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March 11, 2022

Seaside Park Borough Planning Board  
1701 North Ocean Avenue  
PO Box B  
Seaside Park, NJ 08752

**Re: Viglianti  
Bulk/Use Variance – Review #1  
Block 63, Lot 6  
Location: 309 N Street  
Zone: R (Residential)  
Our File: HSSP0063.12**

Dear Planning Board Members:

In accordance with your authorization, our office has performed a review of the following information relative to the above-referenced Bulk and Use Variance application:

- Plot Plan for Variance Plan, 309 N Street, Block 63 – Lot 6, Borough of Seaside Park, Ocean County, New Jersey, consisting of one (1) sheet, prepared by MCH Engineering, Inc., dated February 28, 2021, unrevised;
- Survey Plat, Lot 6, Block 63 on the Borough of Seaside Park Tax Map, Borough of Seaside Park, Ocean County, New Jersey, consisting of one (1) sheet, prepared by FP & L Associates, Inc., dated October 25, 2021, last revised February 18, 2022;
- Architectural plans & elevations, Viglianti Residence, 309 N Street, Seaside Park, NJ 08752, Block: 63, Lot: 6, consisting of five (5) sheets, prepared by PDRdesigns, LLC, dated March 1, 2022, last revised March 10, 2022;
- Submittal Letter prepared by Lynn A. Dunn, Esq., dated March 1, 2022;
- Site Photos (2);
- Tax and Water & Sewer Utility Certification; and
- Development Application.

Based upon our review of the above information, we offer the following comments for your consideration:

1. Property Description

The subject property is a lot indicated to contain approximately 2,380 SF within an R Zone District and provides 30 feet of road frontage along the south side of N Street. The property currently contains a 1-story single-family dwelling with associated improvements including but



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not limited to a driveway, wood decks with steps, walkways, and front landing with steps. Berkley Harbor is located along the southerly side of the property. As per the FEMA Preliminary Flood Insurance Rate Map (P-FIRM), the property is located within an AE-9, special flood hazard area, which is regulated by the NJDEP.

The Applicant is proposing to construct an elevated 2-story single-family dwelling with a grade-level garage, new driveway, and front, rear and rooftop decks. No other site improvements and/or grading modifications appear to be proposed.

2. Surrounding Uses

Properties surrounding the subject property are similarly zoned R (Residential).

3. Zoning Compliance

The subject property is situated within an R Zone District. The table below summarizes the bulk measures and zone requirements for the property.

| DESCRIPTION                      | REQUIRED               | EXISTING             | PROPOSED                        |
|----------------------------------|------------------------|----------------------|---------------------------------|
| Minimum Lot Area                 | 5,000 sf               | ±2,380 s.f.          | ±2,380 s.f. <b>(EC)</b>         |
| Minimum Lot Width                | 50 feet                | 30 feet              | 30 feet <b>(EC)</b>             |
| Minimum Lot Depth                | 50 feet                | 79.33 feet           | 79.33 feet                      |
| Minimum Front Setback            | 15 feet                | 3.33 feet            | 3.33 feet <b>(EC)</b>           |
| Minimum Rear Setback             | 20 feet                | ±24.5 feet           | 14.2 feet <b>(V)</b>            |
| Minimum Side Setback             | 4 feet                 | 0.21 feet            | 1.69 feet <b>(V)</b>            |
| Minimum Combined Side Setback    | 8 feet                 | 1.84 feet            | 5.69 feet <b>(V)</b>            |
| Maximum Lot Coverage by Building | 40%                    | ±50.3%               | ±57.6% <b>(V)</b>               |
| Maximum Floor Area Ratio*        | 90%                    | ±50.3%               | 92.2% <b>(V)</b>                |
| Maximum Impervious Lot Coverage  | 60%                    | ±54.7%               | ±61.1% <b>(V)</b>               |
| Maximum Building Height          | 3-story / 23.62 feet** | 1-story / 18.67 feet | 3-story / 24.62 feet <b>(V)</b> |

**(EC)** – Existing Condition      **(V)** – Variance Required

\* - Floor Area Ratio calculations exclude garage and storage area at ground level.



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\*\* - Maximum height of building = (Lot Area \* 0.0032) + 16 (Section 200-67.E(7)(d)[2]).

The Applicant has requested variances and/or design waivers for the following with this application:

- a. **Section 200-67.E(1)(b)[5][a]** – Air-conditioner condenser platforms may be placed within a side yard setback provided that said platforms are at least six feet from the side property line, whereas 4 feet to the air-conditioner condenser platform is proposed.
- b. **Section 200-67.E(1)(b)[5][a]** – Air-conditioner condenser platforms may be placed within a side yard setback provided that said platforms are at least 30 feet from the front property line, whereas approximately 23 feet to the air-conditioner condenser platform is proposed.
- c. **Section 200-67.E(1)(b)[5][c]** – Air-conditioner condenser platforms may be placed within a side yard setback provided that the height of the platform shall not be greater than one (1) foot higher than the height required for the minimum flood height requirement in the designated flood zone; whereas the platform is proposed at elevation 22 within an AE-9 flood hazard area.
- d. **Section 200-67.E(2)(a)** – The minimum side yard setback required is 4 feet, whereas 1.69 feet is proposed.
- e. **Section 200-67.E(2)(a)** – The minimum combined side yard setback required is 8 feet, whereas 5.69 feet is proposed.
- f. **Section 200-67.E(3)** – The minimum rear yard setback required is 20 feet, whereas 14.2 feet is proposed.
- g. **Section 200-67.E(4)** – The maximum building coverage permitted is 40%, whereas 50.3% is existing and 57.6% is proposed.
- h. **Section 200-67.E(5)** – The maximum floor area ratio permitted is 90%, whereas 92.2% is proposed.
- i. **Ordinance 2021-20** – The maximum lot coverage permitted is 60%, whereas approximately 61.1% is proposed. *Please note this calculation is based on the assumption that the deck and steps will have minimum ¼" gaps between planks and area underneath the proposed deck will be pervious. Applicant should confirm accuracy of these assumptions.*

In addition to the above, the following additional variances and/or design waiver also appear necessary:



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- j. **Section 200-67.E(7)(d)(2)** – The maximum building height permitted is 23.62 feet, whereas a building height of 24.62 feet is proposed.

The Applicant also indicated that the following existing condition nonconformities would remain pertinent to the site:

- k. **Section 200-67.E(1)(c)[1]** – The minimum lot area required is 5,000 square feet, whereas approximately 2,380 square feet is shown to remain.
- l. **Section 200-67.E(1)(c)[2]** – The minimum lot width required is 50 feet, whereas 30 feet is shown to remain.
- m. **Section 200-67.E(1)(c)[4]** – The minimum front yard setback required is 15 feet, whereas 3.3 feet is shown to remain.
4. The Applicant has provided sufficient information in accordance with Ordinance Section 200-73.A.(10). Accordingly, we recommend that the application be deemed **complete** at this time and we estimate that the following fees are required:

a. **Nonrefundable Application Fees:**

**Ordinance Section**

|            |                           |                 |
|------------|---------------------------|-----------------|
| 200-11B(2) | Request for Use Variance  | \$345.00        |
| 200-11B(2) | Request for Bulk Variance | \$280.00        |
|            | <b>Subtotal:</b>          | <b>\$625.00</b> |

b. **Professional Services Escrow Fees:**

**Ordinance Section**

|            |                           |                   |
|------------|---------------------------|-------------------|
| 200-11B(2) | Request for Use Variance  | \$690.00          |
| 200-11B(2) | Request for Bulk Variance | \$690.00          |
|            | <b>Subtotal:</b>          | <b>\$1,380.00</b> |

We recommend the Borough collect \$625.00 in nonrefundable application fees and \$1,380.00 in professional services escrow fees from the Applicant prior to deeming the application complete.

5. The Applicant should be prepared to discuss the following issues with the Board:



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- a. Reasons supporting the granting of required variances and/or design waivers and continuance of existing condition nonconformities, including but not limited to the lot area, lot width, and front yard setback.
- b. Applicant should verify the site is actively/currently being used as a single-family use.
- c. Applicant should discuss the proposed use of the rooftop deck and the impacts that same may have to the surrounding neighborhood.
- d. The property is located within an AE-9 FEMA Flood Zone. The Applicant should discuss compliance with regulations regarding same. In addition, the Applicant's Engineer should address the applicable permitting requirements, clarifying whether the proposed development is authorized under any permit-by-rule and/or if any applications have been submitted to NJDEP for an FHA permit(s).
- e. Applicant should confirm fixed stairs and landings providing access to the electric meter will be provided, as depicted on the variance plan, and same will comply with all applicable requirements outlined in Section 200-67E(1)(b)[9].
- f. No grading modifications appear to be proposed. The stormwater management of the property, as well as any flood damage prevention measures should be reviewed with the Board. Applicant should specifically discuss roof leaders, downspout locations, flood vent locations and the ground floor wall material. Additionally, the Applicant should discuss any proposed mitigation to offset exceeding the maximum allowable building lot coverage on an undersized lot with several setback violations.
- g. Applicant should confirm the number of bedrooms in the existing and proposed conditions. Applicant should verify the proposed number of parking spaces and confirm it complies with both RSIS and Borough requirements for the single-family dwelling on the subject property.
- h. Applicant should provide testimony regarding the existing deck, specifically addressing the height off ground, material, presence of railings and location relative to the rear lot line. We note that the deck appears to extend beyond the rear property line.
- i. Any permits/approvals required by any outside agencies, the Applicant shall address the Board regarding the status of all outside agency approvals and copies of same shall be forwarded to this office.
- j. Should the Applicant receive Board approval, a revised variance plan depicting all required changes shall be provided to the Planning Board for resolution compliance review. The Applicant shall verify compliance with this condition.



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The right is reserved to present additional comments pending the receipt of revised Plans and/or testimony of the Applicant before the Board.

If you have any questions with regard to the above matter, please do not hesitate to call.

Very truly yours,

**CME Associates**

*Drew Paulick for:*

Douglas M. Rohmeyer, PE, CME, CFM  
*Planning Board Engineer*

DMR/DEP/dol

cc: Sandra Martin – Board Secretary  
Gregory Hock, Esq. – Planning Board Attorney  
Gary Stocco – Supervisor of Code, Construction, and Zoning  
Paul and Patricia Viglianti – Applicants  
Lynn A. Dunn, Esq. – Applicant's Attorney  
Matthew C. Hockenbury, PE – Applicant's Engineer  
Paul David Rugarber, AIA – Applicant's Architect