

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
JANUARY 8, 2020**

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, Thomas Burrus, Lisa DeBerardine, Laurie Koziol-Buckelew, and Nick Sapnar.

Motion by Sapnar, seconded by Judge to approve the minutes of the July 10, 2019 regular meeting. On a roll call vote Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Burrus, DeBerardine, Buckelew and Sapnar voted Aye. None No. Motion carried.

RES# 28-2019 Mandreperla 116 Pitney

Motion by Judge, seconded by Burke, to approve RES#28-2019. On a roll call Board Members Burke, Napp, Judge, Burrus, DeBerardine, Buckelew and Sapnar voted Aye. None No. Motion carried.

CAL#15-2019 Schleckser 101 Howell

Keith Henderson, Attorney, confirmed notice and established jurisdiction. The applicant considered a height variance and a grade variance. It seemed better for the applicant and for the neighbors to seek only a grade variance.

Robert N. Schleckser was sworn. He purchased the summer home in August and he will be retiring in about a year. The house will be for his personal use. The front of the property is very steep and he would like to level it out.

Ron Gasorowski, Attorney for Gary Happel, 109 Howell. The applicant looked for properties in the area and is familiar with the neighborhood. The applicant was not sure at the time of purchase if they would need to seek a variance to construct a new home. The architect and engineer will discuss if they considered a conforming structure with lower ceiling heights. Mr. Schleckser sought to have a 2 ½ story house. Mr. Schleckser did note the height of the property when he was looking. His property is about the same as the property behind but higher than Mr. Happel's property.

Michael Melillo, Architect, sworn and accepted. The revised plans addressed many of the comments in the Board Engineer's letter. He could not build a 2 ½ story house without altering the grade or seeking a height variance. The proposed plan would be in character with the neighborhood. He reviewed his thought process in attempting to stay within the 18" grade change allowed. They did consider a 2 story house but would like to have a home in keeping with the norm in Spring Lake. There was a discussion of retaining walls and variances required.

Mr. Gasorowski asked if Mr. Melillo was familiar with any other properties in Spring Lake that sought a similar variance. He was not involved in any other such projects. If they only lowered the grade 18", they would still need a height variance. If the home is 2 ½ stories, using 8' ceiling height on all floors, they would still need a variance. There was a discussion of the half story calculations and Mr. Melillo expressed steep slope concerns. His conclusion was that he could not construct a 2 ½ story code compliant house on this property with living space on the first, second and third floors. Mr. Gasorowski questioned the necessity of a 3 story house. They will be 8" above grade for the first floor and the basement ceiling will be 8'.

Joe Kocuiba, Engineer and Planner, sworn and accepted. This is a very unusual property. The grade is substantially elevated. The property to the south has a similar grade but that is the only similar property. If they remove any section of grade more than 18", they will need a variance. They are not stripping the property. They are matching grade at the rear of the property. The definition of retaining wall is 18" or more. There is only one retaining wall and the others are landscape walls. They can re-grade but that would raise the garage. They felt that the lower grade for the garage would be a better planning alternative. The 4 foot grade change is in a small area in the rear near the pool area. The average fill removal is 2' 10". Along the front, it is currently 4 ½ feet above the curb line. Mr. Kocuiba prepared an alternate plan in response to an objection from a property owner to the south and accommodated by adjusting the grading more to the north. They will have about a week of soil export and it will be done as quickly and cleanly as possible. The request falls under the land use law that a property has exceptional features that create a hardship. The existing elevation of this lot creates a unique topography, which creates a unique hardship in attempting to comply with the ordinance in regard to height. He feels that it is a better planning alternative to request a variance for a grade change than to request a variance for height. The topography prevents the applicant from building a 2 ½ story house which conforms to the ordinances and is typical for residences in Spring Lake. It promotes the general welfare by avoiding a height variance and brings the project into more conformity with the area. The majority of the surrounding properties are much lower. The improvements will provide for safety and an aesthetic improvement, providing more air, light and open space for surrounding properties. He does not see any detriment or negative impact. There was a discussion of the street grade change of the curb. Mr. Kocuiba responded to items in the engineer's review letter. It will not be necessary to separate the driveway cut from the other grading. It can be covered by the same variance. They will be one foot above the seasonal high water table for the basement. All storm water will be retained on the property. The pool fence will be code compliant. The curbs and

sidewalks will be replaced and the curb cut will comply with the ordinance. There was a clarification of the grade around the property and surrounding neighborhood.

Mr. Gasorowski asked if his planning testimony justified his engineering plan. Mr. Kocuiba was retained by the builder. Mr. Gasorowski asked about constructing a conforming house and cited many properties in Spring Lake, with more conforming topography, where a 2 ½ story house could be built. Mr. Kocuiba stated that the property has a unique condition that justifies the granting of a variance. He is not familiar with the history of the topography of the property. He has appeared before the Board for approximately 10 years. They propose reducing the grade in the back corner 4 feet and the balance of the property will be less. Mr. Gasorowski asked if reducing the grade by less than 18", the allowed amount, and making the ceiling heights 8 feet would allow for a house to be built with a 6" variance for height, would have less impact than the removal of soil that is proposed. Mr. Kocuiba feels that regrading the property will have less impact. The standard that he used: there is an exceptional physical feature, which creates a hardship. Houses in Spring Lake have great value and they are requesting a house that they feel will be in keeping with others in the town.

Ray Carpenter, Engineer and Planner, was sworn and accepted. He reviewed the applicant's plans that were submitted to the Board. He has appeared before the Board about 50 times. He would be very familiar with the topography of at least 50 properties. He feels that they could remove 18" of soil and lower the first floor and massage the roofline to comply or ask for a small 6" variance for height. A 4 foot drop in grade would make a lower plateau at the corner and seem out of place in the neighborhood, especially in regard to the property to the south. The applicant could construct a compliant 2 story house on this property without hardship. Three quarters of the houses on this block are high. He feels that the proposed plan would look out of place and would not be aesthetically pleasing. He does not understand why the owner would want to give up a great view of the beach. The negative impact on his client's property would be the removal of vegetation that acts as a buffer. There will be no privacy. The owner wants a big house and that is not a hardship. He does not feel that the height of the property does not compromise the ability to develop it. There is a negative impact to the zoning ordinance of the Master Plan and the property owner to the west. He does not see any benefit to going down 4 feet. The roof run off from the garage will go to the west on his client's property. There was a discussion of the slope of the curb.

Patrick Hamilton, 10 Howell, asked if he took any measurements to assess the height of the other houses on the block.

Mr. Henderson quoted from two Supreme Court rulings and asked Mr. Carpenter if he could see the inconsistency with his arguments. The Board has discretion to grant a variance for a house that is in keeping with the area even if the applicant has the ability to conform. Mr. Carpenter feels that it is a self-imposed hardship. The house next door is one story.

Gary Happel, 109 Howell, sworn. His objections are to removal of trees, the garage being placed in his sight line, drainage and retaining walls. He had no problem with the height.

Mr. Henderson asked about the greenery. It is on the subject property but Mr. Happel has planted some, and maintained all, of the landscaping on the west side 101 Howell.

Patrick Hamilton, 10 Howell, sworn. He stated that he looks at 101 Howell. His house is on a hill and from his first floor all he sees is grass across the street. The elevation of 101 Howell is equal to his second floor windows. From an aesthetic point of view, he would like to see the proposed house out his window.

Anita Van den Bulcke was sworn. The houses to the south, that are very high, were built in the 1800's so she does not feel that they are comparable. The fill that this property is on is from dredging of Lake Como in the 1800's. An eight foot ceiling is a little extreme but nine feet is very common in new construction in Spring Lake.

Tom Polk, 100 Howell, sworn. The house, a small cape cod, which is currently on the property is a misfit. The house should fit the neighborhood and this property requires height and beauty. The hill is atrocious. If the proposal is accepted, there would still be a small hill.

Mr. Schleckser stated that they will be replacing the plantings to create a buffer to the neighboring property to the west.

Mr. Kocuiba stated that the garage will drain to a drywell. The Board asked if they would consider moving the house to the east.

9:58 5 minute break

10:04 resume

Rizzo, 321 Tuttle, will be carried to Wednesday, February 19.

Mr. Henderson stated that his client will move the house, garage, pool and driveway 8 feet to the east and the garage and cabana 4 feet to the north. They will submit a landscaping plan and eliminate the retaining wall. There may be a landscape wall.

Motion by Judge, seconded by Burke to go into caucus. On a voice vote, all members voted aye. None No. Motion carried.

Motion by Judge, seconded by Rizzo to come out of caucus. On a voice vote, all members voted Aye. None No. Motion carried.

Motion by Sapnar, seconded by Judge to approve the application for the soil removal on the condition that the development is shifted 8 feet to the east, that a landscaping plan be

submitted for review by the neighbor and Mr. Hilla with revised contouring in the rear of the property. On a roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Burrus, DeBerardine, Buckelew and Sapnar voted Aye. None No. Motion carried

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

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'M. McElynn', is written over a horizontal line.

Margaret McElynn

Board Secretary

