

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
SEPTEMBER 9, 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, Michael Burke, Ph.D., Councilman Matthew Sagui, Melissa Goldstein, Lisa DeBerardine, Mary Ann Rooney and Chairman Nicholas Sapnar.

Motion by Sapnar, seconded by Sagui, that the minutes of the August 12, 2015 regular meeting be adopted as amended. On roll call Board Members Burke, Sagui, DeBerardine, Rooney and Sapnar voted Aye. None No. Motion carried.

Resolution #13-2015 Togneri

Motion by Sapnar, seconded by Burke, that Resolution #12-2015 resolution be adopted as amended. On roll call Board Members Burke, Sagui, DeBerardine, Rooney, and Sapnar voted Aye. None No. Motion carried.

Chairman Sapnar announced that CAL#4-2015 Pelmont, LLC will be carried to October 14, 2015, notice will be required. Mr. Rubino, applicant's attorney formally, for the record waived the time.

Chairman Sapnar also announced that CAL#10-2015 Krameisen Zoning Appeal has been withdrawn from the Planning Board.

CAL#7-2015 Dill  
101 Washington Avenue  
Block 79, Lot 11

Councilman Sagui recused himself.

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

Mr. Rubino handed out a survey marked A-2 to the board members which was not included in the application packet; this survey shows the original fence along First Avenue in 2008. He added that the Dill's have done some renovations to the home; they would now like to install a pool; a variance is needed for the location of the fence.

Robert Dill, homeowner explained since he purchased the property there have been many renovations; at first a pool was not an option financially. The pool, Mr. Dill explained will be small, twenty feet by twelve feet. Mr. Dill stated that when he purchased the property there was a fence in the same location; while construction was going on next door the contractor pulled half of the fence down. He added that there is a lot of heavy landscaping along the area where the proposed fence would be.

Dr. Burke asked Mr. Dill if he needed any variances to do the other work on the home. Mr. Dill answered no. Dr. Burke then asked if the pool was approved when the renovations were done. Mr. Dill answered that the pool was never approved. He explained that the pool and fence would be approved if the fence was located twenty five feet in from the property line. Dr. Burke then asked about the fence along the southern side of the property. Mr. Dill answered that it is wrought iron and belongs to the neighbor. He added that he was thinking of connecting to the neighbor's fence. Mr. Hilla explained that pool code is that the owner had to have his/her own fence even if they are back to back.

Mr. Hilla then asked if the fence will be able to be installed without having to trim the trees way back. Mr. Dill answered yes.

Mr. Rubino explained that there was miscommunication between the Dill's and Midstate, Midstate does most of Sylvan engineering, they placed the fence where they thought it would be approved without consulting the Dills. Chairman Sapnar stated that on the plans it shows zoning approval for the fence being at twenty feet two inches instead of twenty five feet. Mr. Rubino explained that the town realized that it was a mistake; then the plans have to be changed the permit to twenty five feet or come in front of the board.

Patrick Ward, Professional Engineer and Planner was sworn in and accepted by the Board. Mr. Ward explained that the most logical place to put the pool is in the current proposed location due to the lot size and it being a corner lot. He explained that if the pool fence was located at twenty five feet from the property line the size of the pool would have to be reduced due to the lack of room. He added that there is a certain amount of hardship with regard to the location of the pool given the circumstances of the narrowness of the lot and it being on a corner. Based on the existing screening, Mr. Ward explained, the fence would not be able to be seen from the street in either location. The type of tree is a holly and they do not lose their leaves and will be solid and green all year round. Mr. Ward stated that there are no issues with sight triangle.

Chairman Sapnar asked if the impervious coverage on the plans include the pool. Mr. Ward answered yes. Chairman Sapnar asked about any walkway around the pool. Mr. Ward explained there will only be a coping.

Mr. Rizzo explained that the plans show that there are two overhead wires hanging over the pool which he is assuming will be corrected. Mr. Ward stated that is a good point and that would need to be corrected.

Mrs. Goldstein asked about a proposed walkway to the pool. Mr. Rubino answered there will not be one.

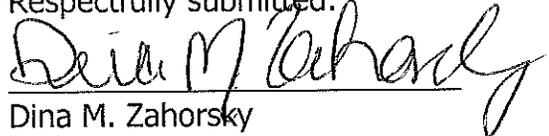
Motion by Rizzo, seconded by Burke, that the Board go into caucus. On roll call all Board Members voted Aye. Motion carried.

Motion by Rizzo, 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 Rizzo, that the application be approved with the following stipulations that the barrier or trees will be maintained, that trees continue around the corner to the house to hide the fence, that the sidewalk be repaired, if the overhead electric lines are across the pool and have to be relocated they will be relocated underground, and the existing fence will be replaced with the same. On roll call Board Members Rizzo, Burke, Goldstein, DeBerardine, Rooney, and Sapnar voted Aye. None voted no. Motion carried.

Motion by Sapnar, seconded by Burke, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 8:07 P.M.

Respectfully submitted:



Dina M. Zahorsky  
Board Secretary

RESOLUTION NO. 13 - 2015  
(Cal 6 - 2015)

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

**WHEREAS**, Lisa Togneri, Donald Togneri and Donna Togneri (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 renovate and remodel an existing dwelling at property located at 506 Tuttle Avenue, Spring Lake, New Jersey, and known as Block 114, Lot 11 on the Spring Lake Tax Map, and

**WHEREAS**, a public hearing was held at the regularly scheduled meeting of August 12, 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 a rectangular-shaped lot having 7,500 square feet of area, 50 feet of frontage on Tuttle Avenue and 150 feet of depth. Presently the property contains a 2 story dwelling, a frame shed, and an asphalt driveway with access to Tuttle Avenue.
3. The dwelling on the site is an older structure that is set slightly askew of the required setbacks in reference to both the front yard and the left, or westerly, side yard. The applicants propose to remodel the home so to present same with a new front porch and an additional 1/2 story complete with a new front dormer and roof ridge line. The applicants further propose to extend the existing driveway to the rear of the

property where they propose to construct a new conforming detached garage. The proposal is more fully described in the architectural plans presented by the applicants and prepared by Paul Grabowski, A.I.A., dated February 19, 2015, and the engineering plans prepared by Joseph J. Kociuba, P.E., P.P. dated April 28, 2014.

4. The proposal requires and the applicants are seeking variance relief from the Board so that they may remodel the dwelling at the existing nonconforming set backs. Specifically the applicants are seeking permission to encroach into the side yard as may be necessary to set the new construction and remodeling at 5.8 feet along the westerly side yard where 6 feet is required and at 24.96 feet along the front yard where 25 feet is required. The applicants further request front set back variance relief to construct a new porch on the front of the dwelling at 18.96 feet. The applicants have also requests variance relief to permit the construction of the driveway one foot from the easterly side line where two feet is required

5. The Board finds that the relief requested may be granted as conditioned herein. The Board finds that the front and side yard variances may be granted as necessary to permit the proposed new construction and remodeling of the facades of the existing dwelling. The Board finds that the encroachments are de minimus in nature and arise from the existing location of the dwelling. The Board finds that this condition represents a hardship that justifies the grant of the variance relief herein. The Board finds that the deviation will be imperceptible and therefore will not substantially impair the zone plan nor impact the public good. The Board finds that the relief as to the front porch may be granted. The Board finds that the addition of the porch will present an aesthetic improvement and bring the house into conformity with the style of houses in the immediate community and the community at large. The Board finds that the set backs of the other properties along the street are varied and that the encroachment proposed will not be out of sorts with the set back regime as same exists on the street. The Board finds that the porch will be open in design and that the set back proposed will not otherwise encroach on any significant site lines of the neighboring properties. The Board finds that the proposal will serve to make the property more conforming in nature. Accordingly the Board finds that the project will not pose a substantial detriment to the public good nor significantly impair the zone plan. The Board specifically finds that to whatever extent said detriments or impairments can

be said to accrue from the granting of the relief herein, the benefits to be gained by the grant of the variances by the aesthetics and conformity of the structure can be, and are, found to outweigh any such negatives. In reference to the driveway, the Board finds that the location and design of the structure causes the chimney of the structure to encroach into the area that is proposed for a driveway. The Board finds that the applicants are improving on the existing condition of the driveway where the existing condition encroaches up to the existing lot line. The Board finds that the applicants' property suffers from a hardship due to the placement and design of the structure and that safe passage compels the Board to permit the encroachment of the driveway up to one foot from the property line for the length of the driveway that is adjacent to the existing structure. The Board accepts the stipulation of the applicants that they will jog the driveway line over to two feet as it passes the rear steps so to comply with the ordinance as the driveway continues from that point to the rear of the property. The Board specifically makes this act a condition of this approval.

6. The applicants have made additional stipulations that the Board accepts and specifically conditions the approvals thereon as follows

a. The applicants are seeking no height variances and the plans will be modified to ensure that no such variance is necessary.

b. The applicants will plant bushes along the rear easterly lot line so as to create a break between the applicants' property and the adjoining neighbors.

c. The applicants will comply with the ordinances controlling the encroachment of front steps into the front yard.

d. The new porch shall not be enclosed.

e. The applicants will submit a grading and drainage plan for review by the Board engineer and shall comply with his reasonable recommendations regarding same.

f. To the extent practical, all existing above-ground utilities will be placed underground.

7. 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, because certain hardships exist, and because the new structure will advance the purpose of Zoning.

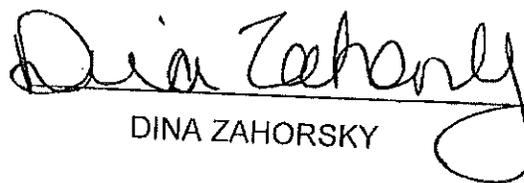
**WHEREAS**, The Board has determined that the relief requested by the applicants can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Master Plan and Zoning Ordinances of the Borough of Spring Lake and the benefits of this 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 September, 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 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 shall 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.
5. That the applicant will jog the driveway line over to two feet as it passes the rear steps so to comply with the ordinance.
6. That the applicants conform their plans to the comments and requirements of the Board Engineer as found in his review letter of July 31, 2015, and that new plans shall be submitted for review and approval by the Board Engineer in conformity with said letter and this resolution as may be necessary.
7. That the applicants comply with all stipulations and conditions as found in Paragraph 6 or as otherwise made during the hearing.
8. That all new utilities that may be required as a result of this project shall be placed underground.

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 September 9, 2015.



DINA ZAHORSKY