

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
DECEMBER 10, 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, Ph. D., Walter Judge, Melissa Goldstein, Matthew Sagui, Kathleen Scotto, Lisa DeBerardine, and Chairman Nicholas Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the November 12, 2014 meeting.

Motion by Judge, seconded by Burke, that the minutes of the November 12, 2014 meeting, as amended be adopted. On roll call Board Members Iannaccone, Burke, Judge, Goldstein, Sagui, DeBerardine, and Sapnar voted Aye. None No. Motion carried.

Resolution #21-2014 Fuimefreddo

Motion by Judge, seconded by Iannaccone, that Resolution #21-2014 Fuimefreddo be adopted as amended. On roll call Board Members Iannaccone, Burke, Judge, Goldstein, Sagui, DeBerardine and Sapnar voted Aye. None No. Motion carried.

Chairman Sapnar announced that CAL#11-2014 Mastroilli will be heard first due to the fact that there is a substitute attorney.

Mr. McGill explained that he has a conflict of interest with this case; his firm is involved in the real estate transaction. He added that he asked John Jackson, Esq. to fill in for him on this application.

CAL#11-2014 Mastroilli
503 Sussex Avenue
Block 48, Lot 7

Michael Rubino explained that he is not listed on the application as the applicant's attorney, however he was asked to help with the application.

Mr. Rubino had the exhibits marked into evidence.

Mr. Rubino explained that this is a minor subdivision at the property located at 503 Sussex Avenue, this is an oversized lot. Mr. Mastrorilli's and Mr. Quinn's families are going to build on the lots and both lots will have conforming new homes. The subdivision will create two 50 x 150 foot lots. Chairman Sapnar asked about the map key highlighting the wrong properties. Mr. Rubino explained the plans have been revised.

Mr. Judge stated that he is a cousin of Mr. Quinn, he recused himself.

Brian Mastrorilli, contract purchaser was sworn in. He explained that the lot will be developed into two fully conforming lots and there should be no need for any variances to construct two conforming homes. The home that is currently on the property will be demolished. Mr. Mastrorilli added that they are going to try and save as many trees as possible on the property. He explained that both lots will be landscaped after construction.

Mr. Burke asked if the wooden fence to the east will be removed. Mr. Mastrorilli answered that they have to speak to the neighbor, they are not sure who put the fence up but it is encroaching on the property. Mr. Rubino explained that they would like the fence to come down and put up a new one; at the same time they do not want to upset the neighbors.

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

Motion by Goldstein, 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 Burke, that the minor subdivision application be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Goldstein, Sagui, Scotto, DeBerardine and Sapnar voted Aye. None voted no. Motion carried.

Mr. McGill and Mr. Judge returned.

CAL#10-2014 10 Brown Street, LLC
1200 Third Avenue
Block 75, Lot 16

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

Mr. Rubino explained that Dr. Salvato, who is the owner of 10 Brown Street, LLC was unable to attend this evenings meeting due to an eye operation. This application has been in front of the Board a few times now. He explained that back in 2012 the Board approved a site plan for the building on the corner of Morris and Third Avenues which had an upstairs storage area. He added that from then until now Dr. Salvato has met with various architects, builders, realtors, and potential tenants; this plan is not financially feasible. He explained that Dr. Salvato is proposing to keep the two existing units, add a one story western section to the corner of the building. For architectural design the turret of the corner will remain to

of the building. The coverage and all of the variances are the same as the last application; the only thing that is changing is the second floor storage is being removed.

Mr. Rubino gave a brief history of the all of the previous applications.

Verity Frizzell, Professional Architect was sworn in and accepted by the Board. Ms. Frizzell discussed the changes made to this application from 2012. The original plan from 2012 consisted on three retail units on the first floor and storage on the second floor. The second floor would have been very expensive to build and since it was storage that space could not be rented. This application will include one new retail space and a turret on the corner of the building. All of the variances are the same; the building will be one story instead of two. She explained that the roof line from the existing building was carried around to the corner, the same materials will be used and it will look like one seamless building. The turret was placed at the corner to make the building stand out since it is an important corner.

Chairman Sapnar asked if the only change to the floor plan was that the stairs were taken out and the bathroom was moved. Ms. Frizzell answered yes.

Mr. Rizzo asked if there is a foundation under the planters. Ms. Frizzell answered no.

Ms. Frizzell discussed the lighting on the building. She explained that there is recess lighting underneath the soffit to light the front entrance and also the second door, there is also a wall mounted light at the back door. She added that if the Board wanted the rest of the building illuminated she would be fine with that. The rear of the building is enclosed by a privacy chain link fence. Mr. Rubino added that he spoke with Mr. Salvato and he would like to leave it to the Board's discretion, there could either be a privacy type fence or extend a façade fence to screen the garbage area.

Mr. Hilla explained that there would be a sight issue since the alley is right there. He added that on the previous plan there was an overhang and the column that the wall connected to and now there would be no real termination point. Ms. Frizzell explained it would just be a low wall that extends out but it may impede the view from the alley way.

Mr. Rizzo referred to the plans and questioned the existing concrete walk; he thought that it was going to be concrete pavers. Ms. Frizzell answered that there will be concrete pavers however, behind the building there will be concrete. Ms. Frizzell agreed there were some inconsistencies on the new plans.

Chairman Sapnar agreed that the site plan would need to be looked at more; the plans are not showing the tree bump outs either but they are on the site plan.

Ms. Frizzell stated that she spoke with the Shade Tree Commission and they were ok with not having trees on Morris Avenue because of the type and size of the tree. She also thinks that the curb bump outs would need County or Department of Transportation approval. Mr. Judge stated that in the last application the Board wanted the bump outs with the trees.

Chairman Sapnar explained that he is under the impression the Shade Tree Committee would like to have sycamore trees there. Mr. Rubino stated that they will put trees in if that is what the Shade Tree wants.

Mr. Rizzo suggested that the property be more attractive than some other properties in town since this is an important corner.

Mr. Sagui feels that the building does not look substantial enough in arguable the most important corner in town. Mr. Judge agreed.

Mr. Rizzo also agreed with Mr. Sagui. He then asked if there are awnings on the west side of the building. Ms. Frizzell answered that there are currently retractable awnings. Mr. Rizzo asked if they were going to repeat the awnings on the other side. Ms. Frizzell answered no however, they are going to take the same shape of the profile and bring that around. He added that one good thing is that there are a lot of windows with activity and light coming from the store; this building is not as substantial looking as the previous plan.

Ms. Goldstein asked about the dormers. Ms. Frizzell answered that the original building had vents on the dormers, stucco was put over and signage was suppose to be added which has not been done. Ms. Goldstein then asked who is responsible for maintaining the planters; that is a significant element to the side of the building and could either look beautiful or tragic. Ms. Frizzell answered that the owners would be responsible.

There were questions from the audience.

Mr. Rizzo asked if the gable end, which has real or implied chimneys are going to be removed. Ms. Frizzell answered that the one on the north end is not Mr. Salvatto's so it will stay and the other one will be removed. Mr. Rizzo asked if she thought that was an improvement. Ms. Frizzell explained that if the Board wanted it stay that is fine. Mr. Rizzo is concerned about making the alley way more attractive. Mr. Rizzo then stated that there are two chimney shapes; he suggested doing the same thing to the other side of the building, to book end the structure.

Ray Carpenter, Professional Engineer and Professional Planner was sworn in and accepted by the Board. Mr. Carpenter discussed the application and the variance requests. Mr. Rizzo asked if it would be an issue to make the refuse area a little more attractive by possibly changing the concrete pad to pavers. Mr. Carpenter agreed.

Mr. Judge asked what the Counties jurisdiction is as you go into the Morris Avenue right of way. Mr. Rubino answered that the County does not have jurisdiction over Morris Avenue. Chairman Sapnar explained that the only concern about the bump outs that he has heard of is that it would make it more difficult for road cleaning and plowing.

Mr. Iannaccone asked how many trees will be planted. Mr. Carpenter answered five altogether.

Mr. McGill asked if the trees are going to be in the right of way. Mr. Carpenter answered yes.

Mr. McGill then asked if the Borough has a Shade Tree Commission or Committee. Chairman Sapnar answered that it is a committee. Mr. McGill explained that there is a difference between a committee and a commission. A commission has absolute jurisdiction and a committee is an advisory board that acts on behalf of the Governing Body so the approval would be from the Governing Body. He added that if the Governing Body says no then the approvals fall through. Mr. Iannaccone stated that if the Shade Tree Committee or the Governing Body says no, the applicant should not have to come in front of the Planning Board again.

Mr. Judge asked if the plan is approved will all of these dry walls be installed. Mr. Carpenter answered that the reason they were not installed is because they have not pulled any construction permits.

Mr. Burke asked if the western most parking spot is pushed farther out into the street than the other ones. Mr. Carpenter answered that Morris Avenue has an eighty foot right of way; a normal cart way is thirty feet and the right front corner of the car is still at the original curb line. Mr. Carpenter added that the idea of slanting the parking on this road is to control the traffic movement since Morris Avenue is so wide.

Mr. Carpenter discussed the deliveries; they are going to be the same as always. These are small retail stores and typically have deliveries from UPS trucks which would fit into parking spaces and deliver at off times.

Tom Burrus, 515 Morris Avenue explained that he is a member of the Shade Tree Committee and they can recommend what variety of trees to plant. He added that the Master Plan states that Morris Avenue both east and west of Third Avenue states that London Plains should be planted. He suggested that they have the same people who planted the other trees along Third Avenue plants these trees so that they are consistent with the other ones. He is not sure why so many variances are being given to close off that corner. He thinks that benches should be considered instead of the planters. Mr. Burrus added that from what he has seen on some of the properties that this person owns, they were not taken care of. He does not think that the owner will put nice plants in the planter and maintain it.

Mr. Rizzo stated that he thinks that the Business Improvement District could come down on them if they did not maintain the planters. Mr. Burrus agreed.

Richard Nabb, 208 Morris Avenue stated his concern is trying to maximize free space on Morris Avenue he thinks the side walk should be wider. If a few feet were taken off the front of the building it may not need a building coverage variance.

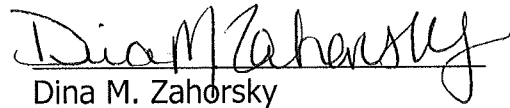
Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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.

Chairman Sapnar explained that the application will be carried to January 14, 2015 at 7 pm, no additional notice requirement; the adjournment was at the request of the applicant.

Motion by Judge, seconded by Burke, 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. Zahorsky
Board Secretary

RESOLUTION NO. 21 – 2014
(Cal. No. 9 - 2014)

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

WHEREAS, Frank Fuimefreddo (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake for minor subdivision approval pursuant to N.J.S.A 40:55D- 37 and varlance relief pursuant to N.J.S.A. 40:55D-70(c), from the provisions of the Spring Lake Zoning Ordinances, to subdivide and reconstitute properties located at 303 and 305 Ocean Avenue, Spring Lake, New Jersey, and shown as Block 19, Lots 2 and 4 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of November 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 properties are located in an R-2 Zone.
2. The tract in question is comprised of two rectangular lots each containing 11,250 square feet of total area and exhibiting dimensions that include 75 feet of frontage on Ocean Avenue and 150 feet of depth. The Lots are designated as Lots 2 and 4. Lot 4 is positioned to the immediate north of Lot 2. Lot 4 is used as a residence by the applicant. Lot 2 is a separate and distinct parcel of land that was recently acquired by the applicant. The applicant proposes to subdivide Lot 2 to reduce said lot's dimensions to 50 feet of frontage along Ocean Avenue while maintaining the 150 feet of depth. The applicant further proposes to merge the resulting 25 X 100 feet

parcel, which was formerly part of Lot 2, with Lot 4. The result of the merging of Lot 4 with the additional land formerly part of Lot 2 will be to create a new lot containing dimensions of 100 feet of frontage on Ocean Avenue and 150 of depth. This action will create two new Lots to be known as Lots 4.01 and 2.01 with New Lot 4.01 positioned to the north of New Lot 2.01. The applicant is proposing to remove all structures on Lot 2.01. The applicant has not requested any variances for New Lot 2.01 and has testified that same will be a conforming lot. The applicant intends to continue to reside in the structure located on Lot 4. The applicant has plans to remodel said existing structure which plans were not before the Board nor considered by the Board. The applicant has provided Plans entitled "Minor Subdivision Plat" and "Improvement Plan" both dated July 23, 2014, and both prepared by R.C. Burdick, P.E. These plans were submitted to and relied upon by the Board and more fully describe the proposal herein.

3. The proposal requires the following variances;

As to Proposed Lot 4.01:

A. Side yard setback where 12 feet is required and 8.9 feet exists and is proposed.

B. Driveway Area where 1,650 square feet is permitted and 2,372 square feet exists and 2,581 is proposed.

4. During the application the Board determined that the applicant did not require a variance for the distance that exists between the pool and the principal structure, that distance being in excess of ten feet as it exists, and therefore the request for a variance for relief from that requirement was withdrawn.

5. The Board finds that the subdivision may be approved and that the variances requested may be granted. The Board finds that the proposal will result in two conforming lots. The Board finds that the side yard relief is necessitated by a function of a change in the ordinance controlling the side yard requirements in the zone. The current side yard ordinance expresses said requirements as a function of percentages that causes the side yard requirement to increase with the addition of new width. In this case, the applicant would be caused a tremendous undue hardship should he be required to meet the new side yard requirement because the current dwelling would

need to be moved or a portion would need to be eliminated. The structure is proposed to remain as it currently exists along the subject sideline and no new encroachment is proposed. The Board finds that the increase in the driveway coverage is a function of the need to assume the coverage that exists in reference to a driveway easement that exists at the rear of the property. This easement serves Lot 2 and will serve New Lot 2.01. Because the subdivision moves the lot line to the south, the New Lot 4.01 will need to assume the driveway coverage attributable to the easement. The Board notes that between the two lots the coverage in reference to this easement condition will remain unchanged. The Board finds that by granting both of these variances the Board may allow the applicant to restructure the properties to be more conforming with the zone plan. The new plan will create a fully conforming lot and a full double lot which is more in line with the plan than the two lots that were oversized but not readily subject to subdivision. The Board finds that this is a benefit that outweighs any detriment that may accrue as a result of the granting of the variances. The Board finds that there is no detriment to the public good and no substantial impairment of the plan.

6. The Board notes that the applicant was before the Board on June 17, 2007 at which time he was granted variance relief for building coverage and walkway area. The Board finds that because the current plans obviate the need for the relief previously granted, the Board finds that said variances have been abandoned and the approval granted previously will not continue and shall be considered void. This was stated on the record and accepted by the applicant.

7. The Board otherwise 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 variance relief may be granted because the benefits and to be gained substantially outweigh any detriments

WHEREAS, The Board has determined that the relief requested by the Applicant 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.


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

of Spring Lake on this 10th day of December, 2014, that the application, including the grant of subdivision approval and variance relief, 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 the properties subject to this resolution.
5. That the applicant shall abide by all conditions of the demolition permit and specifically so where same pertain to the control of dust.
6. That the applicant shall remove all structures existing on Lot 2.01 as a condition of perfecting the subdivision.
7. That the applicant shall comply with the oral and written opinions of the Board's Engineer and shall submit plans for compliance review as may be necessary.

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 December 10, 2014.



DINA PARTUSCH - ZAHURSKY