

**RESOLUTION OF THE WEST LONG BRANCH ZONING BOARD OF ADJUSTMENT  
GRANTING BULK SIDE YARD VARIANCES TO PERMIT THE CONSTRUCTION OF A  
SWIMMING POOL FOR PREMISES KNOWN AS  
LOT 5.01, BLOCK 112 ON THE OFFICIAL TAX MAP OF THE  
BOROUGH OF WEST LONG BRANCH**

WHEREAS, applicant, BRIAN KRAMER, has filed an application with the Zoning Board of Adjustment for the purpose of obtaining bulk variances to construct a swimming pool on premises located on Homestead Avenue, and known as Lot 5.01, Block 112; and

WHEREAS, said lot was created as the result of a subdivision granted by the West Long Branch Planning Board by Resolution of that Board dated November 15, 2005; and

WHEREAS, the premises herein is further identified as 10 Homestead Avenue, West Long Branch, New Jersey; and

WHEREAS, applicant seeks to construct a pool in the rear yard of 10 Homestead Avenue, said pool to be located in the northwesterly corner of the property which has a dimension of approximately 22.94 feet by 46.52 feet; and

WHEREAS, said pool to be located therein will, pursuant to A1, which is marked in evidence, have a dimension of 16 feet by 36 feet, thereby rendering the side yard set backs from the edge of the pool to the north and south property lines of only 3 feet, for which applicant is seeking a variance; and

WHEREAS, the Board has heard and considered the testimony of the applicant, has received into evidence the plan of the location of the pool, which was marked A1 in evidence, and the pool specifications from the Pool Company marked A2 in evidence, has heard and considered the arguments of applicant's counsel, and some members of

the Board have physically gone to the property to view the area in which the pool would be located, and based thereon makes the following findings of fact:

1. Good, proper and timely notice has been served on all the property owners within 200 feet, as required by the municipal land use law and local ordinance;
2. Publication has been made in the Asbury Park Press, a paper of general circulation within the Borough as required by the M.L.U.L. and local ordinance;
3. Proof that the taxes have been paid and are current has been submitted to the Board;
4. Based upon the proof of service, proof of publication, and proof of payment of taxes, the Board has jurisdiction to hear and determine the petition of appeal before it;
5. The premises, which is the subject matter of this application, possess an unusual size and shape and the only logical place that the pool can be located is in the northwest corner of the property where it abuts a wooded area on the south known as Lot 4.01, and the rear most portion of a residential home lot known as Lot 6.01;
6. Applicant has made an attempt to purchase a portion of Lot 4.01 in Block 112, immediately abutting applicant's property on the south; however, Mrs. Viola, the owner has advised that she has no desire to sell the same;
7. Applicant has indicated that it will enclose the area where the pool is located with a 6 foot high white vinyl fence and otherwise create a pleasing environment for both of his neighbors and himself with regard to the pool and its impact on the adjacent properties;
8. The aforementioned findings effect are predicated upon the testimony of the applicant, Brian Kramer;

9. Several members of the Board advised the other members that they had visited the site and found the area in which the pool was to be located, the most logical place to locate the pool and also that the work the applicant has already done with regard to that area by way of erecting a retaining wall, as well as the proposed additional fence, would be of benefit to the area and, in their opinion, would not have any detrimental effect on the surrounding properties;

10. The Board finds that the proposed use will not adversely affect the Master Plan and the Zoning Plan of the Borough of West Long Branch;

11. The proposed use is not incompatible with other uses in the neighborhood and will not be deleterious to the health, safety, welfare and development of the neighborhood in which it is located;

12. The variances requested can be granted without substantial detriment to the Master Plan and Zoning Plan of the Borough of West Long Branch;

13. The variances are necessitated due to the size, shape, and location of the property and the fact that to locate the pool behind the house would put it in too close proximity to the rear exits from the house, and otherwise render the rear yard unusable for recreation by applicant's children;

14. The Board also concludes that to deviate on the standards of the ordinance in this case would provide a much larger betterment than any potential detriment to the zone plan or the area in which the property is located.

NOW, THEREFORE, BE IT RESOLVED that the variances requested by the applicant for a 3 foot side yard setback on both the north and south property lines to accommodate a 16 by 36 foot pool, be and the same are hereby granted.

BE IT FURTHER RESOLVED that the applicant will comply with its representations before the Board in that it will:

- A. Provide a 4 foot high chain link fence in addition to the 6 foot high vinyl fence together with a self-locking gate, as required by the pool ordinance, and the pool requirements of the State of New Jersey;
- B. Undertake whatever efforts are required in order to stabilize the chain link fence of the property owner to the northwest of applicant's property, i.e. the owner of Lot 28, Mr. Kelly.

BE IT FURTHER RESOLVED that applicant does not have to

- (a) apply to the Monmouth County Planning Board, as Homestead Avenue is not a County road, as determined at the time that the applicant obtained the subdivision;
- (b) apply to Freehold Soil Conservation District since less than 5,000 square feet of soil is being disturbed.

BE IT FURTHER RESOLVED that the applicant will be required to obtain whatever permits are required by the Borough of West Long Branch and the Board of Health, if applicable, for the construction, installation, and operation of a residential pool.

I certify this to be a true copy of the Resolution adopted by the Board.

Dated:

  
\_\_\_\_\_  
IRVEN MILLER, Secretary  
West Long Branch Board of Adjustment

17 MONMOUTH STREET, P.O. BOX 8847  
RED BANK, NEW JERSEY, 07701-8847  
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PRINCIPALS OF FIRM ARE MEMBERS OF :  
SOCIETY OF PROFESSIONAL ENGINEERS  
SOCIETY OF MUNICIPAL ENGINEERS  
PROFESSIONAL WOMEN NETWORK

## E. M. WATERBURY & ASSOCIATES, P.A.

ENGINEERING • PLANNING • LAND USE & DEVELOPMENT

September 11, 2020

West Long Branch Zoning Board of Adjustment  
c/o Ms. Chris Ann DeGenaro, Zoning Board Secretary  
965 Broadway  
West Long Branch, NJ 07764

File No. WLBZB 2020-05

Re: Engineering Review No.1  
Tina Maria Trace/Ruggerio (ZB 2020-05)  
Bulk Variance Application  
10 Homestead Avenue  
Block: 112 Lot: 5.01; Zone: R-10

Dear Board Members:

As requested, I have received the following as it relates to the referenced application:

- Completed Variance Application form including Checklist and completed for the referenced project, Stamp date August 14, 2020;
- Zoning Denial for the referenced project dated June 26, 2020;
- Building Permit Variance Plot Plan prepared by Matthew R. Wilder, PE, dated June 24, 2020 consisting of one (1) sheet.

The property contains an existing single-family dwelling and pool with patio. The applicant proposes to construct a patio extension across the back of the home. The application requires bulk variances approval for percent of coverage on the property and in the rear yard. The property is located within the R-10 Zone and has access from Homestead Avenue. The patio accessory use is permitted in the zone.

I offer the following for the Board's consideration.

### 1.0 Completeness Review

The applicant has submitted a completed checklist for review. Items have been noted as provided, not required or waiver. Based on my review of the above referenced documents, the applicant has submitted all of the required checklist items, with the exception of the following:

- 1.1 Checklist Item B4- Title Block Denoting Tax Map Sheet- Requires the tax map sheet number be provided in the title block. This information is not provided in the title block. I have no objection, from an engineering point of view, to a waiver for submission purposes and the requested information being added at the time of the next revision.
- 1.2 Checklist Item B5- Key Map- Requires a Key Map be provided. A map indicating the surrounding lot and block numbers has been provided with the property owners list. The map should highlight the referenced property and provide the limits of the 200' and 500' radius and zone limits as required by the checklist. I have no objection to this being waived for completeness purposes and request the information be provided to the Board at the public hearing.
- 1.3 Checklist Item C12 -Environmental Commission Site Plan Review–Requires a completes Environmental Commission Site Plan Review application be submitted. The checklist has requested a waiver from this item.





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Due to the nature of the application, I have no objection to the waiving for completeness of this item.

- 1.4 Checklist Item C13 -Building Elevation and Floor Plans-Requires building elevations and floorplans be provided. The checklist indicates the applicant is requesting a waiver of this item. The applicant does not propose to construct a building; therefore, this item is not required.

I have indicated I have no objection from an engineering point of view to submission waivers being granted by the Board for items noted above. The application is incomplete until additional information is provided and/or the Board determines they accept the waiver requests noted by the applicant. Please note, the granting of waivers of checklist items for completeness purposes does not prohibit the Board from requesting the information during the hearings.

2.0 Fee Determination

2.1 Following is a fee determination in accordance with Section 18-14.3 of the Borough ordinances and Ordinance O-19-5. Based on the ordinance, the fees are as follows:

*Non-refundable Application Fee: \$250.00*  
*Escrow Fee: \$850.00*

a. Non-Refundable Application Fee –

Hardship or bulk variance for single-family residential uses –  
 \$25.00 per variance (\$75.00 min)  
 Minimum fee controls = \$ 75.00  
 Stenographer fee = \$175.00  
 Total = \$250.00

b. Escrow Fee – per Ordinance O-19-5

Bulk “C” Variance = \$850.00

3.0 Zoning

3.1 The project is located within the R-22 Zone. The zoning schedule indicates that a coverage of 40% is permitted. The Grading Plan indicates the site has an existing coverage of 51.3% and a proposed coverage of 57.2%. A variance is required for the proposed condition. See comment 4.1 to follow.

3.2 Section 18-6.3f(3) requires that “In all residential zones, accessory buildings and structures combined shall occupy no more than the equivalent of twenty-five (25%) percent of the area of the rear yard...”. The applicant should address the percent area coverage by the proposed improvements. It appears the improvements in the rear yard total exceeds 25%. Relief is required.

3.3 Zoning relief noted as required is that relating to the proposed application for the patio extension and does not address any nonconformities that may exist on the property not impacted by the nature of the application. Besides lot coverage noted above, the shed location may not conform. See comment 4.1 to follow.

4.0 General Comments

4.1 I am in receipt a resolution of the Zoning Board for the property memorialized on July 27, 2006. The



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resolution grants approval for the location of the pool. A coverage variance was not noted. The resolution and a copy of the survey provided to the Borough after construction is attached. The 2006 plan does not show the shed or the additional pavers around the pool and in the rear of the home. These is added to the coverage calculation for the site by today's definition. I see the name on the current application is different than that of the 2006 applicant. The applicant should address when they purchased the property. I have attached NJDEP 2007 imagery which indicates pavers were installed as shown on the current plan. I am advised that the definition of coverage changed around 2008 to include patios etc. in the calculation and that under the old ordinances the patio would not have counted toward coverage. At the time of this letter I am in the process of confirming the ordinance change date. If correct the added pavers would not have required additional relief at that time of the pool approval. See comments 4.2 and 4.3 to follow.

- 4.2 A lot coverage variance is required. The applicant should address the change in stormwater runoff due to the proposed increase in coverage from the 40% permitted in the zone and runoff to the neighbors form the rear coverage. The plan indicates a proposed linear drainage system along the fence line. The applicant should address if the design of the drainage will help to mitigate runoff from the site. The 2006 resolution indicates a retaining wall was to be built as part of the pool project that kept runoff from impacting neighbors. That is not reflected on the plan. It should be clarified if this exists on the property. I note that the plan does not contain any contours or spot elevations, so I cannot determine if the runoff drains to neighboring properties. I recommend spot elevations and contours be provided. In addition impact to the neighbors should be addressed along with what mitigation could be used to reduce the runoff and impervious coverage. This could be done using permeable surfaces, recharge systems for roof water or similar.
- 4.3 I note the plan indicates a pop-up emitter to drain the system. The applicant should clarify if runoff from the emitter will drain to the neighbors. Also, the emitter is in areas where snow would generally not be removed. The engineer should address if the pipe can be daylighted rather than use the pop-up emitter, the maintenance required for the system, if it is impacted by snow or freezing and what is the impact if it is clogged. Please note, although a Borough drainage system runs in front of the home, the Borough Property Maintenance Ordinance 20-11 does not permit the roof leader pipe to connect to the drainage system or through the curb to drain onto the street.
- 4.4 Construction details for the pavers and the drainage system should be provided. General Borough guidelines require the pavers be setback the height of the pavers from the property line.
- 4.5 The applicant should address if lighting is proposed on the rear of the dwelling to light the proposed expanded patio. I recommend any lighting be downward directed and directed away from the neighboring property.

I reserve the right to make additional comments once the above information is requested. If you have any questions or require additional information, kindly advise.

Very truly yours,

Elizabeth M. Waterbury, P.E., P.P.

West Long Branch Zoning Board Engineer

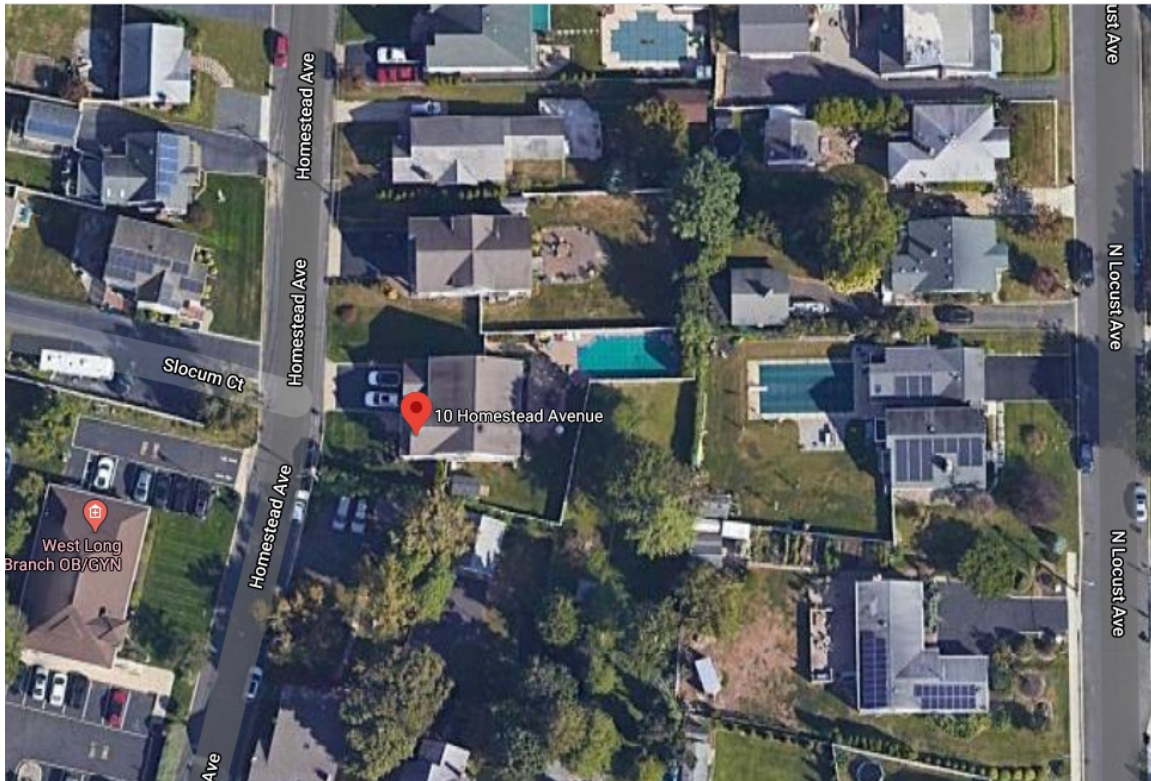
cc: Michael A. Irene, Esq., via email  
Tina Maria Trace via email



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2020 Aerial View from Google Maps



2020 Street View from Google Maps



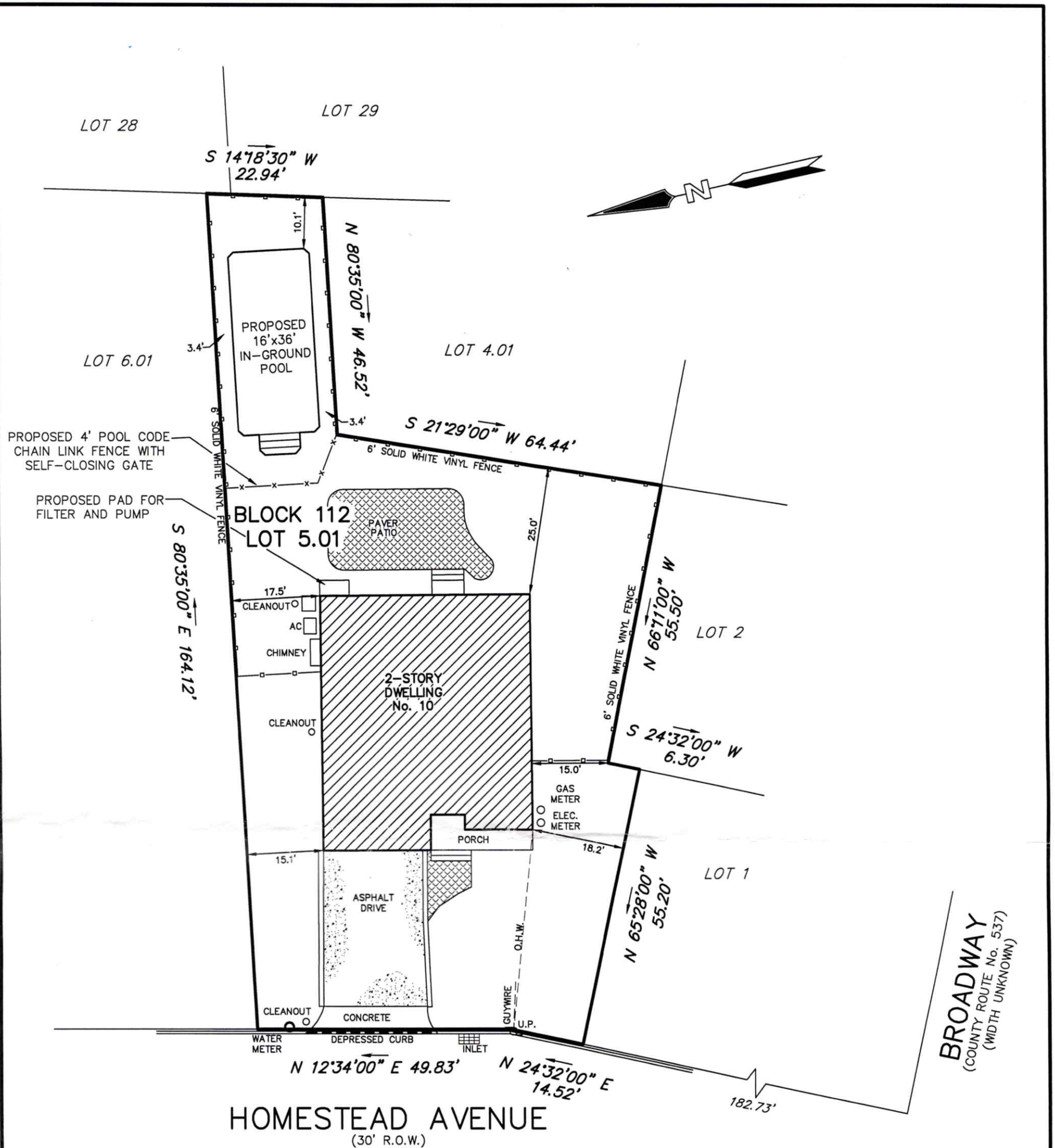


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2007 NJDEP GeoWeb imagery



APPROVED BY BOROUGH ZONING BOARD

DATE

<b>FINAL SURVEY FOR</b> <b>BRIAN &amp; STEPHANIE KRAMER</b> LOT 5.01 BLOCK 112			
BOROUGH OF WEST LONG BRANCH	MONMOUTH COUNTY	NEW JERSEY	
<b>Charles Surmonte P.E. &amp; P.L.S.</b> New Jersey Professional Engineer and Land Surveyor License No. 35885 1500 Allaire Avenue, Suite 104, Ocean, New Jersey 07712 (Phone 732-660-0606 Fax 732-660-0604)			

07-28-06 ADDED PROPOSED POOL AND FENCING

PROJECT No. 05-1704B	DATE: 06-20-06	SCALE: 1"=20'	SHEET: 1 OF 1
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