

**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