

**RESOLUTION OF MEMORIALIZATION OF THE LITTLE EGG HARBOR  
TOWNSHIP BOARD OF ADJUSTMENT**

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**RESOLUTION NO.: 2018-17  
VARIANCE APPLICATION NO.: 2018-11**

RE: JNC, LLC  
Block 323, LOT 8  
129 East Sail Drive  
Application for bulk variance

**WHEREAS**, JNC, LLC, whose mailing address is 19 Warren Court, Manahawkin, New Jersey 08050, has applied for relief pursuant to N.J.S.A. 40:55D-70(c) affecting premises located at Block 323, Lot 18, as shown on the Tax Map of the Township of Little Egg Harbor and otherwise known as 129 East Sail Drive, Little Egg Harbor, New Jersey; and

**WHEREAS**, a public hearing was held on said application on September 12, 2018, in the Municipal Building of the Township of Little Egg Harbor and testimony was presented on behalf of the applicant and all interested parties having been heard; and

**WHEREAS**, said Board having considered said application and testimony of the applicant, makes the following findings:

1. The application is deemed complete pursuant to the applicable provisions of the Little Egg Harbor Township Zoning Ordinance.

2. The property in question is located along the northeast side of East Sail Drive, approximately 1056 FT east of Radio Road, in the Mystic Island area of the Township. The property is located within the R-50 Residential Zone. The Applicant is proposing to construct a new 28' x 36' home on pilings in order to meet the new higher flood elevation requirements.

The submitted plans include a raised rear yard deck. The property is being shown on preliminary FEMA work maps as requiring a Base Flood Elevation (BFL) of 10 feet, as it is located within the "AE" zone. The proposed first flood elevation is 13.75 feet. The elevation outside the house is 4; therefore, the new home will be raised approximately 9 feet from the existing grade. The deck is included in the building footprint because it is greater than 18" above grade. The applicant requires the following variances:

a. **Minimum Lot Area (§15-14F(1)(a))**: where 4,350 SF is required and 4,291 SF is proposed.

b. **Minimum Lot Depth (§15-14F(1)(b))**: where 87 FT is required and 85.8 FT is proposed.

3. The Applicant was represented by Jason C. Henbest, Esquire.

4. The Applicant testified that there would be no detriment to the surrounding community by the granting of this variance relief which would, in applicant's opinion, constitute a benefit to the neighborhood without being inconsistent with the zone plan and zoning ordinances.

5. Andre Genevese, a neighbor had concerns about his view of the lagoon.

6. Based upon the foregoing evidence, the Board makes the following findings:

A. The applicant has demonstrated that the requested variance relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zone plan or Zoning Ordinances of the Township of Little Egg

Harbor.

**NOW, THEREFORE, BE IT RESOLVED**, by the said Board that on this 10th day of October, 2018, based upon the findings herein above stated, the application is hereby granted subject to the following conditions, together with all stipulations of the applicant:

1. The applicant shall strictly adhere to the representations, plans and exhibits submitted with regard to the proposed development of the subject property and should further comply in all respects with the technical review letter as prepared by the Little Egg Harbor Township Zoning Board of Adjustment Engineer dated August 16, 2018, a copy of which is annexed hereto and made a part hereof.

2. Applicant is specifically granted the following variances:

a. **Minimum Lot Area (§15-14F(1)(a))**: where 4,350 SF is required and 4,291 SF is proposed.

b. **Minimum Lot Depth (§15-14F(1)(b))**: where 87 FT is required and 85.8 FT is proposed.

3. Applicant testified that the grade of the property is not being changed in any way that might cause additional run-off from the property onto neighboring properties.

4. Applicant shall comply with RSIS standards with respect to off-street parking

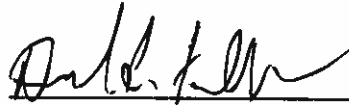
5. Applicant shall, with respect to the use for the space underneath the home, utilize same for storage and parking, with no occupancy permitted.

6. The applicant shall further reimburse the Little Egg Harbor Township Zoning Board of

Adjustment for all professional fees expended with regard to this application within thirty (30) days from the date of memorialization of this Resolution or any approvals granted herein shall automatically become null and void.

7. The applicant shall further secure any and all other necessary applications, permits or approvals and post any surety bonds that may be required by any other governmental agency.

8. The applicant shall resubmit this entire proposal should there be any substantial deviation from this Resolution or the submitted plans, documents, or oral representations made by this applicant.



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DAVE FULLER, Vice-Chairman  
Little Egg Harbor Zoning Board of Adjustment

**CERTIFICATION**

The foregoing is a true copy of a memorializing resolution by said Board at its meeting of September 12, 2018, as copied from the minutes of said meeting.



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Robin Schilling, Board Secretary  
Little Egg Harbor Zoning Board of  
Adjustment



August 16, 2018

Jay Greco  
19 Warren Court  
Manahawkin, NJ 08050

**Re: Variance Application #2018-11  
JNC, LLC  
Block 323, Lot 8  
Zone: R-50  
129 East Sail Drive  
Our File: 1517-Z-363**

Dear Applicant:

Our office has received and reviewed your application and offers the following comments:

**A. Background**

The property in question (PIQ) is located along the northeast side of East Sail Drive, approximately 1056 FT east of Radio Road, in the Mystic Island area of the Township. The property is located within the R-50 Residential Zone. The application is for a variance to construct a new single-family home on pilings. The existing lot meets the minimum lot width, minimum front yard setback, minimum side yard setback, minimum rear yard setback, maximum building height and maximum building coverage requirements for the zone. The applicant is requesting variance relief for minimum lot area and minimum lot depth, which are pre-existing conditions. The bulk table below identifies the variances.

**B. Relief Required**

The Applicant is proposing to construct a new 28' X 36' home on pilings in order to meet the new higher flood elevation requirements. The submitted plans include a raised rear yard deck. It should be noted that this property is being shown on preliminary FEMA work maps as requiring a Base Flood Elevation (BFE) of 10 feet, as it is located within the "AE" zone. The proposed first floor elevation is 13.75 feet. The elevation outside the house is 4; therefore, the new home will be raised approximately 9 feet from the existing grade. The deck is included in the building footprint because it is greater than 18" above grade. It appears that the applicant requires a variance from §15-14F(1)(a) for lot size and §15-14F(1)(b) for lot depth.

**C. Completeness**

The following is a list of items required to be submitted by checklist which our office finds relevant for this application. The Board and our office reserve the right to request additional item(s) be submitted, should the testimony provided require such documentation.

- Item #4 Deed description shown on plot plan.
- Item #6 Key map showing location of tract.
- Item #7 Zone district in title block.
- Item #10 Space for signatures of Chairman and Secretary.
- Item #11 Names of all property owners within 200 ft. of the subject property.
- Item #16 Provide at least 4 photographs of site for an accurate description on site.
- Item #33 Driveway dimension to be shown.

**D. Zoning**

Bulk Requirements: The (PIQ) is located within the R-50 Zone.

The chart below summarizes the area and bulk requirements for this zone in accordance with §15-4.14E&F:

	Required	Proposed
Minimum Lot Area	4,350 SF	4,291 SF (V)
Minimum Lot Width	50 FT	50 FT
Minimum Lot Depth	87 FT	85.8 FT (V)
Minimum Front Yard Setback	20 FT	21 FT
Minimum Side Yard Setback - Principal	5 FT	6.5 FT
Minimum Combined Side Yard Setback	15 FT	17 FT
Minimum Rear Yard Setback to Bulkhead - Principal	15 FT	17.4 FT
Maximum Building Height	40 FT	35.67 FT
Maximum Building Coverage, Percent	30%	22.2%

(V) - Variance Required

**E. Review Comments**

1. The Applicant should provide testimony regarding the reasons for the construction of the new home (for instance, was it damaged during Superstorm Sandy?), and the location on the lot.
2. The plans shall provide a key map indicating the property in question.
3. Testimony should also be provided regarding the applicant's intentions for the space underneath the home, which will be approximately 900 square feet. Testimony regarding whether this area will be utilized for storage must be provided. Testimony regarding the use and construction of this area in accordance with flood regulations should be provided. It should be noted that anything below the base flood elevation has limited use and specific construction requirements.
4. Testimony should be presented as to how the proposed development will or will not be out of character with the neighborhood.
5. Testimony should be provided that indicates compliance with the off-street parking requirements in RSIS.
6. Testimony should be provided which verifies that the property is not being changed in grade in any way which might cause additional run-off from the property onto neighboring properties.

7. It should be noted that the submitted building plans may require certification by a New Jersey licensed professional. Any approvals should be conditioned upon the applicant providing all required plans and proofs for construction within a flood plain. This may require, but not necessarily be limited to, submission of a flood elevation certificate, plans signed and sealed by a licensed professional indicating compliance with flood plain regulations, and CAFRA approval.

**F. Fees Required**

1. Pursuant to §15-16.1 the following non-refundable administrative fees are required for this application:  
§15-16.1A(1)(n)[3] Bulk Variance (lot area and depth) \$ 100.00
  2. Pursuant to §15-16.2 of the Land Development Ordinance, the resolution fee is required: \$ 150.00
  3. Pursuant to Section 15-16.3, the following escrow fees are required for this application:  
§15-16.3M(3) Bulk Variance (lot area and depth) \$ 500.00
- Total Fees: \$ 750.00**

It is our understanding that all the fees indicated above have been paid.

**G. Recommendation**

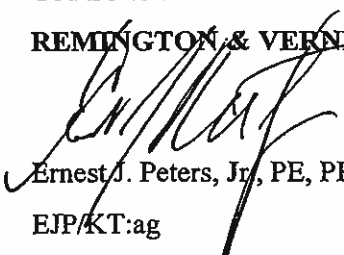
Based upon our review of the information submitted, we recommend that this application be deemed complete subject to the Applicant complying with all applicable notification requirements as set forth in the Municipal Land Use Law.

Our office also recommends that the Board proceed with the variance request. The Zoning Board of Adjustment meets the second Wednesday of the month, therefore subject to the notice provided, by the applicant, this application will be scheduled for a public hearing at the September 12, 2018, meeting of the Little Egg Harbor Zoning Board of Adjustment. By copy of this letter, we are informing the applicant of the items to be addressed.

Should you have any questions, please do not hesitate to contact our office at 732-286-9220.

God Bless America

**REMINGTON & VERNICK ENGINEERS**



Ernest J. Peters, Jr., PE, PP, CME

EJP/KT:ag

cc: Mr. Edward Gautier, Chairman  
Mr. Matthew Spadaccini, Administrator  
Ms. Robin Schilling, Director of Community Development  
Ms. Diane McCracken, RMC  
Mr. Mark Ellis, Zoning Officer  
Mr. Brian Rumpf, Esq., Board Attorney  
Mr. Daniel Paul Wheaton, R.A., Applicant's Architect  
Mr. Jason Henbest, Esq., Applicant's Attorney