

# 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 251 110th Street

Block & Lot No(s) Block 110.31 & Lots 50, 52, 80.02

Zoning District Residential C

Dimensions 40' x 55', 40' x 50.5'

Applicant's Name & Address \* Paul and Leanne Miolene

251 110th Street, Stone Harbor, NJ 08247

Owner's Name & Address: Paul and Leanne Miolene

251 110th Street, Stone Harbor, NJ 08247

- \* If Applicant is not Owner, attach authorization of owner or Agreement of Sale.
- \* 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)
- Broad "C" N.J.S.A. 40:55D-70(c)(2)
  
- 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 August 5, 2021, Steven C. Woodrow, P.L.S, 27514

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

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

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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: 3

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.

County Subdivision Application Pending

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? yes. 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, 2699 Dune Drive, Avalon, NJ 08202, 609-368-4086, cory.gilman@lawjwg.com

Applicant's Engineer: Dante Guzzi, Dante Guzzi Engineering Associates, 203 S. Main Street, Cape May Court House, NJ 08210

Applicant's Planner: \_\_\_\_\_

Other Professionals: \_\_\_\_\_

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

Aug 30, 2021  
Date  
Aug 30, 2021

[Signature]  
Signature of Applicant  
[Signature]

## BOROUGH OF STONE HARBOR PLANNING BOARD NARRATIVE

### #11. Schedule A

i. Applicants are the owners of the three existing lots as a whole that are the subject of this application known as 251 110th Street. The existing three lots have merged due to the existing improvement and their undersized nature due to changes in the zoning ordinance. Applicant intends to remove the existing single family home which is non-conforming and larger than most due to being across several lots and to subdivide the property, reverting back into two lots as they were prior to merger on which any new construction will comply in all respects to the ordinance thereby eliminating the existing front yard setback and side yard setback non-conformities. Although the lots will revert to their prior dimensions and be more in line with the other lots in the neighborhood, they will remain non-conforming requiring variance relief from Section 560-14.B.(1): for lot area where 5,500 sf is required and 2,200 and 2,020 sf 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 existing front and side yard setback non-conformities. The removal of the structure will also create more light, air and open space on the new lots because there will now be additional side yard setbacks between the two lots. Any new homes constructed will meet current elevation and code requirements, thereby promoting public health and safety. In addition, any new homes constructed will be more in line with the size and character of the existing smaller lots in the neighborhood. Finally, there will be no detriment because the ordinance already permits existing lots in this zone to be 2,200 sf with 40' of frontage and its only because these lots have merged and a subdivision creates new lots, rather than existing lots, and because the one lot is slightly smaller due to an unusual jog on the lot shape, that a variance is required at all.

iii. The fact that these lots are all currently non-conforming and because of the location of the existing home, the owners and the properties are negatively impacted by those specific conditions which create an undue hardship, as any development on any of these lots would require variance approval. As a result, variance approval may be granted per NJSA 40:55-70c(1).

In addition, 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 and fire; 2) by providing sufficient space in appropriate locations for a variety of residential uses and open space; and 3) 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: Paul and Leanne Miolene

251 110th Street, Stone Harbor, NJ 08247

Owner's Name & Address: Paul and Leanne Miolene

251 110th Street, Stone Harbor, NJ 08247


Subject Property - Street Address: 251 110th Street

Block & Lot No(s). Block 110.31 & Lots 50, 52, 80.02


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 Aug 30, 2021

  
Applicant

Date Aug 30, 2021

  
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.

Paul and Leanne Miolene

(Please Print Name)

(203) 767-5858



(Daytime Phone)

251 110th STREET

Stone Harbor NJ 08247

(Billing Address)

(Signature)

(Date)

Aug 30, 2021

Aug 30, 2021

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