

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
APRIL 9, 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, Cindy Napp, Walter Judge, Melissa Smith Goldstein, Matthew Sagui, Lisa DeBerardine, and Chairman Nicholas Sapnar.

Resolution #12-2014 Granite Development Group, LLC

Motion by Judge, seconded by Burke, that Resolution #12-2014 Granite Development Group, LLC, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Goldstein, Sagui, and Sapnar voted Aye. None No. Motion carried.

Resolution #13-2014 Cohen/Karcher

Motion by Judge, seconded by Burke, that Resolution #13-2014 Cohen/Karcher, that the variance be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Goldstein, Sagui, and Sapnar voted Aye. None No. Motion carried.

CAL#1-2014 CHIARELLO  
1307 OCEAN AVENUE  
BLOCK 78, LOT 1

Mr. Sagui recused himself.

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

Mr. Rubino explained the Chiarello's purchased the home and have been constructing renovations both inside and out.

Chairman Sapnar asked if the pool is new. Mr. Rubino answered that the pool was put in when Mr. Chiarello purchased the house. Chairman Sapnar asked if the impervious surface was over when the pool was constructed. Mr. Rubino explained that the pool was permitted, Mr. Zahorsky, Zoning Officer reviews pools as if the property had fifty percent total impervious coverage in a R-1 zone, where forty percent is required. The applicant can add a pool if the impervious coverage is brought down.

Mr. Rubino discussed the variances. He explained that Mr. Chiarello would like to add an elevator to the home with a covered entry. Because of the pool, the applicant would like to add a small one story open porch near the pool. At the front of the house, they would like to relocate the steps so that the entrance is more centered. The current steps have concrete and support work under them, they would

have a bump out to make use of what is there instead of ripping them out. In the front of the property there is a fence that they would like to take down and replace it with a retaining wall and add a fence behind the landscaping.

Mr. Rizzo asked what the bump out will be used for. Mr. Rubino answered that it can be used for a chair or someone can stand and look out to the ocean.

Guy Chiarello, homeowner was sworn in. Mr. Chiarello discussed the reasons for all of the variances which are needed to renovate the outside of his property. He would like the elevator for easy access into the home for his mother-in-law and his parents. Also, the covered porch in the rear would be useful for entering the home. The porch near the pool would be for monitoring the pool area. The current entrance to the home is not centered and when you enter the home it is into a family room. He added that the bump out is simply to reduce costs of taking out the foundation. He would like to have the fence in the front yard for protection. Since he is right across from the Bath & Tennis Club there is a lot of traffic during the summer months.

Chairman Sapnar asked if there is anything in the location of the proposed porch by the pool. Mr. Chiarello answered yes there is an entrance door with a small overhang.

Mr. Burke asked if the new fence is going to enclose the southern yard. Mr. Chiarello explained that the new fence would enclose that area for safety reasons.

Mrs. Napp asked if Mr. Chiarello looked at putting the elevator inside the home. Mr. Chiarello answered it was looked into and is not a possibility.

Mary Hearn, Professional Architect was sworn in and accepted by the Board. Ms. Hearn discussed the variances. It is very difficult to place the elevator inside of the home; none of the floors line up inside and the intent was to have the elevator go to the second floor. She added that the second floor of the old section of the house is lower than the second floor of the main section of the house. There are no bedrooms on the first floor. Placing a five by five shaft on the back of the house seemed the most logical. The covered entrance is minimal building coverage.

Mr. Judge asked about the chimney on the South side in the front of the home. Ms. Hearn answered that it will be removed since it was not being used and it leaks.

Ms. Hearn discussed the covered porch on the north side of the house near the pool. She explained that covered porch entry enters into the mud room which is used often during the summer time when the pool is open. She added currently there is an entrance with an overhang and a second floor bump out.

Mr. Iannaccone asked about the setback for this porch compared to the portion of the front porch. Ms. Hearn answered that the setback to the front porch side portion is 25.17 feet and the proposed porch is approximately 36 feet from the side property line.

Ms. Hearn explained that the stairs leading to the front of the house should be larger and relocate. The current stairs are nine feet wide and get narrower as they go down to the ground. Where the current stairs are there is a bump for the existing stairs, the applicant would like to leave as a look out area. The

bump out is only three feet by nine feet. She then discussed the retaining wall; the grade in that area will be changed very little. Currently there is a five foot wood fence which will be removed. They would like to add a low masonry retaining wall and a fence would go behind the masonry wall. The applicant would like to have the front yard area enclosed for safety.

Ms. Hearn explained that to alleviate the impervious coverage, they would like to give back some of the stone driveway for stabilized grass parking which is a grid of composite material.

Chairman Sapnar asked if this is how the impervious coverage is being reduced from fifty five to fifty two. Ms. Hearn answered yes.

Mr. Rubino explained that instead of the stabilized grass they will leave that area grass only since there is plenty of parking.

Motion by Judge, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. 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 Sapnar, seconded by Judge, that the elevator, covered rear entry on the west side of the house, and reduction in driveway impervious coverage be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Goldstein, DeBerardine, and Sapnar voted Aye. None voted no. Motion carried.

Motion by Sapnar, seconded by Judge, that the moving of the front steps to the south and retaining the bump out of the front porch be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Goldstein, DeBerardine, and Sapnar voted Aye. None voted no. Motion carried.

Motion by Sapnar, seconded by Judge, that the porch on the north side be approved. On roll call Board Members Rizzo, Iannaccone, Napp, Judge, Goldstein, DeBerardine, and Sapnar voted Aye. Burke voted no. Motion carried.

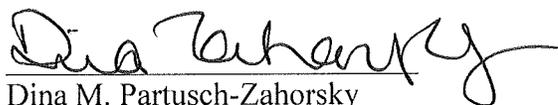
Motion by Rizzo, seconded by Iannaccone, that the fence plan submitted with the added provision that the section of the northerly side be similarly screened as all of the other sides be approved. On roll call Board Members Rizzo, and Iannaccone voted Aye. Burke, Napp, Judge, Goldstein, DeBerardine, and Sapnar voted no. Motion denied.

Motion by Sapnar, seconded by Judge, that the retaining wall on three sides with the fence and landscaping less the fence return to the front of the house on the east side be approved. On roll call Board Members Rizzo, Iannaccone, Burke, Napp, Judge, Goldstein, DeBerardine, and Sapnar voted Aye. None voted no. Motion carried.

Motion by Sapnar, seconded by Judge, that the new building coverage based on the additions that were approved by the other variances be approved. On roll call Board Members Rizzo, Iannaccone, Napp, Judge, Goldstein, DeBerardine and Sapnar voted Aye. Burke voted no. Motion carried.

Motion by Judge, seconded by Sapnar, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:40 P.M.

Respectfully submitted:

A handwritten signature in cursive script, appearing to read "Dina Partusch-Zahorsky".

Dina M. Partusch-Zahorsky  
Board Secretary

RESOLUTION NO. 12 - 2014  
(Cal 15-2013)

RESOLUTION OF THE PLANNING BOARD OF THE  
BOROUGH OF SPRING LAKE, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY.

**WHEREAS**, Granite Development Corp (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake for variance relief pursuant to N.J.S.A. 40:55D-70(c), from the provisions of the Spring Lake Zoning Ordinances, for permission to construct a single family dwelling and a detached garage within the front yard, and other relief, at property located at 2105 Ocean Avenue, Spring Lake, New Jersey, and also known as Block 122, Lot 3 on the Spring Lake Tax Map, and

**WHEREAS**, public hearings were held at the regularly scheduled meeting of March 5, 2014, in the Municipal Building, and testimony having been presented on behalf of the applicant, and objectors and interested parties to the application having been given an opportunity to be heard; and,

**WHEREAS**, such proof of service as may be required by New Jersey Statutes and Municipal Ordinances has been furnished; and,

**WHEREAS**, the Board, having considered the application, testimony, and exhibits submitted, makes the following findings:

1. The properties are located in an R-1 Zone.
2. The property is located on the southwest corner of Ocean Avenue and Monroe Avenue. It is an undersized lot in that it has 10,005 square feet of area where 15,000 is required in the R-1 Zone. The property is of an irregular shape having a larger westerly lot line than the easterly lot line and a larger northerly lot line than the southerly lot line. The property has 142.48 feet of frontage along Monroe Avenue and 59.54 feet of frontage along Ocean Avenue. The property is presently vacant, the previously existing structures having been demolished.
3. The applicant proposes to construct a single-family residential dwelling and detached garage on the subject lot along with a pool. The applicant has provided architectural plans prepared by the JMI Architects, LLC, dated December 10, 2013, last revised February 14, 2014, which more fully describes the proposed design, nature and

location of the dwellings and structures to be constructed on the subject lot. The applicant testified that the final version of the plans presented to the Board were a product of discussions had with two interested parties. The applicant testified that the final version of the plans modify the originals so to eliminate second floor encroachments into the front yard and to address other concerns of said parties. The Board accepts the representation of the applicant and conditions the approvals herein on the applicant constructing the dwelling in substantial compliance with the plans presented.

4. The applicant seeks the following variance relief

A. Relief from the front yard setback requirements along Ocean Avenue where 25 feet is required and 21.75 (21 feet, 8 inches) feet is proposed.

B. Relief from the front yard setback requirements along Monroe Avenue where 25 feet is required and 22.0 feet is proposed.

C. Relief from the required distance between principal dwelling and the detached garage where 20 feet is required and 17.75 feet (17 feet, eight inches) is proposed.

D. Relief from the requirement to place sidewalks along ocean Avenue.

5. The Board finds that the variance relief may be granted as requested as otherwise modified herein and through the submission of the amended plans described above. The Board finds that the property is undersized and oddly shaped. The Board finds that the structure proposed by the applicant is proportional to the property and conforming in design, shape and size to what may be expected of Ocean-front property in the Zone and in the immediate area. The Board finds that the existing lot has a unique orientation to Ocean Avenue which does not readily lend the lot to direct Ocean Avenue orientation. The Board finds also that a frontal orientation to Monroe Avenue would be undesirable given the obvious aesthetic advantages of having the dwelling face the Ocean, which is the norm. The Board finds that the proposed dwelling is so designed and so oriented so to allow the dwelling to take advantage of the Ocean frontage and to thus create a more conforming and aesthetically appealing Ocean Avenue Streetscape. The Board finds that it is the porch area that encroaches into both the Ocean Avenue and Monroe Avenue setbacks. The Board finds that the addition of

the porch enhances the aesthetics of the dwelling and therefore is a benefit to the community. The Board finds that the design of the dwelling has taken into consideration the site line of the neighbors and do not interfere with same to a substantial degree. The Board heard testimony from the applicant that he does not intend to build the porch any further in the direction of Ocean or Monroe Avenues and to the degree that the building envelope shows additional building space, the applicant stipulates that he will not utilize said area for building purposes. This stipulation is made a condition of the approvals herein. The Board finds that the distance to the garage is adequate to permit emergency vehicles to access the rear of the property. The Board finds that the unique shape of the lot interferes with the placement of the garage at 20 feet from the principal dwelling. The Board heard testimony that the garage was designed and located to accommodate the site lines of the westerly neighbor and therefore construction of the garage in compliance with location, design and height of the garage as shown shall be a condition of the approvals granted herein. The Board finds that the proposal represents the efficient use of the property and adequately addresses the concerns of the neighbors while at the same time presenting the community with aesthetically appealing house that will fit in well with the neighborhood .

6. The Board finds that the application as proposed is in keeping with sound planning and zoning and does not present substantial detriment to the public good nor does it substantially impair the intent and purpose of the zoning plan. The application will result in a better use of the property and will promote the aesthetics in the community. The variance relief may be granted because the benefits to be gained by the community substantially outweigh any detriments.

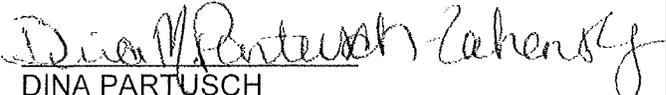
**WHEREAS**, The Board has determined that the relief requested by the Applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinances of the Borough of Spring Lake and that the benefits of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

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Spring Lake on this 9th day of April , 2014, that the application 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 any permits.
2. That all legal fees, engineering fees, inspection fees and bonds as may set by the Engineer, be paid by the applicant prior to the issuance of building permit.
3. That a copy of this resolution be given to any subsequent owner of these properties.
4. That the applicant shall substantially construct all structures on the lot in conformance with the plans reviewed by the Board as referenced herein.
5. That no porch shown in the plans presented herein shall be enclosed or heated.
6. That all utilities shall be under ground and that any power service to the structures shall run as near as possible to the shared lot line between Lots 11.01 and 11.02.
7. That the applicant shall not build in the area forming the "peak" in the building envelope created by the intersecting of the building envelope lines and the location of the front porch as proposed.
8. That the applicant shall comply with the oral and written opinions of the Board Engineer except as modified herein, and that new plans shall be provided to the Board Engineer to perform a compliance review as may be necessary.

#### 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 April 9, 2014.

  
DINA PARTUSCH

RESOLUTION NO. 13 - 2014  
(Cal 2 - 2014)

RESOLUTION OF THE PLANNING BOARD OF THE  
BOROUGH OF SPRING LAKE, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY.

**WHEREAS**, Arthur Cohen and Elizabeth Karcher (hereinafter referred to as the "applicants") have applied to the Planning Board of the Borough of Spring Lake for variance relief pursuant to N.J.S.A. 40:55D-70(c), from the provisions of the Spring Lake Zoning Ordinances, for permission to make grading alterations and use certain retaining walls so to remodel and reconstruct driveway and step structures at property located at 334 Pitney Avenue, Spring Lake, New Jersey, and known as Block 149, Lot 26 on the Spring Lake Tax Map, and

**WHEREAS**, a public hearing was held at the regularly scheduled meeting of March 5, 2014, in the Municipal Building, and testimony having been presented on behalf of the applicant and objectors to the application having been given an opportunity to be heard; and,

**WHEREAS**, such proof of service as may be required by New Jersey Statutes and Municipal Ordinances has been furnished; and,

**WHEREAS**, the Board, having considered the application, testimony, and exhibits submitted, makes the following findings:

1. The property is located in an R-2 Zone.
2. The property consists of an irregularly-shaped lot that has 6,6121square feet of area, 111.84 feet of frontage on Fourth Avenue and 45 feet of frontage on Pitney Avenue. The property presently contains a 2-story single-family frame dwelling with a front loading attached garage with access to Fourth Avenue.
3. The applicants are proposing to remodel the rear access area to the home and to reconstruct and widen the driveway associated with the rear entrance. The applicant proposes to remodel and reconstruct the existing access area and to construct new steps to the dwelling. The proposal is more fully described in the plans

presented by the applicants and prepared by Ray Carpenter, P.E., dated October 15, 2013.

4. The applicants are seeking the following variance relief:

A. Relief from Section 225-28A to permit alteration of the existing elevations of the property in excess of 18 inches.

B. Relief from Section 225-12D to allow the proposed steps and landing to encroach into the front yard area where 25 feet is required and 21.5 feet is proposed.

C. Relief from Section 225-7 and 225-30D to allow the retaining wall in the front yard.

5. The Board finds that the relief requested may be granted. The Board finds that the proposal will allow for a more efficient and safe rear access to the structure. The Board finds that the present design of the driveway access is inefficient and difficult to use for the ends that it is designed to achieve. The Board finds that the new design is a better use of the land. The Board finds that the proposal will enhance the appearance of the property which will be a benefit to the entire community. The Board finds that the variances granted herein will not substantially impair the zone plan because the conditions being modified largely presently exist on the property and, other than a noticeable improvement in the aesthetics, the Board finds that there will be little change as far as the zone plan is concerned. The Board finds that there will be no detriment to the public good. The Board finds that proposal as presented does not appear to present any detriments to the neighbors, and except to improve the aesthetics of the community, will not impact the neighbors to any degree. The Board finds that the property is subject to a substantial decreasing change in grade from the façade of the dwelling to the street which necessitates the use of retaining walls to reconstruct the driveway and rear access structures. The Board finds that this change in grade on the property presents the applicants with peculiar and exceptional practical difficulties in the further development of the property and as such effects an undue hardship on the applicants. The Board finds that the setback requested is an improvement to the setback encroachment caused by the existing steps. The Board finds that by removing the existing steps and redesigning the access to the rear of the dwelling that the applicant is decreasing the bulk associated with the existing encroachment into the front yard. The Board finds that the proposal creates a cleaner

presentation along the front yard and represents an improvement over the present conditions. The Board finds that by allowing the relief requested the Board may achieve the benefits as discussed above. The Board finds that the benefits discussed above, and as otherwise that may be achieved by granting the variances, outweigh any of the detriments that may accrue from the granting of same.

6. The application as proposed is in keeping with sound planning and zoning and does not present any substantial detriment to the public good nor does it substantially impair the intent and purpose of the zoning plan. The variance relief may be granted because the aesthetic benefits and other benefits to be gained by the community substantially outweigh any detriments and will advance the purpose of Zoning.

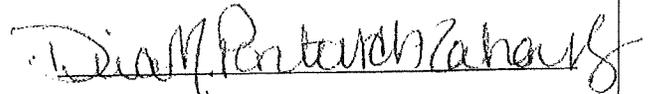
**WHEREAS**, The Board has determined that the relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinances of the Borough of Spring Lake and the benefits of this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

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Spring Lake on this 9<sup>th</sup> day of April, 2014, that the application 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 this property.

**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 April 9, 2014.

A handwritten signature in cursive script, appearing to read "Dina Partusch", written over a horizontal line.

DINA PARTUSCH