

RESOLUTION NO. 24 - 2023
(Cal 6 - 2023)

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

WHEREAS, Manasquan Shores Properties, LLC (hereinafter referred to as the "applicant") has applied to the Planning Board of the Borough of Spring Lake (hereinafter the "Board") 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 with front yard encroachments for the dwelling and a detached garage at property located at 18 York Avenue, Spring Lake, New Jersey, and known as Block 9, Lot 13, on the Spring Lake Tax Map; and,

WHEREAS, a public hearing was held at the regularly scheduled meeting of November 8, 2023, 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 is located in the northeast quadrant of the intersection of York Avenue and First Avenue. The property previously contained a single-family residential structure and garage. All structures have been demolished and removed from the subject lot. The property is now empty. The property is undersized for a corner lot in the R-2 Zone having 7,500 square feet in area where 9,750 square feet is required. The property is rectangular in shape and has 50 feet of frontage on York Avenue and 150 feet of frontage on First Avenue.
3. The applicant is proposing to construct a single-family residential dwelling structure and a detached garage on the property.
4. The applicant provided the Architectural Plans prepared by Paul

Grabowski, R.A., dated June 23, 2023, last revised October 19, 2023; a Variance Plan prepared by Joseph J. Kociuba, P.E., P.P., dated June 23, 2023, last revised October 23, 2023; and a Survey of Property prepared by Alan R. Boettger, P.L.S., dated February 13, 2023. These plans more fully describe the applicant's proposal and were accepted by and relied upon by the Board in deliberating upon the application and making the determinations herein.

5. The applicant was represented by Michael R. Rubino, Jr., Esq., before the Board and testimony was provided by Paul Grabowski, R.A., and Joseph J. Kociuba, P.E., P.P. Mr. Grabowski was accepted as an expert in the field of Architecture. Mr. Kociuba was accepted as an expert in the fields of Engineering and Planning.

6. Upon review of the matter by the Board Engineer, and in consultation with him, the Board found that the application required the following variance relief:

A. Front yard setback relief along York Avenue where 25 feet is required, and the front steps encroach three feet into the front yard creating a setback of 22 feet.

B. Front yard setback relief along First Avenue where 25 feet is required, and 18 feet is proposed to the areas identified on the plans as the front foyer, pantry, mudroom and rear covered porch; 16 feet is proposed to the feature described as the stair tower; and 15 feet is proposed to the façade associated with the dining area or "nook". (These measurements are to the first-floor features of the structure. All features on the floors above the first floor are at or behind the distances described herein and are included in the consideration of the relief requested.)

C. Front yard setback relief along First Avenue for the garage where 25 feet is required, and 20.75 feet is proposed.

7. The Board finds that the relief requested may be granted. The Board finds that the property is subject to a certain hardship that is caused by the dimensions of the property in question. The Board finds specifically that the property is a corner lot and as such is subject to a 25-foot setback requirement along both First Avenue and York Avenue. The Board finds that the 25-foot setback along First Avenue, when coupled with the six-foot easterly side yard requirement, allows for the construction of a structure that is 19 feet wide at its maximum as a matter of right. While the Board acknowledges

that a structure may be built with a width of 19 feet on the property, the Board finds that such a design generally makes for an odd and unappealing appearance. The Board has reviewed the plans prepared by Mr. Grabowski and presented by the Board herein and finds that the proposed structure will have architectural merit and aesthetic appeal. The Board finds that allowing the applicant to construct a dwelling that enhances the visual environment of the community is a benefit that supports a finding of presenting a better zoning alternative under N.J.S.A. 40:55D-70(c.2). The Board also finds that the dimensions of the property also provide the applicant with practical and undue difficulties in developing the property which finding satisfies the hardship criteria under N.J.S.A. 40:55D-70(c.1). The Board finds that by allowing the applicant to deviate from the zone standards, the applicant can construct an aesthetically pleasing design that would be difficult to attain otherwise. The Board finds that the applicant's proposal is similar to or less intrusive than the other structures located along First Avenue and on other corner lots in the zone in general. As such the Board finds that the relief granted will not substantially impair the zone plan. The Board finds that there will not be any interference with any significant sight lines of the neighboring properties nor will the encroachments impair the air, light, and open space of the neighbors as a result of the relief granted. The Board therefore finds that the front yard encroachments will not be a substantial detriment to the public good. The Board finds that it may grant the relief as to the garage setback. The Board finds that the setback proposed for the garage is less of an encroachment than what is proposed for the principal structure and therefore it will not appear to encroach upon or burden the streetscape. The Board finds that the applicant has positioned the garage in a location that creates a minimal impact on the front yard and has proposed dimensions for the garage that provide for utility while minimizing bulk. The applicant also stipulated that it will construct a driveway on the property at a width of 20 feet so to provide for additional parking. The Board finds that the design proposed and as amended provides for the efficient use of the property which the Board finds to be a benefit to the zone plan. Like the dwelling, the Board finds that the garage relief will allow for conditions on the property that are similar to conditions in the surrounding community and will not encroach on the sightlines or the air, light, and open space of the neighbors. The Board finds that the front yard variance

along York Avenue may be granted as well. The Board notes that the encroachment of the steps is of minimal impact on the neighborhood, if any. The Board notes that the relief requested is minimal in nature as the ordinances allow steps to encroach up to two feet. Here the applicant asks for three feet. The Board finds that the houses to the east on York Avenue are generally at 25 feet and that by allowing the steps to encroach as proposed, the Board may allow the façade of the proposed structure to better conform to the setbacks of the facades of the other dwellings on the block and thereby present a more uniform pattern along the streetscape. The Board finds that the benefit of this minor encroachment outweighs any detriments that may accrue as a result of the granting of same. Upon considering the benefits of the relief requested and the detriments and impairments presented for each and every varaince, if any, the Board finds that on balance the benefits of granting the variance relief herein outweigh the detriments and impairments as same may be found to exist and therefore the relief requested by the applicant may be granted as presenting a better zoning alternative.

8. The Board finds that 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 zone plan. The variance relief may be granted because the benefits to be gained substantially outweigh any detriments and because certain hardships have been found to exist.

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 that 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 13th day of December, 2023, that the variance relief sought in this 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. That the applicant shall construct the improvements substantially in compliance with the architectural plans and the variance plans referenced herein and that the applicant shall be required to return to the Board should substantial or material changes be made to those aspects of the dwelling structure that are specifically subject to the grant of variance relief herein.

6. That the applicant shall conform its plans in accordance with the Review Letter prepared by the Board Engineer dated October 31, 2023, and all conditions and stipulations provided herein or as agreed to on the record at the hearings of this matter.

7. That all utilities will be placed underground as may be applicable.

8. That the applicant shall replace all curbs and sidewalks as may be required by the Board Engineer.

9. That the applicant shall design and plant landscaping in a manner so that the landscaping does not interfere with the site triangle for the driveway. The landscaping shall not be planted closer than 15 feet to the curb along First Avenue.

10. The applicant shall construct a driveway at a width of 20 feet so as to provide the parking of two vehicles side by side.

11. The applicant shall amend the zoning table on its plans to show that the rear yard setback for the garage is 8 feet and side yard setback is 7.25. This requirement is for the purpose of correcting the table found on the plans only and does not require, or permit, any repositioning of the garage as shown.

CERTIFICATION

I, Kristina Palangi, 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 13, 2023.



Kristina Palangi