

**AMENDED MINUTES OF THE
SPRING LAKE PLANNING BOARD
JANUARY 10, 2018**

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 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, Cindy Napp, Walter Judge, Robert Drasheff, Melissa Smith-Goldstein, Lisa DeBerardine, Thomas Burrus, Nicholas Sapnar.

Motion by Judge, seconded by Rizzo, that the amended minutes of the December 13, 2017 regular meeting be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Drasheff, Goldstein, DeBerardine, Burrus, and Sapnar voted Aye. None No. Motion carried.

RES#10-2108 Tobey 302 Pennsylvania Ave

Motion by Sapnar, seconded by Judge to approve Resolution #10-2018. On a roll call Board Members Rizzo, Iannaccone, Burke, Judge, Drasheff, Goldstein, DeBerardine, Burrus, and Sapnar voted Aye. Napp abstained. None No. Motion carried.

CAL#9-2017

1505 Ocean Ave LLC

1505 Ocean Avenue

Block 89 Lot 2

Use Variance

Councilman Drasheff and Melissa Smith-Goldstein, Mayor's Designee, stepped down.

Mark Aikins, Attorney, stated that the question is whether the historical use can be made economically viable and continue use as the Grand Victorian. The alternative will be a new single family home.

Mike Zimmerman has been looking to buy the Grand Victorian for some time. The owners were finally ready to sell. He found a lot of items that should have been addressed long ago. He has a contract/lease with the current owners for two years while he finds out the problems of the business and the building and decides if it will be viable. He renovated the first floor, put in a whole new fire and security system, and cleaned up the side yard, so guests could sit out there. They opened up on May 19. He has a management agreement with Barelli's

restaurant. He tries to keep them under control and addresses any neighbor or town problems. Business was good this summer. He has not touched any of the rooms yet, which all need to be renovated. After looking at the numbers, the restaurant cannot make it work in only 90 days. The porch was often not useable because of the weather. The one entrance gets crowded with food and drinks coming in and out with guests of the hotel with luggage and restaurant patrons. They definitely need a south entrance to alleviate some of the crowding of the front entrance. The hotel is open 8:00 AM – 6:00 PM from April to December. There are a lot of repeat customers who have been coming there for 20 – 30 years. The restaurant opened in May for lunch and dinner from 11:00 AM – 10:30 PM. In winter, they are open Wednesday – Sunday and are closed in January. There are approximately 50 seats on the porch and 60 seats inside. There are no plans to close to the public for events like weddings. There are 22 guest rooms in the hotel. There are other spaces used for employees. The 32 inch wide hallway will be a part of the bar. The guest reception will be bordered by the stairs, which will be turned to open up space for the bar. He added a handicap ramp for entry and wants to add a handicap bathroom. New side porch will line up with the current porch and will allow for a second entrance. All deliveries are brought in through the driveway. Waste Management pick up was increased to every other day so there are less flies and animals. The parking lot is pitched toward the building and needs to be repaved. The driveway could be reduced in size. The condensers are on the south side and are more than 10 feet from the property line. They are very efficient and quiet. There are 7 parking spaces. Room 21 is a storage room. There are no rooms 7, 11, 13. They want to create an outside porch experience but with accordion windows, they can be closed up. They would heat and cool it. To repair the lower porch, he will need to remove the porch and add a header. It would be easy to add the fiberglass deck above and it is often requested by hotel guests. Grand Victorian Bar LLC owns the six month liquor license. Eventually, he would be the sole owner of both the hotel and liquor license LLC. He has built over 30 homes in Spring Lake. There will be no bar outside. Patrons would enter through the south entrance to get a drink. There would still be 3 patio tables on the south side but not service. The next project will be to renovate the upper floors. If the Board did not grant the request, he would determine if the building was structurally sound. If it was not he would build a single family home and pool. He thinks it is a public good to have a restaurant on the ocean and that it would be a better use than a single family home. He bought and tore down the Sandpiper. The neighbors and the town hated it in its former use. That building was not structurally sound. He subdivided it and built single family homes. The Grand Victorian seems to be well built and needs mostly cosmetic attention.

Robert Weinstein, Architect, was sworn and accepted. Some exhibits were marked into evidence. There will be no changes to the third floor at this time. On the second floor, they will add 7 new 72 square foot balconies that will be accessed by sliding glass doors from the guest rooms. The porches will be fiberglass with PVC rails in white and will be complementary to the current architecture and what appears on the first floor porches. The staircase on the first floor will be reoriented and that will effect a doorway on the second floor in Guest Room #1. There was discussion of drainage and rail height for the balconies. They will not be

covered. The area would allow for a small table and two chairs. They will rework the fire escape and make it safe. They should have enough room to do a switchback. Proposal A will be an addition of a porch area and a new exit door. Both exit doors will be accessible for the hotel and restaurant. They will enclose the entire porch with a 36 inch knee wall and folding windows above and decorative columns. There will be sliding glass doors between some sections to allow for a private dining area. There will be a small lobby expansion. The stairs are currently very close to the front door. They will create a wine room that can be a private area. There was a discussion of the living space on the first floor, which cannot be rented out, and is used by the restaurant. Total proposed occupancy is 130 people. They will change the stairway to open out to the guest reception area.

Robert Burdick, Engineer and Planner, was sworn and accepted. On the northeast side, south side of the main entrance is existing covered porch area that will be enclosed. There is an existing enclosed dining area on the south side. To the west of that area is the proposed 322 square foot addition. The new exit will be to the west of the addition going to the driveway. Some photos were marked into evidence. The dumpsters will be in an attractive trash enclosure area and be maintained. The drawing will be subject to the review of the Board Engineer. Mr. Burdick went over the engineer's letter. They will put in striped system for the paved area in the rear. They will look at creative ways to reduce the impervious coverage and may consider a recharge system so that storm water is better handled and taken away from the building. On street parking is readily available. There are 20-21 parking spaces in the east side of Ocean Avenue on a given block and 13 on the west side of Ocean Avenue as well as additional spaces on Madison and Newark. Within 3 blocks of the Grand Victorian there are in excess of the 75 spaces that would be required for off street parking. This has been the existing condition for several years. There are six foot high candle type lights along the median between the driveway and the seating area. They do a good job of illuminating the southern parking area. They are amenable to putting in additional low level 8-10 foot LED glare down lights to have the least effect on the neighbors. They could put plantings to additionally minimize the effect. The trailer is gone. They will repair or replace the sidewalk. The first floor is central AC from basement duct work. They will be replacing all the window units with mini-splits so they will not be visible. The property is located in the R-1 single family residential zone. They are requesting a use variance for the expansion of a non-conforming hotel and restaurant. The hotel was granted a variance in 1999 for improvements and the applicant will continue to abide by the conditions of that resolution. These improvements will not block anyone's view of the ocean. They understand that they must meet the requirements of the municipal land use law that the advantages of allowing the deviations from the ordinance must outweigh the disadvantages and that the project will not significantly effect the zoning ordinance, master plan and public good. They believe that the proposal does provide an appropriate use of the land in a manner which advances the general welfare of Borough. This use has been at this site for many years and the building has been there for about 100 years. Since it is across from the ocean it provides unique tourism opportunities for the Borough. It is an excellent use of the property to provide for ocean view dining and the balconies will enhance the experience for the hotel guests. They will enforce any restrictions put on the use

of the balconies; i.e. no towels draped over the railings. The building is undergoing renovation that will make the building safer and will update to current building code. This will include aesthetic enhancements. The disadvantage will be the additional use of the property by more people and additional noise. To mitigate that disadvantage, they will put window treatments on the balconies to soften noise. The additional seating will decrease the wait time that restaurant patrons will be outside. They will put in buffer plantings between the driveway and the seating area.

There was a discussion of the use of the balconies within the setbacks, the landscaping as a buffer, noise from the addition, occupancy load for the restaurant and parking spaces. They will need a variance for parking in any case but the requirement would be 44 rather than 75 spaces. Mr. McGill noted that the change of use of the bar would have to be considered by the Board.

Russell Parentela asked if the increased demand could be handled by the water and sewer systems? Yes

Charles Shaw, attorney, representing Mr. Delaney asked if the parking used by The Breakers would take up the spaces that the Grand Victorian would need? The Breakers is more of an event space and the use would be at different times but there are evening events. He asked if the applicant maintained that the downside was that there would be a little more noise and they are adding 20 seats? Yes

Recess 9:17 – 9:22 PM

Russell Parentela, 2 Madison Avenue, spoke against the application. He is concerned about the increased use of the property. His home has no air conditioning so they can leave the windows open in the nice weather. His children's rooms face the Grand Victorian and he is concerned about privacy, noise and light pollution. People in the waiting area socializing are noisy and some smoke. There is also a great deal of noise after the restaurant closes with bottles breaking and trash disposal. The trash pick up is at 6:00 AM with the associated clanking and grinding close to his house. The viability of the business is not the job of the Planning Board. It is an R-1 residential zone. The increased use will effect his quality of life and he does not feel that greed is a sufficient reason.

Robert Delaney, 10 Madison, was sworn in. He is represented by Charles Shaw who will elicit testimony from him. He purchased the property in 1999. He lives there with his wife and two sons. His property abuts the 100 foot back of the property line of the Grand Victorian. Knowing that the Breakers and the Grand Victorian were there when he bought his house, he expected it to be noisy. He is concerned about the expansion of the use that will increase that noise. He hears garbage trucks and deliveries coming and going. He can't blame the current owner for the existing noise but why make it even noisier. He probably would be able to see the balconies on the southern side and possibly some on the north. There is never parking on

his street in the summer. The addition and enclosing of the porches would allow the restaurant to be used all year round. The current set up is way over the standards that are required in the town. He wants the Board to consider the effect on the neighbors and the intensity of use.

Pamela Craig, 10 Madison, is concerned about the increased intensity of use. The air handler on the south side of the property is very noisy and she cannot open the windows on the east side of her house. It can be very noisy at 6:00 AM, 10:00 PM and, even, at 2:30 AM sometimes. The gravel area is very noisy with smoking and drinking and one never knows what will be going on. They about the Breakers on the back. They lost their view there but there is no noise from the Breakers, except children in the pool. The outside is what will really effect the neighbors.

Judith Parentela, 2 Madison, has lived next door for 20 years. She has known three owners of the Grand Victorian. The first owners she knew were a husband and wife innkeeper. The Black Trumpet was neighborly, as well. She is concerned about expanded hours and increase in impervious coverage. She entered two pictures facing north from her porch from June 7, 2017 and January 10, 2018. She stated that the first showed a pine tree and one air handler and zero parking spots and that the second picture showed the pine tree was gone, five air handlers, no more grass; all gravel, and parking spots. The web site for Bareli's restaurant says "expanded hours". The expansion is her biggest concern.

Melissa Smith-Goldstein, 106 Newark, is a Board Member who has recused herself as the Mayor's Designee. She is speaking as a citizen and not as a Board Member. She lives in the general area of the Victorian. She knows that what has been discussed; noise, etc., does not impact her as directly as the immediate neighbors. She is familiar with the hubbub of the area because a lot of the parking from the Breaker's is right in front of her house. She feels it is part of living at the Jersey Shore. She has eaten at Bareli's and is happy that there is a quality place with ocean views that she can enjoy. The Grand Victorian was a bit of a shambles and it would be lovely to have it fixed up. If there is a way to manage that and alleviate the issues of the neighbors, as a citizen, she would love to see this be a healthy thriving place to have dinner. She would also like to see this be a quality place, where she would be comfortable sending people to stay overnight. Slate sidewalks are very slippery. They are historical and beautiful but slippery.


This matter will be carried to February 7, 2018 at 7:00 PM in this room with no new notice required.

Joe Rizzo presented the Board with pictures of examples of the kind of turrets throughout town. He did the calculations for 203 Monmouth based on the furthest extent of the bottom of the turret roof: slope is 22/12 and the greatest width is 19.4. He suggested that the Board talk about the coverage on the greatest extent of the roof. The area is 283 square feet divided by the total area (building coverage) = 7.58%. We say no bigger than 5% in our code. This

has living space but other examples are for architectural detail. The concern of the Board is above the 35 feet permitted building height. 203 Monmouth probably conforms to the 5% above 35 foot height. There were also some examples of recent construction that looked a little squat to conform to the 35 foot height restriction. Height with a steeper slope would not have too much bulk at the top. There is a need to separate out roofed turrets, towers and spires and give a minimum pitch. There may be a need to illustrate. More discussion to follow.

Motion by Sapnar, seconded by Burke to adjourn. On a voice vote all Members voted Aye. None No. Motion carried. Time 10:17 PM

Respectfully submitted:



Margaret McElynn
Board Secretary