

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
NOVEMBER 13, 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., Cindy Napp, Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Matthew Sagui, Kathleen Scotto, and Chairman Nicholas Sapnar.

Motion by Judge, seconded by Rizzo, that the minutes of the October 9, 2013 meeting be adopted as amended. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

**Resolution #25-2013 Celano**

Motion by Sapnar, seconded by Rizzo, that Resolution #25-2013 Celano, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None No. Motion carried.

**CAL#11-2013 SHEEHAN  
7 VROOM AVENUE  
BLOCK 123, LOT 8**

Mr. Iannaccone recused himself.

John Sheehan & Patricia Carlo Sheehan, homeowners were sworn in. Mr. Sheehan explained that his permit to move the existing driveway from the center of the property to the right hand side of the property was denied. He added that they were also denied for the change in grade and a retaining wall. The property currently has two large retaining walls located along the side of the driveway. A change of grade in excess of eighteen inches would be needed to relocate and fill in the driveway. Mr. Sheehan explained that their current garage is street facing and would they like to move that garage so that it faces the side yard, therefore they would have to move the driveway.

Mrs. Sheehan added that they are currently remodeling the home and would like to move the driveway in the process.

Chairman Sapnar confirmed that the Sheehan's currently have two retaining walls which will be reduced to one on the west side of the driveway. Mr. Sheehan answered agreed. Chairman Sapnar added that there was one comment from the Board Engineer stating that the distance for the driveway turnaround will be tight and there may be an issue with entering the garage. Mr. Sheehan stated that he understands and it was a compromise they were willing to make to try to get the garage doors to open on the side of the property.

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Chairman Sapnar then asked if the Board is comfortable with the way the drainage is set up. Mr. Hilla added that the plan is functionally complete; it looks like it will safeguard adjacent properties from any undo storm water impacts. This application requires a number of ordinance requirements due to grading and drainage. There is over ten feet of grade change from the back to the front of this property, in order to achieve the side facing garage a grade change was bound to happen.

Chairman Sapnar asked how far the retaining wall would run along the property line. Mr. Sheehan answered that the proposed retaining wall would run the length of the driveway. Chairman Sapnar stated that the retaining wall looks like it goes all the way around the pool. Mr. Sheehan answered that is correct.

Mrs. Napp asked if the Sheehan's will be removing the cherry tree. Mrs. Sheehan answered unfortunately yes.

Mr. Rizzo stated that there are many significant changes in elevations, however not all of the changes appear to be completely reflected on the site plan.

Mr. Burke asked if the existing house is a split level. Mr. Sheehan answered yes. Mr. Burke asked who owns arborvitaes. Mr. Sheehan answered that they belong to the neighbor. Mrs. Sheehan answered that they are right on the property line; they believe the neighbor installed them. Mr. Burke stated the arborvitaes may not survive during construction.

Mr. Rizzo added that the arborvitaes would probably have to be removed.

Mr. Judge asked if the Sheehan's spoke with the neighbors about the arborvitaes. Mr. Sheehan answered no since the property is rented out. Mr. Sheehan added that if something should happen to the arborvitaes, they would replace them.

Mr. McGill stated that replacement of the trees could be a condition in the resolution.

Mr. Burke asked if the pool equipment will be located in the garage. Mr. Sheehan answered if there is room, he was not aware that the equipment could be located in the garage. Chairman Sapnar added that the pool equipment has to be located within eight feet of a structure or accessory structure.

Mrs. Napp asked if there was a reason the pool is run twenty five feet and only six feet from the property line. Mr. Sheehan answered that he made the pool that size just to see what would fit; he will probably not have a pool that large.

Motion by Rizzo, seconded by Burke, 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. On roll call Board Members Rizzo, Burke, Napp, Judge, Reilly, Goldstein, Sagui, Scotto, and Sapnar voted Aye. None voted no. Motion approved.

Lyle Marlowe, 110 Pennsylvania Avenue complimented Priscilla Reilly for her years of service. He added that the Planning Board is one of the toughest jobs and he thanked the Board. He feels that the ordinances changes that are being introduced are influenced by builders and new residents. He thinks that the Board should be carefully reviewing any new ordinances before passing them on to the Council. He had questions regarding ordinance 2013-011, this ordinance discusses building height in the flood zone, which has been amended so that the three feet limitation above the ABFE shall not apply to existing homes being raised that meet the definition of cellar and building height. He interprets that ordinance as; the ordinance would allow an existing home owner to raise the house without the limitation of the three feet above the ABFE but the same existing homeowner who is already slightly above the ABFE but lower, cannot match that same height, there will be different varying heights. Chairman Sapnar explained that if a home is already above the ABFE's by say four inches, a homeowner would be allowed to raise it four feet above the flood level as long as the maximum building height is not exceeded and the definition of cellar is met. Chairman Sapnar added that the goal was not to allow the homes to extend higher, the idea was to allow homeowners to raise an existing house to prevent flooding in their homes.

Mr. Rizzo stated that the goal was to not impede the homeowners from raising their homes.

Mr. McGill stated that the ordinance is in place to protect against a problem that did not exist when these houses were built; the Board is trying to address the situation of flooding. The ordinance grandfathers in the size of the house from the first floor to the roof.

Mr. Hilla added that the State law may supersede what is in that ordinance. There was a State law passed in August that the Legislature and Governor adopted that allow people to raise their homes regardless of whatever towns put in place, he believes it was three feet above the ABFE.

Councilwoman Reilly discussed possible ordinances suggestions that should be brought to the attention of the Mayor and Borough Council.

Mr. Iannaccone returned.

Motion by Judge, seconded by Sapnar, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:00 P.M.

Respectfully submitted:

  
Dina M. Partusch-Zahorsky  
Board Secretary

RESOLUTION NO. 25 - 2013  
(Cal 10 - 2013)

RESOLUTION OF THE PLANNING BOARD OF THE  
BOROUGH OF SPRING LAKE, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY.

**WHEREAS**, Raymond and Stephany Celano (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 renovate and remodel an existing dwelling with relief from the front and side yard setback requirements at property located at 401 Atlantic Avenue, Spring Lake, New Jersey, and known as Block 27, Lot 1 on the Spring Lake Tax Map, and

**WHEREAS**, a public hearing was held at the regularly scheduled meeting of October 9, 2013, 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-shaped lot that has 5,000 square feet of area, 50 feet of frontage on Atlantic Avenue and 100 feet of frontage on Fourth Avenue. Presently the property contains a 2 -story frame dwelling, and a ribbon driveway to a detached garage with access to Fourth Avenue.
3. The applicants propose to remodel the home to add a first and second floor addition to the rear of the structure and a gabled porch roof and expanded dormer to the front. The proposal is more fully described in the plans presented by the applicants and prepared by Paul A. Damiano, Architects, LLC., dated May 8, 2013, last

revised June 4, 2013, signed by Paul A. Damiano, A.I.A.

4. The applicants amended the relief requested while before the Board to request front yard variance relief for the proposed new front porch roof and the expansion of the existing dormer because both represented new construction within the existing front yard encroachment along Atlantic Avenue. The applicant also amended the application to include a request for additional side yard variance relief to include the construction of the proposed bilco door in the side yard along the westerly lot line which variance was necessitated by a request from the Board to relocate the proposed bilco door from the front yard on Fourth Avenue. Ultimately, upon the request for and acceptance of the amendments addressed above, the applicants are seeking the following variance relief:

A. Side yard setback relief for the west side of the property where 6 feet is required and 2.6 feet exists and is proposed for both the new addition and the bilco door.

B. Front yard setback relief along Fourth Avenue where 25 feet is required and 18.7 feet is proposed

C. Front yard setback relief along Atlantic Avenue where 25 feet is required and 16.7 feet exist and is proposed as to the new porch roof and approximately 22.7 feet is proposed as to the new dormer structure.

5. The Board finds that the relief requested may be granted. The Board finds that the principal dwelling structure on the property presently encroaches into the front and side yard setbacks areas as such side yards are presently required by the Borough's Ordinances. The Board finds that the size of the lot coupled with the placement and location of the present structure on the property presents the applicants with peculiar and exceptional practical difficulties in the further development of the property and as such effects an undue hardship on the applicants. The Board finds that the proposal will be an aesthetic benefit to the community in that it will renovate and modernize the existing structure and as such bring the property into greater conformity with the structures found in the community. The Board finds that the remodeling of the house as proposed is modest in scope and generally limited to the purpose of promoting the modern utility of same. The Board finds that the encroachments largely presently exist at the property and therefore the continuation of

the encroachments will not represent a substantial impairment of the zone plan. The Board finds that the applicants have amended their plans to meet the concerns of the Board as to the placement of the bilco door so as to decrease the impact that the project will have on the front yard along Fourth Avenue. The Board further notes that the applicants have agreed to keep the corner of Fourth and Atlantic Avenues free from vegetation that may impair the view of vehicles operating on either roadway. The Board finds that the front yard variance relief along Atlantic Avenue is caused by a desire to remodel the existing porch roof and to expand a dormer that already exists on the structure. The Board finds that the relief may be granted because the relief sought is within existing encroachments and do not represent such a substantial or significant increase so as to present a detriment to the air, light and open space of the community or neighbors. The Board further finds that the remodeling of the front of the structure will both serve to increase the utility of the structure and to increase its aesthetic charm both of which are benefits to the zoning scheme and zone plan. The Board finds that the benefits discussed above and as otherwise may be achieved by granting the variances outweigh any of the detriments that may accrue from the granting of same.

6. The application as proposed is in keeping with sound planning and zoning and does not present any substantial detriment to the public good nor does it substantially 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 certain hardships exist.

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Spring Lake on this 13<sup>th</sup> day of November, 2013, 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 applicant 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. The applicants, and all who succeed to their rights, shall maintain the corner of their property along Fourth and Atlantic Avenues free from all growth and vegetation that may interfere with the sightlines of the motoring public along those thoroughfares.

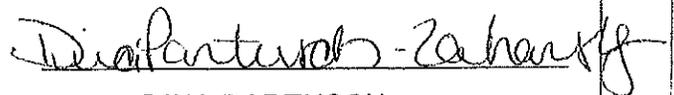
6. That the applicants shall change the location of the bilco doors from the location shown on the plans to the right rear corner of the house and shall be generally located within the existing setback along the westerly lot line.

7. The applicant shall provide drainage and grading plans for approval by the Board engineer and shall comply with the Board' engineer's recommendations regarding same.

8. That new plans shall be submitted for review and approval by the Board Engineer in conformity with this resolution.

#### 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 November 13, 2013.



DINA PARTUSCH