

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
MAY 13, 2009**

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: Joseph Rizzo, Nicholas Sapnar, Cindy Napp, Colleen Panzini, Walton Kingsbery, Gary Rich, Walter Judge, David O'Malley and Meghan Frost. Michael Burke and Dawn McDonough were absent

Motion by Kingsbery, seconded by Rizzo, that the Minutes of the April meeting be approved. On roll call Board Members Rizzo, Sapnar, Napp, Panzini, Kingsbery, Rich, Judge, O'Malley and Frost voted Aye. None No. Motion carried.

RESOLUTIONS:

Board Attorney George McGill, Esq. read the resolutions to be adopted.

RESOLUTION #11-2009 CAPPIELLO

Motion by Rizzo, seconded by Kingsbery, that Resolution 11-2009 be adopted. On roll call Board Members Rizzo, Sapnar, Napp, Panzini, Kingsbery, Rich, Judge and O'Malley voted Aye. None No. Motion carried.

RESOLUTION #12 MATTLE

Motion by Kingsbery, seconded by Rizzo, that Resolution 12-2009 be adopted. On roll call Board Members Rizzo, Sapnar, Napp, Panzini, Kingsbery, Rich and O'Malley voted Aye. None No. Motion carried.

The Pizzo matter will be heard after proper submission of an application to the Board.

**CAL 12-2008 SHORE THING PROPERTIES
417 SHORE ROAD**

Robert Swain, Esq. for the applicant, appeared and had noticed but there was some question about noticing the Borough of Spring Lake Heights. It was decided that the matter would not be heard tonight and Mr. Swain will renounce for the June 10, 2009 meeting.

CAL 2-2009 GERVOLINO
405 Mercer Ave

Michael Rubino, Esq., attorney for the applicant, had the exhibits marked into evidence. Mr. Rubino explained that Louise Gervolino, the applicant and Mary Hearn, Architect, would be testifying tonight. The application concerns front yard setback and lot coverage. Mr. Rubino went on to say that since submitting the application, another problem has arisen with the air conditioner. There was work done on the house and the applicant wanted to add another air conditioning unit next to the existing one. Air conditioners are no longer permitted in the side yard so Mr. Gervolino must apply for a variance for the air conditioner in the side yard. Mr. McGill pointed out that the variance request for the air conditioner was in the notice and he is free to apply for that variance.

Louise Gervolino was sworn in and informed the Board that they purchased the property 2 years ago after coming here for many years. Since buying the house she has constructed a ½ story and added a sprinkler system and hired a landscaper to improve the outside. She would enjoy having a porch since most of her neighbors have porches.

Mary Hearn, Architect, was sworn in and accepted as an expert. Ms. Hearn had illustrations of the house as it is now and how it will look after the porch is added and how well it will fit in the neighborhood. Ms. Hearn also showed the Board a number of picture angles of the house and the neighboring houses and was questioned by the Board Members. One of the main concerns of the Board was the 29% lot coverage which includes the areaway to the basement as well as a landing and shower enclosure. Mr. Hearn also pointed out that the deck, which has no openings, was calculated in the impervious surface. Mr. Rizzo would like to stipulate that no more additions to impervious surface could be made since the impervious surface is under the allowable limit and the lot coverage is over on an undersized lot. Mr. Rubino suggested that any future increase to the impervious surface should have the right to come to the Board for a variance.

Due to the addition of a third story, another air conditioning unit was placed next to the existing unit in the side yard. Air conditioning units must be placed in the rear yard. A certificate of occupancy is being withheld due to the placing of the a/c unit. It would actually be closer to the neighbors in the back if it was installed in the rear yard. The neighbor's units and the Gervolino units are both in the same area and the neighbors have no objection. Ms. Gervolino is willing to place landscaping around the air conditioners.

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

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

Motion by Rizzo, seconded by Kingsbery, that the variances be granted with the stipulation that the impervious surface be limited to 50.96%, that landscaping be placed around the air conditioning units, gutters from the front porch must empty into a drywell and the porch may never be enclosed. On roll call Board Members Rizzo, Sapnar, Napp, Panzini, Kingsbery, Rich, Judge, O'Malley and Frost voted Aye. None No. Motion carried.

Chairwoman Panzini discussed with the Board Members the changes that had been made to the proposed Master Plan. Board Members O'Malley and Judge questioned the powers that the proposed Architectural Review would have. The Board feels that the Review Board should be advisory and not regulatory.

Mrs. Panzini commended Board Attorney George McGill on his well written resolution in the Breakers application, which resulted in the Board's decision to approve the requested variances being upheld by the Middlesex County Judge on appeal.

The Board then discussed Floor Area Ratio.

Motion by Judge, seconded by Rizzo, that the Board adjourn. On roll call Board Members Rizzo, Sapnar, Burke, Napp, Panzini, Kingsbery, Rich, Judge, O'Malley and Frost voted Aye. None No. Motion carried. Time: 9:05 PM.

Respectfully submitted:
