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ATTORNEYS AT LAW

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*MEMBER N.J. & FLA. BAR

TELEFAX: (732) 449-7501

January 7, 2021

Maggie McElynn, Secretary
Spring Lake Planning Board
5th and Warren Avenue
Spring Lake, N.J. 07762

Re: DIFEO; CHRISTOPHER & KIERNAN
12 RED OAK DRIVE
BLOCK 133 LOT 32
SPRING LAKE, NEW JERSEY

Dear Ms. McElynn:

With reference to the above matter, enclosed please find the following for submission to the Spring Lake Planning Board with reference to the above captioned property.

1. Original and seventeen (17) copies of the application
2. Eighteen (18) sets of pictures;
3. Original and seventeen (17) copies of Survey prepared by Charles Surmonte, PE & PLS;
4. Eighteen (18) original sealed architectural plot plans prepared by Edwin Hale, PLS;
5. Check for \$1,500.00 payable to Borough of Spring Lake, representing the application filing fee with three (3) variances.
6. Check for \$2,200.00 payable to Borough of Spring Lake, representing the required escrow for a variance application.
7. Check for \$10.00 for the 200' property owner list.

Please review same at your earliest convenience and notify us hearing date.

Very truly yours,

Michael R. Rubino, Jr.
MICHAEL R. RUBINO, JR.

MRR/lmw
enclosures
cc: Client(s)

**LAND USE DEVELOPMENT APPLICATION
BOROUGH OF SPRING LAKE
MUNICIPAL BUILDING
FIFTH & WARREN AVENUES
SPRING LAKE, NEW JERSEY**

SECTION ONE: APPLICANT/OWNER

1. Applicant

Name: Christopher & Kiernan Difeo, h/w

Address: 12 Red Oak Drive, Spring Lake, NJ 07762

Phone # 732-684-8197

Fax # _____

E-Mail Address: _____

(also include winter address and phone # if applicable)

2. Owner

Is the Applicant the owner of the property? Yes

If Applicant is NOT the owner of the property, please provide the following:

Owner's Name: _____

Address: _____

Phone Number: _____

Fax # _____

E-Mail Address: _____

If the applicant is not the owner of the property, state the applicant's interest in the property. n/a

3. Disclosure

(A) Is the Applicant a corporation or a partnership? No

(B) If the Applicant is either a corporation or a partnership, pursuant to N.J.S.A. 40:55D-48.1 and N.J.S.A. 40:55D-48.2, please list the names of all individuals with a 10% or greater interest in the entity which is making application.

| <u>NAME</u> | <u>ADDRESS</u> | <u>INTEREST</u> |
|-------------|----------------|-----------------|
| 1. _____ | _____ | _____ |
| 2. _____ | _____ | _____ |
| 3. _____ | _____ | _____ |
| 4. _____ | _____ | _____ |
| 5. _____ | _____ | _____ |

4. Applicant's Attorney

Name: Michael R. Rubino, Jr., Esq.

Address: 215 Morris Avenue, Spring Lake, NJ 07762

Phone #: (732)449-7500 Fax # (732) 449-7501

E-Mail: mrubino@psr215.com & lwright@psr215.com

SECTION TWO: PROPERTY INFORMATION

1. Street Address of Property: 12 Red Oak Drive

2. Tax Map Location: Block 133 Lot 32

3. Zone in Which Property is Located: R-1

4. Property Characteristics:

| | <u>Exist</u> | <u>Proposed</u> | <u>Pursuant to Code</u> |
|-------------------------------------|------------------|------------------|-------------------------|
| A. Lot Area | <u>25,289 sf</u> | <u>25,289 sf</u> | <u>15,000 sf</u> |
| B. Lot Frontage | <u>258.14 ft</u> | <u>258.14 ft</u> | <u>100 ft</u> |
| C. Lot Width | <u>225.92 ft</u> | <u>225.92 ft</u> | <u>100 ft</u> |
| D. Lot Depth | <u>103.90 ft</u> | <u>103.90 ft</u> | <u>125 ft</u> |
| E. Lot Coverage: % | <u>100%</u> | <u>11.26%</u> | <u>25%</u> |
| F. Impervious Surface Coverage: (%) | | | |
| | <u>21.90%</u> | <u>25.47%</u> | <u>40%</u> |
| Swimming Pool (%) | <u>430 sf</u> | <u>430 sf</u> | <u>787.50 sf</u> |
| Driveways (sq.ft.) | <u>1325 sf</u> | <u>1325 sf</u> | <u>1,650 sf</u> |
| Walkways (sq.ft.) | <u>96 sf</u> | <u>276 sf</u> | <u>350 sf</u> |
| Detached Garage (sq.ft.) | <u>n/a</u> | <u>n/a</u> | <u>600 sf</u> |
| G. Set Backs: | <u>Exist</u> | <u>Proposed</u> | <u>Pursuant to Code</u> |
| Front | <u>17.1 ft</u> | <u>21.8 ft</u> | <u>25 ft</u> |
| Side | <u>36.6 ft</u> | <u>36.6 ft</u> | <u>33.89 ft</u> |
| Avg. Agg. Side | <u>194.6 ft</u> | <u>194.6 ft</u> | <u>79.07 ft</u> |
| Rear: | <u>30.1 ft</u> | <u>30.1 ft</u> | <u>35 ft</u> |

H. Height: (ft.) 32 ± ft 32± ft 35 ft
 (Stories) 2 ½ st. 2 ½ st. 2 ½ stories

I. Accessory Structures:

| | <u>Exist</u> | <u>Proposed</u> | <u>Pursuant to Code</u> |
|----------------|--------------|-----------------|-------------------------|
| Height (ft/st) | <u>n/a</u> | <u>n/a</u> | <u>18 ft/ 1 st.</u> |
| Side Garage | <u>n/a</u> | <u>n/a</u> | <u>6 ft</u> |
| Rear Garage | <u>n/a</u> | <u>n/a</u> | <u>6 ft</u> |

Distance of structure from principal building:

n/a n/a 20 ft

5. Is the property located within 200 feet of another municipality? No
6. Is the property located adjacent to a County road? No
7. Is the property located adjacent to a State road? No
8. Is the current use of the property conforming? Yes
9. If not, state the current use n/a
10. Is the proposed use of the property conforming? No
11. Set forth all currently existing zoning violations on the property:
Minimum Lot Depth; Minimum Front Yard Setback; Minimum Rear Setback
12. Have there been any previous Planning Board or Board of Adjustments hearings involving this property? No

(THIS INFORMATION CAN BE OBTAINED FROM THE BOARD OFFICE)

If yes, attach hereto a copy of the written decision of the Board.

13. Are there any restrictions, covenants, easements, or association by-laws existing or proposed on the property? No

Describe the present use of the property:

 Single family residence

SECTION THREE: DEVELOPMENT RELIEF REQUESTED

1. NATURE OF THE APPLICATION:

Applicant requests the following:

A. Subdivision Approval: Yes _____ No x

- 1. Minor _____
- 2. Major Preliminary _____
- 3. Major Final _____
- 4. Number of Lots Created _____
- 5. Number of Dwelling Units _____

B. Site Plan: Yes _____ No x

- 1. Minor _____
- 2. Major Preliminary _____

3. Major Final _____

4. Revision to Approved Plan _____

C. Variance Relief: Yes x No _____

1. "C" Variance (bulk) _____ x _____

2. "D" Variance (use) _____

3. Set forth all sections of the Ordinance from which a variance is requested and set forth the nature of the proposed violation.

Variance #1 - Minimum Front Setback - 17.1 feet proposed, 25 feet required.

Variance #2 - Patio in front yard proposed, whereas it is not permitted.

D. Conditional Use Approval: Yes _____ No X

E. Interpretation of Map Ordinance or special question:

Yes _____ No X

1. Set forth the section questioned:

n/a

F. Appeal of Administrative Officer: Yes _____ No X

1. Set forth the nature of appeal (attach copy of decision appealed)

G. Informal Review: Yes _____ No X

H. Other: Please Describe:

2. Describe in detail the proposed request for relief and the changes to be made on the property: (Attach additional sheet if necessary).

SEE ATTACHED ADDENDUM

3. Set forth in detail all reasons why the Board should grant the relief requested: (Attach additional sheet if necessary).

SEE ATTACHED ADDENDUM

4. List all map, surveys, reports, and supporting documentation upon which the Applicant will rely and/or which accompanies this application. *****

K. DiFeo prepared on August 28, 2020

***** Any exhibits which are mounted on boards, etc. must be mounted in such

a way as to be easily removed.

5. List all experts who will testify for the Applicant and set forth a brief

**description of their testimony. (Attach written report, if available).
(Provide name, address, fax and e-mail address)**

Edwin J. Hale, PLS LIC #35842

- 6. Please list all other approvals which may be required and/or the Applicant has or will request for the proposed requested relief:**

n/a

- 7. Please list any waivers the Applicant is seeking in this proposal:**

n/a

SECTION FOUR: GENERAL INFORMATION

- 1. Pursuant to law, Applicant is required to publish Notice in the official newspaper and to mail notice to all property owners within 200 feet. The Notice must comply with the law and be made at least ten (10) days prior to the assigned hearing date. A Certified Affidavit of Service and a Proof of Publication must be filed before the hearing. A list of property owners within 200 feet is available for a fee of \$10 from the Tax Collector's Office.**
- 2. Applicants shall submit as part of this application photographs of the property, photographs of the proposed area for the requested relief and photographs of the adjoining properties.**
- 3. The Applicant shall supply eighteen (18) copies of the application, all plans, documents, survey, photographs and other supporting data in eighteen (18) separate, collated packets capable of being mailed out separately.**
- 4. The Applicant will be required to post an escrow fee with the Board Secretary in order to pay for the professional fees incurred by the Borough as a result of the application. Each Applicant is responsible to pay the costs charged by the Borough's professional staff incurred by their application.**

SECTION FIVE: CERTIFICATIONS

1. APPLICANT/OWNER

A. I hereby certify that all of the statements made by me are true, understand that the Board is relying on the information contained in this application. I understand that if any of the information supplied is knowingly false, I am subject to punishment.

Date

Applicant's Signature
Michael R. Rubino, Jr., Esq.
Attorney for Applicant

OWNER (If other than Applicant)

B. I hereby Certify that I am the owner of the property which is the subject of the application. I have authorized the Applicant to make this application and the representations made in the application are true to the best of my information and belief. I understand that if any of the information supplied is knowingly false, I am subject to punishment.

Date

Owner's Signature

ADDENDUM TO #2 & #3

The Applicants have owned the house on Red Oak Drive for a number of years. It should be noted that the house is at the south end of Red Oak and sits on the west side of the cul-de-sac at the southern end of Red Oak. The house was built on the track a number of years ago. The applicants propose to build a 42' x 7' porch on the front of the house. The porch will be setback 21.8 feet from Red Oak where 25 feet are required. Applicants also propose to build a patio 16 feet off of Red Oak which is off of the southern room of their house so that they can enter the patio and porch from that room. The patio will be in the front yard where no patios are allowed. Because of the existing layout of the property and the house on it a hardship is created to further develop the property in the front of the house. Therefore the applicants ask for variances for a front yard setback and patio in front yard.

The applicant believes that by reason on an extraordinary and exceptional situation that uniquely affected the subject property and the structure which exists lawfully thereon the strict application of the aforementioned regulations would result in peculiar and exceptional practical difficulties to, or exception and undue hardship upon the applicant.

The applicant will demonstrate that the purposes of the Municipal Land Use Law and the Land Use Ordinances of the Borough would be advanced by a deviation from the zoning ordinance requirements at issue, and further that the benefits of any such deviation would substantially outweigh any detriment resulting from a grant of the application.

The applicant believes that the relief can be granted without substantial detriment to the public good and that the relief will not substantially impair the intent and purpose of the Zone Plan and Zoning Ordinances of the Borough. The negative criteria will be satisfied as the applicant finds no detriment as a result of the granting of the application. The applicant also believes that there will be no adverse impact as a result of the granting of the application.

















