

**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