

**BOROUGH OF SPRING LAKE HEIGHTS LAND USE BOARD**

**Minutes**

**February 21, 2024**

**Meeting Commences at 7:00 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, Councilwoman Sara King, Brian Brendle, Michael Milano, Adam Anzzolin, Bruce Waitzel Roy Francolino, Tom Martin, Dennis Pearsall

**Board Members absent:** , Councilman Chris Willms, Joseph Tompey, Nancy Maclearie

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

**C. Minutes:** Meeting of January 17, 2024

Motion to approve: Chair Eilenberger                      Second: Brian Brendle

In Favor: Councilwoman King, Adam Anzzolin, Brian Brendle, Michael Milano, Dennis Pearsall, Bruce Waitzel, Chair Eilenberger

**D. Resolutions**

**1. Resolution #2024-09                      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

Motion to approve: Brian Brendle                      Seconded by: Bruce Waitzel

Voted in Favor: Councilwoman King, Adam Anzzolin, Dennis Pearsall, Brian Brendle, Bruce Waitzel, Michael Milano, Chair Eilenberger

**2. Resolution #2024- 10                      Application #2023-13 – Mark & Michele Solebello**  
**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.

Motion to approve: Brian Brendle                      Seconded by: Councilwoman King

Voted in Favor: Councilwoman King, Adam Anzzolin, Dennis Pearsall, Brian Brendle, Bruce Waitzel, Michael Milano, Chair Eilenberger

**3. Applications:**

**1. Application # 2022-13 – Helen Motzenbecker**  
**2014 Highway #71, block 59 lot 39, AH-1 Zone**

Preliminary and Final Site Plan for the development of a mixed-use project with 5 residential units, 1 commercial unit and a parking area.

Jeffrey Kantowitz, Attorney for the applicant- application is for an amended Preliminary and Final Site Plan which was approved December 2022. DOT denied the application because of three parking spaces were too close to Highway 71, requested waivers but was denied. So was forced to adjust the site plan to eliminate three parking spaces and also added some storage area for the tenants.

Mark – reviewed the Notices, the Board has jurisdiction

Sworn In: Michael Rohmeyer, Engineer, Thomas Brennan, Architect

Christine Bell, PP, Jerry Freda, PE

Rohmeyer – (presented his credentials) Professional Engineer, Morgan Engineering, Civil Engineering for Roadway Design, represents private and municipal clients (Described the project and the amended changes)

Exhibit A-1 – Preliminary and Final Site Plan dated 1/18/24

Rohmeyer – DOT prohibits parking areas within 50 feet of Highway 71

Kantowitz- (reviewed the Avakian letter) the proposal adjusts the non-residential unit and will have a condition that for the use to be office use – it adjusts the parking calculation for the 1,080 square feet of space Previously approved for office and retail, now will be office use only which is 1 parking space for every 300 square feet of floor area which will reduce the parking requirement – calculate 13.6 spaces required and 14 will be provided.

Comment #4 regarding the EV (Electric Vehicles)space – will provide. Can take the EV credit to have the 10% credit but will provide the EV so don't need the variance, will provide 2 EV spaces as shown. Don't have offstreet parking.

Christine – agree, if it is only office use, then will require 14 parking spaces and a variance will not be required

Eileen – does this include the infrastructure only or the charging station as well?

Rohmeyer – will provide whatever the State requires

Jerry – only require one not two handicap spaces

Kantowitz – then will change from 2 to 1 handicap space

Tom- DOT said to go back for solutions to the parking issue, so if go with office use it will lessen the parking requirement and also add the storage for the tenants which was not in the original plan

Rohmeyer – will adjust the interior space by 2 feet. It is a unique size and shape and the Affordable Housing is an inherently beneficial use

Christine – The zoning was specifically created for this site per the Settlement Agreement. The size of the lot is not a handicap.

Kantowitz – the physical confines of the site justify the variance

Christine – the shape of the lot is a different issue

Kantowitz – if not a C1 then is a C2 variance, the requested 2 feet is not a substantial detriment

Christine- can use C1 or C2 criteria, reason to grant is not based on the shape of the lot or providing affordable housing

Kantowitz- it wasn't a fully developed plan when presented. Require rear yard variance.

Christine – variance for pushing the parking lot further back

Kantowitz- parking pushed further back (discussed the plan – discussed storage units)

Jerry – 25 feet to the corner of the parking space and 3 feet to the corner of the parking lot

Tom- what are the storage units for?

Kantowitz- storage units are for the tenants

Christine – there are 4 storage units and 5 apartments

Kantowitz – Mt. Laurel unit is furthest to the back, nothing changed with the layout of the unit, it has interior storage area.

Tom- how many low income units?

Kantowitz- one

Dennis- where is the storage inside for the low income unit?

Jeff- no outside storage unit for the low income unit. Nothing changed from what the Board approved except the addition of the storage and the parking spaces, not a detriment

Exhibit A-2 NJ State Letter

Tom- what are the lot dimensions?

Rohmeyer- 100 by 175 deep

Kantowitz- item 6C – landscaping- previous approval; additional comments – will do

Eileen – if agreeing to office use, should it be in the deed?

Mark – there will be a deed restriction for the Affordable Housing Unit and subject to Board Engineer and will attach the Resolution

Kantowitz- the deed restriction for the office use would prevent a change in the use for market changes

Roy- approving for the office use

Kantowitz – not disagreeing to keep as a condition in the Resolution, the Deed Restriction poses difficulty in filing a Deed

Mark – suggest putting it in the Resolution that states office use only and attaching to the deed, that covers it the best we can

Kantowitz- trying to anticipate and respond to the dynamics

Tom- every confidence you will get an office

Kantowitz- there are 4 storage units that are assigned to the apartments

Public Questions for the Engineer: None

Brennan- (described the layout) the first floor plan- at the north end is the Affordable Unit, they are required to have storage space which is inside the unit. Was brought to their attention the other units do not have storage unit and theirs will be accessible for the exterior. Took 4 feet out of each room for the storage units with exterior doors. The design melds into the character of the roof, integrated into the rest of the building

Adam – there is not issue with the building coverage?

Brennan- made the units smaller to provide the storage so not to be over on coverage, the storage units are 5 feet

Dennis- seems like the low income tenant is being penalized, they don't have the storage unit

Christine- what you store inside your apartment is different than what you would store outside

Brennan- built in is the same size, State requires inside storage, which counts in the square footage of the unit

Dennis – is the affordable unit smaller

Brennan – yes, smaller than the market priced units. Some of the units are two stories

Dennis- is that a requirement, that it be smaller?

Brennan- an affordable unit is provided which meets the minimum requirements

Christine – it is not a requirement

Tom- can you make the 4 storage units into 5 units, but not the same size?

Kantowitz – can examine the possibility, can make it a condition to work on an exterior 5<sup>th</sup> storage unit and have the Board Engineer review

Christine- if the Board wants a storage unit for each apartment, can't just say you will examine the possibilities, can approve with condition to design a fifth unit.

Kantowitz – can put a 5<sup>th</sup> storage box but it will be smaller – 4 feet by 4 feet

Jerry – then have to remove the kitchen window to provide the fifth storage unit

Brennan- Can provide the additional storage but meets the criteria for the Affordable Unit, window is extra  
Jerry – can be a condition of approval

Dennis – can you make the storage smaller and put under the window?

Kantowitz- it is now an attractive structure for the storage with a pitched roof and it blends with the building,  
want as a condition that there is a 4 by 4 box for the Affordable Unit

Brennan- still have to keep the interior storage per the State requirement

Public or Board Questions for the Architect – None

Eileen – would like to review the conditions

- Commercial office use, the Resolution will be attached to the Deed
- Fifth storage unit will be provided – measuring 4 feet by 4 feet
- Variance for the required 25 foot rear setback
- Will provide one handicap space and two make ready EV spaces
- 30 year Deed Restriction for the Affordable Unit

Board Comments:

Bruce – good job

Brian – nice overall design

Eileen – nice project and appreciate the Affordable Housing Unit

Motion to approve with the Conditions: Tom Martin            Seconded by: Chair Eilenberger

Voted to approve: Chair Eileen Eilenberger, Councilwoman Sara King, Brian Brendle,

Michael Milano, Adam Anzzolin, Bruce Waitzel, Roy Francolino, Tom Martin, Dennis Pearsall

Deny: None

Application approved with conditions

8:14 PM

**2. Application #2023-17 – David & Mary Beth Rehrer - carried from 1/17/24  
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

Michael Rubino, Esq for the applicant

Exhibits:

A-8 - 6 photos and the tax map

A-9 – Doctor Letter

A-10- Wall Design

Rubino- no additional witnesses, owners were sworn in and remain sworn in

Eileen – will summarize the status of the application which was carried from last meeting. This is an undersized lot with two fronts and will have less setback, there is no restriction for the fence in the rear area so it can be up to 6 feet high and the sidewalk is not a requirement. Agreed to screen the mechanical equipment, remove the two closets, follow the 2 ½ story requirement, build water infiltration system to standards, retaining wall built within property line, and make sure it doesn't effect the neighbors property. The generator on the side of the home needs a variance. Still up in the air is the garage and the shed which is over on coverage, the driveway length to the garage, access to the site with two curb cuts. Ordinance 517.3 on through lots states access on one street so this needs a variance.

Rubino- need variance for building coverage, garage in the front yard area, two curb cuts, generator on the side and the parking spaces

Christine- not just the curb cuts but the access from the less traveled street, seeking vehicular access from two streets

Rubino- ordinance states no building in the 30 foot front yard. Variance for the garage in the front yard. Parking is required to be 20 feet long, propose 19.5 feet for both. The garage angle has 20 feet at one point but 19.5 feet to the south.

Jerry – require two parking spots, have a minimum of three on the site, legal space is 9 feet by 20 feet

Rubino- (reviewed the revised plans)went through all the testimony at the last meeting. This is a through lot which is an oddity, not that many of this type of lots in town. Garage is in one of the front yards- have two fronts on a through lot, lose 60 feet with two fronts.

Rubino- difficult to have a garage with a 30 foot setback, need relief for the front, there are other houses in the area with two fronts, would look odd without the driveway. Mary Beth has rheumatoid arthritis and wants to live here the rest of her life and wants a driveway in the front. (garage discussed in detail)

M.Rehrer – the driveway will be more conforming, the garage to the south is in line with our garage and the two houses further down are even closer to the street.

Rubino- ( discussed the photos in Exhibit A-8)

M.Rehrer- wants to attach a bump out to the garage for storage on the backside of the garage facing the house. The house is at 20% and with the garage it going to be over 26%, there is an elevator proposed for the house, my disability will get worse as I get older, want the curb cut in the front for myself and for guests. I have a medical report (Exhibit A-9) showing that I have rheumatoid arthritis, that's one reason want the curb cut in the front.

Dennis – elevator goes to the second floor not the third floor?

M.Rehrer – won't fit with the height

Jeff Sneider, Architect – Engineer was not available but am familiar with engineering plans. Moved the house a foot and moved the garage 4 feet eastward, it is now less of an ask and now can get a full legal parking space, sidelines are not perpendicular. 21.2 feet – can fit 9 foot by 20 foot parking space in north spot. Meets the parking now, has 4 bedrooms. The six foot fence is adequate height for a pool and will not affect the neighbor, will be parallel to the neighbor's fence, the mechanicals will be screened with the fence.

Rubino- this is an undersized lot, if had a conforming lot, would be permitted

Brian- if start from scratch should meet the number

Brian- the pool equipment is out of the basement and now have more storage area

Eileen- the storage is part of the garage. There are two ordinances that prohibit two accesses. The though street ordinance that prohibits two street access points and the ordinance that says one curb cut

Sara – why not keep the existing curb cuts?

Sneider – this layout is a better configuration for the pool and nicer way to enter

Rubino- if move the curb cuts then need variances

Adam- max for the shed is 100 square feet, already max for the house at 20%

Jerry- the additional 5% is for the detached garage, with the shed its over 6% which is 93 square feet over

Adam- will have 26/2%, so will need a variance for being over 1.2% for the storage shed.

Rubino-also need a variance for the generator to be on the side, no back yard, so mechanicals on the side

M.Rehrer- in December there was another building owner that asked for a variance for a shed

Mark – every application stands on its own merits, no precedent. The Board judges the application on the testimony and the law

Rubino- if keep the existing and renovate, then can keep the driveways but this way, the town is getting a new home.

Public Questions of Architect, Jeffrey Sneider – NONE

Public Comments:

Michele Wood, 908 Jersey Avenue – appreciate the design and beautification of the neighborhood, it's a benefit to the community and the town

Chris Wood, 908 Jersey Avenue – it is a small lot with a big house

Eileen – want to review the variances

Jerry – variances for two curb cuts, two vehicle accesses (these are two ordinances) building coverage, generator in the side yard, garage setback

Eileen – the garage is over on coverage

Rubino – garage is technically in the front yard with a 19.5 foot setback where 30 feet is required, don't need a variance for the parking now.

Jerry – need a condition that the Board Engineer review a cross section of the retaining wall and fence

Adam – be aware that you cannot add another shed

Dennis – the Board has been more than generous with this application

Brian- this is a big ask

Eileen – it's a beautiful design but want to stick to the ordinances

Motion to approve the variances with the conditions: Tom Martin                      Seconded by: Dennis Pearsall

Voted in Favor: Councilwoman King, Adam Anzzolin, Dennis Pearsall, Brian Brendle, Bruce Waitzel, Michael Milano, Chair Eilenberger

Motion to adjourn: Tom Martin                      Seconded by: Dennis Pearsall

All members voted in favor to adjourn

Meeting adjourned at 9:30 pm