

PREPARED BY:
THE LAW OFFICE OF

RONALD J. GELZUNAS, LLC

TOWNSHIP OF LOWER
PLANNING BOARD APPLICATION

Block: 499.01; Lot: 3 and 31

LOWER TOWNSHIP PLANNING BOARD

APPLICATION FOR DEVELOPMENT (Form #1)

Applicant Name: Ed Niemann Phone: 609-352-6558

Mailing Address 15 Sheriff Taylor Boulevard, North Cape May, NJ 08204

Owner's Name/Address: Same

Subject Property: - Street Address East end of Mimosa Drive / South of Fire Lane

Block/Lot Numbers Block: 499.01, Lots: 3 and 31

1. Specify which power(s) of the Planning Board you are requesting:

70c.1 Hardship Variance

70c.2 Variance

67 Conditional Use

34 Permit to build in street bed, public drain area, etc.

35 Permit to build where lot does not abut a street

Other (Specify): Revised and Final Major Subdivision approval with renewal or extensions of approvals and variances

2. Request is hereby made for permission to The Applicant received preliminary major subdivision approval with a hardship variance in 2001 pursuant to Resolution #01-16 (Attached). The zoning ordinance applicable to this property has not changed since the application in 2001. The applicant is seeking revised final major subdivision approval. If deemed necessary by the Board, the Applicant is also applying for an extension of those approvals. In the alternative, the Applicant is seeking application for any all additional approvals, preliminary and final subdivision approval together with variances granted in 2001 including but not limited to lot depth.

Ordinance Section(s): 400-14D, Lot depth

2a. LIST by description, not number, all variance sought: Lot depth for proposed lot 3.01. Any and all other variances and waivers that the Board may deem necessary at the time of the hearing.

Said property measures approximately 707 x 332 and contains approximately 5.233Acres

ZONING DISTRICT R-2 with X without sewer

3. Size of building after (and including) construction/addition(s) N/A
_____square feet (1st floor) Height _____Stories _____
_____square feet

4. Setbacks of Principal Building will be:
Front Yard 30'; Front Yard N/A; (corner lots have 2 front
yards)
Side Yard 20'; Side Yard 20'; Rear Yard 20';
Lot Coverage ≤12 %

5. Setbacks of Accessory Building/Use will be: N/A
Front _____; Rear _____; Side _____; Side _____; % Lot Coverage _____
Distance to nearest building: _____

6. Supply a statement of facts showing why relief can be granted without substantial detriment to the public good, and will not substantially impair the intent and purpose of the Zone Plan and Development Ordinance:

The Applicant received preliminary major subdivision approval with variances in 2001 pursuant to Resolution #01-16 (Attached). Because the zoning ordinance applicable to this property has not changed since the application in 2001, and the applicant is only proposing very minor revisions to the layout based upon revised survey information; there is no change in circumstances beyond the conditions that existed in 2001 when the preliminary approval was granted, so there is no substantial detriment to the public good or intent and purpose of the zone plan and ordinance in connection with this final approval.

7. What are the EXCEPTIONAL CONDITIONS OF THE PROPERTY supporting the granting of variance? (If 70c)

9. What are the special reasons for granting this variance?

The Applicant relies upon the reasons and basis of the approvals in 2001 as there are no material changes in circumstances or in the zoning ordinance as set forth in Resolution #01-16 which incorporated herein.

10. All applicants must attach the following to this application:

Proof of payment of all taxes due on the property.

Survey of subject property, with all existing structures drawn to scale by a NJ licensed surveyor with dimensions and setbacks marked.

Signed, notarized affidavit attesting to the fact that said sealed survey is accurate as to the current conditions.

Twenty copies of said survey, showing proposed additions with dimensions and setbacks marked.

I do hereby certify that the information presented in this application is true and accurate, to the best of my knowledge.



Name, address, phone of
attorney representing applicant.

(Signature)

Ronald J. Gelzunas, Esq.

P.O. Box 1288, Wildwood Crest, NJ 08260

609-854-4502

Check 1 or more:

Minor _____

Sketch _____

Prelim _____

Final X

APPLICATION FOR CLASSIFICATION
OF SKETCH PLAT
and/or SUBDIVISION PLAT

To: TOWNSHIP OF LOWER PLANNING

Application is hereby made for the classification of a
Sketch Plat of a proposed subdivision of land, hereinafter
more particularly described.

Applicant's Name Ed Niemann

Mailing Address 15 Sheriff Taylor Boulevard

North Cape May, NJ ZIP CODE 08204

Phone 609-854-4502

Name & Address of Present Owner (if other than applicant)

Same

Interest of Applicant if other than owner N/A
(Supply copy of Agreement of Sale, if prospective buyer)

Location of Subdivision:

Street Mimosa Drive/South of Fire Lane Section of Township _____

Block and Lot Numbers: Block: 499.01, Lots: 3 and 31

Zone R-2 Tax Map Sheet Number 6.11

Sewered X Non-Sewered _____

Number of Newly-Described Lots (Including existing lot) 4

Area of Entire Tract 5.23 acres Portion Subdivided All

Development Plans:

Sell lots only (Yes or No) Yes

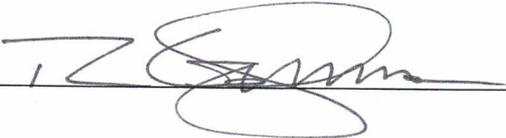
Construct houses for sale (Yes or No) No

Other _____

Name & Address or person preparing sketch:

Engineering Design Associates

5 Cambridge Drive, Ocean View, NJ 08210 Phone 609-390-0332

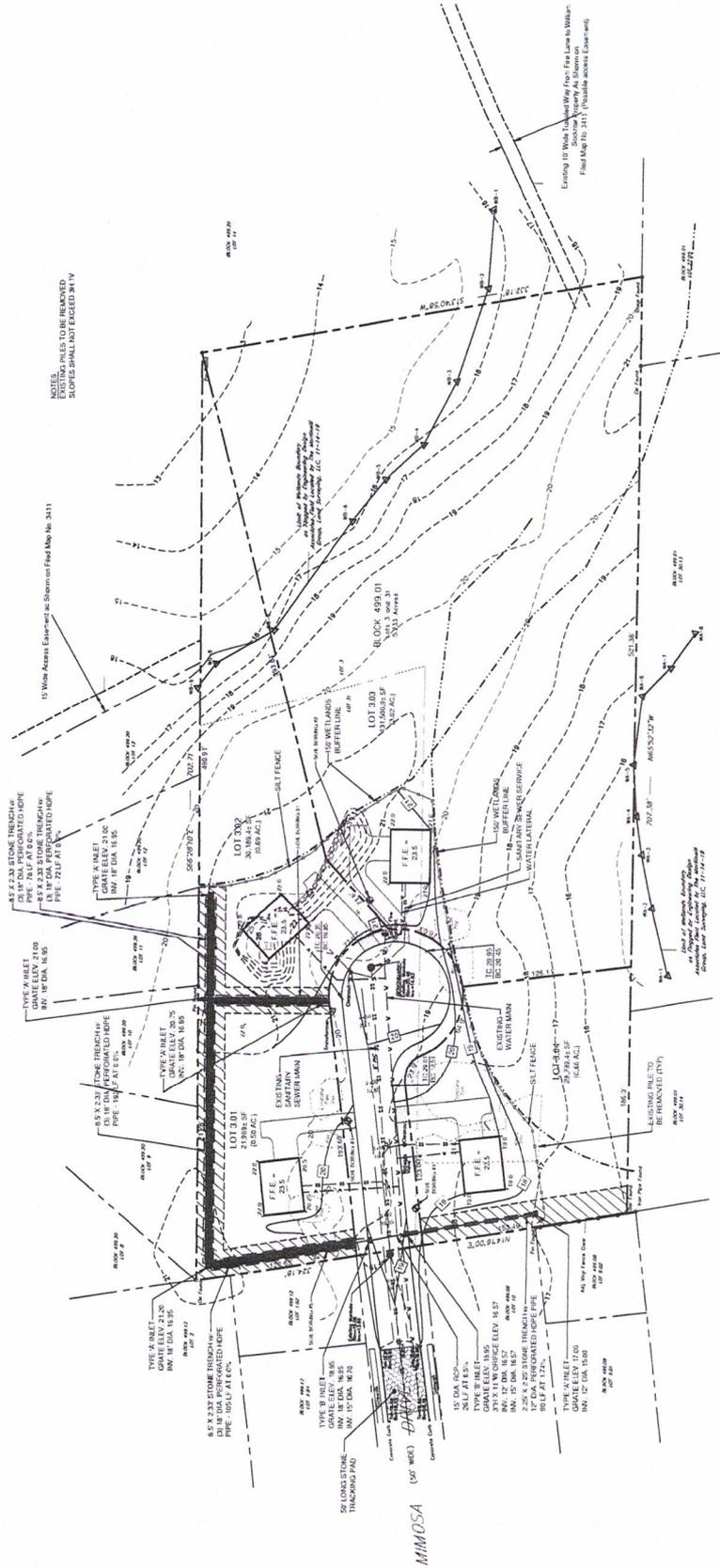
Signature of Attorney for Applicant 

COPY OF SUBDIVISION PLANS

REVISION	DATE	BY



DATE: 10/2020	DRAWN BY: MJH
SCALE: 1" = 40'	CHECKED BY: WCD
PROJECT # 8612	SHEET # 3 OF 5



SOIL INFORMATION

DEPTH	DESCRIPTION
0'-0" to 0'-10"	USDA 1-1 (Silt)
0'-10" to 0'-20"	USDA 1-2 (Silt)
0'-20" to 0'-30"	USDA 1-3 (Silt)
0'-30" to 0'-40"	USDA 1-4 (Silt)
0'-40" to 0'-50"	USDA 1-5 (Silt)
0'-50" to 0'-60"	USDA 1-6 (Silt)
0'-60" to 0'-70"	USDA 1-7 (Silt)
0'-70" to 0'-80"	USDA 1-8 (Silt)
0'-80" to 0'-90"	USDA 1-9 (Silt)
0'-90" to 0'-100"	USDA 1-10 (Silt)

TEST FILE

DEPTH	DESCRIPTION
0'-0" to 0'-10"	USDA 1-1 (Silt)
0'-10" to 0'-20"	USDA 1-2 (Silt)
0'-20" to 0'-30"	USDA 1-3 (Silt)
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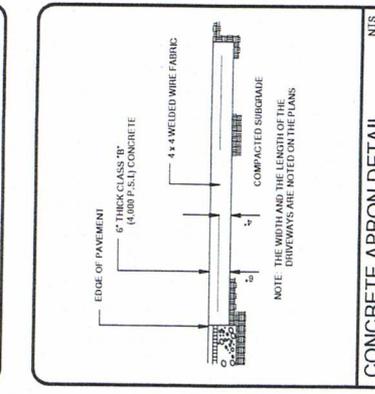
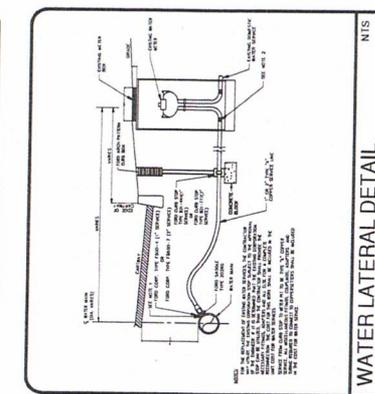
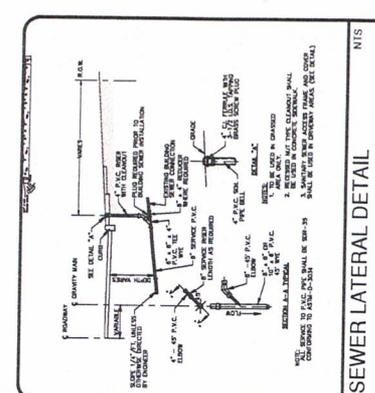
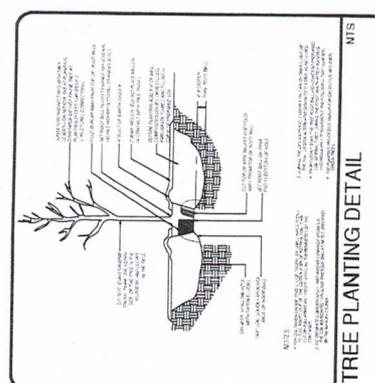
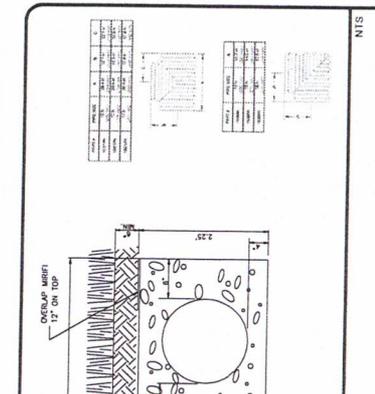
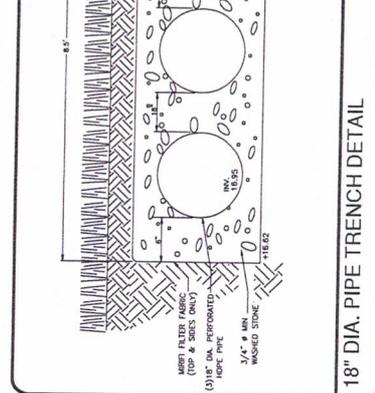
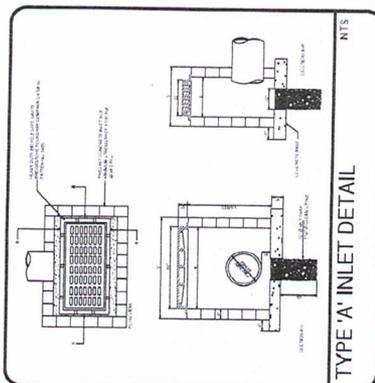
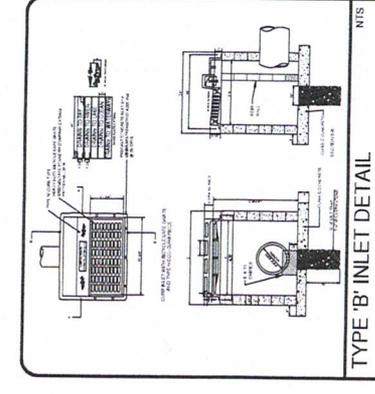
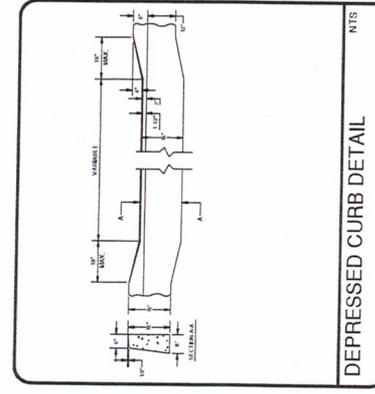
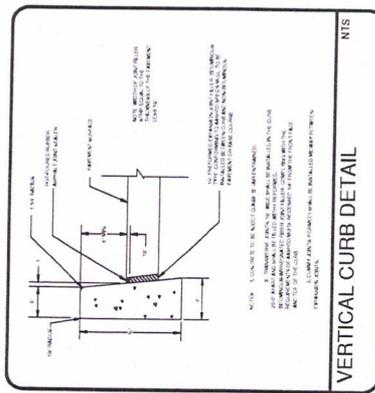
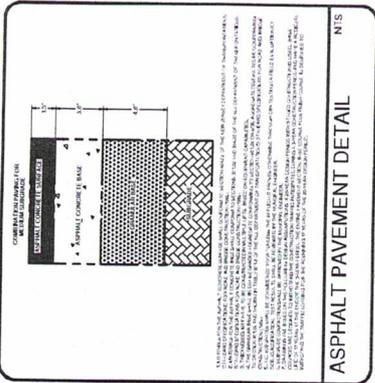
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0'-80" to 0'-90"	USDA 1-9 (Silt)
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GRADING & DRAINAGE PLAN

SOIL EROSION & SEDIMENT CONTROL PLAN





ENGINEERING DETAILS
 BLOCK 499.01, LOTS 3 & 31
 TOWNSHIP OF LOWER
 CAPE MAY COUNTY, NEW JERSEY

EDA
 Engineering
 Architects, P.A.
 CAMDEN PROFESSIONAL OFFICES
 1009 29C-0252 • Pa. (609) 396-8204
 818 WEST 11TH STREET, CAMDEN, NJ 08102

VINCENT C. ORLANDO
 PROFESSIONAL ENGINEER
 N.J.E. LIC. #32498

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REVISION	DATE	BY

EDA

DATE: 10/1/20
 DRAWN BY: MAH
 SCALE: AS NOTED | CHECKED BY: WCD
 PROJECT # 8612 | SHEET 4 OF 5

RESOLUTION NO. 01-16

Sub 1175

APR 18 2001

RESOLUTION NO. 01-10

FINDINGS AND CONCLUSIONS OF
THE LOWER TOWNSHIP
PLANNING BOARD

WHEREAS, Joseph T. Lafferty, has applied to the Lower Township Planning Board for a preliminary major subdivision and hardship variance and De Minimus exception for the drainage design as required by the residential site improvement standards for the creation of four newly described lots with one Lot 3.01 deficient in lot depth to be known as Mimosa Drive for the project known and identified as Block 499.01 Lots 3 and 31 as such appears on the Lower Township Tax Map, and which project is situated in the R-2 District; and

WHEREAS, a hearing on this Application was held before the Lower Township Planning Board on March 15, 2001 at which time the Board heard the testimony of the witnesses and considered all of the evidence presented as to the Application; and

WHEREAS, the Planning Board, after carefully considering the evidence presented, has made the following factual findings:

1. Joseph Maffei of EDA has presented the application on behalf of the applicant.
2. Ed Niemann presented himself to the Board and testified as did Joseph T. Lafferty, the owner of the parcel.
3. The parcel consists of 5.50 acres, 2/3 of which is wetlands and/or buffer for the wetlands.
4. The Bureau of Fire Safety had comments with regard to an additional fire hydrant being required.
5. The owner, Joseph T. Lafferty testified that he consents to the project.
6. During the public comments, one (1) person expressed concerns as to the lot depth and the impact the lot depth would have on the adjacent lots to this project.

WHEREAS, the Planning Board has determined that the requested preliminary major subdivision and hardship variance and the requested De Minimus exception to the storm drainage requirements should be approved for the creation of four newly described lots with the one lot deficient depth for the following

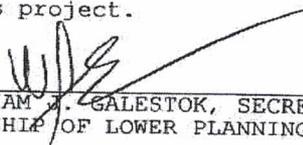
reason(s):

1. The subdivision meets all of the subdivision requirements of the Subdivision Ordinance.
2. The lot depth variance has been justified to the Board's satisfaction.

NOW THEREFORE BE IT RESOLVED by the Lower Township Planning Board that the requested preliminary major subdivision and hardship variance and De Minimus exception to the drainage standards for the creation of four newly described lots with the one lot deficient in lot depth be and is hereby granted subject, however, to the following conditions:

1. That the applicant must reach agreement with the Township on the street width, the right-of-way and curbing for that street width.
2. Applicant agrees to revise the plan to show conformity with the ten (10) year storm post development and one hundred (100) year storm post development drainage requirements of the residential site improvement standards.
3. The applicant show on the plan additional borings one at each of the drainage lines parallel with the road and one on the drainage line of the westerly side of Lot 3.01.
4. The applicant show the location of the street lights and the foot candle distribution on the plan consistent with the Township Ordinance.
5. The applicant shall have the requirement of conferring with the Board Engineer as to whether to place a note on the plan as to who will maintain the drainage system.
6. The applicant consult with the Bureau of Fire Safety and meet all of the Bureau of Fire Safety requirements in the final plan to be submitted to the Board.
7. The applicant submit a cost estimate for the site improvements anticipated for this project.

DATED:


WILLIAM J. GALESTOK, SECRETARY
TOWNSHIP OF LOWER PLANNING BOARD