

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
JULY 17, 2013**

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., Walter Judge, Priscilla Reilly, Matthew Sagui, Melissa Smith Goldstein, Kathleen Scotto and Chairman Nicholas Sapnar.

Chairman Sapnar announced that Wells Fargo Advisory, LLC will be carried to August 14, 2013 no further notice required.

Mr. Rubino explained that the applicant is working with the neighbors to come up with a solution to please everyone in the area; the issues should be resolved by next month.

There were no resolutions on for adoption.

Motion by Rizzo seconded by Reilly, that the minutes of the May 8, 2013 meeting with revisions, be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Reilly, Sagui, Goldstein, Scotto, and Sapnar voted Aye. None No. Motion carried.

**CAL#5-2013 BIEGEL  
401 ST. CLAIR AVENUE  
BLOCK 100, LOT 1**

Carried from June 12, 2013.

Mr. Judge recused himself.

Mr. Rubino, applicant's attorney had the exhibits marked into evidence.

Mr. Rubino, applicant's attorney explained that house is on an oversized lot; the Biegel's have fixed up the front house and now are ready to update the garage which could be slightly fixed without a variance. The garage is oversized and the Biegel's would like to make the garage more attractive by adding dormers to match the architecture of the house. A concern that was discussed is the potential use of the second floor of the garage. The center of the garage is only six feet high then slopes down, there are pull down stairs, the intended use would be strictly for storage. Another concern is the curbs and sidewalks which will be fixed as a part of the project.

Stephen Biegel, homeowner was sworn in; he explained that the home was purchased in 2010 at which point he started restoring it. He would like the garage to resemble the house; the garage does not have running water, heat or insulation. The garage does have electric for the inside and outside lights.

There were no questions.

Mary Hearn, Professional Architect was sworn and accepted by the Board. She explained that together they designed the house starting with the third floor, half story master suite, and then they worked on the first floor and designed the kitchen and dining area and now the garage. The dormers are proposed to look exactly like the dormers on the house. Ms. Hearn discussed the elevations of the garage both the north and east elevations are visible from the street.

Mr. Sapnar asked what the height of the garage is. Ms. Hearn answered sixteen and a half feet. Mr. Sapnar stated that it is actually under the allowable height.

Mr. Iannaccone asked if the height will remain the same. Ms. Hearn answered yes, only the roof line is changing to add the dormers.

Mr. Sapnar stated that if the Biegel's were to tear down the garage they could build a taller one just not as many square feet. Ms. Hearn agreed.

Ms. Hearn explained that there will be dormers on both the front and rear of the garage, if there were only dormers on the front the view from the side of the garage would be lopsided. The views of the garage will be substantially enhanced; the existing garage is very unattractive.

Mr. Burke asked if this property was already before the Board. Mr. Rubino answered yes but property on an informal basis to determine if the Board would be in favor of a subdivision. Mr. Sapnar stated that the Board was not in favor.

#### Comments:

Elsie Dubac, 415 St. Clair Avenue commented that it is wonderful having the Biegel's as neighbors; they take such good care of the house and have put a lot of effort into it.

Motion by Reilly, seconded by Sagui, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Rizzo, seconded by Sagui that the Board come out of caucus. On roll call all Board Members voted Aye. None No. Motion carried.

Mr. Burke stated that the applicant would be allowed an additional accessory structure of one hundred square feet. He then asked if the applicant would be willing to waive that since the garage is over eight hundred square feet. Mr. Biegel agreed. Mr. Burke asked where the pool equipment was stored. Mr. Biegel answered that pool equipment in the garage.

Motion by Burke, seconded by Rizzo, that the application with one modification to waive the right to have an accessory structure be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Reilly, Sagui, Goldstein, Scotto and Sapnar voted Aye. None voted no. Motion carried.

Mr. Judge returned.

**CAL#6-2013 Delsalto/Codey**  
**501 LUDLOW AVENUE**  
**BLOCK 114, LOT 1**

Carried from June 12, 2013.

Mr. Sagui recused himself.

Mr. Rubino, applicant's attorney had the exhibits marked into evidence.

Mr. Rubino, applicant's attorney explained that this application was submitted to the Board as a Use Variance. The Zoning Officer denied this application since there is a garage apartment on the property any expansion would be considered non-conforming. In speaking with Mr. McGill there have been previous applications of this type, a garage apartment would have its own use as an accessory structure use not as a principal residence. As long as the accessory structure, the garage, is not being worked on a use variance would not be required in this situation, going forward there may be a similar application but a different scenario.

Mr. Sapnar explained also spoke with Mr. McGill and this particular application will be considered a C Variance and going forward any new case that comes up may be determined differently.

Mr. Rubino explained that during Super Storm Sandy, trees along Fifth Avenue fell right through the roof of the house. Mr. Delsalto and Ms. Codey purchased the house and Hurricane Irene hit, the damage was not as extreme however they had buckets in different spots around the house collecting the rain water that was coming into the house. After Hurricane Irene they were working on fixing the roof but were unsure of what to do, then Super Storm Sandy hit and now they have to repair. Mr. Rubino discussed briefly the current and proposed setbacks.

Ms. Mara Codey, homeowner was sworn in; she explained that she grew up in Spring Lake and had always wanted to purchase her own home with husband Wilfredo Delsalto. The house itself is not the most attractive house and needs some work, they purchased this house because of the location, proximity to the beach with good schools. It is an older house that does have some nice features. She explained that two trees fell on the house, the first tree fell into the television room which did not do much damage, the second tree did major damage to the house. This particular tree is one of the reasons that they purchased the property; it provided a lot of shade. The roof, attic and second floor were damaged.

Mr. Rubino asked if Ms. Codey knows that they are building up in an existing setback violation. Ms. Codey agreed and explained that it would be difficult to step the additions back to make it conforming.

Mr. Sapnar asked about the tree stump in front of the house. Ms. Codey answered that the Borough told her that FEMA would remove it within the next few weeks, the tree ripped up part of the street and there are utility lines underground. Mrs. Reilly added that it has taken a long time for FEMA to meet their obligations to take out the tree stumps in town.

Mr. Burke asked if the garage apartment is occupied. Ms. Codey answered not at the same time.

Mr. Rizzo asked if it is rented out. Ms. Codey answered yes.

Mr. Burke asked about the off street parking. Ms. Codey answered that the garage itself can fit two cars; the outside parking fits up to three cars. Ms. Codey is an attorney who is able to create her own leases; in the past what they have done was create the lease in such a way that only allowed one parking spot. If there more than one car, they would need to park on the other side of the railroad tracks in Spring Lake Heights.

Mr. Burke said that it looks like a small parking area. Ms. Codey stated that they manage to park cars there and have not yet had an issue.

Mr. Judge asked if they park cars on the grass. Ms. Codey answered no.

Mr. Iannaccone asked that the garage will have the same type finish as the house. Ms. Codey answered yes.

Mr. Rizzo asked if they were planning on residing the entire façade. Ms. Codey answered yes.

Tom Petersen, Professional Architect was sworn in and accepted by the Board. Mr. Petersen discussed the property; the house is a little clunky or a bunker house, it is stucco and has had several additions added to it over time. He added that because the additions that have taken place, there are a myriad of roof lines which cause problems with leaking. He explained that when the different gables meet it creates dead valleys in several spots; water and snow collect and will eventually find its way into the house. He explained the additions on each floor in detail, highlighting that the first floor will not change. He discussed the homes in the area and believes that this home is not out of character for the neighborhood and the improvements would be beneficial.

Mr. Hilla stated that on the Fifth Avenue side the existing setback is at 11.6 feet however the addition itself is at approximately 17 feet. Mr. Peterson agreed.

Mr. Rizzo asked if the second floor east wall currently exists. Mr. Petersen answered that it exists up to a certain point and then the roof comes down.

Mr. Petersen explained that on the third floor they were able to add one bedroom, bathroom, and family room.

Mr. Burke asked if that conforms to the definition of an attic. Mr. Petersen agrees and stated that it is under the half story calculations.

Mr. Rizzo asked if the the goal is to re-shingle it and take the stucco off. Mr. Petersen agreed. Mr. Rizzo then asked if the walls are framed. Mr. Petersen answered that some are framed and some are not. Mr. Delsalto and Ms. Codey would like this house to be their home for a long time.

Mr. Rizzo asked what the little room was next to the living room at the entrance. Mr. Petersen answered that it may have been a porch at one time; right now it is an anti-room to the main house.

Mr. Sapnar asked what they plan on doing about the water runoff. Mr. Petersen answered that there will be a new roof and gutters.

Mr. Sapnar then asked about containing the water runoff on the property. Mr. Petersen explained that there is no underground water management system now. Mr. Burke added that it looks like the water runoff goes out to the street. Mr. Petersen stated that a trench drain or dry well could be added to the back.

Mr. Rubino stated that his client would be willing to work with the Board engineer to come up with some type of system.

Mr. Hilla asked if there is notoriously a drainage problem in this area out to the street, he did not see any major issues. Mr. Sapnar stated that lately when it rains heavy there seems to be drainage issues on every street.

Mr. Rizzo explained that this area is very flat and water tends to pool.

Mr. Rubino explained that as part of the permitting process his client would agree to fix the drainage problems for the entire property.

There were no questions from the audience.

**Comments:**

Karen La Sala, 503 Ludlow Avenue stated that she hopes that the Board will grant the variances so that the house can be renovated. They are nice neighbors and are willing to update the house.

Motion by Judge, seconded by Reilly, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Burke that the Board come out of caucus. On roll call all Board Members voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge, that the application be approved with the stipulations that the applicant will put in drywells to retain the water runoff and that the front porch/stoop does not get expanded or enclosed. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Reilly, Goldstein, Scotto and Sapnar voted Aye. None voted no. Motion carried.

Motion by Sapnar, seconded by Judge, to amend the Planning Board Engineer to remain as Al Hilla, Jr. of Leon Avakian, Inc. be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Reilly, Goldstein, Scotto and Sapnar voted Aye. None voted no. Motion carried.

Motion by Reilly, seconded by Rizzo, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:15 P.M.

Respectfully submitted:



Dina M. Partusch-Zahorsky  
Board Secretary