

BOROUGH OF SPRING LAKE HEIGHTS LAND USE BOARD

Minutes

June 19, 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, Councilwoman King, Michael Milano, Bruce Waitzel, Dennis Pearsall, Nancy Maclearie, Roy Francolino, Brian Brendle,
Board Members absent: Councilman Chris Willms, Joseph Tompey, Tom Martin
Board Professionals present: Mark Kitrick Esq. , Christine Bell, PP, Gerald Freda, PE, Barbara Van Wagner, Secy.

C. Minutes: Meeting of June 12, 2024

Motion to approve: Mike Milano

Second: Chair Eilenberger

In Favor: Dennis Pearsall, Mike Milano, Bruce Waitzel, Nancy Maclearie, Adam Anzollin, Chair Eilenberger, Councilwoman King, Roy Francolino

D. Applications:

A. Resolutions:

1. Resolution #2024- 17 Application 2024-02

Kuiken 726 Wall Road, block 63 lot 3

Motion to approve: Nancy Maclearie Seconded by: Mike Milano

Voted to approve: Adam Anzollin, Nancy Maclearie, Bruce Waitzel, Dennis Pearsall, Mike Milano, Chair Eilenberger

2. Resolution #2024-18 Application 2024-01

Shenandoah Arms, LLC 1014 Wall Road, block 62 lot 2

Motion to approve: Nancy Maclearie Seconded by: Bruce Waitzel

Voted to approve: Adam Anzollin, Nancy Maclearie, Bruce Waitzel, Dennis Pearsall, Mike Milano, Chair Eilenberger

B. Applications:

1. Application #2024-04 Michael and Laura Spinosa

302 11th Avenue, block 25.01 lots 2 & 3, R3 Zone

Bulk Variances and lot consolidation to merge two residential lots, remove one house, Construct an addition to the remaining lot, pool and patio area on northern lot area

Mark – reviewed notices, Board has jurisdiction

Michael Rubino, Esq. for the applicant

Sworn In: Christine Bell, Jerry Freda, Michael Spinosa, Robert Hudak – Planner for applicant

Exhibits A-1 – Aerial of the site

Exhibit A-2 – Proposed Plan

Exhibit A-3- Photos -14 pictures of the subject property and surrounding properties

Rubino- applicant lives on 11th Ave, one house off of Ocean , acquired the Williams house on Ocean and 11th and combined the lots and wants to build a pool on the south side of the premises. Pool is technically in the front yard on Ocean and 36 feet from the Ocean, a variance is needed. Will also need a variance for the pool equipment. Want a 6 foot fence in front yard on both Ocean and on 11th , technical variance. There's a question where to measure the front yard and depth on 11th.

Christine – its lot depth is measured from primary front yard

Rubino – the existing driveway needs a variance. The pool patio will be 3.79 feet off the side. Need variances for the pool, the mechanicals, and the fence.

Christine – technically need variance

Rubino – will comply with the dry well

Eileen – need variance for the patio for the 3.7 feet

Dennis – what will the dry well cover? The whole house?

Jerry – how many roof leaders?

Hudak – has multiple dry wells on the site, all run off is complaint, will put in extra dry well

Jerry – trench drain may work better for pool deck. Will work with the applicant at the location. Drain to a pop up to the gutter to the municipal system, doesn't need a variance

Spinosa – owner of both properties, 2013 bought the property, has 3 year old daughter, 2018 make into a single family. Initially wanted to renovate to the family house. Always wanted a pool and big yard, want it landscaped. Will add more trees and maintain the property.

Rubino – (reviewed Exhibit A-3 – the Picture Board)

Spinosa – pool won't fit in the rear yard. Connected the two lots, green space is important and safety so need a 6 foot fence. Get the overflow parking from the park, need a buffer

Rubino – required to have a 4 foot fence for the pool

Spinosa – pool mechanicals in the same space, with 20 foot setback. Will have a patio area, and want more greenspace, the play space is important

Rubino – if patio is to the west, would eliminate the variance but want part of the patio on the east

Spinosa want patio as slim as possible and pool more on the south side

Rubino – there is also an addition to the home, 175 square feet for a bathroom. There are sidewalks on Ocean but no sidewalks on side street.

Dennis – are the trees being removed, the Cherry Trees?

Spinosa- removing the trees and replacing with 5 or 6 Cherry Trees and adding more trees maybe 4 in the yard

Dennis – will there be shrubbery on the outside of the fence?

Spinosa – there will be arborvitae and will maintain and trim to hide the fence – want the privacy, will have arbovitae and flowers

Jerry- because of the pool need self closing gates

Spinosa – will replace with self-closing gate and fence minimum of 4 feet – safety first

Public Questions: none

Mike – is there a gas fire pit?

Spinosa- have a current gas line in the back corner

Jerry – need a variance for the fire pit in the front yard

Eileen – its less than the setback

Spinosa- aesthetically better, it will be as far off of the property line as possible

Robert Hudak, InSite Engineering, Professional Planner, MS from Villanova and has testified in many boards

Eileen – accepted credentials

Hudak- they are combining two undersized lots and created one lot, maintaining one home on the property, with a new pool, patio and porch. Need variances for the pool, patio, fence, mechanicals and fire pit.

Requesting a C1 Variance for Hardship due to the physical condition of the property due to exceptional condition of the property, require relief for the existing condition of the 100 foot lot depth, the driveway setback, patio and pool in the front yard and patio setback to the property line. Constrained by the lot itself.

Also a C2 variance- the benefits outweigh the detriments and it is the functionality of the lot. Trying to create as many conformities as possible. There are no sidewalks on 11th Ave and need variance for patio setback because of Ocean Road. Reducing the density from two houses to one house and creating a better condition.

Rubino- it is in the R3 Zone where 9,000 feet is required and combining to create one lot that is 14,000 square feet which an oversized lot. The landscaping will improve the appearance and reduce the nonconformity. No negative impact to the surrounding properties. The house is in the line with the houses on 11th Avenue. With respect to the Master Plan, will be improving the appearance and establishing the existing character. Based on the positive and negative criteria, can grant the approval

Public Questions- none

Board Comments:

Eileen -regarding the sidewalk, the addition is less than 30%. Can vote grant waiver for sidewalk but put money into the sidewalk fund. Want to have sidewalks in town.

Jerry – if the driveway is removed or remove the curb and replace with Belgium block on 11th

Spinosa – will replace all curbs with fresh concrete

Jerry – variances: added fire pit, sidewalk – less than 30%

Christine – replacing or improving the curb

Eileen – work with Jerry for the dry well

Rubino- taking two undersized lots and creating an oversized lot, will have a nice pool rather than a house there. The house was more mass and sticking out. Will have a 6 foot fence but it is setback 20 feet from the property line. The landscaping will be more than adequate.

Nancy – Don't need to pay into the sidewalk fund

Dennis- Yes - all these years ask people is they asked to buy property next door and you are, making less dense and a nice project. Good Luck.

Nancy – vote yes, great plan, this is a tough lot., it's a great improvement, need the privacy on Ocean

Brian- yes, good plan for a corner lot

Bruce – yes, no negative impact to neighborhood

Chair Eilenberger- yes, nice that you are staying in town, Good Luck

Motion to approve with conditions: Brian Brendle Seconded by: Nancy Maclearie
Voted in Favor: Councilwoman King, Adam Anzollin, Dennis Pearsall, Roy Francolino,
Nancy Maclearie, Brian Brendle, Bruce Waitzel, Michael Milano, Chair Eilenberger
Opposed: None

Application Approved

**2. Application #2024-06 JDE Spring Lake, LLC c/o George Truesdale
1309 Ocean Road, block 1 lot 1, B2 Zone**

Site Plan and Bulk Variances to construct a Ceremony Building at existing Banquet Facility

Mark – reviewed notices, Board has jurisdiction. Chair Eileen Eilenberger is recused from this application, she is within 200 feet but can participate from the audience as a resident. Brian Brendle will Chair the meeting.

John Jackson, Esq for the applicant

Sworn In: Christine, Jerry, Jacqueline Trusdale, General Manager; Kevin Shelly, applicant's engineer, Christine Cufone, applicant's planner, Jeffrey Snider, applicant's architect

Jackson- (distributed a 28 page power point presentation to the Board Members and displayed onto a screen)

Jackson- The Mill would like to add a Ceremony Building to remain competitive in the wedding business. The Big Reveal is important for banquet business – a detached ceremony room. Need Wall Township approval, the municipal boundary goes through the middle of the building. There will be no additional demand on the site, not increasing the number of people.

Kevin Shelly is the site engineer, Jacqueline is the Operations Manager.

Jackson –(discussed the power point presentation- photos, layout, aerial, plot plan)

Kevin Shelly – engineer since 2012, appeared before this Board for this application in the past

Chair – accepts credentials

Shelly- property located in the B2 Zone, commercial zone, 54,000 square foot lot on Old Mill and Ocean Road

The structure is the Old Mill Banquet facility with valet parking. The improvement proposed is a Ceremony Building in the lawn area and will remove 8 double loaded parking spaces. The Municipal Boundary runs through the proposed building in the middle of the property. The bulk conditions – several non-conforming. The proposed building will require a variance for exceeding the maximum lot coverage where 75% is permitted and 87% is proposed, going from the existing 82% to 85%. There is existing hardscaping around the building for ADA compliance. Bulk Variance- partially in Spring Lake Heights and Wall. Need a variance for being on the property line. Municipal Boundary runs through the middle of the property.

Christine- there is a correction in the letter. The accessory building is in conjunction with the principle building, need a height variance for the accessory structure that measures 27 feet high where 10 feet is permitted.

Jackson- can make this part of the main building, the roof can be merged.

Jerry- can it be closer on be on one block and lot, could solve a lot of problems and alleviate fire safety concerns

Jackson-when vows are held, can be in Spring Lake Heights, can have floor demarcation inside and be in Spring Lake Heights. Its near the flood hazard area, if shift building 5 feet closer to the structure, will be in highly regulated area, needs to be out of the flood way established. Can delegate portion of the residential taxes paid to both municipalities.

Jerry – can the building be shifted to be in one town?

Shelly- there is four feet between the building and cartway, there are restrictions with the floor way, the existing building and the parking lot. Can't fit the amenities in the entire building.

Jackson – not everyone goes to the ceremony

Shelly- there will be 4 make ready EV parking spaces provided. Will comply with the drainage requirements, no new sight lighting proposed just accent lighting on the building.

Christine- no improvements to the parking lot, just relocation, no additional lighting

Nancy – there is more impervious coverage where it was green

Shelly – there will be an increase of approximately 1,000 square feet, will be removing the existing pavement and replace with the structure, not a major concern. water will be routed through main drive aisle towards the pond. Keep oils and suspended solids filtered with oil separators. Will have additional drainage collecting and piping into the pond

Nancy – need DEP

Shelly- not required

Nancy- should submit to DEP for a recommendation

Shelly- will submit to DEP. Parking- the stalls are existing at 18 feet not 20 feet, need relief. There are 12 foot existing loading spaces – need same relief

Jerry – proposed parking is standard for the State

Dennis – are you losing some parking

Shelly – there are 116 existing parking spaces, propose 113 spaces- 87 are required, they exceed the parking requirement

Shelly- ceremony not creating additional parking demand, no parking issues now

Christine – the EV count is double so ending with one more

Nancy- the buses come straight down the aisle and park elsewhere?

Shelly- nothing in the circulation changed

Public Questions for the engineer: None

Jeffrey Schneider, Architect in NJ since 2001 and also Vermont. Has appeared before the Board for other sites
Chair – accepts credentials

Schneider- will be doing renovations to The Mill- want to match the Ceremony Building to the existing building, close to residential uses, want to have a residential character to the building with shingle siding and panel work, simulated slate shingle roof and the trim will match the main building. There is a promenade and courtyard to the main building that could be attached. The covered walkway can be one building with the roof connected. If move, it would go into the sidewalk area. Measures 40 feet by 38 feet for ceremony area, can't really move it. It will work well with the current facility for people movement. With have ADA bathrooms and an elevator. This was the only scheme that was successfully. There is a capacity of 260 in the banquet hall, and rare if all the people will attend the ceremony. There will be a Bridal and Groom Suite on the second floor with a stairway to the parking lot and one stairway to the interior. Chairs are removal

Board Questions:

Nancy- stuck on shifting the building and shifting the uses to the opposite side

Roy – can the building be longer

Schneider- need square in the plan, worked with the constraints of the floodway

Adam- does it meet the requirements of an accessory structure? Does it need variances for height and sideyard? Would the breezeway connect?

Jerry – the roof connection could

Schneider - if the roof is connected, then not an accessory building. Opens to courtyard, lake and open space

Adam – In Wall side it's an R20 Zone, any benefit to connecting before going to Wall? Lot is residential in Wall, don't know if connecting it makes any difference

Jackson- apply as banquet use, already have wedding ceremonies as a use for the banquet facility

Nancy – think it's a big problem to have "chapel" written on plan. More for a banquet use not a stand alone use. Still have the flexibility to have wedding inside or outside

Schneider- can remove the word chapel and call it ceremony space

Nancy- technically a Chapel is a House of Worship

Jackson- the building is for wedding ceremonies so will eliminate the word chapel

Public Questions for Schneider: None

Board Questions for Schneider

Mike- do we have jurisdiction even if the building is not entirely in Spring Lake Height?

Mark – can be a condition of approval go to Wall, this is a unique situation

Jerry – it's a beautiful plan and building, however, being in two municipalities is an issue

Mark – offer to make an application to both governing bodies to be entirely in Spring Lake Heights

Jerry- issue is that building not entirely in one municipality for taxes

Brian- the connected building will look like the main building

Roy – is there a sprinkler system?

Shelly – it will meet the code requirements

Jerry – looking for sidewalks if feasible, has some sidewalks

Jackson- application was deemed complete in Wall, but was not given a meeting date yet

Brian- any further discussions?

(No further discussions)

Jackson – request to carry to July 17

Motion to carry application with no further notice to July 17, 2024: Nancy Seconded by: Roy

Vote in favor to carry to July 17: Adam Anzzolin, Councilwoman King, Michael Milano, Bruce Waitzel,

Dennis Pearsall, Nancy Maclearie, Roy Francolino, Brian Brendle

3. Application #2024-07 Robin Stacy

119 Meadowbrook Road, block 3.02 lot 19, R3 Zone

Bulk Variances for additions and a new front porch to an existing single family home

Mark - reviewed notices, Board has jurisdiction.

(Chair Eilenberger joins meeting)

Mark Aikens, Esq. – attorney for the applicant- single family home, bought in 2016, was used as a rental, wants as a full time residence. Lot is 7,500 square feet where 9,000 is required in the R3 Zone. It is an undersized lot, has 3 bedrooms in the home, no basement, the house is 9.8 feet to the property line, want a bigger shed where 100 square feet is permitted, they request 150 square feet. Has existing non-conformity with 21.4% coverage proposing 25.6% coverage. Want an addition of the front porch.

Sworn In: Jerry Freda, Christine Bell, Robin Stacy, Matthew Nemergut, (Architect for applicant),

Matthew Hockenberry, Engineer/Planner for the applicant

Eileen – if you can't fit a garage, then can have a bigger shed per the revised ordinance

Aikens – appreciate the clarification

Nemergut- driveway is on one side, lot is non-conforming, driveway is close to the property line. Home built in 1959, approximately 1,500 square feet, attached single car garage and crawl space, no porch, just a stoop, 3 bedrooms, 1 ½ baths. Owner wants to use as a full time residence. Want to develop house that is usable by reconfiguring the house and adding a larger bathroom. The plans were revised May 22, 2014. Want to connect the north side with a bedroom suite because the rooms are small. There is 9.8 feet to the property line where 10 feet is required. Will keep the foundation and rebuild the wall, want a front porch 7 ½ feet by 20 foot porch for seating area. (the elevation plan was reviewed) The main roof line stays an will meet the energy codes. Traditional foundation, satisfied that the foundation is durable and can withstand the demands of the addition. In the event of failure condition, then will move the foundation and have the 10 foot setback. Remove walls to the studs and have a new wall, not any closer than existing. Will align with existing building and meet front setback.

Aikens – this is a slight exacerbation , but better aesthetic alternative?

Nemergut – yes. House will match, it will be seamless as if already there, no variance if shed is 150%. A 5 foot wide porch is nice but 7 ½ feet – 8 feet is appropriate for a porch for sitting, space for people to pass, there are also columns in that space.

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

Hockenberry – stated qualifications – engineer for 13 years and appears 50 times a year before Boards
Chair Eilenberger accepts qualifications

Hockenberry –Exhibit A-1 Photos The lot is 75 feet by 100 feet, 7,500 square feet, where 9,000 square foot lots are required and 120 foot depth is required. Has an asphalt driveway and a mason landing, non-conforming 9.8 foot side setback, existing building coverage is 21.4% where 20% is permitted and 1.4 foot driveway setback where 2 feet is required. Propose a covered front porch measuring approximately 150 square feet. Storm water recharge in the front yard pursuant to the Board Engineer’s report. The grading plan to be submitted. Will be squaring off the garage, the setback variance of 2 inches is di minimis. Propose 25.6% building coverage, where 20% is permitted with a 312 Square foot increase. This is a hardship due to the undersized lot, will be staying a ranch. The house doesn’t meet the needs of the homeowner, want a more attractive entrance with the porch, not increasing the number of bedrooms or the density. The additions will be an aesthetic benefit, not negative impact, the additions are modest in scale, no negative impact to the neighborhood. This is a 60 year old home, the additions proposed have a positive impact and outweigh the negative. (reviewed A-1 Photos) will use the interior space for the renovation.

Aikens (reviewed the Board Professional Report) all items have been addressed. This is a ranch not a two story. The fence encroaches on Borough property, so the fence will be relocated onto their property. A north arrow shown on the plans

Dennis – there are trees in the front, the recharge can be located between the trees, want to keep the trees
Nancy- keeping existing driveway with the 1.5 foot setback but if it is rebuilt, then need to meet the setback

Hockenberry- will refinish but keeping the driveway

Aikens – if it is rebuilt, then it will do in a conforming manner

Eileen – the two Air Conditioners need to be screened

Hockenberry – will screen

Dennis – took a look at the property, nice refiguring for this small house

Nancy – great improvement – Good Luck

Brian – it is a modest request for variances

Motion to approve with conditions: Nancy Maclearie Seconded by: Roy Franolino
Voted in favor: Councilwoman King, Adam Anzollin, Dennis Pearsall, Roy Franolino,
Nancy Maclearie, Brian Brendle, Bruce Waitzel, Michael Milano, Chair Eilenberger
Opposed: None

E. Motion to adjourn: Brian Brendle

Seconded by: Bruce Waitzel

All members vote in favor to adjourn

Meeting ends: 9:35 PM