, recently had an application and the Board had them move the shed, applicant was agreeable to moving the shed, this application has its own issues and each application is different

Dennis- asking for something small, coming here for relief and feel you deserve it, asking for coverage over the entry and for the existing shed, have no problem granting the variances

Public Questions – none

Public Comments – Bruce Waitzel-704 Shore Road – additional porch and roof is OK and the shed has no negative impact to the neighbors.

Dennis – is the lot next to you a buildable lot?

Mary Quinn – no, 9,000 square feet is required

Dennis – In 2017, did you think to do what are doing now?

Mary Quinn- no, wasn't here full time

Mark – the notices are for “any and all other variances”, the variances for the shed are included in the notice

Joe- the shed is covered by the trees

Eileen – when the ordinance was changed, there was concern for a 5 foot setback

Hearn- contractors should tell homeowners, they need a permit for the shed

Eileen- want to review the variances: building coverage and side setback for the porch, the water infiltration system is not really needed. The question is whether we want to give variances for the shed. We can vote separately.

Brian- believe we should grant the 5 variances- make a motion to approve with the 5 variances

Dennis- second – small addition, Board is here to help homeowners.

5 Variances: building coverage, side setback, shed size, side setback, rear setback

Conditions:

- the roof over the porch is de-minimis, therefore, the dry well system not required
- approval of the existing shed – 119 square feet and setbacks of 1.6 feet and 3.3 feet

Motion to approve with conditions: Brian Brendle

Second: Dennis Pearsall

In Favor: Dennis Pearsall, Brian Brendle, Nancy Maclearie, Joseph Tompey, Chair Eileen Eilenberger

Recused: Bruce Waitzel

Opposed: None

Application Approved

## 2. Application #2022-04

**Timothy Dwyer, 613 Ocean Avenue, block 20 lot 11, B2 Zone**

Application for Use and Bulk variances for expansion of single family home- second floor addition on existing single family home and is an existing non-conforming use in the B-2 Business Zone.

Mark- reviewed public notices and are acceptable – applicant has shown good faith in providing service- Board has jurisdiction to hear this application. The notice does say “any and all other variances”. This is a use variance application, there are 6 members that can hear the application and need 5 affirmative votes for approval. Asked the applicant if they want to proceed with the 6 members.

Christine Dwyer- yes. Just moved here from Connecticut, spent the summer here and now moved here with 5 kids, living with parents during this process. The post office said we can track, got signatures also from neighbors, 7 people answered the door

T.Dwyer-asking approval for 2 variances - Several non-conformities: use variance for single family use in the B-2 Business Zone, side yard setback of 9.7 feet where 10 feet is permitted, side yard setback for accessory structure, driveway without required 2 foot side setback, no water infiltration system.

Requires D-2 use variance to expand a non-conforming use and side yard setback of 9.7 feet for the second floor addition where 10 feet is required.

Exhibit A-1- Aerial Photo

Jenn- There is a proposed amendment to Zoning for this to be a Mixed Use Zone.

This application for the addition is .4 feet is modest, have 9.6 feet where 10 feet is required and improving the intent of the Master Plan.

Dwyer- home built in 1967, he has 5 children and wants this as full time home. The addition is needed, will then have 5 bedrooms and 2 full bathrooms. The second floor addition will be aesthetically pleasing and there is no negative impact to the neighborhood. Two of the existing sheds and the rear deck will be removed. The drywell will be installed subject to approval of the Board Engineer.

Public Questions:

Alexis Halas-808 Central – discussed the driveway

Lou- dry well will be needed, send the design for Board Engineer review and the Borough Engineer will inspect  
Eileen – will there be a 2 foot side setback for the driveway?

Dwyer- didn't want to change the existing driveway, didn't realize it was on the plan

Brian- the new piece of the driveway will conform, shows 2 foot setback area to be removed, can sawcut, there is 11 feet in front.

Eileen – new part is 10 feet

Nancy- are you ok with removing the 2 feet?

Mrs. Dwyer-the driveway is just wide enough for a driveway

Jenn- design the dry well to capture the driveway

Dennis- may need that 2 feet to back out onto Ocean Road. Is the Japanese Maple staying?

Dwyer-won't remove or maybe have to replant or maybe just need to be trimmed

Dennis- will you do all you can to keep it?

Dwyer- yes. Need to go up with a second floor to have 5 bedrooms on the second floor and 2 full baths

Eileen- review variances – need 2 bulk variances and 1 use variance for second floor addition and the driveway  
The water infiltration system design will be reviewed by the Board Engineer. They are changing the porch and removing the deck and sheds

Public Questions:

Alexis Halas – 808 Central Avenue – driveway – hard to back out onto Ocean Avenue

Public Comments: Alexis Halas – 808 Central Avenue- driveway would be narrow if cut

Board Comments: Dennis – they need a bigger house – great plan, will make the block and the town nicer in a Mixed Use Zone. Not unusual for a house in this area

Nancy- Street is looking good

Brian-clearly this area is residential

Board determined the addition is an improvement to the existing single family use, variance relief can be granted under NJSA 40:55-70c1, c2 and d2, has satisfied the hardship criteria and will promote health and safety, without substantial detriment to the zoning ordinance or public good. The addition will be an aesthetic upgrade to existing single family use. Board determined that relief can be granted as it is consistent with the Master Plan.

Condition:

- Drywell system to be installed subject to approval by Board Engineer
- The new section of the driveway to the new garage, must be setback 2 feet from the side property line
- The existing driveway from the street to the back of the house can remain.

Bruce – good impact on the neighborhood

Motion to approve: Joseph Tompey

Second: Bruce Waitzel

In Favor: Dennis Pearsall, Joseph Tompey, Bruce Waitzel, Brian Brendle, Nancy Maclearie,  
Chair Eileen Eilenberger

Opposed: none

**5. Discussion:**

**Ordinances amending Chapter 22- Municipal Land Use Regulations**

**Introduced by Borough Council for Board review and comments**

Jenn-Reviewed the Proposed Ordinances and everything is consistent with the Master Plan, it is directly from the Master Plan. These Ordinances will be introduced by Borough Council on August 15. Dennis wants to review the parking further. The Zoning along Route 71 will be changing, bulk standards will not change, but Dennis will look at them to see if any need to be changed.

Eileen- added density because of the Mixed Use

Jenn- Needs to be in compliance with Affordable Housing in an overlay zone, not solely residential

C1 will be MX1 and MX2

Nancy-#6-Accessory – Supply and Equipment, please define

Jenn- Townhouse Development – where to put storage, can define and allow for storage if residential only

Nancy – drive thru was taken out as prohibited use.

Jenn- that is a substantial change for Governing Body

Nancy- if the zone is changed, are the non-conforming uses grandfathered? Can they be replaced if they burn down?

Jenn- no, if a non-conforming use burns down, cannot be rebuilt without a use variance

Jenn- still need site plan for drive-thru for aisle configuration.

Can have townhouse above retail, can have both commercial and townhouse in Mixed Use

if anyone has any comments or questions, send to Barbara and she will send them all to me.

Eileen- don't want Ordinances passed then have questions.

Motion to Adjourn: Brian Brendle

Seconded by: Joe Tompey

All Members vote in favor to adjourn

Meeting Adjourns at: 8:37 PM