

**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 Iannaccone, 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, Iannaccone, 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, Iannaccone 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 Iannaccone 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, Iannaccone, 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