

**AMENDED MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
April 13, 2016**

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, Melissa Smith-Goldstein, Michael Burke, Walter Judge, Matt Sagui, Lisa DeBerardine, Stuart Patterson, Mary Ann Rooney and Chairman Nicholas Sapnar.

Motion by Sagui, seconded by Judge, that the amended minutes of the February 10, 2016 regular meeting be adopted. On roll call Board Members Rizzo, Goldstein, Burke, Judge, Sagui, DeBerardine, Patterson, Rooney and Sapnar voted Aye. None No. Motion carried.

CAL#16-2015 Magrini  
8 Monmouthshire Lane  
Block 32, Lot 18

Michael Rubino, applicant's attorney, had his exhibits marked into evidence. Mr. Rubino reviewed the variances requested. When the house was built it was conforming. When the ordinance changed to a percentage of the width of the property, the house became non-conforming. There is some confusion on a variance for the porch.

Mr. McGill suggested that the second floor encroachment and the porch could be considered as components of the same variance. Mr. Hilla referenced the non-conforming structure section in the ordinance. The issuance of a zoning permit would be contingent on two tests. The porch addition would be conforming as to the aggregate. The ordinance states, "...resulting building or structure does not create any new violations." The aggregate of the building plus the porch would create a violation and a zoning permit could not be issued. Chairman Sapnar clarified no matter what they are putting on they need a variance for the aggregate and a side yard variance for the garage. The Board will consider that as a part of the variance.

Mr. Rubino stated that he disagreed with the assessment. The odd shape of the cul de sac causes the measurement to be skewed.

Gerard Magrini was sworn in. He grew up in a large family in Avon. His wife is from Manasquan. He has been married for 35 years and has 3 sons, the youngest in college. They live in Pennsylvania for business reasons. They still have many relatives in the area and many who visit. They have owned the house for almost ten years. They hope to move here full time in the future. They did renovations when

they first purchased the house but the budget ran out when it came to the porch. In 2007 the ordinance changed and the porch did not comply with zoning. He grew up with a wrap around porch in Avon and feels very strongly that a porch is important at the Shore. The garage is a large part of the house. They hope to make it more aesthetically appealing and to make the space more useable.

Paul Damiano, architect, was sworn in and accepted. All aspects of the property are compliant except the items for which a variance is requested. The attic is not useable since there are trusses. He explained how the property width must be measured on an angle and makes it 89 feet wide, where in reality there is an 85 foot width. This increase the setback requirement since it is measured as a percentage. The porch has a setback 15.37 feet on one side and 35.1 feet on the other with a combined side yard in excess of 50 feet. The house is non-conforming because of the percentage requirement. Garage side yard is 10.52 feet and they are proposing 12.2 feet. The structure next door is a bout 10 feet so it does have the same sort of setback. The houses across the street are between 18 and 20 feet apart so they have a similar setback. They looked at stepping it in but the homeowner wanted a stately look. The piece above the porch will not be a balcony. There will be a new roof across the house. They did not do step in because it would create an imbalance architecturally. They kept the roofline down along the side yard in deference to the neighbor. If the lot were 85 feet the side yard would be 28.4 feet where they are at 27.55 feet. Homeowners wanted an open floor plan but most of the first floor is garage. They looked to create more communal space for the family. They took part of the garage to create a mudroom and powder room, which allowed them to extend the dining room and kitchen. They extended the family room to the back.

Board members asked about the second story addition, the non-conformity of the existing garage, terrace. Back bedroom/study will be a two story addition in back. That side yard is stepped in at 16 feet, within the required setback. The garage provides storage. The terrace is less than 24 inches.

Mr. Rubino added that his client talked to the neighbors and they did not have any problem with the plan.

Motion by Judge, seconded by Rizzo to go into caucus. On roll call all Board Members Rizzo, Goldstein, Burke, Judge, Sagui, DeBerardine, Patterson, Rooney and Sapnar voted Aye. None No. Motion carried.

Motion by Judge, seconded by Sagui to come out of caucus. On roll call all Board Members Rizzo, Goldstein, Burke, Judge, Sagui, DeBerardine, Patterson, Rooney and Sapnar voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge to approve the application with the conditions that they comply with the comments in the engineer's letter and that the front porch will not be enclosed.

CAL#4-2015 Pelmont  
308 Morris Ave  
Block 74, Lot 17

Dr. Burke and Mr. Patterson are interested parties and they recused themselves.

Michael Rubino , applicant's attorney, had exhibits marked into evidence. He explained that the Board has had a few hearings regarding this property. The last approval was in 2009 for a commercial building with retail and office space. That was a 40 foot building and there were variances granted for side yard setback and coverage. Mrs. Motzenbecker bought the property in early 2014. She proposed a similar building to include retail and four residential units, one of which would be designated for low income housing. The hearing was carried a number of times while Mrs. Motzenbecker negotiated with the town. In the agreement, the Borough stipulated that the height of the building would be reduced to 35 feet. A residential unit disappeared so now there are three residential units. There is one variance component; the driveway does not have room for two-way traffic.

Helen Motzenbecker was sworn in. Her parents built a house here when she was born. She had built a number of houses in town. She loves the town and wants something for her children to remember her by. When she and her husband retired and sold their house on Vroom, there were no apartments to move to. It is her intention to sell the residential units, while possibly keeping one for own use.

Thomas Brennan, architect, was sworn in and accepted. There is one change on the plans. The roof will no longer be a metal roof. There is a side entrance to the lobby. Unit A will be 1358 square feet. Unit B will be 1457 square feet. Unit C will be 2100 square feet. Unit A and B will have two bedrooms. Unit C will have three bedrooms. All units will have separate furnaces and air conditioning. They will have hardwood floors, nice moldings, hardie siding and generally upscale design. The town wanted them to give the building a residential character and they will incorporate that into the plan. They will have fire sprinklers and achieve all fire ratings and building codes required. Addressing #4 of the engineer's letter, he explained the condensers will be located the rear underneath the second floor in front of the four storage units. They will use a noise deadening product on the ceiling above the units. They will also look for the quietest units that are available. The units will be 60 feet from the rear properties. He is confident that they will have the least practical noise impacts on the adjoining residential uses.

Ray Carpenter, planner and engineer, was sworn in and accepted. He has worked on this site a number of times. The plan is fully conforming to the MUAHCZ zone. Referring to the engineer's letter:

#1 No lighting is required for a lot with 5 parking spaces or less. The fixtures will cast the light down. They will attempt to have no light leaving the site. The lights will not be on all night. They will be on a motion sensor.

#2 There will be a non-transient population and will not create a lot of traffic. Signs at both ends of the driveway saying: "2-way driveway caution, oncoming vehicles". Three spots will probably be for residential units and handicap spot will be for guests or retail.

#3 They will comply.

#4 Mr. Carpenter is comfortable that the decibel level will comply with commonly accepted levels. The state law applies, which is 65 decibels during the day and 55 decibels at night.

#5 The roof drains will go into three large drywells. The water will drain down the driveway toward Morris Avenue and the yard drain will pick up that runoff. There was a discussion between the engineers regarding the drainage. They will meet to work through the system to the satisfaction of the Planning Board engineer.

- #6 They will put slide gates in front of the trash enclosure. The handicap sign will be on the gate.
- #7 They will comply with engineer's recommendation.
- #8 They will consult the neighbor to work it out.
- #9 & #10 Planning Board Secretary will forward the plan to the Traffic Safety Officer and the Fire Official.
- #11 They will comply with the recommendation.

Walter MacGowan, executive of Marisa and Ale, owner of the neighboring property, asked whether the change from an empty lot to a developed property will alleviate or exacerbate problem with water in his basement. Mr. Carpenter answered that no water will leave the site and that the plan should not exacerbate the problem. Discussion of the plan, the site conditions and the requirements ensued.

Dr. Burke, neighbor to the rear, asked if they can keep the white pines. There was a discussion of merits and confirmation that the applicant will discuss with him and accommodate his wishes.

Walter MacGowan spoke in favor of the application.

Stuart Patterson, 316 Sussex Ave, and owner of a building within 200 feet, spoke in favor of the application. He explained the problems that they face with water in the yankee basement in his building.

There were comments on the belief by many that there are streams running under most of the town.

The contribution by the applicant to the Borough's affordable housing fund was noted.

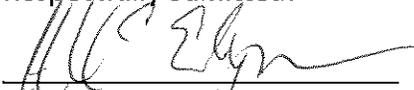
Motion to go into caucus by Judge, seconded by Rizzo. On a roll call all Board Members voted Aye. None No. Motion carried.

Motion to come out of caucus by Judge, seconded by Rizzo. On a roll call all Board Members voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge to approve application with the condition that they will co-ordinate with and comply with the recommendations of the engineer and co-ordinate with the neighbor on landscaping. No restaurant will be put into the first floor. On a roll call Board Members Rizzo, Goldstein, Judge, Sagui, Deberardine, Rooney, Sapnar vote Aye. Burke and Patterson recused. None No. Motion carried.

Motion to adjourn by Sapnar, seconded by Judge. All members Aye. None No. Motion carried.  
Time: 8:48 PM.

Respectfully Submitted:

  
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Margaret McElynn