

RESOLUTION 2020-02-PB
OF THE
OCEAN TOWNSHIP PLANNING BOARD

Resolution of the Planning Board of the Township of Ocean,
County of Ocean, State of New Jersey approving an Application
for Minor Subdivision and Variance Approvals for property known as
Block 191, Lots 3 & 4 as shown on the Ocean Township Tax Map; Docket
01-20-PB, T & M File # OTBP-R0650, Application of John Petrosilli

WHEREAS, John Petrosilli 11 Vessel Road, Waretown, New
Jersey 08758, owner of Block 191, Lots # 3 & 4, as shown on the Ocean Township Tax
Maps of Waretown, New Jersey, having made application to the Ocean Township
Planning Board for a Minor Subdivision with variances, and

WHEREAS, the Applicant has satisfied the noticing requirements of the New
Jersey Municipal Land Use Law and has provided proof of the same to the Ocean
Township Planning Board; and

WHEREAS, the Ocean Township Planning Board has conducted a public
hearing on said application on March 5, 2020, and

WHEREAS, the Ocean Township Planning Board has reviewed the application,
documents, plans and exhibits as submitted in evidence, including Subdivision Plans
entitled "Minor Subdivision Prepared for John Petrosilli, Block 191, Lots 3 & 4, Ocean
Township, Ocean County, New Jersey" prepared by Jay F. Pierson, P.L.S. of East Coast
Engineering, Inc., consisting of one (1) sheet dated June 25, 2019, with no revisions, and
an Existing survey entitled "Survey Map, Prepared for John & Jacquelyn Petrosilli, Block
191, Lots 3 & 4, Ocean Township, Ocean County, New Jersey" prepared by Jay F.

Pierson, P.L.S. of East Coast Engineering, Inc. consisting of one (1) sheet dated May 29, 2019, with no revisions, marked as exhibit "A" into evidence, a photograph showing the Applicant's existing two story home, marked as exhibit "A-2" into evidence, a photograph showing the Applicant's existing garage and shed, marked as exhibit "A-3" into evidence, a photograph taken from the street in front of the Applicant's house which gives a view of the neighbors house to the left of the Applicant's house, marked as exhibit "A-4" into evidence, a photograph taken showing the front street view to the right and north of the Applicant's property, marked as exhibit "A-5" into evidence, and an aerial photograph which shows the Applicant's property as well as the surrounding real properties and houses in the neighborhood, marked as exhibit "A-6" into evidence, and a letter from the Township Tax Assessor, Martin Lynch, dated July 16, 2019 proposing new tax lot numbers in the event that subdivision relief is granted, marked as exhibit "A-7" into evidence, and

WHEREAS, the Ocean Township Planning Board has listened to the testimony of the Applicant John Petrosilli, as well as having listened to the testimony of the Applicants professional engineer Robert J. Harrington, P.E., C.M.E. of East Coast Engineering, Inc., the presentation of the Applicant's attorney Christopher Supsie, Esq., of the law firm of Stein and Supsie, and has further received testimony from its engineering and planning expert, Jason A. Worth, P.E., P.P., C. M. E. of T & M Associates and advice from its attorney, Steven E. Yost, and also has considered such comments of the public as were made and provided, the Ocean Township Planning Board does hereby make the following findings of fact:

1. **That the Applicant is not proposing to create new subdivided lots, but is merely proposing a lot line adjustment between two existing lots 3 & 4 of Block 191, which amount to a combined total of 0.35 acres.**
2. That the subject properties have frontage on Vessel Road and are located in the R-1 (Residential) Zone District.
3. That the subject properties are bordered by residential homes to the north, south and east, with vacant, wooded land to the west.
4. That existing lot 3 currently contains a two-story dwelling with rear deck, paver driveway and front yard planters. Existing lot 4 currently contains a one-story dwelling, stone driveway, a shed and a garage in the rear yard.
5. That the proposed minor subdivision merely seeks to adjust the lot line between two existing undersized lots so as to more evenly split the lot area between the two existing undersized lots.
6. That the proposed minor subdivision does not create any new physical conditions on the proposed subdivided lots, since the houses and physical structures on the properties are existing structures on the two lots.
7. That the subdivision requires a number of variances which are requested in the relief sought by the Applicant.
8. That as to the principal structures, these variances are:
 - A. Minimum Lot Area: 1 acre is required, whereas .179 acres is proposed for lot 3.01 and .172 acres is proposed for lot 4.01.
 - B. Minimum Lot Width: 125 feet is required, whereas 50 feet is proposed for lots 3.01 and 4.01.
 - C. Minimum Front Yard Setback: 40 feet is required, whereas 25.2 feet is proposed for lot 3.01 and 18.8 feet is proposed for lot 4.01.
 - D. Minimum Side Yard Setback: 20 feet is required, whereas 8.5 feet is proposed for lot 3.01 and 3.7 feet is proposed for lot 4.01.
 - E. Minimum Combines Side Yard Setback: 40 feet is required, whereas 18.3 feet is proposed for lot 3.01 and 14.1 feet is proposed for lot 4.01.
 - F. Maximum Lot Coverage: 15% is allowed, whereas 23.8% is proposed for lot. 3.01

G. Maximum Impervious Coverage: 20 % is allowed, whereas 32.8 % is proposed for lot 3.01.

9. That as to the accessory structures, these variances are:

A. Minimum Side Yard Setback: 20 feet is required, whereas 5.2 feet is proposed for lot 3.01.

B. Minimum Rear Yard Setback: 40 feet is required, whereas 2.5 feet is proposed for lot 3.01.

C. Maximum Lot Coverage: 4% is allowed, whereas 6.7% is proposed for lot 3.01.

10. That the proposed lot line realignment as between the two subject lots will permit the accessory structures currently existing on lot 4 (which are physically behind the house on existing lot 3) to be located on new lot 3.01, where they are physically situated behind the house on that lot.

11. That based upon the testimony the proposed new lot sizes are consistent with the lot sizes as developed in the neighboring area over the last fifty or sixty years, so the proposed lot line realignment would make the new lot sizes similar to other lot sizes in the area, and

WHEREAS, the Ocean Township Planning Board finds that the minor subdivision and lot line realignment, with variances makes the two subject lots more uniform in size, and

WHEREAS, the Planning Board has determined that the variances sought by the Applicant satisfies both the negative and positive criteria for the granting of the relief, and can be approved without a substantial detriment to the public good, and without substantially impairing the intent and purpose of the zone plan and the Zoning Ordinance of the Township of Ocean and the Municipal Land Use Law, and moreover that a failure to grant the approved variance would result in exceptional and undue hardship to the Applicant's property for the following reasons:

1. A denial of the relief requested by the Application would cause an undue

burden to the applicant.

2. The variances will permit the Applicant to make uses of the properties which are not inconsistent with the present use of the properties in the surrounding area, and a failure to grant the variances would lead to a substantial underutilization of the properties, and

WHEREAS, the Planning Board has determined that the Applicant is entitled to the relief sought, the Application is **HEREBY GRANTED**, subject to the conditions later expressed in this Resolution.

ALL RELIEF being subject to the following conditions:

1. That a copy of this Resolution be forwarded by the Planning Board Secretary to the Applicant, the Township Clerk and the Building Department.
2. That notification of this favorable approval be published in an official newspaper of the Ocean Township Planning Board by the Applicant within 10 days of its passage.
3. *That the Applicant shall comply with all representations made before the Planning Board.*
4. That the Applicant shall comply with all conditions as required by Federal, State, County and local law.
5. That the reports and recommendations of the Planning Boards professionals are hereby incorporated by reference herein as if set forth at length where they are not inconsistent with the terms of this Resolution.
6. That the Applicant shall make payment of any and all fees as may be required by the Planning Board or the Township of Ocean. The Applicant shall

reimburse the Ocean Township Planning Board professional fees extended or expended with regard to this application within 30 days of the date of memorialization of this Resolution of Approval or said Resolution shall be deemed null and void and of no further force and effect.

ATTEST:

LAURIE CLUNE
SECRETARY

DONALD LIPPINCOTT CHAIRMAN

CERTIFICATION

I hereby certify that I, the undersigned, am the secretary of the Planning Board of the Township of Ocean and I hereby certify that the foregoing Resolution was adopted by the Planning Board at a regular meeting held on the 5th day of March, 2020 and memorialized at the meeting held on June 4, 2020.

LAURIE CLUNE, SECRETARY
OCEAN TOWNSHIP PLANNING BOARD

Verification of Completion of Resolution No.

Acknowledged by _____

Zoning Officer