

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
OCTOBER 9, 2013**

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, Priscilla Reilly, Melissa Smith Goldstein, Kathleen Scotto, and Chairman Nicholas Sapnar.

Motion by Judge, seconded by Reilly, that the minutes of the September 11, 2013 meeting be adopted as amended. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Reilly, Goldstein, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

Resolution #24-2013 Sagui

Motion by Burke, seconded by Reilly, that Resolution #24-2013 Sagui, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Reilly, Goldstein, and Sapnar voted Aye. None No. Motion carried.

Ordinance No. 2013-012 Review

The Board discussed the proposed Ordinance No. 2013-012, an Ordinance Amending and Supplementing Sections of Chapter 225, Land Development of the Borough Code.

Mr. McGill explained that this is a revision to the ordinance involving the location of outdoor heating, ventilation, air conditioning equipment, and generators. It is a simple amendment that permits generators to be located within twelve feet of principle or accessory structures, all of the other equipment has to be within eight feet. He added that he is not certain as to why the change is needed however he is not suggesting that it is not needed. The ordinance is entirely consistent with the Master Plan which is what needs to be determined.

Chairman Sapnar explained that he agrees with Mr. McGill, however in speaking with Councilwoman Reilly there was testimony at the last Council meeting and this revision has been requested by property owners.

Mr. Rizzo stated that the generators are a hot item lately and maybe there are homes that have existing equipment already near a house or accessory building and if they added a generator they may need more space.

Councilwoman Reilly explained that generators have been generating a lot of requests, the way the ordinance reads currently they would need variance.

Motion by Sapnar, seconded by Judge, that Mr. McGill write a letter to the Council, that the Planning Board agrees this ordinance is consistent and to proceed with the adoption of this ordinance. On roll call Board Members Rizzo, Iannaccone, Burke, Judge, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None voted no. Motion carried.

**CAL#10-2013 CELANO
401 ATLANTIC AVENUE
BLOCK 27, LOT 1**

Mr. Judge recused himself.

Mr. Rubino, applicant's attorney had the exhibits marked into evidence.

Mr. Rubino, applicant's attorney explained that the home on this undersized corner lot is older. The Celano's purchased it in 2010; they also currently own a home in Robbinsville and would like to move to Spring Lake permanently. The Celano's would like to keep the original house and make it more functional instead of tearing it down and rebuilding. They would like to add a wrap around addition with a bilco door in the front yard area with heavy landscaping to cover it. There is an existing front porch on the Atlantic Avenue side; they would like to update the front porch to make it more attractive by adding a new cross gable above the door way.

Mr. McGill explained that the application will need to be amended for a front yard setback variance at 16.7 feet for the gable and redesign of the roof.

Mr. Rizzo asked if the same thing would have to be done for the new dormer on the top. Chairman Sapnar answered that anything that is in the setback would have to be amended. Mr. Rizzo added that it is not coming out further however it is new construction. Chairman Sapnar stated that should be added to the amendment.

Raymond & Stephanie Celano, homeowners were sworn in. Mr. Celano explained that they purchased a few years ago as a summer home, they would like to live here full time but need to update the house. They were going to piece meal the renovation, however that was not an option. Since they are on a corner lot the best way to renovate would be to add an addition. Most builders he spoke with advised him to knock the house down, the reason they purchased the house was for its older charm. The addition will be a small addition, expand the kitchen, an extra bathroom and have a little bit more living space. The house currently has one very small bathroom upstairs. The kitchen and bedrooms are also very small. He explained that he originally wanted to place the bilco doors in the back yard, on the edge of the home however there would not be enough room for egress off of the porch. Therefore they decided to have the bilco doors on the side of the home which is really the front yard.

Chairman Sapnar asked if basement is going to be a full basement or a crawl space. Mr. Celano answered that as of now it will only be a crawl space. Chairman Sapnar then asked about the existing toilet in the basement. Mr. Celano answered that is all being removed.

Mr. Rizzo asked if there is an existing stairs going to the basement. Mr. Celano answered that there is an existing staircase in the center rear of the house.

Mrs. Scotto asked if the only entrance to the basement will be through the bilco door. Mr. Celano answered that ultimately yes. Mr. Scotto asked if there would be any way to enter the basement with a regular door. Mr. Celano answered that would not be possible from ground height.

Chairman Sapnar asked if there will be an entrance to the basement from the inside the house. Mr. Celano answered yes. Mr. Celano add that the bilco door would be a good entrance for all of the outside furniture, etc. He added that the garage is very small and only fits one car.

Mr. Celano stated that he would heavily landscape the bilco doors with some type of hedge, so that the view would be blocked from the street and neighbors.

Mrs. Scotto asked Mr. Celano if he was planning on keeping the flag pole located at the corner of the property. Mr. Celano answered yes. Mrs. Scotto then asked if he was planning on putting anything on the corner. Mr. Celano answered no. Mrs. Scotto asked if he would be willing to keep it free so there would be some sight there. Mr. Celano answered yes.

Mr. Celano stated that he would fix the curb and sidewalk. He would also like to keep the air-conditioning units where they currently are.

Mr. Rizzo asked if there will be more headroom because of the dormers. Mr. Celano answered that the headroom would stay pretty much the same. Mr. Rizzo asked is the room on the third floor will be kept unfinished. Mr. Celano answered that it is unfinished for now, if he moves here full time he may place an office there. Mr. Rizzo explained that in the future the half floor would have to be maintained.

Mr. Celano stated that the current patio and deck will be removed.

Mr. Iannacone asked if there were any issues with impervious or building coverage. Mr. Celano answered no.

Mr. Burke asked if Mr. Celano asked a builder if the air-conditioning unit could be moved to the back. Mr. Celano answered no; he honestly did not think it was an issue since it was pre-existing. Mr. Burke explained that the issue is that it is right on the property line.

Paul Damiano, Professional Architect was sworn and accepted by the Board. Mr. Damiano discussed what the current floor plans and dimensions. He explained there will be a two story small addition to the rear of the house. Part of the addition will wrap around the existing rear corner and will jet out three feet into the front yard setback along Fourth Avenue. It will be approximately eight feet in depth; the addition extends to the west around the rear of the house to the side yard. Both the first and second floors will be expanded. The front of the house will have a new door with some side lights, new columns, and a gable over the front door. He added that they decided to add a dormer with a gable in the rear of the house. The total house will be eighteen hundred square feet. There is a full basement underneath the home; there is a stair that leads to the basement. They decided to place the bilco door in the front yard area due to limited space in the rear.

Mr. Damiano discussed the house in the area on his photo board exhibit.

Mr. Rubino explained that if the Board were to approve this application they would submit a grading and drainage plan. Mr. Damiano added that they would make sure that the water ran to the east side of the property.

Chairman Sapnar asked if there needs to be a retention basin or something to help the drainage they would be willing to install that. Mr. Damiano answered yes.

Mr. Rizzo commented that there may be some water runoff on the west side since water will not be able to travel up and over the dormers. Chairman Sapnar explained that if a plan is submitted the engineer will make sure that issue would be resolved.

Chairman Sapnar asked about the new air-conditioning unit, will it be high efficiency unit because those may be bigger. Mr. Celano answered that the new ones are a lot smaller.

Mr. Rizzo asked if the Celano's are removing the chimney in the house. Mr. Damiano answered yes.

There were no questions from the audience.

Comments:

Walter Judge, 319 Atlantic Avenue stated that he would be in favor of this application, it is a modest expansion.

Emily Stewart, 407 Fourth Avenue stated that her house is the one just south of the Celano's, she is in favor of the application and is pleased that they did not knock down the house to build a new one.

Five minute recess.

Mr. Rubino explained that the bilco door presents a problem; to place the bilco in the rear of the house a variance would also be needed. It can be placed on the south west side of the house however it would violate the six foot setback requirement.

Mr. Rizzo stated that having the door extending far into the yard may look strange, especially if they plan on entertaining. Mr. Damiano said that they would need thirteen steps for five feet ten inches. Mr. Hilla asked why they would need that many steps. Mr. Damiano answered to be able to get your head underneath the stairs.

Chairman Sapnar asked what the setback would be from the property line. Mr. Damiano answered that it would be continuing the 2.6 feet that already exists.

Chairman Sapnar stated that the application will be amended to allow the new location of the bilco door which would violate the setback without a variance.

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

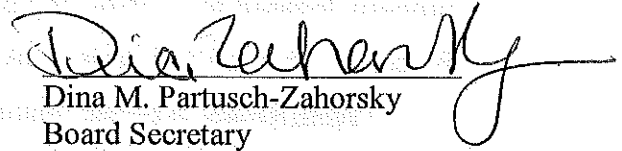
Motion by Burke, seconded by Reilly, that the Board come out of caucus. On roll call all Board Members voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Reilly that the application as amended be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None voted no. Motion approved.

Mr. Judge returned.

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

Respectfully submitted:


Dina M. Partusch-Zahorsky
Board Secretary

RESOLUTION NO. 24 – 2013
(Cal 9-2013)

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

WHEREAS, Matthew and Elizabeth Sagui (hereinafter referred to as the "applicants") have 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 restore and renovate an existing dwelling at property located at 17 Washington Avenue, Spring Lake, New Jersey, and known as Block 78, Lot 8 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of September 11, 2013, in the Municipal Building, and testimony having been presented on behalf of the applicants and objectors 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 property is located in an R-1 Zone.
2. The property consists of a rectangular lot that has 237.5 feet of frontage on Washington Avenue, 150 feet of frontage on First Avenue and totals 35,625 square feet in lot area. Presently the property contains a 2 ½-story frame dwelling, a 1 ½ story garage apartment with driveway access to First Avenue, an in-ground pool and miscellaneous accessory structures, walkways and drives.
3. The applicants propose to conduct an extensive restoration of the principal structure, to construct an accessory structure to house pool equipment and a generator for the principal structure and to decrease the overall impervious surfaces on the property. The applicants provided testimony that they intend to replace substantial

portions of the foundation of the property so to preserve the existing structure and to make other restorations and additions as shown on the plans prepared by Robert J. Ignarri, AIA, dated June 7, 2013 and signed and seal on July 3, 2013. The plans provided show the applicants' plans in greater detail and were submitted to and relied upon by the Board.

4. The applicant appealed to the Board the Zoning Official's determination wherein the Zoning Official opined that a variance under N.J.S.A. 40:55D-70 (d) was necessary to make the additions to the property in question based upon the existence of the garage apartment. The Board finds that a use variance is not necessary because the garage apartment is determined to be an accessory use to the existing principal dwelling in this instance and not a second principal dwelling. The Board further finds that the renovations to the principal structure and the other proposed additions and construction do not implicate the garage apartment under the plans proposed. The Board finds therefore that because there will be no expansion of the garage apartment, no such variance to expand a nonconforming use is necessary. The Board found that the matter therefore should be considered under the requirements of N.J.S.A. 40:55D-70 (c) and heard the matter accordingly.

5. The proposal requires a number of variances. First, the applicants propose to construct a basement structure underneath the existing porch in the front yard along First Avenue at a distance of 21.86 feet where 25 feet is required for front yard setbacks. The applicants are also proposing to build an accessory structure at 183.3 square feet where 100 square feet is permitted. The applicants also require a variance for the height of the new dormer structures where said height was said to be 38.5 feet and 35 feet is permitted. The applicants also noted that they were dropping the coverage of their driveway structure from 3,235 square feet to 2,444 square feet where 1,650 square feet is permitted, and dropping the coverage of their walkways from 4,165 square feet to 2,922 square feet where 350 square feet is permitted and requested variances for said design where and as necessary.

6. The Board finds that the variances can be granted and the plans approved as proposed and conditioned. The Board finds that the applicants are renovating, restoring and preserving an architecturally significant older Spring Lake dwelling which is a tremendous benefit to the community and meets a principal purpose

of the Borough's Master Plan. The Board finds that the lot in question is more than twice as large as is required in the zone and by allowing the property to remain a single lot preserves a tremendous amount of air, light and open space in the area. The Board finds that the extraordinary and unique size of the lot permits the applicants to construct a slightly larger accessory structure without violating the sense of proportion that the zoning ordinances strive to ensure and maintain and therefore will not be a substantial impairment of the zone plan, and, given the size and location of the accessory structure, there will be no encroachment on any neighbors and therefore the structure will not be a detriment to the public good. The Board finds that the applicants propose to use the accessory structure to house their mechanical equipment for the pool and to house a generator for the principal dwelling. The Board finds that to the extent that this extra size is necessary to provide the principal dwelling with emergency power, the extra size will be beneficial to the preservation of the principal dwelling and therefore a benefit to the zone plan. The Board finds that the front yard encroachment will not be greater than what presently exists and will not be noticeable to the public. The Board finds that as it is previously existing in nature there will be no substantial impairment of the zone plan and as it is not apparent to the viewing public, nor will it present the public with a sense of increased bulk, nor will it impede any sight lines necessary for public safety, the front yard variance may be granted without any detriment to the public good. The Board further finds that the height variances may be granted. The Board finds that the dormers provide an aesthetically pleasing renovation of the structure and are less in height than the existing height of the house. The Board finds that the additions are modest and will not substantially increase any sense of bulk of the dwelling. The Board finds because the proposed dormers are less than the existing height there will be no substantial impairment of the zone plan and because the increase is modest there will be no detriment to the public good. The Board finds that the walkway and driveway scheme may be approved. The Board finds that the applicant is decreasing the coverage for both and that that the size of the property requires a relaxation of the zoning ordinances for both walkways and driveways. The Board finds that the scheme proposed adequately and appropriately serves the property in question and finds that the decrease in coverage is a benefit which supports the granting of the variances as required. The Board notes that the applicants have reduced the overall impervious

coverage to a level that meets the requirement of the zone which the Board also relies upon as a benefit permitting the granting of the relief herein sought.

7. The application as proposed is in keeping with sound planning and zoning and does not present a substantial detriment to the public good nor does it represent a substantial impairment of the intent and purpose of the zoning plan. The variance relief may be granted because the aesthetic benefits and other benefits to be gained by the community substantially outweigh any detriments and the new restoration of the dwelling will advance the purpose of Zoning.

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 the benefits of this application do substantially outweigh the detriments and that a certain hardship exists.

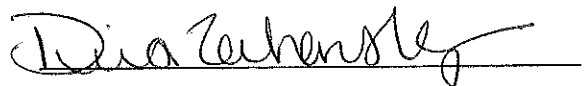
NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 9th day of October, 2013, that the application be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicants prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this property.
5. That the applicants shall amend their plans to show the actual conditions of the property as it presently exists.
6. That the applicants shall conform the plans as may be necessary to comply with the Borough's Half-Story Ordinance and provide such amended plan to the

Board engineer as may be necessary for approval.

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 October 9, 2013.

A handwritten signature in cursive script, appearing to read "Dina Partusch", written over a horizontal line.

DINA PARTUSCH