

**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 11<sup>th</sup> 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.

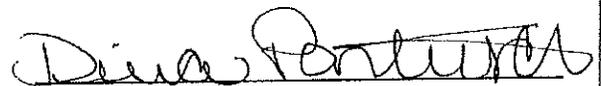
6. That no permits, other than demolition permits, shall be issued prior to perfecting the subdivision.

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