

BOROUGH OF SPRING LAKE HEIGHTS LAND USE BOARD

Minutes

February 15, 2023

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, Bruce Waitzel, Roy Francolino, Brian Brendle
Dennis Pearsall, Joseph Tompey Michael Milano

Board Members absent:, Elizabeth Stader, Mayor Campion, Tom Martin, Councilman Chris Willms,
Adam Anzzolin, Nancy Maclearie,

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

C. Minutes:

1. Meeting of January 11, 2023

Motion to approve: Chair Eileen Eilenberger

Second: Bruce Waitzel

In Favor: Dennis Pearsall, Roy Francolino, Brian Brendle, Bruce Waitzel, Michael Milano,
Chair Eilenberger

Opposed: None

2. Meeting of January 18, 2023

Motion to approve: Chair Eileen Eilenberger

Second: Michael Milano

In Favor: Dennis Pearsall, Bruce Waitzel, Michael Milano, Chair Eileen Eilenberger

Opposed: None

D. Resolutions:

Resolution #2023-08

Application #2022-14 – Drew Messano, 557-559 Ocean Road, block 23 lots 31 & 31.01

Motion to approve: Chair Eileen Eilenberger

Second: Bruce Waitzel

In Favor: Roy Francolino, Dennis Pearsall, Brian Brendle, Bruce Waitzel, Michael Milano,
Chair Eileen Eilenberger

Opposed: None

Resolution #2023-09

Application #2023-01 – Joseph Fortney, 410 8th Avenue, block 34, lot 18

Motion to approve: Dennis Pearsall

Second: Michael Milano

In Favor: Dennis Pearsall, Michael Milano, Bruce Waitzel, Chair Eileen Eilenberger

Opposed: None

E. Application:

1. Application #2022-11 – Timothy & Jacklyn Fagan, 606 Ocean Road, block 35, lot 5, R5 Zone

Use and bulk variance to expand existing front structure with an existing garage apartment in the rear of the property.

Michael Rubino, Esq for the applicant – exhibits entered

Exhibit A-1 – Picture Board

A-2 – Aerial Google Map and Aerial Photo

A-3 – Villano – Architect Plans and survey

A-4 – Existing Elevations

A-5 – Existing Floor Plan

A-6 – Proposed Floor plan and elevations

A-7 – Property Tax Cards

A-8 – Certificate of Occupancy copies

A-9 – Certificate of Occupancy copies for rear unit – 2007, 2013 and 2017

A-10- Picture of electric units

A-11- Electric Bill

Rubino – the issue is the pre-existing non-conforming use – most records don't go before 1992

Mark swears in the professionals and applicant - Lou, Christine, Timothy Fagan and Richard Villano

Rubino – house was built in 1884 , owned by McKnight and transferred to the Fagans. The house needs work – poor insulation, poor plumbing and bad heat. Unique house, in the front it looks like a front porch, but its not and the interior stairs go right to the front door. The porch is small. The Fagans want to open the area and make the porch area, an outdoor porch and move the stairs so they won't meet the front setback requirement and the proposed rear addition will extend out four feet to the north and the addition will match. There will be a small addition to the side on the east side – 8 inches – both side setbacks will meet the setbacks. The reason this is here is the rear apartment, which makes this an expansion of a pre-existing non-conforming use. Don't think it is because the addition is to the front house. The rear structure will not be changed. As far as non-conforming use – there are two meters and two bills.

Fagan- there are two meters – one is for the front and the other meter says 606 ½ Ocean, one bill for the front house and one bill for the rear house.

Rubino – the property records cards says the first section was built in 1884, the second and third floor are not heated. The third page says the garage was built in 1947. There are assessment cards dated 1984 saying the rear was built in 1947. 2018 cards shows a front and rear with the effective age of the front as 99 years. The rear unit is a two bedroom.

Eileen – there are two garages with a staircase in between?

Rubino – yes. There is some confusion on the COs when the home was bought but says there is a front and rear unit. There is a CO for the rental

Mark – for the record, there are no members of the public present

Eileen – unsure of the two diagrams, is the front house closer than the porch?

Rubino – its labeled front porch and its 17 feet to the house and 19 feet to the porch - existing non-conforming. The porch changes will need a variance. The bump out is not being touched. The first and second floor addition will have 10 feet to the west and east. Some other houses in the neighborhood, are closer to the street.

Christine – they will need a front yard variance but not side yard . The front is 17.6 feet

Eileen – 22 feet is required for a porch.

Christine – they need a variance for the front yard setback and for the front setback for the porch

Can do the planning last

Fagan – nurse, love the area. Bought the house in 2020. When Sandy storm hit, we were living in Shark River with 3 kids and a baby. Like the SLH schools. The first person got out of the contract. We bought from Barbara Johnson, people said not to buy the home because of the foundation. We live in the front house and rent the rear house. Knew the foundation was bad, the heat is not in the whole house. No heat in some of the rooms. Three of the kids are in rooms with space heaters. The first floor has a small bedroom with no insulation, the kitchen is old and the bathrooms are very cold – no insulation.

Rubino – if get relief, they will put in detention system.

Christine – the foundation is bad, will the improvements impact it

Fagan – had it checked, the addition will have a new foundation

Eileen – will have new insulation and heat?

Fagan – yes

Mark – where will the new AC condenser be located?

Lou – in can't be in the front and needs to be screened

Dennis – are you gutting the interior?

Fagan- no, only the porch and modernizing the kitchen

Brian – isn't the back of the building coming off for the addition?

Rubino- yes, if Board grants approval, will add the water infiltration system -driveway is on the property line.

Eileen – need a two foot setback, have it be in the back

Brian – want to discuss the coverages

Villano – licensed Architect since 1983, opened business here in 2015.

Eileen – accept qualifications

Villano – (discussed Exhibit A-5 – Existing Floor Plans) the closed porch was an open porch, want to relocated the front interior stairs and utilize a covered porch. The kitchen is small – want a utility room with a bathroom. Want to expand the kitchen area and line up with the dining room and extend another four feet, extend the bathroom to line up with the family room.

Exhibit A-4 – back of building will be squared off with the side walls of the house. Will have a bigger kitchen, powder room and utility room. The front will have a U-shape stairs, so the front door is not in the front of you Roof lien had to come out to change for the stairs. Roof addition will be in the front setback – 2 feet into the 30 foot setback, maybe 5 feet. The front porch will be opened up, so a 4 feet by 13.1 foot area of a covered open porch. This will add aesthetics to the home and the new stairs will add safety to the stair use. The rear is being squared off on the first and second floor. The second floor will have a master bedroom and add a bathroom, bedroom #4 is maybe 8 feet by 10 feet. If granted, the bedrooms will be re-arranged and will have two full bathrooms. The addition will be 4 feet by 27 feet, the side is 2 ½ feet by 14 feet on the west and 6 inches by 14 feet on the east. Will add 200 square feet of coverage.

Brian – to add the 200 square feet, will remove the back and add a new foundation and start from there?

Villano – yes

Eileen – adding around the existing house

Villano – will have 10 feet to the west and 22.9 feet to the east for setbacks. Will keep the character and add a new porch, new roof

Eileen – why is there different lot coverage?

Villano- will remove part of the driveway where the addition goes

Mark – how much driveway is being removed?

Lou- going from 2,038 to 1,925 so about 100 square feet less

Brian – adding 2.4 % to the building coverage and 1.2 % to the lot

Lou – is that whole driveway needed?

Rubino – want to keep the driveway, there are tenants in the back

Christine – it's the only area to turn around

Eileen – the garage door is on either side

Rubino – the house in the front is going back 4 feet

Mike – will the foundation support the changes?

Villano – will be a new foundation with the addition, some areas will be fixed

Eileen – its two stories but has an attic

Fagan – the roofline is low, the attic is just for storage, steep steps, have to walk sideways

Villano – the ceiling is low, need to bend to get to the stairs or to get to the back room

Mark – the proposed plans don't include any work or changes to the back garage apartment?

Villano – correct

Eileen – the back garage accessory building does not meet requirements

Christine – they gave testimony on the variances, will need a D2 Variance. Do the proposed improvements

Provide light, air and open space?

Rubino – yes, not touching or offending the structure in the rear with a slight deviation to the front house

Christine – there are special reasons The D2 is a furtherance of the goal in zoning and meets the light, air and open space under C. and promotes a desirable, visual improvement in character, under I.

The proposed improvements don't impair the intent of the Zoning Ordinances or the Master Plan. The provided testimony showed that it was existing a long time and the improvements will make the home more livable. The proposed addition is not a detriment to the neighborhood

Rubino – not a negative impact for addition, the other houses to the east and west, go back further

Christine – the applicant does not have a professional planner, so it is up to the Board, if they are comfortable with that.

Mark – Is there any detriment to the neighboring homes?

Rubino – no

Christine – D2-Use Variance for expansion of a non-conforming use for the addition to the principal structure, C variances for the front porch and the front of the principle structure, for the front setback requirement.

They will have 20.7 feet where 30 feet is required and 17.6 feet where 22 feet is required for a front porch. No sideyard variances are required . Everything else is pre-existing. The rear structure will not be touched. The driveway is only 8 feet wide and is pre-existing, can't add the 2 foot setback, it won't be usable

Eileen – the AC will be moving to the east side and be screened

Board Questions or comments:

Bruce – there are no public objectors

The two new condensers for the front house will comply with the code, nothing new for the back house

Rubino- the proposed additions are minor, its an old house that needs improvements

Brian – made a motion to approve the D2 Variance and the 2 bulk variances for the front façade and the front porch setbacks. With an infiltration system

Dennis – yes, they are obvious needs and will not effect the structure

Roy – yes, improvement to the aesthetics

Brian – yes, proposed renovations consistent with the neighborhood

Bruce – yes, there is no negative impact to the neighborhood and an improvement for the next generation

Motion to approve: Brian Brendle

Seconded by: Bruce Waitzel

Voted in favor: Bruce Waitzel, Dennis Pearsall, Michael Milano, Roy Francolino, Brian Brendle, Joseph Tompey, Chair Eileen Eilenberger

Opposed: None

F. Discussion:

Referral from Borough Council for discussion and vote for the following Ordinances amending Chapter 22 of the Municipal Land Use Regulations:

Ordinance #2023-02 – Section 302 Definitions - Banquet Facility

Ordinance #2023-03 – Section 603 – Prohibited Uses

Ordinance #2023-04 – Section 606.1 – Residential Zones – rezone lots to R-1

Ordinance #2023-05 – Section 606.1 – Residential Zones – rezone lots to R-5

Eileen – Ord #2023-02- defines banquet facilities, Ord #2023-03 – clarifies prohibited uses and eliminates things that didn't belong there, need to set boat limits – not to exceed a certain length

Ord #2023-04 – Rezoning of an area in Fairway Mews that used to Homestead Restaurant, change zone from B2 to R1 like the rest of Fairway Mews.

Ord #2023-05 – Rezoning residential lots that were in the B2 Zone and should be a residential zone.

(The Board discussed the length of boats that could be permitted to be stored on properties)

The Board recommended that the length be changed to 30 foot maximum instead of 16 feet.

Mark – Christine will write a consistency letter stating that the proposed Ordinance changes are consistent with the Master Plan and I will write the memo to the Borough Council stating that the Board Planner believes that the proposed Ordinances are consistent with the Master Plan with the recommended change for the maximum boat length.

Motion to adjourn: Brian Brendle

Seconded by: Joseph Tompey

Voted in favor: Chair Eileen Eilenberger, Bruce Waitzel, Roy Francolino, Brian Brendle

Dennis Pearsall, Joseph Tompey Michael Milano

Meeting adjourned at 8:32 PM