

**MINUTES OF THE
SPRING LAKE PLANNING BOARD
AUGUST 13, 2014**

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, Councilman David Frost, Melissa Smith-Goldstein, Kathleen Scotto, Lisa DeBerardine, and Chairman Nicholas Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the July 9, 2014 meeting.

Motion by Rizzo, seconded by Burke, that the minutes of the July 9, 2014 meeting, as amended be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Scotto, DeBerardine, and Sapnar voted Aye. None No. Motion carried.

Resolution #18-2014 Frizell

Motion by Rizzo, seconded by Iannaccone, that Resolution #18-2014 Frizell be adopted. On roll call Board Members Rizzo, Iannaccone, Scotto, and Sapnar voted Aye. None No. Motion carried.

Resolution #19-2014 Taylor/DeFelice

Motion by Burke, seconded by Rizzo, that Resolution #19-2014 Taylor/DeFelice be adopted. On roll call Board Members Rizzo, Iannaccone, Burke, Scotto, DeBerardine, and Sapnar voted Aye. None No. Motion carried.

CAL#8-2014

**8 St. CLAIR AVENUE
BLOCK 107, LOT 25**

Mr. Rubino, applicant's attorney had the exhibits marked into evidence.

Mr. Rubino explained that the applicant's would like to build an elevator shaft on the west side of the home; there is plenty of room to build the elevator shaft on the east side however that would not work due to the layout of the home. He added that the shaft will be set back from the side yard at 17.8 feet and it is only going to be six feet by seven feet; the elevator would go from the basement all the way to the third floor.

from inside. Mr. Rizzo then asked what will be the material on the outside of the elevator. Mr. Villano answered that it will be cedar shake.

Mr. Rubino explained that the applicants have no issue meeting with the zoning officer in regards to the slate sidewalks and no issues fixing them.

Mr. Burke asked if the elevator shaft would increase the habitable space. Mr. Villano explained that it is just a shaft with no floor. Mr. Hilla explained that he would not count that area as habitable space.

Mrs. Smith Goldstein asked what mechanics are required to place the elevator on the outside of the house as opposed to the inside. Mr. Villano answered that as long as there is a shaft it can be inside or outside. Mrs. Smith Goldstein then asked if the elevator could be located inside of the house. Mr Villano answered yes just not in this particular house, it would have to be located in the middle of a room.

Mr. Burke asked if there is a battery backup if the house lost power. Mr. Rubino answered no they would have to have a generator to power the elevator.

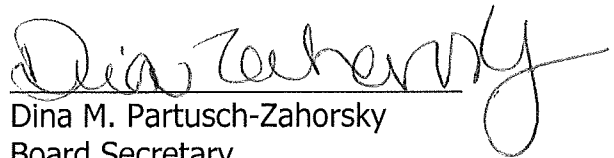
Motion by Rizzo, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

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.

Motion by Sapnar, seconded by Rizzo, that the application be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Frost, Goldstein, Scotto, DeBerardine and Sapnar voted Aye. None voted no. Motion carried.

Motion by Rizzo, seconded by Burke, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 7:43 P.M.

Respectfully submitted:


Dina M. Partusch-Zahorsky
Board Secretary

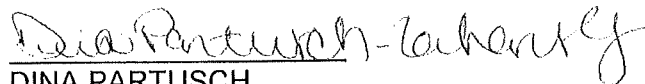
4. The applicants are seeking now a variance to allow excess building coverage so as to allow the construction of a pergola on the applicants' deck to remain. The applicant testified that he constructed the pergola unaware that the addition of the pergola would, by Borough definition, convert the structure from a "patio", which is not included in building coverage totals to a "deck", which is so included. The applicant abandoned his appeal of the Zoning Official's interpretation of the Borough's Ordinance at the hearing of the application and requested that he be granted a variance. The applicants' application stated that he was seeking a variance for an increase in building coverage to 27.7% where 25% is permitted however both the applicants' Planner and the Board's Engineer concurred that the actual increase was to 28.8%. The Board considered the application as one of 28.8% but, regardless, the nature and quality of the coverage was the primary consideration in this appeal and the approvals granted herein are strictly applicable the existing pergola situated on the deck. Accordingly, the approvals herein granted shall not be construed to grant a variance for building coverage of any other quality, nature or design. The applicant presented photographs to the Board which were relied upon by the Board and are attached hereto.

5. The Board finds that the variance relief may be granted as requested by the applicants in the plans referenced above. The Board finds that the property is undersized in the zone, totaling 8,331 square feet where 15,000 square feet is required. The Board finds that given the undersized nature of the lot, the Board can grant this request when considering the intensity and nature of the additional building coverage presented here. The Board finds that the construction of the pergola promotes a utility of the property and presents certain aesthetic improvement to the property that the Board may rely upon in granting the variance. While all variance relief may present some impairment of the zone plan, the property's building coverage will remain below that which is permitted in the zone for a conforming lot, and therefore, because the undersized nature of the property presents this property with a certain uniqueness, the increase will not substantially deviate from or impair the zone plan. The Board finds that the variance may be granted because the property is not otherwise over-built by

6. That the applicants shall comply with all recommendations of the Board Engineer found in his letter of June 23, 2014 except as modified herein.

CERTIFICATION

I, Dina Partusch, Secretary of the Planning Board of the Borough of Spring Lake, in the County of Monmouth, State of New Jersey, do hereby certify that the foregoing is a true copy of a resolution adopted by the Planning Board at its regular meeting held on August 13, 2014.


DINA PARTUSCH

presented as Proposed Lot 7.01 and Proposed Lot 7.02. The applicants propose to subdivide the existing property so that the existing single family residence will remain on Proposed Lot 7.01 while the existing carriage house will be allowed to remain on Proposed Lot 7.02. Proposed Lot 7.01 will be positioned to the east of Proposed Lot 7.02. Proposed Lot 7.01 will have approximately 23,550 square feet of total area and 157 feet of frontage on Mercer Avenue. Proposed Lot 7.02 will have approximately 22,537 square feet of total area and have 125 feet of frontage on Mercer Avenue. The Taylor applicants, as contract purchasers of Proposed Lot 7.01, propose to construct a new conforming garage with driveway access to Mercer Avenue and remove the existing driveway access to Second Avenue. Applicant Thomas J. De Felice, as contract purchaser of Proposed Lot 7.02, proposes to construct a new dwelling in a style substantially similar to the carriage house, eliminate any residential dwelling use of the carriage house and construct a swimming pool and various other structures. The applicants have provided an improvement Plan and a Minor Site Plan prepared by R.C. Burdick, P.E., both dated May 8, 2014 and last revised June 10, 2014, the more fully describe the proposal.

4. The proposal requires the following variances;

As to Proposed Lot 7.01:

A. Front yard setback to the principal structure where 25 feet is required and 22.9 feet exists and is proposed.

B. Walkway Area where 350 square feet is permitted and 431 square feet exists and is proposed.

C. Building Height where 35 is permitted and 36.8 feet exists and is proposed.

As to Lot 7.02:

D. Front yard setback to accessory structure where 25 feet is required and 13.5 feet exists and is proposed

E. Garage area where 600 square feet is permitted and 1,694 square feet exists and is proposed.

F. Accessory Building Height where 18 feet and One story is permitted and 27 feet and 1 ½ stories exists and is proposed.

5. During the application the Board suggested that the applicants seek a

WHEREAS, The Board has determined that the relief requested by the Applicant can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinances of the Borough of Spring Lake and the benefits of this application do substantially outweigh the detriments.

NOW THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Spring Lake on this 13th day of August, 2014, that the application, including the grant of subdivision approval and variance relief, be and is hereby granted subject to the following conditions.

1. That all existing taxes, water and sewer assessments be paid current prior to the issuance of a certificate of occupancy.
2. That all construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicant prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of the properties subject to this resolution.
5. That the applicant contract purchaser of Proposed Lot 7.02, for himself, his successors and assigns shall forever give up all residential dwelling uses of the carriage house and shall so deed restrict said property through the filing of an appropriate deed which shall be subject to the approval of the Board attorney.
6. That the applicant contract purchaser of Proposed Lot 7.02 shall remove all bathroom fixtures in the carriage house and convert said structure to a garage use prior to the issuance of construction permits on the principal dwelling in reference to Lot 7.02.
7. The carriage house may remain on Lot 7.02 providing that construction of the principal dwelling on Lot 7.02 is commenced within year of this approval and provided that same is completed within 18 months of commencement of construction. Failure to meet this condition will require further application to the Board for review of this condition.
8. The applicants shall retain an arborist for the purposes of ensuring that all