

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
FEBRUARY 9, 2011**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:30 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nick Sapnar called the meeting to order, led everyone in the Pledge of Allegiance to the Flag and announced that this meeting is being held in accordance with the Open Public Meetings Act and adequate notice has been published and posted per Chapter 231 P.L. 1975.

The Board Secretary called the roll for attendance. Present were Joe Rizzo, Matt Sagui, Michael Burke, Cindy Napp, Nick Sapnar, Walter Judge, Priscilla Reilly, Larry Iannaccone and Meghan Frost.

The Chairman called for a motion to approve the minutes of the Re-organization Meeting of January 12, 2011. Motion by Rizzo, seconded by Burke, that the minutes of the Re-organization meeting be approved. On roll call Board Members Rizzo, Sagui, Burke, Napp, Sapnar, Judge, Reilly, Iannaccone and Frost voted Aye. None No. Motion carried.

The Chairman called for a motion to approve the minutes of the regular meeting of January 12, 2011. Motion by Rizzo, seconded by Burke, that the minutes of the regular meeting of January 12, 2011 be adopted. On roll call Board Members Rizzo, Sagui, Burke, Napp, Sapnar, Judge, Reilly, Iannaccone and Frost voted Aye. None No. Motion carried.

Board Attorney George McGill advised the Board that they must review the proposed Ordinance 2011-001 changing some of the Settlement Rules for the Essex & Sussex Senior Citizen Complex and offer their opinions to the Council. Councilwoman/Board Member Priscilla Reilly offered to review and explain the changes and answer any questions. Mr. McGill advised the Board that the changes are in accordance with the Master Plan.

Motion by Burke, seconded by Rizzo, that Ordinance 2011-001 makes reasonable changes and is in agreement with the Town's Master Plan. On roll call Board Members Rizzo, Sagui, Burke, Napp, Sapnar, Judge, Reilly, Iannaccone and Frost voted Aye. None No. Motion carried.

Mr. McGill will inform the Council of the affirmative vote.

Resolutions 1 through 8- 2011 dealing with the election of officers of the Board as well as the appointments of recording secretary, Board Attorney and Board Engineer were to be adopted by the Board as one vote.

Motion by Rizzo, seconded by Burke, that Resolutions 1, 2, 3, 4, 5, 6, 7 & 8 be approved. On roll call Board Members Rizzo, Sagui, Burke, Napp, Sapnar, Judge, Reilly, Iannaccone and Frost voted Aye. None No. Motion carried.

**CAL 9-2010 AMBOY BANK/G.S.REALTY
308 MORRIS AVE**

Chairman Sapnar announced that Dr. Burke, Ms. Napp, Ms. Reilly and Mr. Jordan are recused from hearing this application due to conflict of interest.

Michael Rubino, Esq. attorney for the applicant, had his exhibits marked into evidence and explained that this case had been before the Board in 2007 and the building was approved for 3 stories of office and commercial use and a lesser amount of parking spaces than is required by ordinance. In the intervening years, Amboy Bank has been unable to secure a buyer for this property. They now propose to market it as commercial/retail on the first floor and residential on the second and third floors. Mr. Rubino thinks that, although a mixed use may not be right for other parts of the downtown area, it would fit in on this particular block because there are other mixed uses already there. Mr. Rubino also pointed out that the plans presented tonight are not the proper plans. They realized the error too late to submit new plans. The rear of the building will not be as high as depicted on the plans and the new plans will reflect the proper scale of the rear of the proposed building. The roofline will be lowered.

Stanley J. Koreyva, Jr., is employed by Amboy Bank and informed the Board that G.S. Realty is a wholly-owned subsidiary of the bank. He was sworn in and testified that he was before this Board in 2009 and was granted approval for the plans he presented at that time for a retail/commercial building. Since then he has been unable to sell the property with the approved plans. He has received interest for a commercial/retail first floor and residential on the 2nd and 3rd floors. He then decided to come back to the Board to see if they would approve the new plans. He does have a contract to buy the property subject to an approval of the plans presently before the Board. The Bank will not be making a profit on this venture, they are just interested in selling the property and moving on. They have hired a new architect and he has stayed as close as possible to the original building.

Mr. McGill pointed out that Board Members Burke and Napp are in the audience and they should be given a fair chance to speak in their interests. They will not speak as members of the Board and the Board may not give their comments any more weight than they would any other member of the audience.

Mr. Rubino expressed his opinion that it would be better if Mr. Burke and Ms. Napp had a third party representing them.

Mr. McGill is of the opinion that they should be allowed to speak and the hearing should proceed.

Questions from the audience:

Michael Burke, 309 Jersey Ave, right behind the property in question, inquired about the asking price of the property and Mr. Koreyva replied that it was \$849,000 and that price has remained firm but the contract price now is \$750,000. The bank's investment is just over 1.2 million and

they would just like to move forward. When asked about the appraisals, Mr. Koreyva replied that the appraised value of the property is \$850,000.

Carol Paterson and her husband own 2 buildings and 4 apartments in town and are familiar with the situation and the problems that arise with residential properties and asked how wide the driveway is and is it wide enough for a cushman to go in and take trash out? The question was deferred to the planner or architect.

Walter MacGowan, 1619 Whitfield Ct. Wall Township owns and manages buildings in town, asked if there was a basement in the building and if the owner was aware of the severe drainage problem in that area.

Dr. Peter Ciampi, 310 Morris Ave also inquired about the trash.

Mr. Rubino suggested that these questions be addressed to the engineer/planner.

Wayne Patterson, Third Ave, asked how the addition of apartments would affect the town's COAH obligation and asked if they had considered that.

Mr. Rubino replied that he doesn't think that anyone can answer that question until the issue is resolved in the State.

Mr. Rubino advised everyone that Borough Administrator Bryan Dempsey is concerned about increasing the town's COAH obligation. We don't have a straight answer right now, but if there is a Mt. Laurel obligation on these proposed apartments, the applicants will meet it.

Thomas Brennan, the applicant's architect, was sworn in and accepted by the Board as an expert. Mr. Rubino pointed out that Mr. Brennan is aware that there will be changes to the plans as presented tonight. Mr. Brennan presented his ideas and was questioned by the Board Members. He feels that 4 units would be perfect because it fits nicely off the corridor. The retail space was kept out front and the rear space is being put aside as storage units for the residents bikes, beach chairs, etc. The entrance is still on the side for the second story and it does have an elevator. They are 2 bedroom units with washer/dryers. The 3rd floor unit in the rear will be condensed down into a one bedroom unit. It will end up with three two bedroom units and one 1 bedroom unit. The building is handicapped accessible without any ramps.

Questions from the audience:

Dr. Burke asked about the parking and was referred to the civil engineer.
Carol Paterson also asked about parking and was referred to the civil engineer.
Walter MacGowan asked if he was representing the contract purchaser and
Mr. Brennan said that he represented Amboy Bank.

Ray Carpenter, P.E., P.P. was sworn in and was accepted as an expert. Mr. Rubino asked Mr. Carpenter to tell everyone about the project from an engineer's perspective. He reviewed the plans for the building and said that the configuration of the building has not

changed from the original approved plan. The driveway is 10' wide with a walkway beside it and the sidewalk and curb will be replaced. The site plan has not changed. There is not enough room in the driveway for two way traffic. Mr. Carpenter reviewed the prior approvals and said that the lot coverage has not changed, side yard setback is 10' and they are proposing 12' on the east side and only 5' on the west side and that was previously granted. The rear setback is 30' and they are proposing 27' feet from the property line to the building that was also originally approved.

Chairman Sapnar asked Attorney McGill if the previously approved variances still apply since this is a new application. Mr. McGill replied that they can remain in effect as long as the structure is the same. If the structure changes from the original proposal, they will have to request those variances again.

Mr. Carpenter addressed the points brought up by the Board Engineer in his review letter.

Mr. Paterson and Mr. Burke questioned Mr. Carpenter about the recharge system.

Allison Coffin, P.P., was sworn in, accepted as an expert and reviewed all the reasons why this project would fit in with the surrounding properties and uses and does not see it as a detriment to the town. Ms. Coffin pointed out that one of the goals of the Master Plan was to generate activity and excitement in this area. Ms. Coffin also stated that the applicant has agreed to provide any affordable housing units as may be required by COAH.

Ms. Coffin was questioned by the Board Members.

Michael Burke, 309 Jersey Ave, asked if Ms. Coffin considers this proposal a mixed use and she said yes. Walter MacGowan, 1401 Third Ave, was sworn in and questioned by Chairman Sapnar concerning the property he owns which is east of the subject property and is all commercial. Wayne Patterson, Third Ave, was sworn in and informed the Board that the family he purchased his building from ran a business and also housed the family on the premises. Mr. Patterson used the building for his business only. Carol Patterson, representing the Business Improvement District, said that the BID is in favor of mixed uses in the downtown area.

It was decided that another hearing would be necessary and that hearing will take place at the April 13, 2011 meeting at 7:30 in this room. Mr. Rubino waived the time.

Motion by Rizzo, seconded by Judge, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 10:30 PM.

Respectfully submitted:

Board Secretary