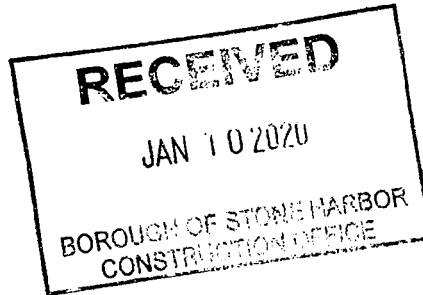


**JOSEPHSON  
WILKINSON &  
GILMAN, P.A.  
ATTORNEYS AT LAW**

2699 DUNE DRIVE  
AVALON, NJ 08202  
(609) 368-4086  
FAX: (609) 368-4096  
E-MAIL: cory.gilman@lawjwg.com

FLORENCE E. JOSEPHSON (1943-79)  
DONALD A. WILKINSON  
CORY J. GILMAN



January 9, 2020

VIA HAND DELIVERY

Diane Frangiose, Planning Board Secretary  
Borough of Stone Harbor Planning Board  
9508 Second Avenue  
Stone Harbor, NJ 08247

Re: Minor Subdivision Application - 10315 Sunrise Drive, Block 200.03,  
Lots 531, 532, 533, 534, Stone Harbor, NJ  
Our File No. **LA0001-20**

Dear Ms. Frangiose:

Enclosed please find one (1) original and fifteen (15) copies of a Minor Subdivision Application with accompanying plans, two checks made payable to the Borough for application and escrow fees, a proof of taxes form and a W-9, as required.

Please advise our office in writing of the completeness of the application and the date this application will be heard by the Board.

Thank you for your assistance on this matter and if you have any questions or concerns, please advise.

Very truly yours,  
JOSEPHSON, WILKINSON & GILMAN, P.A.

A handwritten signature in black ink, appearing to read "Cory J. Gilman".

CORY J. GILMAN

CC: Charles Krafczek via e-mail  
Kelly Guzzi, Guzzi Engineering via email

**APPLICATION FOR PLANNING BOARD ACTION**

Stone Harbor Planning Board  
FORM A-10

Case Number \_\_\_\_\_ Hearing Date \_\_\_\_\_

FOR OFFICE USE ONLY		
Date Received		By:
Review Deadline		By:
Incomplete		By:
Complete		By:
Hearing Deadline		By:

Property Information

Street Address 10315 Sunrise Drive

Block & Lot No(s) Block 200.03 Lots 531, 532, 533, 534

Zoning District Residential A Dimensions 150.84' x 109.33' x 25.60' x 102.21'

Applicant's Name & Address\* Charles Street Developers LLC

10017 Sunset Drive, Stone Harbor, NJ 08247

Owner's Name & Address: Joseph M. Naiberk and Mariam E. Naiberk

10315 Sunrise Drive, Stone Harbor, NJ 08247

- \* If Applicant is not Owner, attach authorization of owner or Agreement of Sale. Contract Attached
- \* If applicant is a corporation or a partnership list on attached Form A-12 all stockholders or partners owning ten percent (10%) or more of the Applicant, and their respective addresses.

1. Specify which power(s) the Planning Board is required to exercise:

- Approval of Minor Subdivision N.J.S.A. 40-55D-47
- Approval of Major Subdivision N.J.S.A. 40-55D-48
- Granting of Conditional Use N.J.S.A. 40-55D-67
- Granting of Site Plan Approval N.J.S.A. 40-55D-37
- Granting of Variance(s) in conjunction with application for Subdivision, Site Plan, or Conditional Use Approval N.J.S.A. 40-55D-60(a)
- Hardship Variance N.J.S.A. 40:55D-70(c)(1)

APPLICATION FOR PLANNING BOARD ACTION

Stone Harbor Planning Board  
FORM A-10

- Broad "C" N.J.S.A. 40:55D-70(c)(2)
- Special Reasons N.J.S.A. 40:55D-70(d)
- Directing the issuance of Building Permit in Bed of Map Street, Public Drainage, Flood Control Basin, or Public Area, in conjunction with Application for Subdivision, Site Plan, or Conditional Use N.J.S.A. 40-55D-60(b)
- Directing the issuance of Permit for Building not Abutting Street in conjunction with Application for Approval of Subdivision, Site Plan or Conditional Use Approval pursuant to N.J.S.A. 40-55D-60(c).
- Other - Specify \_\_\_\_\_

2. List all drawings, plot plans, plats, maps, or other documents filed with this application pursuant to N.J.S.A. 40-55D-10(b):

Minor Subdivision Plan, dated January 3, 2020 prepared by Scott D. Brown, P.E., P.L.S.#38250 of Dante Guzzi Engineering Associates

3. Present use of Subject Property (describe) Single Family Residential

4. Proposed use of Subject Property (describe) Single Family Residential

5. If subdivision is proposed, is the subdivision to be filed by deed or plat? Plat

6. If subdivision is proposed, provide number of:

Existing Lots: 4 Proposed Lots: 2

7. Have any variances or zoning interpretations been obtained from the Zoning Board of Adjustment for the subject property? If so, explain and attach a copy of all resolutions, etc.

No

9. Have all other governmental approvals been obtained? No. If not, indicate what other governmental approvals have been, or are being applied for.

Cape May County Planning Approval Pending

APPLICATION FOR PLANNING BOARD ACTION

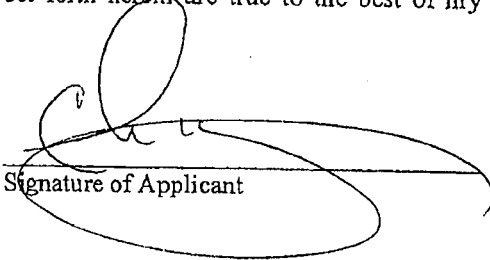
Stone Harbor Planning Board  
FORM A-10

- 10. Have any of the lands in question been classified as environmentally impacted or sensitive area? no Or wetlands? no
- 11. Are any variances requested as part of this application? Yes. If so, the applicant must attach a narrative identified as "Schedule A", setting forth (i) the specific ordinance requirements from which relief is sought; (ii) the basis for the variances pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-70; and (iii) the reasons why the requested variances should be granted, with specific reference to the basis upon which the applicant asserts both the "positive" and "negative" criteria have been established as required by N.J.S.A. 40:55D-70.
- 12. Are any waivers requested as part of this application? No. If so, the applicant must attach a list of requested waivers identified as "Schedule B", setting forth the specific provisions from which waivers are sought and the reasons why the requested waivers should be granted.
- 13. Provide the name, address and phone numbers of the following, if applicable:

Applicant's Attorney: Cory J. Gilman, Esquire 2699 Dune Drive, Avalon, NJ 08202 cory.gilman@lawjwg.com 609-368-4086  
Scott D. Brown, Dante Guzzi Engineering Associates, 203 S. Main Street, Cape May Court House, NJ 08210  
 Applicant's Engineer: kg@guzziengineering.com 609-654-4440  
 Applicant's Planner: \_\_\_\_\_  
 Other Professionals: \_\_\_\_\_

I hereby certify that all answers and information set forth herein are true to the best of my knowledge.

1/8/20
Date

  
 \_\_\_\_\_  
 Signature of Applicant

## BOROUGH OF STONE HARBOR PLANNING BOARD NARRATIVE

### #11. Schedule A

i. Applicant is the contract purchaser of the subject property located 10315 Sunrise Drive. The existing four lots that make up the property contain a total of 10703 sf and the Applicant intends to demolish the existing improvements and subdivide the lots into two new buildable lots for single family use. All new constructions will comply with all requirements of the zoning ordinance, but for the fact that each lot will be slightly undersized. Variance relief is required from Section 560-13.B.(1) where lot area of 6,600 sf is required and 5,447 sf and 5,256 sf respectively is provided.

ii. Variance relief can be granted without substantial detriment to the public good and without substantial impairment of the intent and purpose of the zone plan and ordinance because there will be no detrimental effect on surrounding properties or the neighborhood, as the planned new construction will only benefit same. The plan will eliminate the existing larger single family home which currently straddles the lot lines and will prevent the construction of an even larger home on the lots. Two new smaller single family homes will provide for more air and open green space between the structures and will improve views and provide for an improved visual environment compared to an extremely large maxed out home. In addition the plan will provide for an easement to the Borough for the necessary runoff outfall pipe that currently exists on the property without such an easement. Same will benefit the Borough by preventing any construction in such area and will allow them guaranteed access for maintenance and repair.

iii. The benefits as stated above outweigh any detriments of the plan. In fact, those benefits enumerated above promote the goals of zoning by: 1) providing more air and open green space which also promotes the general welfare and public safety relative to flooding; 2) by encouraging the appropriate and efficient expenditure of public funds by the coordination of public development with land use policies relative to the outfall drainage piping; 3) by providing sufficient space in appropriate locations for a variety of residential uses and open space; 4) and by providing for a more desirable visual environment. As a result, variance approval may be granted per NJSA 40:55-70c(2).

**APPOINTMENT OF AGENT  
(Optional)**

**Stone Harbor Planning Board  
FORM A-11**

Applicant's Name & Address: Charles Street Developers LLC

10017 Sunset Drive, Stone Harbor, NJ 08247

Owner's Name & Address: Joseph M. Naiberk and Mariam E. Naiberk

10315 Sunrise Drive, Stone Harbor, NJ 08247

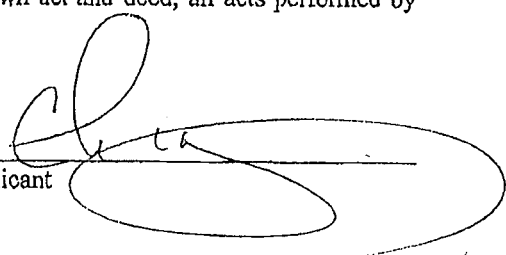
Subject Property - Street Address: 10315 Sunrise Drive

Block & Lot No(s). Block 200.03 Lots 531, 532, 533, 534

The Applicant hereby appoints Cory J. Gilman, Esquire

as Applicant's Agent for all purposes concerning the above-referenced Planning Board Application, and does agree to accept, as Applicant's own act and deed, all acts performed by said Agent concerning the matter.

Date 1/8/20

  
Applicant

Date \_\_\_\_\_

Applicant

**FINANCIAL DISCLOSURE STATEMENT**  
**(Escrow Fees)**

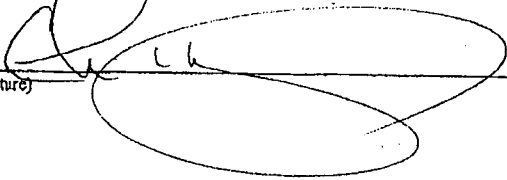
**Stone Harbor Planning Board**  
**FORM A-14**

Pursuant to local ordinance, I understand that additional escrow fees may be charged at a later date: I herewith agree to pay these additional charged fees. If I fail to pay these fees when requested, I understand that the Borough will also charge reasonable attorney's fees for the collection of these fees.

Charles Street Developers LLC - Charles Krafczek [REDACTED]  
\_\_\_\_\_  
(Please Print Name) (Daytime Phone)

10017 Sunset Drive, Stone Harbor, NJ 08247  
\_\_\_\_\_

\_\_\_\_\_  
(Billing Address)

  
\_\_\_\_\_  
(Signature) 1 | 8 | 20  
\_\_\_\_\_  
(Date)

*Note: This application will be deemed incomplete if all information above is not fully completed.*

**REQUEST FOR CERTIFIED PROPERTY OWNERS' LIST**  
(Addresses within 200')

Stone Harbor Planning Board  
FORM A-17

*Submit to Tax Assessor's Office with Ten (\$10.00) Dollar Fee*

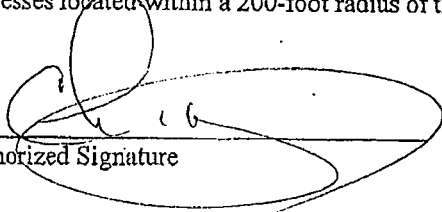
Applicant: Charles Street Developers LLC

Block: 200.03

Lot: 531, 532, 533, 534

Property Location: 10315 Sunrise Drive

I authorize the Tax Assessor's Office to compile a listing of property owners and mailing addresses located within a 200-foot radius of the above-mentioned property.

  
Authorized Signature

1/8/20  
Date

Please call me when the list is complete at: \_\_\_\_\_

Please mail the list to the following address: \_\_\_\_\_

We have received a copy from the Applicant on 1/6/2020



**JOSEPHSON  
WILKINSON &  
GILMAN, P.A.  
ATTORNEYS AT LAW**

2699 DUNE DRIVE  
AVALON, NJ 08202  
(609) 368-4086  
FAX: (609) 368-4096  
E-MAIL: cory.gilman@lawjwg.com

FLORENCE E. JOSEPHSON (1943-79)  
DONALD A. WILKINSON  
CORY J. GILMAN

January 9, 2020

Cape May County Planning Board  
4 Moore Road - DN 309  
Cape May Court House, New Jersey 08210

Re: Charles Street Developers LLC - Minor Subdivision Application  
10315 Sunrise Drive, Block 200.03, Lot 531, 532, 533 and 534, Stone Harbor, NJ  
Our File No. LA0001-20

Dear Planning Board:

Enclosed herewith please find the original and one copy of a Minor Subdivision Plan Application with accompanying Plans. Also enclosed herewith is check #1321 in the amount of \$60.00 for the application fee.

Please provide for your review report to our office a copy of same as soon as possible.

Thank you for your assistance on this matter and if you have any questions or concerns, please advise.

Very truly yours,  
JOSEPHSON, WILKINSON & GILMAN, P.A.



CORY J. GILMAN

CC: Charles Krafczek via email  
Kelly Guzzi - Dante Guzzi Engineering via email

Cape May County Planning Department  
4 Moore Road - DN 309  
Cape May Court House, New Jersey 08210  
Phone (609) 465-1080 Fax (609) 465-1418

### Subdivision Application Form

\*\*\*\*\*  
Please contact this department if you need assistance completing this form or calculating the fee.

Applicant's Name:	Charles Street Developers, LLC	Owner's Name:	Joseph & Mariam Nalberk
Address:	10017 Sunrise Drive Stone Harbor, NJ 08247	Address:	10315 Sunrise Drive Stone Harbor, NJ 08247
Phone:	609-408-6799	Phone:	
Applicant's Agent:	Cory J. Gilman, Esquire	Engineer:	Guzzi Engineering, Kelly Guzzi
Address:	2699 Dune Drive Avalon, NJ 08202	Address:	203 S. Main Street Cape May Court House, NJ 08210
Phone:	609-368-4086	Phone:	609-654-4440

### Property Information

Municipality: Stone Harbor Block (s): 200.03 Lot (s): 531, 532, 533, 534

Is the project on a County Road? Yes  No  If yes, County Route Name and #: Zoning: R-A

Existing Use: Residential Proposed Use: SF Residential

Sewer Public or Private: Public Water Public or Private: Public Number of New Lots: 2

Total area being subdivided: 10,703 SF Acres Average lot size: 5,300 SF Lineal feet of new street: N/A

Soils: Within County Floodway Yes  No  Within Agricultural Development Area Yes  No

Has a drainage analysis been completed for this project? Yes  No  Has a traffic impact study been completed? Yes  No   
(If either of these documents are available, copies must be submitted with this application)

### Other Jurisdictions

Does the property contain wetlands or buffers? Yes  No  Has application been made to NJDEP for a permit? Yes  No   
If Yes, BFW#:

Is the property within Pinelands jurisdiction? Yes  No  If Yes, Pinelands Application #:

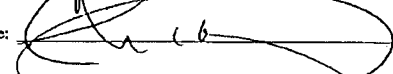
Status of Municipal Review?: Pending

Description of Project: Minor subdivision of four (4) Lots into two (2) buildable residential Lots

### FEES

Enclosed Fee as per "Fee Schedule" on page (2) of this form: \$ 60.00 Check or money order #: 1321

We hereby apply for approval of the accompanying site development plan. Two (2) copies of this application and two (2) copies of the plan conforming to the minimum requirements as outlined in Chapter II, Plat Details, of the County of Cape May Subdivision and Site Plan Resolution. Permission is given to walk the property for review purposes. We acknowledge that the reporting period set forth in N.J.S.A. 40:27-6.3 shall not begin until this application, fees, and accompanying plans are COMPLETE IN ALL RESPECTS. If the property is within the Pinelands jurisdiction, a third copy of the FINAL Plat is required.

Applicant's Signature:  Date: 11/8/20 Plan. Bd. -2-00



# BOROUGH OF AVALON

aseltzer@avalonboro.org

3100 Dune Drive  
Avalon, NJ 08202

(609) 967-7043

January 23, 2020

Borough of Stone Harbor Planning Board  
9508 Second Avenue  
Stone Harbor, N.J. 08247

**RE: 10315 Sunrise Drive, Stone Harbor  
Application Packet**

I have reviewed the application for the above referenced property and have deemed it to be complete. The applicant is seeking an approval of a minor subdivision and granting of a variance in conjunction with this application for subdivision. To the best of my knowledge, the application is completed.

Please let me know if you have any questions.

Respectfully,

*Amanda Seltzer*

Construction Technical Assistant  
Zoning Official





REVIEW MEMORANDUM #1

DATE: January 28, 2020
TO: Borough of Stone Harbor Planning Board
FROM: Vincent C. Orlando, PE, PP, LLA
EDA #: 8725
MEETING DATE: To Be Determined
RE: Block 200.03, Lots 531, 532, 533, 534
STATUS: "C" Variance / Minor Subdivision
APPLICANTS: Charles Street Developers, LLC
ZONE: Residential A Zoning District
PLANS PREPARED BY: Dante Guzzi Engineering Associates

Table with 5 columns: Sheet, Description, Author, Date, Latest Revision. Rows include SD1 Minor Subdivision Plan and Survey Plan of Survey & Topography.

Project Description

The applicant seeks minor subdivision approval for subdividing Lots 531, 532, 533 & 534 into two non-conforming lots. Single family dwellings are proposed on both proposed Lot A and Lot B. A "C" variance is required for both proposed lots for relief from minimum lot area pursuant to Section 560-13(B)(1).

Zoning Requirements - Residential A Zoning District, Lot A

Table with 5 columns: Required, Existing, Proposed, Variance. Rows list various zoning requirements such as Minimum Lot Area, Frontage, Setbacks, Building Coverage, Height, etc.

**Zoning Requirements – Residential A Zoning District, Lot B**

	<b><u>Required</u></b>	<b><u>Existing</u></b>	<b><u>Proposed</u></b>	<b><u>Variance</u></b>
Minimum Lot Area	6,600 SF	10,703 SF	5,256 SF	YES
Minimum Lot Frontage	60 ft.	150.84 ft.	75.42 ft.	No
Minimum Setbacks:				
Front Yard	10 ft.	22 ft.	> 10 ft.	No
Side Yard (each)	10 ft.	27 ft.	> 10 ft.	No
Rear Yard to Bulkhead	10 ft.	14.8 ft.	> 10 ft.	No
Minimum Building Coverage	900 SF	1,516 SF	> 900 SF	No
Maximum Building Coverage	25%	16.8%	< 25%	No
Maximum Lot Coverage	70%	43%	< 70%	No
Maximum Building Height	31 ft.	17.67 ft.	< 35 ft.	No
Maximum Habitable Stories	2	1	2	No
Maximum Building Length	100 ft.	42.28 ft.	< 100 ft.	No

**Variance and Waiver Comments**

The following “C” variances are required:

- a. 560-13(B)(1)– Bulk requirements for Residential A Zoning District  
The required Minimum Lot Area for a single-family dwelling is 6,600 SF, whereas 5,447 SF and 5,256 SF is proposed for Lots A and B, respectively.

**Review Comments**

1. Currently there is an 8” storm pipe shown to be relocated on proposed Lot A. Plans shall be revised to show the location of the relocated storm pipe. A drainage easement dedicated to the Borough of Stone Harbor will be required. Appropriate details and engineering information shall be provided.
2. Applicant shall confirm that the existing fixed pier, ramp and floating dock are to be removed as part of this minor subdivision. If these items are not to be removed, the subdivision shall be revised to discuss ownership as it relates to the proposed lots.
3. Applicant shall show proposed sewer and water laterals for the proposed lots.
4. Note #6 on the plan states “All existing improvements are to be demolished prior to any new construction”. Accordingly, if the applicant intends to file the map prior to the demolition of the existing infrastructure, a bond will be required to be posted for the removal.
5. The schedule of area and yard requirements on the plan must be revised to show the required Maximum Building Height as 31 feet.

**Prior to the filing of this plat, the following items must be addressed:**

1. All revisions as required from approval must be completed. A letter detailing the revisions made shall be provided.
2. All approvals are required from any agency having jurisdiction over this development.

3. The appropriate monumentation must be indicated, set in the field and verified by the Board Engineer.
4. The applicant's engineer must submit three (3) mylars and twelve (12) paper copies of the Subdivision Plat for signature to the Borough of Stone Harbor Zoning Office.

cc: Ray Poudrier, Zoning Official  
Suzanne Brown, Construction Office  
Charles Street Developers, Applicant  
Scott Brown, PE, Guzzi Engineering

**BOROUGH OF STONE HARBOR PLANNING BOARD**  
**STONE HARBOR, NEW JERSEY**  
**APPLICATION OF CHARLES STREET DEVELOPERS, LLC**  
**RESOLUTION No.: 2020-003**

**WHEREAS**, Charles Street Developers, LLC whose address is 10017 Sunset Drive, Stone Harbor, NJ 08247 has applied to the Borough of Stone Harbor Planning Board for minor subdivision. Applicant seeks minor subdivision approval for subdividing lots 531, 532, 533 and 534 into two nonconforming lots; single-family dwellings are proposed on the two newly created lots which require variances from minimum lot area where 6600 ft.<sup>2</sup> is required and where Lot A will contain 5447 ft.<sup>2</sup> and Lot B will contain 5236 ft.<sup>2</sup> of lot area, for the property located at Block 200.03, Lots 531, 532, 533 and 534 as shown on the Municipal Tax Map of the Borough of Stone Harbor, State of New Jersey, commonly known as 10315 Sunrise Drive, Stone Harbor, New Jersey located in the Residential A Zoning District; and

**WHEREAS**, this application was heard by the Board at its regular meeting of February 10, 2020; and

**WHEREAS**, the Board at the meeting carefully considered the application submitted as well as the testimony and evidence presented as follows:

1. All statements contained in the preamble are incorporated by this reference.
2. Cory J. Gilman, Esquire with offices located at 2699 Dune Drive, Avalon, NJ 08202 appeared on behalf of the Applicant and explained the nature of the application to the Board.
3. Applicant relied upon the following:
  - a. Land Development Application received by the Board on January 10, 2020.
  - b. SD1- minor subdivision plan prepared by Dante Guzzi Engineering Associates with preparation date of January 8, 2020 and no revisions.
  - c. Survey – plan of survey and topography prepared by Dante Guzzi Engineering Associates dated August 8, 2019 and latest revision of January 3, 2020 A1 – existing and proposed storm water laterals on page 1 and a photograph on page 2.
4. The application and supporting documents submitted by the applicant are accepted as accurate and are hereby incorporated by reference.
5. Applicant is the contract purchaser of the subject parcel and as such has standing to make this application and has paid all fees and taxes. Notices are proper.

6. The subject properties located in the Residential A Zoning District.

7. John Helvig was sworn and testified. Mr. Helvig was accepted by the Board as an expert in planning. Mr. Helvig testified that his firm prepared the minor subdivision plan and survey. Mr. Helvig detailed for the Board existing conditions on the site describing the property as located at Sunrise Drive at 104<sup>th</sup> Street south corner. The property comprises four individual lots which has an old single-family one and a half story with separate garage located on the parcel. Mr. Helvig described for the Board the present piers and docks that exist at the site.

8. Mr. Helvig then explained to the Board the plan for the property. Mr. Helvig testified the plan was to create two lots similar in characteristic to those existing in the neighborhood. He testified the 6600 ft.<sup>2</sup> of area needed for conforming single-family lot necessitates the request for a variance since neither lot will meet the lot area requirement. He testified in all other respects both lots A and B will meet all of the required bulk requirements. He testified Lot A is approximately 83% of the lot area required and Lot B is approximately 80% of the lot area required. Mr. Helvig testified the challenge with the particular parcel at hand is either a very large McMansion style house on an oversized lot or two slightly smaller individual lots. Mr. Helvig testified in his opinion the two smaller lots with smaller residential structures on them was more consistent with the lots in the area. He emphasized the project will meet all other requirements. The Applicant accepted as a condition of approval a restriction that Applicant meet all bulk requirements except for lot area.

9. Mr. Helvig testified the two residential homes that meet the 10 foot side yard setbacks will be a major benefit to the area. This will create a 20 foot wide separation between the two residences allowing for open airspace. Mr. Helvig testified the smaller houses will not have more lot coverage than one overly large structure on the oversized lot. Mr. Helvig testified there is a storm water outfall pipe of approximately 8 inches in diameter which is sought to be removed and relocated from the east side of the property to the western property line. It is anticipated that the old line will be replaced with a new larger 16 inch line. Applicant agreed to accept as a condition of approval the creation of an easement in favor of the Borough running along the western side of the property allowing for a 10 foot easement from the property line at street end to and through the bulkhead to allow for storm water discharge into the bay. Applicant agrees as a condition of approval to pay the cost of the pipe from the street and across Applicant's property to and through the bulkhead. Applicant agrees to work with the Borough in order to ascertain those



costs and determine whether it is effective for the developer to put the pipe in or to work with the Borough and simply pay the Borough to put the pipe in.

10. Mr. Grant Russ, Public Works Superintendent, was sworn and testified. He described exhibit A1 as existing and proposed storm water laterals with a photograph on page 2 of that exhibit. Mr. Russ generally described the existing outfall pipe and the relocation process of the pipe to the westerly property line of the subject parcel. Mr. Russ testified that the area floods and that the current pipe size is inadequate to handle the rain runoff. He testified that the reason to cross the front of the Applicant's property from the east side to the west side is to allow for capacity of storage of rainwater in the pipe in addition to streamlining the outflow process. He testified this would be a benefit to the Borough. Mr. Russ testified a 10 foot wide easement which is proposed by Applicant is sufficient for width for the Borough purposes.

11. Mr. Helvig returned to further testify that in his opinion the benefits of the deviation from the Zoning Plan outweigh any detriment that may be occasioned by the approval of the project. He testified he saw no substantial detriment. Mr. Helvig testified the two lots will produce residences of the same size and will be consistent with the character of the neighborhood. He testified a very large single-family house is not as consistent with the neighborhood. He testified he saw no detriment. He further testified the new property will be above flood will provide for appropriate population density, will provide positive environmental opportunities by creating more open air, light, and space particularly with the 10 foot setbacks between the two properties. Mr. Helvig testified there will be more green space with two lots verses one lot and finally he argued to the Board that the storm pipe replacement with an easement will meet one of the Municipal Land Use Law purposes by creating opportunity for public and private cooperation to deal with a significant flooding problem.

12. Mr. Helvig testified given the unique shape and size of the lot the two units are consistent, and the benefits outweigh any detriment.

13. Mr. Helvig recognized that the existing bulkhead may need to be raised to meet Stone Harbor current requirements and if so, the Applicant will meet those requirements.

14. Paul Kates, Board Engineer presented to the Board conflict Borough Engineer Review Memorandum number one dated January 28, 2020 prepared by Vincent C. Orlando, PE, PP, LLA, which was accepted by the Board. Applicant agreed to meet all of the conditions specified in the conflict Board Engineer Report.

15. Richard Carlucci, Esquire represented neighboring objectors and proceeded to question his clients in reference to the application. Mr. Charles P. Deegan of Sunrise Drive was sworn and testified. Mr. Deegan opposed the application raising the concern in reference to mature trees along the property line adjacent to his property which is adjacent to the Applicant's property. Mr. Deegan through his attorney presented two exhibits Deegan one and Deegan two, both photographs. Deegan one is a photograph of the trees along the property line which shield Mr. Deegan's property and provide shade to the property even though the trees are on the Applicant's parcel. Deegan two is a photograph of the Applicant's property again showing the trees and the Applicant's property line. Both photographs were authenticated by Mr. Deegan and accepted into evidence.

16. Mr. Deegan testified that the trees are important for privacy, Shade, and other reasons. He testified as to his concerns that the trees will be taken down to the detriment of both his property and the Applicant's property. Mr. Deegan testified the granting of the application will impair his light and air and increase density where two residences will be situated when one is permitted. Mr. Deegan raised the Master Plan for the Borough of Stone Harbor and the concepts enumerated in the Master Plan seeking to protect older structures and old and mature trees amongst other things. Mr. Deegan testified that the granting of the two variances of the Zoning Ordinance would have a detrimental effect upon the property and the neighborhood. Mr. Deegan testified that two units will exasperate parking in the summer. Two residences will exasperate the parking issues and density issues in the neighborhood. Mr. Deegan testified in his opinion the character of the neighborhood would change as one increases the density.

17. One other member of the public spoke in reference to the application. Jack Vizzard was sworn and testified. Mr. Vizzard testified the Plan and the creation of two single family lots violates the Zoning Ordinance and is not in keeping with the spirit and intent of the Ordinance. He testified that in his opinion if the variances are granted it will open the door for others to do the same.

18. The public portion of the meeting was closed. Mr. Helvig was recalled to rebut some of the public comment. Mr. Helvig repeated his previous testimony regarding the character of the neighborhood and the application if granted being consistent with the character of the neighborhood.

19. Mr. Helvig reiterated that the Applicant accepts as a condition of approval not to

come back for further bulk variances but rather to develop the properties consistent with the approvals this Board may grant. Mr. Helvig also testified that the Applicant accepts as a condition that the Applicant will work to preserve and use reasonable efforts to preserve the mature tree line on the east side of the Applicant's property. Further, the Applicant will pay for the portion of the pipe to be installed on Applicant's property from the property line at the street end to and through the Applicant's bulkhead providing an easement confirming same and in conjunction with the Borough planning.

20. At the conclusion of the testimony, public testimony, the Applicant was given an opportunity to sum up his case, as was the objector's attorney. Both attorneys summed up the case for or against the application. At the conclusion of testimony, public testimony, and closing argument, the Board entered into Board discussion and findings of fact.

**WHEREAS**, there being no further comment, the application was returned to the Board for findings of fact and conclusions of law.

1. Applicant is the contract purchaser of the subject parcel and has standing to come before the Board with the application.

2. All statements contained in the preamble and previous WHEREAS clauses are incorporated by this reference.

3. Applicant is represented by Cory J. Gilman, Esquire and is requesting variance relief from front yard setback for each of the two newly created lots as well as minor subdivision creating said lots.

4. Richard Carlucci, Esquire represented the objectors and presented the case on behalf of the objectors.

5. The Board accepts Applicant's application and attending supporting documents and enters into evidence all exhibits presented by the Applicant and all exhibits presented by the objectors. The application, exhibits, and documents are incorporated by reference.

6. The Board finds the testimony of the Applicant's experts to be generally credible. The Board accepts that the property is burdened by the fact that it is a pie-shaped property with more area than required for the zone but less area than required to create two conforming lots. The Board accepts the Review Memorandum number one of the Board conflict engineer, Vincent C. Orlando, dated January 28, 2020. The Board notes the Applicant has agreed to accept all recommendations of the Board conflict engineer as a condition of approval.

7. The Board places great weight upon the testimony that the Applicant will comply with all bulk requirements except for lot area and finds the argument that two singles with 20 foot spacing between the buildings is preferable to one single oversized on an oversized lot. The Board finds that the granting of variances will not have a substantial impact on the Zone Plan. The Board further finds that several purposes of the Municipal Land Use Law are advanced by the granting of the variance including the creation of more light, air, and open space, additional green vegetation for landscaping, to protect against flood and other natural or man-made disasters, to encourage appropriate and efficient expenditure of public funds by the coordination of public development with land use policies, to promote the desirable visual environment, to encourage coordination of various public and private activities with a view of lessening the cost of such development and to the more efficient use of land. The Board accepts and finds that the benefits of granting the variances outweigh any detriment to the Zone Plan.

8. The Board finds that the relief requested can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan and Zoning Ordinance of the Borough of Stone Harbor.

9. The Board finds that the Applicant has met all of the conditions required under the minor subdivision ordinance and as such the granting of a minor subdivision approval is appropriate.

**WHEREAS**, the Planning Board has determined that the application meets the burden imposed by N.J.S.A. 40:55D-70c(2) and that several purposes of the Municipal Land Use Law, particularly the promotion of public health, safety, morals and general welfare in addition to securing safety from fire, flood, panic, and other natural and man-made disasters will be advanced by the requested variances for minimum lot area for both proposed lots A and B where 6600 ft.<sup>2</sup> is required and 5447 ft.<sup>2</sup> is proposed for Lot A and 5256 ft.<sup>2</sup> is proposed for Lot B; the Board finds that the benefits of the variances substantially outweigh the detriment caused by the variances for the reasons noted above.

**WHEREAS**, the Planning Board has determined that the application can be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the Zoning Plan and Zoning Ordinance specifically based upon the expert testimony of John Helvig detailing that the proposed two single family lots set a circumstance up for more open air, light, and space based upon the required setbacks between the two lots.

**WHEREAS**, the Planning Board has determined that the Applicant has met the standards and requirements with respect to minor subdivision approval so long as the Applicant complies with the terms and conditions set forth in this Resolution and that the Applicant will need to submit revised plans prior to obtaining permission to proceed with the development; and

**WHEREAS** this Resolution is intended to memorialize the foregoing decision of February 10, 2020.

**NOW, THEREFORE, LET IT BE RESOLVED** by the Planning Board of the Borough of Stone Harbor on the 9<sup>th</sup> day of March 2020 that the requested minor subdivision approval with variance relief for the creation of two newly described Lots A and B, with Lot A being granted variance from lot area where 6600 ft.<sup>2</sup> is required and 5447 ft.<sup>2</sup> is proposed and Lot B being granted variance for lot area where 6600 ft.<sup>2</sup> is required and 5256 ft.<sup>2</sup> is proposed is hereby granted and approved subject to the following terms and conditions:

1. Applicant shall comply with all of the terms and conditions of the engineering report of Board conflict engineer, Vincent C. Orlando, dated January 28, 2020.
2. Applicant shall revise the Plans in accordance with the conditions contained in this Resolution.
3. Applicant shall submit revised Plans satisfactory to the Board Engineer or Zoning Official.
4. Applicant agrees to allow the relocation of the storm sewer out full pipe from the easterly side of the property to the westerly side of the property. Applicant shall prepare and present an easement satisfactory to the Board Engineer and Board Solicitor to the Borough for creating a 10 foot wide easement from the westerly property line running across Applicant's property commencing at the property line at Sunrise Drive and running across Applicant's property to and through the bulkhead for storm sewer outfall pipe relocation.
5. Applicant shall pay the cost of installing the new pipe from Applicant's property line at the street end to and through the bulkhead and/or coordinate with Borough Engineer Applicant installing said pipe in connecting to the Borough's outfall system.
6. Applicant shall work to preserve and use reasonable efforts to preserve the mature tree line on the east side of the Applicant's property.
7. Applicant accepts all bulk requirements for the zone and shall not return to the Board either Zoning or Planning Board, seeking bulk variances for the two newly formed lots.

8. Applicant shall obtain any and all other necessary state, county, federal, municipal, and other governmental approvals and comply with any and all other such laws and regulations.

9. All setbacks contained in the Plan submitted to the Board are not to be deemed deed restrictions but are only evidence of the current requirements of the Borough Stone Harbor Zoning Plan and Zoning Ordinance.

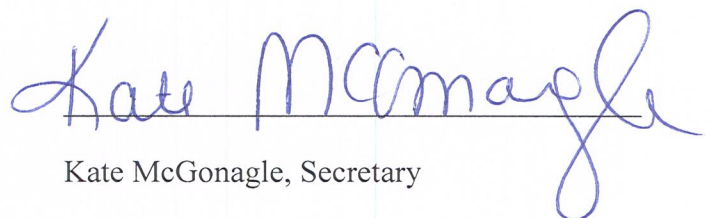
10. The approval hereby granted is specifically based upon the testimony, evidence and documentation submitted to the Board during the hearings. The Board reserves the right to modify or deem this approval null and void if, in the future, the testimony, evidence, and documentation are determined to be inaccurate.

**BE IT FURTHER RESOLVED** that a copy of this Resolution be forwarded to the Applicant and the Planning Board for their records.

ROLL CALL

MEMBERS 1=MOTION 2=SECOND	PRESENT AT HEARING February 10, 2020	VOTE AT HEARING February 10, 2020 CHARLES STREET DEVELOPERS LLC MOTION C2 BENEFITS APPROVAL	VOTE AT HEARING February 10, 2020 CHARLES STREET DEVELOPERS LLC MOTION MINOR SUBDIVISION APPROVAL	PRESENT FOR RESOLUTION March 9, 2020	VOTE ON RESOLUTION March 9, 2020 CHARLES STREET DEVELOPERS LLC
	ROLL CALL	AYE/NAY	AYE/NAY	ROLL CALL	AYE/NAY
Judy Davies-Dunhour	X	Y	Y	X	2-AYE
Thomas Hand	X	Y	Y	X	AYE
Wayne Conrad	X	Y	Y	ABSENT	ABSENT
Robert D. Bickford, Jr.	X	Y	Y	X	1-AYE
Lynne Dubler	X	N	Y	X	AYE
Charles C. Krafczek	RECUSED	RECUSED	RECUSED	RECUSED	RECUSED
Jackie Mauro (Alt 1)	X	Y	Y	ABSENT	ABSENT
Sandy Slabik (Alt 2)	X	Y	Y	X	AYE
Robert Smith	RECUSED	RECUSED	RECUSED	RECUSED	RECUSED

DATE: March 9, 2020

  
Kate McGonagle, Secretary



Map

Street View

Schools

Crime

Commute

Shop & Eat



10307 Sunrise Dr  
Stone Harbor, New Jersey  
View on Google Maps



Deegan - 1

2/10/20

GBB  
~~EM~~

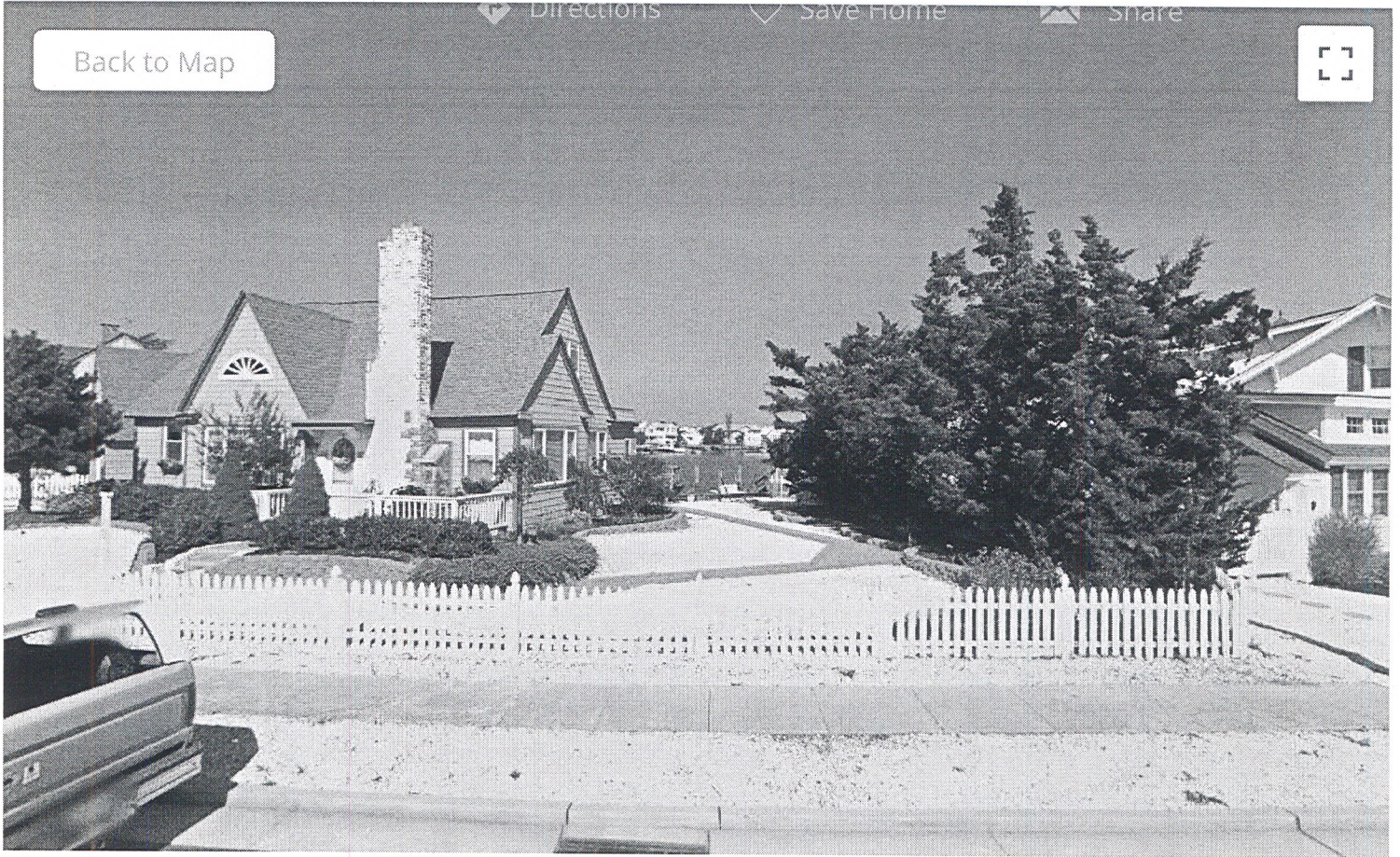


Map Satellite Lot lines



Directions Save Home Share

Back to Map



Deegan - 2

2/10/20

CSB

EV