

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
MAY 13, 2015**

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 Smith Goldstein, Lisa DeBerardine, Mary Ann Rooney and Chairman Nicholas Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the April 8, 2015 regular meeting.

Motion by Judge, seconded by Burke, that the minutes of the April 8, 2015 regular meeting be adopted as amended. On roll call Board Members Burke, Sagui, Goldstein, DeBerardine, and Sapnar voted Aye. None No. Motion carried.

Chairman Sapnar announced that CAL#4-2015 Pelmont, LLC will be carried to June 10, 2015, without any further notice.

CAL#3-2015 Cozzarelli
420 Brighton Avenue
Block 100, Lot 6

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

Mr. McGill explained that this application involves the expansion of a non-conforming use; there are two dwellings on the property. The Mayor's Designee will need to recuse herself.

Mr. Sagui entered at 7:04. Mr. McGill explained that Mr. Sagui would also need to recuse himself.

James F. Cozzarelli and Jennifer Lake Cozzarelli, homeowners were sworn in.

James Anderson, Professional Architect was sworn in.

Steven Krog, Landscaper was sworn in.

Mr. Rubino explained that the house next door to this one was previously approved for a height variance in 2008. The Cozzarelli's would like to build a new house and renovate their garage and apartment which would be for parents and visitors. He added that this is not for rental purposes; the intent is for personal use. He explained that the proposed house sits four foot above grade and is thirty seven feet in height, one option make the house conform would be to change the grade of the property however there could be issues with the water table, basement, and how the property would look. Mr. Rubino explained that there is a small proposed wall in the front yard which would technically need a variance.

Mrs. Cozzarelli explained her background with Spring Lake; they currently live in Wall Township but would like to settle in Spring Lake. She added that they normally have lots of visitors and would like to have to space for lots people.

Chairman Sapnar asked Mrs. Cozzarelli when they purchased the house, were they told that the garage apartment was an existing non-conforming use. Mrs. Cozzarelli answered that there was a certificate of occupancy for the house and at that point they thought that they were going to be able to keep it. Mr. Rubino added that he has a copy of the certificate of occupancy.

Mr. Cozzarelli explained that his parents are getting older and may eventually live in the garage apartment. They are proposing to move the stairs in the back apartment to the front for access; with the stairs on the side it becomes very icy in the winter time. He explained that he had no idea they would not be able to keep the garage apartment.

Mr. Judge asked if at any time, plans were made to have the house meet the height requirement. Mr. Cozzarelli explained that they are over the height limit because of the grade and water table. Mr. Judge then asked if the house has a full basement. Mr. Cozzarelli answered yes. Mr. Judge asked what the square footage is for the whole house. Mr. Cozzarelli explained that it is approximately nineteen hundred on each floor.

Mr. Rizzo asked if the existing house has a basement. Mr. Cozzarelli answered yes a very old one. Mr. Rizzo then asked if you can stand in it. Mr. Cozzarelli answered yes however, it is also wet and they are unsure of where the water is coming from.

Mr. Iannaccone asked if Mr. Cozzarelli would agree to restrict the use of the garage apartment to family use only. Mr. Cozzarelli agreed if he is able to keep it.

Mr. Judge asked what will be in the basement. Mr. Cozzarelli explained that it will be a finished basement with a gym, storage and bedroom.

Chairman Sapnar asked how an elderly person would be able to get up the garage apartment stairs. Mr. Cozzarelli answered that the stairs would be able to have a chair assist; it would be difficult to have an elevator in the garage.

Mr. Anderson, Professional Architect was accepted by the Board. Mr. Anderson explained that the front steps protruded farther than two feet into the front yard, they will be pulled into the current porch so that a variance is not needed. He explained that there are a number of reasons they are seeking relief for the height, the biggest issue is that the site is substantially filled and is a smaller lot. There is four feet of fill between the top of curb and the front of the building. The house directly to the west was granted relief previously for height. He thinks the two houses would sit harmoniously at the same height. He explained that they did consider modifying the grade which is allowable under the code, however the rise in the grade is relatively even in this area. To reduce the grade at this location would not look natural. There would also be some drainage issues.

Chairman Sapnar asked what the height of the basement is. Mr. Anderson answered that it is nine feet.

Mr. Anderson discussed the portion which would be above the thirty five feet and added that the house next door's entire ridge is set at the thirty seven feet. He explained that the basement maintained the two foot elevation above the season high water. There are ways of going down lower but they want to avoid doing that. He explained that the basement height is nine feet eleven inches, the first floor is the same, and the second floor is eight feet seven inches.

Mr. Burke asked if the first floor is higher than the existing house first floor. Mr. Anderson does not know.

Mr. Rizzo asked about the basement being ten feet, he understands that duct work is an issue but there are other homes with nine foot ceilings. Mr. Anderson explained that with the duct work and beams the residual would be about nine feet.

Mr. Judge asked what the gross square footage of the house is. Mr. Anderson answered that he does not have those numbers with him. He added approximately five thousand square feet. Mr. Judge then asked what the plans are for the basement. Mr. Anderson answered one bedroom, multi-use space, bar, elevator and storage.

Mr. Anderson discussed the garage apartment; the idea is not to change it drastically. However, they would like to make it look better and also fix the stairs because they are currently unstable. When you approach the top of the stairs there is a landing which is about eighteen inches wide which is not compliant. They would like to update these stairs to make them compliant. Also, instead of having two doors there would be one carriage door in the middle. He added that the garage will now be used storage and one car instead of two

Mr. Rizzo asked if it is heated since he does not see a furnace room. Mr. Anderson answered that it will be located where it currently is.

Chairman Sapnar confirmed that they are not only changing the garage from a two car to a one car but also renovating the living space. Mr. Anderson answered yes. He explained that they will be relocating and fixing the stairs to the entrance. He added that there are currently two bedrooms which will be reconfigured so that the bathroom can be enlarged. The rest of the apartment will be opened up into one living space containing a living room, dining room, and kitchen.

Mr. Rizzo asked if the roof and floor structure were being retained. Mr. Anderson answered yes. Mr. Rizzo then asked about the storage doors. Mr. Anderson answered that they will probably be folding doors for yard and landscape equipment.

Mr. Judge asked Mr. Anderson if he felt that the twenty four inch wall in the front yard is in character with the neighborhood. Mr. Anderson answered that he has not noticed any walls in that area. Mr. Rubino explained that the wall was placed on the plan and they did not realize it was not conforming.

Five minute recess.

Karen Devine, 418 Brighton Avenue commented that she has no issues with this application. She also has a garage apartment in which her mother lived in for many years after she passed away, Ms. Devine never rented it out however her son will stay there occasionally.

Steven Krog, Licensed Landscaper Architect was accepted by the Board. The estimated seasonal high water is at approximately elevation thirteen, by ordinance the basement needs to be two feet above that. He explained that one of the reasons the grade should not be changed is that they need to be able to drain water from the backyard toward the street from north to south. That is the prevailing drainage pattern on the site currently. If the grade was lowered on the property as a whole, it would help with the building height however, it would potentially create a bathtub in the back yard. He then explained the issues with the driveway. The reason for the hatched area, by ordinance, during construction there needs to be a stabilized construction access roadway. The driveway is being configured with two concrete runners approximately two feet wide with a three foot grass strip. He believes that from an aesthetic stand point that type of driveway is an indigenous design for the Jersey shore area, it is very common.

Mr. Burke asked about the wooden deck. Mr. Krog explained that the wooden deck has an opening which allows rain water to go through and would not become surface runoff. Mr. Burke asked if that is how both the rear deck and pool deck are constructed. Mr. Krog answered yes.

Chairman Sapnar asked what the elevation of the deck is from the ground. Mr. Krog answered that it varies from approximately six to twenty inches off the ground because the site does rise. Mr. Krog explained that the pool fence runs around the pool and connects to the corners of the existing garage.

Mr. Hilla asked how the fence goes off the deck to the grade below. Mr. Krog answered the fence will stop then step down. Mr. Hilla then stated that in the fence ordinance if the fence is above five feet in height from grade it would have to be ten feet from the property line. He added that the fence with the deck will be over five feet.

Mr. Rizzo asked about the existing chain link fence. Mr. Krog explained that the neighbor to the north has a chain link fence. He added that dueling fencing are unfortunately common.

Mr. Krog explained that the area of the deck which is within ten feet of the property line and above five feet in height could be dropped down to grade to four feet high. There would be about ten foot piece of four foot fence that would not be sitting on top of the deck.

Mr. Rizzo asked about the proposed trash enclosure. Mr. Krog explained that would be a fenced in area with a gravel base.

Chairman Sapnar asked about the accessory structure listed on the spreadsheet with the square footage of seventy five feet. Mr. Krog explained that would be the outdoor kitchen, he assumed that would fall under an accessory structure.

Mr. Rizzo asked about the outdoor shower. Mr. Krog explained that would have an open deck or platform which would not be included in the impervious surface. Mr. Hilla asked if there will be hot water, if so it would have to run off into the sanitary sewer. Mr. Krog explained that it is under an overhang and it was not discussed as to whether or not there would be hot water. Mr. Hilla stated that it does not look like it is under the overhang in the plans. He then asked if it were covered what will that do to the building coverage. Mr. Rubino explained that if the application is granted the applicant's will meet with the zoning officer to make sure the shower complies.

Chairman Sapnar stated that the Board is looking at a use variance and there is no planner here to discuss the benefits or determinants. Mr. Rubino stated that they will come back next month with a planner to hear more testimony.

Mr. Rizzo asked about the utility poles. Mr. Krog confirmed that there are utility poles for the overhead wires. Mr. Rizzo expressed concern, in certain instances when there are downed wires that need to be accessed, it seems that it is very packed in the rear yard. He understands the desire for screening and need for the fence. Mr. Krog stated that is physically possible to access that area by walking around the eastern side of the garage. There are existing evergreen trees there. Mr. Rizzo asked if it would obstruct the service. Mr. Krog it is not at the current time.

Mr. McGill discussed that when the front building is eliminated it ceases to become an accessory. This would be an expansion however it is two dwellings on one lot based on our past justifications this would be a D-1 variance rather than a D-2 which is the expansion of a

non-conforming use. When the application is a D-1 it has to have special reasons for creating two structures on the property. This particular application is a tear down and rebuild so it is a stronger variance than the D-2's that have been in front of the Board in the past. He explained that these are not favored uses; normally the neighborhood should consist of one single family dwelling and no garage apartments. The special reason standard will still need to be met.

Mr. Rubino explained that he would like to come back next month possibly with new plans and a planner to testify.

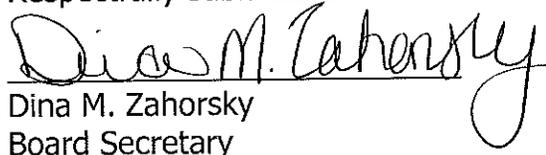
Comments:

Carol Patterson, 522 Brighton Avenue stated that she is very conservative in her zoning view, in this particular instance and she understands the accessory use however she feels that it is very important to some families to have a smaller unit on their property. There are some local municipalities encouraging this. She added that this is a very attractive plan. The accessory uses pre-date our ordinance. She is in support of this application.

Chairman Sapnar stated that this case will be adjourned to June 10 at 7:00 p.m. no further noticing required and Mr. Rubino waived the time requirement.

Motion by Judge, seconded by Burke, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:47 P.M.

Respectfully submitted:


Dina M. Zahorsky
Board Secretary