

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
October 12, 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, Larry Iannaccone, Michael Burke, Cindy Napp, Walter Judge, Matt Sagui, Melissa Smith-Goldstein, Lisa DeBerardine, Stuart Patterson, Mary Ann Rooney and Chairman Nicholas Sapnar.

Motion by Sapnar, seconded by Judge that the amended minutes of the August 10, 2016 meeting be adopted. On a roll call members Iannaccone, Burke, Napp, Judge, Sagui, Goldstein, DeBerardine, Patterson, Rooney and Sapnar voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge that the amended minutes of the September 14, 2016 meeting be adopted. On a roll call members Iannaccone, Burke, Napp, Judge, Sagui, Goldstein, DeBerardine, Patterson, Rooney and Sapnar voted Aye. None No. Motion carried.

Resolution #23-2016 Valentine

Motion by Sapnar, seconded by Judge to approve Resolution #23-2016. On a roll call Board Members Iannaccone, Burke, Judge, Sagui, Goldstein, DeBerardine, Patterson, Rooney, and Sapnar voted Aye. Napp Abstained. None No. Motion carried.

Resolution #24-2016 Mancuso

Motion by Sapnar, seconded by Judge to approve Resolution #24-2016 On a roll call Board Members Iannaccone, Burke, Judge, Sagui, Goldstein, DeBerardine, Patterson, Rooney, and Sapnar voted Aye. Napp Abstained. None No. Motion carried.

Mr. McGill explained the reasoning behind a resolution to designate two newspapers as the official newspapers having the greatest likelihood to provide notice to the public.

Resolution #25-2016

Motion by Sapnar, seconded by Judge to approve Resolution #23-2016. On a roll call Board Members Iannaccone, Burke, Napp, Judge, Sagui, Goldstein, DeBerardine, Patterson, Rooney, and Sapnar voted Aye. None No. Motion carried.

CAL#9-2016 Pantano
2109 Fourth Avenue
Block 127 Lot 1

Mary Ann Rooney recused herself. She is an interested party.

John Doyle, attorney for the applicant, entered items into evidence. He explained that Mr. Pantano was seeking a variance for a retaining wall in the front yard. He noted that there were many similar walls in the neighborhood. If the wall were removed, the landscaping that the neighbor planted on Mr. Pantano's property would have to be removed causing potential bad feelings between them.

Frank C. Pantano, Jr. was sworn in. There was a grading issue and he put up the wall to correct the issue rather than take out the landscaping. He and the neighbor were on bumpy ground from the start of construction. The neighbor has a landscape wall on his property. The neighbor's landscaping is 3-4 feet onto the Pantano property. He did tell his neighbor who was dismissive of his claim and refused to get his own survey. He understands that his professional advisors have some claim to fault.

Member Sagui, who built the house next door, explained that he built the wall less than 18 inches, which was acceptable at the time.

Charles Surmonte, Engineer and Surveyor, was sworn in and accepted. He explained that the property was originally 2 ½ feet above the sidewalk. It sloped to the west. He planned to lower the grade on the Fourth Avenue side by 1 foot to 15 inches to create better drainage. His plan sloped right to the property line. He was unable to complete the approved plan due to the landscaping. The drainage flow that was approved is accomplished by the wall and the grading up to the wall.

There was a discussion of the goal of the ordinance to preserve existing landscaping.

Applicant's attorney summed up.

There was a discussion of the right of way.

Mr. Pantano extolled the beauty of Spring Lake and said he built here because of the rules that the Borough has to keep the town beautiful. He explained the hardship that would be caused to his neighbor and himself.

Motion by Judge, seconded by Burke to go into caucus. All members voted Aye. None No. Motion carried.

Motion by Judge, seconded by Sagui to come out of caucus. All members voted Aye. None No. Motion.

Motion by Iannaccone, seconded by Napp, to approve the application. On a roll call Board Members Iannaccone, Napp, Judge, Sagui, Goldstein, DeBerardine, Patterson, and Sapnar voted Aye. Burke No. Motion carried.

CAL#10-2016 Flanigan
41 Ludlow Ave
Block 109 Lot 11

Board Members Sagui and Goldstein were removed since a use variance will be heard.

Michael Rubino, applicant's attorney, submitted items into evidence. He explained that the Flanigan's have applied for relief for a swimming pool, which was denied because the garage apartment is a non-

conforming use and to add dormers to the garage apartment. The "outdoor kitchen" will just be a barbecue. They are not applying for a variance for any patio in the front yard. The applicant intends to use the garage apartment for friends and family and, if approved, would file a deed restriction so that the apartment could not be rented. Matt Zahorsky, Zoning Officer, had previously approved an addition to the primary structure on the property, which has already been constructed. At that time he did not realize that there was a garage apartment and would have denied the application as an expansion of a non-conforming use.

Thomas J. Flanigan was sworn in. The Flanigan's are from Westfield and they were looking for a project. They have a home on LBI. Mrs. Flanigan bought the house as is. Mr. Flanigan was skeptical but an inspector showed him the architectural detail and they worked to restore it. He has family in Sea Girt. His wife has family in Belmar. They come from large families and will have many visitors. He was told that if he gave up the garage apartment, he would be allowed to put in the pool. But they wanted to keep the apartment. His mother is blind and will need care. It could possibly be used for a family member or paid caregiver to help with his mother. They want to add a dormer for light and air. It has three small rooms. The engineer's plan is accurate. The architect's plan will have to be amended to reflect the correct plan.

William Brown, architect sworn in and accepted. The house was stripped down to the studs. It is a clay tile structure. The outside walls are masonry all the way through, which is unusual and very European. They used top quality materials that match the existing where possible and will do the same for the garage. The dormer will be 3 feet x 15 feet, adding 45 square feet of space and 5 feet of volume. It will add architectural detail and be a compliment to the garage next door. There will be two windows instead of french doors. They will be taking out the walls and making one big open area. The pool is within four feet of the garage. They will add a safety stop on the window so that it cannot be opened more than four inches. They will underpin the garage when building the pool. The drainage plan includes all structures on the property.

If relief is granted, the applicant will file a deed restriction on the garage apartment that rentals would not be allowed and they would agree to remove the stove.

There was clarification of the variances under review.

Motion by Judge, seconded by Burke go into caucus. All Board Members voted Aye. None No. Motion carried.

Motion by Judge, seconded by Burke to come out of caucus. All members voted Aye. None No. Motion.

Motion by Sapnar, seconded by Judge that the pool is an expansion of a non-conforming use associated with the garage apartment. On a roll call Board Members Iannaccone, Burke, Napp, Judge, DeBerardine, Patterson, and Sapnar voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge to approve the "D" variance for the pool. On a roll call Board Members Iannaccone, Burke, Napp, Judge, DeBerardine, Patterson, and Sapnar voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge to approve a variance for the pool to be in the sideyard setback and too close to the garage. On a roll call Board Members Iannaccone, Burke, Napp, Judge, DeBerardine, Patterson, and Sapnar voted Aye. None No. Motion carried.

Motion by Iannaccone, seconded by Burke to approve the use variance for the expansion of a non-conforming use with dormer being restricted to 18 feet. On a roll call Board Members Iannaccone, Burke, Napp, and Patterson, voted Aye. Judge, DeBerardine, and Sapnar No. Motion denied.

Discussion of non-conforming accessory structures occurred. The Zoning Officer has read the current ordinance to allow a house to be demolished and an accessory structure, whether it is conforming or not, would be allowed to remain. Board Members stated that a conforming accessory structure should be allowed to remain. The Board wants the ordinance to be clear that when a new construction plan is submitted all structures should be conforming unless a variance is obtained. Mr. McGill discussed the land use ordinance 25-20(A).5 and the possibility of amending with wording similar to: "non-conforming accessory structure must be removed upon demolition of the principal structure".

Motion by Sapnar, seconded by Judge to instruct Mr. McGill to draft proposed wording to recommend to the Borough Council. Iannaccone, Burke, Napp, Judge, Sagui, Goldstein, Deberardine, Patterson, Rooney, and Sapnar voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge that Ordinance No 2016-007 to amend Chapter 225, Land Development, Section 20(A) of the Borough Code is consistent with the master plan. All Board Members voted Aye. None No. Motion carried.

Discussion of revamping the application to require more detailed engineering.

Motion to adjourn by Judge, seconded by Sagui. All members Aye. None No. Motion carried.
Time: 10:23 PM.

Respectfully Submitted:


Margaret McElynn