

BOROUGH OF SPRING LAKE HEIGHTS LAND USE BOARD

Minutes

May 8, 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, Adam Anzzolin, Tom Martin
Michael Milano, Bruce Waitzel, Dennis Pearsall, Nancy Maclearie

Board Members absent: Roy Francoino, Brian Brendle, Councilwoman Sara King,
Councilman Chris Willms, Joseph Tompey

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

C. Minutes: Meeting of April 17, 2024

Motion to approve: Second:

In Favor:

D. Applications:

A. Resolutions:

**1. Resolution #2024-15 - Application 2023-14 Joseph & Sandra Alfano
727 Pitney Drive, block 46.03 lot 44, R5 Zone**

Bulk Variances for oversized storage shed for single family home

Motion to approve: Eileen Eilenberger Seconded by: Nancy Maclearie

Voted in favor: Dennis Pearsall, Nancy Maclearie, Mike Milano, Chair Eilenberger

**2. Resolution #2024-16 - Application 2023-16 810 Highway 71, LLC
810 Highway 71, block 69 lot 10, B2 Zone**

Preliminary and Final Site Plan and Bulk Variances for paving approximately
2,000 square feet of gravel area for outdoor dining and a bulk variance for signage

Motion to approve: Nancy Maclearie Seconded by: Dennis Pearsall

Voted in favor to approve: Nancy Maclearie, Dennis Pearsall, Bruce Waitzel, Mike Milano

B. Applications:

**1. Application #2024-04 Michael and Laura Spinosa (CARRIED TO JUNE 19, 2024)
302 Eleventh Avenue, block 25.01 lots 2 & 3, R3 Zone**

Lot Consolidation(subdivision) and bulk variances to combine two residential lots
and install a pool and additions to the existing structure.

2. Application #2024-02 Louis and Julie Kuiken

726 Wall Road, block 63 lot 3, R5 Zone

Bulk Variances to install a pool in the secondary front on a pre-existing single family use through lot with two fronts.

Mark- Sara King received notice for both applications, have property within 200 feet. Will not vote but can participate as a member of the public.

Sworn In: Louis Kuiken, Christine, Jerry, Joe Kociuba

Michael Rubino, Esq for the applicant – new house, wants pool in the rear yard, but their lot is a through lot to Snyder, not much back yard, the garage meets the setbacks. The pool is 15 feet from the property line, patio is 8 ½ feet from the property line. A 4 foot fence is required for the pool and will need a variance – 3 feet is permitted in the front yard. Wants to keep the generator on the east side of the house.

Kuiken – wife spent time in SLH, has 3 children- all at home. Sister in law lives three doors down, brother died, has autistic son that enjoys the pool. It's a nice house and wants a pool in the rear. Property fronts on both Wall and Snyder, need relief for the patio and sitting area. Reviewed Exhibit A-1 – Photos. Pool equipment proposed on east side corner- will have screening with landscaping. Free standing new garage fronts on Snyder. Four foot fence is required for the pool so relief is required.

(Reviewed Board Professional's Report) Revised the plan to show the height is under 32 feet. They will be putting screening around the pool

Kuiken- the new generator needs to be tested every two weeks and the pool equipment is on the same side and it will be screened. Revised Plan will be submitted.

Dennis – the paver area with lounging and barbeque is setback one foot from the property line

Need to show the location of the fence

Kociuba – been an engineer since 2005 and planner since 2007 (credentials accepted)

Will bring the fence in 3 feet further south and have landscaping on the property line on the east side inside the fence, fence stops at the NE corner. The height was miscalculated and was resurveyed, it meets the height, there are two front yards

Eileen- The ordinance was changed for through lots, their lots now have a rear yard

Kociuba – the neighbors have a 4 foot fence on Snyder, the patio is 8.2 feet and need relief. The pool equipment will be screened and be in the appropriate location on the east side. Plenty of buffering to the house to the east. Beneficial to be on the east side, no rear yard. Meets the C1 Criteria – unique lot with two fronts, challenges to design, everything is a front yard. Through lot, doesn't comply with depth. The ordinance is changing. The plan promotes the purposes of Zoning, placing the generator and equipment on the east is the furthest location from other homes, no substantial detriment to public good. Unique property, across the street is a parking lot for the adjacent apartment building.

Nancy- want to get it right – in the back is 8.25 feet to the east. New fence on west side and replace the shrubs on the west. Need to be compliant with the pool enclosure. Fence is 2 feet from the closest area in the corner. Need variances for the patio, fence, pool and the equipment. Snyder is older street in town and has garages and fences on the property line.

Tom- did a great job – what was there wasn't good, looks great

Dennis – if came in a month from now, wouldn't need a variance.

Eileen – need variances for the generator, its not the in rear yard but its far from the neighbor

Kociuba- its more than 50 feet to the neighbor, new generators are not as noisy

Public Questions – none

Eileen – want to review the variances requested.

- Patio in the front yard with 5 foot setback
- Fence height of 4 feet in the secondary front yard on Snyder
- Pool setback 15 feet in secondary front yard
- Generator in the side yard - Applicant is putting in screening

Public Comments - none

Nancy – no final sign off until plans are submitted showing the landscaping, screening and fencing

Dennis – in a month, the ordinance is changing for through lots

Nancy – ditto everything, beautiful house, no negative impact

Tom- beautification of area

Motion to approve with conditions: Brian Brendle Seconded by: Tom Martin

Voted in favor: Tom Martin, Brian Brendle, Nancy Maclearie, Dennis Pearsall, Chair Eilenberger

Application approved

3. Application #2024-01 Shenandoah Arms, LLC

1014 Wall Road, block 64 lot 2, R5 Zone

Site Plan, Use and bulk variances to install a pavilion 15 feet by 30 feet and patio for Pre-existing non-conforming multifamily use

Mike Rubino, Esq attorney for the applicant

Mark – reviewed the notices and is in order, the Board has jurisdiction

Exhibits – A- 1 – 7 pictures of the site

A-2- Aerial photo

A-3- Sheets 1 & 2 of Site Plan

A-4- Architectural Plan 2 sheets dated 11/23/23

A-5- photo of The Heights patio

Rubino- the applicant owns three properties in town, in front of the Board of Adjustment a few years ago for The Heights to take out the pool and replace with a patio. The problem is getting lifeguards for the pools and there is no demand for pools. Took out the pool and added patios for the residents. Want to add a shade structure, patio, barbeques, meeting areas, and fire pits for the residents, it's a good use of the property. There are several variances associated with the proposed use. The pavilion is in the front yard, building line is at 40 feet, the pavilion will be set back 30 feet and is an accessory structure. Technical variances needed in residential zone for two accessory structures, technical variance – use is an apartment complex and the maximum building coverage is exceeded, the pavilion is 450 square feet. Will need a use variance for the expansion of the non-conforming use, variance for impervious coverage at 57.13%, and variance for no drywell. Building permits were issued for the site in 1970 when it was built, need variance for use – not permitted, its an expansion of a non-conforming use. It's a D2 Variance and need 5 out of 7 affirmative votes.

Sworn In: Christine, Gerry, Joe Legow, managing member of Legow LLC and William Burk, Architect

Legow- pool was only used 2 months of the year, want a new use year around for the tenants. Own 2 properties in Spring Lake Heights, The Heights was bought in 2004, The Manor bought in 2012, committed to the town and want to stay current, pools are not popular, the ocean is nearby. (Showed photos of The Heights patio that exists)

Dennis- is that the kind of feel for Shenandoah

Legow – yes, want an outdoor community, have the Super to clean the gas fired fire pit and it is on a timer

The fire pit will go off at 10 or 11 pm, its popular on the other sites. If there is a problem, there is someone on the site to clean up, its an open structure with a TV, fire pit, grills – all maintained be the staff. Its on a first come, first serve basis, unless there is a special event. Haven't had problems at the other sites, people are respectful. The lights are also on a timer.

Eileen- like to see a lighting plan

Tom- what is the occupancy of the site?

Legow- 99, The Heights has more of a turnover

Nancy- if approved, will it conform to Zoning? Will the TV have speakers?

Legow- not going to be loud. People like to be out with other neighbors

Nancy – will you planting trees?

Legow – there are trees, will replace if necessary, grills have a shut off

Christine – there are 3 Evergreens and 3 Deciduous – the look nice

Jerry – the gas needs to be turned on, a fire inspection is required

Public Questions:

1006 Shenandoah – will the trees remain?

Mark- as stated, trees will remain or be replaced

Christine – can be in the Resolution

Legow- the lights are on a timer, TV on a timer – shuts at 10 or 11. The residents live there, don't want it blasting

Nancy – if vinyl fence comes down, where do people put their bikes?

Jerry – bikes get relocated on the plan, can be part of condition

Mike- are the variances for aesthetics? Is that why you can't comply?

Rubino – the experts will testify

William Byne, Architect since 1994. Propose two structures, the Pavilion is 15 feet by 30 feet for 450 square feet. Will have a double faced stone wall. The TV in the pavilion will be 15 feet from the property line and open on all 4 sides with part of the solid wall for the TV. Lighting will be on the ceiling inside the pavilion, no lighting towards the neighbors, will revise the plan to show the lighting.

Eileen – where are the grills?

Byne – not connected to the structure

Bruce – will it be difficult to comply with the required size?

Byne – it would be too low. The gazebo will be 120 square feet with typical pergola roof, 11.10 feet high from the curb.

Tom- did you come to the Board for the other site?

Byne- yes

Rubino – variances are really part of the use variance

Kocuiba – Engineer and Planner for the applicant (credentials presented and he is accepted by the Board)

The location is near the Manager's Office between the buildings. There is a slight increase in coverage 240 square feet.

Nancy – will you maintain the trees or replace the trees?

Mark- this is a use variance not a site plan

Kocuiba – the trees will be maintained or replaced

Nancy – want to maintain the green on Shenandoah

Kocuiba – requesting a use variance, not zoning for apartment buildings. It is an inherently beneficial use, not a new non-conforming use, just what is changed. Apartments been there for 54 years. This area is particularly suited for outdoor space, small impact and not detrimental. The size requirements are based on 7,500 square

feet lots. This proposed use is in scale for this use – two story apartment buildings. The additional height of the structure is architecturally beneficial. One accessory structure on a single family lot is different than this use. Everything is in scale and not a detriment to the public good. There was a pool for the apartments, not increasing the number of tenants, its for the current number of tenants. There will be no light spillage, no negative impact to the neighbors, no negative impact on the Master Plan. Beneficial to the tenants, no negative impact to the neighbors.

Adam- is this normal to have a pavilion as it relates to other multifamily uses?

Kocuiba – yes, its typical, tenants enjoy the outdoor areas, if it was a permitted use, accessory uses would include a playground and pools

Christine – when multifamily is permitted, there is a requirement for amenities and outdoor space

Tom – every application stands on its own merits

Jerry – want to see a revised plan and show the lights in the gazebo, pavilion and any outdoor lights by the grill and lights on the buildings and any landscape lights to get a sense of the lighting

Kocuiba – it will be provided, it will show there is no spillage to neighbors

Public Comments:

Michael Zuboe – unit B5, resident, it's a quiet, well maintained building with good neighbors. Tenants would like a gathering area, have storage downstairs. Manny is awesome, and have a great landlord

Sara King- 716 Pitney – has property at 910 Keith. There is a total of 64 units with 84 parking spaces, it's a nice plan. The Heights outdoor area is nice. Concerned for the tenants for noise from parties.

Legow- the area is just for tenants unless there is a special event

Sara – concern is with the parking, complex is nice, but there is garbage in the street. Concerned there will be large gatherings and where the people will park, should be a limitation on the number of people. Noise level is a factor, it's a quiet neighborhood

Tom- Barbara, have there been any complaints on this property.

Barbara – not that I am aware of, the noise complaints would go to the police department. I have not seen garbage at the site. I do CO inspections there and do not have any problems, its kept clean.

Eileen- I would like to review the requested ordinances

Mark – use variance, two accessory structures, the height of the structures at 17 feet, lot coverage, building coverage. Also, conditions- maintain the trees, submit a lighting plan, bike rack and cut off time is 11 pm

Dennis- if its like the previous one, it is good, it's a great plan

Nancy- nice plan, people need a place to go, its well kept, wonderful for the tenants, no negative impact

Bruce- yes, great use for the tenants, no negative impact

Tom – there is 98% occupancy, have people here who want it

Mike – good plan, enhances the property

Eileen – yes, it's a good use of the space, Best of Luck

Motion to approve with the modifications and conditions: Tom Martin Seconded by: Bruce Waitzel

Voted in favor: Chair Eileen Eilenberger, Adam Anzzolin, Tom Martin, Michael Milano,
Bruce Waitzel, Dennis Pearsall, Nancy Maclearie

Motion to adjourn: Nancy Seconded by: Tom

All members vote in favor to adjourn

Meeting ends: 8:53 PM

