BOROUGH OF SPRING LAKE HEIGHTS LAND USE BOARD Minutes

January 18, 2023

Meeting Commences at 7:00 PM

Announcement:

THIS MEETING IS CALLED PURSUANT TO THE PROVISIONS OF THE OPOEN 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, Bruce Waitzel, Nancy Maclearie,

Dennis Pearsall, Tom Martin, Michael Milano

Board Members absent:, Elizabeth Stader, Joseph Tompey, Mayor Campion,

Brian Brendle, Councilman Chris Willms, Adam Anzzolin, Roy Francolino

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

C. Resolution #2023-07

Application #2022-13 - Helen Motzenbecker-2014 Highway 71, block 59, lot 39

Motion to approve: Tom Martin

Seconded by: Chair Eileen Eilenberger

In Favor: Dennis Pearsall, Tom Martin, Bruce Waitzel, Chair Eileen Eilenberger

D. Application #2023-01 - Joseph Fortney, 410 8th Avenue, block 34, lot 18, R3 Zone

Bulk Variance for required 5 foot setback for air conditioning unit

Joseph Fortnoy, Lou and Christine sworn in

Fortnoy- July 2022 AC broke and was replaced in the same spot, smaller and more efficient. Barbara explained that it needed a 5 foot clearance to the property line. Based on the property, can't have a 5 foot setback.

There are other houses in the area with ACs on the side. Only option is to move to the rear, 35 feet and would cost \$3,500-\$4,000 to move the unit, we have 2 AC units next to each other.

Eileen- in 2017 the ordinance was changed to require the 5 foot setback. If property doesn't have a 10 side setback area to the building, then the unit needs to be in the rear.

Mark – there are two units there?

Fortnoy- yes, on the south side, one unit was replaced

Eileen- the new unit would need to comply with the setback requirement

Dennis- is there a neighbor on the south side?

Fortnoy – yes

Eileen- The AC needs to be screened if approved

Fortnoy – will put up fencing

Lou- what kind of fencing? What type of lattice? How high?

Eileen- vinyl lattice

Dennis- its shielded by some hedges, there is something on the front

Mark – the applicant has agreed to put up vinyl lattice fence

Lou- how high? At least the height of the unit

Fortnoy- no problem

Eileen- have the option to either move it or grant a variance

Mark – it is a violation of the sideyard setback, only has 4.5 feet of setback to the building and would need 10 feet of setback to put it there. That is two bulk variances

Nancy- is it a bulk variance for two AC units on the side. What options do we have when the units get old and get noisy.

Dennis - the new unit is the question

Nancy- how high is unit?

Fortnoy - the older unit is taller, so can cover both

Lou-fence should be taller than the units, at least 4 feet high

Nancy – thinking of problems in the future, maybe noisy in the future

Public Questions: None Board Questions: None

Public Comments: William Rubel, 408 Eighth Avenue, support Joe to replace the AC, my units are within the 5 foot setback too. Recommend lattice fence, would look better and cost less- solid fence would prevent air flow

Dennis- has noise ever been a factor?

Rubel - No

Nancy- Zoning is there to protect people, if people put generators on the side, it would be noisy.

Rubel – need to change ordinance

Mark - Ordinances changes are the purview of the Council

Eileen- have a lot of small lots, trying to look at the big picture

Dennis – it makes sense – replacing a unit is different than if it is new. Can make recommendation to Council

Mark - Board of Adjustment does report to Council

Nancy – we should discuss this outside this application, we can see what else we can change

Dennis - he has a second unit, would he need to come back?

Mark – the bulk variance is for both

Lou - its just for the AC unit

Nancy - if allow, then variance is for just the two units there now

Motion to close to the public: Tom Martin

Seconded by: Dennis Pearsall

All members vote in favor to close to the public for comments and questions

Mark- need to address the setback and the screening

Bruce - will solid vinyl make it inefficient

Lou – can do lattice with holes in the fence

Eileen – the ordinance says for three sides

Nancy – can it be Ok with lattice vinyl?

Mark - can install vinyl criss cross lattice, four feet high and cover the three sides

Motion to approve: Bruce Waitzel

Seconded by: Tom Martin

Voted in favor: Bruce Waitzel, Nancy Maclearie, Dennis Pearsall, Tom Martin, Michael Milano,

Chair Eileen Eilenberger

Opposed: None

Dennis- vote yes, not detrimental to the town

Nancy- vote yes, understand the situation

Bruce- not a negative impact on the community

Tom- yes, need to look at the ordinance

Motion to adjourn: Bruce Waitzel Seconded by: Dennis Pearsall

All members vote in favor to adjourn meeting

Meeting is adjourned at 7:35 PM

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