

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
MAY 14, 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, Walter Judge, David Frost, Melissa Smith Goldstein, Kathleen Scotto, Lisa DeBerardine, and Chairman Nicholas Sapnar.

Matthew Sagui arrived at 7:03 PM.

Chairman Sapnar called for a motion to approve the minutes of the March 5, 2014 meeting.

Motion by Burke, seconded by Judge, that the minutes of the March 5, 2014 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Goldstein, Sagui, DeBerardine, and Sapnar voted Aye. None No. Motion carried.

Chairman Sapnar called for a motion to approve the minutes of the April 9, 2014 meeting.

Motion by Burke, seconded by Judge, that the minutes of the April 9, 2014 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Goldstein, Sagui, DeBerardine, and Sapnar voted Aye. None No. Motion carried.

Resolution #14-2014 Chiarello

Motion by Sapnar, seconded by Judge, that Resolution #14-2014 Chiarello, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Judge, Goldstein, DeBerardine and Sapnar voted Aye. None No. Motion carried.

CAL#4-2014 DEMAIO
215 LUDLOW AVENUE
BLOCK 111, LOT 7&8

Mrs. Goldstein recused herself due to the fact she is the Mayor's Designee, who lives within two hundred feet of the property.

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

Mr. Rubino explained that the DeMaio's purchased the property and are building a new home on the lot on the oversized lot. The original house which was demolished had a front yard setback of approximately thirteen feet. The previous owner filed for a subdivision which was denied, he then sold the property. When the foundation was being dug for the new home the applicant realized that the new home would be set farther back than the surrounding homes at the twenty five foot setback. Mr. Rubino added that Mr. DeMaio would like to match the neighborhood scheme.

Carmine DeMaio, homeowner was sworn in. Mr. DeMaio is from Morris Plains and purchased this lot in Spring Lake. He feels that aesthetically the house would look better closer to the street, aligned with the other homes.

Mr. Burke asked architecturally how Mr. DeMaio compares his house to all of the other houses on the block. Mr. DeMaio answered that there are a few homes on the block which are equivalent to his. Mr. Burke explained that the homes on the same side of the street have sloped roofs, no balcony over the porch, and the houses are further back than his will be.

Mr. Rubino explained that one of the street trees may have to come down however, a street tree cannot be taken down without going before the Shade Tree Committee. He added that the appeal process by ordinance is through the Planning Board, in his opinion; statutorily the Planning Board does not have the power to hear that type of appeal. Mr. Rubino discussed the situation with the Borough Administrator, Mr. Dempsey who advised him to go to the Shade Tree Committee.

Mr. Rizzo asked if the tree would have to be removed because of the driveway. Mr. DeMaio answered that it is because of the walkway. Mr. Rizzo stated that there could be ways to get about removing the tree by designing the walkway differently.

Mr. Hilla asked if the reason for removing the tree is because of the mass of the tree and how close it would be to the house. Mr. DeMaio does not think so.

Ray Carpenter, Professional Engineer was sworn in and accepted by the Board. Mr. Carpenter explained that the driveway should not affect the trees. He added that the entrance could possibly be altered to avoid hitting the tree. The previous house on the lot was demolished and the only variance being requested is the front yard setback. Mr. Carpenter explained the setbacks of the other homes on the block on Mr. DeMaio's side of the street.

Mr. Burke asked if the setbacks on the other side of the street were measured. Mr. Carpenter answered no, usually in Land Use only one side would be measured because that side would be the most impacted. Mr. Rubino added that the setbacks for the homes across the street are very mixed.

Mr. Burke then asked how many lots, on the same side of the street, are fifteen thousand square feet. Mr. Carpenter answered there is only one on the corner of Third and Ludlow Avenues.

Mr. Judge asked if Mr. Carpenter, as a planner, feels that the character of the neighborhood is defined by one side of the street. Mr. Carpenter answered yes, traditionally. Mr. Judge asked if Mr. Carpenter feels that the style of this porch is in character with the style of the porches on the same side of the street. Mr. Carpenter answered yes it is open porch. Mr. Judge then asked how the benefits outweigh the deterrents for the entire zone do. Mr. Carpenter answered that the home would match the setbacks of homes that are already there.

Mr. DeMaio stated that the balcony is only for aesthetics and would not be utilized for living space. He added that the view from the balcony is the trees; he would not sit on the porch.

Christopher Rice, Professional Architect was sworn in and accepted by the Board. Mr. Rice explained that every house in Spring Lake cannot look the same and the house was not designed for the neighborhood it was designed for the DeMaio's who want to be a part of the neighborhood. Mr. Rice discussed the dimensions of the porch and balcony. The reason for setbacks is, so that no one person has an advantage or disadvantage on a streetscape. The average front yard setback on this block is 14.2 feet. Most towns' ordinances read that the front yard setback back is the setback or the average of neighbors on the same side of the street within two hundred feet.

Mr. Burke agrees that every house should be different to make it unique, this is a larger lot and this larger house belongs on a lot of that size. He added that he disagrees that the house should be only thirteen feet from the property line.

Mr. Rice explained that 14.2 feet would be better than twenty five foot setback. The wider lot with the bigger home adds to the fabric of the neighborhood. He added that it should not stand out nor stand back.

Mr. Frost asked if the original home plans were mapped out at twenty five feet. Mr. Rice answered yes. Mr. Frost then asked when the house was designed it was a clean slate and there were no variances. Mr. Rice answered that they were rushing for a deadline and the house was placed where there were no variances needed. At that time, there was not data from a survey as to what the average of the homes would be, so the drawings were finished, submitted, and received the permits. He is satisfied that they took a second closer look at the street with the setbacks so that there are not any mistakes made by building a house twenty five feet from the property line. He does not want to put anyone at an advantage or disadvantage.

Chairman Sapnar asked if he thinks that the property to the west would be at a disadvantage. Mr. Rice answered that the property itself by, the average is already at a disadvantage.

Comments:

Jacqueline Holt, 211 Ludlow Avenue stated that they live right next door and they are fine with the setback requested. She did not realize that the trees may have to be removed; the street

is tree lined which adds to the character. There has to be something that could be done to so that the sycamore trees are not taken down.

Howard Scribner, 212 Ludlow Avenue explained that he live directly across the street and feels that the house is in balance with the neighborhood and would enhance the area. The homes that are there are all on fifty foot wide lots, today he took a look at them and they seem to be equidistance apart, they are a little bit tight and the homes are a little bit longer. The setbacks of the homes are varied along the entire street. Overall the house itself seems to fit in with the neighborhood and the twenty five feet sets the house back too far.

Mr. Rubino explained that the applicant would be willing to move the front yard setback from thirteen feet to fifteen feet. This particular block is unique and he feels that a house that is much closer the the front lot line than what is allowed will look much better than twenty five feet.

Motion by Judge, 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.

Mr. Rubino stated that the DeMaio's agreed to change the front yard setback from thirteen feet to eighteen feet.

Motion by Sagui, seconded by Judge, that the front yard setback of eighteen feet be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Frost, Sagui, Scotto, DeBerardine and Sapnar voted Aye. None voted no. Motion carried.

Motion by Burke, seconded by Iannaccone, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:45 P.M.

Respectfully submitted:

Dina M. Partusch-Zahorsky
Board Secretary