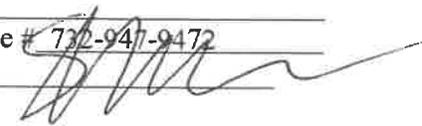


**DEVELOPMENT APPLICATION**

Application No. \_\_\_\_\_ Filed \_\_\_\_\_, 20\_\_\_\_ Fee \$ \_\_\_\_\_

(DO NOT WRITE ABOVE LINE)

1. Applicant's Name Stephen Miles  
Address 610 Route 71 Spring Lake Heights, NJ 07762 Phone # 732-947-9472  
Signature 

2. Present Owner (if other than applicant) Same as Applicant  
Address \_\_\_\_\_ Phone # \_\_\_\_\_  
Signature \_\_\_\_\_

3. Attorney Representing Applicant (NOTE: Corporations must be represented by a New Jersey Atty.)  
Name: Michael R. Rubino, Jr., Esq. Phone # (732)449-7500  
Firm: Pandolfe, Shaw & Rubino, LLC  
Address: 215 Morris Avenue, Spring Lake, New Jersey 07762

4. Licensed New Jersey Professional preparing plan:  
Name: Ray Carpenter, PE Phone # 732-528-0141  
Firm: R.C. Associates Consulting, Inc.  
Address: 2517 Route 35, Building J., Suite 102, Manasquan, New Jersey 08736

5. Interest of applicant (if other than owner): n/a

6. Application for (check as appropriate): Zoning Variance Yes  Conditional Use Yes \_\_\_\_\_  
Site Plan – Preliminary Yes \_\_\_\_\_ Subdivision – Classification \_\_\_\_\_  
Final Yes \_\_\_\_\_ Minor Yes \_\_\_\_\_  
Amended Yes \_\_\_\_\_ Preliminary Yes \_\_\_\_\_  
Final (Major) Yes \_\_\_\_\_

7. Location 610 Route 71  
(street)  
72 / R-5 / 15  
(Tax Map Block Number) (Zone) (Lot Number(s))

8. Existing Use: Residential / Catering Business in rear

9. Proposed Use: Catering Business

10. Permission requested to: Erect \_\_\_\_\_ Move \_\_\_\_\_ Use  Alter \_\_\_\_\_ Subdivide \_\_\_\_\_ Other \_\_\_\_\_

11. Descriptive explanation of request: Applicant currently uses the premises for his catering business. Applicant has added a walk in refrigerator and a walking freezer to accommodate the kitchen facility. The Code Enforcement Department has ruled that this is an expansion of a non-conforming use. Applicant presently has a contract with the U.S. National Guard since the date of the last hearing in 2010. Applicant has used the premises to help serve the Sea Girt Army Camp. The refrigerator and freezer help better serve his facility for said use and applicant requests permissions to use same.

12. Has there been any previous application involving these premises? If so, state date of application, nature of application and disposition: Yes – 1984 – CAL 21-83 & 2010 – CAL 2010-20

13. Have all real estate taxes applicable been paid to date?  Yes  No (Attach proof of payment)

14. Attach and circle the following addenda (as appropriate): ZONING VARIANCE ADDENDUM #1  
CONDITIONAL USE: ADDENDUM #2 SITE PLAN: ADDENDUM #3 SUBDIVISION ADDENDUM #4  
(DO NOT WRITE BELOW THIS LINE)

Referred to \_\_\_\_\_  
(Planning Board or Board of Adjustment)

Decision on Application: Approved: \_\_\_\_\_ Denied: \_\_\_\_\_  
Resolution attached: Approved with Conditions \_\_\_\_\_ Date: \_\_\_\_\_

**BOROUGH OF SPRING LAKE HEIGHTS, NEW JERSEY  
ADDENDUM FOR ZONING VARIANCE  
ADDENDUM #1**

1. Applicant (does) (does not) own adjoining property? \_\_\_\_\_
2. Size of Lot (s) 8,004 feet
3. Depth of Lot (s) 160.08 feet
4. Width of Lot (s) 50.38 feet
5. Size of Proposed Structure(s) 8 x 12 foot refrigerator & 8 x 12 foot freezer (both temporary)
6. Percentage of Lot Occupied by Building 27.76% existing, 30.16% proposed
7. Height of Building >32' Stories 2
8. Setback or Proposed Setback from Front Property Line 35.03 feet from Route 71 & 35.03 feet from Essex
9. Setback or Proposed Setback from Rear Property Line 25.69 feet
10. Side Line or Proposed Site Line Setback 4.52 feet Right n/a Left

11. Has there been any previous appeal involving these premises? Yes. In 1983 – Use Variance for grooming animals and for pet supplies. The applicant then in 2010 was granted variance approval of use as a catering business.

12. The proposed building or use thereof is contrary to the Zoning Ordinances in the following particulars:  
(State Article & Sections)

The premises is located in the R-5 Zone, the Zoning Officer has ruled that a use variance is necessary to conduct the proposed business.

13. State reasons why this zoning variance should be granted.

In 1984 the rear building was granted variance approval to allow it to be used as a grooming/pet supply business. In 2010 the applicant was granted variance approval for the rear building to be used as a catering business. The applicant installed a walk in refrigerator and walk in freezer on the premises to accommodate his catering business with the U.S. National Guard. Applicant requests approval for same to continue serving his clients.

\_\_\_\_\_

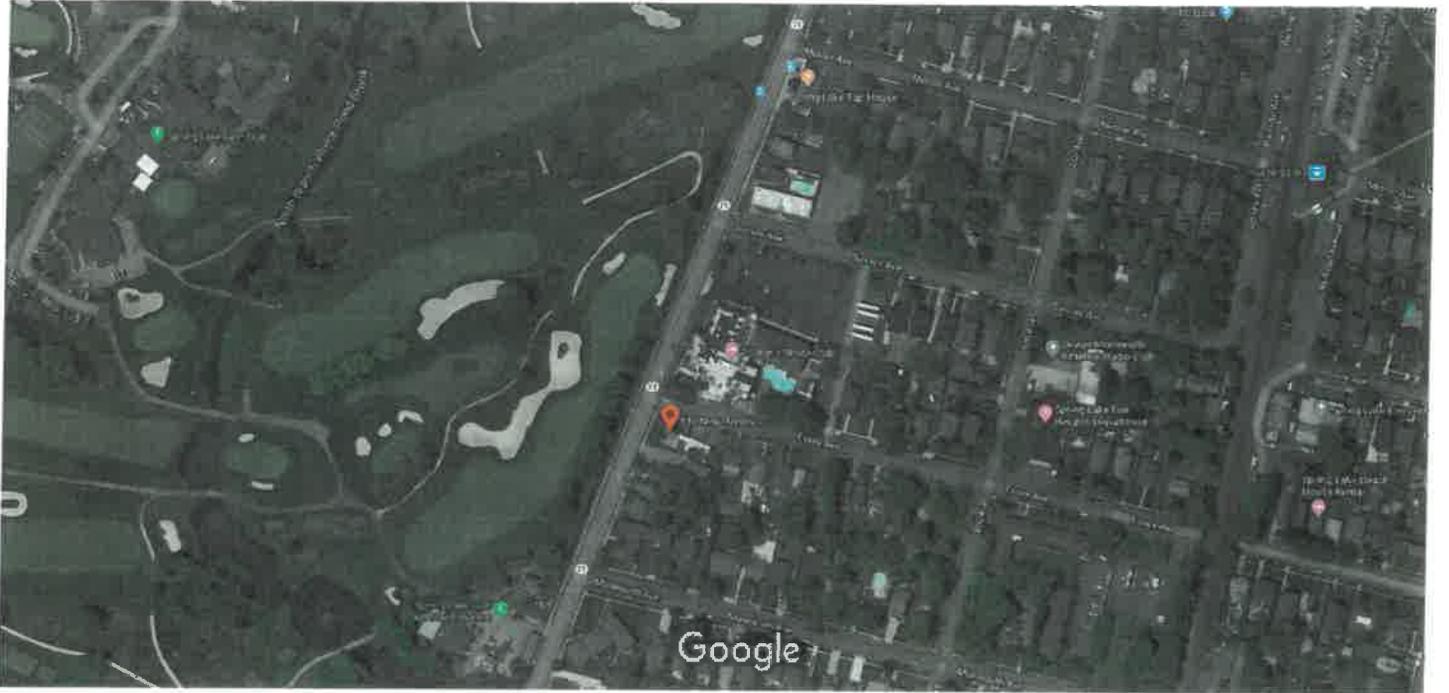
NAME \_\_\_\_\_

ATTACH TO DEVELOPMENT APPLICATION NUMBER \_\_\_\_\_

APPLICANT seeks variance from the terms of Articles and Sections \_\_\_\_\_

\_\_\_\_\_ of the Zoning Ordinance so as to permit (explain what you are planning to do.)

Google Maps 610 NJ-71



Imagery ©2020 Maxar Technologies, USDA Farm Service Agency, Map data ©2020 100 ft



### 610 NJ-71

Spring Lake, NJ 07762



Directions



Save



Nearby



Send to your phone



Share

### Photos

COURT I.D. PREFIX COMPLAINT NUMBER  
**1349 SC 003137**

**SPRING LAKE HEIGHTS MUNICIPAL COURT**  
 2700 Allaire Road  
 Wall, New Jersey 07719

**Complaint**

The State of New Jersey  
 (Please Print) vs.  
 Defendant's Name: First Initial Last  
Stephen Miles  
 Address City  
610 Highway 71 Spring Lake Heights  
 State Zip Code Telephone:  
NJ 07719  
 Birth Date: Mo. Day Yr. Sex Eyes Height Restrictions  
 DL # State Exp. Date

STATE OF NEW JERSEY COUNTY OF MONMOUTH } SS:

Complaining Witness: Barbara VanWagner  
 of Zoning Officer  
 (Identify Dept./Agency, Representative, or Office No.)

Residing at Borough Hall  
 by certification or on oath, says that to the best of his/her knowledge or information and belief, the named defendant on or about the  
Oct 16 2019 2:00 pm

in Spring Lake Heights IND: 1349 County of MONMOUTH NJ

did commit the following offense:  
Failure to obtain a Zoning Permit 22-762  
 in violation of (one charge only) 22-762  
 (Statute, Regulation or Ordinance Number)

LOCATION OF OFFENSE	<u>1349</u>	Describe Location	<u>610 Hwy 71</u>
---------------------	-------------	-------------------	-------------------

OATH: Subscribed and sworn to before me this \_\_\_ day of \_\_\_, yr. \_\_\_  
 (Signature of Complaining Witness) OR 10-16-19  
 (Signature of Person Administering Oath) (Date)  
 (Signature of Complaining Witness)

**PROBABLE CAUSE DETERMINATION FOR ISSUANCE OF PROCESS:**

COURT USE ONLY	LAW / CODE ENFORCEMENT USE ONLY
Probable cause is found for the issuance of this Complaint-Summons <input type="checkbox"/> Yes <input type="checkbox"/> No (Signature of Judicial Officer) <input type="checkbox"/> Yes <input type="checkbox"/> No (Signature of Judge)	<input checked="" type="checkbox"/> The complaining witness is a law enforcement officer or a code enforcement officer with territorial and subject matter jurisdiction and a judicial probable cause determination is not required prior to the issuance of this Complaint-Summons.

**YOU ARE HEREBY SUMMONED TO APPEAR**  
 BEFORE THIS COURT TO ANSWER THIS COMPLAINT. IF YOU FAIL TO APPEAR ON THE DATE AND AT THE TIME STATED, A WARRANT MAY BE ISSUED FOR YOUR ARREST.

**NOTICE TO APPEAR**

<input checked="" type="checkbox"/> COURT APPEARANCE REQUIRED	COURT DATE	Month	Day	Year	Time
		<u>12</u>	<u>12</u>	<u>19</u>	<u>9:00 AM</u>

10-16-19 (Date Summons Issued)  
Barbara VanWagner (Signature of Person Issuing Summons)

COMPLAINT

COMPLAINT

SUMMONS

SUMMONS



# NOTICE OF VIOLATION AND ORDER TO TERMINATE

Permit #  
Date Issued  
Control #

## IDENTIFICATION

Work Site Location 610 HIGHWAY 71 Spring Lake Heights Block 72 Lot 15 Qualification Code \_\_\_\_\_

Owner in Fee MILES, STEPHEN Contractor \_\_\_\_\_  
Address 610 HIGHWAY 71 Address \_\_\_\_\_  
SPRING LAKE HEIGHTS, NJ 07762 \_\_\_\_\_

To:  Owner  Other: \_\_\_\_\_  
 Agent/Contractor \_\_\_\_\_

DATE OF INSPECTION: 10/21/2019 DATE OF THIS NOTICE: 11/04/2019 COMPLIANCE DUE DATE: 12/04/2019

## ACTION

**TAKE NOTICE** that you have been found to be in violation of the State Uniform Construction Code Act and Regulations promulgated thereunder in that:

INSTALLED WALK-IN REFRIGERATORS WITHOUT A PERMIT

You are hereby **ORDERED** to terminate the said violations on or before 12/04/2019.

No Certificate of Occupancy or Approval will be issued unless the said violations are corrected.

**Further, take NOTICE** that failure to comply with this **ORDER** may result in the assessment of penalties of up to \$2,000 per week per violation, and a Certificate of Occupancy will not be issued until such penalty has been paid.

If you wish to contest this ORDER, you may request a hearing before the Monmouth County, within 15 days of receipt of this ORDER as provided by N.J.A.C. 5:23A-2.1. The Application to the Construction Board of Appeals may be used for this purpose.

Your application for appeal must be in writing, setting forth your name and address, the address of the building or site in question, the permit number, the specific sections of the Regulations in question, and the extent and nature of your reliance on them. You may include a brief statement setting forth your position and the nature of the relief sought by you. You may append any documents that you consider useful.

The fee for an appeal is \$100 and should be forwarded with your application to the Monmouth County at : Hall of Records 1 East Main Street- PO Box 1255 Freehold, NJ 07728, Phone Number: (732) 431-6281

If you have any questions concerning this matter, please call: Ed Mack, Subcode Official (732) 449-0800

Notice of Violation and Order to Terminate Edmund S. Mack Date: 11/4/19  
Subcode Official

Notice and Order No. 81418

PermitsNJ

PNJF211 rev. (11/2009)

Printed On: 11/04/2019 08:53



To: Stephen  
Landlord

Best my kitchen

DEPARTMENT OF THE ARMY  
New Jersey Army National Guard  
National Guard Training Center  
100 Camp Drive, Sea Girt, N.J. 08750

NGTC

07 November 2019

MEMORANDUM FOR Zone Enforcement Spring Lake

SUBJECT: Request for Variance for Alternate Feeding Plan Freezers

1. This memorandum is to request approval for a variance from the Township of Spring Lake for Acorn Food Services, Inc. to use two (2) freezers to support the National Guard Training Center (NGTC) at the off-site kitchen while the NGTC Dining Facility is being renovated.
2. The NGTC Dining Facility (DFAC) is being renovated over the next 12-18 months. Because the DFAC will be closed for renovation, Acorn Food Services, Inc. will need to prepare all meals at an off-site kitchen to support tenant agencies consisting of: New Jersey State Police (NJSP), Department of Corrections (DOC), Juvenile Justice Commission (JJC), and Department of Criminal Justice (DCJ) training academies. Additionally, this off-site kitchen will support New Jersey National Guard units stationed at NGTC consisting of: 154<sup>th</sup> Water Company, Regional Training Site (RTI), Recruiting and Retention Battalion (RRB), and the New Jersey National Guard 63<sup>rd</sup> band.
3. The alternate kitchen will be kept in the upmost of appearance and cleanliness. There will be daily inspections by Acorn Food Services, Inc. and weekly inspections conducted by the NGTC leadership. This is a temporary situation until the NGTC Dining Facility renovation is completed.
4. Request your positive consideration with this variance since we don't have another location to feed all the tenants and the NGTC Dining Facility has already been contracted for renovation.
5. POC for this memorandum is the undersigned at (732)974-5952 or via e-mail at [Daniel.dreher@dmava.nj.gov](mailto:Daniel.dreher@dmava.nj.gov).

DANIEL J. DREHER  
COL (Ret), NGTC  
Superintendent

**RESOLUTION  
OF THE  
BOROUGH OF SPRING LAKE HEIGHTS  
BOARD OF ADJUSTMENT**

**RESOLUTION #2010-20**

**RESOLUTION OF THE BOARD OF  
ADJUSTMENT OF THE BOROUGH OF  
SPRING LAKE HEIGHTS, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY  
MEMORIALIZING AN APPROVAL OF A USE  
VARIANCE AND ASSOCIATED WAIVERS  
FOR STEPHEN MILES FOR PROPERTY  
LOCATED AT 610 HIGHWAY 71, ALSO  
KNOWN AS BLOCK 72, LOT 15 AS SHOWN  
ON THE TAX MAP OF THE BOROUGH OF  
SPRING LAKE HEIGHTS**

**WHEREAS**, Stephen Miles (the "applicant") has made application to the Spring Lake Heights Board of Adjustment (the "Board") for use variance and associated waivers for Block 72, Lot 15 (the "subject property") as shown on the Borough of Spring Lake Heights Tax Maps; and

**WHEREAS**, the Board conducted a public hearing on said application on November 18, 2010; and

**WHEREAS**, the applicant has satisfied the notice requirements of the New Jersey Municipal Land Use Law and has provided proof of same to the Board; and

**WHEREAS**, the Board, having reviewed the application, documents, plans and exhibits as submitted and having listened to the applicant and after having received information from its professional staff, the Board does hereby make the following findings of fact and law:

**A.** The subject property is located at 610 Highway 71, in the R-5 single family zone. The subject of the application is Block 72, Lot 15.

**B.** The applicant's proposal requires relief from the Ordinance for a use variance to convert one of the existing structures in a single family residence.

C. In support of its application, the applicant submitted the following documents:

1. Photoboard with photographs of property, marked as A-1.
2. Photoboard with photographs of surrounding area, marked as A-2.
3. Minutes from January 26, 1984 Spring Lake Heights Board of Adjustment meeting, marked as A-3.
4. Variance plans, marked as A-4.

D. Stephen Miles testified in support of his application. He stated he has been an executive chef for over twenty (20) years and wishes to use the back premises of site for a catering business. All food preparation and cooking will be done on site. There will be no on site use of the building for catering and/or parties. In order to maintain this business, he requires a commercial kitchen. He will maintain his private residence in the three (3) bedroom Cape Cod home which fronts Route 71.

Mr. Miles further testified that most of his customer contact will be on the phone and there will be minimal customer visits on site. Food preparation will be done on the day before or the day of a catering event. The western section of the building will be used for storage. Initially he will be the main employee of the business, but he may eventually add 2-3 part time employees. Therefore, minimal parking will be needed and he will use a truck or van to deliver catering food. To start he will shop for raw food but ultimately deliveries will be made on site.

E. Raymond Carpenter, P.E., P.P. testified as an expert in the field of engineering and planning on behalf of the applicant. Mr. Carpenter testified that the site location is particularly suited for this type of business. This zone allows for professional office use which would provide more traffic than this use would provide. Mr. Carpenter stated there will be no negative impact to the neighbors. He further stated this site has a long commercial history and "Dapper Dog" was a long time business for dog grooming which a much more intensive use than the one being proposed.

Mr. Carpenter further testified that a commercial contractor will remove the refuse. The refuse for the business will be kept in the area between the business site and the Miles residence. Seven (7) 10 x 20 parking spaces will be provided and parking space #5 in the parking plan shall be handicapped designated. Bumper curbs will be installed. As to drainage, Mr. Carpenter stated the roof drainage will be tied to the roof leaders and the drywell will be a minimum of 10 feet from the property line of 621 Essex Avenue. The existing shed will be removed as well as the gravel (replaced by grass seeding). Leyland Cypress and arborvitaes shall be planted to provide a buffer to the east side and placed on the west side of the fence. Landscaping shall also be added to the front of the building.

F. During the public portion of the hearing, Mona Girard of 614 Monmouth Avenue expressed concern with the commercial looking front of the building and asked that landscaping be added. Maureen Conlon of 621 Essex Avenue lives directly east and is expressed concerns about noise and odors. She wants to make sure there will be adequate buffering on easterly side. Susan Doolen of 700 Highway 71 is the owner of "Doolan's" and stated Mr. Miles is a great neighbor. Her recollection is that this site was always commercial. Rose Aragano of 621 Essex Avenue expressed concerns as to what would be placed in the yard in lieu of the gravel.

G. The Board in reviewing this application reached the conclusion that this use variance application can be granted since it would advance the purposes of zoning pursuant to the Spring Lake Heights Zoning code and that the use would be consistent with the surrounding commercial properties. Further this application can be granted without substantial detriment to the zoning plan and master plan to the Borough of Spring Lake Heights. The applicant has demonstrated he would suffer an undue hardship should the use variance not be approved. The proposed project will improve the appearance of the property, and will benefit the surrounding area.

H. For these reasons, it is the determination of the Board that this application preliminary and final site plan with use variance and associated waivers can be granted as being consistent with the existing Master Plan of the Borough of Spring Lake Heights.

NOW, THEREFORE, BE IT RESOLVED by the Borough of Spring Lake Heights Board of Adjustment that the application for the bulk variances as described above is hereby approved; and

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded by the Secretary of the Board of Adjustment to the applicant, the Borough Clerk and the Building Department;

BE IT FURTHER RESOLVED that notification of this approval be published in an official newspaper of the Borough of Spring Lake Heights Board of Adjustment by the Board Secretary within 10 days of its passage.

BE IT FURTHER RESOLVED that the applicant's request is approved subject, however, to the following conditions:

- A. The applicant shall comply with all of the representations, both oral and written, made before the Board of Adjustment.
- B. The applicant shall comply with all of the federal, state, county, and local regulations concerning the development of the subject property.
- C. The applicant shall comply with all of the conditions set forth in this Resolution before a building permit is issued.
- D. Drywells will be installed and connected to roof leaders. The drywells shall be a minimum of 10 feet from the property line of 621 Essex Avenue.
- E. Leland Cypress and arborvitaes shall be planted on the east side of property to provide a buffer for the neighbors. The planting shall be on the west side of the fence.
- F. Landscaping shall be provided to the front of the commercial building.
- G. Gravel to be removed and replaced by grass seeding
- H. Bumper curbs to be installed for seven (7) 10 x 20 parking spaces (1 handicapped).

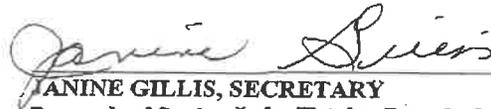
- I. A fire suppression system and commercial grade ventilation system with exhaust disposed through the roof shall be installed.
- J. Shed to be removed
- K. Refuse to be kept in area between commercial building and private residence.
- L. Delivery hours shall be limited to 8:00 a.m. to 8:00 p.m.



**JANINE GILLIS, SECRETARY**  
**Borough of Spring Lake Heights**  
**Board of Adjustment**

**CERTIFICATION**

I hereby certify that I, the undersigned, am the Secretary of the Board of Adjustment of the Borough of Spring Lake Heights, and I hereby certify that the foregoing Resolution was adopted by the Board of Adjustment at a regular meeting held on the 16<sup>th</sup> day of December 2010.



**JANINE GILLIS, SECRETARY**  
**Borough of Spring Lake Heights Board of Adjustment**

BOARD OF ADJUSTMENT  
BOROUGH OF SPRING LAKE HEIGHTS

Minutes of the regular meeting of the Board of Adjustment, Spring Lake Heights, February 23, 1984 at 8:02 P.M.

Sunshine Law requirements met. Pledge and silent prayer.

Roll Call: Present: Frank Russo-Alesi, Al Kenah, Richard Ulbrich, Maurice Healy, Raymond Shalloo, Joseph Farrell  
John Sisti, George F. Bruton

Absent: James Rawlins

Also Present: William V. Kelly, Esq.

GAL. 21-83

Continued application of Ernest J. Cismowski for a variance allowing the renting of a house; operation of a grooming and pet supply service from garage and an addition to the existing garage of 452 square feet on Lot 15, Block 72. Chairman pointed that Mr. Shalloo was not present at the last meeting and that Mr. Sisti was sitting in on the application. Mr. Bruton would be sitting in place of Mr. Rawlins.

Chairman requested the Board to review the Reorganization Meeting minutes of January 26, 1984. There being no corrections, additions or deletions to said minutes Al Kenah moved the minutes be approved. George Bruton seconded said Motion.

Roll Call: Yes: Russo-Alesi, Kenah, Ulbrich, Healy, Farrell, Sisti, Bruton  
Abstain: Shalloo

Chairman then requested the Board to review the regular minutes of the January 26, 1984 meeting. Mr. Ulbrich pointed out that the witnesses at that meeting were not, in fact, sworn to testify but briefly gave their views on the application. Said minutes are amended to that effect. There being no further corrections, deletions or additions, Richard Ulbrich moved the minutes be accepted with the corrections. John Sisti seconded said motion.

Roll Call: Yes: Russo-Alesi, Kenah, Ulbrich, Healy, Farrell, Sisti, Bruton.  
Abstain: Shalloo

Chairman again stated that the only application before the Board was the continued application of Ernest J. Cismowski and restated what the applicant was looking for by way of relief. Stephen T. Keane, Esq. appeared on behalf of the applicants. He reiterated the applicants were looking for a variance as to non-conforming use, non-conforming structure and an expansion of a non-conforming use. He stated that at the last meeting he requested the hearing be carried to allow the applicants to prepare the necessary site plans for review by the Board to include proposed parking areas, buffer zones and other necessary requirements by the Board. Mr. Keane went on to advise the Board that he had extensive conferences with the applicants concerning the requested addition of 452 square foot on the existing building. He advised applicants had agreed to change the proposed addition

and for that reason he would not be presenting to the Board a Site Plan but he had certain plans to show the Board before the applicants' went to the expense of site plans. He also addressed himself to the property of the Borough and he advised he checked with Mr. Horner between Essex Avenue and the subject property and he referred to a survey by Rowland Erb made in 1973 making note of a dedication of the questioned "no man's land" Essex Avenue and Sixth Avenue by deed from Timothy and Lizzy Hurley for public use to the Borough of Spring Lake Heights. This was the 19 feet in question by the Board. Mr. Keane then presented to the Board a marked up Exhibit showing the new addition which would not further violate the side yard or front yard set back. Said exhibit was marked A1. Mr. Keane again referred to Mr. Erb's survey showing the dimensions of the lot. He referred to the previous L shaped building and the demensions of the proposed addition and then referred to the new proposed addition showing addition would run 16' easterly thus not encroaching into the side yard more than 4.5'. He stated the addition would be more rectangular rather than L shaped thus would not encroach into the side yard or front yard set back more than the existing building presently does. Also the square footage be less. L shaped addition including the house in the front would have lot coverage of 1220 square feet and the new proposed addition would be 1112 square foot coverage. He then addressed himself to the proposed parking spaces totalling nine 9' x 19' and referred to the ordinance which requires them to be 10' x 20'. However that would be a further encroachment into the area dedicated to the town.

Thereafter Mr. Kean called Ernest Cismowski, 313 Tuttle Avenue, Spring Lake who was duly sworn. He restated his qualifications to testify before the Board. He went on to say those qualifications did not suffice to draw formal Site Plans but that he did prepare the drawings before the Board at the present time. He substantiated Mr. Keane's presentation that the new proposal would run 16' easterly and encroach into the side yard no more than 4.5'. He testified the changing of the shape of the building was to gain the parking spaces to be entirely on the subject property and to comply with the set back requirements. He testified to the nine parking spaces which are angled into the building. He stated the curbing and aprons were concrete into the blacktop. He did state he did not look into any possible problem with the additional black top and the drainage in the area. He was questioned by the Board concerning the parking areas proposed, customers coming to the business and the people presently living in the front house, and the adequacy of the proposed parking areas. At this point Chairman interjected by way of enlightenment to the applicant that site plans were required to allow the Board to see the lay out of what the applicant was seeking and that the requirements of the ordinances, i.e. parking areas, buffer zones, lot coverage, could be shown and either approved or denied. Chairman also felt the Town Engineer should have the right to examine the site plans to see that it complies with the ordinances of the Town. Mr. Keane concurred with the Board and requested the Board give them some direction as to the requirements for the Site Plan so that the applicants can comply. At that point Mr. Keane requested of the Board to direct themselves to the concept of the proposed use of a dog groom and pet supply business and that his clients would obtain the necessary site plan at a later date if, in fact, the Board approved the non-conforming use.

Mrs. Barbara Cismowski, 313 Tuttle Avenue, Spring Lake, duly sworn was called to testify. She referred to records she kept for her business and stated she averaged 7 to 8 customers during the course of a day. She felt the proposed nine parking areas were more than adequate. Her business was a drop off-pick up nature, even taking into consideration the tenants in the

front, she felt they had sufficient parking. She felt at any one give time she usually never had more than three customers in her store at a time. She stated she had several reasons to relocate was for more grooming space and more parking space. She again testified about one-third of the building would be used for the retail business and the remaining would be the business of dog grooming. Mr. Keane then reiterated they were before the Board this evening for the Use Variance and if the Board were not to grant the use variance he would not have to subject his clients to additional expense for site plans. Discussion was held by the Board concerning action on the use variance at this meeting and hold approval on the addition until site plans have been submitted. Mr. Keane even told the Board that the applicants would even accept conditions on the use variance. Chairman again referred to the letter from the Borough Attorney concerning the necessity of a use variance at this location. Mr. Keane tried to show the Board the hardship involved in the property in that it is in a residential zone, across the street is a commercial zone. Mr. Keane told the Board he felt he had presented sufficient testimony and drawings for the Board to act on the use variance and asked the Board for direction. Mr. Kelly questioned Mr. Keane concerning future use by the Borough of the area dedicated to the borough and the effect it would have on the proposed parking areas of the applicant. Concern was expressed by Mr. Ulbrich of the use of the front building at a later date for commercial and not residential and was advised by Mr. Kelly another variance would be required. Mrs. Cismowski testified if the addition were not granted she could not survive economically in the existing structure.

Thereafter Chairman asked for comments from the audience either for or against the requested relief.

Peter Briety, 621 Essex Avenue, Spring Lake Heights, duly sworn. He had concern with the traffic presently generated by the present commercial business in the area and the location of a fire house near by and the additional traffic this business would generate.

Mr. Keane again as previously stated advised the applicants were looking for an extension of an existing non-conforming use. He pointed out that the position of the present owners, the Nelsons, who have been trying to sell this property for years, meets the criteria for Hardship. He amended the application in that the addition would not exceed lot coverage. He was looking for a variance of 4.5' side yard set back, i.e. exceed into the side yard. Chairman did interject that at the last meeting there were some residents for the approval and some against. The Board carried on further conversation concerning the parking and traffic situation. The proposed use and the ordinances concerning said use was also questioned by the Board. John Sisti made a motion the application be moved by way of a conditional acceptance of this conceptual plan based upon the presentational of formal site plans. Joseph Farrell seconded said Motion John Sisti reiterated he moved due to the hardship shown.

Vote: Yes: Russo-Alesi; Healy, Farrell, Sisti, Bruton

No: Kenah, Ulbrich

Thereafter informal discussion was held by the Board concerning future Resolutions concerning critical set backs and how the Board must be careful in the resolutions passed by the Board.

Prior to the adjournment William V. Kelly, Esq. swore in Raymond Shalloo, 711 Ocean Road, Spring Lake Heights to complete the unexpired term ending

December 31, 1984 replacing rsignee Arthur Herner.

Al Kenah moved the meeting be adjourned. George Bruton seconded said Motion.