

**MINUTES OF THE  
SPRING LAKE PLANNING BOARD  
DECEMBER 11, 2013**

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., Cindy Napp, Walter Judge, Priscilla Reilly, Melissa Smith Goldstein, Kathleen Scotto, and Chairman Nicholas Sapnar.

Motion by Judge, seconded by Rizzo, that the minutes of the November 13, 2013 meeting be adopted as amended. On roll call Board Members Rizzo, Burke, Judge, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None No. Motion carried.

Board Attorney McGill read the resolutions to be adopted.

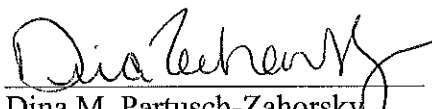
**Resolution #26-2013 Sheehan**

Motion by Sapnar, seconded by Judge, that Resolution #26-2013 Sheehan, that the variance be approved. On roll call Board Members Rizzo, Burke, Napp, Judge, Reilly, Goldstein, Scotto, and Sapnar voted Aye. None No. Motion carried.

Chairman Sapnar discussed the March 2014 meeting, he will be out of town the second Wednesday of March and he would change the meeting to the first Wednesday March 5, 2014. The Board agreed. Chairman Sapnar stated that the meeting dates will be on for approval at the January meeting.

Motion by Judge, seconded by Sapnar, that the meeting be adjourned. On roll call all Board Members voted Aye. None No. Motion carried. Time: 7:05 P.M.

Respectfully submitted:

  
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Dina M. Partusch-Zahorsky  
Board Secretary

RESOLUTION NO. 25 - 2013  
(Cal 11 - 2013)

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

**WHEREAS**, John Sheehan and Patricia Carlo Sheehan (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 make grading alterations and use certain retaining walls so to construct a driveway at property located at 7 Vroom Avenue, Spring Lake, New Jersey, and known as Block 123, Lot 8 on the Spring Lake Tax Map, and

**WHEREAS**, a public hearing was held at the regularly scheduled meeting of November 13, 2013, 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 a rectangular-shaped lot that has 15,000 square feet of area, 100 feet of frontage on Vroom Avenue and 150 feet of depth. The property presently contains a 2-story frame dwelling with a front loading garage with access to Vroom Avenue.
3. The applicants are proposing to remodel the home to add a number of lateral and vertical additions to the first and second floors of the structure and to construct a new side-facing garage and driveway along the west side of the property. The proposal is more fully described in the plot/grading plans presented by the

applicants and prepared by Charles Surmonte, P.E., P.L.S. dated August 1, 2013.

4. The applicants are seeking the following variance relief:

A. Relief from Section 225-28 to permit alteration of the existing elevations of the property in excess of 18 inches; the utilization of retaining walls as part of a grading plan as well as penetration of an existing slope in excess of two feet in height for the purpose of driveway construction; and to permit the maximum slope of an unpaved yard area greater than 25% where 26.6% is depicted.

B. Relief from Section 225-30D to allow a 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 beneficial garage design on the property. The Board finds that the present principal dwelling structure has a front facing garage which is less preferable to a side facing garage proposed. The Board finds that the property presently has two centrally-located retaining walls in the front yard and that the proposal is to decrease this number so to use only one retaining wall along the side of the property. The Board finds that this design is preferable to what presently exists in both the number of retaining walls utilized and as to location. The Board finds that the design allows for a better use of the property in general and that the configuration proposed provides aesthetic benefits to the community. The Board finds that the property is subject to a substantial decreasing change in grade from the rear of the property to its front which necessitates the use of retaining walls to construct a driveway. 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 relief requested will remove existing retaining walls and permit conditions to be created that are similar to but preferable to the existing conditions on the property. The Board finds therefore that the proposed conditions will not represent a substantial impairment of the zone plan because such similar conditions already exist. The Board finds that the applicants suffer under unique conditions of topography that necessitate the grading as proposed and support the granting of the relief sought under the facts presented. The Board finds that by allowing the relief requested that the Board may achieve the benefits as discussed above. The Board finds that there have been no detriments to the public good presented and finds none to exist accordingly. 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 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 11<sup>th</sup> day of December, 2013, 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.
5. The applicants shall replace and repair the row of *Abor vitae* vegetation along the westerly lot line of the property as may be necessitated by the work performed.

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 December 11, 2013.

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

DINA PARTUSCH