

BRICK TOWNSHIP PLANNING BOARD
MINOR SUBDIVISION APPROVAL WITH VARIANCES

RESOLUTION R-138-88

November 9, 1988

CASE NO.: 1841-MS-V-11/87

WHEREAS, application has been made by Edward Gehm and Almonte Picarillo, owners of Lots 31 through 34, Block 825.15, Brick Township Tax Map, for minor subdivision approval to subdivide said lots into new lots, together with a variance for insufficient lot area of 7,500 square feet for proposed Lots 31.01, 9,000 square feet required for a corner lot; and

WHEREAS, proper service has been made upon all of the property owners within 200 feet of the premises in question and proper notice and publication has been made as required by New Jersey Statute and proper proof of service has been filed by the applicant with the Planning Board of the Township of Brick; and

WHEREAS, the Planning Board having considered the application and plans filed with its secretary and having heard the witnesses and evidence and examined the exhibits of the parties in interest and having heard and considered the comments of the public if any, at a regular meeting held on the 13th day of July 1988; and

In conjunction with said Resolution, the Planning Board has made the following findings of fact:

1. The applicants are the owners of the subject premises.

File 2
Gehm/Picarillo
Butryn
Troncone
Martone
Chaukalian
Bida
Engle
Lanning

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neighborhood on a lot which fully conforms with the zoning ordinance requirements of the Township.

F. Under these circumstances, and based upon the fact that the benefit to be obtained as a result of this approval far exceeds any detriment and based upon the fact that this variance can be granted without substantial detriment to the surrounding area and the public good I will not substantially impair the intent and purpose of the Master Plan and Zoning Ordinance of the Township of Brick, the Planning Board finds that this requested variance is reasonable and should be granted provided the conditions setforth hereinafter are complied with by applicant.

NOW, THEREFORE, BE IT RESOLVED that the application of Edward Gehm and Almonte Picarillo, owners of Lots 31 through 34, Block 825.15, Brick Township Tax Map, for minor subdivision approval to subdivide said lots into two (2) new lots together with a variance for insufficient lot area of 7,500 square feet for proposed Lot 31.01, 9,000 square feet required for a corner lot, is hereby APPROVED on this 9th day of November , 1988, subject to the following conditions:

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ordinance in terms of lot area or setback. In fact, the corner lot directly across from Tilford Boulevard is non-conforming and areas which are generally in the vicinity consists of numerous non-conforming lots.

C. The neighborhood consists of a mixed type of home with some homes as old as 75 years old and in need of refurbishing and other homes in new or like new condition.

D. The applicant testified that they are proposing to eliminate the variance originally requested for insufficient frontyard setback for the existing two-story frame dwelling by moving the dwelling so as to conform with the setback requirements and that the existing garage located on Edge Street shall be removed in order to eliminate an additional non-conformity, thus, creating a benefit both to the neighborhood as well as to the Township.

E. The applicant submitted testimony in the form of house plans which propose a four bedroom colonial with a one car garage with brick veneer on the front bottom half and horizontal vinyl siding on all four sides which is, in fact, an improvement to the neighborhood and the immediate vicinity. If, as a condition of this approval, this proposed home is constructed on proposed Lot 31.02 replacing an existing garage which is located approximately 14.15 feet from the existing right of way, this will amount to an improvement to the

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2. The property is located in the R-7.5 single family residential zone.

3. The proposed subdivision is for residential purposes which are permitted within the said zone.

4. The application, as submitted, requests the following variance:

<u>ITEM</u>	<u>REQUIRED</u>	<u>PROVIDED</u>
Lot Area	9,000 sq. ft.	7,500 sq. ft. (Proposed Lot 31.01)

The Planning Board finds that this requested variance is reasonable and should be granted for the following reasons:

A. The applicant submitted testimony evidence to the effect that there are 5 comparable situations within a 3 block area involving insufficient lot area for a corner lot. The applicant further submitted expert testimony to the effect that the purpose of requiring a corner lot to be larger than normally required for a particular zone is to provide a larger building envelope and to afford additional lot area to allow setbacks to be complied with along both street frontages.

B. The Planning Board finds that while the neighborhood in which these premises are located generally consists of lots which either meet or substantially exceed the zoning requirements for the R-7.5 zone, that there are a number of premises in the area which fail to conform with the requirements of the zoning

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1. The applicant shall comply with the standard Planning Board conditions for minor subdivision approval as setforth on Attachment "A".

2. The applicant shall comply with all representations and agreements made by applicant or applicant's representatives during the consideration of this application.

X The applicant shall comply with all conditions and requirements setforth in the report of the Planning Board Engineer dated October 5, 1988.

x 4. As a condition of this approval, the existing garage located on proposed Lot 31.02 shall be removed.

x 5. In accordance with representation and agreement of the applicant, the existing two story frame dwelling located on proposed Lot 31.01 shall be moved to so as to fully conform with the front yard setback requirements of the zoning ordinance.

bonded 6. In accordance with representation and agreement of the applicant, the applicant shall install curbs and sidewalks along all road frontages.

7. In accordance with representation and agreement of the applicant, the proposed home to be constructed on proposed Lot 31.02 shall substantially comply with the plans presented to the Planning Board for its review and approval.

*x see
5-15-89
letter from*

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MOVED BY: Mr. Scherer

SECONDED BY: Mr. Gunther

VOTING IN THE AFFIRMATIVE: Mr. Cierzo Mr. Geller

Mr. Gunther Mr. Vespi Mr. Scherer

VOTING IN THE NEGATIVE: Mrs. Hartman Mr. Mangarelli

Mr. Kazawic

ABSTAINING: _____

ABSENT: Mayor Newman Councilman Scarpelli

CERTIFICATION

I. E. JOAN KULL, Clerk to the Planning Board of the Township of Brick, County of Ocean, State of New Jersey, do hereby certify that the foregoing resolution was duly passed by the said Planning Board of the Township of Brick at a regular meeting held on the 9th day of November, 1988.

IN WITNESS WHEREOF, I have set my hand this 22nd day of November, 1988.

E. Joan Kull

E. JOAN KULL, SECRETARY

BRICK TOWNSHIP PLANNING BOARD

ATTACHMENT "A"

STANDARD PLANNING BOARD CONDITIONS FOR MINOR SUBDIVISION

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1. Applicant should obtain any other approvals with respect to any other Federal, State County or Municipal agency having jurisdiction over same. Upon receipt of approval, the applicant shall supply a copy of said permit or permits to the Board. In the event that any other jurisdictional agency requires a change in the applicant's plans, the applicant must reapply to the Brick Township Planning Board for approval of that change.

2. Applicant shall resubmit this entire proposal should there be any deviation from this resolution or the submitted documents which are hereby made a part hereof and shall be binding on the applicant.

3. Applicant to supply evidence by way of a statement from the Brick Township Tax Collector that all taxes are current as of the date of the fulfillment of the condition of this approval.

4. Applicant shall furnish a duplicate mylar of the filed map, certified by the applicants' engineer, to the Township Engineer.

5. Applicant shall post a bond for the setting of monuments in accordance with the map filing law, said amount to be determined by the Township Engineer. In addition to the above bond, the applicant is to post an inspection fund for the verification of compliance to the above requirement, the amount of said inspection fund to be determined by the Township Engineer.

6. Applicant shall obtain certification by the local Soil Conservation District of a plan for soil erosion and sediment control in accordance with Public Law 1975, Chapter 251, "Soil Erosion and Sediment Control Act".

7. No soil shall be removed from the site without the written approval of the Township Council.