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JOHN J. HESS, PE, PP, CME

April 14, 2020

Barnegat Township Planning Board
900 West Bay Avenue
Barnegat, NJ 08005

**Re: Docket No. PB 20-01
Minor Subdivision - Review #3
Block 208.01, Lots 41 & 42
258 - 260 Bayshore Drive
Applicant: Lourdes Otis
170 Prospect Avenue
Hackensack, NJ 07601
Barnegat Township, Ocean County, NJ
Our File: VBGP0208.02 (60001)**

Dear Planning Board Members:

Our office has received for review the following items in support of the above referenced Minor Subdivision application:

- Copy of proposed Minor Subdivision Deed, undated, prepared by Clyde L. Otis, Esq., including legal description and metes and bounds descriptions.
- Copy of proposed Deed of Sight Triangle Easement, undated, prepared by Clyde L. Otis, Esq.
- A print of a Minor Subdivision Plan (1 sheet) prepared James C. Weed, PLS with Control Point Associates, Inc. of Mount Laurel, New Jersey dated 1/7/20, last revised 8/3/20. **unsigned**

A previous **completeness** letter was prepared by our office, dated March 15, 2021. The below submittals were previously reviewed:

- A print of a Minor Subdivision Plan (1 sheet) prepared James C. Weed, PLS with Control Point Associates, Inc. of Mount Laurel, New Jersey dated 1/7/20, last revised 8/3/20.
- A completed Land Use & Development Application with a filing date of February 25, 2021.
- A completed Completeness Check List for Minor Subdivision Application prepared by Clyde Otis, Esq. dated January 30, 2021.
- An Affidavit of Non-Collusion dated January 23, 2021.
- A completed Applicant/Developer Escrow Agreement dated January 30, 2021.
- A completed List of Professionals & Consultants.

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CONSULTING AND MUNICIPAL ENGINEERS

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- Copy of Barnegat Township Tax ID accounts for Block 208.01, Lots 41 and 42, showing second quarter taxes due for both lots, due 5/1/21.
- A list of Property Owners within 200' of Block 208.01, Lots 41 & 42 prepared by the Assistant Assessor, Gail B. Zalfa, dated August 30, 2020.
- A copy of a February 18, 2020 Tax Release from the Barnegat Township Tax Collector's office which certifies that the taxes on lot 41, block 208.01 are not current.
- A copy of a February 18, 2020 Tax Release from the Barnegat Township Tax Collector's office which certifies that the taxes on lot 42, block 208.01 are not current.
- A copy of a completed Contribution Disclosure Statement from Lourdes Otis dated January 30, 2021.
- Copy of proposed Minor Subdivision Deed, undated, prepared by Clyde L. Otis, Esq., including legal description and metes and bounds descriptions.
- Copy of proposed Deed of Sight Triangle Easement, undated, prepared by Clyde L. Otis, Esq.

We have reviewed the information submitted in support of this application and offer the following comments:

A. GENERAL COMMENTS

The property in question fronts on the southerly side of Bayshore Drive between Montclair Road South and Lagoon #2 and is located in the R-6 Residential Zone. Existing lot 42 is a corner lot located on the southeast corner of the intersection of Bayshore Drive and Montclair Road South, has an area of 9,803 sf and is occupied by a 1 story single family residential dwelling and an above ground pool. Existing lot 41 has an area of 8,568 sf and is occupied by a 1 story single family residential dwelling and two (2) sheds. It shows on the Minor Subdivision Plan that the existing sheds currently encroach onto adjoining lot 42.

The Applicant proposes to consolidate the two (2) existing lots and re-subdivide them into 2 new lots. It states in the Land Use & Development Application that the purpose of the subdivision is to move the common lot line between the two (2) lots approximately 10 ft into lot 42. As a result, the area of lot 42 will be reduced by 464 sf to 9,339 sf while the area of lot 41 will be increased by 464 sf to 9,032 sf. In addition, the existing sheds on lot 42 will be relocated to Lot 41 and will provide the required side and rear yard setbacks. It states on the Minor Subdivision Plan that the subdivision is to be filed by deed



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B. VARIANCES AND/OR WAIVERS REQUESTED

1. The Applicant has not requested any variances as part of this Minor Subdivision application.
2. The applicant has not requested any waivers as part of this Minor Subdivision application.

C. WAIVERS AND/OR EXCEPTIONS FROM THE RESIDENTIAL SITE IMPROVEMENT STANDARDS (RSIS)

This application is subject to the requirements of the Residential Site Improvement Standards (RSIS) adopted as N.J.A.C. 5:21-1, et seq.



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1. The Applicant has not requested any *de minimis* exceptions from the RSIS that might require improvements to existing streets.
2. The Applicant has not requested any waivers from the RSIS.

D. SUBMISSION REQUIREMENTS

The Applicant has addressed all of the submission requirements for this Minor Subdivision Application.

E. PLAT DETAILS AND DESIGN COMMENTS

1. On October 14, 1997, the State of New Jersey Department of Community Affairs issued a “Clarification on Minor Subdivisions in the Residential Site Improvement Standards” which states that the RSIS would only apply to a minor subdivision if the municipal approving authority requires improvements of the existing streets in connection with approval of the application. The clarification further states that if the municipal approving authority requires improvements to the existing streets (curbs, sidewalks, etc.), then the improvements must comply with the requirements set forth in the RSIS.

Therefore, the Planning Board must first determine if the Applicant will be required to improve the existing streets along the site frontages. If no improvements are required, then no further action is required by either the Applicant or the Board. If the Planning Board determines that the streets should be improved, then the Applicant must submit an Engineering Report which sets forth the proposed classification and design parameters for the street as required by Sections 5:21-4.1(c) and (d) of the RSIS.

2. Applicant has indicated desire to final Minor Subdivision by deed. As a condition of any approval granted by the Board, the form of the proposed minor subdivision deed must be reviewed and approved by the Planning Board Attorney and our office. In addition, for the purpose of clarity it is our recommendation that a reduced copy of the Minor Subdivision plan be recorded with the minor subdivision deed
3. It shows on the Minor Subdivision Plan that the Applicant proposes to relocate two (2) sheds to lot 41 to comply with the required accessory building setbacks. Proposed sheds are shown outside of an existing drainage easement. As condition of approval, applicant will be required to obtain any relevant Township zoning and/or building permits.
4. As stipulated in the Minor Subdivision Check List, minor subdivisions involving a corner lot shall provide a sight triangle easement, in accordance with Chapter 55-126.11. The applicant has provided a proposed sight triangle easement on the plan, as well as proposed Deed of Easement. The metes and bounds description has been approved by



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our office, and it remains for the Planning Board Attorney to review and approve legal description.

5. Revise the plat and deed of sight triangle easement to include the standard rules of sight triangle easements at Chapter 55-126.11.
6. Provide all certifications in accordance with Map Filing Law.
7. The proposed block and lot numbers for the new lots must be approved in writing by the Barneгат Township Assessor's office. In addition, add existing addresses to each building envelope.
8. Add existing pavement widths for both Montclair Road South and Bayshore Drive.
9. Provide three (3) coordinate pairs in accordance with Map Filing Law.

F. ASSESSMENTS

1. The Applicant is subject to a tax map assessment in the amount of \$600.00 as set forth in Section 55-135B(1) of the Ordinance.

G. OUTSIDE AGENCY APPROVALS

This application is subject to the following outside agency approvals. Upon receipt, copies of all outside agency approvals shall be forwarded to the Planning Board and our office.

1. Ocean County Planning Board.
2. All other outside agency approvals as required.

The Applicant should address the Board regarding the status of the required outside agency approvals for this project. In addition, copies of all outside agency approvals should be forwarded to the Planning Board and our office upon receipt.

Based on our review of the submitted information, we find that the Applicant has addressed all of the submission requirements set forth in the Ordinance. Therefore, we recommend that this application be deemed **complete** for consideration by the Planning Board subject to the Applicant complying with all applicable notification requirements as set forth in the Barneгат Township Land Use Ordinance and the Municipal Land Use Law.



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If you have any questions or require any additional information regarding this application, please feel free to call.

Very truly yours,

CME Associates

Kurt J. Otto, PE, CME
Planning Board Engineer

KJO/ts

cc: Martin Lisella - Administrator
Barnegat Township Zoning Official
Scott Taylor, LLA – Board Landscape Architect
Michael J. McKenna, Esq. – Planning Board Attorney
Lourdes Otis – Applicant
Clyde L. Otis III, Esq. – Applicant's Attorney
James C. Weed, PLS – Applicant's Surveyor