

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
JUNE 10, 2015**

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, Councilman Matthew Sagui, Melissa Smith Goldstein, Lisa DeBerardine, Mary Ann Rooney and Chairman Nicholas Sapnar.

Chairman Sapnar announced that CAL#4-2015 Pelmont, LLC will be carried to July 8, 2015, without any further notice.

CAL#5-2015 White Lilac Inn
414 Central Avenue
Block 11, Lot 4
Informal Hearing

Michael Rubino, applicant's attorney explained that there is an issue as to whether or not an application can appear before the Board where a use variance may be necessary. He added that if the applicant decides to go further with the application the intent would be to give up the multifamily bed and breakfast use and turn the building into a single family dwelling. Mr. McGill agreed.

Stuart Patterson arrived at 7:05 pm.

Mr. Rubino explained that Mrs. Kennelly has owned the premise for approximately twenty two years. Ms. Kennelly was before the Board in the late ninety's for permission to build a garage. The property has been for sale for a substantial period of time, the only people who are interested in purchasing are developers who would like to tear down the building and subdivide the property. Mr. Rubino added that he understands that this is only an informal application and the Board cannot guarantee a decision either way. There are concerns with the application, if a subdivision is allowed so that the building could remain, there would be some variances needed. He explained that the building coverage would be thirty seven percent and one of the new lots would be undersized. The west side of the property would have frontage of fifty feet; the ultimate intent would be to sell of the lot with the building on it and then build a smaller lot on the other lot; she would like to keep the garage too.

Mrs. Kennelly explained that the house/inn is one hundred thirty five years old. She discussed the history of the building.

Mr. Judge asked how Mrs. Kennelly would guarantee that the buyer will not tear down the home. Mrs. Kennelly answered that there would not be a guarantee. Mr. Rubino stated that is a legitimate concern and he would have to speak with Mr. McGill, he is unsure if it would be a legitimate restriction that no house could be built on the premises for a number of years. Mr. McGill added that he does not believe so.

Mr. Patterson asked if there was any damage to the property during Hurricane Sandy. Mrs. Kennelly answered no and that she had family living with her during that time. She added that trees came down from a neighbor's yard.

Chairman Sapnar stated that it would be a shame to lose the building but to Mr. Judge's point someone could purchase with the intent to save it then realize that it may take more money to restore the home and then knock it down. Chairman Sapnar added that the garage on an oversized lot looks in proportion but to keep the garage on a fifty foot wide lot would be too large.

Mark Kessler explained that Mrs. Kennelly has spent a fortune over the years upgrading constantly and doing work on the building. Mr. Rubino stated that it is a possibility to reach out to a few builders to see if they would want to save the house. Mr. Kessler explained that the garage is fairly new and Mrs. Kennelly is not allowed to have a basement. He added that the impervious surface for the property would drop considerably since the driveway and parking area will be removed.

Mr. Rizzo asked what size house would be on the new lot. Mr. Kessler answered that she would like to downsize so the house will be smaller. Mr. Rubino explained that the most there would be on the first floor would be thirteen or fourteen hundred feet. Mr. Kessler explained that one of the things that have been discussed was to deduct the overage of the garage from the house.

Mr. Iannaccone asked how many rooms are in the bed and breakfast. Mrs. Kennelly answered that there are eight guest rooms and her living quarters consisting of two more bedrooms. She added that there are private baths.

Mr. Iannaccone explained that there was a bed and breakfast on Atlantic Avenue in which someone bought it and changed it into a single family dwelling. The house had almost eight or nine bedrooms and it is absolutely gorgeous.

Mr. Patterson asked is Mrs. Kennelly has looked into placing the house on the historic register. Mrs. Kennelly answered no, it would be too expensive to do any upgrade or fix up the building at all; however the house is on the Spring Lake Register. Mr. Kessler explained that if the home is on the historic register it would double the price of renovating the building.

Mr. Burke asked if there would be a way to remove part of the back of the house to make the lot coverage lower. Mr. Rubino explained that it would be possible but it would be a major renovation.

Mr. Rubino understands that they need to do more thinking about what can be done with this property.

Mr. Rizzo asked if the neighbors are happy with the idea that the bed and breakfast would remain and not get knocked down. Mrs. Kennelly answered that they would like to see it stay up.

Chairman Sapnar thinks the town would like to see this house saved. He feels that there needs to be some assurances.

Mr. Burke added that it would help if the lot coverage could be brought down and make some concessions on the smaller lot in regards to the size of the house to be built. Mr. Kessler explained that the extra 460 square feet of the garage can be deducted from the house size.

Mr. Rizzo asked what the square footage is of the current home. Mr. Kessler answered that the footprint is 3160 square feet, including the porch. The porch is on all three floors however, the third floor is not a full floor. He added that underneath the first floor is a crawl space and basement area for a furnace which is hanging.

Mr. Rubino stated that his client will have to do more research on what can be done with the house and property.

CAL#3-2015 Cozzarelli
420 Brighton Avenue
Block 100, Lot 6

Michael Rubino, applicant's attorney explained that this is a continuance from the May 13 meeting.

Mr. McGill explained that Mr. Patterson has signed a certification stating that he has listened to the tape of the first hearing and is eligible to participate and vote on this application.

Mr. McGill explained that Mr. Sagui and Ms. Goldstein have recused themselves.

Mr. Rubino explained that the plans have been revised to minimize the application to what the applicant's really want which is obtain the garage apartment. The height of the house was reduced, the retaining wall in the front is gone, the stairway in the front yard is gone and the house itself is completely conforming.

Mr. Cozzarelli was sworn in at the last meeting and understands he is still under oath. He explained that he would like to keep the garage apartment for his parents, he would be happy to sign a deed restriction to prevent renting out the apartment.

Mr. Patterson asked about the deed restriction. Mr. Rubino explained that it was discussed at the last meeting that if the Board granted the application the apartment would be restricted to family members only. Mr. Patterson asked if there was a timeframe associated with the restriction. Mr. Rubino explained that as long as that particular use is on the property it would be deed restricted.

Mr. Anderson was sworn in at the last meeting and understands he is still under oath. He explained that the house height has been brought down to thirty five feet. Mr. Anderson added that the outdoor shower has been incorporated into the garage itself.

Chairman Sapnar asked if the applicants considered taking the difference in building coverage of the garage out of the house since the garage is oversized. Mr. Anderson answered that they wanted to maintain what is currently there. Mr. Rubino added that after the testimony would he be able to take a short break with the applicant.

Chairman Sapnar agreed to the break. He then asked about the inside of the garage apartment. Mr. Anderson explained that it was previously two bedrooms, one bathroom, and a living and dining area which will all remain but will be relocated. Mr. Rubino added that his clients would minimally change the bathroom to make it more useful and bring the stairs into compliance and make them safe.

Mr. Patterson asked about the existing houses gross living area. Mr. Anderson does not have the answer. Mr. Rubino answered that it is much smaller than the proposed house.

There were no questions from the audience.

Mr. Krog was sworn in at the last meeting and understands he is still under oath. Mr. Krog reviewed Mr. Hilla's letter, item number one refers to what appears to be a complicated grading situation between the road and the front of the house. He explained that the grade around the house has been slightly recessed. He added that there is a twenty three contour which exists, he has extinguished that contour, and in doing so a swale was augmented on the western property to direct the storm water out to the grass and the street. There is approximately a six inch grade change from the base of the foundation to the shoulder of the slope. Mr. Krog then discussed the outdoor shower drain will be connected to the residential sanitary service.

Chairman Sapnar asked if it is the sanitary service coming out of the garage. Mr. Krog answered yes.

There were no questions from the audience.

Allison Coffin, Professional Planner was sworn in and accepted by the Board. She discussed that a D-1 variance is technically required because there will be a brief moment when there is no principle dwelling, there is no bulk variances needed. She added that there are existing non-conforming conditions relative to the garage which will remain including the size of the garage, height, and its setbacks. She explained that special reasons exist for the granting of the requested variances and it can be granted without detriment to the health safety and welfare of the public. Ms. Coffin stated that the non-conformity of the site would continue regardless of the Board's action on this application. The nature of the use is changing because the applicant is willing to restrict the use of the garage apartment. Ms. Coffin explained that there are other garage apartments in the immediate area, 418 and 408 Brighton Avenue. She stated that there is a public benefit to having family housing on the property; it allows them to stay within the community. The aged restricted housing that is being built everywhere is segregating the older public and having seniors living separate from the public. This type of housing allows senior citizens to stay within the community.

Mr. Burke asked if the garage apartment should be restricted to seniors. Ms. Coffin answered that if that was done you would run the risk of the apartment being underutilized. She added that it could be limited to family or on site employees. Mr. Burke then stated that they would be allowing non family members and employees. Ms. Coffin stated that would be her recommendation as a planner, the applicant is not requesting that.

Mr. Rubino explained that family under the Land Use Law doesn't mean immediate, when the term family is used it is more than that.

Mr. McGill explained that prohibiting rentals is easy but beyond that you do not want other families living there that are not associated with this family. It would be difficult to say a nanny could not live there because they are a part of the family unit. The deed restriction would be as strict as the Board wants.

There were no questions or comments from the audience.

Five minute recess.

Mr. Rubino explained that the applicant would be willing to take off the sun porch on the garage apartment. This would still give them the living quarters however, it would knock the size down to approximately 192 square feet.

Mr. Iannaccone asked if the porch is it existing now and it would just be removed. Mr. Anderson answered yes; the porch is on stilt columns.

Mrs. DeBerardine asked if there are cooking facilities in the garage apartment. Mr. Anderson answered yes.

Chairman Sapnar asked if the apartment is going to be completely gutted. Mr. Rubino stated that it is going to be 192 feet smaller. Mr. Anderson explained that the location of the two rear bedrooms will be maintained. Chairman Sapnar stated that the Board has been very consistent with garage apartments in letting people keep garage apartments but not changing them in any way. Mr. Anderson explained that the applicant would be ok with that however, now the porch has to come off.

Mr. Judge explained what Chairman Sapnar is trying to say is that the stairs and the bathrooms would have to stay the same. Mr. McGill explained that a structure with a non-conforming use can be maintained but not expanded.

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

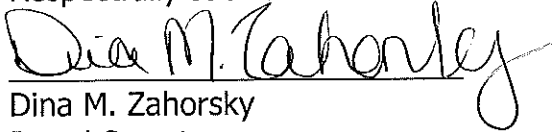
Motion by Burke, seconded by Rizzo, that the Board come out of caucus. On roll call all Board Members voted Aye. None No. Motion carried.

Mr. McGill explained that the application is a use variance and will need five out of seven affirmative votes. In use variance situations Mr. McGill likes there to be an affirmative motion if possible. He added that tonight there are eight members on the Board, Ms. Rooney is the alternate number two and will not be voting.

Motion by Rizzo, seconded by Iannaccone, that the application be approved as amended with the deed restriction on the use of the garage apartment. On roll call Board Members Rizzo and Patterson voted Aye. Iannaccone, Burke, Judge, DeBerardine, Sapnar voted no. Motion not carried.

Motion by Burke, seconded by Rizzo, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 9:25 P.M.

Respectfully submitted:


Dina M. Zahorsky
Board Secretary