

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
JUNE 11, 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.

Vice Chairman Walter Judge 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, David Frost, Matthew Sagui, Lisa DeBerardine, and Vice Chairman Walter Judge.

Resolution #15-2014 DeMaio

Motion by Burke, seconded by Rizzo, that Resolution #15-2014 DeMaio, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Frost, Sagui, DeBerardine and Judge voted Aye. None No. Motion carried.

CAL#5-2014 FIORE
101 PASSAIC AVENUE
BLOCK 64, LOT 1

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

Mr. Rubino explained that this application is for a minor subdivision which is completely conforming. The house on the lot has already been demolished. He added that each lot will be 100 feet by 150 feet.

Ray Carpenter, Professional Engineer was sworn in and accepted by the Board. Mr. Carpenter prepared the subdivision plot plans. The single family home was demolished and the lot was cleared. The property is on the south west corner of First and Passaic Avenues. The applicant is proposing two 100 by 150 foot lots which are fully conforming. The lots will be sold and developed. The purchaser of the lots will be required to put in curbs and sidewalks at the discretion of the engineer.

Lyle Marlowe, 110 Pennsylvania Avenue asked if this was the lot that had the green house on it. Mr. Carpenter answered yes. He then asked what the lot size is for the R-1 zone. Mr. Rubino answered fifteen thousand square feet. Mr. Marlowe thought that the R-1 zone lots had to be 150 feet by 150 feet. Mr. Carpenter answered no.

There were no comments from the audience.

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

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

Motion by Burke, seconded by Rizzo, that the minor subdivision be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Frost, Sagui, DeBerardine and Judge voted Aye. None voted no. Motion carried.

CAL#6-2014 SIMEONI & HERSCHLAG
2218 SECOND AVENUE
BLOCK 133, LOT 22

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

Mr. Rubino explained that the applicants purchased the home which was built in the early 1950's and in need of renovations. The applicants would like to put a porch on the front of the home. The house would have a bump out which would be different than what is in the neighborhood. The proposed porch is very low to the ground and it is an open porch except for the pillars and the porch overhang.

Mr. Simeoni, homeowner was sworn in. Mr. Simeoni explained that they were looking for a retirement home and found this one. Mr. Simeoni discussed the many renovations that have been done. He believes that a front porch would fit into the character of Spring Lake. The porch is only on half of the house and they would be able to utilize it during nice weather.

Mrs. Napp asked if the trees in the front will remain. Mr. Simeoni answered yes.

Katherine Suplee, 2212 Second Avenue asked if Mr. Simeoni, while searching for a home, looked at the character of the neighborhood. Mr. Simeoni answered yes. Ms. Suplee then asked if he noticed any front porches. Mr. Simeoni answered that there are porches on the other side of the street. She then asked if he knew what the setback of those porches is. Mr. Simeoni answered that he did not. Ms. Suplee asked if there is a hardship involved. Mr. Simeoni answered no, however they are very desirous of a porch and it would enhance the neighborhood.

Steve Grundweg explained that he is the attorney representing three objectors; Helen Giannini at 2208 Second Avenue, Debra Mackinnon at 2209 Third Avenue, and the owners of 2211 Second Avenue, LLC at 2211 Second Avenue. Mr. Grundweg asked if there was any particular reason that Mr. Simeoni chose Second Avenue. Mr. Simeoni answered that there is no particular reason for Second Avenue, they simply liked this particular house. Mr. Grundweg asked if there are any plans of enclosing the porch. Mr. Simeoni answered no. Mr. Grundweg asked if Mr. Simeoni thought about putting a porch on the rear of the home. Mr. Simeoni answered that it was not considered, there is already a patio there. Mr. Grundweg asked if Mr. Simeoni looked at houses that have porches. Mr. Simeoni answered yes.

Mary Hearn, Professional Architect was sworn in and accepted by the Board. Ms. Hearn discussed the renovations for the home. She explained that there is a shed dormer which they

would like to widen. The dormer area would add some square footage in order to gain more head room. The house sits too close to the northerly property line; the shed dormer will encroach in the side yard setback. The house will not be extended upward at all, however the front of the home which is asymmetrical and should be updated. The dormers center on the roof but not on the windows. The design of the porch will help balance the house by design. The porch is 26.2 feet long by 8 feet deep and will not have a railing since it is so low to the ground. The current stoop and steps will be eliminated. She explained that the current slate walkway will be removed and steps will be added to the side of the porch. There will be a roof on the porch. Ms. Hearn discussed the building coverage variance.

Mr. Burke asked about the calculations, the existing calculation includes the rear step and the new calculation does not include the rear steps. Ms. Hearn explained the way that the Zoning Officer calculates building coverage, if the steps are not immediately connected to the house or connected to a coverage porch immediately they count as building coverage. If there is a landing beyond the covered porch or house and then steps, the steps and the landing do not count.

Mr. Rubino explained that if this application is approved there will be a storm water maintenance system installed.

Mr. Sagui asked if she could clean up the asymmetrical look of the house without putting on a front porch. Ms. Hearn answered absolutely.

Mr. Rizzo asked what the concrete is in front of the building. Ms. Hearn answered that there is a concrete area in front of the house; it may be for redirecting water away from the house. Mr. Rizzo asked about the patio behind the house, on the plans that were submitted does not show the patio disappearing. Ms. Hearn answered that the intent is to remove the patio.

Mr. Grundweg asked if Ms. Hearn took the pictures on exhibit A-6. Ms. Hearn answered no. He then asked if the trees in the front are also asymmetrical. She answered yes. Mr. Grundweg asked if they are planning on taking the trees down since they are asymmetrical. She answered no. Mr. Grundweg asked if Ms. Hearn spoke with the neighbors regarding the plans before preparing them. Ms. Hearn answered no. He then asked if the front porch was not built then there would be no need for a building coverage variance. Ms. Hearn answered yes.

Five minute recess.

Comments:

Tom Byrne, 2222 Second Avenue stated that he met with Sharon and Steve to go over the plans and he was impressed by them. This would be a nice addition to the neighborhood. He is in favor of this application.

Katharine Supple, 2212 Second Avenue stated that her home was built in 1956, during her mother's lifetime they completely gutted the interior of the home. She does have a small porch with three steps, her mother became progressively disabled and they had to put a

fourth step in. They were required to make sure the steps were not in the front yard setback so that they did not have to go for a variance. She does not want her neighborhood to be disrupted. There is plenty of room in their backyard to have as much outdoor living as they want.

Steven Grunberg, representing the owners Helen Giannini at 2208 Second Avenue, Debra Mackinnon at 2209 Third Avenue, and the owners of 2211 Second Avenue, LLC at 2211 Second Avenue stated that there is no benefit that would substantially outweigh any deterrent from the change in the setback would incur. His clients do not object to the side yard setback request.

Mr. Rubino explained that he respects the neighbors and their opinions. He thinks the addition of a porch on a house would be nice. The house needs to be renovated and he understands that some things can be updated without asking for a variance. This type of porch would not be overly obtrusive because it is so low and without railings.

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

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

Mr. Rubino explained that a covered patio was mentioned and his client would like to come back with new plans and carry the case. Mr. Judge stated that they would be willing to carry. Mr. Rubino asked if the Board could vote on the side yard setback for the second story addition. Mr. McGill answered no.

Mr. Rubino explained that his client decided to move forward with the vote tonight.

Motion by Judge, seconded by Rizzo, that the side yard setback be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Frost, Sagui, DeBerardine and Judge voted Aye. None voted no. Motion carried.

Motion by Judge, seconded by Rizzo, that the front yard setback and impervious coverage be denied. On roll call Board Members Rizzo, Iannaccone, Burke, Frost, Sagui, DeBerardine and Judge voted Aye. Napp voted no. Motion carried.

Motion by Sagui, seconded by Frost, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:25 P.M.

Respectfully submitted:



Dina M. Partusch-Zahorsky
Board Secretary

RESOLUTION NO. 15 - 2014
(Cal 4 - 2014)

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

WHEREAS, Carmine DeMaio (hereinafter referred to as the "applicant") has 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 with relief from the front yard setback requirements at property located at 215 Ludlow Avenue, Spring Lake, New Jersey, and known as Block 111, Lots 7 and 8 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of May 14, 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-1 Zone.
2. The property consists of a rectangular-shaped lot having 15,000 square feet of area, 100 feet of frontage on Ludlow Avenue and 150 feet of depth. Presently the property is vacant, the previously existing structures having been razed by the applicant.
3. The applicant is proposing to construct a dwelling on the property which is otherwise conforming except as to its incursion into the front yard setback. The applicant is proposing to construct the dwelling structure at a distance of 13 feet from the property line where the ordinance requires 25 feet. The applicant requires a variance to construct the dwelling structure as proposed at 13 feet from the property

line therefore. The applicant presented to the Board plans prepared by Ray Carpenter, P.E. dated October 29, 2013 and Christopher Rice, AIA, dated April 3, 2014. These plans more fully describe the proposed structure and layout of the premises. These plans were accepted by and relied upon by the Board.

4. The applicant amended the application to decrease the extent of the relief requested from 13 feet to 15 feet during the presentation of the application to the Board. The Board accepted the amendment and considered same accordingly.

5. The Board finds that certain variance relief may be granted to the applicant however not to the extent requested originally or as amended. The Board finds that the applicant may be granted variance relief to encroach into the front yard up to a distance of 18 feet from the property line. The Board finds the relief to be an appropriate compromise between two inappropriate alternatives. The Board heard the testimony of the applicant that he wished to build the subject dwelling at a front setback line that more or less comported with the front setback lines of the houses existing to the east of his lot. The Board finds that the houses to the east largely are nonconforming as to the required setback to varying degrees but that the houses situated to the immediate east of the subject property generally have a setback of 13 or 12 feet, more or less. The Board heard the applicant's testimony, as presented by his professionals, that the house should be built at the distance requested for aesthetic and conformity purposes so as to maintain the streetscape integrity. The Board heard that by allowing the house to move forward that it would eliminate the reality of the new structure intruding into the rear yards of its neighbors, which, the Board heard, would be detrimental to the neighbors. The Board finds that the testimony presented by the applicant and his professionals does not address the full range of the considerations before the Board. As to the setbacks in the area, the Board finds that the structure to the west of the subject property is conforming as to its front yard setback. The Board finds also that while the houses to the east are setback as stated by the applicant, the houses are dissimilar in size and design. The Board finds that the neighboring structures are situated on undersized lots, half the area of the applicant's, and are thus more modest in size by necessity than what is proposed by the applicant. The Board also finds that the applicant's house is designed differently in that it boasts a second floor deck which runs the length of the entire frontage of the house where the

neighboring houses generally display pitched porch roofs without second floor decks. The Board finds that this difference in size and design make the presentation of the dwelling more intrusive upon the streetscape than the neighboring houses and therefore the Board finds that the applicant's house cannot be built as proposed and must be accorded different treatment than its neighbors to the east. The Board further finds that permitting no relief in this situation may not be best for the current streetscape either because of the visual inconsistency that may occur should the house be built at 25 feet. The Board finds therefore that the structure is too large and bulky to be built at the location as proposed but finds that by allowing the encroachment to 18 feet, the Board may strike a balance as to the competing and conflicting concerns presented by the application. The Board therefore finds that the placement of the house at 18 feet represents a better zoning alternative and may therefore grant the relief pursuant to N.J.S.A. 40:55D-70 c.2. The Board finds that there will not be any negative impacts by the granting of the relief described herein. The Board finds that there will be no significant obstruction of air, light and open space of the neighbors and that the structure will not significantly intrude upon or interfere with any significant sight lines of the neighbors. The Board finds that since the area has other houses which are more nonconforming than the structure proposed, that there will not be any substantial impairment of the zone plan presently.

WHEREAS, The Board has determined that relief may be granted to the applicant as stated herein 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,

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 11th day of June, 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.

3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer shall 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. That the applicant conform his plans to the comments and requirements of the Board Engineer as found in his review letter of May 1, 2014 and that new plans shall be submitted for review and approval by the Board Engineer in conformity with said letter and this resolution as may be necessary.
6. That the applicant shall design its front walk so as to avoid the need to remove the curbside trees that presently exist along the frontage of the property.
7. That all utilities that may be required as a result of this project shall be placed underground.
8. The porch shall not be enclosed nor heated.

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 June 11, 2014.



DINA PARTUSCH-ZANKERSKI