

BOROUGH OF SPRING LAKE HEIGHTS LAND USE BOARD

Minutes

January 17, 2024

Meeting Commences at 7:03 PM

Announcement Made by Secretary:

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, Nancy Maclearie, Councilwoman Sara King, Brian Brendle, Michael Milano, Adam Anzzolin, Joseph Tompey, Bruce Waitzel

Board Members absent: Roy Francolino, , Councilman Chris Willms, Tom Martin, Dennis Pearsall

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

A. Minutes: Meeting of January 10, 2024

Motion to approve: Chair Eilenberger Second: Brian Brendle

In Favor: Councilwoman King, Nancy Maclearie, Adam Anzzolin, Brian Brendle, Michael Milano, Chair Eilenberger

B. Applications:

1. Application #2023-09 – Sharon Batteau

1719 Beverly Street, block 55 lot 38, R-5 Zone

Certificate of Non-conformity for existing two single family dwellings

Mark- Reviewed the notices, Board has jurisdiction.

Michael Rubino Esq., representing the applicant – the site is non-conforming with two one family structures, not requesting any variances. The rear premises is rented and the owner may sell the property in the future and doesn't want any issues with the non-conforming use. The Ordinances date back to the 1950s and is hard to prove that far back with records. The town records only go back to around 1987-1988.

Mark - This is not a use variance and even though this is a combined Board, the nine members can hear this application. Can have 9 voting members.

Rubino – agree, this is not a use variance, so not limited to the number of members

Exhibit A-1 – letter from 1987 by the Zoning Officer Wenzel

Mark – based on law, only this Board can grant this relief

Rubino- by Statute, only the Board can make the determination, the Zoning Officer only has one year from the establishment of the Zone, then has to go to the Board

Exhibit A-2 – Survey dated 1998 deed dated 1987

Exhibit A-3 – Packet of tax record cards 10 sheets

Exhibit A-4 – Packet of tax record cards 4 sheets from 1998

Exhibit A-5 – Utility bills – two sheets

Exhibit A-6 – Original CO and a number of COs since 1998

Exhibit A-7 – Leases with tenants that match the Cos – 19 pages

Exhibit A-8 – 1998 Deed from DeCresiner to Batteau

Exhibit A-9- 8 pictures of the rear dwelling

Exhibit A-10 – 3 aerials, 1979, 1953 is blurry, 1933- too blurry

Mark swears in: Sharon Batteau, Jerry Freda, Christine Bell

Rubino- The rear premises is non-conforming and need the Boards acknowledgment that it is pre-existing. In 1955 the Ordinance for the Zone was adopted but getting Boro records that far back is difficult. There was a letter dated July 20, 1987 on Boro letterhead, written by the then Zoning Officer, Robert Wenzel, stating that there are two separate residential structures and is recognized as two residential units on the lot. The Ordinance from the 1950's would make this use non-conforming.

Rubino- (reviews the exhibits) 10/1/92 - Property record cards indicate that the front house was built in 1905 and the rear house was built in 1940 (exhibits shown to the Board Members)

Eileen – the back house was built in 1940?

Rubino – yes, it predates the ordinance

Christine – since records that far back are difficult to obtain, we draw a line in the sand at 1987

Rubino – there were no records, seem to stop around 1987

Christine- Need to determine that the pre-existing non-conforming use existed prior to the adoption of the ordinance that deemed it non-conforming. If the Board believes the evidence, then the Board can issue a Certificate of Non-conformity.

Eileen – for two single family homes on one lot

Jerry – does the front house have two units?

Rubino – no

Mark – there are a lot of documents presented, need some testimony from the owner

Batteau- lived at the property since 1998, we were summer renters and then purchased . Saw this house had two units and the rear one was rental income. There were two renters when we purchased, was occupied in the front and rear. All the COs show two units when purchased. We did some work on the house (picture shown) Did work on the apartment and house, did the floors and changed from oil to gas, was an odd bathroom in the laundry room. Did improvements, unfortunately, in 2018 my husband died, this property is a Blessing to me.

Mark – what year did you become a resident of the front house?

Batteau – when the tenants moved out, about 6 months after we bought it in 1998.

Board Questions:

Mike – can we review the variances?

Mark – this is not a variance, its for a Certificate of Non-conformity and will remain in effect as long as the two structures exist

Rubino – not granting any new rights, Mr. Collins the Borough Attorney was correct in stating that the owners cannot rely on the COs for the legal use. The owner wants to make sure they can continue to rent the rear structure.

Mark – The Zoning Officer has no authority after one year of the enactment of the Ordinance, only the Board has the authority to grant the Certificate of Non-conformity, which is binding on future parties as long as the conditions continue. Shows it goes back to the 1980s that this existed.

Eileen – two single family homes on one lot

Public Questions:

Gilligan, 1710 Beverly Ave – no problem with this, also have a two family, support my neighbor
Motion to approve: Chair Eilenberger Seconded by: Brian Brendle
Voted in favor: Councilwoman King, Adam Anzollin, Nancy Maclearie,
Brian Brendle, Bruce Waitzel, Joseph Tompey, Michael Milano, Chair Eilenberger

7:39 – Nancy Maclearie recused herself from the application and left the meeting.

2. Application #2023-17 – David & Mary Beth Rehrer

307 Eleventh Avenue, block 26 lot 9, R-3 Zone

Bulk Variances to construct a new 2 ½ story single family home with a detached garage and an inground pool

Mark- reviewed notices, Board has jurisdiction, stated that if a Board member recuses themselves, they need to leave the hearing per State Statute. If the Board member is on the 200 foot list, that is different and they can participate as a property owner.

Micheal Rubino, Esq. representing the applicant – (marked exhibits into the record)

Exhibit A-1 – Plot Plan

Exhibit A-2 – Renderings, two sheets, Sneider Architecture

Exhibit A-3 – half story calculations for the third floor

Exhibit A-4 – Sheet 2 of the Floor Plan

Exhibit A-5 – Elevations and proposed garage

Exhibit A-6 – Aerial of the lot

Exhibit A-7 – three photos of the lot

Rubino- this is an application for relief for requirements, the aerials show one of the few through lots in town. This is in the R-3 Zone which requires 9,000 square feet with a 75 foot frontage, this is an undersized lot and lacks the frontage and also loses 60 feet because of the two fronts and don't have the width- consider this a hardship. Will go through the Freda letter-Board Engineer letter.

Item 3A – no half story variance, the applicant will comply

Eileen- 2 ½ story not 3 story

Christine – will it change what is in there on the third floor

Rubino – no, the architect will discuss. The garage will not be more than 15 feet high, no sheds so want an oversized garage, not going over the 5%.

Eileen- the extra 5% is for the detached garage only, the garage is 6.2%

Brian – that makes it go over the required coverage

Christine – the statute says 20% for the structure, the detached garage is 6.24%

Sworn In: Mary Beth Rehrer, Jeff Sneider, Ken Smith

Rubino- no shed, the garage is just bigger, want two curb cuts, one for the guests and one for the garage use. Want a variance for a 4 foot fence in the front yard, need 4 feet for the pool

The dry well will meet the requirements. Want a generator but have two fronts so its difficult to put the generator on the sides, wanted to put it on the garage roof but it may be too noisy

MB Rehrer – lived in SLH most of her life, 2000 was living here. Tried to do improvements but there was flooding in the basement, structural issues, want a new home, want to install an elevator

because want to stay here. House is conforming as to lot coverage, has two fronts and no rear, challenge to have the garage in the rear, no shed

Rubino- its 19.4 feet off of 12th Street where the garage is located

MB Rehrer – its 8.5% of the lot, it's a big garage, want to make conforming, 150 foot long lot with a 55 foot long house.

Christine- was there any consideration for moving the garage back to have more conforming parking spaces, can't park in the right of way.

Jerry – there are not two legal spots on 12th, need to move the garage back, 20 feet is conforming, can't keep the front driveway, can only have one curb cut, two curb cuts are not permitted

M.Rehrer- have a garage so can have the 2 cars

Jerry – the garage is only 18 feet by 20 feet, only get a car in there and can't put in anything else

Rubino – the house will have 6 bedrooms

Jerry – if marked as a den and it doesn't have a closet, need to remove the closets out of two of the bedrooms

Eileen- even though you will be living there, still need to comply

Jerry – if want two cars in the garage, need a 16 foot wide door for two cars, nothing else will fit, can't count the driveway unless you move the garage back

M.Rehrer – need the shed for storage, need it placed on the garage, garage and shed are one structure, no cabana- it's a garage with a bump out for a storage shed

Jerry – it is over on coverage

M.Rehrer – the three foot fence is allowed in the front yard but need a four foot fence for the pool and for privacy, the side can be taller

Rubino – because they are putting in a pool, need the four foot fence

M.Reher- the generator is in the back yard but don't really have a back yard. Was going to put it on the roof but its too noisy, ideally want to put on the north side.

Rubino- it needs to be tested one every 2 weeks for a minimum of 15 minutes, will schedule with the neighbor and put in sound attenuating wall. Asking for a four foot fence

Eileen- wasn't outlined where the fence will go

Jerry – nees to be moved inside the property line

Mark- is any fence allowed higher?

Jerry – along the side it is allowed to be 6 feet

M.Rehrer – (discussed the photos in the Exhibits A-6 and A-7 -showing pictures of fences and garages in the area

M.Reher – park in both driveways

Break – 8:31 pm

Resume meeting- 8:36 pm – attendance taken

Rubino- the lot is 50 feet wide and is under 7,500 square feet, difficult to lay out a house with a garage in the R3 Zone where 9,000 square feet is required – lot measures 7,467 square feet

Public Questions: None

Jeffrey Snider, Architect since 2001 – testifies, he is the Architect of Record for the project

Mark – have you testified before this Board before?

Snider – yes. The existing house has comprised conditions, the owners want a contemporary home that fits their needs. The layout on the first floor – living room, kitchen, den, second floor has three

bedrooms, the top half story has a bedroom and office, will remove the closets in the office and the den.

Rubino- are there challenges with this property?

Snider- yes, has two fronts and no rear yard, get a 5% credit for the garage

Christine- the shed counts to the building coverage, the house maxed out the coverage and the garage is oversized, going to have to reduce the house by 100 square feet, the 5% added is exclusively for the garage. This is 1.2% over on coverage

Snider – will ask for a variance.

Rubino-its 25% with the detached garage, stuck the shed onto the garage at 26.1%, will need a variance, since the lot is undersized

Snider – spoke to Higgins regarding the half story calculations

Jerry- 60% is what is said in most ordinances, our says no more than 4)% and to keep the pitch with a void in the middle, that's the box, can't be more than 60% of the floor area of the second floor. The reverse is what is in most ordinances. Need to write on the plans how much square footage is on each floor, need that calculation. I will check it but will not do it for you

Rubino- the total of the house- 3,750 square feet of floor area approximately

Jerry – need more than approximately, need to be exact, need calculations of all floors

Brian- is the basement finished? Is it full with an 8 foot ceiling and concrete block?

Snider – the basement is for recreation and storage and has egress stair to yard and the elevator goes to the basement.

Brian- many lots are 50 foot by 150 foot, it is not uncommon

Snider – the lot is undersized for the zone

Christine- the lot is undersized, did you reach out to the neighbors to acquire any property?

Rubino- the lots are developed

Jerry – what can you do for the closet area, incorporate into a room when removing the closets from the den and office.

Eileen – need the exact location of the fence

Rubino – the engineer will review that

Public Questions: None

(Kenneth Smith, Engineer with LDC in Brick for 2 years, has been an engineer for 12 years and a licensed engineer since 2017. Is the engineer and project manager)

Eileen – accepts credentials

Smith- the lot is 50 feet wide and 150 feet long, 7,500 square feet lot with two front yard with a garage located 15.5 feet from 12th Street with a driveway on 11th Street. The proposed garage is 28 feet deep and 18 feet wide with a bump out. The State code for pools, requires a 4 foot fence, which will located a few inches from the property line. Requesting variance relief for the fence in the front yard to the west frontage, want to take advantage of as much yard as possible.

Christine- get to 25 feet then can be 6 feet high. The mechanicals need to be screened

Smith- was going to put the generator on the top of the garage but it will be too noisy. Agree to screen the generator

Christine- need to remove the utility platform on the roof

Smith – yes

Brian – the generator needs to be included in the coverage

Rubino – will make it a condition that it will comply with the 50% coverage

Brian- where is location of the pool equipment?

Snider- can put in the basement

Mark – what kind of screening for the generator?

Jerry – a lattice fence works

Brian – can move the fence and gate forward to enclose it

Rubino – the applicant will comply with the dry well requirements. There is no retaining wall now, there is a small hill and will need it to hold back the soil on the side, 2.4 feet high

Jerry – need to see where does the fence go with the hill

Public Questions:

1. Michele Wood, 908 Jersey Ave, - sidewalks discussed

Rubino - Engineer will ask for relief

2. Bob Cindea, 309 12th Ave – discussed the fence

Eileen – we need to see the whole revised plan.

Brian – recommend you back and amend the plan and then come back, do not want extended revisions. There are a lot of issues that need to be addressed

Rubino – request the Board extend the time limit, carry this to another time

Motion to carry to the February 21 meeting with no further notice – Chair Eilenberger

Second motion to carry- Brian Brendle

All members vote to carry 307 Eleventh Avenue to February 21, 2024 with no further notice

3. Application #2023-13 – Mark & Michele Solebello (9:43 PM)

900 Greenwood Drive, block 85 lot 61, R-4 Zone

Bulk Variances for addition measuring 144 square feet and 32 square foot shed for existing single family home.

Sworn In: Mark Solebello and David Businelli

Solebello – requesting a bulk variance for a lot in the R4 Zone. It is a corner lot and difficult to do a project on a corner. Living there for 30 years, 2 children and 3 grandchildren

Want to add an 18 foot by 8 foot addition to the garage. Want a bedroom and bath on the first floor. Did some major renovations in 2007. Will do the storm water for the new addition and build a trench behind the garage by the arborvitae.

Mark – the water infiltration system will be reviewed by the Board Engineer

Solebello – yes and will be designed by the engineer. The roof leaders will be incorporated into the dry well. Will continue the siding as existing as possible, tried to design to comply with the setbacks but it was odd shaped and didn't work.

Exhibit A-1 – Eight photos (photos discussed)

Jerry – will have to approve the dry well. If there is a crawl space, it can hold water, make sure the sump pump works

Mark – for the record, there is no public in attendance

Brian – is it built at grade?

Jerry – if water gets in the void, why not extend the slab

Solebello- can continue the stone all around. There are two window in the front

Jerry – how is it tied in?

Solebello- pipe along the side, move the sewer line

Brian- put in a sleeve

Solebello – there are two steps down to the garage, the addition will meet the floor

