

**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