

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
MARCH 5, 2014**

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, Cindy Napp, Walter Judge, David Frost, Melissa Smith Goldstein, Matthew Sagui, Kathleen Scotto, Lisa DeBerardine, and Chairman Nicholas Sapnar.

Chairman Sapnar announced that CAL #1-2014 Chiarello will be carried to April 9, 2014 no further notice required.

Resolution #10-2014 Sleeman

Motion by Sapnar, seconded by Judge, that Resolution #10-2014 Sleeman, that the variance be denied. On roll call Board Members Iannaccone, Judge, Frost, Sagui, and Sapnar voted Aye. None No. Motion carried.

Resolution #11-2014 Fudge

Motion by Sapnar, seconded by Rizzo, that Resolution #11-2014 Fudge, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Frost, Goldstein, Sagui, and Sapnar voted Aye. None No. Motion carried.

Mr. Judge explained that a SMRSA representative is here tonight with an update. He added that a committee was formed consisting of Mr. Burke, Mr. Rizzo and himself to work with SMRSA on the pump structure. The first thing the committee did was took a look at the Sea Girt pump station. The committee is looking to make this mobile unit more attractive. SMRSA offered to have a landscape consultant develop a landscape plan.

Mr. Mattia explained that SMRSA has looked at the recommendations from the committee. The new proposed mobile unit has siding and faux windows. The landscaping will hide the building and the fencing as much as possible. One idea was to have a carport; the issue with this is that the trailer is going to sit on a force main. The force main is the pipe that brings in all of the waste water from Spring Lake and Belmar to the Sewage Authority. They are not inclined to build on top of something that may need maintenance. The other issue is that this is a small lot, the structure that would have to be built would be twice the width of the trailer, longer, and approximately seven feet taller. They also looked into the green wall idea and had a hard time getting pricing and maintenance costs; also it would be difficult to keep it green during the winter months.

Mr. Rizzo feels that it is important to make everyone aware of what is going to be placed in that location. He added that the people who live in this location are probably the most concerned. Mr.

Mattia agreed and added that is why SMRSA noticed all of the homeowners in that area. Mr. Rizzo feels that the fence should be a neutral color not a white. Mr. Rizzo discussed various plants and trees that would thrive in this location. He added that this is the gateway to Belmar and Spring Lake and is at the end of a major lake.

Mr. Judge added that the committee would like a fence with landscaping to hide it.

Mr. Mattia explained once the fence and landscape design are done he will review them with the committee. Mr. Judge stated that the committee is willing to meet as much as possible to improve this structure.

Mr. Burke stated that it is unfortunate that SMRSA already locked on to the trailer design. Mr. Mattia stated FEMA didn't say that it had to be a trailer; however it is recommended.

Mr. Mattia stated that the electric generators have replaced diesel generators; it should now be quieter for the neighbors.

Mr. Sagui asked if there is any way to lower the structure. Mr. Mattia explained fuel tanks are located underneath the structure for the diesel generators for when they have to run.

Mr. Judge asked if the grade could be lowered. Mr. Mattia stated that is a good point and he will bring it up to SMRSA.

Mr. Mattia agreed to meet with the committee once the plans are done.

Mr. Rizzo stated that he will send Mr. Mattia a brief memo detailing all of the suggestions.

Chairman Sapnar thanked the committee for all of their hard work.

**CAL#15-2013 GRANITE DEVELOPMENT GROUP, LLC
2105 OCEAN AVENUE
BLOCK 122, LOT 3**

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

Mr. Rubino explained that he was contacted by two neighbors through their attorney's. Mr. William Dooley was represented by Mr. Guinco and Mr. William Geotz who was represented by Mr. Hirsch. Mr. Rubino met with the attorney's; their clients had some concerns about the application which was originally submitted. The applicant revised the plans and both residents are now satisfied. He discussed the requests for variance reliefs which are; a front yard setback along Monroe Avenue, a setback of twenty-two feet where twenty-five is required and along Ocean Avenue a front yard setback of 21.8 feet. The applicant removed the balconies off the second floor, they are now in compliance. The garage is now 16 feet high instead of 18 feet and is setback 30.5 feet from the setback. By moving the garage back at the request of the neighbor, the garage will now be located 17.8 feet from the house where 20 feet is required. He explained that this is an irregularly shaped lot and it makes it difficult to get an attractive house on the lot.

Mr. Burke asked about Mr. Hilla's letter in regards to additional variances. Mr. Hilla explained that ordinarily with new construction, a new sidewalk would be required; there is no sidewalk on the Ocean Avenue on the whole block. He added that it is a County road which further complicates the situation. Mr. Rubino stated that he would request a waiver, also if Monmouth County suggests putting in sidewalks the applicant will agree to do so.

Mr. McGill asked Mr. Hilla if it would be a waiver or another variance. Mr. Hilla answered a variance.

Jason Lusardi, Professional Architect was sworn in and accepted by the Board. Mr. Lusardi explained that the property is almost pie shaped and he tried to build the house in relation to the neighborhood which is an orthogonal grid. He explained that on the original plans the garage was fully conforming. Mr. Lusardi discussed the exhibits which illustrate the different possibilities of where a house could be built without any variances. However, if a home was built on this lot, fully conforming, it would be an odd shaped trapezoid. Mr. Lusardi then discussed the first floor plan. He explained that the wraparound porch was seven feet; it has been recessed into the first floor. He then discussed the second floor plans. The second and third floor balconies were recessed to comply with the building envelope.

Chairman Sagnar asked if the garage will be a one car garage with storage. Mr. Lusardi answered yes.

Mr. Lusardi explained the three feet encroachment along Ocean Avenue is really only a one story open porch; there is no second floor above the porch.

Mr. Rizzo asked if the third story meets the half story requirement. Mr. Lusardi answered yes.

Mrs. Napp asked about the first floor being recessed. Mr. Lusardi answered that the porch was shortened and square footage was taken out of the house. He added that if the porch needed to be bigger more square footage could be taken out of the first floor and it would not affect any variances being requested.

Mr. Iannaccone asked if the homes along Monroe and Ocean Avenues are all setback twenty-five feet. Mr. Lusardi explained that he did not measure each one; however by looking at the aerial they all seem equal. Mr. Iannaccone then asked if there was any discussion about landscaping with the neighbors. Mr. Lusardi answered not yet.

Mr. Rizzo stated there is not an ordinance against planting tall trees or plants in the sight lines. Mr. Rubino stated that if the relief is granted and the Board made that a condition it would be fine.

Mr. Burke would like to see where the pool fence is going to be located. Mr. Lusardi explained that the pool show on the site diagram is a schematic location that meets the impervious requirements and setbacks; the enclosures would also meet the Borough Ordinance.

Michael Coscia, 2103 Ocean Avenue asked if a house could be built without a variance along Ocean Avenue. Mr. Lusardi answered yes it is possible to build a conforming house on this site; however a conforming house would be more of a detriment to the neighbors and their views.

Robin Shallis, 2103 Ocean Avenue asked why she was not notified adding that they were only notified about the demolition. Chairman Sapnar explained that she should have been notified for the Planning Board hearing. Mrs. Zahorsky checked the noticing, the address on record for Mr. Coscia and Ms. Shallis is 3 Oyster Bay Drive, Rumson, NJ 07760. Ms. Shallis added that the tax records should have already been updated; the mail should be forwarded to the Ocean Avenue address. Mr. Rubino stated that the notice was returned as not deliverable.

Mr. McGill explained that the applicant is required to ask the town for the property owners within 200 feet, the town gives a certified list of the property owner. The applicant sent the notice to the address that they received from the town which is proper notice.

Michael Granite, owner of Granite Development Group, LLC was sworn in. He originally did not want to come to the Planning Board after he purchased the property. Once they started to design the home he realized it would be difficult to get a conforming home on the lot.

Cheryl Bergailo, Professional Planner was sworn in and accepted by the Board. Ms. Bergailo explained that the current house is not what a corner property in Spring Lake typically should be but it has the potential. The lot is oddly shaped and also pie shaped; the lot has created design challenges. The building envelope hardships justify granting of the variance under the C-1 criteria. Also, under the C-2 criteria, as the architect stated a house could be designed within the building envelope, however it would look wrong for the area. She believes that this is the best aesthetic design for the site. The proposal is consistent with a number of the Borough's Master Plan objectives which she discussed.

Mr. Rizzo asked if Ms. Bergailo evaluated surrounding property setbacks. Ms. Bergailo answered that on Ocean Avenue, the house next door; the building meets the front yard setback but the patio does not. The house next door on Monroe Avenue does meet the front yard setback; as well as the houses farther west on Monroe Avenue.

Comments:

Michael Coscia, 2103 Ocean Avenue stated that 3.3 feet is a substantial amount which will take away part of his view. He would love to see a beautiful home there; however he feels that obstructing his view would affect the price of his home.

Chairman Sapnar asked Mr. Coscia how high his raised patio is. Mr. Coscia stated that the patio is not raised, he steps down to it. Chairman Sapnar then asked if Mr. Coscia installed the patio. Mr. Coscia answered that it was there when he purchased the home.

Robin Shallis, 2103 Ocean Avenue believes that her first floor is at a lower elevation than the proposed home. Ms. Shallis asked if the property is going to be elevated anymore than it was prior. Mr. Granite answered that the grade remains the same. Ms. Shallis's main concern is that she does not want view of a chimney from her kitchen window. Mr. Granite stated that portion of the home is compliant. Ms. Shallis is upset that she only received notice when the house was to be demolished. Mr. Granite explained that when obtaining a demolition permit the adjacent people have to be notified so he hand delivered the letter.

Bill Goetz, 7 Monroe Avenue supports the application and appreciates Mr. Granite's flexibility to help out the neighbors.

Motion by Judge, seconded by Sagui, 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 any landscaping in the front yard does not exceed thirty-six inches, the garage is not to be extended beyond the setback which is approved nor the height extended, the front yard setbacks which are approved must remain, and the sidewalk relief along Ocean Avenue in compliance with Monmouth County. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Frost, Goldstein, Sagui, and Sapnar voted Aye. None voted no. Motion carried.

**CAL#2-2014 COHEN/KARCHER
334 PITNEY AVENUE
BLOCK 149, LOT 26**

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

Mr. Rubino explained that the variances needed for this property are for lot grading, front yard setback, and the retaining wall. Mr. Cohen and Mrs. Karcher would like to fix up the driveway area around the garage and open it up. The current steps are very dangerous.

Arthur Cohen, homeowner was sworn. He explained that Mrs. Karcher's mother had surgery which left her paralyzed and she frequently visits. It is difficult for her to get up the stairs to the back door, the garage is very tiny and the front walkway is very long. Mr. Rubino added that he has a note from Mrs. Karcher's mother's doctor.

Ray Carpenter, Professional Engineer was sworn in and accepted by the Board. He explained that there is an existing concrete block wall made of pavers that are stacked to make the retaining wall, it is somewhat unstable. The steps are not safe; the owners would like to replace them and add a railing. He would like to construct a new wall four feet to the north and make the area wider so that it is more accessible. They are not adding anymore parking to the location.

Chairman Sapnar asked if the retaining walls on both sides were being replaced. Mr. Rubino answered that the retaining wall on the south side is being reconstructed and the one on the north side is being moved four feet. He explained that there will be a few stairs which will go up to the first landing then a few more stairs up to the next landing.

Mr. Iannaccone asked what the setback is from where the wall will be moved to the side yard. Mr. Carpenter the setback to the existing wall is approximately twelve feet from the property line and it will be moved four feet over.

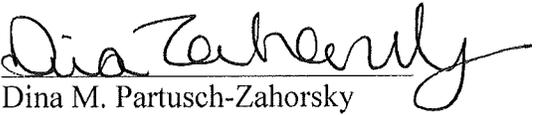
Motion by Judge, seconded by Rizzo, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Sagui, 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, Iannaccone, Burke, Napp, Judge, Frost, Goldstein, Sagui, and Sapnar voted Aye. None voted no. Motion carried.

Motion by Judge, seconded by Burke, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 9:55 P.M.

Respectfully submitted:


Dina M. Partusch-Zahorsky
Board Secretary

RESOLUTION NO. 10 - 2014
(Cal 12-2013)

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

WHEREAS, Andrew and Kimberly Sleeman (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 front porch within the front yard at property located at 16 Salem Avenue, Spring Lake, New Jersey, and also known as Block 31, Lot 14.01 on the Spring Lake Tax Map, and

WHEREAS, public hearings were held at the regularly scheduled meetings of January 8, 2014 and February 12, 2014, 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 is located on the northeasterly quadrant of the intersection of Salem Avenue and First Avenue. The property currently contains a 2 ½ story single family frame dwelling, an open deck, an attached garage with access to Salem Avenue and other accessory structures. The property totals 7,500 square feet in area and has 75 feet of frontage on First Avenue and 100 feet of frontage on Salem Avenue. The applicants recently renovated the existing dwelling. The applicants seek variance relief to construct a front porch. The applicants' proposal is more fully described in plans prepared by Daniel W. Caruso, P.E., dated May 15, 2013, and last revised January 29, 2014. These plans were presented to, accepted by, and relied upon by, the Planning Board.

3. The applicants initially present plans that required variance relief for the front yard setback along First Avenue. The applicants amended their application during the pendency of the hearing to eliminate the need for such relief. The amended proposal required variance relief for an incursion into the front yard setback along Salem Avenue where the plans showed 20.04 feet to the porch and 18.04 feet to the front steps and 25 feet is required. The amended proposal also required variance relief to allow the applicants to increase the building coverage on the lot from 29.44% to 32.65% feet where 25% is permitted.

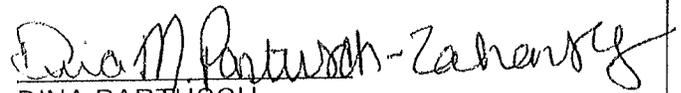
4. The Board finds that the variance relief must be denied. The Board finds that the setbacks proposed do not comport with the neighboring properties and the neighboring community and therefore would represent a substantial impairment of the zone plan. The Board finds that the northerly side of Salem Avenue is remarkable in its uniformity as to the front yard setback of the existing dwellings. The Board finds that the proposal would be incongruous with the existing setbacks and would represent a visual anomaly in respect to the neighboring properties. The Board finds that this visual anomaly would be a detriment to the public good. The Board notes the general affinity to porches and porch-living in the community, and its general favorable disposition to same, however in this case the Board finds that the detriments that would accrue from the addition of the porch proposed would outweigh any zoning benefits that may be presented by the granting of the variance. The Board finds that the property does not otherwise suffer under any hardship that would support the granting of the relief. The Board notes that the applicants did a beautiful job in renovating the dwelling and that the property is well suited for single family residential use as they designed it to be. The Board also finds that the property is already excessive in building coverage and that the increase in same is unwarranted because of the reasons stated above.

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 not substantially outweigh the detriments associated therewith.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 5th day of March , 2014, that the application be and is 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 March 5, 2014.


DINA PARTUSCH

RESOLUTION NO. 11 – 2014
(Cal 14-2013)

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

WHEREAS, John and Ellen Fudge (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 new dwelling at property located at 15 South Boulevard, Spring Lake, New Jersey, and known as Block 144, Lot 8 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of February 12, 2014, 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-1 Zone.
2. The property consists of an irregularly-shaped lot which has 6,719.75 square feet of area, 50.89 feet of frontage on South Boulevard and 153.4 feet of depth. Presently the property contains a 1 1/2-story dwelling, a garage and a driveway with access to South Boulevard.
3. The applicants propose to demolish the existing dwelling, construct a conforming dwelling and decrease the existing impervious surfaces present on the lot. The applicants are proposing to retain the existing garage. The proposal is more fully described in the architectural plans presented by the applicants prepared by Unger and Mahns, Architects, dated November 12, 2013. These same plans were accepted and

relied upon by the Board.

4. The applicants' project required the following variance relief:

A. Impervious Coverage where 40 percent is permitted, and 57.7 percent is existing and 44.26 percent is proposed.

B. Minimum distance between HVAC equipment and the side property line where 10 feet is required and 6 feet is proposed.

C. Minimum distance between generator equipment and the side property line where 10 feet is required and 6 feet is proposed.

5. The Board finds that the relief requested may be granted. The Board finds that the applicants are proposing to construct a proportionately appropriate dwelling on the property in question. The Board finds that the lot is undersized for the zone. The Board finds that the size of the lot presents the applicant with a hardship regarding impervious surfaces because when the percentage allowed under the ordinance is applied to a lot of this size, the applicant is left with an insufficient impervious coverage allocation to allow for the amenities associated with properties in the community including driveways and sidewalks. The Board finds that this hardship is exacerbated by the long and narrow dimensions of the property which necessitate a long driveway. The Board further finds that the hardship is additionally compounded by the fact that the Borough's ordinances prohibit parking on South Boulevard at all times thus necessitating sufficient on-site parking to accommodate the routine use of the property. The Board finds that these unique features of this property require and support the granting of the relief requested. The Board finds that the level of relief requested proportional to the hardship presented. The Board further finds that the placement of the generator and the HVAC equipment may be granted as well. The Board finds that the dimensions of the lot makes compliance difficult, that the location of the equipment as proposed is an improvement to the location as it previously existed and that the equipment will be adequately screened and buffered so as not to present any detriment to the neighbors.

6. Accordingly, the Board finds that 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 Board further finds

that the variance relief may be granted because the benefits to be gained by the community and the zone plan substantially outweigh any detriments, and because the property is so configured to present the applicants with undue hardship in the further development of their property.

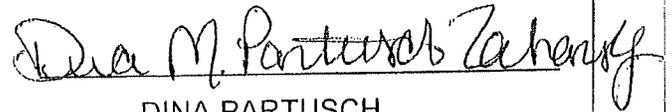
WHEREAS, The Board has determined that the relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinances of the Borough of Spring Lake and the benefits of this application 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 5th day of March, 2014, 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 and all other state, federal and local regulations including those addressing requirements for the construction of curbing, sidewalks and the control of storm water runoff.
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 January 14, 2014.
6. That all fencing on the property shall comply with Borough Ordinances.
7. The generator and HVAC equipment shall be buffered and screened so as to minimize its impact on the neighboring property.

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 5, 2014.

A handwritten signature in cursive script that reads "Dina M. Partusch Zahensky". The signature is written in black ink and is positioned above the printed name.

DINA PARTUSCH