



April 1, 2020

Via Email

Chairman
Planning Board
Borough of Spring Lake Heights
555 Brighton Avenue
Spring Lake Heights, NJ 07762

**RE: Minor Subdivision Plan – Completeness Review #1
Christopher Spagnoli
402 Sixth Avenue (Block 39, Lot 76)
Borough of Spring Lake Heights, Monmouth County, New Jersey
EPE Project Number: SLHPB-2020-02**

Dear Chairman and Board Members:

Please be advised that I am in receipt of an initial submission for the above entitled application, including the following:

1. Borough of Spring Lake Heights Planning Board Development Application including Addendums;
2. Sustainability Checklist Form;
3. Plan entitled “Development Plan, Block 39, Lot 76, for Spagnoli – Borough of Spring Lake Heights; Monmouth County, New Jersey”, prepared by KBA Engineering Services, LLC., signed and sealed by Joseph J. Kociuba, P.E., P.P., dated January 15, 2020, consisting of one (1) sheet.
4. Plan entitled “Minor Subdivision, Lot 76, Block 39 situated in Borough of Spring Lake Heights, Monmouth County, New Jersey” prepared by FRD Surveying, LLC., signed and sealed by Frank R. Desantis, P.L.S., dated January 15, 2020, consisting of one (1) sheet.

This office has reviewed the above submitted materials and recommends that the application be deemed ***incomplete*** at this time. The following items must be addressed in accordance with the Borough’s Land Use Application Checklist:

- a) The Development Plan references a survey which was not submitted with the application. The survey must clearly indicate the existing conditions, existing elevations with datum and benchmark, existing utilities (inc. water, sewer, gas and electric) and total lot area. See related Item (l) below.
- b) The plans must be updated to include all requirements of Section §22-406, including but not limited to zone map, key map, parking requirements, building height and lot coverage calculations. The zoning table must include all requirements for the detached garage accessory building (See Ord. Sec 22-502). The plans must include a certified 200-foot tax lot owners list.
- c) The development plan must clearly indicate all proposed improvements including a label on the proposed “subdivision line”. The development plan is entitled “Sixth Street” and should be “Sixth Avenue”. The development plan does not appear to be plotted at the correct scale when measured. The lot depth for Lot 76.01 must be confirmed in accordance with the definition in the ordinance as it appears to require an additional variance.
- d) Proposed grading is not provided. The plan must be updated with contours and spot elevations for review.

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April 1, 2020

- e) The plan includes proposed stormwater drainage facilities for the disposal of storm-water run-off, however, soil testing must be provided in accordance with N.J.D.E.P. Best Management Practices Manual – Chapter 9.3: Standard for Drywells and must be prepared by a licensed professional engineer.
- f) The survey must be updated to depict the existing sewer main at the street and verify the size, type of material and pipe invert at the nearest manholes up and down from the point of connection. The development plan must also call out the proposed size, material, slope and invert for the proposed sanitary sewer lateral.
- g) The survey must be updated to depict the existing water main at the street and verify the size and type of material. The development plan must also call out the proposed size and material for the proposed water lateral.
- h) The applicant must provide elevations and floor plans for all proposed buildings and structures. The height of each existing and proposed structure as measured in accordance with the Borough's ordinances must be depicted on the plan. The basement floor elevations must also be provided if proposed.
- i) We defer to the Board Planner for comments on the project's conformance with the Borough's Master Plan. It was indicated in the application that the existing dwelling on Lot 76.01 will be for sale and the proposed dwelling on Lot 76.02 will be for use by the owner.
- j) All fees must be paid in accordance with the Borough Ordinance and confirmed with the Board Secretary.
- k) It must be noted on the survey that the existing front porch is covered and a dimension line must be provided to the covered porch for determining the front setback at Lot 76.01. There also appears to be an existing enclosed porch at the rear of the dwelling at Lot 76.01 that must be dimensioned to the rear property.
- l) As same with Item A above, a copy of the property survey must be provided, and dated no earlier than six months prior to the date the Application for Development is filed, accurately depicting the size of the property and the dimensions of all structures located thereon. The survey must be prepared and certified by a licensed land surveyor.

Since the property is in close proximity to the North Branch of the Wreck Pond Brook which has an associated Flood Zone "AE" and an assigned Base Flood Elevation by FEMA preliminary mapping, the topographic survey must correlate with the geodetic datum NAVD88 and a note referencing same must be included on the map.

The minor subdivision plat must be updated to remove reference to the "Township of Wall" in the endorsement.

Subsequent to the application being deemed complete, but at least five days prior to the hearing, the applicant shall submit the following:

- m) Certified list of property owners within 200 feet of property and other entities requiring notice which is to be obtained from the Tax Collector.
- n) "Certification of Taxes Paid" obtained from the Tax Collector.
- o) Copy of Notice of Hearing to the property owners within 200 feet of property.
- p) Notice of Hearing must be published in the Coast Star or Asbury Park Press ten days prior to the meeting.

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Christopher Spagnoli
402 Sixth Avenue (Block 39, Lot 76)
April 1, 2020

- q) An Affidavit of Proof of Service and Proof of Publication indicating the method and time of notification to adjoining landowners and other required entities.

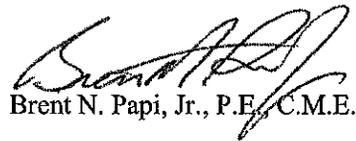
This applicant must also complete and submit a Submission Checklist Form in accordance with Borough Ordinance No. 2013-07. The applicant will also be required to provide approvals or letters of no interest from any outside agencies having jurisdiction over this project.

We recommend that the subdivision and development plan be incorporated into a combined submission set with cover sheet that references the project name, owners name and contact info, 200-foot owners list, location/zone/tax maps, sheet index, local utility contacts and signature lines.

Please note, an invoice(s) for Professional Engineering services will be transmitted under separate cover. We respectfully request that escrow account be maintained until aforementioned invoice(s) are paid.

Should any member of the Board have questions or require additional information on this application, please do not hesitate to contact me.

Very truly yours,
EAST POINT ENGINEERING, LLC



Brent N. Papi, Jr., P.E., C.M.E.

Planning Board Engineer

BNP

cc: Mary Ellen Karamus, Planning Board of Adjustment Secretary (via email)
Joseph C. May, P.E., C.M.E., Borough Engineer (via email)
Jennifer C. Beahm, P.P., A.I.C.P., Borough Planner (via email)
Mark A. Leckstein, Esq., Planning Board Attorney (via email)
Michael R. Rubino, Esq. Applicant's Attorney (via email)
Joseph J. Kociuba, P.E. & L.S., Applicant's Engineer/Surveyor (via email)

LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

LEON S. AVAKIAN, P.E., P.L.S. (1953-2004)
PETER R. AVAKIAN, P.E., P.L.S., P.P.
MEHRYAR SHAFAI, P.E., P.P.
GREGORY S. BLASH, P.E., P.P.
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GERALD J. FREDA, P.E., P.P.
WILLIAM D. PECK, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP

August 5, 2020

Spring Lake Heights
Planning Board
555 Brighton Avenue
Spring Lake Heights, NJ 07762

**Re: Spagnoli
Minor Subdivision
402 Sixth Avenue
Block 39, Lot 76
Our File: SLHPB 20-01**

Dear Board Members:

Our office has received and reviewed materials that were submitted in support of an application for minor subdivision approval for the above referenced project. The following documents were reviewed:

- Development Application submitted February 26, 2020.
- Minor Subdivision Plan, consisting of one (1) sheet, prepared by Frank R. DeSantis, PLS, of FRD Surveying, LLC, dated January 15, 2020, last revised April 25, 2020.
- Development Plan, consisting of one (1) sheet, prepared by Joseph J. Kociuba, PE, PP, of KBA Engineering Services, LLC, dated January 15, 2020, last revised April 25, 2020.

A. Site Characteristics and Project Description

The subject property consists of Block 39, Lots 76, a 16,800 sq. ft. parcel located on the east side of Sixth Avenue in the R-5 Residential Zone District. The property is currently in developed with a single-family home and detached garage. Other residential properties surround the subject property.

The applicant is proposing to subdivide the property to create one (1) additional buildable lot for a single-family home. The proposed subdivision will create a number of variance conditions associated with the existing single-family home.

B. Bulk Conditions

1. The bulk and area standards of the R-5 Residential Zone District in comparison to those proposed in the application are described below:

	Required	Existing	Proposed Lot 76.01	Proposed Lot 76.02
Minimum Lot Area	7,500 sq. ft.	16,800 sq. ft.	7,800 sq. ft.	9,000 sq. ft.
Minimum Lot Frontage	50 ft.	130 ft.	80 ft.	50 ft.
Minimum Lot Width	50 ft.	130 ft.	80 ft.	50 ft.
Minimum Lot Depth	150 ft.	60 ft.	60 ft.*	180 ft.
Minimum Front Yard Setback	30 ft.	8.4 ft.	8.4 ft [†]	30 ft.
Minimum Side Yard Setback	10 ft.	26.5 ft. 55.4 ft.	5.5 ft.* 26.1 ft.	10 ft. 10 ft.
Minimum Rear Yard Setback	10 ft.	16.5 ft.	16.5 ft.	95.0 ft.
Garage Minimum Side Yard Setback	5 ft.	5.9 ft.	5.9 ft.	NA
Garage Minimum Rear Yard Setback	5 ft.	5.3 ft.	5.3 ft.	NA
Maximum Principal Structure Height	32 ft./ 2.5 story	< 32 ft.	< 32 ft.	< 32 ft.
Max. Garage Structure Height	15 ft./ 1 story	< 15 ft.	< 15 ft.	NA
Maximum Building Coverage	25%	11%	26.62%*	18.33%
Maximum Lot Coverage	50%	17.3%	50.34%*	25.42%

*variance required; † existing non-conformity

2. The required front yard setback in the R-5 zone district is 30 ft., whereas the front yard setback of the existing structure on proposed lot 76.01 is 8.4 ft. **This is an existing non-conformity.**
3. The required minimum lot depth in the R-5 zone district is 150 ft., whereas proposed lot 76.01 will have a lot depth of 60 ft. **A variance is required.**
4. The required side yard setback is 10 ft. in the R-5 zone district, whereas the applicant is proposing a side yard setback of 5.5 ft. on proposed lot 76.01. **A variance is required.**
5. The maximum permitted building coverage in the R-5 zone district is 25%, whereas the applicant is proposing a building coverage of 26.62% on proposed lot 76.01. **A variance is required.**

6. The maximum permitted lot coverage in the R-5 zone district is 50%, whereas the applicant is proposing a lot coverage of 50.34% on proposed lot 76.01. **A variance is required.**

C. Variance Proofs

C Variances

A “c” variance is required for the front yard setback from Route 71. There are two types of c variances with different required proofs.

1. Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
2. Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
3. C variances must also show consistency with the negative criteria as well.

D. Additional Comments

1. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
2. The Zoning Chart on the Development Plan should be revised to indicate a lot depth of 60 ft. for proposed lot 76.01, and the required variances for maximum building coverage and maximum lot coverage for proposed lot 76.01.
3. Architectural plans should be submitted for the proposed dwelling.
4. The ground floor elevation and first floor elevation of the proposed 2 story dwelling should be confirmed, and the site plan should be revised to reflect the elevations, as necessary.
5. The side yard setback of proposed lot 76.01 should be confirmed. The zoning table indicated 26.5 ft., whereas the site plan indicated 26.1 ft.

Spagnoli
Minor Subdivision
August 5, 2020
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Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



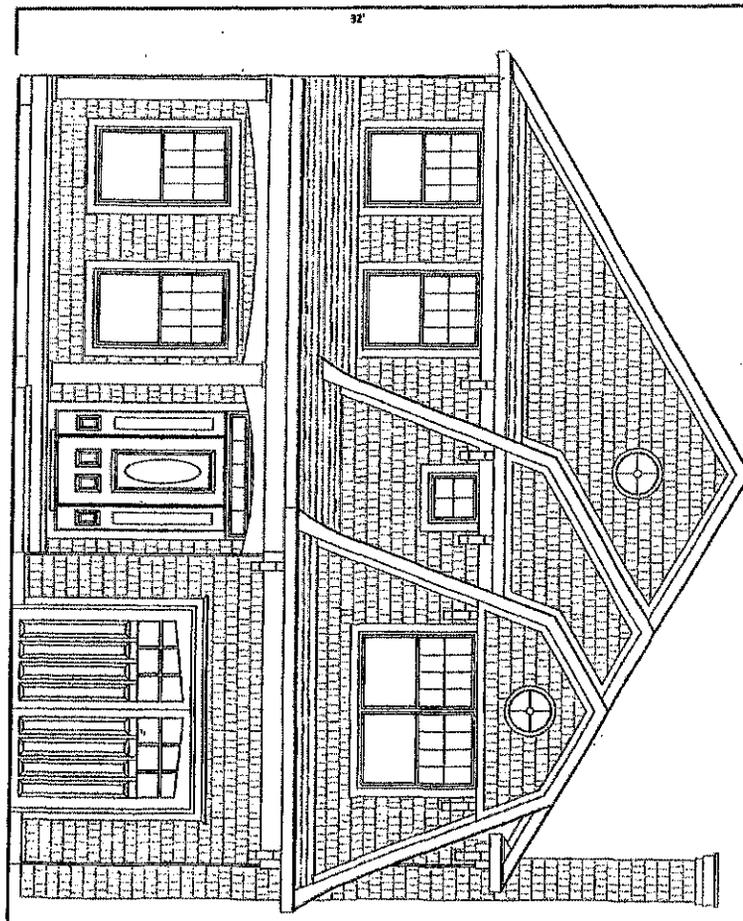
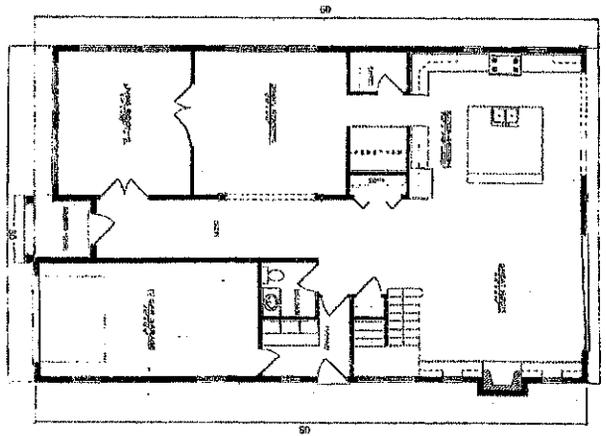
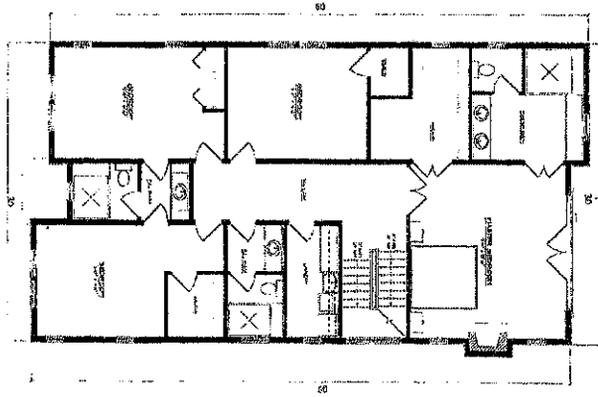
Jennifer C. Beahm, P.P.
Board Planner

JCB:clb

cc: Brent N. Papi, Jr., P.E., Planning Board Engineer
Joseph C. May, P.E. Borough Engineer
Marc A. Leckstein, Esq., Board Attorney
Michael R. Rubino, Jr., Esq., Applicant's Attorney
Joseph Kociuba, PE, PP, Applicant's Engineer

Conceptual
Plan

Spagnoli Residence
402(B) 6th Ave Spring Lake Heights -Block -39 Lot-76.02



LEON S. AVAKIAN, INC. *Consulting Engineers*

788 WAYSIDE ROAD • NEPTUNE, NEW JERSEY 07753

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WILLIAM D. PECK, P.E., P.P.
RICHARD PICATAGI, L.L.A., P.P.
JENNIFER C. BEAHM, P.P., AICP

August 17, 2020

Spring Lake Heights
Planning Board
555 Brighton Avenue
Spring Lake Heights, NJ 07762

**Re: Spagnoli
Minor Subdivision
402 Sixth Avenue
Block 39, Lot 76
Second Planning Review
Our File: SLHPB 20-01**

Dear Board Members:

Our office has received and reviewed additional materials that were submitted in support of an application for minor subdivision approval for the above referenced project. We have provided new comments in ***bold italics*** and ~~struck out~~ comments that were no longer relevant. The following documents were reviewed:

- Development Application submitted February 26, 2020.
- Minor Subdivision Plan, consisting of one (1) sheet, prepared by Frank R. DeSantis, PLS, of FRD Surveying, LLC, dated January 15, 2020, last revised April 25, 2020.
- Development Plan, consisting of one (1) sheet, prepared by Joseph J. Kociuba, PE, PP, of KBA Engineering Services, LLC, dated January 15, 2020, last revised April 25, 2020.
- ***Survey of Property Lot 76, Block 39, consisting of one (1) sheet, prepared by Frank DeSantis, PLS of FRD Surveying, LLC, dated July 10, 2019, updated April 20, 2020.***
- ***Conceptual Plan Spagnoli Residence, undated and unsigned.***

A. Site Characteristics and Project Description

The subject property consists of Block 39, Lots 76, a 16,800 sq. ft. parcel located on the east side of Sixth Avenue in the R-5 Residential Zone District. The property is currently in developed with a single-family home and detached garage. Other residential properties surround the subject property.

The applicant is proposing to subdivide the property to create one (1) additional buildable lot for a single-family home. The proposed subdivision will create a number of variance conditions associated with the existing single-family home.

B. Bulk Conditions

1. The bulk and area standards of the R-5 Residential Zone District in comparison to those proposed in the application are described below:

	Required	Existing	Proposed Lot 76.01	Proposed Lot 76.02
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Minimum Lot Width	50 ft.	130 ft.	80 ft.	50 ft.
Minimum Lot Depth	150 ft.	60 ft.	60 ft.*	180 ft.
Minimum Front Yard Setback	30 ft.	8.4 ft.	8.4 ft ⁺	30 ft.
Minimum Side Yard Setback	10 ft.	26.5 ft. 55.4 ft.	5.5 ft.* 26.1 ft.	10 ft. 10 ft.
Minimum Rear Yard Setback	10 ft.	16.5 ft.	16.5 ft.	95.0 ft.
Garage Minimum Side Yard Setback	5 ft.	5.9 ft.	5.9 ft.	NA
Garage Minimum Rear Yard Setback	5 ft.	5.3 ft.	5.3 ft.	NA
Maximum Principal Structure Height	32 ft./ 2.5 story	< 32 ft.	< 32 ft.	< 32 ft.
Max. Garage Structure Height	15 ft./ 1 story	< 15 ft.	< 15 ft.	NA
Maximum Building Coverage	25%	11%	26.62%*	18.33% 20%
Maximum Lot Coverage	50%	17.3%	50.34%* 50.0%	25.42% 23.61%

*variance required; ⁺ existing non-conformity

2. The required front yard setback in the R-5 zone district is 30 ft., whereas the front yard setback of the existing structure on proposed lot 76.01 is 8.4 ft. **This is an existing non-conformity.**
3. The required minimum lot depth in the R-5 zone district is 150 ft., whereas proposed lot 76.01 will have a lot depth of 60 ft. **A variance is required.**

4. The required side yard setback is 10 ft. in the R-5 zone district, whereas the applicant is proposing a side yard setback of 5.5 ft. on proposed lot 76.01. **A variance is required.**
5. The maximum permitted building coverage in the R-5 zone district is 25%, whereas the applicant is proposing a building coverage of 26.62% on proposed lot 76.01. **A variance is required.**
- ~~6. The maximum permitted lot coverage in the R-5 zone district is 50%, whereas the applicant is proposing a lot coverage of 50.34% on proposed lot 76.01. **A variance is required.** *The plans have been revised to indicate a lot coverage of 50% on proposed lot 76.01.*~~

C. Variance Proofs

C Variances

A “c” variance is required for the front yard setback from Route 71. There are two types of c variances with different required proofs.

1. Boards may grant a c(1) variance upon proof that a particular property faces hardship due to the shape, topography, or extraordinary and exceptional situation uniquely affecting the specific property.
2. Boards may grant a c(2) variance based upon findings that the purposes of zoning enumerated in the MLUL are advanced by the deviation from the ordinance, with the benefits of departing from the standards in the ordinance substantially outweighing any detriment to the public good. The Supreme Court’s ruling in Kaufmann v. Planning Board for Warren Township provides additional guidance on c(2) variances, stating that “the grant of approval must actually benefit the community in that it represents a better zoning alternative for the property. The focus of the c(2) case, then, will be...the characteristics of the land that present an opportunity for improved zoning and planning that will benefit the community.”
3. C variances must also show consistency with the negative criteria as well.

D. Additional Comments

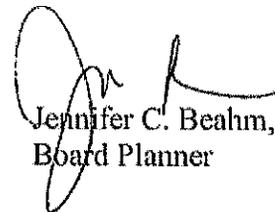
1. The Applicant should provide testimony on all required variances and clarify all points where additional information is needed.
- ~~2. The Zoning Chart on the Development Plan should be revised to indicate a lot depth of 60 ft. for proposed lot 76.01, and the required variances for maximum building coverage and maximum lot coverage for proposed lot 76.01. *The zoning chart on the site plan has been revised.*~~
3. ~~Architectural plans should be submitted for the proposed dwelling. *Architectural plans have been provided.*~~

4. The ground floor elevation and first floor elevation of the proposed 2 story dwelling should be confirmed, and the site plan should be revised to reflect the elevations, as necessary.
5. ~~The side yard setback of proposed lot 76.01 should be confirmed. The zoning table indicated 26.5 ft., whereas the site plan indicated 26.1 ft.~~ ***This has been addressed.***
6. ***The applicant is proposing to remove the existing steps along the northern side of the existing structure on proposed lot 76.01, as they would encroach on the proposed lot line. The applicant should indicate if the existing door is proposed to be closed up, or if new stairs are proposed to provide safe egress from the doorway.***

Please be advised that additional comments may follow upon completion of testimony and/or submission of further revisions by the Applicant. Should you have any questions regarding this matter, please do not hesitate to contact our office.

Very truly yours,

LEON S. AVAKIAN, INC.



Jennifer C. Beahm, P.P.
Board Planner

JCB:clb

cc: Brent N. Papi, Jr., P.E., Planning Board Engineer
Joseph C. May, P.E. Borough Engineer
Marc A. Leckstein, Esq., Board Attorney
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