

RESOLUTION OF FINDINGS AND CONCLUSIONS
PLANNING BOARD
BOROUGH OF LITTLE SILVER
RESOLUTION

Peter Napp and Franchesca Maddalena
Block 44.01, Lot 11
32 Oakes Road

WHEREAS, Peter Napp and Franchesca Maddalena have applied to the Planning Board of the Borough of Little Silver for permission to construct a 29' x 36' in-ground swimming pool on the property at 32 Oakes Road, also known as Block 44.01, Lot 11 as shown on the Official Tax Map of the Borough of Little Silver; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and have caused notice to be published regarding said application in accordance with *N.J.S.A. 40:55D-1* et seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter at a regularly scheduled meeting of the Planning Board, at which time all persons having an interest in said application were heard;

NOW THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Little Silver that the following findings of facts and conclusions are made:

1. The property is located in an R-1 Zone and the use is permitted.
2. The applicant proposes to construct a 29' x 36' in-ground swimming pool.
3. Swimming pool shall be located not less than 25 feet from the side or rear of the dwelling where 10 feet is being proposed.
4. The proposed application violates the minimum required lot area of 60,000 square feet where 45,010 square feet is existing. The minimum required rear yard setback for an accessory structure (shed) is 15 feet where 9 feet is existing. The minimum required

side yard setback for a principal building is 44 feet where 28 feet and 43 feet are existing.

The maximum impervious surface is 25% where 25.71% is existing and 30.8% is proposed.

5. No adjoining property is available to make the lot conforming.
6. The primary building setbacks are pre-existing and are not being increased by the application.
7. The Board has considered the increase and impervious surface and the location of the pool while does not conform.
8. The Board determines that the proposed variances can be granted in that the benefits outweigh any detriments and the application can be granted as the granting of the variances will not substantially impair the purpose and intent of the Zone Plan and Zoning Ordinance of the Borough nor harm the public good.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Little Silver on this 5th day of March, 2020 that the application of Peter Napp and Franchesca Maddalena for premises known as Block 44.01, Lot 11 be granted upon the following conditions:

9. That this approval will be deemed to be void by abandonment if a building permit is not issued within one year from the date hereof.
10. The Applicant has been cautioned that the pool and surrounding decking/walkways shall not be enlarged beyond what has been proposed and in the event there is a variation the Applicant must re-apply to the Planning Board for that change in plans.
11. The applicant shall comply with the Planning Regulations of the Borough of Little Silver to the extent that it is consistent with this Resolution, including the placement of any porta-potty during the construction phase of the project in an "inconspicuous place," and

shall comply with the requirements of the Construction Code and the Fire and Health Code Officials.

12. The applicant shall build to the plans as approved by the Board. The negative criteria concerning possible effects on adjoining properties, the neighborhood plan and the Board's determination that the variances can be granted without substantial detriment to the public good is, in part, based upon the exact plans submitted by the applicant. To deviate from the approved plans, even where otherwise permitted by the Zoning Ordinance, shall be deemed a material violation of this approval.
13. Any deviations from the approved plans must be submitted and reviewed by the Board.
14. All materials used in the construction of the addition shall be consistent with the existing structure.
15. Subject to the condition that any future expansion or development of the premises will require additional applications to and approval by the Planning Board, regardless of the nature and size of the impervious expansion.
16. Landscaping shall be restored in those areas disturbed during construction.
17. The location of any air conditioning units or generators not shown on the approved plans must be submitted to and reviewed by the Board prior to construction and/or installation.
18. All representations made by the applicant under oath, at the public meeting in the within matter, are considered conditions of this approval and misrepresentations by any of the parties shall be considered a material breach of the facts upon which the conclusions of the Planning Board were made and shall be considered a violation of the approval.
19. Subject to any and all other local, County, State and Federal regulations as may be deemed necessary.

20. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved. In addition, the granting of any variances shall not be deemed to permit any other form of development than that specifically approved herein nor shall it be deemed that the granting of such variances shall result in the premises being considered conforming in the future.
21. The action of the Planning Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Planning Board of the Borough of Little Silver or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.

NOW THEREFORE BE IT FURTHER RESOLVED by the Planning Board of the Borough of Little Silver that the Board Secretary provide a copy of this Resolution to the applicant within the statutory time and that a notice be published by the applicant in the official newspaper of the Borough referencing this Resolution.

The above Resolution was Moved by Mr. Mihlon

Seconded by Councilman Holzapfel and on Roll Call, the following vote was taken:

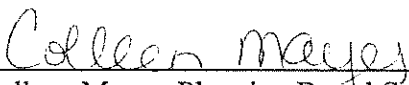
Affirmative: Mayor Neff, Councilman Holzapfel, Chairman Chimento, Vice-Chairman Perfetto,

Mrs. Smith, Mr. Orlando, Mr. Talavera, Mr. Mihlon and Mr. Christensen.

Negative: None

Abstentions: None

The foregoing is a true copy of a Resolution adopted by the Planning Board of the Borough of Little Silver at its meeting on March 5, 2020, as copied from the Minutes of the said meeting.


Colleen Mayer, Planning Board Secretary

BOROUGH OF LITTLE SILVER

480 Prospect Avenue
Little Silver, New Jersey
(732) 842-0261

ISSUED TO:

Peter Napp and Franchesca Maddalena Napp
32 Oakes Road
Little Silver, NJ 07739

Phone Number: 732-778-9948

E-mail: redcircledesign@comcast.net

TYPE OF DEVELOPMENT:

1) Residential X

2) Non-residential _____

LOCATION OF PROPOSED DEVELOPMENT:

Street: 32 Oakes Road

City & State: Little Silver, New Jersey

Block: 44.01 Lot: 11

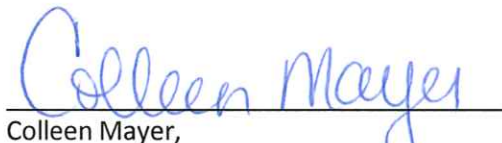
Development Application No. 40-20

Approved by: Planning Board Date: March 5, 2020

Development Permit issued on: March 20, 2020

Amended: May 19, 2020

By:


Colleen Mayer,
Administrative Clerk/ Planning Board Secretary

PLEASE READ THE FOLLOWING CAREFULLY

- **Any deviation from the approved plans must be submitted, reviewed and approved by Planning Board. Plans prepared by mark J. Mantyla with last revision date of February 4, 2020**
- **** As per revised pool grading plan with last revision date of May 4, 2020**
- An appropriate pool barrier is required pursuant to Code and as determined by the Construction Official.
- Site must be kept clean and free of debris
- Landscaping shall be restored in those areas disturbed during construction.
- Development permit is valid for one year from its issue date.
- See Resolution for all conditions.
- Zoning recommends that a soil boring be done prior to the installation of pool to determine depth of water table.
- **Final as built survey is require**
- Permits must be obtained from Construction Office of the Borough of Rumson at 80 East River Road Rumson, New Jersey (732)842-3022
- Zoning permit is valid for one year from its issue date.
- Contractor's advertising signs are prohibited.
- Taxes current as of March 5, 2020

DEVELOPMENT PERMIT APPLICATION:

#40-20

Applicant:

Peter Napp and Franchesca Maddalena Napp
32 Oakes Road
Little Silver, NJ 07739

Phone Number: 732-778-9948

E-mail: redcircledesign@comcast.net

PROPERTY LOCATION:

Street: **32 Oakes Road**

City & State: Little Silver, New Jersey

Block No. **44.01** Lot No. **11**

Planning Board Hearing Scheduled:

Date: March 5, 2020

Board Approval Memorialized:

Date: March 5, 2020

Decision Mailed:

Date: March 6, 2020

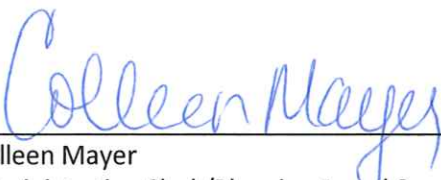
Proof of Timely Publication Received:

Date: March 20, 2020

Conditions Met: **

**** SEE RESOLUTION FOR ALL CONDITIONS TO BE SATISFIED****

Development Permit Issued By:



Colleen Mayer
Administrative Clerk/Planning Board Secretary

Date: March 20, 2020
Amended: May 19, 2020*
for revised grading plan dated
May 4, 2020

February 1, 2020

Mr. Gregory S. Blash, P.E., P.P.
Borough of Little Silver
480 Prospect Avenue
Little Silver, N.J. 07739

RE: Development Permit # 249-19/Napp
Block 44.01, Lot 11, 32 Oaks Road, Little Silver, N.J.
Soil Analysis Information

Dear Mr. Blash,

On January 15, 2020 a 3.5' deep test hole was inspected at the bottom of the existing sunken sidewalk area that is proposed for stormwater storage and infiltration. The bottom of the sunken walkway is considered the bottom of the infiltration system. Enclosed is a copy of the soil log and two signed & sealed copies of the soil permeability test results. No signs of the seasonal high-water table were witnessed within 40" of the bottom of the sunken sidewalk. Based on the soil testing results, the soils have a K4 rating and soil permeability rate of 16 in/hr. Therefore, based on this information the proposed storm-water infiltration system is expected to function properly.

Please contact me if you may require any additional information. Your assistance with this matter is appreciated.

Sincerely, 
Mark J. Mantyla, PLS, PE, PP
MJM Surveying & Engineering, LLC
139 West Mountain Road, Sparta, N.J. 07871
Email: markjm@ptd.net

CC: Jay Katz, Anthony & Sylvan Pools
Mr. & Mrs. Napp

