

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
APRIL 13, 2011**

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.

Chairman Nick 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. Cindy Napp, Nick Sapnar, Walter Judge, Priscilla Reilly, Paul Jordan, Matt Sagui, Meghan Frost and Kathleen Scotto.

Chairman Sapnar announced that application 309 Ocean Ave, LLC has been adjourned to May 11, 2011 in this room at 7:30 PM and no further notice will be given.

Chairman Sapnar and Board Member Jordan had amendments to the minutes of the March 9, 2011 meeting.

Motion by Reilly, seconded by Judge, that the minutes of March 9, 2011 be adopted as amended. and March 23, 2011 be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Sapnar, Judge, Reilly and Scotto voted Aye. None No. Motion carried.

RESOLUTIONS: Board Attorney George McGill read each resolution, which was to be amended to correct the resolution number.

Resolution # 12-2011 Fulcher Warren. Motion by Burke, seconded by Rizzo, that Resolution 12-2011 be adopted as amended. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Sapnar, Judge, Reilly and Scotto voted Aye. None No. Motion carried.

Resolution 13-2011 Ambrose Motion by Rizzo, seconded by Burke, that Resolution 13-2011 be adopted as amended. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Sapnar, Reilly and Scotto voted Aye. None No. Motion carried.

Resolution 14-2011 DePetro Motion by Judge, seconded by Burke, that Resolution 14-2011 be adopted as amended. On roll call Board Members Burke, Sapnar, Judge, Reilly and Scotto voted Aye. None No. Motion carried.

**CAL 14-2010 AMBOY BANK  
308 MORRIS AVE**

Board Attorney, George McGill announced that Board Members Michael Burke, Cindy Napp, Priscilla Reilly and Paul Jordan would be recused. Mr. McGill also asked the Board if any member had missed the last hearing but had listened to a tape or read a transcript. Kathleen Scotto said that she had read a transcript of the hearing.

Michael Rubino, Esq. attorney for the applicant said that most of the testimony had been given at the prior hearing but that he now has more detailed plans of the proposed building and lot. He also informed the Board that their Planner Allison Coffin would not testify tonight because of a death in the family. Her testimony would concern her finding that the proposed building would be more dense than other buildings in that area. Mr. Rubino then had his exhibits marked into evidence.

Thomas Brennan, Amboy Bank's architect, was previously sworn in and reminded that he is still under oath. Mr. Brennan was questioned by Mr. Rubino and testified that the building which was previously approved was all retail commercial and was a little smaller. Mr. Brennan testified that the front of the building did not change at all but that the rear portion of the building is a two story massing instead of a three story massing. The two bedroom unit on the third floor is now a one bedroom unit which reduces the square footage of the entire building. The original building with retail commercial space was 7,155 sf and this building which is residential commercial is 7,076. There is a storage unit for each apartment, 3 of which are 2 bedroom units and one 1 bedroom unit. The building has ramp and is handicap compliant.

Mr. Brennan was then questioned by the Board Members.

Ray Carpenter, P.E., had also previously been sworn in. Mr. Carpenter informed the Board that the drainage system has been relocated to the rear parking lot and meets all Stormwater Management regulations for Spring Lake.

Lyle Marlow, 110 Pennsylvania Ave, asked about the parking for the building.

Eleanor Twomey, 108 Vroom Ave, asked if employees could park in the rear.

Michael Burke, who is a member of the Board but also lives behind the lot in question and is an interested party speaking as a resident, asked about handicap parking and was told that there is a handicap parking space in the rear of the building.

Walter MacGowan manages the property next door and sited the severe water problem that now exist and wanted to know if the proposed building would add to that problem. Mr. Carpenter explained that he proposes a drainage system that will collect the water and retain it on the site. Mr. Rubino informed the Board that the representative of the Bank, Mr. Stanley J. Koreyva, Jr. is present and will answer any questions that may come up.

## **Comments:**

Michael Burke, 309 Jersey Ave, pointed out that on Morris Ave there is no other property of equivalent size or density. He also stated that he found only two other mixed use buildings that have 4 condominiums and they are on Third Ave between Jersey and Washington Avenues and both have significant off-street parking in the back. This would be a complete alteration of the Master Plan since it does not have any reference to mixed uses in Spring Lake. Mr. Burke sees no inherent benefit to the town with this project.

Michael Redpath, Executive Director of the Spring Lake Business Development Corporation, 1207 Third Ave,

At this point, Mr. McGill announced that he would have to swear in the people who are making comments. He then swore in Mr. Redpath.

Mr. Redpath went on to say that the proposed project has less than 20% retail and would put an additional load of 9 spaces in an already overloaded area. The Business Improvement District is trying to improve on circumstances which have resulted in the decline of the downtown and it feels that this project is contrary to that intent.

Michael Burke was sworn in and said that the statements he made previously were the truth.

Walter MacGowan was sworn in said that he manages the property to the east and the property in question has been nothing but a headache and would like to see something done with it and if this is the best they can do, he would like to see the Board act on this. He would like to see the project approved.

Lyle Marlow was sworn in and said that this project is too much for the town.

There were no other comments.

Mr. Koreyva explained what he is trying to accomplish with this project. He is not here for financial gain. He has listed the property for two years and had no offers. If this project is approved he will not make any profit, in fact he will probably lose money. He feels that this is a more attractive building than the one that was previously approved.

Eleanor Twomey, 108 Vroom Ave, asked about the price of the building.

Mr. Rubino informed the Board that he discussed the COAH implications of approval of this project with the Borough Administrator Bryan Dempsey and Mr. Dempsey said that the developer could make a cash donation in lieu of one affordable housing apartment. At this time, the COAH obligation is suspended.

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

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

Motion by Sapnar, seconded by Judge, that the application be approved. On roll call Board Members Rizzo, Sapnar, Judge, Reilly, Sagui, Frost and Scotto voted Nay. Board Member Iannaccone voted Aye. Motion failed.

Board Member Frost left the meeting at 8:35 PM.

**CAL 1-2011 KOZLOWSKI**  
**2006 Fifth Avenue**

Michael Rubino, Esq. attorney for the applicant, had the exhibits marked into evidence. Mr. Rubino explained that this application is for a variance for the distance between the existing garage and a new house. The Kozlowskis live in Wall but Mrs. Kozlowski grew up in this house and would like to erect a new house on the property and move the family to Spring Lake.

Sally and Kevin Kozlowski, the applicants and Christopher Rice, the architect, were sworn in.

Mrs. Kozlowski said they have 3 children and would like to move back to Spring Lake. This is the only variance they are seeking. The garage will be used for storage of bicycles and toys as well as equipment for a handicap child and one side for a car. They would be willing to have a special door put on the southern portion of the garage to prevent it from being used as a garage/

Brian McNally, a neighbor, lives to the north of the property, the original property was 100'X150' and at some time, the property was split. There is an easement from his property to the property before the Board. The sewer goes into his basement to a sewer trap. Mr. Rubino explained that he has spoken to the Zoning Officer and there will be a requirement that the Kozlowskis must get their own sewer line. Chairman Sapnar explained that the applicants will do whatever is required to remove the easement and connect directly to the sewer system.

Christopher Rice, the applicant's architecture, was sworn in and accepted as an expert by the Board. Mr. Rice explained the size of the garage in relation to the size of the lot. He will slide the driveway over so that it is a straight driveway. He knows the neighborhood and this situation is not inconsistent with the rest of the neighborhood.

Mr. McGill asked Mr. Rice for the distances between the house and the garage now and the proposed distance. The distance now is 10.25' and there will be no change.

Comments: Maryellen Langstine, 2005 Fifth Ave, supports the proposal and is happy someone will be living there year round.

Brian McNally, supports the proposal. and

Tom Irving, was sworn in and said he lives across the street and is in agreement.

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

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

Motion by Sapnar, seconded by Rizzo, that the application for a variance with the condition that the easement be abandoned and the property be hooked up directly to the sewer system be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Sapnar, Judge, Reilly, Jordan and Sagui voted Aye. None No. Motion carried.

Motion by Judge, seconded by Napp, that the meeting adjourn. On roll call all Board Members voted Aye. None No. Motion carried.

Respectfully submitted:

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Board Secretary