

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
FEBRUARY 8, 2012**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:10 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.

Attorney George McGill administered the Oath of Office to the following returning and newly appointed Board Member Cindy Napp, Class IV Member, 4 Year term.

The Board Secretary called the roll for attendance. Present were Larry Iannacone, Cindy Napp, Priscilla Reilly, Matt Sagui, Meghan Frost, Kathleen Scotto, and Nick Sapnar.

Chairman Sapnar asked for a motion to approve the minutes of the Reorganization Meeting with two changes. The first change is that Cindy Napp was not sworn in at that meeting, her name should be removed and the second change is under Resolution #7-2012 change the starting time to 7:00 P.M.

Motion by Reilly, seconded by Sapnar, that the minutes of the January 12, 2012 Reorganization meeting be adopted. On roll call Board Members Iannacone, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. None No. Motion carried.

Motion by Reilly, seconded by Frost, that the minutes of the January 12, 2012 meeting be adopted. On roll call Board Members Iannacone, Reilly, Sagui, Frost, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolution to be adopted.

Resolution #10-2012 MLZ CORPORATION VARIANCES

Motion by Reilly, seconded by Sagui, that Resolution #10-2012 be adopted. On roll call Board Members Iannacone, Reilly, Sagui, Frost, and Scotto voted Aye. None No. Motion carried.

Walter Judge arrived at 7:20 P.M.

**CAL 6-2011 MORAN
106 PASSAIC AVENUE**

Board Member Councilwoman Reilly recused herself because this matter started as a D Variance for height and she cannot hear those matters. Meghan Frost recused herself because she has a conflict that she perceives with Christopher Rice; she used Mr. Rice as a professional in reference to her personal projects.

Mr. McGill explained that the height of this house is now out of the D Variance realm and is now a C Variance, ten feet or ten percent is allowed which would be 38.5 feet. The Moran's building height less than 38.5 feet. Mr. McGill added that there was an issue as to whether or not there was expansion of a non-conforming use because the building is over 38.5 feet and it is 42 feet. In his opinion that the building height which is non-conforming does not make the use of the structure non-conforming, it is a single family residential and a permitted use.

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence.

Mike Rubino, Esq. applicants' attorney introduced Mr. Moran; he was not able to attend the December 14, 2011 meeting but is here tonight to testify. Mr. Rubino explained that at the December meeting the proposal that was before the board was for a rear addition which was a little over 42 feet. The addition height was reduced to less than 38 feet.

Mr. Rubino called Christopher Rice; Professional Architect was sworn in and accepted by Board as an expert. Mr. Rubino questioned him; Mr. Rice stated that there were some concerns about drainage from the neighbor to the west, they are taking all of the new gutters and leaders and tying them into dry wells which will make the drainage on the property a little better. He added that the impervious coverage is being lowered from 42.6 to 42.5. The building height was the biggest issue.

Michael Burke, Ph.D. arrived at 7:25 P.M. Mr. McGill stated that he can hear Moran however will not be able to vote.

Mr. Rice continued explaining the building height, they took what was there and lowered it to the point where it would cover the addition and lowered it to 37.38 feet. He added that they were able to keep most of the character and style; the revised plans came out great. He stated that he would definitely submit an as-built to Matthew Zahorsky, Zoning Officer for review to ensure there will be any future issues. Chairman Sapnar stated that an as-built is supposed to be required. Mr. Rice agreed and added that it is a possibility that past zoning officers have not required them. Mr. Rice reviewed Al Hilla's letter and stated there are no issues.

There were no questions from the Board or audience.

There were no comments from the audience.

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

Motion by Judge, seconded by Sapnar, that the Board come out of caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Sapnar, seconded by Judge, that the revised plans be approved. On roll call Board Members Iannacone, Napp, Judge, Sagui, Scotto, and Sapnar voted Aye. None No. Motion carried.

**CAL 9-2011 WELTE
314 PENNSYLVANIA AVENUE**

Mike Rubino, Esq. applicants' attorney had the exhibits marked into evidence and explained that the applicant would like to add a small second story addition to the existing house, the house is currently one and a half story. The house as it presently sits very close to the property line and to add a conforming addition would be difficult. Mr. Rubino stated that the variances needed would be for the side yard setback for each side.

Helga Welte was sworn in and questioned by Mr. Rubino. Mrs. Welte and her husband currently live in New Providence, Mr. Welte is retired from work, they would like to add an addition and move down here permanently. Mrs. Welte and her husband purchased the house in 1981 as their family grew the house because too small for the entire family. She added that the bedrooms are small, there is no basement, no storage space, and there is a lot of wasted space. She would like to open up the second floor to have more living space.

There were no questions from the audience.

Mr. Rubino called Katherine Flores; Professional Architect was sworn in and accepted by Board as an expert. Mr. Rubino questioned her; she stated that the house is quite charming. Mrs. Welte did not want to do any big addition to keep the character of the house. The house has a second story which is really a half story that makes the second floor bedrooms small and there is only one common bathroom. She explained that on the first floor there are only minor changes; a few windows in filled and the stairs will be wider. On the second floor the master bedroom and three other bedrooms are going to be widened. Ms. Flores added that they tried to keep the building height low to still read as a one and a half story from the front and from the back it reads as a two story, there will be a storage room over the garage. She explained the elevation exhibits. The existing house is twenty two feet in height and only two and a half feet is being added. This house will be quiet small compared to the neighbor's houses.

Ms. Flores was questioned by the board.

Chairman Sapnar asked how close the house to the west is to the property line. Ms. Flores answered approximately six feet. Chairman Sapnar added that the house to the east is probably ten feet off the property line. Ms. Flores agreed ten feet or more.

Ms. Flores explained the design of the proposed addition. The existing barring walls are there and they are trying to use them for aesthetic reasons and for cost.

Mr. Burke suggested that the utility room be placed behind the house. Ms. Flores explained that it could not be put near the bedroom because there needs to be an egress window. Mr. Burke then suggested placing the garage in the back; he added that it would be a major structural change. Ms. Flores agreed.

Mr. Judge added that it is very close to the property line on both sides with the west side being closer to that building. He also suggested that the storage room could be a bedroom. Ms. Flores

explained that there are no egress windows. Mr. Judge added that there is no one here to testify however there has to be an impact on light and air on the west side.


Five minute recess.

Mr. Rubino stated that the Welte's may think about shrinking the addition, if there is a way to come up with those plans, they would like to come back to the next meeting with revised plans.

Chairman Sapnar stated that case will be adjourned to March 13, 2012, if revised plans can be submitted.

Motion by Judge, seconded by Napp, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:20 P.M.

Respectfully submitted:


Board Secretary

**RESOLUTION NO. 10 - 2012
(Cal 7-2011)**

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

WHEREAS, MLZ Corporation (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake for variance relief pursuant to N.J.S.A. 40:55D-70(c), from the provisions of the Spring Lake Zoning Ordinances, for permission to construct two single family dwellings and a detached garage within the front yards at properties located at 320 and 316 Jersey Avenue, Spring Lake, New Jersey, and also known as Block 81, Lot 11.01 and Block 81, Lot 11.02 on the Spring Lake Tax Map, and

WHEREAS, public hearings were held at the regularly scheduled meetings of December 14, 2011 and January 11, 2012, in the Municipal Building, and testimony having been presented on behalf of the applicant, and objectors and interested parties 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 properties were the subject of a subdivision approval memorialized in the Board's Resolution No. 9-2012, dated January 11, 2012. The applicant originally applied to the Board seeking both subdivision approval and variance relief however the subdivision application was bifurcated from the request for variance relief so that the applicant could move forward with the project while providing an opportunity to review and evaluate the variance relief to be requested in light of the input provided to the applicant by interested parties. As a result of the hearing on the subdivision request, the Board granted approval to subdivide the existing lot then known as Lot 11 to create two conforming lots designated as Lots 11.01, a corner lot, and Lot 11.02, an interior lot located to the east of Lot 11.01. The subject of this resolution is the variance relief requested by the applicant regarding Lot 11.01 and Lot 11.02. Both lots are subject to

the conditions as found in Resolution 9-2012 and those conditions are continued and adopted as conditions of any approvals granted herein.

3. Lot 11.01 consists of a rectangular lot with 50 feet of frontage on Jersey Avenue and 150 feet of frontage on Fourth Avenue. Lot 11.02 consists of a rectangular lot with 50 feet of frontage on Jersey Avenue and 150 feet of depth. Both lots contain 7,500 square feet of total area. The applicant proposes to demolish all structures presently existing on the lots as is required under Resolution No. 9-2012.

4. The applicant proposes to construct a single-family residential dwelling and detached garage on lot both lots. The applicant has provided architectural plans prepared by the Grasso Design Group dated October 31, 2011 and revised December 16, 2011, in reference to Lot 11.01; and architectural plans prepared by JMI Architects, LLC, dated December 20, 2011, in reference to Lot 11.02. The applicant also provided the plans prepared by R.C. Burdick dated December 19, 2011, entitled "Improvement Plan" which more fully describes the proposed location of the dwellings and structures to be constructed on the above reference lots. The applicant seeks variance relief for Lot 11.01 to construct the dwelling at 19 feet from Jersey Avenue, 17 feet to the steps, where 25 feet is required; to construct the dwelling at 15 feet from Fourth Avenue where 25 feet is required; and to construct the detached garage at 22.67 feet from Fourth Avenue where detached garages are not permitted in the front yard. The applicant seeks variance relief for Lot 11.02 to construct the dwelling at 17.3 feet, 15.3 feet to the steps, where 25 feet is required. The Board notes that all relief for front yard variances along Jersey Avenue have been made by the applicant at the request of the interested parties referenced in Paragraph 2.

5. The Board finds that the variance relief may be granted as requested, in part, and as otherwise modified herein. In reference to Lot 11.01 the Board finds that it may grant the front yard variance request in reference to Fourth Avenue as proposed. The Board finds that the structure has been designed to be opened to the corner of Jersey and Fourth Avenues and thus will not present a detriment in that regard. The Board further finds that the setback distance proposed along Fourth Avenue largely comports with the setbacks of other properties in close proximity to the subject property existing along Fourth Avenue and situated on the subject property's side of the street. The Board heard testimony and accepts as generally accurate that the average

distance for the setbacks described above is 13 feet which presents a greater encroachment, on average, than that requested by the applicant. The Board finds that because of this condition in the community that it may grant the relief requested without substantial detriment to the public good or impairment to the zone plan. The Board finds that by granting the variance as requested the applicant may construct an aesthetically pleasing design which could not be obtained absent the grant of relief. The Board finds that the promotion of an aesthetically pleasing environment is a goal of zoning and the Borough's Master Plan and as such constitutes a benefit to the community. The Board further finds that this benefit outweighs any detriments that the granting of the variance may present. The Board finds that it may grant the relief in reference to the garage proposed. The Board finds that the front of the garage will be situated well behind the line of the house on the Fourth Avenue side of the property and as such will not present any detriments to any sight lines of any neighbor. The Board finds that the variance is small and will not be observable under casual observation. The Board finds that by granting the relief requested that it may provide for a better use of land which is a goal of zoning and constitutes a benefit that outweighs any detriments that the variance may present. The Board finds that it may grant the variance for front yard relief for reasons generally stated above. The Board finds that the neighbors appeared as interested parties to request that the houses be moved forward into the front yard along Jersey Avenue. The Board heard the neighbors testify and finds as true that the properties along Jersey Avenue are largely moved forward into the front yard. The Board finds that by granting the relief to permit the encroachment into the front yard, the Board may gain a conformity and continuity along the subject property's side of the street. The Board finds that this is a benefit that outweighs any negative impact that the granting of the relief may present. In reference to Lot 11.02, the Board finds that it may grant modified relief to the applicant. The Board finds that it may grant some relief to the applicant for the reasons espoused above in reference to Lot 11.01, however the Board finds that extent of the relief requested would permit the proposed second floor porch to be too close to the sidewalk and street. To alleviate the imposition of the second floor porch to an acceptable degree, the Board grants modified relief to the applicant in reference to the front yard setback of Lot 11.02. The Board, for the reasons stated above, shall and does require that the applicant move the proposed

structure toward the rear of the property three feet, and grants to the applicant front yard relief for the structure to be located 20.3 feet to the porch and 18.3 feet to the steps.

6. The Board finds that the application as proposed is in keeping with sound planning and zoning and does not present substantial detriment to the public good nor does it substantially impair the intent and purpose of the zoning plan. The application will result in a better use of the property and will promote the aesthetics in the community. The variance relief may be granted because the benefits to be gained by the community substantially outweigh any detriments.

WHEREAS, The Board has determined that the relief requested by the Applicants 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 that the benefits of this application do substantially outweigh the detriments associated therewith.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 8th day of February , 2012, that the application 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 any permits.
2. That all legal fees, engineering fees, inspection fees and bonds as may set by the Engineer, be paid by the applicant prior to the issuance of building permit.
3. That a copy of this resolution be given to any subsequent owner of these properties.
4. That the applicant shall substantially conform to the plans reviewed by the Board as referenced herein.
5. That no porch shown in the plans presented herein shall be enclosed, heated or used for living space.
6. That all utilities shall be under ground and that any power service to the structures shall run as near as possible to the shared lot line between Lots 11.01 and 11.02.
7. That the applicant shall, to the greatest degree possible, cause any new utility pole to be positioned in the northeast corner of Lot 11.01

8. That all conditions of approval as found in Resolution 9-2012 shall be a condition of this approval.

9. That the applicant shall comply with the oral and written opinions of the Board Engineer except as modified herein, and that new plans shall be provided to the Board Engineer to perform a compliance review.

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 February 8, 2012.


DINA PARTUSCH