

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
JULY 9, 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, Matthew Sagui, Kathleen Scotto, Lisa DeBerardine, and Chairman Nicholas Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the May 14, 2014 meeting.

Motion by Rizzo, seconded by Burke, that the minutes of the May 14, 2014 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Scotto, DeBerardine, and Sapnar voted Aye. None No. Motion carried.

Chairman Sapnar called for a motion to approve the minutes of the June 11, 2014 meeting.

Motion by Rizzo, seconded by Sagui, that the minutes of the June 11, 2014 meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Sagui, and DeBerardine voted Aye. None No. Motion carried.

Resolution #16-2014 Fiore

Motion by Rizzo, seconded by Burke, that Resolution #16-2014 Fiore, that the subdivision be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Sagui, and DeBerardine voted Aye. None No. Motion carried.

Resolution #17-2014 Simeoni/Herschlag

Motion by Rizzo, seconded by Sagui, that Resolution #17-2014 Simeoni/Herschlag, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Sagui, and DeBerardine voted Aye. None No. Motion carried.

CAL#3-2014 FRIZELL

21 SOUTH BLVD.
BLOCK 144, LOT 11

David Frizell, homeowner was sworn in. He explained that this variance application is for a pergola on an existing deck; the reason for the pergola is to provide shade from the sun and protection from the wind. He explained that the house next door is a weekly rental; he is

looking for privacy from the neighbors. Mr. Frizell state that he had previously discussed with the building department what his plans were and was informed that no building permit was needed. He later found out that a zoning permit was required because the pergola would be considered part of the building coverage.

Chairman Sapnar asked if the roof of the pergola is open. Mr. Frizell answered that there is four by four lattices that provides shade.

Mr. Rizzo asked if the deck is solid. Mr. Frizell answered no it is open slat.

Mr. McGill clarified that the impervious surface is not increasing in this application, the building coverage is. He added that the pergola over deck would be increasing the building coverage because the structure is over twenty four inches high.

Chairman Sapnar noted that a patio would be an open unroofed structure less than twenty four inches.

Mr. Sagui asked if Mr. Frizell spoke with any awning companies about putting up an awning; awnings can stand up to 70 or 80 mph winds. Mr. Frizell believes that an awning would be more of a cover than the pergola.

Mrs. Napp asked what is beyond the planks. Mr. Frizell answered that it is artificial turf; that was the only way he would be able to stay under the impervious coverage instead of concrete around the pool.

Mr. Burke stated he feels this eight foot high lattice structure is more like a fence. Mr. Frizell explained that the lattice provides the privacy. Mr. Burke added that no other resident could put up an eight foot high lattice and call it a privacy structure. Mr. Burke asked if Mr. Frizell does agree with the interpretation of the pergola structure and the need for a building coverage variance. Mr. Frizell is not arguing with the interpretation.

Mr. Rizzo asked if Mr. Frizell was given the okay to build this structure. Mr. Frizell answered that he did not need a building permit.

Mrs. Napp asked if there is electric on the pergola. Mr. Frizell answered no, that classically, pergolas would be garden structures.

Keenan Hughes, Professional Planner was sworn in and accepted by the Board. He explained that this property is in the R-1 zone and is undersized. The variance being requested is a C variance for building coverage; 28.8% where 25% is required. There is a clear justification under the C2 standard; there are benefits to deviating from the ordinance in this case. The pergola should be looked at as a decorative structure which has both aesthetic and functional purposes. It is not possible to have a retractable awning due to the local conditions. The lattice provides privacy for the Frizell's and to the neighboring property. He added that the pergola is an appropriate way to provide shade and a nice seating area for the homeowner

which allows for the recreational use of the property, in a manner that does not have an impact on surrounding properties. It is open to all of the elements and does allow light and air penetration, it is not a full structure. The lot is undersized and the building requirement is 25%, the size of this lot 8,331 square feet. The new home itself fits nicely on the lot without going over the building requirement. The pergola will put the coverage over the requirement but he feels that it does not in any way undermine the intent of the building coverage requirement.

Mr. Rizzo stated that there are no dimensions on the plans and he would like to know what the distance is between the structure and the garage. Mr. Frizell explained that the distance between the two structures was not raised as an issue by the zoning officer and he knows it is more than twenty feet. Mr. Rizzo explained that without dimensions calculations cannot be determined.

Mr. McGill explained that Mr. Judge has arrived and has not heard testimony and cannot participate in the vote. Mr. Judge agreed. 7:38pm

Comments:

Mary Harz, 10 Pitney Avenue stated that she has been able to enjoy the pergola. It is a simple little thing that is on top of a deck, it will be good for shelter and privacy.

Robert McAllan, 6 Jersey Venue explained that he agrees with Ms. Harz.

Charles Benz, 307 Monroe Avenue explained that he agrees with Ms. Harz as well.

Motion by Rizzo, seconded by Burke, 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 Sapnar, seconded by Rizzo, that the application be approved. On roll call Board Members Rizzo, Iannaccone, Napp, Scotto, and Sapnar voted Aye. Burke, Sagui, and DeBerardine voted no. Motion carried.

CAL#7-2014 TAYLOR & DEFELICE
200-206 MERCER AVENUE
BLOCK 58, LOT 7

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

Mr. Rubino discussed that this property has been up for sale for a few years. He added that there were a few interested buyers who were builders and wanted to knock the house down and subdivide the lot into two maybe even three lots. He explained that the Mr. Taylor is

under contract to buy the property where the existing house is. Mr. DeFelice is under contract to buy the property which would be vacant except for the carriage house. The Taylor's are long time residents of Spring Lake and he would like to purchase the home as a summer home, he plans on keeping the home and updating it. He discussed the variances for proposed lot 7.01 which are building height of 36.8 feet where 35 feet is required, walkway area which is 441 square feet where 350 square feet is required, and the front yard setback which is 22.9 feet where 25 is required. Mr. Rubino explained that Mr. DeFelice really would like to keep the carriage house and understands that it would not be used for residential purposes. Mr. DeFelice will build a new house with similar characteristics of the existing house. The variances needed for proposed lot 7.02 are the front yard setback of the carriage house which is 13.5 feet where 25 feet is required, there are currently two curb cuts which Mr. DeFelice would like to keep and move, the size of the garage is 1,694 square feet where 600 square feet is required and the maximum building height of the garage is 27 feet where 18 feet is required.

Robert Burdick, Professional Engineer and Planner was sworn in and accepted by the Board. Mr. Burdick explained that lot 7.01 will have 23,550 square feet and 7.02 will have 22,537 square feet. The lot is oversized and would have enough room to subdivide into three lots however the house and carriage house would have to be removed; which the contract purchasers do not want to do. The carriage house will be converted from a residential use to a garage. The curb cut will be moved so that there will be a circular driveway. He added that both the home and the carriage house have existed for over one hundred years. All of the variances are existing conditions. He explained that allowing the structures to remain at the property will have no negative impacts to the adjacent neighbors. Mr. Burdick reviewed Mr. Hilla's letter.

Mr. Rubino explained that if the carriage house variance is approved, there should be some sort of reasonable condition, that in a certain amount of time it will be converted to a garage or be completely removed. Mr. Hilla suggested that the conversion could happen and the principle structure permit would be held up until it is done. He added that there could be a time frame to when the conversion has to start.

Mr. Burke stated the ordinance states that for new construction, new curbs and sidewalks must be installed. He added that this slate sidewalk and it looks in good shape, how does the Board tell the code official not to have them removed. Mr. Rubino explained that that can be waived.

Louis W. Taylor, contract purchaser for proposed lot 7.01 was sworn in. Mr. Taylor would like to keep the existing house and the front stairs where they are currently there. He explained that the outside will remain the same just updated. It is possible to move the steps however it would change the use of the porch and the architecture; he would like to keep them.

Thomas DeFelice, contract purchaser for proposed lot 7.02 was sworn in. Mr. DeFelice would like to preserve the carriage house which is in good condition. He is selling his house in Colts Neck and would be moving here to Spring Lake. He would be using the carriage as a garage

with storage. He would like to keep two curb cuts because it helps getting in and out of the driveway; it would be much safer. He added that he will be cleaning up the hedges near the driveway so that there is visibility.

Barbara Harrigan, 301 Sussex Avenue asked how many cars would be placed in the garage. Mr. DeFelice answered that it is a little larger than a two car garage.

Robert Adler, Jr. Professional Architect was sworn in and accepted by the Board. He explained that he is working with both Mr. Taylor and Mr. DeFelice. He explained that on lot 7.02 there will be a new home built that would match the house on lot 7.01. The carriage house will be restored and preserved as a garage. The portico would push the home farther from the street and will create more of an open space. He discussed the garage; the garage will be able to house three cars, potentially four however that would be tight fit. He then discussed lot 7.01; the house needs to be updated. A large detached garage will be built; it will not exceed the 600 square feet that is allowed. The building height of the house is an existing condition and cannot be changed without taking down the house.

Mr. Judge asked about the front walk on lot 7.02, it does not seem accurately depicted on the site plan. He added that the front walk on the rendering looks much better than what is on the site plan. Mr. Adler agreed and would be willing to request a variance for that as well.

Mrs. Napp asked if the the trees on the property will be preserved. Mr. Adler answered as many as possible. Mr. Rubino added that there are not many where the new home is going to be located.

Mrs. DeBerardine asked about the carriage house; what exactly will be done with the renovation. Mr. Adler explained that the design of the building will be the same; the trim, siding and roof will be replaced.

Kristine Nazzaro Cofone, Professional Planner was sworn in and accepted by the Board. Mrs. Nazzaro Cofone discussed that the Borough last adopted a Master Plan in 2010, that Master Plan is rich in recommendations to preserve the historic structures in town. She discussed the criteria of the purposes of the Municipal Land Use Law that would be advanced by granting the variances. All of the conditions and variances are currently existing and the property and will not have a negative effect on the neighborhood.

Comments:

Kathleen McCusker stated that she has been a resident for 48 years and is affiliated with the Spring Lake Preservation Alliance. She explained that it is rare to hear and participate in an application to keep a historic building, since 1999 the Preservation Alliance was formed to stop the demolitions. They started to track the historic buildings and in 2000 there were 1,190 buildings which were built over one hundred years ago; recently that number has dwindled to 279. The whole scene of this property will be retained and the new home will not even be noticeable, however people will notice that nothing has changed.

Rob Hoffman, 119 Warren Avenue stated that he has had his home for fourteen years. He was amazed that this property has been on the market for so long and did not sell. He explained that he was afraid that a builder would come in and maximize the property which would change the neighborhood. He is in support of this application.

Barbara Harrigan, 301 Sussex Avenue feels that these two gentlemen should be commended for preserving these historic buildings.

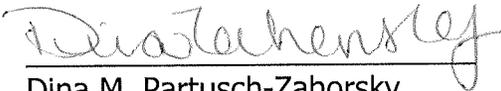
Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Judge, seconded by Rizzo, 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 the subdivision and application approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, 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: 9:35 P.M.

Respectfully submitted:



Dina M. Partusch-Zahorsky
Board Secretary

RESOLUTION NO. 16 - 2014
(Calendar No 5 - 2014)

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

WHEREAS, Alice L. Fiore , (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake for minor subdivision approval in accordance with the Municipal Land Use Law, and specifically N.J.S.A. 40:55D-37, regarding property located at 101 Passaic Avenue, Spring Lake, New Jersey, and known as Block 64, Lot 1 on the Borough of Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of June 11, 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 the R-1 Zone. The property currently has 200 feet of frontage on Passaic Avenue and 150 feet of frontage on First Avenue. The property has a total area of 30,000 square feet. The property is presently vacant. The applicant is proposing to subdivide the property into two conforming lots. Both Lots are proposed to have 100 feet of frontage on Passaic Avenue and have 15,000 square feet in total area. Proposed Lot 1.01 is sited as a corner lot and is situated generally to the east of proposed Lot 1.02. Proposed Lot 1.01 is proposed to have 150 feet of frontage on First Avenue. Proposed Lot 1.02 is sited as an interior lot and is proposed to have 150 feet of depth.

2. The applicant has provided plans entitled "Minor Subdivision Map of Lot 1, Block 64 prepared and signed by Ray Carpenter, P.E. dated April 17, 2014. These

plans more specifically detail the proposal of the applicant and were relied upon by the Board in consideration of this application.

3. The plans provided by the applicant were reviewed by the Planning Board Engineer Alan P. Hilla, Jr., P.E., P.P., C.M.E. The plans were found by the Engineer to propose two conforming lots which the Board accepts as a fact. The Board also has reviewed the plans independently and finds that the proposal conforms to the bulk requirements of the R-1 Zone. No variances have been requested, none have been granted and none have been found to be necessary.

4. The Board finds therefore that the subdivision approval may be granted accordingly. The Board notes that the Board Engineer has made certain recommendations in his review letter dated May 29, 2014. The Board makes this approval subject to the reasonable recommendations and conditions contained therein.

5. The Board otherwise finds that the application as proposed is in keeping with sound planning and zoning.

WHEREAS, The Board has determined that the approval requested by the Applicant can be granted.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 9th day of July, 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 as a condition of perfecting the subdivision.

2. That all legal fees or engineering fees, inspection fees, or performance bond set by the Board Engineer shall be paid by the applicant prior to the issuance of a building permit.

3. That a copy of this Resolution be given to any subsequent owner of either of the new lots.

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 July 9, 2014.

A handwritten signature in cursive script, appearing to read "Dina Partusch", is written over a horizontal line.

DINA PARTUSCH

RESOLUTION NO. 17 - 2014
(Cal 6 - 2014)

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

WHEREAS, Stephen Simeoni and Sharon Herschlag (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 porch on the existing dwelling, and to remodel the second floor of the dwelling at property located at 2218 Second Avenue, Spring Lake, New Jersey, and known as Block 133, Lots 22 and 23 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of June 11, 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 7,283 square feet of area, 62.50 feet of frontage on Second Avenue and 116.52 feet of depth. The property is presently developed with a 1 1/2-story single family residential dwelling, an attached garage with driveway access to Second Avenue and various patios.
3. The applicant is proposing to remodel the second floor of the dwelling and to construct a porch on the dwelling. For the purposes of the remodeling of the second floor the applicants require the following relief:
 - A. Side yard setback relief to construct the proposed rear dormer where 9.4

feet is required and 6.7 feet is proposed,

B. Aggregate side yard relief to construct the rear dormer where 21.88 feet is required and 11.7 feet is proposed,

C. Aggregate side yard relief to construct the front dormer where 21.88 is required and 15 feet is proposed.

For the purposes of constructing the proposed front porch, the applicants require the following relief:

D. Front yard setback relief where 25 feet is required and 16.9 feet is proposed,

E. Aggregate side yard setback relief where 21.88 feet is required and 21.2 feet is proposed,

F. Building coverage relief where 25% is permitted and 25.67% is proposed.

4. The applicant presented to the Board plans prepared and signed by Mary Hearn, AIA, dated April 10, 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.

5. The Board finds that the proposal to remodel the second floor and the variances associated therewith may be considered separately from the proposal to construct the front porch and the variances associated therewith. The Board does therefore consider those variances separately, as delineated above, and finds that it may grant the variances necessary to remodel the second floor but must deny the variances necessary to construct the front porch.

6. In reference to the side yard setback relief requested by the applicants, the Board finds that same may be granted because the remodeling of the second floor will serve to preserve and modernize the structure. The remodeling will also serve to beautify the structure and make same more aesthetically pleasing by allowing the applicants to bring the house into greater symmetrical harmony through the centering of the first and second floor windows. The Board finds as fact that these benefits to the community and zoning in general outweigh any detriments that may accrue as a result of granting the relief. The Board further finds that the encroachment into the side yard as same is proposed by the extension of the rear dormer does not exceed the

encroachment that presently exists. The Board finds that the addition is to the rear of the property and will not be readily apparent to the public from the street. The Board heard testimony from the neighbor who would be most affected by any increase in the incursion and finds that there will be no detriment to the adjoining property or the neighbors as a result of the addition. The Board finds that the expansion is relatively modest in nature and that, objectively, it is unlikely to cause any detriment due to deprivation of air, light and open space. As to the variance relief regarding the aggregate side yard set back, the Board finds that the proposed aggregates as to both dormers are greater than what presently exists and, in relation to the front dormer, the remodeling essentially involves the shifting of the existing dormer slightly closer to the side of the house. As discussed above, the remodeling provides benefits that outweigh any detriments that may accrue and the Board finds that it may and does grant the relief requested accordingly. The Board also finds that the present placement of the house on the undersized lot presents a hardship to the applicants in the remodeling of the house which adds further support to the granting of the side yard relief requested.

7. In reference to the relief requested to construct the front porch, the Board finds that it must deny the variance relief requested. The Board finds that while the construction of the porch will aesthetically enhance the dwelling structure which could be considered a benefit to the community, the Board finds that the construction of the porch as proposed would substantially impair the zone plan. The Board heard testimony that the front yard set backs are largely uniform and conforming in the community. The Board finds that this uniformity is a characteristic of the community that needs to be protected. The Board finds that the construction of the porch as proposed would substantially and unduly impose upon this uniformity in the area. The Board finds that by doing so, the porch would both substantially impair the zone plan and be a detriment to the public good. The Board otherwise does not find any hardship uniquely affecting this property that would support the relief requested. The Board finds that the relief as to the construction of the front porch must be denied.

WHEREAS, The Board has determined that certain relief may be granted to the applicants as stated herein, and that other relief must be denied,

NOW THEREFORE BE IT RESOLVED, by the Planning Board of the Borough

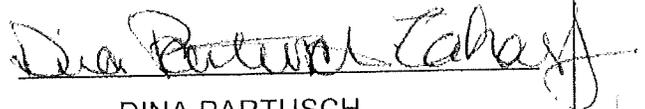
of Spring Lake on this 9th day of July, 2014, that the relief as to the remodeling of the second floor as described herein shall be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current as a condition of approval.
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 29, 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.

NOW THEREFORE BE IT FURTHER RESOLVED, that the variance relief associated with the construction of the front porch as described herein must 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 July 9, 2014.



DINA PARTUSCH