



MEMORANDUM

October 9, 2023

TO: Planning Board
Stone Harbor

FROM: Paul Kates PE, PP, CME, CFM
Kates Schneider Engineering
Planning Board Engineer

RE: PB Application # 1-23
Proposed Minor Subdivision

LOCATION: 2 98th Street, 4 98th Street, 6 98th Street
Block 97.01, Lots 9.01, 9.02, 11.01, 11.02, 13.01, 13.02,
15.01, 15.02, 15.03, 17, 19.02, 20.03, 21.02, 22.02
Residential “A” Zoning District

STATUS: Proposed Minor Subdivision, ‘C’ Variance Approval

USE: Residential

JURISDICTION: CAFRA

The materials submitted and subject to review are as follows:

NO.	TITLE	PREPARED BY	DATE	REVISION
1	Proposed Plans	Duffy, Dolcy, McManus, and & Roesch	7/10/23	
2	Application Narrative	Nehmad, Davis, & Goldstein	07/27/23	
3	Application Materials	Applicant	07/27/23	

DESCRIPTION:

The properties which are the subject of this application are situated on the north side of 98th Street, east of the intersection of 1st Avenue and 98th Street. 2 98th Street and 4 98th Street both front the beach, while 6 98th Street is situated west of the other two properties. There are currently three existing single-family homes situated on these three properties.

The applicants are seeking approval to subdivide the existing three lots into two buildable lots, one lot without street frontage. The existing three homes will be demolished and replaced by two new single family homes. The applicants are seeking “C” variance relief in



conjunction with the subdivision for minimum lot frontage, minimum rear setback, and maximum number and distance between curb cuts. The combined dimensions of the lots subject to this review are 110' x 144'.

ZONING REQUIREMENTS:

The property subject to this application is located in the RA – Residential “A” Zoning District. The following zoning tables depict existing and proposed conditions relative to applicable zoning standards (§560-13):

EXISTING CONDITIONS:

6 98 th Street; LOTS 15.03, 17, 19.02, 20.03, 21.02, 22.02			
ITEM	REQUIRED	EXISTING	STATUS
LOT AREA	6,600 sf.	5,170 sf.	ENC
LOT FRONTAGE	60 ft.	47 ft.	ENC
HABITABLE STORIES	2	3 Story	ENC
MAX. BLDG HEIGHT	31 Ft.	Not Provided	
BUILDING COVERAGE	25%	Not Provided	
LOT COVERAGE IMPERVIOUS	55%	> 70%	
LOT COVERAGE SEMI -PERVIOUS	15%	Not Provided	
BUILDING LENGTH	100 ft.	< 100 ft.	C
MINIMUM SETBACK			
FRONT YARD	10 ft.	10 ft.	C
SIDE YARD (EACH)	10 ft.	7 ft. / 10 ft.	ENC
REAR YARD	10 ft.	37.4 ft.	C
ACCESSORY BUILDING			
SIDE YARD (Min)	5 ft.	4.9 ft.	ENC
REAR YARD (Min)	5 ft.	4.8 ft.	ENC
TOTAL SQUARE FT (Max)	440 sf.	Not Provided	
C = CONFORMS ENC = EXISTING NON-CONFORMING NP = NOT PROVIDED			



4 98 th Street; LOTS 15.02, 13.02, 11.02, 9.02			
ITEM	REQUIRED	EXISTING	STATUS
LOT AREA	6,600 sf.	5,624 sf.	ENC
LOT FRONTAGE	60 ft.	10 ft.	ENC
HABITABLE STORIES	2	2 Story	C
MAX. BLDG HEIGHT	31 Ft.	Not Provided	
BUILDING COVERAGE	25%	Not Provided	
LOT COVERAGE IMPERVIOUS	55%	Not Provided	
LOT COVERAGE SEMI -PERVIOUS	15%	Not Provided	
BUILDING LENGTH	100 ft.	< 100 ft.	C
MINIMUM SETBACK			
FRONT YARD	10 ft.	NA	
SIDE YARD (EACH)	10 ft.	11.5ft. / 10.2 ft.	C
REAR YARD	10 ft.	26.2 ft.	C
ACCESSORY BUILDING			
SIDE YARD (Min)	5 ft.	4.8 ft.	ENC
REAR YARD (Min)	5 ft.	6.4 ft.	ENC
TOTAL SQUARE FT (Max)	440 sf.	Not Provided	C
C = CONFORMS ENC = EXISTING NON-CONFORMING NP = NOT PROVIDED			

2 98 th Street; LOTS 15.01, 13.01, 11.01, 9.01			
ITEM	REQUIRED	EXISTING	STATUS
LOT AREA	6,600 sf.	5,046 sf.	ENC
LOT FRONTAGE	60 ft.	87 ft.	ENC
HABITABLE STORIES	2	3 Story	ENC
MAX. BLDG HEIGHT	31 Ft.	Not Provided	
BUILDING COVERAGE	25%	Not Provided	
LOT COVERAGE IMPERVIOUS	55%	Not Provided	
LOT COVERAGE SEMI -PERVIOUS	15%	Not Provided	
BUILDING LENGTH	100 ft.	< 100 ft.	C
MINIMUM SETBACK			
FRONT YARD	10 ft.	8.3 ft.	ENC
SIDE YARD (EACH)	10 ft.	10.2 ft. / 20.3 ft.	C
REAR YARD	10 ft.	23 ft.	C
ACCESSORY BUILDING			
SIDE YARD (Min)	5 ft.	35 ft.	C
REAR YARD (Min)	5 ft.	5 ft.	C
TOTAL SQUARE FT (Max)	440 sf.	Not Provided	C
C = CONFORMS ENC = EXISTING NON-CONFORMING NP = NOT PROVIDED			



PROPOSED CONDITIONS:

		PROPOSED LOT A		PROPOSED LOT B	
ITEM	REQUIRED	PROPOSED	STATUS	PROPOSED	STATUS
LOT AREA	6,600 sf.	8,352 sf.	C	7,488 sf.	C
LOT FRONTAGE	60 ft.	144 ft.	C	0	DNC**
HABITABLE STORIES	2	2	C	2	C
MAX. BLDG HEIGHT	31 ft.	31 ft.	C	31 ft.	C
BUILDING COVERAGE	25%	25%	C	25%	C
LOT COVERAGE	55%	55%	C	55%	C
LOT COVERAGE (w/ semi-pervious)	70%	70%	C	70%	C
BUILDING LENGTH	100 ft.	100 ft	C	< 100 ft.	C
MINIMUM SETBACK					
FRONT YARD	10 ft.	10 ft.	C	N/A	N/A
SIDE YARD (EACH)	10 ft.	10 ft./25 ft.	C	10 ft.	C
REAR YARD	25 ft.	10 ft.	DNC**	25 ft.	C
ACCESSORY BUILDING					
BUILDING AREA	440 sf.	288 ft.	C	260 sf.	C
FRONT YARD	20 ft.	> 20 ft.	C	N/A	N/A
REAR YARD	5 ft.	5 ft.	C	5 ft.	C
SIDE YARD	5 ft./ 10 ft.	15 ft.	C	5 ft.	C
HEIGHT	14 ft.	14 ft.	C	14 ft.	C
POOL FRONT	20 ft.	20 ft.	C	N/A	N/A
POOL REAR	10 ft.	10 ft.	C	10 ft.	C
POOL SIDE	10 ft.	10 ft.	C	10 ft.	C
C = CONFORMS NC = NON-CONFORMING **= VARIANCE REQUESTED					

All other aspects of zoning must comply at the time of the issuance of building permits.

COMPLETENESS REVIEW:

This application has been reviewed for Completeness using § 345-46 Elements of a subdivision plan of the Borough Code.

The applicant has indicated no checklist waivers are required as part of this application. The application contains all necessary information in order to conduct this review and has been deemed complete.



VARIANCES:

The applicant is seeking two variances as part of the subdivision.

1. Lot Frontage – Lot A exceeds the required amount by a significant margin. Lot B is being proposed without any lot frontage and is substituting access through an easement thus creating a land locked parcel. The easement being created will be for the sole use of the second proposed home. They will have an improved driveway, underground utilities, and potentially a fence. I would recommend creating a flag lot and therefore the owner of the interior lot would not have a landlocked lot and could do as they please with the access. The applicant will still need a Variance for the ten-foot-wide frontage where sixty is required.
2. Rear Yard – The applicant is seeking a rear yard variance for proposed lot A. They are proposing to conform to the side yard setback standard of ten feet. Due to the width of the proposed lot the required twenty-five-foot rear yard would make the proposed house exceptionally narrow.

DESIGN WAIVERS:

There have been no design waivers requested.

REVIEW COMMENTS:

1. The proposed application will take three existing undersized lots and redevelop them into lots that conform to lot sizes required by the Residential A Zoning District. The proposed change will eliminate several pre-existing non-conformities that presently exist while creating the need for two variances.
2. There presently exists in Stone Harbor along the ocean three other flag lots, with a similar configuration, in addition to the one that is subject to this application. The lots as proposed would not constitute a wholly unique lot configuration if approved as a flag lot. I could not find within the Borough any land locked lots.
3. A conforming two lot subdivision could be accomplished by bisecting the lots along the 98th Street frontage. Subdividing this way would result in two 7,920 sf lots each with 77 ft of frontage, or some derivation of that configuration. It would result in the loss of one beachfront property but could be accomplished as a completely conforming subdivision.
4. The applicant will be required to adhere to the twelve-foot bulkhead setback or provide an easement to the borough as outlined in §560-38 A.



5. The plans show the LMWA Line bisecting the proposed structures by a few feet. Per the flood zone requirements, if any portion of the home crosses that line the entire structure will be required to be built to the V Zone standards. That would require that the homes be developed with a finished floor elevation minimum of 16.0' NAVD 88 and would allow the height to increase to 47.0' NAVD 88. These two homes would exceed the height allowance of the majority of the homes within the Borough by four feet. I would recommend as a condition of approval the easterly side yard setback be consistent with the LMWA Line to keep the structure within the X Zone and therefore protect it from potential damage that could result from being built within the V Zone.
6. If the proposed subdivision is approved and filed by plan, as noted, all aspects of the NJ Map Filing Law (Title Recordation Law) are to be met, and copies of the recorded plan inclusive of the newly created lot as noted on the Minor Subdivision Plat, provided to the Borough as required.
7. The applicant must comply with all other state, county, and local agencies having jurisdiction over the project.

Should there be any questions regarding this report, please feel free to contact this office at (609) 365-1747 or info@ksecivil.com.