

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
APRIL 14, 2010**

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.

Chairwoman Colleen Panzini 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 Nicholas Sapnar, Michael Burke, Cindy Napp, Colleen Panzini, Walter Judge, Priscilla Reilly, David O'Malley, Meghan Frost and Kathleen Scotto. Paul Jordan and Joseph Rizzo were absent.

Chairwoman Panzini asked for a motion to approve the minutes of the March 10th meeting. Motion by Burke, seconded by Napp, that the minutes of the March 10, 2010 meeting be approved. On roll call Board Members Sapnar, Burke, Napp, Panzini, Judge, Reilly, Frost and Scotto voted Aye. None No. Motion carried.

Board Attorney George McGill read Resolution #12-2010 -Clayton Subdivision. There were a few minor amendments to be made.

Motion by Sapnar, seconded by Burke, that Resolution #12-2010 be approved as amended. On roll call Board Members Sapnar, Burke, Napp, Panzini, Judge, Reilly, Frost and Scotto voted Aye. None No. Motion carried.

Mr. McGill read Resolution #13-2010- Stockdale Estate Subdivision.

Motion by Burke, seconded by Napp, that Resolution #13-2010 be approved. On roll call Board Members Sapnar, Burke, Napp, Panzini, Judge, Reilly, Frost and Scotto voted Aye. None No. Motion carried.

**PIZZO INTERPRETATION
207 ATLANTIC AVE**

It was determined that all the sitting Board Members, with the exception of Reilly and Scotto, were eligible to vote and there was a quorum. Mr. McGill announced that everyone on the Board could participate but Reilly and Scotto were ineligible to vote.

John Bonello, Esq. attorney for the applicant, gave a brief opening statement to review the proceedings to this date. Mr. Bonello objects to the term 'fence in the front yard' when it is clearly not a fence. Mr. Pizzo filed for a zoning permit and building permit and both were denied. Mr. Bonello pointed out that Mr. Kavanaugh, the Zoning Officer at the time, conceded that it was not a fence but an accessory building, or structure, in the front yard. Mr. Bonello does not agree that it is an accessory building but will agree that it is a structure. Mr. Bonello informed the Board that Mr. Pizzo has with him numerous photos of other 'structures' in the front yards around town and Chairwoman Panzini asked that the photos be marked into evidence. Philip Kavanaugh was sworn in and testified as to the history of this structure. Mr. Kavanaugh

stated that this structure was erected without any approval or permit. Mr. Kavanaugh further stated that in the Code Book the word 'building' includes structures and as such is not permitted in the front yard. Mr. Kavanaugh was questioned by the Board Members.

Chairwoman Panzini informed Mr. Bonello that the Board wanted a full survey and not a 'stone landscaping feature location plan'. Mrs. Panzini also requested that Mr. Pizzo supply the lot coverage and impervious surface numbers.

Mr. Bonello questioned Mr. Kavanaugh.

Mr. Pizzo testified and explained the various photos he submitted.

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

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 Panzini, seconded by Judge, that the Board uphold Mr. Kavanaugh's determination that this structure is not permitted in the front yard. On roll call Board Members Sapnar, Burke, Napp, Panzini, Judge, O'Malley and Frost voted Aye. None No. Motion carried.

**CAL 4-2009 VEN HOLDING CORP.
213-215 LUDLOW AVE**

Chairwoman Panzini has recused herself and Vice – Chairman Michael Burke presided over the hearing.

Gail Price, Esq. attorney for the applicant, and Mr. McGill reviewed the eligibility of the Board Members who will be hearing the application. It was determined that those members who had missed a hearing had listened to a recording and signed a certification to that effect.

Mr. McGill then reviewed the status of Board Member Joseph Rizzo, who sat in on the January hearing even though, at that time, he was the Mayor's Designee and the Mayor is an interested party to the application because she lives within 200' of the subject property. Mr. McGill is of the opinion that, since Mr. Rizzo represents the Mayor who is an interested party, he should be disqualified from sitting in on the application. Ms. Price disagrees with Mr. McGill since Mr. Rizzo himself does not live within 200' of the property in question and no conflict exists. She has no problem with Mr. Rizzo sitting in on the application. She does not believe that the record has been tainted. Mr. McGill would prefer to err on the side of caution and have Mr. Rizzo recuse himself even though he is now a Class IV member and is no longer the Mayor's Designee.

Attorney Price advised the Board that she has finished her professional architectural and engineering testimony and has two witnesses to present tonight.

David Puleo, the nephew of the late owner, Executor of the estate and Vice-President and sole stockholder of Ven Holding Corp., was sworn in questioned by Ms. Price. Mr. Puleo is responsible for paying the tax bills and testified that he has never been delinquent in paying the

tax bill on time. Block 111 Lot 8, 215 Ludlow Ave and Block 111 Lot 7 which is 213 Ludlow Ave are the lots listed on the tax bills for last half of 2009 and first half of 2010. These bills were entered into evidence. Mr. Puleo read the land description and assessment of each lot as it is listed on the tax bills. Mr. Puleo explained that Ven Holding was owned by his aunt and uncle who were childless and Ven Holding was left to Mr. Puleo, his mother and his aunt as well as his two brothers and two cousins, all of whom have children. His aunt used the house mainly in the summer. Ven Holding also owns other property in Hoboken. The Ludlow Ave property, in its present condition, does not serve the family's needs.

Mr. Puleo was questioned by the Board Members. The Board Members questioned Mr. Puleo's statement that the property was always 2 lots. The Board Members believe that it is one lot and the fact that the house is on one lot and the garage is on the other lot seems to confirm that. The Board Attorney pointed out that the fact that the applicant is here for a subdivision shows that it is one lot.

Tom Holt, 211 Ludlow Ave, asked Mr. Puleo to verify who exactly owns Ven Holding at this time since Mr. Puleo previously mentioned other relatives as owners. Mr. Puleo replied that at this present time, he is the only shareholder.

Howard Scribner, 212 Ludlow Ave, asked if it is a C corporation and Mr. Puleo said that Ven Holding is now an S corporation. Mr. Scribner also inquired as to why this property is different from his other property holdings and Mr. Puleo replied, "because we're not selling it." It is now rented to a single mother of 2.

Tom Holt, 211 Ludlow Ave, asked Mr. Puleo when was the last time his family utilized the property and was told it was the summer of 2007. Mr. Holt then asked if the property has been utilized for income since 2007 and Mr. Puleo replied "yes".

Richard M. Preiss, of Phillips Preiss & Reigel, LLC of Hoboken, NJ, described his educational and professional background. Mr. Preiss has testified as a Planner in many municipalities. Mr. Preiss was accepted as an expert and had his exhibits entered into evidence. Mr. Preiss is of the opinion that granting the subdivision and variances would not be detrimental to the public good and secondly would not be detrimental to the zoning plan. In his opinion the variances for lot size, lot width and lot frontage may be granted on the basis of hardship. Mr. Preiss then gave percentages of the lots that are conforming and those that are non-conforming on that block.

Board Members questioned Mr. Preiss and discussed his percentages which the Board found inconsistent with their calculations.

Eleanor Twomey, 108 Vroom Ave, asked why the original owner didn't build a larger house since the family had grown.

Howard Scribner, 212 Ludlow Ave, thinks there is a certain prestige in living in the north end of town and asked if Mr. Preiss agreed that with him that having 2 houses across from his house instead of one large house would be detrimental. Mr. Preiss thinks it wouldn't make a difference since there are 50' lots there already.

In answer to Mr. McGill's inquiry, no one seemed to know when the garage was built on the second lot.

Jack Tichacek, 218 Ludlow Ave, asked Mr. Preiss if he analyzed other similar situations in the town and Mr. Preiss said that he did not make a study of it.

Jackie Holt, 211 Ludlow Ave, pointed out that Ludlow Ave is a very busy traffic street and asked if Mr. Preiss had done a traffic study of the avenue and he said that he did not. He feels that it is an insignificant thing.

Mr. Burke pointed out that it is getting late and Ms. Price said that she had other witnesses to call and would need at least another hour.

Mr. Burke adjourned this case to June 9, 2010 in this room at 7:30 PM and no further notice will be required.

Motion by Sapnar, seconded by Frost, that the meeting adjourn, on roll call all Board Members voted Aye. None No. Motion carried. Time: 11:10 PM.

Respectfully submitted:

Board Secretary