

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
OCTOBER 12, 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, Larry Iannaccone, Michael Burke, Ph.D., Nick Sapnar, Walter Judge, Priscilla Reilly, Matt Sagui, Meghan Frost and Kathleen Scotto.

Chairman Sapnar called for a motion to approve the minutes of the September meeting. Some of the Board Members informed him that they could not open the e-mailed minutes. Board Attorney McGill suggested that the vote on the September minutes be put off to the next meeting.

Attorney McGill distributed and read Resolution #19-2011 - 309 Ocean Ave LLC which was denied. Motion by Rizzo, seconded by Reilly, that Resolution #19-2011 be adopted. On roll call Board Members Rizzo, Burke, Sapnar, Judge, Sagui, Reilly and Scotto voted Aye. None No. Motion carried.

**CAL 4-2011 HANZUS
2306 FOURTH AVE
ROOF OVER DECK/FRONT STEPS**

Michael Rubino, Esq., applicant's attorney, informed the Board that he will have 3 witnesses Mrs. Hanzus, Charles Surmonte P.E., P.P., and architect Sal Santoro. Mr. Rubino's exhibits were marked into evidence.

Mr. Rubino opened by saying that the property is on the corner of Fourth Ave and South Boulevard and is across from a municipal park. The Hanzus' would like to add a portico over the existing front stairs which would add interest to the look of the front of the house. They need a variance because the stairs are in the front yard setback. On the south side of the property which is also the rear of the property there is an existing deck and the Hanzus would like to add an open porch above that deck. The property is undersized and oddly shaped. A variance is needed for the deck since they do not have the required 35 ft in the rear yard and the existing deck is in the rear yard setback. They will stipulate that neither deck will be enclosed but they would like to be able to put temporary screening up in the summer on the first floor.

Debora Hanzus, Keith Hanzus the applicants, Sal Santoro, the architect and Charles Surmonte the Planner, were sworn in.

Mrs. Hanzus read about Spring Lake in the newspaper, came for a visit and decided to buy a house. They use the house as often as they can. They have done some updating on the house. They have awnings over the deck now and would like to replace them with a permanent roof/deck.

The Board Members questioned Mrs. Hanzus.

Mr. Surmonte offered his credentials and was accepted as an expert in Planning and Civil Engineering. Mr. Surmonte said that the lot is just under 5,700 sf and has a lot of frontage and very little depth. The existing building coverage is less than 20%, the impervious coverage is 36.6%.

Mr. Burke questioned Mr. Surmonte about his impervious surface calculations and Mr. Sapnar inquired if any provision had been made to contain the water runoff. Mr. Surmonte replied that no provision for runoff was made but they certainly will include a dry well if that is what the Board requires. Mr. Judge asked for a broader explanation of the screened-in porch. Mr. Burke also asked the applicant if they had ever considered a front porch rather than a rear porch in light of the fact that a front porch adds to the aesthetic look of the house and the proposed porch severely infringes on the rear yard setback requirements. Mrs. Hanzus said they prefer a rear porch overlooking the park.

Applicant's Architect, Mr. Santos, spoke briefly about the proposed deck and portico.

Mr. McGill asked the Board to consider a stipulation in the resolution. The request for the upper deck is for 19.7 ft. but the roof over the lower deck extends further than that. The stipulation would avoid the future extension of the upper deck out to the edge of the roof without coming back to the Board for a variance. The Board Members agreed with Mr. McGill's suggestion.

There were no questions or comments from the audience.

Motion by Judge, seconded by Rizzo, that the Board go into caucus. On roll call all Board Members voted Aye. None No. Motion carried.

Motion by Judge, seconded by Burke, that the Board come out of caucus. On roll call all Board Members voted Aye. None No. Motion carried.

Motion by Reilly, seconded by Frost, that the application be approved with the stipulation that a drywell be installed and the only screen allowed will be seasonal insect screening of a temporary nature. On roll call Rizzo, Iannaccone, Sapnar, Judge, Reilly, Sagui, Frost and Scotto voted Aye. Motion carried.

Chairman Sapnar announced that the Board will now address the proposed Land Use Ordinance #012-2011 dealing with 'definitions'.

Board Members discussed 'areaways' and had questions and suggestions. They agree that if an areaway in the side yard is more than 24" a variance would be needed for the difference. After discussion, Chairman Sapnar suggested that the Board advise the Council that a solid

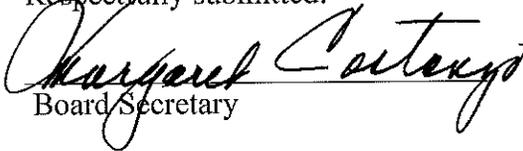
retaining wall around an areaway should not extend more than 8" above grade. They also discussed measuring the grade from an existing curb or top of proposed curb. Board Attorney McGill informed the Board that measuring grade is not one of the items in the proposed ordinance and should be addressed in the future. Mr. Hilla suggested that, in the future, grade should be measured from the center of the road. The fact that the Council does not want retaining walls (aka garden walls) in the front yard was also discussed. The proposed Land Use Ordinance is in compliance with the Master Plan.

Chairman Sapnar called for a motion authorizing Board Attorney George McGill to write a letter to the Council stating the Board's recommendation regarding the proposed ordinance.

Motion by Burke, seconded by Judge, that George McGill, Esq. reply to the Council concerning proposed Land Use ordinance 012-2011. On roll call Board Members Rizzo, Iannaccone, Burke, Sapnar, Judge, Reilly, Sagui, Frost and Scotto voted Aye. None No. Motion carried.

Motion by Judge, seconded by Burke, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 9:10 PM.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 19-2011
(Cal. No. 2-2011)

RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY.

WHEREAS, 309 Ocean Avenue LLC., (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake for variance relief pursuant to N.J.S.A. 40:55D-70(c), from the provisions of the Spring Lake Zoning Ordinances, for permission to construct a new dwelling on property located at 311 Ocean Avenue, Spring Lake, New Jersey, and known as Block 19, Lot 5.02 on the Spring Lake Tax Map, and

WHEREAS, public hearings were held at the regularly scheduled meetings of August 3, 2011 and September 14, 2011, in the Municipal Building, and testimony having been presented on behalf of the applicant and objectors to the application having been given an opportunity to be heard; and,

WHEREAS, such proof of service as may be required by New Jersey Statutes and Municipal Ordinances has been furnished; and,

WHEREAS, the Board, having considered the application, testimony, and exhibits submitted, makes the following findings:

1. The property is located in an R-2 Zone. The property is presently a vacant lot with 50 feet of frontage along Ocean Avenue and 150 feet of frontage on Salem Avenue. The property is encumbered by a 13 foot-wide access easement that runs along the westerly side of the property. This easement contains an eight foot-wide paved drive which services properties to the south of the subject lot. The Atlantic Ocean, associated beaches, structures and dunes are located directly to the east, across Ocean Avenue, of the property. The subject lot was created by the grant of a subdivision by the Planning Board of the Borough of Spring Lake which decision was memorialized in Resolution No. 22-2010 dated October 27, 2010. The applicant therein was the same party as makes the subject application.

2. The applicant proposes to construct a single family 2 ½-story residential

dwelling on the subject property. The house proposed is approximately 29 feet wide as measured along its frontage on Ocean Avenue. The principal dwelling is so positioned to provide for a three foot side yard setback along the southerly side of the property and an 18 foot front yard setback along the frontage on Salem Avenue. The applicant also proposed to construct a detached garage with access to Salem Avenue at 22 feet from the property line. The applicant subsequently amended its application to propose to construct the detached garage at 23 feet from the property line. The applicant provided a plot plan prepared by Michael T. Cannon, P.E., P.L.S. of the Cannon Group, P.C. dated November 15, 2010, which more accurately depicts the layout of the structures proposes to be built on the property. The applicant provided the plans of Richard Villano, AIA, dated Novemebr 15, 2010, which show the design of the structure that applicant proposes to build on the property.

3. The applicant requires a variance for the proposed front yard setback for the principal dwelling where 25 feet is required and 18 feet is proposed, a variance for the side yard setback for the principal dwelling where 6 feet is required and 3 feet is proposed, and a variance for the front yard setback for the detached garage where 25 feet is required and 23 feet is proposed as amended.

4. The Board finds that the application must be denied in its entirety. The Board finds that the incursion into the front yard as proposed would detrimentally impact upon the light and air of the neighbors located to the west of the subject property. The Board finds that Salem Avenue is uniform in its front yard setback characteristics. The Board finds that the properties to the west of the subject property uniformly exhibit a 25 foot setback from Salem Avenue. All of these houses have porches that recess further from that mark. The board finds that while there may be no view of the Atlantic Ocean per se from the houses to the west of the subject property, the location is generally blessed with a great deal of light and air that is afforded by its proximity to the ocean. The Board finds that the dwelling as proposed will block the air and light presently enjoyed by the neighbors, and substantially infringe upon the existing site lines established under the zoning code, and therefore will detrimentally affect those properties to an unacceptable, impermissible and unlawful degree. The Board understands that the applicant sought to propose an architecturally and

aesthetically pleasing structure which conformed to the neighborhood as it sees it. The Board does not find however that the aesthetic benefits or conforming nature afforded by the structure proposed outweigh the detriments that the size and location of the structure present to the adjoining neighbors to the west. To the contrary, the Board finds that the detriments that will accrue to the neighbors should the variance be granted would be substantial and would outweigh any benefits that the aesthetically pleasing or conforming design may provide. The Board notes that applicant proposes a dwelling that is approximately 29 feet wide. The Board finds that no reason has been presented to justify a seven foot incursion into the front yard. The Board heard and understood that under present zoning requirements, the applicant would be permitted to build a 19 foot-wide dwelling. While the Board may be sympathetic to such conditions, dependent upon neighboring conditions, no justification has been presented as to why the structure needs to be at 29 feet wide as opposed to some other lesser amount. The Board finds that the applicant did not adequately consider the impact that the location and size of the dwelling would have on the adjoining properties as is evident from the testimony proffered on behalf of the applicant. The Board finds that the testimony presented by the objector's planner was clear, concise and supported by exhibits, specifically but not exclusively Exhibit O-4, which demonstrated that the proposed dwelling would in fact detrimentally impact the visual environment of the neighborhood and would in fact impair the flow of air and light to the neighbors to the west. The Board finds therefore that the plan proposed would both pose a substantial detriment to the public good as described above and represent a substantial impairment of the zone plan. As to the side yard variance, the Board finds that since the size of the house is not adequately justified, the benefits that an incursion into the side yard setback presents cannot be found to outweigh the obvious impairment of the zone plan that such a configuration creates and therefore the side yard variance must be denied under the circumstances presented. The Board finds that it must also deny the garage set back variance relief requested for reasons akin to those which obtain in reference to the principal dwelling. The Board further finds that the project presented involved integrated variance relief requests and no one variance could be evaluated independent of the others. Accordingly, all requests for variance relief must be denied.

5. The Board finds that the application as proposed is not in keeping with sound planning and zoning and does present a detriment to the public good and does impair the intent and purpose of the zoning plan and for the reasons stated above must be denied.

WHEREAS, The Board has determined that the relief requested by the applicants cannot be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinances of the Borough of Spring Lake and that no hardship or special reasons exist to support the granting of the use variance,

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 12th day of October, 2011, that the application be and is hereby denied.

I, Margaret Costanzo, Secretary of the Planning Board of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Board at its regular meeting held on October 12, 2011.


MARGARET COSTANZO