

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
SEPTEMBER 14, 2011**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:30 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nick 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, Michael Burke, Cindy Napp, Nicholas Sapnar, Walter Judge, Priscilla Reilly, Paul Jordan, Matt Sagui and Kathleen Scotto.

Chairman Sapnar called for a motion to approve the minutes of August 3, 2011. Motion by Reilly, seconded by Napp, that the minutes of the August 3, 2011 meeting be adopted. On roll call Board Members Rizzo, Napp, Sapnar, Reilly, Sagui and Scotto voted Aye. None No. Motion carried.

Chairman Sapnar announced that Cal 4-2011 Hanzus has been adjourned to October 12, 2011 at 7:30 PM in this room.

**CAL 2-2011 309 OCEAN AVE LLC
311 OCEAN AVE
BLOCK 19 LOT 5.02**

Mr. Sapnar announced that all the testimony has been heard and tonight the attorneys will make their final arguments.

Timothy B. Middleton, Esq. Attorney for the applicant, said that at the prior meeting of the Board they heard testimony from the Architect and Planners for both sides and tonight they will give their summations.

Board Attorney George McGill explained that Board Members Rizzo, Burke, Judge and Jordan were absent for the last meeting, are present tonight and have all listened to a recording of the previous meeting on August 3, signed certifications to that effect and can participate in tonight's discussion and will vote. Both attorneys concur with that decision.

Mr. Middleton said that this is an application to construct a new home on the corner of Salem and Ocean Avenues. They are asking for 3 variances, front yard setback, side yard setback and garage, and the neighbors object to the setbacks. Mr. Middleton pointed out that with a 25' front yard setback on Salem Ave. they would end up with a house that looks like a railroad car on Ocean Ave. There isn't one house in the neighborhood that is 19' wide. The proposed house fits in much better with the other homes.

He read excerpts from the Master Plan dealing with corner lots in the R-2 zone which noted that it is difficult to build houses on these lots. Mr. Middleton also pointed out that all sides of this proposed house have interesting architectural features.

William Gearty, Esq. was acknowledged and said that there is no porch on Salem Ave that has a view of the ocean and at the last meeting not one of the neighbors claimed to have a view of the ocean.

Paul D'Apolito, Esq. attorney for the Thompsons and Fiumefreddos, gave his summation. He pointed out that the burden of proof for the positive criteria and that the granting of the variance will not be a detriment to the public good is clearly on the applicant. Mr. D'Apolito also pointed out that every other house on Salem Ave has a 25 ft. front yard setback. Further, he quoted Jennifer Beahm, P.P., opponents' Planner, that this proposed house would impact on light, air and sound. He is of the opinion that nothing in the record supports what Mr. Middleton has argued tonight. Mr. D'Apolito said that the applicant's Planner did not even mention the negative criteria and solely focused on the positive criteria and the benefits that would derive from this application.

Chairman Sapnar asked the attorneys if, between last month's hearing and tonight's hearing, there had been any attempt to come to a compromise or resolve their differences. Mr. Middleton replied that his client had tried to offer a compromise but, unfortunately, it seems to be an all or nothing situation.

Mr. Sapnar pointed out that the applicant's attorney said that there was only one variance. Mr. Middleton replied that, although the applicant needs a variance for the 3 ft. side yard and the garage also, the nub of the case is the 18 ft. front yard setback. They are asking for the other variances as well.

Mr. McGill explained to the Board Members that it is a C2 variance and not a hardship variance. The negative criteria have to be looked at as well. The Board must balance the benefits, if any, that the town is receiving by granting these variances. The applicant's point of view is that this proposal fits in with the fabric of the community more so than what could be built there under the zoning ordinances.

There are three variances to be considered.

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

Board Attorney McGill advised the Board Members that the vote should be an all or nothing vote. That is, the requested variances are all interrelated and one is not good without the others.

Chairman Sapnar asked for a motion to come out of caucus.

Motion by Judge, seconded by Burke, that the Board come out of caucus. On roll call all Board Members voted Aye. None No. Motion carried.

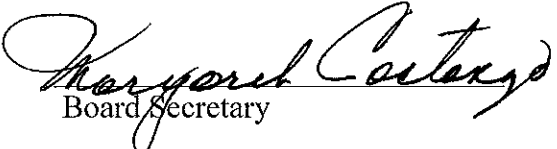
Motion by Judge, seconded by Reilly, that the application be denied. On roll call Board Members Rizzo, Burke, Napp, Sapnar, Judge, Reilly, Jordan, Sagui and Scotto voted Aye. None No. Motion carried.

Proposed Ordinance #012-2011 - Land Use Amendments

Since the Members just received the proposed ordinance this afternoon, Chairman Sapnar suggested that Board Members send suggestions to Attorney McGill and they will vote on it at the next meeting on October 12, 2011.

Motion by Judge, seconded by Napp, that the meeting adjourn. On roll call all Board Members voted Aye, none No. Motion carried.

Respectively submitted:


Board Secretary