

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
NOVEMBER 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 role for attendance. Present were: Nick Sapnar, Matt Sagui, Cindy Napp, Michael Burke, Ph.D., Walter Judge, Paul Jordan, Larry Iannaccone and Meghan Frost.

Chairman Sapnar called for a motion to approve the minutes of September 14, 2011. Motion by Judge, seconded by Burke, that the minutes of Sept.12, 2011 be adopted. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Sagui, that the minutes of October 12, 2011 be adopted as amended. On roll call Board Members Sapnar, Sagui, Burke, Judge, Iannaccone and Frost voted Aye. Motion carried.

Chairman Sapnar announced that the discussion of proposed LU Ordinance 2011-013 would be next on the agenda because Mr. Jordan, as Mayor's Designee, is unable to vote on the Hanzus application and will be leaving after the discussion. The Board Members made comments and suggestions on the proposed ordinance. Mr. Burke suggested that the proposed flood zone be done by block and lot. Board Engineer Al Hilla suggested that the ordinance should require that the house itself must be in the flood zone as opposed to just a corner of the property being in the flood zone. Chairman Sapnar suggested that the ordinance be approved as written and, if needed, can be amended at a later time.

Motion by Judge, seconded by Jordan, that the proposed ordinance be approved as presented. On roll call Board Members Sapnar, Sagui, Napp, burke, Judge, Jordan, Iannaccone and Frost voted Aye. Motion approved.

Chairman Sapnar authorized Board Attorney McGill to inform the Mayor and Council that the Board finds that Proposed LU Ordinance 2011-013 is consistent with the Master Plan.

Board Member Jordan left the meeting.

Mr. McGill read Resolution #22-2011 HANZUS to the Board.

Motion by Judge, seconded by Sagui, that Resolution #22-2011 Hanzus be adopted. On roll call Board Members Sapnar, Sagui, Judge, Iannaccone and Frost voted Aye. Motion carried.

The Chairman announced that Cal 6-2011 Moran is adjourned to December.

**CAL 5-2011 DELLAPINA
116 NEWARK AVENUE**

Mike Rubino, Esq. attorney for the applicant, had his exhibits marked into evidence and gave a brief opening statement. The applicants would like to remove the pergola on the west side of the house and create a patio area closer to the house on the west side and on the north-east side of the house there is a garage with a room above it. The applicant would like to renovate the garage and add heat/air conditioning and a shower. This will constitute 'expansion of a non-conforming use'. The family lives and works in London, England and this property will be there 'home base'.

Jeffrey Dellapina was sworn in and questioned by Mr. Rubino. Mr. Dellapina explained what they have done to the inside of the house since they purchased it. The patio would offer an area to enjoy barbecues and socializing outside the house. The room above the garage would serve as a recreation area for their 3 boys. They have no intention of using that room for living purposes. The shower already exists, he would just like to move it closer to the garage.

Mr. Dellapina was questioned by the Board Members

5 minute recess.

John Brennan, Esq. of Avon, representing Gail and John Crotty, pointed out that there is a living room, dining room, kitchen, dinette (Mr. Dellapina explained that the dinette was actually part of the dining room) and, in total, 15 rooms and asked the applicant if that was correct. Mr. Brennan asked the applicant if he had guests staying in the extra bedrooms when his family was there for the summer and Mr. Dellapina replied that he did. Did these guests ever stay in bedrooms at the west side of the property? Applicant, yes. Mr. Brennan also questioned the applicant about the garage as to height, sturdiness of the second floor and the town's restrictions concerning garages.

Paul Damiano, applicant's architect, was sworn in and questioned by Mr. Rubino about the layout of the property.. Mr. Damiano explained that there is a principal dwelling, an accessory building and 3 front yards and one side yard. In the westerly front yard there is a pergola, a gravel path that leads to the porch.. The pergola and gravel path are proposed to be removed to make space for the patio. The patio will be 25' from the nearest property line There is an existing outdoor shower that is open air and does not have a drain.

Board Members questioned Mr. Damiani about the patio and the garage.

Grant Gille, 209 Newark Ave, questioned Mr. Damiani about the proposed patio and the landscaping to be done. Chairman Sapnar pointed out that there already exists a hedge that goes completely around the area in question. Mr. Gille also had questions concerning the outdoor shower and the possibility of overnight guests. Mr. McGill pointed out that while you can put an A/C unit in the window, when you start putting permanent equipment in the building you are triggering the "intensified use".

Mr. Damiani was then questioned by Attorney John Brennan.

William Geib, 102 Newark Ave, is concerned that, when the applicants' children grow up and go to college, this space above the garage will become a frat house.

Mr. Rubino called Cheryl Bergailo, P.P. and she was accepted as an expert in Planning. Ms. Bergailo testified that she has looked at the plans and visited the property and she feels that the patio will be close to the house as opposed to the gravel and pergola that are now a distance from the house. Everything will be screened from the street by the hedges. This front yard area is the only open space for the patio. Granting the variance will not result in a substantial detriment to the public good or the zone plan. She pointed out that there are a number of other properties in town that are corner lots and have patios in the front yard. Ms. Bergailo is of the opinion that the proposed renovation of the garage is not a detriment because it is an established use. She also showed an aerial photograph of the area with like garages (1 1/2 stories) circled.

Ms. Bergailo was questioned by the Board Members and Mr. Brennan.

There were no questions from the audience.

Comments:

John Crotty, 120 Brighton Ave, was sworn in and said that no one ever lived in that apartment. He thinks that the patio will be too close to neighbors. Mr. Crotty doesn't think they should be allowed to use this room since, according to him, it has not been used for over 50 years.

Chairman Sapnar pointed out that the toilet, slop sink and water heater are probably not more than 10 years old, so someone has been using that garage. Mr. Sapnar also informed Mr. Crotty that whether or not they are granted a variance for the patio, they can still entertain in that lawn across the street from Mr. Crotty's house.

Mr. Rubino showed Mr. Crotty a listing agreement from 30 years ago that mentioned an apartment above the garage.

Gail Crotty, 120 Brighton Ave, said she takes offense at people's comments that the pergola and the patio are the same. She would rather have 2 pergolas than a patio. If the Board has a choice, she would prefer that the patio not be granted.

Grant Gille, 209 Newark Ave, can appreciate the applicant's desire to upgrade the property, but he thinks the proposed patio is too large. He supports upgrading the garage and second floor but he does not think it should have heat.

John Brennan, Esq., Attorney for opponents John & Gail Crotty, made his closing remarks.

Michael Rubino, Esq. Attorney for the applicant, made his closing remarks.

Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Mr. McGill suggested to the Board that each variance be voted on separately.

Motion by Judge, seconded by Burke, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Patio:

Motion by Sagui, seconded by Burke, that the variance for the patio be approved with the stipulations that the hedges be maintained at the present height and proper drainage must be addressed. On roll call Board Members Sapnar, Sagui, Napp, Burke, Judge, Iannaccone and Frost voted Aye. Motion carried.

Garage:

Heat

Motion by Judge, seconded by Burke, that the D2 variance for heat be denied. On roll call Board Members Sapnar, Sagui, Napp, Burke, Judge, Iannaccone and Frost voted Aye. Motion carried.

Powder Room:

Motion by Sagui, seconded by Napp, that the variance for a powder room, less the heat and the outdoor shower, with the conditions that there be no overnight use, no kitchen facilities and implementing a deed restriction, be approved. On roll call Board Members Sagui and Napp voted Aye, Sapnar, Burke, Judge, Iannaccone and Frost voted Nay.

Outdoor Shower:

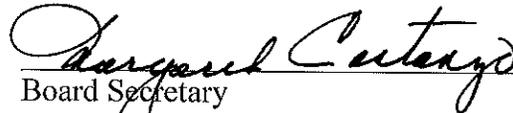
Motion by Judge, seconded by Sagui, that the variance for the outdoor shower at the location shown on the plans with the structure modified as described by Engineer Hilla with a shed roof and an outside entrance only be approved.. On roll call Board Members Sapnar, Sagui, Napp, Judge, Iannaccone, Frost and Burke voted Aye. Motion carried.

2353

Mr. McGill advised everyone that renovation of the stairs and installation of a door to the garage may be done without a variance

Motion by Judge, seconded by Napp, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 11:30 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 20 -2011
(Cal 4 - 2011)

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

WHEREAS, Keith and Debbie Hanzus (hereinafter referred to as the "applicants") have 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 roof over a front porch and to construct a roof over a side deck with second floor balcony at property located at 2306 Fourth Avenue, Spring Lake, New Jersey, and known as Block 149, Lot 25 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of October 12, 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.
2. The property consists of an irregularly shaped lot, having 130.8 feet of frontage along the northwest quadrant of the intersection of Fourth Avenue and South Boulevard in the Borough of Spring Lake. The property is undersized in that it has 5,692 square feet of total area where 7,500 square feet is required. Presently the property contains a 1 1/2-story dwelling with an existing deck, an asphalt driveway with access to South Boulevard and miscellaneous walkways.
3. The applicants propose to construct a roof over the front porch and to construct a roof over the existing deck on the southerly side of the dwelling. The applicants also propose to construct a second story deck above the existing deck to compliment one of the dwelling's bedrooms. The proposal is more fully described in the

plans presented by the applicant prepared by Salvatore W. Santoro, dated March 2, 2011, last revised September 26, 2011 and the Variance Plan prepared by Charles Surmonte, P.E., and P.L.S., dated August 16, 2011. The addition of the porch roof will require a front yard setback variance where 25 feet is required and 18.6 feet is proposed. The proposal also requires a variance for the rear yard setback where 35 feet is required and the applicants propose to construct the roof over the deck 6.4 feet from the rear property line.

4. The Board finds that the relief requested may be granted. The Board finds that the property is oddly shaped and is encumbered by a relatively large frontage along Fourth Avenue and South Boulevard which makes the development of the property within the requirements of the zoning ordinance impractical. The Board finds that it may grant the variance for the construction of the front porch within the front yard setback because the house and its entrance way presently exist on the property and the construction proposed is of a modest nature. The Board finds that the construction of the front porch roof will not block any sightlines of the neighbors to any significant or substantial degree. The Board finds therefore that there will be no detriment to the public good. The Board finds that as the structure is pre-existing therefor there will be no substantial impairment of the zone plan. The Board finds that the construction of porches is to be encouraged in the Borough and that by covering the porch in question the property will be brought into greater conformity with the neighborhood. The Board finds that by granting the relief to the applicant, the Board may gain an aesthetic benefit to the community by creating a type of visual environment promoted in the Borough through the encouragement of porch construction. In reference to the rear yard encroachment, the Board finds that the roof and proposed second floor deck are so positioned as to not pose any encroachment on the neighbors. The Board finds that the deck presently exists and that the applicants are merely covering same. The Board finds that the construction is adequately buffed and thus will not pose a detriment to the neighbors. The Board finds that by permitting the roof and second floor deck the Board may permit the modernization of the existing dwelling and preserve the characteristic of the neighborhood which the Board finds to be a benefit that outweighs any detriment that may accrue.

5. The application as proposed is in keeping with sound planning and zoning

and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The variance relief may be granted because the aesthetic benefits and other benefits to be gained by the community substantially outweigh any detriments and the new structure will advance the purpose of Zoning.

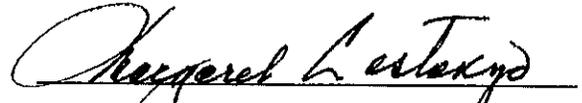
WHEREAS, The Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinances of the Borough of Spring Lake and the benefits of this application do substantially outweigh the detriments and that certain hardships exist.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 9th day of November, 2011, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicant prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this property.
5. That the front porch, the second floor deck and the southerly deck shall not be enclosed nor heated except that temporary seasonal screening in the Spring and Summer months may be allowed in reference to the southerly deck.
6. That the applicant shall construct such dry wells as recommended by the Board engineer as same may be necessary.
7. The applicant shall substantially construct the structures proposed in conformity with the plans presented and shall not enlarge the proposed second story deck without obtaining further approval from the Board.

CERTIFICATION

I, Margaret Costanzo, Secretary of the Planning Board of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, for the last time, do hereby CERTIFY that the foregoing is a true copy of a resolution adopted by the Planning Board at its regular meeting held on November 9, 2011.


MARGARET COSTANZO

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
DECEMBER 14, 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: Nick Sapnar, Larry Iannacone, Michael Burke, Ph.D., Cindy Napp, Walter Judge, Priscilla Reilly, Matt Sagui, Kathleen Scotto.

Chairman Sapnar called for a motion to approve the minutes of November 9, 2011. Motion by Burke, seconded by Sagui, that the minutes of November 9, 2011 be adopted. On roll call all Board Members Sapnar, Iannacone, Burke, Napp, Judge, Sagui voted Aye. Motion carried.

Mr. McGill read Resolution #21-2011 DELLAPINA to the Board, the Board voted unanimously to each vote except the powder room. There was a motion made by Sagui, seconded by Napp to grant the powder room. There will be two votes, the first vote will include all of the relief except for paragraph six and the second vote as to paragraph six the powder room which Sagui and Napp will not participate.

Motion by Sapnar, seconded by Judge, that Resolution #21-2011 Dellapina items 1 through 5, 7 and 8 and the conditions be adopted. On roll call Board Members Sapnar, Burke, Napp, Judge, Iannacone and Sagui voted Aye. Motion carried.

Motion by Sapnar, seconded by Judge, Resolution #21-2011 Dellapina item 6 be adopted which denies the powder room. On roll call Board Members Sapnar, Burke, Judge, and Iannacone voted Aye. Motion carried.

Motion by Sapnar, seconded by Reilly, to appoint Dina Partusch to replace Peg Costanzo as Secretary to the Board for her unexpired term. On roll call Board Members Sapnar, Burke, Iannacone, Napp, Judge, Reilly, Jordan, Sagui, and Frost voted Aye. Motion carried.

**CAL 6-2011 MORAN
106 PASSAIC AVENUE**

CAL 6-2011 Moran is a Use Variance, it was determined that all the sitting Board Members, with the exception of Reilly, were eligible to vote and there was a quorum. Mrs. Reilly excused herself.

Mike Rubino, Esq. attorney for the applicants gave an opening statement, the Moran's have owned this house for approximately ten years, and it is a classic shore house which is located approximately one block from the beach. Since purchasing the house there has been cosmetic

and interior work done on the house. The applicant received a variance to place a pool in the rear yard in 2007. The applicants are planning to permanently move to the shore within four to six years. They have a very large family and are seeking permission to renovate the house and add an addition to the rear of the house. The applicants would like to match the existing roof line which is approximately 42.5 feet above curb where 35 feet is allowed. If the house met the 35 feet, the addition would look like one big box rather than going up with shape. The house is currently too close to the front property line.

Mr. Rubino added there is an issue with impervious coverage, when the applicants were before the Planning Board a number of years ago, the Board had allowed approximately 40.5% impervious coverage and the final project ended up being approximately 44% impervious coverage. The applicant is not sure how this happened. Mr. Rubino stated that the extra coverage may have been from the change of Zoning Offices, who may have counted impervious coverage differently. Mr. Rubino had Mr. Ray Carpenter, who was the engineer on the first project, go to the property and measure. The pool ended up 150 feet bigger than it was suppose to be and the striping on the driveway is one foot larger on each side, which is approximately 100 feet. That is where the extra three percent comes from. The applicant can remove impervious coverage however they would like to keep the pool.

Chairman Sapnar stated that the previous application that was applied for requested 43.13% impervious coverage but 40.26% impervious coverage was agreed upon and the property ended with 44.6%. Mr. Rubino stated that the applicant and the pool contractor had a disagreement, until today she did not know that the pool exceeds what was approved.

Barbara Moran was sworn in and questioned by Mr. Rubino. Mrs. Moran stated that there are seven members in her family five of which are teenagers. Currently she lives permanently in Far Hills and she has owned the house in Spring Lake since 2003 or 2004. Mrs. Moran explained that her family has summered down here for many years then they started looking for a place to settle, they will be moving her within a few years. It was a great summer home when they purchased, however the way it is now it could not work as a full time home. Mrs. Moran stated she would rather expand then knock down the house. Mr. Rubino asked the applicant to explain how the house is laid out now. Mrs. Moran explained that the house looks big from the street; however there is a large porch and the rooms are very small. There is no dining room, very small bathroom and there is a small addition on the back on the kitchen which is odd shaped and poles in the middle of wasted space. The family room is very small. There are seven bedrooms and one of the bedrooms is approximately the size of a closet, there are very few closets in the entire house, and the bathroom on that level is very small. Mr. Rubino asked the applicant if there are issues with insulation and wind blowing through the windows. Mrs. Moran answered that she is sure that some of the windows are original and they do not shut all of the so they have to shove towels in them and the electric bills are very high. The windows, insulation, appliances, and major systems will all be upgraded.

Mr. Rubino had the photo board marked into evidence; the applicant gave a description of the rooms in the house. Mr. Rubino stated that the porch itself is approximately 400 square feet. Mr. Rubino asked Mrs. Moran to explain that the extra impervious was not intentional. Mrs. Moran

stated that she had no idea this happened and just found out about two hours ago. As far as she knew the permits were filed and a certificate of occupancy was filed.

Mrs. Moran was questioned by the Board Members.

There were no questions from the audience.

Mr. Rubino called Chris Rice, Licensed Professional Architect was sworn in and has been in front of this Board before and Mr. McGill recommends that his credentials be accepted at this time. Mr. Rice explained that there are a few things that need to be clarified. The 44% impervious coverage was a mistake from our original drawings, the property is only at 42.6% impervious coverage. He stated that they are proposing 44% because an addition will be over the existing deck. The building coverage will be met with the addition.

Chris Rice had a second photo board and building elevations marked into evidence and gave a description. He explained that the house is 42 feet from the curb, there is approximately two and a half feet from curb to grade and another four and half feet to the floor of the house. There is only a small portion of the house that is above 35 feet, which is in violation, the rest already exists. The house is architecturally sound, the front and back mimic each other. The two variances are the height and impervious coverage. To minimize the impervious coverage he could take away driveway, walkways, and make open slat porches. The project was started a year ago and has been through many revisions. The applicant's other option would be to tear down the home and rebuild.

Chris Rice was questioned by the Board Members.

Mr. Judge stated that there are eight bedrooms. Mrs. Moran explained that one of the rooms will be her husband's office. Mr. Rice added that there is a loft and the rooms on the third floor look big however they are not and there is only head room down the center.

There were no questions from the audience.

Five minute recess.

Mr. Rubino called Allison Coffin; Professional Planner was sworn in and accepted by Board as an expert. Mr. Rubino questioned her, she stated that the applicant is constructing an addition to the rear of the dwelling, the lot is undersized. The site is in an area of single family residential uses, in the R-2 zone, which permits single family dwellings on 15,500 square foot lots with minimum widths of one hundred feet. The existing dwelling is a permitted use; however the lot is non-conforming in terms of area, width and frontage. Ms. Coffin reviewed the variances being requested. The height is non-conforming because the house was constructed well in advance of the Zoning Ordinance being adopted. The purpose of a height limitation is to ensure the adequate light, air, open space, and provide an additional limit on the intensity of development of any site. The benefit would be the desirable visual environment, enhance livability of the structure and enhances energy efficiency of the building. The nature of this application is to

preserve the charm and character of this house which is part of the charm and character of the neighbor and is also consistent with the Master Plan's intent and purposes.

Allison Coffin was questioned by the Board Members.

There were no questions from the audience.

Comments:

Marcy Gough, 110 Passaic Avenue stated that her home is fairly new; she also had the berm in the front which had to come down to street level. As a result the home is below the other homes. Ms. Gough added that she is very concerned about the impervious surface and runoff and would like the Moran's to add dry wells.

Richard Nelson, 115 Passaic Avenue had photographs marked into evidence, he stated that he is concerned with the neighborhood. The house is very obvious because it is close to the road and literally jets out and will be a distraction.

Mr. Rubino explained that this is the first case he has had in front of the board at this height but also the first house that has dated back to 1885 which is a historic beach house. Both the Moran's and Mr. Rice have put a lot of time and effort into this because they wanted the house to look architecturally correct. Many new homes in town get knocked down and new modern ones get put back up. Restoring an old home can be more expensive and difficult.

Motion by Judge, seconded by Sapnar, that the board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Mr. McGill suggested to the Board that each variance can be voted on separately, the impervious coverage and the D variance.

Motion by Judge, seconded by Sapnar, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Five minute recess.

Mr. Rubino explained that the applicant is not interested in putting up a 35 foot addition and they would rather just put up a new house. Mr. Rice has indicated that he may be able to do an addition at 38.4 feet, which would avoid a D Variance but would still be over the height requirement.

Mr. Rubino asked if there was a way to vote on this without having to come back with more drawings. Mr. Judge suggested that the Board would like to see new drawings. Chairman Sapnar stated that case will be adjourned to January 11, 2011 if new drawings are submitted by then.

CAL 7-2011 MLZ. CORPORATION

320 JERSEY AVENUE

Board Member Michael Burke Ph.D., recused himself because he is in within 200 feet of 320 Jersey Avenue.

Mike Rubino, Esq. attorney for the applicants gave an opening statement; this is a subdivision with two conforming lots. Each lot will conform to all of the requirements. The variance is for the western lot on the premise asking for a front yard setback of 15 feet along Fourth Avenue where 25 feet are required. There are some neighbors that would like porches to be added to the houses on each lot, which would require an additional variance. Mr. Rubino explained that he would like to get the subdivision through since they are two conforming lots with no variances. He would also like to get an idea from the Board as to whether or not another variance would possibly be granted for the porches and then come back with new plans.

Mr. McGill stated that they will essential bifurcate both issues. Mr. Rubino answered yes. Mr. McGill stated that the neighbors can make comments however the variance may not be granted because of notice issues.

Robert Burdick, applicants engineer and planner, was sworn in and accepted by Board as an expert. Mr. Burdick was questioned by Mr. Rubino. The lot presently is 100 feet along Jersey Avenue and 150 feet deep along Fourth Avenue and is a corner lot. Mr. Burdick stated that on an old tax map there were two lots, 11 and 12, which were both conforming and they were consolidated by common ownership. After the subdivision there will be two 50x150 lots which would each be 7,500 square feet and would comply with the zoning ordinance. Currently there is a single family home and also a two story garage apartment in the rear, which is currently non-conforming. Mr. Burdick explained that any homes that would be proposed for this subdivision will conform and they reserve the right to come in and request variances in the future.

Robert Burdick was questioned by the Board Members.

Comments:

Michael Mattia, 313 Jersey Avenue stated that the sidewalks should be maintained during demolition, since they are currently not in that great of shape.

Lyle Marlowe, 110 Pennsylvania Avenue believes that if a builder comes in for a subdivision there should be justification for how it would benefit the town. There are a lot of subdivisions around town and some of them are just lots with debris, grass, and dumpsters.

Mr. McGill stated that the term conforming subdivision is when the Board does not have to consider a subdivision with variances. The subdivision conforms with the ordinances that the town has enacted, they do not have to justify or provide a reason.

Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Reilly, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Sapnar, seconded by Judge, that the conforming subdivision be approved. On roll call Board Members Sapnar, Iannacone, Napp, Judge, Reilly, Sagui, and Scotto voted Aye. Motion carried.

Variance Consideration
MLZ Corporation
320 Jersey Avenue

Mr. McGill suggested that they move forward with the consideration of Mr. Rubino's variances which are being proposed.

Mr. Rubino had a photo board marked into evidences and gave a brief opening statement. The house that is on the corner lot of this subdivision, which is set back fifteen feet at certain points along the Fourth Avenue side. Most houses on Fourth Avenue are within ten to fifteen feet of the setback, except one house that is set far back. Mr. Rubino stated when spoke some neighbors who would like to see front porches added on to the homes and also move the front of the homes up into approximately ten feet from the property line.

Comments:

Michael Mattia, 313 Jersey Avenue stated that he viewed the plans and his main concern is there is no front porch. Mr. Mattia explained that his block has many front porches; there is one house without a porch which was built to conform to the setbacks and does not fit the character and symmetry of the street.

Lyle Marlowe, 110 Pennsylvania Avenue stated it seems that when there is a subdivision only one home is built, then eventually they build a second home. He added that the community has to deal with street openings and construction over long periods of time.

Jim Thompson, 312 Jersey Avenue explained that he purchased his house because of the character of the block. He is not sure what the setbacks are of the homes but they are consistent. He did meet with Mr. Zimmerman and believes that consistent types of homes could be built on these two lots. He added that the consistency should be on Fourth Avenue as well as Jersey Avenue.

Robert Wehner, 410 Jersey Avenue explained purchased a home in Spring Lake because of the downtown, the ocean, the lakes and the character of the town. He also agrees with his neighbors.

Wade Algeo, 310 Jersey Avenue stated that he also agrees with his neighbors.

Richard Snizek, 314 Jersey Avenue explained that his son and daughter-in-law own this home, however they live in London. He also agrees with the neighbors.

Mr. McGill suggested the Board to provide some advice to the applicant.

Mrs. Reilly asked how the applicant would deal with the house on the corner lot being closer to the street.

Mr. Rubino asked Mr. Burdick if there is enough room for an adequate sight triangle easement on the corner of Fourth Avenue and Jersey Avenue. Mr. Burdick there is enough room, the sight triangle easement that is on the subdivision plan is much greater than what is required by the ordinance.

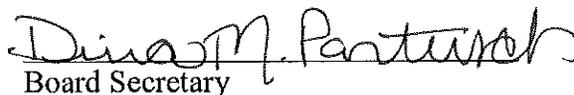
Chairman Sapnar suggested a gradual setback of the homes.

Mr. Sagui stated that the setback on Jersey Avenue is more important because there is a safety issue.

Mr. McGill carried the case to January 11, 2012.

Motion by Judge, seconded by Reilly, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 10:40 P.M.

Respectfully submitted:


Board Secretary

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
REORGANIZATION MEETING
JANUARY 11, 2012**

The reorganization 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.

Attorney Thomas Hall is covering the meeting for Board Attorney George McGill.

Attorney Thomas Hall, filling in for George McGill administered the Oath of Office to the following returning and newly appointed Board Members:

Melissa Smith Goldstein	Class I - Mayor's Designee
Priscilla Reilly	Class III – 1 Year Term
Michael Burke Ph.D.	Class II – Borough Official – Environmental Term
Kathleen Scotto	Alternate #2 – 2 Year Term
Nicholas Sapnar	Class IV – 4 Year Term

The Board Secretary called the roll for attendance. Present were: Joe Rizzo, Larry Iannacone, Michael Burke, Ph.D., Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Matt Sagui, Meghan Frost, Kathleen Scotto, and Nick Sapnar.

The following resolutions were adopted:

Resolution #1-2012 - Chairperson

Motion by Sagui, seconded by Reilly, that Nick Sapnar be elected Chairman. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Resolution #2-2012 - Vice- Chairperson

Motion by Sapnar, seconded by Reilly, that Walter Judge be elected Vice-Chairman. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Resolution #3-2012 - Corresponding Secretary

Motion by Sapnar, seconded by Judge, that Dina Partusch be elected Corresponding Secretary. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Resolution #4-2012 Recording Secretary

Motion by Sapnar, seconded by Judge, that Dina Partusch be appointed Recording Secretary. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Resolution #5-2012 Board Attorney

Motion by Sapnar, seconded by Judge, that George D. McGill, Esq. be appointed Board Attorney. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Resolution #6-2012 Board Engineer

Motion by Sapnar, seconded by Judge, that Al Hilla, Jr. P.E. of Birdsall Engineering be appointed Board Engineer. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Resolution #7-2012 Meeting Dates for 2012

Motion by Sapnar, seconded by Judge, that the Board Meeting dates for 2012 shall be on the second Wednesday of each month starting at 7 P.M. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Resolution #8-2012 Board Office Hours

Motion by Sapnar, seconded by Judge, that the Board Office Hours are Monday through Friday, from 8 AM to 4 PM. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge, that the meeting adjourn. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Frost, Scotto, Sapnar, voted Aye. None No. Motion carried.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 1 - 2012**RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, there is the need for a Chairman to provide services to the Planning Board;

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that Nicholas Sapner is hereby appointed to the position of Chairman for the Spring Lake Planning Board from January 1, 2012 to December 31, 2012.

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.


DINA PARTUSCH

RESOLUTION NO. 2 - 2012RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, there is the need for a Vice-Chairman to provide services to the Planning Board;

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that Walter Judge is hereby appointed to the position of Vice-Chairman for the Spring Lake Planning Board from January 1, 2012 to December 31, 2012.

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.

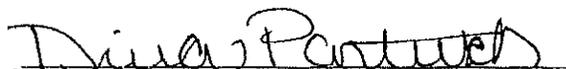

DINA PARTUSCH

RESOLUTION NO. 3 - 2012RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, there is the need for a corresponding secretary to provide services to the Planning Board;

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that Dina Partusch is hereby appointed to the position of Corresponding Secretary for the Spring Lake Planning Board from January 1, 2012 to December 31, 2012.

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.


DINA PARTUSCH

RESOLUTION NO. 4 - 2012RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, there is the need for professional secretarial services to the Spring Lake Planning Board which services are not required to be publically bid pursuant to N.J.S.A. 40:A:11-5;

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that Dina Partusch is hereby appointed to the position of Planning Board Secretary from January 1, 2012 to December 31, 2012 at the rate of compensation that shall be set and paid pursuant to the Borough Salary Ordinance.

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.


DINA PARTUSCH

RESOLUTION NO. 5 - 2012RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, there is the need for professional legal services to provide legal advice to the Planning Board, which services are not required to be publically bid pursuant to N.J.S.A. 40A:11-5, but shall be made in accordance with applicable law governing the appointment of Borough professionals;

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that George D. McGill, Esq., is hereby appointed to the position of Attorney for the Spring Lake Planning Board from January 1, 2012 to December 31, 2012, including the re-organizational meeting of January 9, 2013,

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.

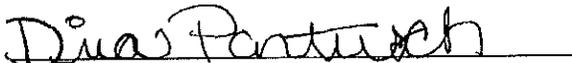

DINA PARTUSCH

RESOLUTION NO. 6 - 2012RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, there is the need for a Board Engineer to provide services to the Planning Board, which services are not required to be publically bid pursuant to N.J.S.A. 40A:11-5 but shall be made in accordance with applicable law governing the appointment of Borough professionals..

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that Alan Hilla, Jr., P.E., P.P., is hereby appointed to the position of Board Engineer, for the Spring Lake Planning Board from January 1, 2012 to December 31, 2012.

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.


DINA PARTUSCH

RESOLUTION NO. 7 - 2012

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

WHEREAS, there is a need to provide the date, time and place in which the Planning Board will meet.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that meetings in the year 2012 shall be held on the second Wednesday of every month; to wit January 11, 2012, February 8, 2012, March 14, 2012, April 11, 2012, May 9, 2012, June 13, 2012, July 11, 2012, August 8, 2012, September 12, 2012, October 10, 2012, November 14, 2012, December 12, 2012, and January 9, 2013, and said meetings are to be held at the Spring Lake Municipal Building, Fifth & Warren Avenues, Spring Lake, New Jersey at 7:00 pm.

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.


DINA PARTUSCH

RESOLUTION NO. 8 - 2012RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY

WHEREAS, there is the need to authorize the hours in which the Planning Board will conduct its business.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake that the Board hours for the conduct of business shall be Monday through Friday from 9:00 a.m. until 4:00 p.m. at the Municipal Building.

I, Dina Partusch, 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 re-organizational meeting held on January 11, 2012.


DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
JANUARY 11, 2012**

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 Nicholas 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.

Attorney Thomas Hall is covering the meeting for Board Attorney George McGill.

Chairman Sapnar announced that the Moran case has been adjourned to February 8, 2012 no new notice will be given.

The Board Secretary called the roll for attendance. Present were Joe Rizzo, Larry Iannacone, Michael Burke, Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Matt Sagui, Meghan Frost, Kathleen Scotto, and Nick Sapnar.

Chairman Sapnar asked for a motion to approve the minutes of the December meeting with one change on page two, third paragraph, second sentence the original impervious coverage was approved at 40.26%.

Motion by Sapnar, seconded by Judge, that the minutes of the December 14, 2011 meeting be adopted. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney Hall read the resolutions to be adopted.

Resolution #9-2012 MLZ SUBDIVISION (BIFURCATED) NO VARIANCES

Motion by Sapnar, seconded by Judge, that Resolution #9-2012 be adopted. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None No. Motion carried.

**CAL 7-2011 MLZ. CORPORATION
320 JERSEY AVENUE**

Board Member Michael Burke Ph.D., recused himself because he is in within 200 feet of 320 Jersey Avenue.

Chairman Sapnar stated that there was some testimony at the last meeting, there were members who were absent and they listened to the recording and are eligible to vote.

because all of the houses except lot 13, are all very close to Jersey Avenue. This would help the street scope. In addition his client added porches on the front of the houses, which was another thing the neighbors requested.

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence.

Mr. Rubino called Robert Burdick; Professional Engineer and Professional Planner was sworn in and accepted by Board as an expert. Mr. Rubino questioned him; he stated that he prepared both the subdivision plan and the variance plan. Mr. Burdick explained the revisions to the plan; the lot 11.01 jogs in and out and results in variances. Mr. Burdick explained that in analyzing the setbacks in the area they found that the houses are also close to the road. He added that the property is a corner lot and a conforming house on this lot could only be 19 feet wide which is not consistent with the other homes in the area. He then explained the variances for the both Jersey and Fourth Avenues. The property currently contains one existing single family home and a garage apartment which is a grandfathered variance for two single family residences on one lot, existing front yard setback variance to Jersey Avenue, and variances for side and rear yard setbacks to the garage apartment. There are also existing variances for the driveway, garage and sidewalk areas greater than the ordinance allows. These variances will be eliminated and the new plan only requests variances for the front yard setbacks. The corner lot presents a unique condition; both lots meet the area, width and depth requirements of the zone. The disadvantages of approving the relief are minimal. There were some concerns in regard to the sight triangle at the corner of Jersey Avenue and Fourth Avenue, instead of a twenty by twenty sight triangle that is required by ordinance; there will be a sixty foot by sixty foot sight triangle. The landscape bed that is currently there will be removed.

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

Mr. Burdick was questioned by the Board Members.

Mr. Judge asked what the width is of the porches. Mr. Burdick answered that on lot 11.01 is six feet from the house to the end of the porch. The width on 11.02 is five feet on the left side and eight feet on the right side. Mr. Judge stated that last month it was said that the Board was looking for porches that weren't foe porches, porches that can actually be sat on.

Chairman Sapnar brought up the fact that the garage on lot 11.01 has a 22.67 foot setback and there should be 25 feet. Mr. Burdick stated that is correct and they would need a variance for that as well.

Questions from the audience:

Wade Algeo asked where the driveways going to empty. Mr. Burdick answered that the driveway for 11.02 is going to be in the existing location that it is now and the one for 11.01 will be at the North West corner of the property.

Mr. Rubino called Michael Zimmerman, Developer and owner of MLZ Corporation was sworn in and questioned. Mr. Zimmerman stated that currently he has built approximately fifteen

homes in Spring Lake. He purchases properties that are in disrepair and improves them. Mr. Zimmerman explained that JCP&L may want him to place a power pole along the line because the span from one pole to the other is long. He would like to build both simultaneously and finish the project before the summer.

Chairman Sapnar questioned Mr. Zimmerman about the JCP&L pole. Mr. Zimmerman answered that he is not sure, but the poles are too far apart and the wires hang low. He met with a JCP&L engineer who stated that a pole may need to be added.

Mr. Rizzo stated that JCP&L will try to place poles on the streets which the Board does not particularly like to see. Mr. Zimmerman stated that he has to purchase the pole and if he pays for it he may be able to suggest where it should be placed and the engineer will be reviewing it.

Mr. Rubino questioned Mr. Zimmerman about how a few of the neighbors contacted him. Mr. Zimmerman stated that a few neighbors met with him and stated that they wanted the house moved closer to the front yard, add a porch, and request an additional variance. Mr. Zimmerman explained the reasons for the variances on each lot. The porch on lot 11.01 has a bigger porch than lot 11.02, but you can put chairs on each porch and sit outside on them. Mr. Zimmerman stated that lot 11.02 he is losing an elevator. He builds elevators in all of his houses because his clientele are generally sixty years of age and up and they want this capability now. He added that right now the houses are at the maximum building coverage and without significantly changing the design he is unable to provide a porch unless he requests a building coverage variance as well.

Mr. Iannacone asked what the setback is for the second floor on lot 11.02. Mr. Zimmerman answered that the second floor lines up with the porch columns. Mr. Iannacone stated that the actual house setback on the second floor will actually be seventeen feet.

Mr. Rubino called Paul Lawrence; Licensed Architect was sworn in and accepted by the Board. Mr. Lawrence was asked by Mr. Zimmerman to design the proposed house on lot 11.01. He stated that he was trying to gain as much character as possible while dealing with the restrictions of a corner lot. He added that the best way to obtain as much visual interest is to break up the planes of the house. The porch maybe smaller than other porches on the street, however it is not too small that people cannot sit on it comfortably.

Mr. Lawrence was questioned by the Board Members.

There were no questions from the audience.

Mr. Rubino called Jason Lusardi; Licensed Architect was sworn in and accepted by the Board. Mr. Rubino had exhibits marked into evidence. Mr. Lusardi stated everything stayed very similar except the dimensions of the porch. Mr. Lusardi explained that in the beginning he was asked to design a completely conforming house and then the neighbors came in requesting a porch. He had to add a porch and not lose too much space in the house. Mr. Lusardi stated that the porch is eight feet at the east side and towards the left of the house there is a bay that jets into the porch, the smallest area is four foot six. Mr. Lusardi added that the second floor is in fact at a

seventeen foot front yard setback, which did not change from the prior scheme. Mr. Lusardi added that there is a sitting balcony which is just an aesthetic thing.

Mr. Lusardi was questioned by the Board Members.

There were no questions from the audience.

Comments:

Michael Mattia, 313 Jersey Avenue was sworn in and stated he would have liked to see a deeper porch but he is happy with the designs and the houses will look nice. He thinks the streetscape will be solved with the porch.

Wade Algeo, 310 Jersey Avenue was sworn in and said that he feels there is a good compromise here, they made an effort to make the houses look similar and will fit in well.

Mr. Hall pointed out that Board Member Burke who is in the audience and should be given a fair chance to speak in his interest. He will not speak as a member of the Board and the Board may not give their comments any more weight than they would any other member of the audience.

Mr. Burke, 309 Jersey Avenue was sworn in and stated that the neighbors wanted a porch within the setback which is on the plan however the second story also moved out with the porch. He stated that there are no houses on Jersey Avenue have second stories over there porches and none have balconies. He thinks the Board should seriously consider moving the house back to at least twenty feet to the house.

Michael Rubino, Esq. Attorney for the applicant, made his closing remarks.

Motion by Judge, seconded by Rizzo, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Rizzo, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Garage Setback:

Motion by Sagui, seconded by Rizzo, that the variance for the 22.67 foot setback for the garage be approved on lot 11.01. On roll call Board Members Rizzo, Iannacone, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. Judge voted Nay.

Front yard setback off of Fourth Avenue:

Motion by Iannacone, seconded by Sagui, that the variance for the 15 foot front yard setback off of Fourth Avenue, Lot 11.01, with the design being the one on the plans, be approved. On roll call Board Members Rizzo, Iannacone, Judge, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. Motion carried.

Front yard setbacks off of Jersey Avenue:

Motion by Rizzo, seconded by Iannacone, that the variance for the 19 foot front yard setback and the 17 foot setback to the stairs, with no bulk of the house within the 25 foot setback, be approved. On roll call Board Members Rizzo, Iannacone, Judge, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. Motion carried.

Move House Back Three Feet:

Motion by Rizzo, seconded by Reilly, that the house be moved three feet back, which would make the first floor setback 25 feet, the second floor setback 20.3 feet, the porch setback 20.3 feet and the steps 18.3 feet, be approved. On roll call Board Members Rizzo, Iannacone, Reilly, Sagui, Frost, and Scotto voted Aye. Judge and Sapnar voted Nay.

Motion by Judge, seconded by Reilly, that the meeting adjourn. Time: 10:00 PM.

Respectfully submitted:


Board Secretary

**RESOLUTION NO. 9 - 2012
(Cal No. 7-2011, Bifurcated)**

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

WHEREAS, MLZ Corporation (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake for minor subdivision approval in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-37, regarding property located at 320 Jersey Avenue, Spring Lake, New Jersey, and known as Block 11, Lot 81 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of December 14, 2011, in the Municipal Building, and testimony having been presented on behalf of the applicants 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 the R-2 Zone. The property has 100 feet of frontage on Jersey Avenue, 150 feet frontage on Fourth Avenue and 150 feet of depth. The property contains 15,000 square feet in total area. The applicant is proposing to subdivide the property into two lots to be known as Proposed Lot 11.01 and Proposed Lot 11.02. Proposed Lot 11.01 is shown to be situated to the west of Proposed Lot 11.02 and occupies the corner position. Conversely, Proposed Lot 11.02 is shown to be situated to the east of Proposed Lot 11.01 and is an interior lot. The applicant is proposing to raze and remove all existing structures on the existing lot and lots as proposed. The application presented to the Board was bifurcated so that the subdivision application could move forward while the nature of the variance relief to be requested could be reviewed and evaluated by the applicant and interested parties. The applicant originally filed the application seeking variance relief from the front yard

setback requirements in reference to the frontage along Fourth Avenue, and such other relief as may be required, however, in considering the appropriateness of the subdivision only, no variance relief has been considered, none has been requested, and none shall be deemed granted by the approval of the subdivision herein. Given the interest displayed by the neighbors in the area, their late entry into the process, and the need for the applicant to proceed with the project, the Board agreed to proceed to hear the subdivision issue and to reserve consideration of the variance relief to a subsequent hearing. The applicant reserved its right to seek such relief.

2. The applicant has provided plans entitled "Minor Subdivision Plat, Jackson Minor Subdivision, 320 Jersey Avenue", prepared by R.C. Burdick P.E., P.P., P.C., dated October 28, 2011. The plans presented more specifically detail the applicant's proposal and were relied upon by the Board.

3. The Board finds that the subdivision approval may be granted subject to the conditions found herein. The applicant shall be required to demolish and remove all structures prior to perfecting the subdivision because the subdivision is granted on the presumption that the land shall be devoid of structures. The proposal otherwise appears to be in conformity with the bulk requirements of the Borough's zoning ordinances.

4. The application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan.

WHEREAS, The Board has determined that the approval requested by the applicant can be granted.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 11th day of January, 2012, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current as a condition of perfecting the subdivision.

2. That all legal fees, engineering fees, inspection fees, or performance bond

set by the Borough Engineer be paid by the applicant prior to the issuance of a building permit.

3. That a copy of this Resolution be given to any subsequent owner of this property.

4. That all structures on the property shall be demolished and removed as a condition of perfecting the subdivision.

5. That the applicant shall comply with the written and oral opinions of the Board Engineer.

6. That no permits, other than demolition permits, shall be issued prior to perfecting the subdivision.

7. The applicant shall construct new sidewalks at the property upon substantial completion of the construction of residential dwellings on each lot, or within a reasonable time of this approval which said time shall be determined at the discretion of the Borough.

8. The applicant shall construct such additional drywells as deemed necessary and directed by the Board Engineer.

CERTIFICATION

I, Dina Partusch, 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 January 11, 2012.



DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
FEBRUARY 8, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:10 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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.

Attorney George McGill administered the Oath of Office to the following returning and newly appointed Board Member Cindy Napp, Class IV Member, 4 Year term.

The Board Secretary called the roll for attendance. Present were Larry Iannacone, Cindy Napp, Priscilla Reilly, Matt Sagui, Meghan Frost, Kathleen Scotto, and Nick Sapnar.

Chairman Sapnar asked for a motion to approve the minutes of the Reorganization Meeting with two changes. The first change is that Cindy Napp was not sworn in at that meeting, her name should be removed and the second change is under Resolution #7-2012 change the starting time to 7:00 P.M.

Motion by Reilly, seconded by Sapnar, that the minutes of the January 12, 2012 Reorganization meeting be adopted. On roll call Board Members Iannacone, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. None No. Motion carried.

Motion by Reilly, seconded by Frost, that the minutes of the January 12, 2012 meeting be adopted. On roll call Board Members Iannacone, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolution to be adopted.

Resolution #10-2012 MLZ CORPORATION VARIANCES

Motion by Reilly, seconded by Sagui, that Resolution #10-2012 be adopted. On roll call Board Members Iannacone, Reilly, Sagui, Frost, and Scotto voted Aye. None No. Motion carried.

Walter Judge arrived at 7:20 P.M.

**CAL 6-2011 MORAN
106 PASSAIC AVENUE**

Board Member Councilwoman Reilly recused herself because this matter started as a D Variance for height and she cannot hear those matters. Meghan Frost recused herself because she has a conflict that she perceives with Christopher Rice; she used Mr. Rice as a professional in reference to her personal projects.

Mr. McGill explained that the height of this house is now out of the D Variance realm and is now a C Variance, ten feet or ten percent is allowed which would be 38.5 feet. The Moran's building height less than 38.5 feet. Mr. McGill added that there was an issue as to whether or not there was expansion of a non-conforming use because the building is over 38.5 feet and it is 42 feet. In his opinion that the building height which is non-conforming does not make the use of the structure non-conforming, it is a single family residential and a permitted use.

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence.

Mike Rubino, Esq. applicants' attorney introduced Mr. Moran; he was not able to attend the December 14, 2011 meeting but is here tonight to testify. Mr. Rubino explained that at the December meeting the proposal that was before the board was for a rear addition which was a little over 42 feet. The addition height was reduced to less than 38 feet.

Mr. Rubino called Christopher Rice; Professional Architect was sworn in and accepted by Board as an expert. Mr. Rubino questioned him; Mr. Rice stated that there were some concerns about drainage from the neighbor to the west, they are taking all of the new gutters and leaders and tying them into dry wells which will make the drainage on the property a little better. He added that the impervious coverage is being lowered from 42.6 to 42.5. The building height was the biggest issue.

Michael Burke, Ph.D. arrived at 7:25 P.M. Mr. McGill stated that he can hear Moran however will not be able to vote.

Mr. Rice continued explaining the building height, they took what was there and lowered it to the point where it would cover the addition and lowered it to 37.38 feet. He added that they were able to keep most of the character and style; the revised plans came out great. He stated that he would definitely submit an as-built to Matthew Zahorsky, Zoning Officer for review to ensure there will be any future issues. Chairman Sapnar stated that an as-built is supposed to be required. Mr. Rice agreed and added that it is a possibility that past zoning officers have not required them. Mr. Rice reviewed Al Hilla's letter and stated there are no issues.

There were no questions from the Board or audience.

There were no comments from the audience.

Motion by Judge, seconded by Napp, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Sapnar, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Sapnar, seconded by Judge, that the revised plans be approved. On roll call Board Members Iannacone, Napp, Judge, Sagui, Scotto, and Sapnar voted Aye. None No. Motion carried.

**CAL 9-2011 WELTE
314 PENNSYLVANIA AVENUE**

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence and explained that the applicant would like to add a small second story addition to the existing house, the house is currently one and a half story. The house as it presently sits very close to the property line and to add a conforming addition would be difficult. Mr. Rubino stated that the variances needed would be for the side yard setback for each side.

Helga Welte was sworn in and questioned by Mr. Rubino. Mrs. Welte and her husband currently live in New Providence, Mr. Welte is retired from work, they would like to add an addition and move down here permanently. Mrs. Welte and her husband purchased the house in 1981 as their family grew the house because too small for the entire family. She added that the bedrooms are small, there is no basement, no storage space, and there is a lot of wasted space. She would like to open up the second floor to have more living space.

There were no questions from the audience.

Mr. Rubino called Katherine Flores; Professional Architect was sworn in and accepted by Board as an expert. Mr. Rubino questioned her; she stated that the house is quite charming. Mrs. Welte did not want to do any big addition to keep the character of the house. The house has a second story which is really a half story that makes the second floor bedrooms small and there is only one common bathroom. She explained that on the first floor there are only minor changes; a few windows in filled and the stairs will be wider. On the second floor the master bedroom and three other bedrooms are going to be widened. Ms. Flores added that they tried to keep the building height low to still read as a one and a half story from the front and from the back it reads as a two story, there will be a storage room over the garage. She explained the elevation exhibits. The existing house is twenty two feet in height and only two and a half feet is being added. This house will be quiet small compared to the neighbor's houses.

Ms. Flores was questioned by the board.

Chairman Sapnar asked how close the house to the west is to the property line. Ms. Flores answered approximately six feet. Chairman Sapnar added that the house to the east is probably ten feet off the property line. Ms. Flores agreed ten feet or more.

Ms. Flores explained the design of the proposed addition. The existing barring walls are there and they are trying to use them for aesthetic reasons and for cost.

Mr. Burke suggested that the utility room be placed behind the house. Ms. Flores explained that it could not be put near the bedroom because there needs to be an egress window. Mr. Burke then suggested placing the garage in the back; he added that it would be a major structural change. Ms. Flores agreed.

Mr. Judge added that it is very close to the property line on both sides with the west side being closer to that building. He also suggested that the storage room could be a bedroom. Ms. Flores

explained that there are no egress windows. Mr. Judge added that there is no one here to testify however there has to be an impact on light and air on the west side.

Five minute recess.

Mr. Rubino stated that the Welte's may think about shrinking the addition, if there is a way to come up with those plans, they would like to come back to the next meeting with revised plans.

Chairman Sapnar stated that case will be adjourned to March 13, 2012, if revised plans can be submitted.

Motion by Judge, seconded by Napp, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:20 P.M.

Respectfully submitted:


Board Secretary

**RESOLUTION NO. 10 - 2012
(Cal 7-2011)**

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

WHEREAS, MLZ Corporation (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 two single family dwellings and a detached garage within the front yards at properties located at 320 and 316 Jersey Avenue, Spring Lake, New Jersey, and also known as Block 81, Lot 11.01 and Block 81, Lot 11.02 on the Spring Lake Tax Map, and

WHEREAS, public hearings were held at the regularly scheduled meetings of December 14, 2011 and January 11, 2012, in the Municipal Building, and testimony having been presented on behalf of the applicant, and objectors and interested parties 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 properties are located in an R-2 Zone.
2. The properties were the subject of a subdivision approval memorialized in the Board's Resolution No. 9-2012, dated January 11, 2012. The applicant originally applied to the Board seeking both subdivision approval and variance relief however the subdivision application was bifurcated from the request for variance relief so that the applicant could move forward with the project while providing an opportunity to review and evaluate the variance relief to be requested in light of the input provided to the applicant by interested parties. As a result of the hearing on the subdivision request, the Board granted approval to subdivide the existing lot then known as Lot 11 to create two conforming lots designated as Lots 11.01, a corner lot, and Lot 11.02, an interior lot located to the east of Lot 11.01. The subject of this resolution is the variance relief requested by the applicant regarding Lot 11.01 and Lot 11.02. Both lots are subject to

the conditions as found in Resolution 9-2012 and those conditions are continued and adopted as conditions of any approvals granted herein.

3. Lot 11.01 consists of a rectangular lot with 50 feet of frontage on Jersey Avenue and 150 feet of frontage on Fourth Avenue. Lot 11.02 consists of a rectangular lot with 50 feet of frontage on Jersey Avenue and 150 feet of depth. Both lots contain 7,500 square feet of total area. The applicant proposes to demolish all structures presently existing on the lots as is required under Resolution No. 9-2012.

4. The applicant proposes to construct a single-family residential dwelling and detached garage on lot both lots. The applicant has provided architectural plans prepared by the Grasso Design Group dated October 31, 2011 and revised December 16, 2011, in reference to Lot 11.01; and architectural plans prepared by JMI Architects, LLC, dated December 20, 2011, in reference to Lot 11.02. The applicant also provided the plans prepared by R.C. Burdick dated December 19, 2011, entitled "Improvement Plan" which more fully describes the proposed location of the dwellings and structures to be constructed on the above reference lots. The applicant seeks variance relief for Lot 11.01 to construct the dwelling at 19 feet from Jersey Avenue, 17 feet to the steps, where 25 feet is required; to construct the dwelling at 15 feet from Fourth Avenue where 25 feet is required; and to construct the detached garage at 22.67 feet from Fourth Avenue where detached garages are not permitted in the front yard. The applicant seeks variance relief for Lot 11.02 to construct the dwelling at 17.3 feet, 15.3 feet to the steps, where 25 feet is required. The Board notes that all relief for front yard variances along Jersey Avenue have been made by the applicant at the request of the interested parties referenced in Paragraph 2.

5. The Board finds that the variance relief may be granted as requested, in part, and as otherwise modified herein. In reference to Lot 11.01 the Board finds that it may grant the front yard variance request in reference to Fourth Avenue as proposed. The Board finds that the structure has been designed to be opened to the corner of Jersey and Fourth Avenues and thus will not present a detriment in that regard. The Board further finds that the setback distance proposed along Fourth Avenue largely comports with the setbacks of other properties in close proximity to the subject property existing along Fourth Avenue and situated on the subject property's side of the street. The Board heard testimony and accepts as generally accurate that the average

distance for the setbacks described above is 13 feet which presents a greater encroachment, on average, than that requested by the applicant. The Board finds that because of this condition in the community that it may grant the relief requested without substantial detriment to the public good or impairment to the zone plan. The Board finds that by granting the variance as requested the applicant may construct an aesthetically pleasing design which could not be obtained absent the grant of relief. The Board finds that the promotion of an aesthetically pleasing environment is a goal of zoning and the Borough's Master Plan and as such constitutes a benefit to the community. The Board further finds that this benefit outweighs any detriments that the granting of the variance may present. The Board finds that it may grant the relief in reference to the garage proposed. The Board finds that the front of the garage will be situated well behind the line of the house on the Fourth Avenue side of the property and as such will not present any detriments to any sight lines of any neighbor. The Board finds that the variance is small and will not be observable under casual observation. The Board finds that by granting the relief requested that it may provide for a better use of land which is a goal of zoning and constitutes a benefit that outweighs any detriments that the variance may present. The Board finds that it may grant the variance for front yard relief for reasons generally stated above. The Board finds that the neighbors appeared as interested parties to request that the houses be moved forward into the front yard along Jersey Avenue. The Board heard the neighbors testify and finds as true that the properties along Jersey Avenue are largely moved forward into the front yard. The Board finds that by granting the relief to permit the encroachment into the front yard, the Board may gain a conformity and continuity along the subject property's side of the street. The Board finds that this is a benefit that outweighs any negative impact that the granting of the relief may present. In reference to Lot 11.02, the Board finds that it may grant modified relief to the applicant. The Board finds that it may grant some relief to the applicant for the reasons espoused above in reference to Lot 11.01, however the Board finds that extent of the relief requested would permit the proposed second floor porch to be too close to the sidewalk and street. To alleviate the imposition of the second floor porch to an acceptable degree, the Board grants modified relief to the applicant in reference to the front yard setback of Lot 11.02. The Board, for the reasons stated above, shall and does require that the applicant move the proposed

structure toward the rear of the property three feet, and grants to the applicant front yard relief for the structure to be located 20.3 feet to the porch and 18.3 feet to the steps.

6. The Board finds that the application as proposed is in keeping with sound planning and zoning and does not present substantial detriment to the public good nor does it substantially impair the intent and purpose of the zoning plan. The application will result in a better use of the property and will promote the aesthetics in the community. The variance relief may be granted because the benefits to be gained by the community substantially outweigh any detriments.

WHEREAS, The Board has determined that the relief requested by the Applicants can 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 the benefits of this application do substantially outweigh the detriments associated therewith.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 8th day of February , 2012, that the application be and is hereby granted subject to the following conditions;

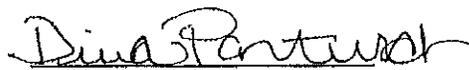
1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of any permits.
2. That all legal fees, engineering fees, inspection fees and bonds as may set by the Engineer, be paid by the applicant prior to the issuance of building permit.
3. That a copy of this resolution be given to any subsequent owner of these properties.
4. That the applicant shall substantially conform to the plans reviewed by the Board as referenced herein.
5. That no porch shown in the plans presented herein shall be enclosed, heated or used for living space.
6. That all utilities shall be under ground and that any power service to the structures shall run as near as possible to the shared lot line between Lots 11.01 and 11.02.
7. That the applicant shall, to the greatest degree possible, cause any new utility pole to be positioned in the northeast corner of Lot 11.01

8. That all conditions of approval as found in Resolution 9-2012 shall be a condition of this approval.

9. That the applicant shall comply with the oral and written opinions of the Board Engineer except as modified herein, and that new plans shall be provided to the Board Engineer to perform a compliance review.

CERTIFICATION

I, Dina Partusch, 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 February 8, 2012.


DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
MARCH 14, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:00 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Joseph Rizzo, Larry Iannacone, Michael Burke, Ph.D., Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Matt Sagui, Meghan Frost, Kathleen Scotto, and Nick Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the February 8, 2012 meeting.

Motion by Burke, seconded by Reilly, that the minutes of the February 8, 2012 meeting be adopted. On roll call Board Members Iannacone, Judge, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolution to be adopted.

Resolution #11-2012 MORAN

Motion by Iannacone, seconded by Sapnar, that Resolution #11-2012 be adopted. On roll call Board Members Iannacone, Judge, Sagui, Frost, Scotto, Sapnar voted Aye. None No. Motion carried.

**CAL 9-2011 WELTE
314 PENNSLYVANIA AVENUE**

Mr. McGill questioned which board member is Alternate #1 and Alternate #2. Chairman Sapnar answered Mrs. Frost is Alternate #1 and Mrs. Scotto is Alternate #2. Mr. McGill explained that Board Members Rizzo and Goldstein were absent for the last meeting, are present tonight and have listened to a recording of the previous meeting on February 8, 2012, signed certifications to that effect and can participate in tonight's discussion and will vote. He stated that there are ten members that will be hearing this application however only nine can participate; Alternate #2 can participate but will not vote.

Michael Rubino, Esq. the applicant's attorney informed the Board that the plans have been revised per the Board's suggestions at the last hearing. Last month the Board did not look favorably on the immensity of the addition to the west side of the property, as a result of that the attic was redesigned to greatly lessen the intensity of that area over the existing garage. The house to the east was not finished when the first pictures were taken, now it is done and is a larger house; the driveway on that house will be on the west side of the house. There will be

ample distance between the proposed addition on the east side and where the new house has been placed.

Mike Rubino, Esq. applicants' attorney had the new exhibits marked into evidence. Mr. Rubino called Katherine Flores; Professional Architect, who is still under oath, explained the redesign of the front windows. The two dormer windows are now a flush wall. Since there is currently no storage, the proposed storage area will be in the attic which will increase the height of the house from 24 feet to approximately 29 feet. Chairman Sapnar asked about the railings above the garage. Ms. Flores answered that there currently is a deck with a door to get on to the balcony. They are proposing to reduce the size of the balcony by. Ms. Flores explained the rest of the exhibits.

Ms. Flores was questioned by the board.

Mr. Burke asked about the mansard roof and how it looks like it is further out. Ms. Flores answered that it is really a roof overhang. Mr. Burke stated that he believes that a roof overhang is allowed according to the Borough Ordinance.

Mr. Rizzo asked what the height is of the surrounding buildings. Ms. Flores answered that the building to the east is approximately 35 feet and the building to the west looks fairly similar. Mr. Rizzo added that currently the house looks out of scale with the newer buildings.

Questions from the audience:

Sarah McHugh, 316 Pennsylvania Avenue, stated that she and her husband live on the west side of the house and are thrilled that the Welte's are redoing the house, although it is very close to their property. She stated that in the rendering there is not a fence, there is a fence on the property line now. She asked how much the overhang is coming closer to their house. Ms. Flores answered that the overhang is approximately ten more inches over the existing wall.

Mr. Judge asked if the dimension was on the elevation drawing. Ms. Flores answered that if she scaled it would be approximately a foot. Mr. Judge stated that it will be one foot closer to the foundation and approximately 1.8 feet from the property line to the house on the west.

Mrs. McHugh added that there are pavers on their property line which are the Welte's; she would like the Board to take into consideration, taking the patio pavers off their property.

Mr. McGill explained that is not a matter for the Board however the applicant is stipulating that they will remove the pavers. The Board can never approve pavers on someone else's property; it would have no effect whatsoever. The Board can only deal with the lot that pertains to the application.

Mr. Rubino explained that they agreed to move the pavers to two feet off of the property line; the question is whether or not the Board will allow them to keep the 24' driveway opening or have the Welte's make a new opening.

Mr. Judge stated that if the Board is in favor of this application, they would want to see the elimination of non-conformities to the extent that the applicant is willing to offer. Chairman Sapnar agreed.

Chairman Sapnar stated that there is now a half story with no plan, he would assume that the plans which would be submitted for permitting will not exceed what is allowed. Mr. McGill stated that the applicant would probably submit them to Mr. Hilla to take a look, they are not asking for a height variance and if they did not comply they will have to come back to the Board.

Mr. McGill clarified all of the variances needed for this application.

Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Rizzo, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Sapnar, seconded by Burge, that the revised plans be approved. On roll call Board Members Rizzo, Iannacone, Burke, Judge, Reilly Goldstein, Sagui, Frost, and Sapnar voted Aye. None No. Motion carried.

The Board then discussed the proposed Ordinance No. 2012-005 to Amend and Supplement Chapter 225, Land Development of the Borough Code. The Board Members discussed 'areaways', Mrs. Reilly explained that the decorative landscaping walls, the Board had originally suggested an 8" wall above grade in the front yard. Mrs. Reilly also explained that based on a previous suggestion by Mr. Hilla the building height should be measured from the crown of the road. Mr. McGill explained that it would be measured at the crown of the road at the middle of the lot.

Motion by Reilly, seconded by Rizzo, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 7:35 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 11 - 2012
(Cal 6-2011)

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

WHEREAS, Michael and Barbara Moran (hereinafter referred to as the "applicants") have 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 2 ½ story addition to the rear of the single-family dwelling at property located at 106 Passaic Avenue, Spring Lake, New Jersey, and also known as Block 67, Lot 16.01 and 17 on the Spring Lake Tax Map, and

WHEREAS, public hearings were held at the regularly scheduled meetings of December 14, 2011 and February 8, 2012, in the Municipal Building, and testimony having been presented on behalf of the applicant, and objectors and interested parties 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 in question is located in the R-1 Zone.
2. The property is rectangular in shape, has 75 feet of frontage on Passaic Avenue, 150 feet of depth and totals 11, 250 square feet in area. The property contains a single-family residential dwelling, a detached garage with driveway access to Passaic Avenue and a swimming pool. The property is nonconforming in reference to yard area, yard width and frontage, front yard setback and accessory structure setbacks.
3. The property is the subject of a resolution of the Board memorialized June 14, 2006, signed by then-Board Secretary Margaret Costanzo, enumerated as Resolution No. 16-2006. A review of that resolution will demonstrate that the Board, at that time, permitted the same applicants to construct a pool on the property that

required relief from the impervious surface coverage requirements. At that time, the Board, after hearing from the objecting neighbor and after gaining the stipulation of the applicants to decrease the size of the pool, granted relief to permit impervious coverage at no more than 40.26%. The Board notes that the plans presented in the subject application state that the current impervious coverage is 42.6% and that the original plans stated that the impervious coverage was at 44.1%. The Board heard that nobody knows how that happened. The Board finds the explanation a bit lacking however accepts that the mistake was an honest one. The Board conditions any approvals herein on the submission of an as-built plan to the Board Engineer for his review and approval.

4. The applicants are seeking a height variance to build a 2 1/2 story addition to the rear of the property. The applicants are proposing to construct the addition at 37.38 feet where 35 feet is allowed. The applicants therefore request that the Board deviate from the standards dictated by the Borough ordinances by a total of 2.38 feet. Because the increase in the height requested is less a than a 10-foot deviation from the height permitted by ordinance, and is also a deviation of less than 10%, the height variance request was reviewed pursuant to the criteria established under N.J.S.A. 40:55D-70 (c). Concomitantly, the applicants are seeking a variance to increase impervious coverage from 40.26% to 42.5%. This variance also was reviewed pursuant to the criteria established under N.J.S.A. 40:55D-70 (c). The applicants presented plans prepared by Christopher Rice, Architect, dated January 5, 2012, which depicts the proposed addition in detail. The Board notes that the applicants previously and originally provided plans prepared by Mr. Rice dated June 10, 2011. The Board further notes that the June plans requested a variance to construct the addition to a height of 42.38 feet and to permit 44.1% of impervious coverage. The June plans were withdrawn by the applicants and no approvals as may be found herein were granted in reference to the June plans.

5. The Board finds that the variance relief may be granted as requested by the applicants in their amended plans. The Board finds that by granting the relief requested it may upgrade and modernize the dwelling structure. The Board finds that

the modernization of the dwelling will serve to preserve the dwelling structure. The Board finds that the preservation of the heritage of the town through the preservation of dwellings of meritorious architectural design is a goal of the Borough's Master Plan and a benefit to the zone plan accordingly. The Board finds that the subject dwelling is such a dwelling of meritorious design. The Board finds that the applicants have presented a plan, in its amended form, that both maintains the architectural integrity of the dwelling while minimizing to the greatest degree possible the height required to maintain such integrity. The Board finds that the structure is an old structure and was undoubtedly constructed prior to the enactment of the present zone requirements. The Board finds that the structure has a present height of 42.38 feet and that the present height is a condition of the structure that presents practical difficulties when attempting to design renovations that will modernize the property while maintaining architectural integrity. As such, the Board finds that the existing height of the dwelling presents a hardship to the further development of the property under these unique circumstances. The Board finds that the bulk of the construction will be to the rear of the property and will not be an imposition on the air light and open space of the neighbors. The Board finds that to the extent that the increase in impervious surfaces is a result of the endeavors described above, the Board finds that the impervious coverage variance may be granted as well. The Board notes that the applicants have stipulated to comply with all recommendations of the Board Engineer as may be required to ameliorate any drainage issues that may arise. The Board finds therefore that that the increase in impervious surfaces will not be a substantial detriment to the public good nor substantial impairment of the zone plan. To the degree that any detriment is found to exist or has been shown to exist, the Board finds that the positive aspects of granting the variance outweigh any such negative aspects and that the variance relief may be granted accordingly.

6. The Board finds that the application as proposed is in keeping with sound planning and zoning and does not present substantial detriment to the public good nor does it substantially impair the intent and purpose of the zoning plan. The application will result in a better use of the property and will promote the aesthetics in the

community. The variance relief may be granted because the benefits to be gained by the community substantially outweigh any detriments and that a hardship exists.

WHEREAS, The Board has determined that the relief requested by the applicants can 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 the benefits of this application do substantially outweigh the detriments associated therewith.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 14th day of March, 2012, that the application be and is hereby granted subject to the following conditions;

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of any permits.
2. That all legal fees, engineering fees, inspection fees and bonds as may set by the Engineer, be paid by the applicant prior to the issuance of building permit.
3. That a copy of this resolution be given to any subsequent owner of these properties.
4. That the applicant shall substantially conform to the plans reviewed by the Board as referenced herein.
5. That any new utilities shall be placed underground.
6. That the applicants shall comply with all recommendations of the Board Engineer to ensure a proper drainage of the property.
7. That the applicant shall comply with the oral and written opinions of the Board Engineer except as modified herein, and that new plans, as may be necessary, shall be provided to the Board Engineer to perform a compliance review.
8. That the applicants submit an as-built plan to the Board Engineer for the purpose of ensuring compliance with the relief granted herein.

CERTIFICATION

I, Dina Partusch, 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 March 14, 2012.


DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
APRIL 11, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:00 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Vice Chairman Walter Judge 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 role for attendance. Present were Larry Iannaccone, Michael Burke, Ph.D., Cindy Napp, Walter Judge, Priscilla Reilly, Melissa Smith Goldstein and Matt Sagui.

Vice Chairman Judge called for a motion to approve the minutes of the March 14, 2012 meeting.

Motion by Burke, seconded by Reilly, that the minutes of the March 14, 2012 meeting be adopted. On roll call Board Members Iannaccone, Burke, Judge, Reilly, Smith Goldstein and Sagui voted Aye. None No. Motion carried.

Board Attorney McGill read the resolution to be adopted.

Resolution #12-2012 WELTE

Motion by Sagui, seconded by Reilly, that Resolution #12-2012 be adopted. On roll call Board Members Iannaccone, Burke, Judge, Reilly, Smith Goldstein, and Sagui voted Aye. None No. Motion carried.

**CAL# 8-2011 KELLY
1111 OCEAN AVENUE
BLOCK 66, LOT 4**

Jeffrey Gale, Esq. the applicant's attorney pointed out that the original application was filed by a different firm and asked the Board to note that amendment and substitute his name for that of Christopher Stevens, Esq.

Brian Kelly, home owner, was sworn in and questioned by Mr. Gale. Mr. Kelly purchased the home in 2005; in 2010 he had some major renovations done. Apart of the renovations was a gate on the Morris Avenue side as well as widening of the driveway. Mr. Kelly lives directly across from the Bath & Tennis Club in the summer there is a lot of traffic, he wanted to put a gate in to protect his four children. Mr. Kelly widened his driveway enough to fit three cars; however he only has a two garage. He wanted a wider driveway so that he can turn his vehicles around and pull out facing the street without having to back up. Mr. Kelly relied upon the contractor to do the project properly of obtaining the proper permits, Seasonal World Pools. He believed that the requirements were fulfilled; after the project was completed he received a violation notice and

then contacted the contractor and legal assistance. After receiving the violation notice he filed an application with the Planning Board.

Mr. Kelly was questioned by the Board Members.

Mr. Burke stated that there is another gate located on the property to the south, which is not in the application. Mr. Burke asked if that fence was there when Mr. Kelly purchased the property. Mr. Kelly said that the Morris Avenue walkway gate is a new gate but he believes that it replaced an older gate. Mr. Burke stated that the gate he is talking about is not on the plan and does not open on to the side walk; the gate is on Ocean Avenue but faces the property to the south. Mr. Kelly that there is an interior gate on the southeast corner that is used to gaining access to Ocean Avenue. Mr. Gale asked that the application be amended to include that gate. Mr. Kelly stated that this gate is based on convenience because he is on the corner; access to the beach is several blocks away.

Mr. Gale called Anthony Schivone; employed by Seasonal World Pools and entered into a contract between Mr. Kelly and Seasonal World Pools was sworn in and accepted by Board. Mr. Gale questioned him; Mr. Schivone stated that the nature of the project started as an in-ground pool installation and an automatic cover. Patio pavers were added around the pool for functional use. An electric sliding gate was installed along Morris Avenue with columns and the driveway was increased for recreational and safety purposes. Seasonal World Pools was responsible for obtaining all necessary permitting for this job. Mr. Schivone explained that he obtained the necessary permits and as the scope of work changed he spoke with Borough Officials to discuss the nature of the project. Mr. Schivone explained that the lights on top of the columns required an electrical permit and the power to the electrical gate. The columns are for support of the steel mounted brackets and the gate could not exist without the columns. He stated that the three dimensional rendering was taken to the Zoning Officer to make sure that they were not overstepping any ordinances and the only inspection required on these that they were advised of was an electrical permit. Mr. Schivone has worked within Spring Lake before on projects such as pools, pavers, and gates and columns around a pool. Mr. Schivone added that Mr. Kelly has in no way participated in the permitting process.

Mr. Schivone was questioned by the Board Members.

Mr. Judge asked if Mr. Schivone met with the Zoning Official, showed him plans, and he said that Seasonal World did not need permits for this part of the project. Mr. Schivone explained that the permit personnel from Seasonal World went to the Borough and met with the Zoning Official and showed him a three dimensional software program that prints out screen shots which were not engineered approved drawings.

Mr. Burke asked if Mr. Schivone has a building permit that is approved. Mr. Schivone answered for the gate on Morris Avenue there is approval for the electrical portion of the project. Mr. Schivone added that they may have made a mistake by not properly filing for the project. Mr. Burke asked what the reason was for the gate. Mr. Schivone explained that Mr. Kelly's primary concern was the safety of his children. Mr. Burke asked if Seasonal World applied for construction permits for any of the structures in the front yard; the driveway, gate or fence. Mr.

Schivone answered no. Mr. Burke asked if Seasonal World installed the gate in south east corner. Mr. Schivone answered yes they did install that gate and he believes there was a preexisting gate, possibly not in the exact location.

Mrs. Reilly asked if Seasonal World has done any fence or driveway areas with any kind of columns in Spring Lake. Mr. Schivone answered on driveways no, not to his recollection.

Mr. McGill asked what transpired with the Zoning Officer. Mr. Schivone explained that from what our logs read, our permitting department set up a meeting with the Zoning Officer. Mr. McGill asked what the purpose of meeting with Mr. Zahorsky, Borough Zoning Officer was. Mr. Schivone explained that he wanted to get an interpretation of what permits would be required. Mr. McGill asked if Seasonal World asked Mr. Zahorsky particularly about the gate and the pillar construction. Mr. Schivone answered yes that they showed him exactly what they were going to build which is there now. Mr. Schivone added that from what Seasonal World understood the only thing that needed to be filed for, as long as the gate did not exceed four feet in height, was the electrical portion of the project. Mr. McGill added that no gates or fencing are permitted in the front yard area by our Borough Code.

Mr. Iannacone asked if Seasonal World showed Mr. Zahorsky a plot plan of where the pillars and the gate were located. Mr. Schivone answered no.

Mr. McGill asked what exactly was approved and inspected by the Borough. Mr. Schivone answered that the swimming pool and the proper inspections for that and the perimeter fence around the pool.

Mr. Burke asked if an as-built drawing was submitted after the project was finished. Mr. Schivone answered that an as-built was prepared but he is unsure when that would have been submitted.

There were no questions from the audience.

Mr. Gale called Chester DiLorenzo; Professional Engineering and Planner was sworn in and accepted by the Board as an expert. Mr. Gale questioned him; Mr. DiLorenzo prepared the final as-built plans for this property. Mr. DiLorenzo submitted the as built plans to Seasonal World on October 31, 2011 and he believes that they were submitted to the Borough. In Mr. DiLorenzo's opinion there are two variances necessary, the stone columns are a part of the gate which should be one variance. Mr. DiLorenzo explained that the gate does not swing open it slides closed which would not be hazardous to other people. Mr. Gale stated that it is always wise to ingress and egress a property facing forward instead of backing out onto a busy roadway.

Mr. DiLorenzo was questioned by the Board Members.

Mr. Burke asked if the pillars are outside of the gate, the photos clearly reflect that and the rendering shows the opposite. Mr. DiLorenzo stated that the pillars are on the property.

Mr. McGill marked the photograph exhibits into evidence.

Mr. Iannacone asked if any of the other houses along Morris Avenue have any gates on the driveways. Mr. DiLorenzo answered that there are no gates that go across the driveway, but there are columns on other properties, also wrought iron fencing along another property. The Board Members added that fence has been there a long time.

Mr. Burke asked how the as-built could have been submitted to the Borough since the Code Official letter is from April 2011 and the as built was prepared October 2011. Mr. DiLorenzo stated that he gave the as-built to Seasonal World to submit.

There were no questions or comments from the audience.

Mr. McGill stated that the application contained two requests for zoning interpretations; the first one was in reference to light pillars, whether the pillars with lights on top actually were structures or did they fall under our exception to front yard structures as incidental items. The pillars are a part of the gates; they are not an incidental item. Mr. Gale stated that they abandoned that part of the application. Mr. McGill stated that the second interpretation was for the driveway, there is an ordinance that prohibits parking in the front yard. Mr. Gale stated that the ordinance prohibits parking and the testimony was that the applicant is not going to park the vehicle but will be using it for the purposes of making a k-turn.

Motion by Reilly, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Reilly, seconded by Burke, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Burke, that the applicants proposed driveway area includes an area that can be used as a front yard parking area, therefore comes under the prohibition against front yard parking Ordinance No. 225-34f, therefore a variance would be required as determined by the Zoning Official. On roll call all Board Members voted Aye. Motion carried.

Motion by Reilly, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Iannacone, seconded by Sagui, that the driveway surface configuration be approved. On roll call Board Members Iannacone, Burke, Napp, Reilly, Goldstein, and Sagui voted Aye. Judge voted No. Motion carried.

Motion by Judge, seconded by Sagui, that the pillars be approved. On roll call Board Members Iannacone, Napp, Judge, Reilly, Goldstein, and Sagui vote Aye. Burke voted No. Motion carried.

Motion by Iannaccone, seconded by Burke, that the gate at the end of the driveway be denied. On roll call Board Members Iannaccone, Burke, Judge, Reilly, Goldstein and Sagui voted Aye. Napp voted No. Motion carried.

Motion by Reilly, seconded by Napp, that the man gate on Morris Avenue be denied. On roll call Board Members Iannaccone, Burke, Napp, Reilly, Goldstein, and Sagui voted Aye. Judge voted No. Motion carried.

Motion by Sagui, seconded by Judge, that the man gate on south east property line along Ocean Avenue be approved. On roll call Board Members Iannaccone, Napp, Judge, Goldstein, and Sagui voted Aye. Burke and Reilly voted No. Motion carried.

**CAL #2-2012 SWIATEK
300 MONMOUTH AVENUE
BLOCK 39, LOT 20**

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence.

Mike Rubino, Esq. attorney for the applicants gave an opening statement; the Swiatek's purchased the house and it is currently five feet off of the property line. Mr. Rubino stated the Swiatek's would like to take down the existing house and put up a new house. They would like the house to be a little wider than is allowed.

Jason Swiatek was sworn in and questioned by Mr. Rubino. Mr. Swiatek contracted to purchase the property in September 2011. He spoke with an architect and a builder about renovating the home, the feedback was consistent that it would be very difficult to do. Mr. Swiatek is asking the Board to allow him to build a house closer to Third Avenue than the ordinance allows. Since it is a corner lot, there are twenty five foot setbacks and he would like to have a wraparound porch which would be more attractive to the area. Mr. Swiatek added that he would like to keep the garage, even though it is in an existing non-conforming location, it has unique sliding doors and windows and is located in a good area. Mr. Swiatek added that he would change the garage and driveway apron if needed.

There were no questions from the audience.

Mr. Rubino called Jason Lusardi; Professional Architect was sworn in and accepted by Board as an expert. Mr. Rubino questioned him; Mr. Lusardi stated that the condition of the existing house is quite old and has a brick foundation which is not structurally sound. It is a three story home which violates both front yard setbacks and is not worth keeping. He explained that the house which is being proposed complies with the Monmouth Avenue setback and on the Third Avenue side they are asking for eight feet of relief. He added that they could build a conforming house; however it would be a long house and would have a lot of façade on Third Avenue. Mr. Lusardi described his model, which was marked into evidence. Mr. Lusardi explained that there would not be a negative impact if this variance relief was approved.

Mr. Judge asked what the elevation to the west would be. Mr. Lusardi answered that it can be colored up to be quite attractive and sometimes the house will look better in the back then the front. He added that there will be some trim horizontally along the house to break up the height of it and there is also a bay window in the study.

Mr. Lusardi explained the floor plan renderings.

Mr. Lusardi explained that there is a high water table at this property, the first floor would be just under four feet above the proposed grade and they would like to raise the grade a foot. The current grade sinks down towards the house; they are allowed an eighteen inch grade adjustment, this will help to obtain a full basement. He added that water management is under control.

Mr. Burke asked if the new house will be farther back then all of the other houses on Monmouth Avenue. Mr. Lusardi answered yes it will.

There were no questions from the audience.

Comments:

Dr. Vincent Zales, 501 Third Avenue stated that he has had the opportunity to see this gentlemen's work and the home was beautiful.

Steve Rosa, 304 Monmouth stated that his parents live west of the property and they are also happy with the home.

Motion by Burke, seconded by Reilly, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Judge, seconded by Iannaccone, to approve the variance for the front yard setback on Third Avenue. On roll call Board Members Iannaccone, Burke, Napp, Judge, Reilly, Goldstein, and Sagui voted Aye. None voted No. Motion carried.

Motion by Judge, seconded by Burke, to approve the garage and the rear yard setback. On roll call Board Members Iannaccone, Burke, Napp, Judge, Reilly, and Goldstein voted Aye. Sagui voted No. Motion approved.

**CAL #3-2012 MLZ CORPORATION
401 MONMOUTH AVENUE
BLOCK 36, LOTS 1 & 2**

Mike Rubino, Esq. attorney for the applicants gave an opening statement; this is an application for a minor subdivision. The property is on the corner of Fourth Avenue and Monmouth Avenue. The applicant has an application that proposes a minor subdivision that would take

down the existing structure and subdivide the property to make two lots. Each lot would be 7,500 square feet. This is a corner lot; the applicant realizes that if he wants to build a house wider than nineteen feet, he would have to back to obtain a variance.

Mr. Rubino called Robert Burdick; Professional Engineer and Planner was sworn in and accepted by Board as an expert. Mr. Rubino questioned him; Mr. Burdick stated that this is a request for a minor subdivision, the property is in the R-2 zone and the subdivision complies with the requirements of the zone. The property currently has a single family home and garage.

There were no questions from the audience.

Comments:

Michael Grzelak, 409 Monmouth Avenue stated that he finds the intrusions of developers coming and carving up corner lots and holding the Board at bay with the threat of a nineteen foot house or a variance would be needed which he feels goes against the Master Plan of 2010.

Motion by Burke, seconded by Napp, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Judge, seconded by Burke, that the conforming subdivision be approved. On roll call Board Members Iannaccone, Burke, Napp, Judge, Reilly, Goldstein, and Sagui voted Aye. Motion carried.

Motion by Reilly, seconded by Burke, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 9:50 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 12 - 2012
(Cal 9 - 2011)

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

WHEREAS, Alfred Welte (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 renovate and remodel an existing dwelling with relief from the side yard setback and aggregate side yard requirements at property located at 314 Pennsylvania Avenue, Spring Lake, New Jersey, and known as Block 22, Lot 13 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of March 14, 2012, 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.
2. The property consists of an rectangular-shaped lot that has 7,500 square feet of area, 50 feet of frontage on Pennsylvania Avenue and 150 feet of depth. Presently the property contains a 1 ½ -story frame dwelling, and a driveway to an attached garage with access to Pennsylvania Avenue.
3. The applicant proposes to construct a partial second floor addition to the existing structure to accommodate four bedrooms and an adjoining balcony. The proposal is more fully described in the plans presented by the applicant prepared by La Luna Design Group dated September 27, 2011, and last revised February 21, 2012,

signed by Catherine M. Flores, A.I.A.

4. The proposed addition would vertically exacerbate pre-existing side yard setback encroachments on both sides of the dwelling and would exacerbate the property's aggregate side yard deficiency accordingly. The applicant is seeking the following variance relief:

A. Side yard setback relief for the left (west) side of the property where 6 feet is required and 3.55 feet exists and is proposed.

B. Side yard setback relief for the right (east) side of the property where 6 feet is required and 2.8 feet exists and is proposed.

C. Aggregate side yard setback where 16 feet is required and 6.35 exists and is proposed.

5. The Board finds that the relief requested may be granted. The Board finds that the principal dwelling structure on the property presently encroaches into the side yard setbacks areas as such side yards are presently required by the Borough's Ordinances. The Board finds that this placement and location of the present structure on the property presents the applicant with peculiar and exceptional practical difficulties in the further development of the property and as such effects an undue hardship on the applicant. The Board finds that the proposal will be an aesthetic benefit to the community. The Board finds that the properties on either side of the subject property have been developed with large dwelling structures which make the existing dwelling appear incongruous with the neighborhood. The Board finds that by increasing the height of the subject dwelling that the property as a whole will come into greater conformity with the neighboring structures. The Board finds that the encroachments presently exist at the property and therefore the continuation of the encroachments will not represent a substantial impairment of the zone plan. The Board finds that the applicant has amended his plans to decrease the bulk of the proposed structure on the westerly side and thus minimized the impact on the air light and open space in reference to that neighbor. The Board finds that there is sufficient open area to the east, particularly when the easterly neighbor's property layout is considered, and that no detriment to the air, light, and open space of said neighbor will occur accordingly. The Board finds that the aesthetic and conformity benefits that may be achieved by granting the variance outweigh any of the detriments that may accrue by granting the

variances in question. The Board notes that each side yard is further encroached by the respective overhangs, as shown on the plans, in reference to either side of the new construction and includes such features in its consideration and approval of the plans presented.

6. The application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The variance relief may be granted because the aesthetic benefits and other benefits to be gained by the community substantially outweigh any detriments and the new structure will advance the purpose of Zoning.

WHEREAS, The Board has determined that the relief requested by the Applicant can 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 the benefits of this application do substantially outweigh the detriments and that certain hardships exist.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 11th day of April, 2012, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicant prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this property.
5. The applicant shall remove all pavers and fences that presently encroach upon the property of the adjoining neighbors as stipulated by the applicant at the hearing.
6. The applicant shall remove a sufficient amount of driveway surface from the driveway so as to comply with the Borough's ordinance controlling the distance permitted between a driveway and a property line.

7. The applicant shall reduce its driveway opening to a total of no more than 12 feet.
8. The applicant shall provide plans to the Board Engineer to confirm that the upper floor of the proposed dwelling complies with the Borough's ordinance controlling half-stories.
9. That plans be submitted for review and approval by the Board Engineer in conformity with this resolution.

CERTIFICATION

I, Dina Partusch, 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 April 11, 2012.



DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
MAY 9, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:00 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Joseph Rizzo, Michael Burke, Ph.D., Walter Judge, Melissa Smith Goldstein, Matt Sagui and Chairman Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the April 11, 2012 meeting.

Chairman Sapnar mentioned a few corrections to be changed in the minutes.

Mr. McGill also mentioned a correction to be changed in the minutes.

Motion by Judge, seconded by Burke, that the minutes of the April 11, 2012 meeting be adopted. On roll call Board Members Burke, Judge, Goldstein and Sagui voted Aye. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

Resolution #13-2012 KELLY

Motion by Judge, seconded by Burke, that Resolution #13-2012 paragraph five be adopted. On roll call Board Members Burke, Judge, Goldstein, and Sagui voted Aye. None No. Motion carried.

Motion by Sagui, seconded by Burke, that Resolution #13-2012 paragraph six be adopted. On roll call Board Members Burke, Goldstein, and Sagui voted Aye. None No. Motion carried.

Motion by Judge, seconded by Burke, that Resolution #13-2012 paragraph seven be adopted. On roll call Board Members Burke, Judge, Goldstein, and Sagui voted Aye. None No. Motion carried.

Motion by Sagui, seconded by Judge, that Resolution #13-2012 paragraph eight be adopted. On roll call Board Members Judge, Goldstein, and Sagui voted Aye. None No. Motion carried.

Motion by Burke, seconded by Goldstein, that Resolution #13-2012 paragraph nine be adopted. On roll call Board Members Burke, Goldstein, and Sagui voted Aye. None No. Motion carried.

Motion by Judge, seconded by Goldstein, that Resolution #13-2012 paragraph ten be adopted. On roll call Board Members Judge, Goldstein, and Sagui voted Aye. None No. Motion carried.

Resolution #14-2012 SWIATEK

Motion by Judge, seconded by Burke, that Resolution #14-2012 paragraph five be adopted. On roll call Board Members Burke, Judge, Goldstein, and Sagui voted Aye. None No. Motion carried.

Motion by Judge, seconded by Burke, that Resolution #14-2012 paragraph six be adopted. On roll call Board Members Burke, Judge, and Goldstein voted Aye. None No. Motion carried.

Resolution #15-2012 MLZ Corporation

Motion by Judge, seconded by Burke, that Resolution #15-2012 be adopted. On roll call Board Members Burke, Judge, Goldstein, and Sagui voted Aye. None No. Motion carried.

**CAL# 1-2012 10 BROWN STREET, LLC
1200 THIRD AVENUE
BLOCK 75, LOT 4**

Mike Rubino, Esq. applicants' attorney explained that this matter was before the Board last summer, at that time the Board granted approval for a new building with a second story. There are safety issues that have risen, they cannot take down the existing building and put up a two story building. The applicant decided to keep the existing building, renovate it and an addition to the building.

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence.

Frank Salvato was sworn in and questioned by Mr. Rubino; he purchased the property a year and a half ago, he also owns other properties along Third Avenue and he renovates the buildings then rents them out to different companies. Mr. Salvato came into a lot of complex building problems with the first project. He would have to restore both his building and the adjacent owners. He decided not to take on the first project. He explained that he would like to restore and renovate the first floor; there could be one or two tenants. In speaking with his architects and the adjacent owner's architect, he decided not to take on the project that was originally proposed.

Mr. Salvato was questioned by the Board.

There were no questions from the audience.

Mr. Rubino called Verity Frizzell; Professional Architect was sworn in and accepted by Board as an expert. Mr. Rubino questioned her; Ms. Frizzell stated she worked on both projects. Ms. Frizzell stated one of the reasons the previous project has not built is because of the storage location, Mr. Salvato would have had to reframe the entire roof of the adjacent owner. Ms. Frizzell explained that another problem is that the adjacent owner has a partial basement and it encroaches on the back of Mr. Salvato's building, which they did not realize at first, but once the floor was taken out to level, they could not have taken the building down without exposing his basement to the elements. Ms. Frizzell explained the existing renovations and what is proposed. The existing square footage is approximately 3,900 the new area is approximately 2,176 with a

total foot print of 6,076 square feet. She added that the previous application had two floors and was a little over 8,000 square feet total. Ms. Frizzell stated that technically a parking spot could be placed in the back of the property however there is no way to get in or out without running into the building, the existing building encroaches over the property line, so they decided to not add any parking.

Ms. Frizzell was questioned by the Board.

Mr. Burke would like to know why they could not make an extra parking space like the previous application. She explained to obtain two parking spaces they have to build it up to the edge of the property line and the soffit would overhang the property line. He also asked if garbage refuse in the original application was behind the building. Ms. Frizzell explained that they garbage refuse is now in the front.

Mike Rubino, Esq. applicants' attorney had additional exhibits marked into evidence.

Chairman Sapnar asked what the stores did with their garbage before. Ms. Frizzell explained that there was a fenced in dumpster area on the side.

Mr. Hilla asked if the the applicant could have a store facing Third Avenue and one facing Morris Avenue and have the stores be more square rectangles compared to two long narrow rectangles. Ms. Frizzell explained that they talked about that and Mr. Salvato's they decided against it. Mr. Hilla stated that it is more in keeping with what is across the street and what is proposed is just a long wall.

Mr. Rizzo asked about the distance from the curb to the actual building in the previous approval. He added that the space was minimal to begin with and now on this plan it is much smaller. Ms. Frizzell explained that it was approximately ten feet to the main building from the curb and nine feet to the bumped out windows. Mr. Rizzo stated that there was some concern about that distance but there were planters and there was not a big blank wall and maybe some windows should be added.

Mr. Judge asked if Ms. Frizzell believes that the canopy is in character with the Third Avenue block. Ms. Frizzell answered potentially not but the idea of the canopy was to provide a shaded area for people to sit. She added that it would be fine to remove the canopy.

Mr. Rubino stated that based on the comments the applicant is receiving that maybe they should come back with revised plans.

It was decided that another hearing would be necessary and that hearing will take place at the August 8, 2012 meeting at 7:00 in this room, no further notice is required. Mr. Rubino waived the time.

**CAL# 4-2012 RIGNEY
701 THIRD AVENUE
BLOCK 46, LOT 19**

Brian Rigney, Megan Rigney, homeowners and Richard Furey were sworn in.

Richard Furey had the exhibits marked into evidence.

Mr. Rigney stated that they are here to request a variance associated with eliminating three small dormers on their top floor and replacing them with one larger dormer. The height and elevation does not change from the existing dormers, however a variance is required because it is above the 35' foot limit. He added that the existing increase in square footage to the living area is forty feet, which conforms to the half story requirement.

There were no questions from the Board.

There were no questions or comments from the audience.

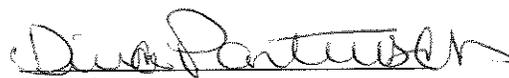
Motion by Burke, seconded by Rizzo, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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 Sapnar, seconded by Judge, that the variance for the height for the dormer alteration be approved. On roll call Board Members Rizzo, Burke, Judge, Goldstein, Sagui, and Sapnar voted Aye. Motion carried.

Motion by Rizzo, seconded by Sapner, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:15 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 13 - 2012
(Cal 8 - 2011)

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

WHEREAS, Brian Kelly (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 retain on the property a front yard parking area, front yard pillars and front yard gates at property located at 1111 Ocean Avenue, Spring Lake, New Jersey, and known as Block 66, Lot 4 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of April 11, 2012, 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-1 Zone.
2. The property in question is located on the southwest corner of Ocean and Morris Avenues. It has 22, 500 square feet of area, 150 feet of frontage on Ocean Avenue and 150 feet of frontage on Morris Avenue. Presently the property contains a 2-story frame dwelling, slate patio, an in-ground pool, an attached garage with gated driveway with access to Morris Avenue, and walkway with gated access to Morris Avenue and an internal gate located in the southeast corner of the property.
3. The applicant was cited by the Borough of Spring Lake for zoning violations through correspondence dated April 14, 2011. The applicant responded to the citation by making application to the Planning Board for variance relief. At the time

of the hearing the applicant amended his application to add additional relief to allow gated pedestrian access to the property. The variance relief sought by the applicant was as follows:

A. Variance relief from Borough Ordinance 225-34.F to permit the configuration of the driveway in the front yard area of the lot to remain as constructed and now exists.

B. Variance relief from Borough Ordinance 225- 18 to permit the gate associated with the driveway to remain.

C. Variance relief from Borough ordinance 225- 30.D to permit pillars to remain in the front yard.

D. Variance relief from Borough ordinance 225- 18 to permit the gate associated with the pedestrian access to Morris Avenue to remain as constructed and now exists.

E. Variance relief for the internal gate located in the southeast corner of the property.

4. The Board finds that the relief requested may be granted in part but also must be denied in part.

5. The Board initially addresses the applicant's request for an interpretation as to need for a variance as to the driveway configuration. The applicant proffered that the configuration was constructed to permit the applicant to perform a maneuver so as to allow his vehicles to exit the driveway facing forward. The applicant proposed that given the busy nature of the area in the summer months that such a maneuver was necessary to promote the safe egress from the property. The applicant proposed that since the purpose of the area was to permit this maneuver primarily that the design did not violate the ordinance that precluded parking in the front yard. The Board finds that under Borough ordinance 225- 35.F that parking in the front yard is prohibited and such structures are not permitted accordingly. The Board finds that driveway structures leading to parking areas at the side or rear of the lot, or to a garage, are exempt from the prohibition of the ordinance. The Board finds that the area in question is not of such a design so to fall under the exception to the ordinance and is of such a design so as to invite the parking of motor vehicles. The Board further finds that while the area may serve as an area that would permit the execution of a turn-around maneuver for

the applicant's motor vehicles, the area will likely also serve as a parking area from time to time. Because this parking area is in the property's front yard, and because the ordinances do not allow for such parking areas in the property's front yard, the Board finds that a variance is necessary to permit said areas to remain.

6. As to the request for variance relief to permit the configuration of the driveway to remain as constructed, the Board finds that to the extent that the area may provide for additional space for the applicant to perform a maneuver so as to exit the property facing forward, the Board finds that such a design promotes the safety of the general public and the applicant. The Board is well aware that the area in question is very busy in the summer months and finds that by allowing the additional area in the front yard that people occupying the applicant's property may exit the property in a more safe manner. The Board finds that the area in question will be screened by the row of hedges surrounding the property and therefore will be out of view of the public. The Board finds that the applicant is located across Morris Avenue from the Spring Lake Bath and Tennis Club and therefore will not present any type of unsightly or unusual condition to any residential neighbor should the hedges ever be removed. The Board finds therefore that there will be no detriment to the public good. The Board finds that there will be no substantial impact to the zone plan. The relief granted represents only a small portion of the front yard of the property and is an area that is adjacent to and attached to driveway area that is exempt from the ordinance. As such the Board finds that the benefit that the area provides outweighs the detriments that may be presented by same and therefore this variance relief may be granted accordingly.

7. The Board finds that the gate that is designed to close off the driveway access must be denied. The Board finds that the testimony that the gate was needed for safety purposes was unavailing. The Board heard that the property was prone to be used by persons in motor vehicles who desired to make U-Turns. The Board finds that the reasoning is not persuasive because it finds that such vehicles are not likely to travel so far into the applicant's property so as to make such gates necessary from a safety point of view. The Board also finds that the gate would substantially impair the zone plan because the applicant cannot point to any other such gate in the area and the Board finds that such gates are not common. The Board therefore finds that such a

gate would not be conforming to the area and would not support any common scheme in the area. The Board finds accordingly that the benefits provided from a zoning perspective do not outweigh the detriments and that the variance must be denied.

8 The Board finds that the variance relief in reference to the pillars may be granted. The Board finds that the proposed pillars are an aesthetic benefit and promote a common scheme that presently exists in the area. The Board finds that the pillars will be part and parcel of a perimeter hedge and will provide a visual marker for the driveway. The Board finds that the pillars will not be detriment to the public good as same will not obstruct any views or sight lines, nor look out of place. The Board finds that there will be no impairment to the zone plan because while structures in the front yards of properties are prohibited, these structures conform nicely to an existing neighborhood scheme.

9. As to the gate that exists across the applicant's front walkway providing pedestrian access to the site, the variance relief must be denied. The applicant offered testimony of an aesthetic nature primarily to support the relief requested. The Board finds that such gates are not common in the area or in the Borough and that such gates are directly referenced in the ordinance as structures that are not permitted in the zone. The aesthetic and other reasons presented are not sufficient to outweigh the substantial impairment of the zone plan that such a structure would represent therefore the variance relief must be denied.

10. The Board finds that it may grant relief to allow the gate located in the southeast corner of the property. The Board finds that the gate provides a separation between the neighboring properties while providing necessary access to the property. The Board finds that the gate is internal and not noticeable to public view. The Board finds that there will be no detriment to the public good accordingly. The Board finds that the location of this gate causes said gate to present little or no impact to the zone plan. The Board finds that the relief requested is not extreme or even very significant and therefore finds that on a whole the benefits provided, however slight, outweigh any detriments, nonexistent as same may be.

WHEREAS, The Board has made the above determinations and findings of fact.

NOW THEREFORE BE IT RESOLVED, by the of the Planning Board of the Borough of Spring Lake on this 9th day of May, 2012 that the application is hereby denied in reference to the relief sought to allow the gate across the driveway, and to allow the gate across the walkway providing pedestrian access, to remain.

NOW THEREFORE BE IT FURTHER RESOLVED, by the Planning Board of the Borough of Spring Lake on this 9th day of May, 2012, that the application be and is hereby granted as to the driveway configuration, front yard pillars at the entrance to the driveway, and the pedestrian access gate located in the southeast corner of the lot subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicant prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this property.

CERTIFICATION

I, Dina Partusch, 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 May 9, 2012.



DINA PARTUSCH

RESOLUTION NO. 14 - 2012**RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY.**

WHEREAS, Jason and Shannon Swiatek (hereinafter referred to as the "applicants") have 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 demolish an existing dwelling and construct a new dwelling with relief from the front yard setback and for rear yard setback relief for a garage that is to remain at property located at 300 Monmouth Avenue, Spring Lake, New Jersey, and known as Block 39, Lot 20 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of April 11, 2012, 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-1 Zone.
2. The property consists of an rectangular-shaped lot that has 11, 250 square feet of area, 75 feet of frontage on Monmouth Avenue and 150 feet of frontage on Third Avenue. Presently the property contains a 3 -story frame dwelling, asphalt pad, garage and gravel driveway with access to Third Avenue.
3. The applicant proposes to demolish the existing structure and to construct a new dwelling structure on the lot. The proposal is more fully described in the plans presented by the applicant prepared by JMI Architects, LLC., dated December 15, 2011, signed by Jason S. Lusardi.

4. The applicant is seeking the following variance relief:

A. Front yard setback relief along Third Avenue where 25 feet is required and 13.75 feet is proposed.

B. Rear yard setback relief for the garage which is to remain where 6 feet is required and approximately 3.3 feet exists and is proposed.

5. The Board finds that the relief requested may be granted. The Board finds that the principal dwelling structure on the property presently encroaches into both the front yards of Monmouth and Third Avenue. The Board finds that by granting the relief requested that the Board may eliminate the nonconforming encroachment into the Monmouth Avenue front yard. The Board further finds that the existing dwelling structure provides a 5.5 foot setback along Third Avenue. The Board finds that by granting the relief herein that the Board may significantly decrease that nonconformity. The Board finds that the existing structure would be generally difficult to renovate given its present condition and that the new dwelling would be an aesthetic improvement over the existing structure. The Board finds that the setback proposed along Third Avenue may be granted because same is general agreement with existing setbacks and as such will be conforming to the neighborhood and not present any encroachment on existing sight lines. Overall the Board finds that the benefits of granting the relief outweighs any detriments.

6. The Board finds that the variance to allow the garage to remain may be granted. The Board finds that the garage has architectural and design merit that is worth saving. The Board finds that the garage placement generally comports with the placement of garages on other surrounding properties. The Board finds that the existing nature of the variance weighs in favor of finding that no detriment to the public good nor impairment to the zone plan may be caused by allowing the garage to remain.

7. The application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The variance relief may be granted because the aesthetic benefits and other benefits to be gained by the community substantially outweigh any detriments and the new structure will advance the purpose of Zoning.

WHEREAS, The Board has determined that the relief requested by the Applicant can 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 the benefits of this application do substantially outweigh the detriments and that certain hardships exist.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 9th day of May, 2012, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicant prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this property.
5. That the applicant shall conform the driveway opening to no more than 12 feet.

CERTIFICATION

I, Dina Partusch, 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 May 9, 2012.



DINA PARTUSCH

RESOLUTION NO. 15-2012**RESOLUTION OF THE PLANNING BOARD OF THE
BOROUGH OF SPRING LAKE, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY.**

WHEREAS, MLZ Corporation LLC., (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake for minor subdivision approval in accordance with the Municipal Land Use Law, N.J.S.A. 40:55D-37, regarding property located at 401 Monmouth Avenue, Spring Lake, New Jersey, and known as Block 36, Lots 1 and 2 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of April 11, 2012, 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 the R-2 Zone. The property has 100 feet of frontage on Monmouth Avenue and has 150 feet of frontage on Fourth Avenue. The property contains 15,000 square feet in total area. The applicant is proposing to subdivide the property into two lots to be known as New Lot 1.01 and New Lot 2.01. Both lots are to contain 7,500 square feet in total area with 50 feet of frontage on Monmouth. New Lot 1.01 will have also 150 feet of frontage on Fourth Avenue. The applicant is proposing to raze and remove all existing structures and walkways. The lots as proposed appear to be conforming with the Borough's ordinances. No variances have been requested by the applicant and none are granted herein by the Board.

2. The applicant has provided plans entitled "Minor Subdivision Plan" dated January 25, 2012 signed by Robert C. Burdick, P.E. These plans more specifically detail the proposal and were relied upon by the applicant and the Board.

3. The Board finds that the subdivision approval may be granted subject to the conditions found herein. The applicant shall be required to demolish and remove all structures and walkways prior to perfecting the subdivision because the subdivision is granted on the presumption that the land shall be devoid of structures. The proposal otherwise appears to be in conformity with the bulk requirements of the Borough's zoning ordinances.

4. The application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan.

WHEREAS, The Board has determined that the approval requested by the Applicant can be granted.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 9th day of May, 2012, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current as a condition of perfecting the subdivision.
2. That all legal fees or engineering fees, inspection fees, or performance bond set by the Borough Engineer be paid by the applicant prior to the issuance of a building permit.
3. That a copy of this Resolution be given to any subsequent owner of this property.
4. That all structures on the property shall be demolished and removed as a condition of perfecting the subdivision.

CERTIFICATION

I, Dina Partusch, 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 May 9, 2012.

A handwritten signature in cursive script that reads "Dina Partusch".

DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
JUNE 13, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:00 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Joseph Rizzo, Larry Iannaccone, Michael Burke, Ph.D., Cindy Napp, Priscilla Reilly, Melissa Smith Goldstein, Matt Sagui, Kathleen Scotto and Chairman Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the May 9, 2012 meeting.

Motion by Sagui, seconded by Burke, that the minutes of the May 9, 2012 meeting be adopted. On roll call Board Members Rizzo, Burke, Goldstein, Sagui and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

Resolution #16-2012 RIGNEY

Motion by Burke, seconded by Sagui, that Resolution #16-2012 be adopted. On roll call Board Members Rizzo, Burke, Goldstein, Sagui, and Sapnar voted Aye. None No. Motion carried.

WARREN AVENUE AFFORDABLE HOUSING PROJECT REVIEW

Andrew Bayer, the Borough's Affordable Housing Attorney explained that as part of the Borough's third round of Affordable Housing obligation dating back originally to 2004 and then 2008. The Borough purchased property at 623 Warren Avenue to construct a four unit rental apartment complex which would be available to low and moderate income renters. The Governing Body approved a developer's agreement with the Affordable Housing Alliance, which is a not-for-profit, who will develop and manage the project. The funding is coming out of a Affordable Housing Trust fund, which purchased the property and is leasing it to the Affordable Housing Alliance at no cost. The funding will also cover a portion of the construction cost as well through the developers' agreement.

Tim McCorry, Director of Capital Projects and Construction for the Affordable Housing Alliance explained that the Alliance is a 501C3 not-for-profit Corporation they have been in existence for twenty years. The Alliance owns and operates approximately 380 Affordable Housing Units in and around Monmouth County. This is a four unit rental building, the ground floor will have a one bedroom unit and a three bedroom unit and the second floor will have two, two bedroom units.

Donna Blaze, CEO of the Affordable Housing Alliance explained that they were asked to come up with a design with four units which have architecture and appearance that would blend into the character of Spring Lake. She explained that there is a preliminary construction estimate is \$900,000. Since the units will be rented to low and moderate income residents there is a lottery held, they accept applications for a sixty to ninety day period. The applications are provided locally at the Municipality, it is posted on the States Affordable Housing website, and then there is a public drawing. A criminal records check and credit records are done as well as a prior land lord check. It is in the Alliance interest to maintain harmony in the community, the fewer problems they have with the rental properties the less problem they have managing them. They are entered into a lease developer's agreement for the period that COAH requires which is thirty years, after that time it can be renewed or extended if the obligations remain the same under the state law for New Jersey.

Mr. Iannaccone asked if there is an easement on the property to get to the rear of the adjacent property. Mr. Feldman, Architect for project answered that there is an easement for the property to the east to bring cars in one way around the back of the property and back out the other side.

Mr. Burke stated that he is concerned fire access, the code is eighteen feet wide and there is only ten feet provided. Mr. Feldman explained that they are not able to have an eighteen feet wide fire access since the property does not have enough room; the building is only sixteen feet from the property line. Mr. Burke asked if there is going to be landscaping along the railroad. Mr. Feldman answered yes there is vegetation there currently and they will try to save as much as possible and it will be filled with such plants as arborvitae.

Mr. Iannaccone asked if this plan was reviewed for drainage and the effect on other properties. Mr. Feldman answered that this site flows toward the railroad and there is an adequate swell facility.

Mr. Rizzo stated that in the rear of the lot there is an eight foot walkway. He asked if the walkway could be reduced to six and the parking could be moved back so that a buffer could be maintained. Mr. Feldman stated that it is a good idea and they will take a look at it.

Mr. Rizzo added that the walkway should be continued to the front walk so that people do not walk across the lawn.

The Planning Board recommendations are to consider reducing the eight-foot-wide sidewalk located behind the structure to six feet, and use the two feet gained by such a reduction to move the parking forward and plant buffering landscaping along the rear of the property. Also, to consider extending the walkway on the west side of the structure to the front of the property.

Motion by Reilly, seconded by Rizzo, to have Mr. McGill to write letter of recommendations and comments from the Planning Board. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Reilly, Goldstein, Sagui, Scotto and Sapnar voted Aye. None No. Motion carried.

**CAL# 5-2012 BENZ
520 BRIGHTON AVENUE
BLOCK 101, LOT 15**

Keith Henderson, Esq. applicants' attorney had the witnesses sworn in and accepted by the Board. Charles Benz, homeowner; Mark Fessler, Professional Architect, Allison Coffin, Professional Planner; and George D'Amico, Real Estate Broker.

Keith Henderson questioned Mr. Benz. Mr. Benz explained that the home has been in the family since 1890 when his wife's great-grandfather built the house on the property. Mr. Benz added that they applied to the Planning Board in 1997 to expand the house; they were approved for a small addition in the back of the house. When the application was approved it was for a variance for building coverage of 35.6%. At that time there was no discussion about the parking issue. He added that currently he has a temporary arrangement for parking at Brighton Plaza, to the west of the property; he has an annual lease for a parking space. The owner of Brighton Plaza would not sell a parking spot to Mr. Benz.

Mr. Benz was questioned by the Board.

Chairman Sapnar asked if the property is rented out. Mr. Benz answered that it is currently being rented out temporarily. He added that they have been trying to sell the home for the past two years.

Mrs. Napp asked how many bedrooms are in the house. Mr. Benz answered that there are two bedrooms.

There were no questions from the audience.

Mr. McGill stated that he was advised that Timothy Middleton, Esq. an attorney was to be here tonight on this application to represent possible objectors who expected representation. He added that Mr. Middleton was not able to attend due to a family emergency.

Stewart Patterson, 522 Brighton Avenue was sworn in and question by Mr. McGill. Mr. McGill asked if Mr. Patterson retained Mr. Middleton to represent him and oppose this application. Mr. Patterson answered yes.

Mr. McGill stated that there is fairness due on all sides here and since the applicant has their professionals here, the Board should go ahead with the testimony and deal with the issue at the end.

Keith Henderson questioned George D'Amico, Real Estate Broker. Mr. D'Amico stated that he is a managing partner of D'Amico McConnell Realtors and he has been a broker for approximately ten years. He added that he is the listing broker on this property and the property was listed in July of 2010. There has been one offer in the past two years; the offer was significantly less and it was contingent upon the buyer receiving a variance for raising the building and putting a garage underneath with a driveway. The buyer withdrew the transaction

quickly because in speaking with neighbors he found out that the neighbors would fight the application. Mr. D'Amico added that the house is not marketable without parking and parking is not allowed over night on the street.

Mr. D'Amico was questioned by the Board and the audience.

Darren Gilbert, 512 Brighton Avenue asked if a parking place in front of the house would raise or lower the property values of the surrounding homes. Mr. D'Amico answered that he does not think that it would lower the property value. Mr. Gilbert asked if Mr. Benz ever asked for a variance for parking in the street overnight. Mr. Benz answered no. Mr. McGill explained that the Board does not have the ability to grant people the right to park in the street overnight.

Mr. Henderson, Esq. applicants' attorney had the exhibits marked into evidence.

Mr. Henderson explained that there was access to the property from St Clair, his client parked there for a number of years thinking there was an easement, a title search was performed and there is no easement. He added that subdivision was perfected and it reconfigured the property and the alley way disappeared.

Keith Henderson questioned Mark Fessler, Professional Architect who was accepted by the Board as an expert. Mr. Fessler is the current tenant in this house while his house is being built. Mr. Fessler explained that the property is only 25 feet wide and 120 feet long. He was also the architect when the addition was approved. He explained that to put this parking spot in the front, the building coverage would be reduced by 53 square feet. He explained that they can only fit one parking spot in front of the house since there is no room on either side of the house to park in the back.

Mr. Fessler was questioned by the Board.

Mr. Burke asked if they could just place a garage in the existing foot print of the house. Mr. Fessler answered that a variance would be needed for a front loading garage and there would be major renovations if the house was raised.

Mr. Fessler was questioned by the audience.

Carol Patterson asked about impervious surface. Mr. Fessler answered that impervious surface includes everything, the driveway and half of the walkway between the two properties.

Mr. Patterson asked if he knew the distance between the two houses. Mr. Fessler answered six foot eight inches. Mr. Patterson asked what the distance is between the house and Brighton Avenue sidewalk. Mr. Fessler answered that it is exactly twenty two feet to the sidewalk and nineteen and a half feet to the property line and is currently sixteen feet from the sidewalk.

Keith Henderson questioned Allison Coffin, Professional Planner who was accepted by the Board as an expert. Ms. Coffin explained that the application purposes to provide an off street parking space for a resident that currently has no parking off street or on street. The property is

significantly undersized for the R-2, single family residential zone where off street parking is required as an accessory use within in the Borough ordinance. The application is reducing the magnitude of two of the variances that currently exist, building coverage and the parking variance.

Ms. Coffin was questioned by the Board.

Mr. Iannaccone asked how wide each lot is on both sides of the property. Ms. Coffin answered that the one to the west is twenty five feet with an easement for their driveway and the one to the east is fifty feet.

Mrs. Napp asked if people are allowed to park in the Spring Lake Heights Municipal parking lot over night. Ms. Coffin answered that she did not know but it would be inconsistent with the Municipal Land Use Law, that what happens in one town does not have a negative impact on the adjacent towns.

Mr. Burke asked if she reviewed the ordinance on front yard parking and what is the base or benefit for not in the front yard. Ms. Coffin answered that it is not stated in the ordinance; she infers that it is for aesthetics.

Ms. Coffin was questioned by the audience.

Colleen Panzini asked about the safety of the driveway. Ms. Coffin answered that she does not see how having a driveway would have any greater impact of the safety of children, there are other driveways in the area and cars can park on the street during the day.

Carol Patterson asked if decreased safety in any way would alter a property. Ms. Coffin answered yes. Ms. Patterson asked if decreased safety would be a deterrent to the public good. Ms. Coffin answered yes. Ms. Patterson asked is it true that Municipal Land Use Law is specific that no relief can be granted unless there is no substantial deterrent to the character of the property or the public good. Ms. Coffin answered only to the public good not the character of the property.

Comments:

Brendan Sullivan, 518 Brighton Avenue stated that he believes that this is an inconvenience not a hardship, the inconvenience is that the applicant cannot get the price they want for the property. He added that he has allowed them to use his driveway as long as the property is not being rented out. Mr. Sullivan also added that he was never approached to buy the house; he was approached if he would sell an easement on the driveway and if there was an easement on the driveway he felt that both homes would be hard to sell.

Chairman Sapnar asked if Mr. Sullivan would ever buy the property. Mr. Sullivan answered no not at this price. Chairman Sapnar asked if he would let them use his driveway to get to the back of the property to park without an easement. Mr. Sullivan answered it would have to be on a case by case basis.

Katherine Doyle, 2008 Fourth Avenue stated that if the applicant does not receive the variance then the owner would have the right to rent the property to anyone.

Carrie Patterson, 522 Brighton Avenue stated that she lives next door with three boys and she thinks that there is a safety issue, since there is approximately five feet between the car and their front door.

Stewart Patterson, 522 Brighton Avenue stated that he thinks it is unfair that the case is proceeding right now without his representation. He added that he grew up in Spring Lake then moved back because of the look and feel of the community, the same look and feel he would like for his children. Mr. Patterson added that if he knew that there was to be a variance granted next to the lot that they purchased, he would not have. He added that this is a major gateway into town. He does not understand the hardship, since there are a variety of different alternatives to parking. Mr. Patterson believes that this is a safety issue and he does not think that this is without substantial detriment to the public good and the surrounding properties.

Chairman Sapnar asked if Mr. Patterson is the property to the west and only twenty five feet wide. Mr. Patterson answered yes it is. Chairman Sapnar asked where he parks. Mr. Patterson answered that he parks to the side; they have an easement for the driveway.

Colleen Panzini, 7 Jersey Lane stated that the five points that should be understood by the Board under the C-2 variance are, that it relates to a specific piece of property, that the purposes of the MLUL will be advanced by a deviation from the zoning ordinance requirement, the variance can be granted without substantial detriment to the public good, that the benefits of the deviation would substantially out way any detriment, and the variance will not substantially interfere with the intent and purposes of zone plan and zoning ordinance. She added that she just built a house and her driveway is eight feet wide because she had to keep a two foot buffer. She does not have a garage and she does not pull all the way to the back but they do have the parking on the side of the house. There is a reason for the not parking in the front and it is an aesthetic quality to the town.

Carol Patterson, 316 Sussex Avenue stated that it seems that financial gain is the motivating factor.

Chairman Sapnar stated that the application Benz will be carried to July 11, 2012.

CAL#6-2012
110 FIRST AVENUE
BLOCK 9 LOT 12

Anthony Pelle, owner and applicant was sworn in. Mr. Pelle explained that he would like to install a fence to enclose the back yard to create a safe environment and to enclose a pool area. He added that the pool is within the set back and he would like to align the fence with the front on the existing building. He explained that when the house was built he received a variance to setback the house seventeen and a half feet where twenty five feet is required.

Chairman Sapnar stated that it looks like the pool is in the setback also. Mr. Pelle explained that the waterline is twenty five feet however the pool coping is in the setback.

Chairman Sapnar asked if there is any way that Mr. Pelle could get the entire pool in the setback. Mr. Pelle answered that they are constricted with a small space.

Mr. Pelle had his exhibits marked into evidence.

Mr. Pelle explained that other properties have fences that are in the setback. Chairman Sapnar asked if Mr. Pelle knew how long the fences have been at those locations. Mr. Pelle answered that he does not know.

Chairman Sapnar stated that on the survey there shows a four foot fence but the pictures show a four and a half foot fence. Mr. Pelle explained that the fence is four feet four inches because of little spikes and the gates are arched which adds another six inches. There is a gate where the walkway is and a gate centered between the walkway and the driveway. There is also a hedge along the front of the fence that would buffer the fence from the street.

Chairman Sapnar asked if Mr. Pelle is filling in the space between the house and the garage with a patio and pool. Mr. Pelle answered yes.

Mr. Burke stated that the house violates the variance for setbacks that was previously approved by a half a foot. Mr. Pelle explained that the plan was submitted and he received a certificate of occupancy. He just found out about the inconsistency last Monday when he received Mr. Hilla's letter. Mr. Pelle added that he looked at his house and there are columns on either side of the front porch and there is approximately four inches extra.

Chairman Sapnar stated that the approval was for eighteen feet but the house bumps out to seventeen and half feet and it was submitted as an as built and no one noticed it.

Mr. Pelle was questioned by the Board.

Mr. Sagui asked when Mr. Pelle built the house did he inquire about putting a pool in at that time. Mr. Pelle answered that at the time it would have been more of an expense and he did make provisions for it in making sure that the water runoff retention was placed in a different area and not in the backyard.

There were no questions from the audience.

Ray Carpenter, Professional Engineer was sworn in and accepted by the Board. Mr. Carpenter explained that the setback of the pool starts at the water line. There are some pools that have no coping and the grass goes right up to the water line of the pool. Mr. Carpenter stated that Mr. Pelle would like to build a patio right up to the waterline of the pool. He added that the structure of the pool will be twenty five feet from the property line. All of the pool equipment will be in the garage. He stated that accessory structures are not allowed in the front yard area but he did

not see patio listed as a structure. Chairman Sapnar stated that in the past patios have always been considered a structure.

Mr. Carpenter was questioned by the Board.

There were no questions from the audience.

Motion by Reilly, seconded by Sagui, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Sapnar, seconded by Rizzo, that a fence four foot in height be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Reilly, Goldstein, Scotto, and Sapnar voted Aye. Sagui voted no. Motion carried.

Motion by Sapnar, seconded by Burke, that the patio in the front yard setback of twenty five feet be denied. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None voted no. Motion carried.

CAL#7-2012

500 PASSAIC AVENUE

BLOCK 71, LOT 19

Mr. McGill stated that this case will be adjourned to July 11, 2012 no further notice will be required.

Motion by Rizzo, seconded by Sapnar, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 10:30 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 16 - 2012

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

WHEREAS, Megan and Brian Rigney (hereinafter referred to as the "applicants") have 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 renovate and remodel an existing dwelling with relief from the height requirements at property located at 701 Third Avenue, Spring Lake, New Jersey, and known as Block 46, Lots 18.01, 19, and 20 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of May 9, 2012, 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-1 Zone.
2. The property consists of an rectangular-shaped lot that has 20,100 square feet of area, 150 feet of frontage on Third Avenue and 134 feet of frontage on Essex Avenue. The property contains a 2 ½ -story frame dwelling, and a driveway to an attached garage with access to Essex Avenue.
3. The dwelling structure on the property is nonconforming in that it is approximately 38.93 feet in height where 35 feet is permitted. The applicant is proposing to remove three dormers and to replace same with a larger single dormer. The height of the existing and proposed dormers is approximately 37.25 feet. Because

the applicants are constructing the new structure above the permitted height of 35 feet, a variance is necessary.

4. The Board finds that the relief requested may be granted. The Board finds that the relief requested will serve to modernize the dwelling and make the dwelling more aesthetically appealing. The Board finds that there are no detriments to granting the variance as proposed. The Board finds that the applicants are merely replacing similar structures that presently exist. The Board finds that the proposed structures will not impose on the air, light and open space of any of the neighbors. The Board finds that the existing structure is already at a nonconforming height and therefore the addition of the dormers as proposed will not create a substantial impairment of the zone plan. The Board finds that on balance the benefits to be obtained by the granting of the variance outweighs any detriment that may accrue and therefore the variance may be granted accordingly.

5. The application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The variance relief may be granted because the aesthetic benefits and other benefits to be gained by the community substantially outweigh any detriments and the new structure will advance the purpose of Zoning.

WHEREAS, The Board has determined that the relief requested by the Applicant can 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 the benefits of this application do substantially outweigh the detriments and that certain hardships exist.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 13th day of June, 2012, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicant prior to the issuance of a

building permit.

4. That a copy of this Resolution be given to any subsequent owner of this property.

CERTIFICATION

I, Dina Partusch, 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 June 13, 2012.

A handwritten signature in cursive script, reading "Dina Partusch", is written over a horizontal line.

DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
JULY 11, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:05 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Joseph Rizzo, Larry Iannaccone, Michael Burke, Ph.D., Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Meghan Frost, Kathleen Scotto and Chairman Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the June 13, 2012 meeting.

Motion by Rizzo, seconded by Reilly, that the minutes of the June 13, 2012 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None No. Motion carried.

Matthew Sagui arrived at 7:08 PM.

Board Attorney McGill read the resolutions to be adopted.

Resolution #17-2012 PELLE

Motion by Sapnar, seconded by Rizzo, that Resolution #17-2012 Pelle that the fence variance be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Burke, that Resolution #17-2012 Pelle that the patio variance be denied. On roll call Board Members Rizzo, Iannaccone, Burke, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None No. Motion carried.

Cindy Napp arrived at 7:10 PM

Chairman Sapnar announced that CAL#8-2012 MLZ Corporation is postponed and will be re-noticed for September 12, 2012.

**CAL# 5-2012 BENZ
520 BRIGHTON AVENUE
BLOCK 101, LOT 15**

The Benz case was carried from June 13, 2012.

Mr. McGill announced that Mr. Judge and Mrs. Frost did not attend the last hearing for this case; they have both listened to the recording, provided certifications and are eligible to participate and vote.

Timothy B. Middleton, Esq. objector's attorney representing Mr. and Mrs. Patterson who resides at 522 Brighton Avenue, to the west of the subject property. Mr. Middleton had his witness sworn in and accepted by the Board, Nicholas Nassiff, Professional Planner. Mr. Middleton questioned his witness. Mr. Nassiff listed the documents which were reviewed in preparation for this meeting. He reviewed the application and described the property. He stated that there are three required variances principle building coverage, impervious coverage, and parking prohibited in the front yard. Mr. Nassiff explained the 2010 Borough Master Plan goals and stated that altering the prevailing pattern of development, to park a car in the front yard is a radical departure from the pattern of development as it exists. He added that this house is located very close to the street. Mr. Nassiff reviewed the Municipal Land Use Law and stated that the driveway is approximately three feet from the neighboring property which could pose a potentially dangerous condition. He added that egress from the proposed driveway is partially obstructed by an existing utility pole which is less than two feet from the proposed curb cut.

Mr. Nassiff had his exhibits marked into evidence. He explained that the creation of this driveway would reduce on street parking by one space. The functional length to park a car is approximately eighteen feet, which would mean a portion of the car or truck would be encroaching in the sidewalk area. He added that it would obstruct the general streetscape. The pattern of development is very different between a front yard and side yard which would permit access to the rear of the lot. Mr. Nassiff discussed other options for parking.

Mr. Nassiff explained that application detracts from the Master Plan including the goals and objectives of the historic preservation and land use element. There are no cars that are allowed to park in the front yard area on Brighton Avenue. He added that if the application is approved then almost half of the property will be paved in the front yard area; he does not feel that it would be uncommon for two cars to be wedged in the driveway. He explained that the Borough's front yard parking prohibition serves as a Land Use tool to preserve the visual environment of the Borough.

Keith Henderson, applicant's attorney questioned Mr. Nassiff about the parking in the front yard. Mr. Nassiff answered that some of the residents may park on the side of their house in the front however they have to option to pull all the way back.

Mr. Henderson had more exhibits marked into evidence which were additional photos of cars parked in front of homes on the side of the house.

Mr. Henderson asked Mr. Nassiff if he believed that the proposed driveway would be too close to the side yard. Mr. Nassiff answered yes. Mr. Henderson stated that the side yard setback driveway in the Borough Code provides two feet.

Mr. Henderson further asked Mr. Nassiff about his testimony.

Mr. Nassiff was questioned by the Board.

Mr. Burke asked if Mr. Nassiff since there is a hardship and there is no parking, would he have any ideas for allowing a car to be parked somewhere on the property. Mr. Nassiff stated that the owner could demolish the house. Mr. Burke explained that it would not be practical to tear down the house and put a small house with a driveway to the back yard but another alternative would be to push the front yard driveway all the way back by taking roughly six more feet off of the house.

Mr. Rizzo asked how someone could open a car door into the neighboring property since there is approximately three feet from the edge of the driveway to property line. Mr. Nassiff stated that they did not fully dimension the plan. Mr. Middleton asked Mr. Nassiff if part of his testimony is that the car would be in the front yard adjacent to Mr. & Ms. Patterson's front porch. Mr. Nassiff answered yes.

Mrs. Reilly asked whose concrete walk is between the two houses. Mr. Middleton answered that it is shared.

Mr. Nassiff was questioned by the audience.

Comments:

Andrew Andaloro, 208 Worthington Avenue stated that the house was built well before the current codes existed, if approval for a parking spot is not granted it would be a condemnation to the property since there is not overnight parking on the street. He added that there has to be a way to accommodate the needs of this property, it has historical and property value for this town.

Thomas Panepinto, 305 Salem Avenue stated that has owned his house since 1981 and has a garage in the front of the house and does not have a driveway that goes to the back. On his block everyone parks in the driveway and people that have driveways that go to the rear also park in their driveways. He added that during the summer time every resident has to be careful since the Borough is a summer community. He added that everyone should have the right to a parking spot.

Katherine Doyle, 2008 Fourth Avenue stated she has an issue with them saying it is not a hardship case due to monetary concerns and the value of the property, the Benz's inherited this property. She added that they already own a home and it would be a hardship on senior citizens to maintain a second home that cannot be sold.

Cathleen McCusker, 110 Ludlow Avenue explained that she is very active in the Preservation Alliance whose goal is to maintain Spring Lake that has attracted many people as a unique location. She added that the house that is being discussed is part of that scenario, the house is close to the street for a very good historic reason, it was all foot traffic and there were no cars at that time. She would like there to be a solution for this situation. She highly recommends that the Board think twice about the situation and let this house have a current need of today which is a car without tearing the house down.

Kathleen Hardiman, 521 Brighton Avenue stated that her concern that the driveways are very close together, even backing out now there is not enough space the way the driveways were set up and it is dangerous. It will also change the look of the neighborhood.

Lois Boehmer, 700 Ocean Avenue, Unit 516 stated that where she lives at the Essex & Sussex there was a very different traffic problem, the town had a great deal of input about the parking lot, it is very tight. She added that they triple and double up and do whatever needs to be done to get 165 cars into the parking lot, they would have never have had that option if it was not for this community.

Joe Raffetto, 101 Ludlow Avenue stated that this house was built over one hundred years ago and when the house was built there where probably no cars in town, if the no overnight parking ordinance was not in effect the owner would be able to park in the street, there should be some sort of exception. There are many driveways in Spring Lake that have five or six cars in the driveway.

Mary Kennelly, 414 Central Avenue stated that there is a need to have a parking space since everyone has a car. She added that it would be great to park in the backyard but that is not possible.

Mr. Middleton's asked his client Mr. Patterson, 522 Brighton Avenue if he would like to add anything to the testimony. Mr. Patterson was sworn in. He added that he has heard a lot about history tonight, all of the houses on that street are historical. He added that it has always been a dream to move to Spring Lake, it is a very affluent town. He believes that in this case his children will be affected negatively from a quality of life and safety issues. He added that the property values of the neighboring properties will go down.

Ben Garfunkel, 523 Brighton Avenue stated that he lives immediately across the street from the subject property and that he is sympathetic to the property owners and what they are trying to accomplish in turns of selling the property. He is concerned about the detriment to the value of his property value and the properties around his. There has been a lot of discussion on safety and aesthetics and he is also concerned about these things and he is opposed to this provision.

Nancy Pugliese had her exhibit marked into evidence.

Nancy Pugliese, 111 Pennsylvania Avenue stated that across the street from her home is a pad in the front of the house and sometimes there are many cars at a time and they are wonderful neighbors. She added that there has never been a problem with them backing out into the street.

Chairman Sapnar asked how far that house is setback from the street. Ms. Pugliese answered that she could not answer that question.

Mr. Judge asked if all of the cars fit comfortably within that parking area or do they park on the grass or in the sidewalk. Ms. Pugliese answered sometimes they do just a little bit and it is not a problem. The house had a garage which they enclosed. Mr. Judge asked if she thought it would

be ok if there were more than one car in the subject house. Ms. Pugliese stated that the second car would probably not be there for long and would not be parked.

Maria Ottina, 422 Salem Avenue stated that anyone who owns a home should have a parking space for their car, it is impossible to rent a home or even own a home without a place to park your car.

Marie Agliozzo, 106 Pennsylvania Avenue stated that there is a house that has four cars every weekend all of the time, she does not feel that her property and other properties have been devalued. She added that the house is two houses away from St. Catharine's School, so if there is a detriment that certainly is with the children passing by.

Carol Patterson, 316 Sussex Avenue stated that she there were people who testified that there were cars parked in front of houses they were testifying on behalf of their neighbors she presumes. The owners of those houses are not here to testify. She would like to know what the width of those properties are because the width of this property does make a substantially difference. She believes that safety is being pushed aside it is a matter of time before there is a bad accident on that street and contributing to it is not wise if this is granted. She does not feel that tearing down the house would be a good idea and maybe moving it to the back of the lot would be an answer. She added that the house has been changed and it does not resemble what was originally built there.

Motion by Reilly, seconded by Judge, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Sapnar, seconded by Judge, that the application be denied. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Sagui, Sapnar voted Aye. Reilly and Goldstein voted no. Motion carried.

Five minute recess.

CAL#7-2012
500 PASSAIC AVENUE
BLOCK 71 LOT 19.01

Mike Rubino, Esq. applicants' attorney summarized the application. He explained that property is on the corner of Passaic Avenue and Fifth Avenue. The property was subdivided in 2007 and has been in the family for many years. The interior lot was sold and Donna Filkin would like to build a home on the corner lot and eventually move down here. They are asking for variance relief for a fifteen foot setback in certain spots and seventeen feet in other spots off of Fifth Avenue. The other variance is for the garage being setback twenty two feet where twenty five feet is needed. There is a technical variance that Mr. Hilla picked up, Ms. Filkin would like a

single garage but if she has people over she would like to have two parking spots in front of the garage. The variance would be for the portion of the driveway that does not lead to the garage.

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence.

Donna Filkin, owner of the property was sworn in. She explained that she is currently living in Caldwell but has been coming to Spring Lake since she was nineteen. Her parents purchased two pieces of property, the first one 410 First Avenue and the second 500 Passaic Avenue which was a 100x150 sized lot. There was a single family home and a carriage house in the back. She then explained what she was looking for in a new home.

Mr. Judge asked if Ms. Filkin looked at a smaller house so that it would not encroach into the setback as much. Ms. Filkin said no she did not.

Mrs. Napp asked if any more trees will be taken down. Ms. Filkin answered that she that there are some old evergreens that need to be taken down inside the lot.

There were no questions or comments from the audience.

Mary Hearn, Professional Architect was sworn in and accepted by the board as an expert.

Mary Hearn had her exhibits marked into evidence.

Ms. Hearn explained that when discussing the house house design with Ms. Filkin, she wanted to have more of a back yard, so if the house would be narrower it would go deeper which would not leave much of a back yard.

Chairman Sapnar asked if Ms. Hearn looked at the house east of this property and what set backs were granted for that house. Ms. Hearn answered yes it is 17 feet back from the property line. Chairman Sapnar explained that he pulled the resolution for that house and it was approved for 17.5 and the bulk of the house at 18 feet. He added that the surveyor measured it at 17.6 feet.

Ms. Hearn described the plans for the house.

Mr. Burke asked that the patio needs a variance as well since it encroaches into the setback. Ms. Hearn stated that it does and it will be removed.

Ms. Hearn explained the floor plans.

Mr. Burke stated that the plan does not show a sidewalk to the porch on Passaic Avenue. Ms. Hearn answered that there is no sidewalk because Ms. Filkin does not plan on using that door very often.

Chairman Sapnar asked if there was something that could be done to the floor plan to meet an 18 foot setback. Ms. Hearn stated it is possible to take six inches out of each room to make it possible.

Mr. Judge asked if two or three feet could be taken off of the house. Ms Hearn answered that the house would have to be redesigned if more of a foot would be taken out.

Mr. Sagui asked if the designs were smaller so that in the future a swimming pool could be put in and is there any desire for a swimming pool. Ms. Hearn answered no, more of a backyard is what Ms. Filkin.

Ms. Hearn explained the elimination of the step variance however the porch still encroaches.

Mrs. Napp if the driveway will affect the trees. Ms. Hearn stated that the new curb cut fits between the trees and as for the sidewalk they will have to work with the town to find out where the trees should be placed.

Five minute recess.

Mr. Rubino explained that one foot will be removed from the whole eastern side of the house where it is presently 15 feet will be brought into 16 and where 17 feet currently is proposed there will be 18 feet.

There were no questions from the audience.

Comments:

Michael Grzelak, 409 Monmouth Avenue stated that he is here to listen to MLZ Corporation recent subdivision. He stated that what this shows him is that the Board is in a conundrum. He has been here twelve years and there has been an epidemic of 100x150 lots being split. He would suggest to change the variance or do not subdivide the lots.

Motion by Rizzo, seconded by Reilly, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Sapnar, seconded by Rizzo, that the principal structure be set back at 16 feet and the bulk of the house at 18 feet be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Goldstein and Sapnar voted Aye. Judge, Reilly, and Sagui voted no. Motion carried.

Motion by Sapnar, seconded by Judge, that the garage setback of 23 feet be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Reilly, Goldstein, Sagui, and Sapnar voted Aye. None voted no. Motion carried.

Motion by Sapnar, seconded by Judge, that the driveway be 20 feet wide and three feet off of the northern property line be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Reilly, Goldstein, Sagui, and Sapnar voted Aye. None voted no. Motion carried.

A discussion was held in reference corner lots in the R-2 zone. It was discussed that the Board makes a recommendation to the Borough Council that corner lots in the R-2 zone be a minimum of 65 feet wide.

Motion by Sapnar, seconded by Sagui, that a letter of recommendation to the Council that the corner lot in the R-2 zone be a minimum of 65 feet wide. On roll call Board Members Napp, Judge, Reilly, Goldstein, Sagui, and Sapnar voted Aye. Rizzo and Burke voted no. Iannaccone abstained. Motion carried.

Motion by Judge, seconded by Napp, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 11:00 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 17 - 2012
(Cal 6 - 2012)

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

WHEREAS, Anthony Pelle (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 patio and fence at property located at 110 First Avenue, Spring Lake, New Jersey, and known as Block 9, Lot 12 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of June 13, 2012, 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-1 Zone.
2. The property in question is located on the southeast corner of the intersection of First and Union Avenues. The property has 7, 500 square feet of area, 150 feet of frontage on First Avenue and 50 feet of frontage on Union Avenue. Presently the property contains a 2-1/2 story frame dwelling and a detached garage with driveway access to First Avenue. The garage is situated 6.0 feet off the southerly lot line which has been generally been accepted as representing the rear lot line.
3. The applicant is proposing to construct a patio and pool between the dwelling structure and the detached garage. The applicant is further proposing to enclose the pool and patio area with an aluminum open-picket style fence that the

applicant describes as transparent. In reference to the pool, the applicant has stipulated that the back wall of the pool structure will not be located within the 25-foot front yard set-back, therefore the Board finds that no variance is necessary for the construction of the pool. The Board makes this determination based strictly on the representations of the applicant in this regard. In reference to the patio proposed, the applicant proposes to construct the patio into the front yard of the property to 18.6 feet from the front property line which is a distance that corresponds with the southwest corner of the house. The Board finding that patios are to be treated as structures under the Borough's ordinances, the applicant requires a variance from Borough Ordinance 225-30.D prohibiting the location of structures in the front yard. In reference to the fence proposed, the applicant originally proposed to construct a fence with gates at approximately 16.1 feet from the front property line but amended his application to request that the fence and gates be constructed at a distance of 18.6 feet from the property line which, as stated above, is a distance that corresponds with the southwest corner of the house. It is the amended distance that the Board considers herein. To construct this fence and gates, the applicant requires a variance from Borough Ordinance 225-18 which prohibits the construction or placement of fences or gates in the front yard.

4. The applicant provided plans prepared by Ragan Land Surveying, P.C., dated June 26, 2009, and last revised on April 1, 2012, which the Board has relied upon when considering the relief requested.

5. As to the request for variance relief to permit the construction of a patio in the front yard the Board finds that it must deny this request. The Board finds that the house was relatively recently planned and constructed and was the subject of approvals granted in the Board's Resolution No. 15-2005. The Board heard testimony that the applicant was involved with the construction of house pursuant to those approvals. The Board finds that at the time that present house was constructed that the applicant anticipated placing a pool on the property. The Board finds that to whatever extent the placement of the structures present a hardship to the applicant, and the Board is not suggesting that there is any hardship, the applicant was fully aware of the conditions that were being created on the property at the time that said conditions were being created. As such, any such conditions may be seen as self-created and therefore

insufficient to support the applicant's request for a variance. The Board finds that the construction of the patio in the front yard does not represent a better zoning alternative nor does it present any benefits to the community. The Board finds that the placement of the patio largely is of only personal benefit to the applicant. The Board further finds that Borough has recently reviewed and revised its ordinances regarding front yard structures. While the Borough previously did not favor such structures, the ordinances now strictly prohibit all but the most of incidental structures. The proposal therefore represents an impairment of this zone plan, and to the degree that the patio substantially encroaches into the front yard, the proposal represents a substantial impairment of the zone plan. Because the applicant has neither shown a benefit to be gained by the placement of the patio as proposed and has not shown that the patio will not substantially impair the zone plan, the variance request in reference to the patio must be denied.

7. In reference to the variance for the fence and gates, the Board finds that it may grant the relief as proposed by the amendment to the application to permit the fence and gates to be set at 18.6 feet from the front property line. The Board finds that the fence will be adequately screened and is required by law to enclose the pool. The Board finds that the given the configuration of the property, the fence would nonetheless be within the public view should it be positioned at a permissible location and by granting the relief requested the Board may obtain a more attractive environment by requiring adequate screening of the structure. The Board finds that it is necessary to decrease the impact that the proposed fence will have by conditioning the approval herein. Specifically the applicant shall be permitted to run his fence from the corner of the house directly to the line established by driveway as shown on the plans and then to the garage along the line of the driveway. The fence shall be no closer than 18.6 feet to the front property line. The setback for the fence is therefore 18.6 feet. The fence shall be of an open design. The applicant has provided to the Board a depiction of an aluminum fence that is essentially transparent with approximately 3-4 inches in spacing between the pickets. The Board finds that this type of design shall be required to minimize the impact of the fence. The Board finds that the fence may be no more than four feet in height and shall be permanently screened with adequate landscaping. The Board further finds that the applicant is proposing to construct a pool

in the property's rear yard. The Board finds that because the variance relief is partially supported by the need to provide a fence around the pool, the variance granted herein as to fence location shall be conditioned upon the construction and continued existence of the pool in a manner substantially as shown on the plans provided.

THE ABOVE FINDINGS HAVING BEEN MADE BY THE PLANNING BOARD,

NOW THEREFORE BE IT RESOLVED, by the of the Planning Board of the Borough of Spring Lake on this 11th day of July, 2012 that the application is hereby denied in reference to the relief sought to allow the patio in the front yard of the property

NOW THEREFORE BE IT FURTHER RESOLVED, by the Planning Board of the Borough of Spring Lake on this 11th day of July, 2012, that the application be and is hereby granted as to the configuration and construction of the fence as conditioned as follows:

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicant prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this property.
5. That the fence be located no closer than the setback permitted in the body of this resolution and that all conditions as stated in Paragraph Seven of this resolution be met by the applicant.

CERTIFICATION

I, Dina Partusch, 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 July 11, 2012.

A handwritten signature in cursive script that reads "Dina Partusch". The signature is written in black ink and is positioned above a horizontal line.

DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
AUGUST 8, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:00 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Joseph Rizzo, Larry Iannaccone, Michael Burke, Ph.D., Cindy Napp, Priscilla Reilly, Melissa Smith Goldstein, Matthew Sagui, Meghan Frost, Kathleen Scotto and Chairman Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the July 11, 2012 meeting.

Mr. Rizzo stated that he would like to make a few changes to the July 11, 2012 meeting minutes, on page two where it stated that Mr. Henderson had more exhibits marked into evidence, he believes that it would be important to note that the evidence be marked as additional photos of cars parked in front of homes on the side of house.

Motion by Reilly, seconded by Burke, that the minutes of the July 11, 2012 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Reilly, Goldstein, Sagui, Frost, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

Resolution #18-2012 BENZ

Motion by Sapnar, seconded by Burke, that Resolution #18-2012 Benz, application for the driveway variance in the front yard be denied. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Sagui and Sapnar voted Aye. Reilly and Goldstein abstained. None No. Motion carried.

Resolution #19-2012 FILKIN

Motion by Sapnar, seconded by Burke, that Resolution #19-2012 Filkin, that the variance application be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Goldstein, Sagui, and Sapnar voted Aye. Reilly abstained. None No. Motion carried.

**CAL#10-2012 McCARTHY
319 PITNEY AVENUE
BLOCK 126, LOT 18**

Board member Councilwoman Reilly recused herself.

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence.

Mike Rubino, Esq. applicants' attorney summarized the application. The homeowner would like to take down the existing home and construct a new one. Since property is not a typical corner lot, the building envelope is skewed. The first variance that is being requested is for the front yard setback along Edgewood Avenue, which is currently set at twenty feet. The second variance is for the rear yard setback of 32.3 feet. The third variance is for a distance violation between the garage and the house which is 8.37 feet.

Mr. Rubino added that in Mr. Hilla's report he noticed that there were two additional variances probably needed one is a walkway in the rear yard which could be a patio instead. Also, there is a change in grade of more than eighteen inches which must be approved by a development application.

Mr. McGill explained that the Board should address the two issues that Mr. Hilla brought up. The change in grade has always been interrupted by the Board to be a variance. He added that the walkway should also be interrupted as a variance. The application was amended to include those two issues.

Sean McCarthy, owner of the property was sworn in. He explained the existing house is a one and half story house and the proposed house will be a two and a half story house with a garage. He added that he would like to keep the driveway entrance on Pitney Avenue since Edgewood Avenue is not as wide.

There were no questions from the audience.

Paul S. Moore, Professional Architect and Planner was sworn in and accepted by the board as an expert. He explained that the goal of the original project was to meet all of the requirements but this lot has several issues. Mr. Moore described the design of the house and garage. There is a small portion of the covered porch bump out that encroaches in the rear yard setback which is approximately two and a half feet.

Mr. Moore explained that the garage is only a one and a half car garage and it is only 8.37 feet from the house but meets both the rear and side yard setbacks. Mr. Moore explained that the driveway has an attached proposed walkway, which if it were to be made bigger and be called a patio, the applicant would still be under the impervious coverage. Mr. Moore explained the that the home has a full basement and the only area that windows would fit is along Edgewood Place, the grade on that side rises almost three feet from the sidewalk to the house, however the grading will be blended.

Mr. Burke asked if the sidewalk along Edgewood Place is included in the impervious coverage. Mr. Moore answered that it is not included, that would be approximately three hundred and fifty square feet which would have to be added into the impervious coverage and the property would still be well under the percentage. Mr. Hilla explained that it did not seem fair to count that into the coverage since it will be a public improvement. Mr. Rubino stated that in Mr. Hilla's letter he suggests that Board should consider conditioning any approval of this application on the Applicant providing an easement for that sidewalk remain. He added that the deed would be reviewed by Mr. Hilla and submitted to the Borough.

Mr. Rizzo stated that he believes that there is a benefit to having a sidewalk there before arrive at the intersection.

Chairman Sapnar asked about the grade along Edgewood Place will it affect the tree. Mr. Moore explained that they will unfortunately lose the tree, even if they met the setback, by the time they dug the basement there a lot of roots would be cut off the tree which would make it unstable.

Mr. Rizzo stated that on the site plan it shows the adjacent property house seems to align with the future house but when he looked at the photos, the current house seems to be aligned with the neighboring house. He added that the dimensions of the stoop from the garage show the steps aligning with the breakfast nook and on the architectural drawings it is set back further. Mr. Moore explained that the roof is extended in the rear elevation only out past the steps.

Mr. Sagui asked if they could have built a forty foot wide home instead of forty three foot wide, in the R-2 zone, this is a generous house on a seventy five foot lot. Mr. Moore stated that it was tight because of the floor plan design, which they did try to minimize. Mr. Moore added that house could be made smaller.

Mr. Rizzo asked what the height of the house is going to be. Mr. Moore answered that it will be just less than thirty five feet and will comply with the height ordinance.

Mrs. Frost asked if there is less bulk in the second and third floor. Mr. Moore answered that they are setback from the first floor.

Comments:

Edmund Burke, 2128 Edgewood Place stated that his back yard faces his house, since he has been living there, not one capital project has been done to improve the house. It is currently a complete eye sore and needs to be demolished, over all the years the owners of the property did not think too much about the neighbors or values of their properties. He added that this is too much of a house on too small of a lot with many variances. He thinks that the garage should be a little bit smaller as well.

John Sisti, 322 Pitney Avenue stated that he is in support of the application. He added that he worked hard to get the stop sign installed on the corner of Church Street, having the improvements closer to the cart way makes cars slow down.

Mr. Sapnar asked Mr. Sisti how he feels about the driveway coming out to Pitney Avenue instead of coming out to Edgewood Place. Mr. Sisti answered that it is much better since Edgewood Place is much narrower cart way.

Mary Ellen O'Brien, 317 Pitney Avenue stated that this new home will dwarf her home, with size, garage plan, and height. Her view will be greatly diminished. She added that the driveway will be three feet from her property line; she is concerned about the car exhaust, noise, and safety. She suggested having the driveway come off of Edgewood Place. She added that in 2005 she built a new room extension on the back of her house with Planning Board approval, the door to the room is accessed from the pathway next to the proposed driveway.

Motion by Rizzo, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Five minute recess.

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

Mr. Rubino stated that his applicants are willing to take two feet of the west side of the house which would reduce the variance to twenty two feet off of Edgewood Place.

Motion by Sapnar, seconded by Sagui, that the application for a new home 22' set back off of Edgewood Place, 12' set back off of the east side, the garage be only 8.37' from the house, rear yard setback of 32.3' and the change of grade, the walkway at 371 square feet, and the change in elevation of more than 18" be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Goldstein, Sagui, Frost, Scotto, and Sapnar voted Aye. None voted no. Motion carried.

Mrs. Goldstein left at 8:45 p.m.

A discussion was held in reference to the proposed new playground at H.W. Mountz School. Many residents asked questions and discussed their concerns about the new playground. It was discussed in depth and the Planning Board made following recommendations to the Board of Education that the plans be reviewed and amended as necessary to ensure that the drainage is effectively maintained on the site and that the plan does not create any excess overflow into the Borough's storm system; that the plans be reviewed and amended as necessary to ensure that adequate buffering is provided to keep the activities proposed for the site, and the sights and sounds associated therewith, from interfering with the residential character of the neighborhood and the repose of the residential neighbors and recommends that the neighbors most affected by this plan can be consulted to create an effective and acceptable buffering of the site; that no lights be planned for this field or ever installed; and that the plans be reviewed and amended accordingly to ensure that the size of the basketball court is age-appropriate for the students attending an elementary school.

Motion by Sapnar, seconded by Burke, a letter of recommendation be sent to the Board of Education. On roll call Board Members Iannaccone, Burke, Napp, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. None no. Motion carried.

Motion by Sapnar, seconded by Burke, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 10:10 P.M.

Respectfully submitted:


Board Secretary

**RESOLUTION NO. 18 - 2012
(Cal 5-2012)**

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

WHEREAS, Charles and Ann Benz (hereinafter referred to as the "applicants") have 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 parking area in the front yard at property located at 520 Brighton Avenue, Spring Lake, New Jersey, and known as Block 101, Lots 15 on the Spring Lake Tax Map, and

WHEREAS, a public hearings were held at the regularly scheduled meeting of June 13, 2012 and July 11, 2012, 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.
2. The property consists of a rectangular lot with 25 feet of frontage on Brighton Avenue, and 120 feet of depth. The property presently contains a one-story single family dwelling with a rear patio and various walkways. The property is 3,000 square feet in total area and is deficient as to lot area, lot frontage, lot width, lot depth, both side yard setbacks, and lot coverage.
3. The applicants are proposing to construct a parking pad in the front yard of the subject property. The structure on the property is a single family dwelling that has no attached garage. The property has no garage of any nature. The parking pad is therefore a "structure" under the Borough Ordinances which defines the term as " a combination of materials forming a construction assembly or erection for occupancy, use or ornamentation whether installed on, above or below the surface of the property

including but not limited to buildings, sheds, fences, walls, decks, platforms, signs, towers, greenhouses, gazebos, pergolas, stairwells, window wells, pillars, swimming pools, spas and hot tubs and cabanas". Structures are not permitted in the front yards of any property by operation of Borough Ordinance 225-30 which states " Buildings and structures shall not be located or encroach in any portion of a front yard". The front yard set back in the R-2 Zone pursuant to Borough ordinance 225-12 D is 25 feet. The entire parking pad is proposed to be located in the front yard area of the property and therefore a variance is required.

4. The Board heard testimony from the applicant as to the size of the lot and finds that the lot is undersized for the zone. The Board further finds that there is no parking available on the property. The Board heard from the applicant's planner that the plan provides benefits to the zone plan and that the plan offers a better zoning alternative in that the proposal will provide on-site parking and therefore bring the property more into conformity with the Borough Ordinances. The Board notes that Borough Ordinance 225-21B requires residential dwellings to provide two parking spaces per property. The Board also heard discussion of the nature of the area, the proclivity or not of neighboring persons to park in front of their respective houses and the impact that that the Boroughs Ordinance banning on-street parking of any vehicle from 3 a.m. to 6 a.m. daily will have or does have on the property. Many neighbors appeared as did other Spring Lake residents to voice their opinions regarding the application.

5. The Board finds that the variance relief must be denied because the plan presented does not represent a better zoning alternative and the applicant has not shown that the granting of the variance will not be a substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan. The Board finds that contrary to the testimony of the applicant's planner, the project does not represent a better zoning alternative. At best the applicant seeks to create a variance condition while only moving the property towards conformity. The Board finds that the existing condition of the property, i.e. lacking a driveway, properly reflects the size of the property and the location of the structures thereon. The Board finds that the proposed driveway pad, while providing a parking area, will be out of character with the

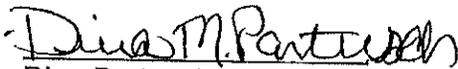
scale of the subject property and the characteristics of the community. The Board finds that the surrounding properties are orderly in their design and generally follow the plan of a small house with a driveway on the side. The Board finds that the proposal is a substantial departure from that scheme and would guaranty that a car would be parked in a substantial portion of the front yard of this property on a continual basis. The Board finds that this represents a substantial impairment of the intent of the zone plan. The Board finds that the project would present an aesthetic detriment to the community and as such represents a detriment to the public good. The Board acknowledges that the applicant presented testimony that other neighboring properties have, from time-to-time, cars parked in driveways located on the sides of their respective dwellings that may be, to some degree, located forward of the dwelling structure. The Board finds that this type of activity is different in its nature than what is presented in that the proposed plan would virtually guaranty that a vehicle would be located in the front of this relatively small structure on a continual basis. The Board finds that such a condition coupled with the scale of the property in general is aesthetically detrimental and contrary to the zone plan. The Board acknowledges that the lot is small and that the dimensions of same may support a claim for hardship however the board finds that the proposal does not satisfy the negative criteria imposed under N.J.S.A. 40:55D-70 and as such the application 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 the benefits of this application do substantially outweigh the detriments,

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 8th day of August, 2012, that the application be and is hereby denied.

CERTIFICATION

I, Dina Partusch, 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 August 8, 2012.


Dina Partusch

RESOLUTION NO. 19 - 2012
(Cal 7-2012)

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

WHEREAS, Donna Filkin (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 single family dwelling and a detached garage within the front yard at properties located at 500 Passaic Avenue, Spring Lake, New Jersey, and also known as Block 71, Lot 19 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of July 11, 2012, in the Municipal Building, and testimony having been presented on behalf of the applicant, and objectors and interested parties 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 properties are located in an R-2 Zone.
2. The property consists of a rectangular lot with 50 feet of frontage on Passaic Avenue and 150 feet of frontage on Fifth Avenue and contains 7,500 square feet of total area.
3. The applicant proposes to construct a single-family residential dwelling and detached garage on the subject property. The applicant is also proposing to have 20-foot-wide driveway leading to a one-car garage. The applicant has provided architectural plans prepared by M.B. Hearn Architecture, LLC., dated April 1, 2012, which more fully describes the proposed location of the dwellings and structures to be constructed on the above reference lots. The applicant amended its request for front yard variance relief for the principal structure to reflect a setback of 16 feet to the porches (from 15 feet) and 18 feet to the bulk of the dwelling structure (from 17 feet). The applicant further amended its requested relief to seek a variance to allow her

detached garage to be located at 23 feet from the front lot line where 22 feet was originally requested. The applicant also requested variance relief to permit her to construct a 20-foot-wide driveway leading to her proposed one-car garage which said variance relief is necessary because the driveway is wider than the proposed garage and therefore technically constitutes a non-permitted structure in the front yard to some minimal degree.

4. The Board finds that the variance relief may be granted as amended as to the setback relief and as requested regarding the driveway width. The Board finds that it may grant the front yard variance request in reference to the principal structure along Fifth Avenue as said request for relief was amended. The Board finds that the structure is in general conformity with the setbacks in the area and will not present any significant obstruction of presently existing site lines. The Board finds that because of this condition in the community that it may grant the relief requested without substantial detriment to the public good or impairment to the zone plan. The Board finds that by granting the variance as requested the applicant may construct a more aesthetically pleasing design. The Board finds that the promotion of an aesthetically pleasing environment is a goal of zoning and the Borough's Master Plan and as such constitutes a benefit to the community. The Board further finds that this benefit outweighs any detriments that the granting of the variance may present. The Board finds that it may grant the relief in reference to the garage as amended. The Board finds that the front of the garage will be situated well behind the line of the house on the Fifth Avenue side of the property and as such will not present any detriments to any sight lines of any neighbor. The Board finds that the variance is small and will not be observable under casual observation. The Board finds that by granting the relief requested that it may provide for a better use of land which is a goal of zoning and constitutes a benefit that outweighs any detriments that the variance may present. The Board finds that it may grant the relief necessary to allow the applicant to construct her driveway as proposed. The Board finds that the applicant could have built a bigger garage and still complied with the ordinance. The Board finds that the size of the driveway is consistent with the scale of the proposed dwelling and property. The Board finds that by not building a larger garage so to support the size of the driveway the applicant is conserving air, light

and open space to some degree which conservation is a benefit that outweighs any detriments. The scale of the driveway is otherwise in conformance with Borough's ordinances and the norms of the community and therefore the relief may be granted without detriment to the public good nor impairment to the zone plan.

6. The Board finds that the application as proposed is in keeping with sound planning and zoning and does not present substantial detriment to the public good nor does it substantially impair the intent and purpose of the zoning plan. The application will result in a better use of the property and will promote the aesthetics in the community. The variance relief may be granted because the benefits to be gained by the community substantially outweigh any detriments.

WHEREAS, The Board has determined that the relief requested by the Applicants can 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 the benefits of this application do substantially outweigh the detriments associated therewith.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 8th day of August , 2012, that the application be and is hereby granted subject to the following conditions;

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of any permits.
2. That all legal fees, engineering fees, inspection fees and bonds as may set by the Engineer, be paid by the applicant prior to the issuance of building permit.
3. That a copy of this resolution be given to any subsequent owner of these properties.
4. That the applicant shal employ an arborist to consult with the applicant and Board engineer as to how the applicant may save existing trees.
5. That the applicant shall comply with the oral and written opinions of the Board Engineer except as modified herein, and that new plans reflecting the changes and amendments discussed herein and therein shall be provided to the Board Engineer to perform a compliance review.

6. That the applicant shall construct the driveway at no more than twenty feet in width and no closer than three feet from the side property line.

CERTIFICATION

I, Dina Partusch, 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 August 8, 2012.


DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
SEPTEMBER 12, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:05 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Joseph Rizzo, Larry Iannaccone, Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Matthew Sagui, Kathleen Scotto and Chairman Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the August 8, 2012 meeting.

Motion by Rizzo, seconded by Reilly, that the minutes of the August 8, 2012 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

Resolution #20-2012 McCarthy

Motion by Sagui, seconded by Rizzo, that Resolution #20-2012 McCarthy, that the variance application be approved. On roll call Board Members Rizzo, Iannaccone, Goldstein, Sagui, Scotto, and Sapnar voted Aye. Reilly and Judge abstained. None No. Motion carried.

Mr. McGill explained that he would like to add one item to the agenda. He added that Mr. Peter Roche approached him and expressed concerns about the letter of recommendations regarding the Board of Education's capitol review regarding H.W. Mountz playground and basketball court. Mr. McGill received a letter from Mr. Roche's attorney which stated a concern; the concern was whether or not it was the Board's intent to make a recommendation that the Board of Education would consider moving the basketball court to another location. Mr. McGill asked if that is what the Board intended and if so, to authorize him to make this recommendation.

Mr. Roche explained that his recollection of the discussion was that the Board did discuss recommending or not recommending that the Board of Education reconsider the location of the basketball court. Mr. Roche would like to see a follow up letter added this one recommendation to reconsider the location of the basketball court.

Chairman Sapnar explained that the Board had discussed reconsidering the location of the basketball court, there was testimony that the Board of Education had looked at leaving it in its current position and gave reasons why the Board of Education decided to relocate it. The Board came to a conclusion that Board of Education had investigated other options and he does not recall that as being one of the items that was recommended to be in the letter.

Mr. Sagui added that the Board did discuss to consider moving the basketball courts but did not make the recommendation.

Mrs. Scotto explained that there was discussion about other plans and the Board of Education discussed the possibility of looking at those plans again. Mrs. Reilly agreed.

Mr. Rizzo added that they did discuss that because the school is in a residential zone that the Board of Education would do anything possible to minimize the impact on adjacent properties.

Mr. McGill explained that the Board does what it is obligated to do under the State statute but the Board does not have any approval authority. He added that there was a public hearing before the Board of Education and then it came to the Spring Lake Planning Board.

Mr. Sapnar added that the Board addressed the periphery items that would have an impact such as the buffering, lighting, drainage, and the size of the basketball court. He added that the original letter of recommendation would not be revised.

North End Pool and Pavilion Capitol Review

Mr. McGill explained that this is another Capitol Review in which the Board will listen to the information presented and make recommendations.

Joseph Colao, Borough Attorney introduced Bryan Dempsey, Borough Administrator and Peter Avakian, Borough Engineer; they are here as a courtesy and to answer any questions. He explained that they are planning on replacing and renovating an existing building as opposed to an entire new structure building being built in a new location.

Mr. Avakian explained that the facility was constructed in 1931 as a major component of the fabric of the Borough of Spring Lake. He added that there were evaluations done on the entire building and there was a recommendation made to the Mayor and Council that the integrity of the pavilion building itself was not there to warrant rehabilitation. He explained in detail all of the defects and deterioration of the North End Pool and Pavilion and the plans for the new building. He added that there have been many public Council meetings, there was a discussion at every Council meeting, and every opportunity was made to reach out the public and neighboring property owners.

Mr. Dempsey explained that the big issue is a bump out and how that would affect traffic. In October of 2009 there was a presentation which has been posted on the Borough's website since then and the bump out has always existed.

Mr. Judge asked if Mr. Avakian received a written endorsement from the County Executive and County Engineer. Mr. Avakian answered that he received verbal when he met with the County Engineer and more recently a recommendation was made to convert that to a written agreement.

Mr. Rizzo stated that the original plan moved out north and south of the original footprint, neighbors across the street complained since the view would be blocked. The building had to bump out somewhere since many things have been added or moved up. He added that there were some concerns

about the height of the building and the plan was changed. There have been substantial modifications specifically to make the neighbors and surrounding property owners happy.

Mr. Judge asked Mr. Avakian if this will be an improvement to traffic safety. Mr. Avakian answered yes it will not have a negative impact and it should improve visibility.

Susan Desimone, objectors' attorney for Mr. and Mrs. O'Malley who live across the street at 2007 Ocean Avenue explained that her clients are objecting to the fact that it goes beyond the footprint that is there and it goes into Ocean Avenue. There is a concern regarding traffic safety; there is an issue now with traffic as it exists and that issue will not get better with what is proposed. She gave the Board a report from French and Parrello regarding traffic safety.

Mr. Judge asked if there were professionals at the meeting from French and Parrello. Ms. Desimone answered no but she would have them come back to another meeting if necessary.

Mr. Iannaccone asked if the report from French and Parrello was presented during the public hearings. Mrs. DeSimone answered no this report was prepared August of this year and was submitted to the County Planning Board. She added that this is an expansion and not just a rehabilitation or renovation.

Mr. Colao explained that the limited purpose of this referral is with regard to the narrow issues of the Master Plan; this facility will continue to exist and has no impact on the Master Plan.

Ms. Desimone explained the highlights of the traffic report from French and Parrello. The Board questioned Ms. Desimone on this report.

Motion by Sapnar, seconded by Rizzo, a letter of recommendation be sent to the Mayor and Council that the plans meet the intent of the Master Plan and there are no further recommendations to be made. On roll call Board Members Rizzo, Iannaccone, Judge, Reilly, Goldstein, Sagui, Frost, and Sapnar voted Aye. None no. Motion carried.

Five minutes recess.

**CAL#8-2012 MLZ CORP.
401 MONMOUTH AVENUE
BLOCK 36, LOT 1.01**

Michael Rubino, applicants' attorney summarized the application. He explained that the Board had previously approved the application for a subdivision, at that time the applicant indicated that they would be back with an application for a variance for the corner lot. The two variances are along Fourth Avenue for a principal front yard setback of 16 feet and for the accessory front yard structure setback of 22.67 feet.

Mr. Rubino had exhibits marked into evidence.

Michael Zimmerman, property owner and builder was sworn in. He explained that within thirteen years he has built approximately twenty houses in town and his fifth double lot subdivision and third corner

lot subdivision with a variance request. Mr. Zimmerman added that he took this property in trade of a sale of 15 Pitney Avenue in January of this year. He first marketed the property as is and wanted to sell it right away but no one wanted to purchase the house and then he tried to rent it during the summer and after that he decided to divide the lot into two and build two homes.

Mr. Zimmerman was questioned by the Board.

Mr. Judge asked Mr. Zimmerman if he planned on living in either of these homes. Mr. Zimmermann answered no. Mr. Judge asked if he agreed that he would make a lot more money if the he builds a house that is not nineteen feet wide. Mr. Zimmerman answered that it is possible.

Chairman Sapnar asked when the house was marketed as a single lot, no one was interested in the house or no one was interested in the home for the price you were asking. Mr. Zimmerman answered that he was willing to break even on the trade, most people are looking for new homes and do not want extra land maintenance.

Mr. Iannaccone asked what the setback is on the 320 Jersey Avenue house. Mr. Zimmerman answered that it was 15 feet on a small section then it scales back.

Mr. Zimmerman was questions by the audience.

Paul Lawrence, Professional Architect was sworn in and accepted by the Board.

Mr. Lawrence explained that they took the plan from Jersey Avenue but modified the style. It is a four bedroom and four and a half bathroom house. The major modifications are changes to the roof lines, it is only two stories with attic space, and there is a reduction of one foot in width.

Chairman Sapnar asked what the height of the house is. Mr. Lawrence answered that the height is 31 feet 8.5 inches. Mr. Rubino added that the height is actually just short of 35 feet because of the berm. Mr. Lawrence added that the water table is high in this area. Chairman Sapnar asked if they eliminated the third floor because there is not enough height to put one up. Mr. Lawrence answered that they could squeeze in living space on the third floor which may not look right. Mr. Lawrence added that the house is 16 feet from the property line but it jogs back. Mr. Lawrence described the garage and its dimensions.

Mr. Judge asked if a lot of retired couples require four bedrooms. Mr. Lawrence answered yes; a lot of retired couples that he works with require more because of children and grandchildren.

There were no questions from the audience.

Robert Burdick, Professional Engineer and Planner was sworn in and accepted by the Board. Mr. Burdick explained the variances that are needed for this application. He described the basement of the house and drainage on the property. He then addressed the items in Mr. Hilla's review letter.

Mr. Burdick stated that he measured the setback for the structures along Fourth Avenue from Essex Avenue all the way to Salem Avenue, there were twelve homes analyzed and the smallest setback is 15.2 feet and the largest setback is 41.8.

Chairman Sapnar asked how many houses are close to the 16 foot setback. Mr. Burdick answered that there are three.

Mrs. Reilly asked of those houses how many have been built within the last twenty years. Mr. Burdick answered that they are all relatively old structures.

Mr. Judge stated that at the zone boundary in the R-2 zone there is a much greater setback then on the R-1 side. He added that if someone were to look down Fourth Avenue from the lake to Wreck Pond, houses are setback farther. There are a lot of trees which cause buffer however, there are no guarantees that those trees will remain.

Mr. Sagui stated that Monmouth Avenue is a busy street and the corner will have a house which will cause a lot of intensity and will be more of a safety issue.

Mr. Burdick explained that the sight triangles at the intersection are more than adequate.

There were no questions from the audience.

James W. Higgins, Professional Planner was sworn in and accepted by the Board. He explained that there is a conflict between the Borough Ordinance and the Master Plan. He believes that the house which is being proposed would be proportional to what the houses are in the area, a 19 foot home would look odd.

Mr. Rubino explained that the application will be amended to an 18 foot setback instead of the 16 feet.

Chairman Sapnar stated that if anything is changed, new plans will have to be submitted.

Five minute recess.

Chairman Sapnar stated that this case will be carried to November 14, 2012.

Mr. McGill explained that no new notice will be required and Mr. Rubino will waive the time requirements.

Five minute recess.

**CAL#1-2012 10 BROWN STREET, LLC
1202 THIRD AVENUE
BLOCK 75, LOT 16**

Mr. McGill explained that these plans should be looked at as a new application, since a Use Variance is now added to the property.

Mr. Rubino explained that adding a second story would enhance the look of the property. Mr. Rubino added that Mr. Salvato did not want to place retail space upstairs since it is a tough commercial market right now, so he decided to put one apartment upstairs instead.

Mr. Rubino questioned Mr. Salvato. Mr. Salvato has owned the property a little over two years. Mr. Rubino explained that this application was going to renovate the existing building and adding a new section to the building, neither the Board nor the applicants were happy with this plan. Mr. Salvato explained that the new plans have one retail space, one apartment, and one parking space for the apartment.

Mr. Salvato was questioned by the Board and audience.

Verity Frizzell, Professional Architect was sworn in and accepted by the Board and had exhibits marked into evidence.

Ms. Frizzell explained that there was previous approval for three retail spaces with storage on the second floor, which could not be built. Since then the existing building was renovated and a new application was submitted but the plans have been revised since the original submission. Ms. Frizzell added that the economy has changed since the first application and Mr. Salvato feels more office space on the second floor would not be financially feasible. Ms. Frizzell prepared new plans for three office spaces, a second story apartment, and a parking space for one car. Ms. Frizzell explained the dimensions and architecture of the new building.

Ms. Frizzell was questioned by the Board.

Mr. Judge asked what the height of the building is. Ms. Frizzell answered the height is just under the thirty five feet.

Mr. Rizzo asked what was over the windows. Ms. Frizzell answered that they are retractable awnings on the existing building along Third Avenue. Mr. Rizzo asked if the awnings are going to be placed on the new portion of the building. Ms. Frizzell answered no. Mr. Rizzo stated that there is a waiting area provided and suggested to add a few more benches where the planters are.

Chairman Sapnar stated that it was said that the building is setback two feet on Morris Avenue however the application states zero feet. Ms. Frizzell explained that the overhang is at zero.

Mr. Judge asked if the planters are in line with the overhang. Ms. Frizzell answered yes.

Mr. Iannaccone asked about the stairwells and where they go to. Ms. Frizzell answered down to a crawl space and the building itself is raised on the plan however; the plans may be changed to make the building a one level floor. He then asked about the parking space requirement for residential use since two spaces are required. Ms. Frizzell answered that there is not enough room.

Ms. Frizzell was questioned by the audience.

Ray Carpenter, Professional Engineer and Professional Planner was sworn in and accepted by the Board and had an exhibit marked into evidence. Mr. Carpenter described the property, which has frontage on an alley to the east, Morris Avenue to the south, and on Third Avenue to the west. There will be office retail on the first floor and a residential unit on the second floor. He then discussed the variances needed for this property. He added that there is a drainage system for the roof area for the other two existing

structures, which will drain into a dry well system; all of the water currently dumps out onto the sidewalk. Mr. Carpenter reviewed and discussed Mr. Hilla's letter. Mr. Carpenter was questioned by the Board and the audience.

Cheryl Bergailo, Professional Planner was sworn in and accepted by the Board and had exhibits marked into evidence. Ms. Bergailo explained that many existing apartments have external items that are visually not that attractive. This apartment's stairwells are internal, the parking is covered, and the trash is enclosed. She explained how this application advances several purposes of planning of the Municipal Land Use Law. She added that there are a significant amount of second floor apartments in the RC zone. She explained that the benefits of the project substantially outweigh the minimal impact of the variances.

Ms. Bergailo was questioned by the Board and audience.

Mr. Iannaccone asked if any of the existing apartments are new construction or are they old apartments. Ms. Bergailo answered that they are mostly older. Mr. Iannaccone then asked what second floor was used for on the new construction, the Ottilio property, and if it is fully tenanted. Mr. Rubino answered commercial use and no there is availability.

Chairman Sapnar stated that this meeting will be adjourned and this case will be carried to October 10, 2012 at 7:00 p.m., no further notice required and all time requirements will be waived.

Motion by Sapnar, seconded by Sagui, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 11:00 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 20 – 2012
(Cal 10-2012)

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

WHEREAS, Sean and Susan McCarthy (hereinafter referred to as the "applicants") have 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 demolish an existing dwelling and construct a new dwelling at property located at 319 Pitney Avenue, Spring Lake, New Jersey, and known as Block 126, Lot 18 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of August 8, 2012, in the Municipal Building, and testimony having been presented on behalf of the applicants 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.
2. The property consists of an irregularly-shaped lot that has 7,874 square feet of area, 75.68 feet of frontage on Pitney Avenue and 100 feet of frontage on Edgewood Place. Presently the property contains a 2-story dwelling with an attached garage and driveway access to both Pitney Avenue and Edgewood Drive.
3. The applicants propos to demolish the existing structure and to construct a new dwelling structure on the lot. The proposal is more fully described in the architectural plans presented by the applicants prepared by Paul S. Moore, Architect, dated March 20, 2012, and the plot plan prepared by Ray Carpenter, P.E., dated March 21, 2012. The applicants requested and were granted leave to amend their plans to

decrease the front yard setback deviation along Edgewood Place so as to set the house at 22 feet from the property line rather than the 20 feet as proposed in the plans.

The applicants also requested additional variance relief to conform to the interpretations of the ordinances as found in the Engineer's report of June 18, 2012, so to permit a walkway total area of 371 square feet and to allow a change in grade in excess of 18 inches.

4. The applicants' project required the following variance relief:

A. Front yard setback relief along Edgewood Place where 25 feet is required and 22 feet is proposed.

B. Rear yard setback relief for the principal structure where 35 feet is required and 32.3 feet is proposed.

C. Minimum distance between the garage and the principal structure where 20 feet is required and 8.37 feet is proposed.

D. Maximum walkway coverage where 200 feet is permitted and 371 feet is proposed.

E. Change in grade of the property where no more than 18 inches is permitted and a decrease in grade of approximately 2.5 feet is proposed.

5. The Board finds that the relief requested may be granted. The Board finds that the existing principal dwelling structure presently encroaches into both the front yard along Edgewood Place and the side yard on the easterly side of the lot. The Board finds that by granting the relief requested, as amended, that the Board may eliminate the nonconforming encroachment into the side yard and decrease the nonconformity along Edgewood Place. The Board finds that the distance between the garage and the principal structure may be granted because the property is lacking in depth which makes the inclusion of a detached garage difficult. The Board finds that the configuration proposed is beneficial because Edgewood Place is a narrow thoroughfare and by permitting the design proposed, the property will no longer have driveway access onto Edgewood Place. The Board finds that the property is otherwise adequately designed so to allow for reasonable access to the rear of the property should such access be necessary. The Board finds that the rear yard variance is only required due to the existence of a small rear porch and stairs. The Board finds that this encroachment is contained to the first floor of the proposed structure, imposes no bulk

on the surrounding properties, will be practically invisible to the casual observer and provides for an overall better layout of the structure and therefore better use of the property. Accordingly, there will be no detriment to the public good or impairment to the zone plan, and on average, the benefits outweigh the detriments presented. The Board finds that the sidewalk variance may be granted. The applicants, being under the impervious coverage limit and by quirk of the ordinances, could actually increase the impervious area around the walkways so as to constitute a patio and thereby eliminate the need for the variance for walkways. The Board, recognizing that less impervious coverage is generally better even when within the permitted standards, finds that the walkway should be permitted in this instance so as not to unnecessarily increase the impervious coverage on the property. The Board finds that the grade may be changed as proposed subject to adequate drainage applications and principles being applied so as to eliminate any drainage problems that may accrue by the change.

6. The application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The variance relief may be granted because the aesthetic benefits and other benefits to be gained by the community substantially outweigh any detriments and the new structure will advance the purpose of Zoning.

WHEREAS, The Board has determined that the relief requested by the Applicants can 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 the benefits of this application do substantially outweigh the detriments and that a certain hardship exists.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 12th day of September, 2012, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicants prior to the issuance of a

building permit.

4. That a copy of this Resolution be given to any subsequent owner of this property.
5. That the applicants shall conform their plans to the recommendations of Board Engineer as found in his report of June 18, 2012.
6. That the applicants shall move the location of the HVAC units so as to conform to the Borough's Ordinances.
7. That the impervious surfaces at the property shall not be increased without further application to the Board.
8. That the applicants shall grant an easement to the Borough to permit the public use of the sidewalk existing or to be constructed along Edgewood Place.
9. That the property shall not have driveway access to Edgewood Place and such access as it shall now exist shall be eliminated and abandoned.
10. That the applicants shall conform their plans to provide and employ such drainage techniques and apparatus as deemed necessary by the Board Engineer.

CERTIFICATION

I, Dina Partusch, 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 September 12, 2012.



DINA PARTUSCH

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
OCTOBER 10, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:10 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Joseph Rizzo, Larry Iannaccone, Michael Burke, Ph. D., Walter Judge, Matthew Sagui, Megan Frost, Kathleen Scotto and Chairman Nicholas Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the September 12, 2012 meeting.

Mrs. Scotto stated that there should be an addition to the minutes; the minutes were updated reflecting the addition.

Motion by Judge, seconded by Rizzo, that the minutes of the September 12, 2012 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Judge, Sagui, Scotto, and Sapnar voted Aye. None No. Motion carried.

**CAL#1-2012 10 BROWN STREET, LLC
1202 THIRD AVENUE
BLOCK 75, LOT 16**

Chairman Sapnar explained that Meghan Frost is recusing herself from this hearing.

Michael Rubino, applicants' attorney summarized the application. He explained they reviewed the application and decided to withdraw the request for a Use Variance, second floor apartment. The area above the first floor will be for storage and the parking spot on the first floor was turned into additional retail space.

Verrity Frizzell, Professional Architect was sworn in and accepted by the Board. Ms. Frizzell had exhibits marked into evidence and discussed the new plans.

Ms. Frizzell explained that there is first floor retail space, second floor storage and a refuse area. She discussed the square footage of the entire building, what exists and what is proposed. She then discussed Mr. Hilla's review letter. There is a fenced in area for recyclables and trash.

Ms. Frizzell was questioned by the Board.

Ms. Frizzell stated that they are willing to meet with Shade Tree Committee to discuss a plan for the property. She added that there will be planters along Morris Avenue against the building and the curb line is changed to allow tree planters along Third Avenue.

There were no questions from the audience.

Ray Carpenter, Professional Engineer was sworn in and accepted by the Board. Mr. Carpenter had exhibits marked into evidence and discussed the site plan and building coverage. He explained that there are no parking spaces being proposed and he thinks that there is plenty of parking on Third and Morris Avenues, consistent with a good percentage of the retail uses on Third Avenue. Also, parking in the rear is very tight and it is not easy to get a spot there.

Mr. Rizzo stated that the plan shows that the curbs exist however they are modified, the curbs should be considered new. There was some previous discussion on having the curb along the corner bump out to the edge of the parking space; it could provide a larger plant or a seeding area.

Mr. Judge stated that way that the trees are shown on the site plan; the car bumper may crash into the trunk of the tree. Mr. Carpenter explained that normally there is two feet from the curb to any object.

Chairman Sapnar explained that if the application is approved this suggestion maybe placed in a resolution since it is beyond our jurisdiction.

Mr. Sagui stated that not having parking for customers may hurt business. Mr. Carpenter explained that Spring Lake is a community with shared parking, the idea is to have people come to town and park the car once and visit a few stores.

Mr. Judge added that there will also be added employees who will need to park as well.

Mr. Rubino explained that doing this project in today's economic time is difficult, more retail space would be more feasible then a parking spot.

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. Motion carried.

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

Motion by Burke, seconded by Sapnar, that the application be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Sagui, Scotto, and Sapnar voted Aye. None voted no. Motion carried.

Five minute recess.

Mrs. Frost returned to the hearing.

**CAL#8-2012 FRIZELL
21 SOUTH BLVD
BLOCK 144, LOT 11**

David Frizell, applicant is also representing himself was sworn in.

Aurelia Frizell, applicant's wife was sworn in.

Kenan Hughes, Professional Planner was sworn in and accepted by the Board.

Mr. Frizell explained that he purchased the home two years ago. The house was torn down and a new one was built so that there could be a master bedroom on first floor. He decided to then install a pool in the backyard. He explained that with the pool complies with the 7 percent coverage but the lot will be over on impervious coverage.

Chairman Sapnar stated that Mr. Frizell had mentioned that the pool complies at 7 percent coverage however the application states that is 8.9 percent. Mr. Frizell explained that when Charles Surmonte prepared the survey he included the apron around the pool, which should not be counted in calculating the pool coverage. Chairman Sapnar asked that the only variance needed would be for impervious coverage. Mr. Frizell answered yes it would be a little under 50 percent where 40 percent is required.

Mr. Frizell was questioned by the Board.

Mr. Judge asked if Mr. Frizell thought of putting in a smaller pool. Mr. Frizell answered that this is not a big pool it is 14x31 feet.

Mr. Burke asked if the rear of the driveway is all asphalt. Mr. Frizell answered that he would not put asphalt down. Mr. Burke asked if Mr. Frizell was going to increase the driveway coverage. Mr. Frizell answered that that was the original plan but it was not built that way yet, there is already a zoning permit to build the driveway.

Chairman Sapnar asked if the 12 percent that is being is 7 percent for the pool, 1.9 percent for the area around the pool, and rest is the walk. Mr. Frizell answered yes he supposes. Chairman Sapnar added that some of the numbers do not add up.

Mr. Rizzo asked if the walkway from the deck to pool is new. Mr. Frizell answered yes.

Mr. Burke stated that there is a reason for the impervious surface numbers since there is flooding in town, the more impervious surface the more the water goes into the lakes and streams and floods, and he is surprised Mr. Frizell is not concerned. Mr. Frizell explained that he is concerned and that there is detention system so everything is going underground.

Mr. Rizzo stated that there is a large difference between 45 percent impervious coverage compared to 49 percent. This is a smaller lot then the typical R-1 lot which is a burden. He added that there are portions of the application not filled in. Mr. Frizell stated that those items are not being changed. Mr. Rizzo

explained that normally an applicant would put the same number in those spaces where there is no change.

Chairman Sapnar added that the driveway was not built so the driveway would be new to this application since it is increasing the impervious coverage.

Mr. McGill explained his concern is that the Board knows what the exact numbers are.

Mr. Judge suggested that the case be carried and new plans and a revised application be submitted.

Mr. Burke asked if the wood deck is an open structure. Mr. Frizell answered yes. Mr. Burke also asked where the swimming pool filter and pumps are located. Mr. Frizell answered that it is not shown on the plan.

Mr. Hughes was questioned by Mr. Frizell. Mr. Huges explained that this is an undersized lot in the R-1 zone; 40 percent coverage in this zone is envisioned for a larger lot. The pool is modest sized pool and the pool is under the 7% coverage for the pool itself. He added that the pool is in the rear yard and will not be visible from the public right of way.

Mr. Hughes was questioned by the Board.

There were no questions from the audience.

Comments:

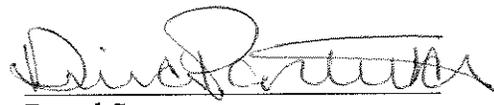
Mary Harz, 10 Pitney Avenue stated that the house is perfectly sized and she has no objection to the variance request.

Chairman Sapnar stated that the application needs to be completely filled out with the new figures and accurate plans

Chairman Sapnar stated that this meeting will be adjourned and this case will be carried to December 12, 2012 at 7:00 p.m., no further notice required and all time requirements will be waived.

Motion by Rizzo, seconded by Burke, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:40 P.M.

Respectfully submitted:


Board Secretary

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
DECEMBER 12, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:00 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicholas 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 Larry Iannaccone, Michael Burke, Ph.D., Cindy Napp, Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Matthew Sagui, Kathleen Scotto and Chairman Nicholas Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the October 10, 2012 meeting.

Motion by Burke, seconded by Sagui, that the minutes of the October 10, 2012 meeting be adopted. On roll call Board Members Iannaccone, Burke, Judge, Sagui, Scotto, and Sapnar voted Aye. Napp, Reilly, and Goldstein abstained. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

Resolution #21-2012 10 BROWN STREET, LLC

Motion by Sapnar, seconded by Judge, that Resolution #21-2012 10 Brown Street, LLC, that the variance application be approved. On roll call Board Members Iannaccone, Burke, Judge, Sagui, Scotto, and Sapnar voted Aye. Napp, Reilly, and Goldstein abstained. None No. Motion carried.

**CAL#8-2012 MLZ CORPATION
401 MONMOUTH AVENUE
BLOCK 36, LOT 1.01**

Chairman Sapnar explained that Cindy Napp is recusing herself from this hearing.

Michael Rubino, applicants' attorney explained that since the last meeting this application was before the Board, revised plans were filed; with the new plans the closest the house would be to Fourth Avenue is nineteen feet.

All of the exhibits were marked into evidence.

Mr. Rubino explained that after the architectural plans were submitted the applicant asked if he were granted approval, would the applicant be able to change the plans for the house as long as the foot print stayed the same.

Chairman Sapnar clarified that there will be two options with the same setbacks but one with two and a half stories instead of two stories with a basement.

Mr. McGill explained that the applicant is held to the plans that are approved; the Board can consider either plans or just one plan.

Paul Lawrence, Professional Architect testified at the last hearing and is still under oath. He explained that the depth of the house is twenty five feet which is why there is a nineteen foot setback. He explained the dimensions of the plan A, which are similar to the previous plans however they are smaller. It has a basement with two stories. There are only three areas where the bulk of the house is at the nineteen feet and one of those is a porch which is open. Mr. Rubino added that the only other variance that is needed is for the garage and that has not changed from 22.67 feet.

Chairman Sapnar asked about the attic since there is a stairway going up from the second floor up. Mr. Lawrence answered no.

Mr. Sagui stated that at the last hearing there was testimony that the attic would have a pull down ladder.

Mr. Rubino answered that there will be pull down access the attic.

Mr. Lawrence then explained plan B which has the same foot print and building height, however the basement was eliminated and the first floor height was dropped so that a half story can be added. The rough line has changed from the first plan. There will be more bulk on the west side then plan A.

Mr. Iannaccone asked what the height is on Plan B. Mr. Lawrence answered it is thirty five feet.

Jim Higgins, Professional Planner testified at the last hearing and is still under oath. He explained that house which is proposed is more in character then a nineteen foot wide house. He discussed the Master plan and corners lots.

Mr. Judge explained that the problem is that builders are coming into town and want to build biggest house possible.

Mr. Higgins explained that the Master Plan also references that the narrow houses on the corner lots are not in character. He also discussed lots in the area and there setbacks.

Chairman Sapnar stated that Mr. Higgins previously testified on all of the setbacks in the area and when the Board looked at the setbacks, that it is not normal for that area.

Mr. Higgins explained that the front yard setback has been increased three feet from what was previously presented, the building coverage has dropped three percent, and the impervious coverage has dropped approximately five percent.

Mr. Judge asked what the average setback along Fourth Avenue is. Mr. Higgins stated that he has not calculated every lot.

Mr. Judge asked looking at a scale of a house being out of character, nineteen feet is out of character and twenty five feet is in character. Mr. Higgins explained that it is a subjective judgment based on the area and in this area there are no houses that are nineteen foot wide.

There were no questions from the audience.

Robert Burdick, Professional Engineer testified at the last hearing and is still under oath. He discussed exhibit A-8 which is the front door setbacks concentrated on Fourth Avenue between Essex Avenue to Salem Avenue.

Mr. Judge asked if Mr. Burdick knew the average of all of the lots. Mr. Burdick answered that he did not do an average but they are p around twenty two feet or twenty three feet. Mr. Judge added that the variance being requested is below average for this area. Mr. Burdick explained that some of the house setbacks on this street are in excess of the required setback in this zone.

Mr. Hilla asked how the house A versus house B is going to look vertically because of the finished floor elevation. Mr. Burdick answered that in the area that the lower finished floor would be more in character; however he did not do a specific study.

There were no questions or comments from the audience.

Motion by Judge, seconded by Reilly, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Judge, seconded by Sapnar, that the application be denied. On roll call Board Members Iannaccone, Burke, Judge, Reilly, Goldstein, Scotto, and Sapnar voted Aye. Sagui voted No. Motion carried.

Mrs. Napp returned to the hearing.

CAL#9-2012 FRIZELL
21 SOUTH BLVD
BLOCK 144, LOT 11

David Frizell, applicant and homeowner testified at the last hearing and is still under oath.

Mr. Frizell explained most of the houses on the street are fifty foot lots and he believes most of them have more coverage on their lots then he does. He reviewed his lot coverage. He added that all of the roofs run into underground detention and the pool would as well. He added that they are over on the coverage but he feels that the apron around the pool is important.

Mr. Burke asked if the plans are correct and the application is not. Mr. Frizell answered that the plans are correct.

Mr. Burke asked how there are drywells on the property because it states on the plan that the mean high water is forty inches. Mr. Frizell answered that he provided the certification from the engineer after construction that they were operating correctly.

Mrs. Scotto asked if Mr. Frizell knew how big the neighbor's pool apron is. Mr. Frizell answered that it is more than an apron; it covers most of the back yard.

Mr. Sagui asked if Mr. Frizell tried to make the pool a little bit smaller. Mr. Frizell answered that the pool is modest, laps cannot be done in it but you can swim in it.

There were no questions or comments from the audience.

Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Sapnar, seconded by Judge, that the application be approved. On roll call Board Members Iannaccone, Burke, Judge, Sagui, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None voted No. Motion carried.

Five minute recess.

**CAL#13-2012 SPRING LAKE PARTNERSHIP II
308 SECOND AVENUE
BLOCK 20, LOT 10**

Frances Brett and Therese Kaufmann, homeowners were sworn in by the Board.

Mr. Kaufmann explained that they purchased the property in 1987, he grew up in Spring Lake and never remembered the flooding to be as bad like as it has in the past seven years. During the Nor'easter of 2005 their house took in eighteen inches of water on the main floor, in 2011 their house took in four inches of water, and this year they took in thirteen inches of water at the front door, there was about five inches that came in. Mr. Kaufmann would like to try to make the house safer and try to address the flood issues. He would like to move the entrance door from the lower level to the main floor level which is five feet above the ground. The rough system cascades water in different directions. He would like to change the shape of the rough to reduce the amount of water going east. Mr. Kaufmann described his plan.

Mrs. Reilly asked if Mr. Kaufmann will be raising the house up at all. Mr. Kaufmann answered that he cannot raise the house since it is a split level and would be very difficult. He added that he would like to eliminate two doors and just have to worry about one door to seal. He believes that he could also alleviate the mud with just one door.

Mrs. Napp asked how wide the porch is along Second Avenue. Mr. Kaufmann answered that it is nine feet wide.

Mr. Judge asked on Salem Avenue the setback is at .8 feet away from having a conforming setback; why not just eliminate that variance. Mr. Kaufmann answered that they would eliminate that variance.

Chairman Sapnar asked what the setback to the house to the south, from the curb to the house. Mr. Kaufmann answered that currently his neighbor's house is closer to the road but if this variance was granted his would be closer by a couple of feet.

Mr. Hilla asked if the stairs could be parallel to the house instead of perpendicular. Mr. Kaufmann stated that they did think about moving the stairs, however if someone was leaving the house the second floor cantilever is there.

Mrs. Napp asked what material is underneath the porch. Mr. Kaufmann answered that he would like small concrete piers with posts with lattice.

There were no questions or comments from the audience.

Motion by Burke, seconded by Reilly, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Motion by Sapnar, seconded by Judge, that the rear yard setback for the roof modification, the impervious coverage, and the front yard setback on Second Avenue application be approved. On roll call Board Members Iannaccone, Napp, Judge, Sagui, Reilly, Goldstein, Scotto, and Sapnar voted Aye. Burke voted No. Motion carried.

CAL#14-2012 RIELLY
2201 OCEAN AVENUE
BLOCK 20, LOT 10

Michael Rubino, applicants' attorney summarized the application. He explained that when the Rielly's purchased the property there were many renovations needed. The applicants would like to change the grade on a few areas on the property. Mr. Rubino would also like to build a structure in the rear of the yard. They would like to combine a pergola, an outside grill area, and a cabana. Since they combined these items they take up more area than what is allowed for an accessory structure. There is also an eight foot privacy wall constructed within the cabana/pergola structure. The Board should determine due to the wall is the structure considered a cabana or a pergola. Also, if the privacy wall would be considered a fence and would need a variance, however if it is considered a pergola then a variance would be needed. Mr. Rubino added that the Rielly's hired a landscaper which did not properly permit the work that was done, the landscaper thought that since he was constructing a wall less than eighteen inches that he did not need a permit to do that. If the Rielly's decide to keep this they will be back before the Board with a separate application or they will remove it.

John and Merrell Rielly, homeowners were sworn in. They currently also own a home on York Avenue and purchased the Ocean Avenue home in 2003. He described the house and the changes that they would like to make.

Chairman Sapnar asked if they are putting back the grading that was taken out when they first built it the house. Mr. Rubino answered that someone put in the retaining wall on the west side, the only variance was for the south side of the house. Currently they are requesting a variance on the north side of the house to re-grade the area where the wing was.

Mr. Judge asked why the wing was removed. Mr. Rielly answered it was a strange arrangement and it was very separate from the house.

There were no questions or comments from the audience.

Paul Lawrence, Professional Architect was sworn in and accepted by the Board. Mr. Lawrence discussed the application. The house has three entrances and the official front door was in the middle of the front of the house facing Ocean Avenue. The front door is now on Monroe Avenue. The wing that was taken off was six hundred square feet.

Chairman Sapnar asked what was going to go in front of the two living spaces which was previously a garage. Mr. Lawrence answered that it will be the outdoor patio and the adjoining pool.

Mr. Lawrence discussed the outdoor living space. They wanted to provide screening from the neighbor to the west, the house to the west has a lot of windows. The privacy wall makes the pergola a structure, which currently would be too large for an accessory structure. It needs to be determined if the structure is a pergola, a cabana, or an accessory structure.

Mr. Hilla explained that is a structure because it is an assemblage of material but what type of structure is it considered either a pergola or a cabana, the wall is incidental it is part of the structure.

Mr. McGill asked if Mr. Hilla thought it would be a fence issue because of the privacy wall. Mr. Hilla answered that he thinks the wall is part in partial with the structure.

Mr. Lawrence explained that they were moving the pool equipment and generator into a basement underneath that structure. The Rielly's would still like to have the privacy wall for screening but it would be beneficial to the town since the noise will be underground.

Chairman Sapnar stated that it could be considered an accessory structure now that there would be a basement which cannot be more than one hundred square feet.

Mrs. Napp asked to explain how they would get into the basement. Mr. Lawrence explained that there would be a screening wall with the stairs and go down into the basement. He added that he could limit the basement to one hundred square feet.

There were no questions or comments from the audience.

Ray Carpenter, Professional Engineer was sworn in and accepted by the Board. Mr. Carpenter discussed once the wing structure was removed they would have to either put a retaining wall or transform the grade to obtain a nice back yard. He then discussed the existing retaining wall which will be removed.

Chairman Sapnar asked how the grade goes from the pool to the west to the neighbor's property. Mr. Carpenter answered that it is pretty level. He added that the neighbor's property to the west is higher.

Mrs. Napp asked what was located to the west of the vegetation. Mr. Carpenter answered that is a retaining wall on the neighbor's property.

Mr. Carpenter discussed the pool fence and the proposed grass look out.

Chairman Sapnar asked if a variance needed for the side yard setback existing is 16.02 feet and proposed 30.45 feet, pursuant to code there should be 35 feet. Mr. Rubino answered that how Mr. Zahorsky, Borough Zoning Officer looks at that as a reduction and would not trigger a variance. Chairman Sapnar explained that it is obvious however it should be added as a variance.

Mr. McGill stated that the structure is not a building so there would no coverage issue. He added that under our fence ordinance there is a section that permits a privacy area with a maximum of six feet in height.

Chairman Sapnar asked if a variance is needed to have an underground storage basement limited to one hundred square feet. Mr. Lawrence answered that they would make it fit under the one hundred square feet with the stairs going to the basement.

Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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

Chairman Sapnar stated that the Board is making a determination that the six foot privacy screen falls under our privacy wall ordinance. He added that the Board is making a finding that the pergola is not an accessory building therefore a variance is not required. The underground vault would be considered an accessory building and will not exceed one hundred square feet. The variance for the grading and side yard setback of 30.45 be approved.

Motion by Sapnar, seconded by Judge, that the application be approved. On roll call Board Members Iannaccone, Burke, Napp, Judge, Sagui, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None voted No. Motion carried.

Motion by Sapnar, seconded by Judge, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 9:55 P.M.

Respectfully submitted:


Board Secretary

RESOLUTION NO. 21-2012
(Cal No. 1-2012)

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

WHEREAS, 10 Brown Street, 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, and has applied for preliminary and final site plan approval in reference to property located at 1200 Third Avenue, in the Borough of Spring Lake, New Jersey and known as Block 75, Lot 16 on the Spring Lake Tax Map, and

WHEREAS, public hearings were held at the regularly scheduled meetings of September 12, 2012, and October 10, 2012 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 the RC Zone.
2. The property has 6,900 square feet of total area with 69 feet of frontage on Third Avenue and 100 feet of frontage on Morris Avenue. The property presently contains a one-story masonry building that contains two commercial units fronting on Third Avenue. The two commercial units on the property have been the subject of recent renovation.
3. The applicant is proposing to, in addition to renovating the existing structure, to add thereto a two-story structure with a commercial unit on the first floor and storage space on the second floor. The applicant was previously granted site plan approval and variance relief to permit the applicant to raze the existing two unit structure and to construct a single-story three unit commercial structure which

approvals were memorialized in the Planning Board's Resolution No. 18- 2011, dated July 13, 2011. The applicant originally filed an application in the instant matter on or about December 15, 2011, at which time the applicant proposed the same renovation of the existing units but proposed to construct a box-like one-story addition thereto. These plans were subsequently abandoned by the applicant and the applicant filed a second application with new plans on or about July 16, 2012. The new plans and application were accepted procedurally as an amendment to the pending application. By the new plans and amended application, the applicant proposed to construct a completely different two-story addition adjacent to the existing units which addition was proposed to have retail on the first floor and a dwelling unit above. Because the amended application required the consideration of a use variance, a newly designed structure and required the recusal of the members of the Governing Body who sit on the Planning Board, the Board determined that the application should be and would be heard and considered as a new application. All procedural requirements being in order, including proper notice and composition of the Board, the matter proceeded accordingly. Subsequent to the first hearing of the matter on September 12, 2012, the applicant withdrew its request for a residential unit on the second floor and advised the Board that this space would be used for storage. The Board accepted the amendment. As a result of the elimination of the residential use from the application, no use variance relief was required and none was considered or granted.

4. The applicant's proposal is described in greater detail in the plans prepared by Feltz and Frizzell, Architects, dated November 15, 2011, last revised on September 20, 2012, and Ray Carpenter P.E. dated February 1, 2011, last revised September 27, 2012. The Board has accepted these plans into evidence and relies upon same for the purposes of this application.

5. The applicant made application to the Board seeking preliminary and final site plan approval along with variance relief. The application required a variance for impervious surfaces where 70% is permitted, 100% exists and 100% is proposed; building coverage where 70% is permitted 64.1 exists and 80.54% is proposed; rear yard set back where 30 feet is required and 9.46 feet is proposed to the new structure; and a parking variance where approximately 19 parking spaces are required and zero

are proposed.

6. The Board finds that preliminary and final site plan approvals and the associated variances requested in this application may be granted subject to the conditions found herein. The Board finds that the design of the structure proposed compliments the surrounding properties and that it provides an aesthetic enhancement to the intersection of Morris and Third Avenues. The Board finds that the design of the property will serve to shield from public view a small alley that runs behind the property and will thereby improve aesthetics in the area. The Board finds that the rear yard set back deficiency is mitigated by the existence of the alley. The Board finds that the rear yard encroachment is also mitigated by the existence of a large masonry commercial building situated directly to the properties rear. The Board finds that the continuation of the subject property along Morris Avenue serves to promote the streetscape in the area and thus serves to provide a continuous commercial visual environment which the Board finds to be a benefit. The Board finds that the design of the structure as proposed promotes the plan to revitalize the retail culture on Third Avenue. The Board finds that the proposal will encourage and promote retail uses in the zone which is a major goal of the community as reflected in its Master Plan and zoning scheme for the RC Zone. The Board finds that the proposal represents an obvious aesthetic improvement to the property which it finds to be a benefit to the community. The Board finds that the potential to obtain the new and desired retail use in the zone will benefit the entire RC Zone and the community in general. The Board finds that these benefits are such that they would not be obtained other than by the grant of the variances in question. The Board finds that the property has long operated as a multi-unit commercial building that provided no on-site parking. The Board finds that the applicant demonstrated that on-site parking is not a practical given the configuration of the existing units and cannot be achieved without sacrificing some of the benefits described above. The Board finds that the proposal is largely in conformity with the parking provided by similarly situated and sized properties and therefore will not represent a substantial impairment to the zone plan. The Board also finds that the property is already at 100% of impervious coverage and finds in this regard, that through the use of modern drainage controls, the proposal represents a benefit to the

community in this instance. Given the pre-existing conditions, the Board finds that the variances granted will not be a substantial detriment to the public good and will not substantially impair the intent and the purpose of the zone plan. The Board finds that by permitting the increase in building coverage, the Board may gain the benefits of an aesthetically pleasing streetscape and eliminate inefficient and obsolete-appearing aspects of the property. The Board finds that because the intersection involved is a prominent intersection in the Borough that the aesthetic benefits to be gained in this regard are substantial. Further, the Board finds that the benefits of the deviation from the zoning requirements to be gained as announced herein substantially outweigh any detriments.

7. The application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The variance relief may be granted because the benefits to be gained by the community substantially outweigh any detriments and for the other reasons stated herein.

WHEREAS, The Board has determined that the relief requested by the Applicants can 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 the benefits of this application do substantially outweigh the detriments.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 12th day of December, 2012, that preliminary and final site plan approvals and the associated variance relief be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current.
2. That all construction be completed in accordance with laws.
3. That all attorney fees, engineering fees, inspection fees, or performance bond set by the Borough Engineer shall be paid by the applicant prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this

property.

5. Any new utility services to the property will be located underground.

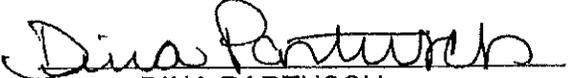
6. That all building be done in conformance with application and plans herein approved.

7. That the applicant shall make all good-faith efforts to gain approvals from the town and county as necessary to make the corner of Third and Morris Avenues more pedestrian friendly including the possible extension of the sidewalk along Third Avenue to the outer end of the parking spaces. Upon approval by the Governing Body, or County, as the case may be, such improvements shall be a condition of the approvals herein.

8. The applicant shall comply with the comments of the Board's Engineer as submitted to the Board at the hearing and as found in his letter of September 5, 2012, except as modified herein. The applicant shall submit such new plans as are necessary for compliance review by the Board Engineer.

CERTIFICATION

I, Dina Partusch, 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 December 12, 2012.


DINA PARTUSCH