

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
APRIL 8, 2015**

The regular meeting of the Spring Lake Planning Board was held on the above date at 7:13 PM in the Municipal Building, 423 Warren Avenue, Spring Lake, NJ.

Chairman Nicolas 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 Michael Burke, Ph.D., Cindy Napp, Matthew Sagui, Melissa Smith Goldstein, Lisa DeBerardine, and Chairman Nicholas Sapnar.

Chairman Sapnar called for a motion to approve the minutes of the March 11, 2015 regular meeting.

Motion by Burke, seconded by Napp, that the minutes of the March 11, 2015 regular meeting be adopted. On roll call Board Members Burke, Napp, and DeBerardine voted Aye. None No. Motion carried.

Resolution #10-2015 Jump

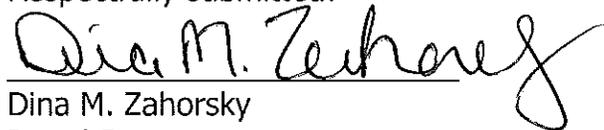
Motion by Burke, seconded by Napp, that Resolution #10-2015 resolution be adopted. On roll call Board Members Burke, Napp, and DeBerardine voted Aye. None No. Motion carried.

Resolution #11-2015 Reed

Motion by Burke, seconded by DeBerardine, that Resolution #11-2015 resolution be adopted. On roll call Board Members Burke, and DeBerardine voted Aye. None No. Motion carried.

Motion by Sagui, seconded by Burke, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 7:17 P.M.

Respectfully submitted:



Dina M. Zahorsky  
Board Secretary

RESOLUTION NO. 10 – 2015  
(Cal 1-2015)

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

**WHEREAS**, Walter and Christine Jump (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) and (d), from the provisions of the Spring Lake Zoning Ordinances, for permission to construct a new driveway and make improvements to the dwelling at property located at 409 Church Street, Spring Lake, New Jersey, and known as Block 128, Lot 10 on the Spring Lake Tax Map, and

**WHEREAS**, a public hearing was held at the regularly scheduled meeting of March 11, 2015, in the Municipal Building, and testimony having been presented on behalf of the applicants 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 which has 7,311 square feet of area, 50.00 feet of frontage on Church Street and 149.7 feet of depth. Presently the property contains a 2 1/2-story frame dwelling, a 1 ½ detached garage with an apartment, miscellaneous accessory structures and an asphalt driveway with access to Church Street.
3. The applicants propose to modify the existing driveway and construct a new paver patio, a multi-tiered deck with a pergola and a barbeque pit. The applicants are also proposing to remove the stone and concrete porch existing in front of the garage apartment and replace same with a wood porch. The proposal is more fully

described in the architectural plans presented by the applicants prepared by PLM Architect, LLC, dated October 13, 2014 and last revised January 6, 2015, and the Plot Plan prepared by Lindstrom, Diessner & Carr, P.C., August 29, 2014, and last revised January 8, 2015. These same plans were accepted and relied upon by the Board.

4. The Board reviewed the plans and finds that the plans do implicate the garage apartment use. The Board has interpreted the Borough's Ordinances in the past to not require a variance under N.J.S.A. 40:55D-70d(2), to expand a nonconforming use, where a garage apartment exists as an accessory use and said use is not implicated in the proposal before the Board. The Board finds that the applicant is so implicating the garage apartment through the extensive renovations to the access to same including the replacement of the existing porch servicing the garage apartment. This issue was discussed with the applicants' attorney who concurred with the determination.

5. The Board considered the following variance relief:

A. Impervious Coverage where 55 percent is permitted, and 62.2 percent is existing and 60.3 percent is proposed.

B. Permission to expand a nonconforming use pursuant to N.J.S.A. 40:55D-70d(2).

6. The Board finds that the relief requested may be granted. The Board finds that the applicants are proposing to make improvements to the property that will promote its aesthetic appeal and functionality of the property and principal dwelling. The Board finds that the property is in need of repair and that the proposed construction is designed to meet the requirements of the property in that regard. The Board finds these improvements will present zoning benefits accordingly. The Board finds that the lot is undersized for the zone. The Board finds that the size of the lot presents the applicants with a hardship regarding impervious surfaces because when the percentage allowed under the ordinance is applied to a lot of this size, the applicants are left with an impervious coverage allocation that adversely impacts the ability to construct the amenities associated with properties similarly situated which amenities include driveways and patios. The Board finds that the level of relief requested is proportional to the hardship presented. The Board further finds that the proposal is decreasing the amount of impervious on the property thus decreasing an

existing nonconformity. The Board will and does require that the applicants prepare drainage plans for the review of the Board Engineer and further requires that the applicants shall comply with the reasonable recommendations of the Board Engineer to ensure that adequate drainage measures and techniques are implemented to avoid any detriment to the surrounding neighbors. The Board finds that the percentage of impervious surfaces proposed is not so great as to represent a substantial impairment of the zone plan. The Board further finds that as conditioned herein as to drainage that there will be no detriment to the public good. The Board further finds that any such impairment or detriment that may arise is not so substantial as to be greater than the benefits to be derived.

7. The Board finds that the variance to permit the expansion of a nonconforming use may be granted as well. While the Board finds that the garage apartment is implicated in the design presented by the applicants the Board finds that said implication is minor in nature. The Board finds that the thrust of the application is for the purposes of beautifying the principal dwelling and to make same more usable. The Board finds that the modifications to the driveway will serve to benefit the entire property and is not primarily designed to promote the garage apartment. In addition hereto and support of the grant of the use variance herein, the Board restates the benefits and findings enunciated previously in this resolution, finds same to be sufficient special reasons to justify the relief requested, and relies upon same as if set forth at length herein.

8. Accordingly, the Board finds that the application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The Board further finds that the variance relief may be granted because the benefits to be gained by the community and the zone plan substantially outweigh any detriments, and because the property is so configured to present the applicants with a certain hardship in the further development of their property.

**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 a certain hardship exists.

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Spring Lake on this 8th day of April, 2015, 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 construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes and all other state, federal and local regulations.
3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicants prior to the issuance of a building permit.
4. That a copy of this Resolution be given to any subsequent owner of this property.
5. That the applicants shall conform their plans to the recommendations of Board Engineer as found in his report of February 5, 2015.
6. That drainage plans shall be presented to the Board Engineer for his review and the applicant shall comply with the reasonable recommendations of the Engineer regarding drainage details.
7. That the applicants shall provide details for the construction of the proposed wall on the easterly side of the proposed driveway for review and approval of the Board Engineer.
8. The applicants shall provide an easement granting a public right-of-way to the Borough to along the sidewalk presently existing in front of the property along Church Street.

#### CERTIFICATION

I, Dina Zahorsky, 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 8, 2015.

  
DINA ZAHORSKY

RESOLUTION NO. 11 – 2015  
(Cal 2-2015)

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

WHEREAS, Marie Reed (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 new dwelling at property located at 2021 Ocean Avenue, Spring Lake, New Jersey, and known as Block 121, Lot 2 on the Spring Lake Tax Map, and

WHEREAS, a public hearing was held at the regularly scheduled meeting of March 11, 2015, 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-1 Zone.
2. The property consists of an essentially square-shaped lot which has 22,645 square feet of area, 150.00 feet of frontage on Worthington Avenue and 150.97 feet of frontage on Ocean Avenue. Presently the property contains a 2-story dwelling, an attached garage with access to Worthington Avenue and miscellaneous accessory structures.
3. The applicant proposes to raze the existing structures and to construct a new 2 ½ frame dwelling with a detached garage, swimming pool and cabana. The driveway access is proposed to be to Worthington Avenue. The proposal is more fully described in the architectural plans presented by the applicant prepared by James C.

Anderson, AIA, of Anderson Campanela Architects, dated February 11, 2015 and as last revised February 25, 2015. These same plans were accepted and relied upon by the Board.

4. The applicant's plans originally sought variance relief for the height of the structure. The applicant requested additional variance relief in reference to the grading of the property where additional modifications to the structure required that the applicant increase the grade of the property along the northerly side of the structure a total of 28 inches where only 18 inches is permitted. The Board reviewed the plans and additional relief requested and, upon finding same to be minor in nature, permitted the application to be amended to include the additional relief.

5. The Board considered the following variance relief:

A. Height of principal structure where 35 feet is permitted, and 37.71 feet is proposed.

B Increase in existing grade where 18 inches is permitted and 28 inches is proposed along the northerly side of the structure.

6. The Board finds that the relief requested may be granted. The Board finds that the property presents an undue hardship to the applicant due to its topography. Specifically the Board finds that the property is subject to an increase in grade of approximately 5.5 feet from the curb height measured from the midpoint of the frontage on Worthington Avenue to the proposed grade of the dwelling. The Board finds that this change in grade is primarily the result of the historical design and conditions of the property which include the existence of a retaining wall running the length of frontage along Ocean Avenue and a portion of the frontage of Worthington Avenue. The Board notes that the existing dwelling was constructed under the grant of variance relief as to the height requirements of the Borough in 1983. The Board notes that the relief granted at the time was for approximately 4.4 feet above the 35 feet permitted. The Board also notes that the existing dwelling was constructed at 37.91 feet notwithstanding the grant. The Board finds that the proposed relief, though different than that previously granted, is not in excess of the relief previously granted qualitatively or quantitatively and thus does not represent a substantial change to the present conditions. The Board finds that the dwelling design itself is not excessive in height and testimony establishes that the height from grade of the structure is proposed

to be no more than 32.5 feet from grade. The Board finds that the increase will not substantially interfere with the existing views of the neighbors or otherwise constitute a detriment to the public good. The structure proposed will largely be in conformity with the conditions that now exist on the lot and with those conditions found on adjoining properties and therefore will not be a substantial impairment to the zone plan. The Board finds that the grading variance may be granted because it will allow for more efficient use of the property and will not create substantially different conditions than what exists on the remainder of the property. The Board finds that the variance is minor in nature and may be controlled in its implementation through oversight by the Board's Engineer and other Borough review procedures. The Board finds that the property is a prominent property in the area and that the design of the new dwelling is an improvement over the existing dwelling. The Board finds that this new design will promote the aesthetic environment in the community and that this represents a benefit that supports the granting of the variance relief herein.

7. Accordingly, the Board finds that the application as proposed is in keeping with sound planning and zoning and does not present any detriment to the public good nor does it impair the intent and purpose of the zoning plan. The Board further finds that the variance relief may be granted because the benefits to be gained by the community and the zone plan substantially outweigh any detriments, and because the property is so configured to present the applicants with undue hardship in the further development of their property.

**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 undue hardship exists.

**NOW THEREFORE, BE IT RESOLVED**, by the Planning Board of the Borough of Spring Lake on this 8th day of April, 2015, 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 construction be completed in accordance with Borough Ordinances, the Building Codes, and Uniform Construction Codes and all other state, federal and local regulations.

3. That all legal fees, engineering fees, inspection fees, or performance bonds set by the Board Engineer be paid by the applicants prior to the issuance of a building permit.

4. That a copy of this Resolution be given to any subsequent owner of this property.

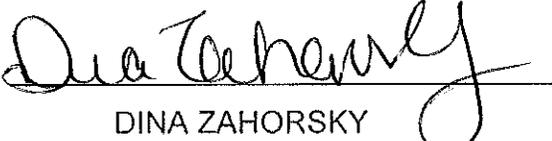
5. That the applicants shall conform their plans to the recommendations of Board Engineer as found in his report of February 26, 2015.

6. That drainage plans shall be presented to the Board Engineer for his review and the applicant shall comply with the reasonable recommendations of the Engineer regarding drainage details.

7. That the applicant shall provide such other details as necessary for the implementation of the proposed increase in grade for review and approval of the Board Engineer.

#### CERTIFICATION

I, Dina Zahorsky, 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 8, 2015.

  
DINA ZAHORSKY