



**REMINGTON  
& VERNICK  
ENGINEERS**

845 North Main Street  
Pleasantville, NJ 08232  
O: (609) 645-7110  
F: (609) 645-7076

October 15, 2020

Donna Heffley, Board Secretary  
Egg Harbor City Planning Board  
500 London Avenue  
Egg Harbor City, NJ 08215

**RE: Application No. 20-03 LUB  
209-215 New York Avenue (Block 2.07, Lot 27)  
City of Egg Harbor, Atlantic County, NJ  
"C" Variance; Substandard Lot Width  
RVE File No. 0107-P-135**

Dear Board Members:

Please review the following report prepared for the above-referenced application based on the materials received by our office.

**I. Application Materials**

1. **Land Use Board Application No. 2020-03**, dated April 1, 2020.
2. **Neighborhood Lot Dimensions** dated October 1, 2020.
3. **Statement of the Application**
4. **Site Plan Checklist**
5. **Egg Harbor City – Fees and Deposits.**
6. **W-9** request for taxpayer identification number and certification.
7. **200 Foot Property Owners List** prepared by the City of Egg Harbor, dated March 26, 2020.
8. **Pinelands Certificate of Filing**

This report consists of our review of the subject application for conformance with the Egg Harbor City Land Use Ordinance requirements and includes Engineering and Planning. Legal issues shall be deferred for review by the Board Solicitor. Our review is limited to the information presented to date. The Applicant may present additional information and testimony at the Board hearing.

We offer the following comments regarding the above information:

**II. General**

The following general information has been provided for this application.

**Applicant/Owner:** John Donahoe  
304 Nectar Ave  
Galloway, NJ 08205

**Location:** 209-215 New York Avenue  
Egg Harbor City, NJ 08215

**Zoning:** R-22 – Single Family Residential

**Existing Use:** Vacant

**Proposed Use:** Single Family Residential

**Proposal:** The applicant is seeking relief from the minimum lot width standard. The minimum lot width in the zone is 150' and the lot width is 80'. It appears that the applicant intends to comply with all other requirements of the zone.

**Area, Yard & Bulk Regulations – R-22 Zone District:**

ITEM	REQUIRED	PROPOSED	CONFORMANCE
Minimum Lot Size	22,500 SF	24,000 SF	Conforms
Minimum Lot Width	150 ft	80 ft	Does Not Conform
Minimum Lot Depth	N/A	300 ft	N/A
Maximum Lot Coverage	20%	Unknown	Appears to conform
<b>Minimum Setbacks</b>			
Front (Principal)	40 ft	60 ft	Confirms
Side (Principal)	Minimum 20 ft / 45 ft total	Minimum 20 ft / 45 ft total	Conforms
Rear (Principal)	60 ft	165 ft	Conforms

**III. Completeness Review**

The submitted plan does not meet the criteria of what the ordinance describes as a "site plan". It appears that the applicant should seek, and the Board should consider a site plan waiver.

The above-received information has been reviewed for completeness in accordance with the requirements set forth by the Land Use and Development Ordinance (Chapter 170) of the City of Egg

Harbor (hereafter "Ordinance") and the New Jersey Municipal Land Use Law (NJSA 40:55D et. seq.). Based on the requirements set forth therein, if the Board decides to grant the site plan waiver and other waivers, as deemed necessary, then our office recommends that Application 20-03 LUB of the City of Egg Harbor Land Use Board (hereafter "Board") is deemed **complete**. If the Board decides not to grant the required waivers, then our office recommends that this application be deemed **conditionally complete** provided all completeness items are addressed as a condition of any approval granted by the Board.

#### **IV. General Comments**

1. Given the de minimis nature of the proposed improvements, a request for a site plan waiver could be deemed to be appropriate if the Board is satisfied with the information submitted.
2. The existing lot dimensions appear to be consistent with other lots in the surrounding neighborhood and no further reduction in lot width is proposed as part of this application.
3. The applicant shall comply with all other applicable requirements of the zoning ordinance. Any additional relief will require an amended application to this Board.
4. The applicant should provide testimony as to whether they have attempted to acquire any adjacent vacant property or sell this property to any adjacent landowners.

#### **V. Criteria for Approval**

##### **Negative Criteria**

The applicant is requesting a 'c1' or "hardship" variance. The applicant must prove a hardship as outlined in the MLUL 40:55D-70C (1) where:

- (a) by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or;
- (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or;
- (c) by reason of an extraordinary situation uniquely affecting a specific piece of property or the structures lawfully existing thereon, the strict application of any regulation pursuant to article 8 of this act (40:55D-62 et seq.) would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer of such a property, grant, upon an application or an appeal relating to such a property, a variance from such strict application of such regulation so as to relieve such difficulties or hardship.

If hardship is proven, the applicant must also show that such relief from the zoning ordinance will not be substantially detrimental to the public good and will not substantially impair the intent and purpose of the zone plan and zoning ordinance. This second criteria is called the negative criteria.

In plain language, the negative criteria is generally interpreted to require the applicant to prove that there will be no negative impacts to the neighborhood or City resulting from the proposed deviation from the Zoning Ordinance.

**V. Other Approvals**

The applicant shall be required to obtain approvals and or permits from all other State and local agencies having jurisdiction over this project.

**VI. Recommendations**

Based on our review of Application 20-03 LUB of the City of Egg Harbor Land Use Board, it is our recommendation that the requested variance may be granted if the Board is comfortable with the information submitted as supplemented by any testimony provided at the meeting.

We may have further comments pursuant to testimony presented at the public hearing or the receipt of revised plans.

Should you have any questions, comments or require additional information, please do not hesitate to contact our Pleasantville office at your convenience.

Very truly yours,

**REMINGTON & VERNICK ENGINEERS**



Ryan A. McGowan, PE, PP, CME

cc: Egg Harbor City Land Use Board Members  
Elias Manos, Esq., Planning Board Solicitor  
John Donahoe, Applicant