### PANDOLFE, SHAW & RUBINO, L.L.C

### ATTORNEYS AT LAW

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Email: <u>mrubino@psr215.com</u>

215 Morris Avenue Spring Lake, New Jersey 07762 (732) 449-7500

> TELEFAX: (732) 449-7501 \*N.J. & FLA, BAR

December 16, 2021

### HAND DELIVERED

Borough of Belmar 601 Main Street P.O. Box A Belmar, NJ 07719

Attention: April Claudio, Pl. Bd. Board Secretary

RE:

OCEAN HARBOR APARTMENTS, LLC

805 OCEAN AVENUE BLOCK 80 LOT 15 BELMAR, NJ

Dear Ms. Claudio:

With reference to the above captioned matter, I am enclosing 16 amended architectural plans. The plans amend the previous application as follows:

- 1. A barrier free ramp and barrier free parking space was added, which in turn makes for re-striping the spaces on the north side of the existing parking lot, which changes the Max. Lot Coverage (R-75 Zone) requested from 41.2% to 41.32% and increases the Max Impervious Coverage (R-75 Zone) from 76.1% requested to 76.76% requested, whereas 40% is permitted, and also adds a parking space.
- 2. An overhang was added over the parking lot entry door (small change), which also increased the building coverage.

Please note pursuant to Mr. Freda and Ms. Bell's letter, the applicant is requesting approval for minor site plan along with variances on use (d-2) for expansion of the vestibule area and floor area ratio (d4). Bulk variances will also be asked for above as cited and if deemed necessary a use variance will be requested. The applicant will ask for bulk and/or use variances as deemed necessary by the Board Engineer, Board Attorney and Planning Board for the above changes to the plan.

If you have any questions, please do not hesitate to contact my office.

Very truly yours,

MRR:lmw Enclosure(s)

Cc: Client

MICHAEL RUBINO, JR.



### BOROUGH OF BELMAR

DEPARTMENT OF CONSTRUCTION, PLANNING & ZONING 601 Main Street Post Office Box A Belmar, NJ 07719

Phone: (732) 681-3700 x225 Fax: (732) 681-3434 Web: www.belmar.com

### **DEVELOPMENT APPLICATION**

DATE RECEIVED: 7-19-21	APPLICATION NO: 1801-33
RECEIVED BY (Items above to b	FEE AMOUNT PAID: \$750 ESCOCO be filled out by the Borough)
Date Prepared: 05/26/2021	(Please Print) Zone: B-C (Beachfront Commercial)
Block(s): 80	15
Site Address: 805 Ocean Avenue	A differ to
Name of Owner(s): Ocean Harbor Apartments	s, LLC
Owner Address: P.O. Box 43, Livingston, NJ (	07039
Phone #: 732-759-9352	Email: davidlegow@legow.com
Applicant Address:  Phone #:	
Name of Professional Preparing Plan: Paul Damia	ano License #: AIO-11915
Name of Firm: Paul A. Damiano, Architects, LLC	
Firm Address: 1721 Beverly Ave, Spring Lake H	Heights, NJ 07762
Phone #: 732-449-5642	Email: pdamianoarch@gmail.com
Name of Attorney Representing Applicant: Michael	nel R. Rubino, Jr., Esq.
Name of Firm: Pandolfe, Shaw & Rubino, LLC	and the state of t
Firm Address: 215 Morris Ave., Spring Lake, N.	J 07762
Phone #: 732-449-7500 ext 16	Email: mrubino@psr215.com / lwright@psr215.com

Apr	olication Request	
ε	a. The applicant is hereby requesting an ap	plication for the following:
	☐ Minor Subdivision	☐ Final Major Site Plan
	☐ Preliminary Major Subdivision	☐ Appeal of Zoning Officer's Decision ("A")
	☐ Final Major Subdivision	☐ Interpretation of Zoning Ordinance ("B")
	☐ Conditionally Exempt Site Plan	☐ Hardship or Flexible Bulk Variance ("C")
	☐ Minor Site Plan	☐ Use Variance ("D")
	☐ Preliminary Major Site Plan	
	☐ Amended Preliminary, Final or Minor	Subdivision
	☐ Amended Preliminary, Final or Minor	Site Plan
		required? If so, please specify the and provide a detailed ttach explanation hereto.
Items	of Proposed Development	
a.	Address: 805 Ocean Avenue	
ъ.	Zoning District: B-C (Beachfront Con	nmercial)
c.	Number of Existing Lots: 1	Number of Proposed Lots:
d.	For the construction of: (check all that apply and po	rovide # of each type)
	☐ Single Family Dwelling	첩 Accessory Use
	☐ Two Family Dwelling	☐ Addition
	☐ Other Residential	X Commercial Structure(s)
	☐ Other (Describe)	
	Number of units that will qualify as Afford	able Units $\frac{0}{}$ for sale and $\frac{0}{}$ for rent.
e.	Provide brief description of proposed devel-	opment:
	a. b. c. d.	☐ Preliminary Major Subdivision ☐ Final Major Subdivision ☐ Conditionally Exempt Site Plan ☐ Minor Site Plan ☐ Preliminary Major Site Plan ☐ Amended Preliminary, Final or Minor ☐ Amended Preliminary, Final or Minor Is a variance or conditional use approval section of the Ordinance: explanation of the variances needed and a  Items of Proposed Development  a. Address: 805 Ocean Avenue b. Zoning District: B-C (Beachfront Cor c. Number of Existing Lots: 1  d. For the construction of: (check all that apply and por ☐ Single Family Dwelling ☐ Two Family Dwelling ☐ Other (Describe) ☐ Number of units that will qualify as Afford

### 3. Consent for Site Review

The applicant and owner realize that as part of the Planning Board / Zoning Board of Adjustment review of its application, that the Board may determine it necessary or advisable to visit the subject premises for the purposes of performing a site inspection and review. The applicant and owner do hereby give permission to any member of the Borough of Belmar's Planning Board and Zoning Board of Adjustment as well as any other Borough employee or offic

		officer to enter the subject premises for the	e purpose of performing a site	inspection and review
		Owner Initials  7/14/4  Date	Applicant Initials	Date
5.	C	ertificate of Concurrence & Statement of	the Landowner	
	a.	I hereby certify that I am the Owner of Replans presented to the Planning Board / Zon	ecord of the site depicted and ning Board of Adjustment.	that I concur with the
	ъ.	Application is made with my complete un agreement of purchase or other option enter	derstanding and permission in ed into between me and the ap	a accordance with the oplicant.
	c.	Permission is hereby granted to:  Applicant, to submit the proposed devel Contract Purchaser if applicable):	opment plans on my behalf	as the: (Tenant or
		My 7/14/V Owner Initials Date	Applicant Initials	Date

Applicant Initials

Date

### 6. Escrow Agreement

- a. The ordinances of the Borough of Belmar require the Applicant to pay certain sums into an escrow account for review of said application for development and for the Owner of said property to agree to the charges against same or become a lien on its property.
- b. The Applicant shall submit an escrow payment to the Borough of Belmar in the amount of to be held by the Borough in an interest bearing account pursuant to N.J.S.A. 40:55D-53.1.
- c. The Borough has the right to withdraw funds from said escrow account for payment of all invoices submitted by the professionals reviewing the application on behalf of the Borough pursuant to N.J.S.A. 40:55D-53.2.
- d. If the escrow account is reduced to 25% of its original amount or if additional payments are deemed necessary by the Planning Board / Zoning Board of Adjustment / Borough, the Applicant shall be notified of such and agrees to make an additional payment within twentyone (21) days of receipt of request pursuant to Borough Code.

Mro	7/14/4		
Owner Initials	Date	Applicant Initials	Date

7. Final Cert	Owner	Anniforms of shorter and
Name:	Ocean Harbor Apartments, LLC	Applicant (if other than owner)
Address:	P.O. Box 43, Livingston, NJ 07039	-
Signature:	BY BNID LLEGON, MANAGOI	
	Notary Public	Attorney on behalf of Applicant/Owner
Name:	Lauren Wright	Michael R. Rubino, Jr., Esq.
Address:	215 Morris Ave.	215 Morris Ave.
Signature:	Spring Lake, NJ 07762	Spring Lake, NJ 07762
Stamp:	Lauren M Wright Notary Public Ocean County, New Jersey My Commission Expires 03/26/2023 Notary ID# 50079428	
Seal:		

Applicant continued

Professional Equincer/Architect	Company Name: Paul A. Damiano, Architects, LLC	Address: 1721 Beverly Avenue	Spring Lake Heights, NJ 07762	(732)449-5642	Contact Name: Paul A. Damiano, AIO	Signature:	Date Submitted:	License No.: AIO - 11915
Company Name: Ocean Harbor Apartments, LLC	Address: P.O. Box 43		Livingston, NJ 07039		Contact Name: David Legow	Signature: (340 mv 0 L CELAU mounty 2	Date Submitted:	Block: 80 Lot: 15

Seal

Street Address of Property: 805 Ocean Avenue, Belmar, NJ

### STATEMENT OF CORPORATE OR OTHER OWNERSHIP

This is to be completed if the property is owned by a corporation or LLC.

1. Pl	ease	indicate if the ap	plicant is a(an):		
	a. (	Corporation	X		
	b. 1	Partnership			
2. If t	the ap	oplicant is a Cor	poration or a Partne	rship, the follo	owing shall be provided:
		The names and a lass;	ddresses of all stock	kholders owni	ing 10% or more of its stock of any
		he names and a nerein.	ddresses of all indi	vidual partner	s who own 10% or greater interest
sto	ckho!	lders holding 10	% or more of tha	t corporation	a corporation or partnership, the s stock, or the individual partners case may be, shall also be listed.
Name:		see attache	d list	Name:	
Address	:			Address:	:
Percenta	ge O	wnership:		Percentage	e Ownership:
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Signature	);	·		Signature:	
Date:				Date:	

Gerald Legow SLAT	6.2833500%
Ruth Legow SLAT	6.2833500%
Donald Legow SLAT	6.2833500%
Ellen Legow SLAT	6.2833500%
Sara-Ann Sanders SLAT	6.2833000%
Robert Sanders SLAT	6.2833000%
Deborah Legow Schatz Revocable Trust	8.9000000%
Lisa L. Slovin 2010 Revocable Living Trust	8.9000000%
Amy Legow	8.9000000%
Nancy Legow	8.9000000%
David Legow	8.9000000%
Toby Sanders	8.9000000%
Wendy Minocha	8.9000000%

100.0000000%

### **ADDEUNDUM**

The applicants have owned the apartments location for over 40 years and the ownership goes back to the mid 1970's. The units are called Ocean Harbor Apartments, LLC and has been in existence as near has been able to trace since the late 1960's early 1970's. At this point we are not sure they were developed pursuant to Ordnance or whether there was a use variance. We did try to check the records but as of now the Borough of Belmar does not have records going back that far. The applicant is looking to do some minor renovations and cosmetic work at the apartments as they presently exist. They are not planning on adding any additions to it or any substantial changes to the perimeter of the building.

They are asking for permission to move the south door front doors and glass panels which are currently recessed and define the south end of the vestibule 5 feet south to be flush of the face of the remaining south wall building. Such move will increase the vestibule size by 60 feet. There will be no additional change to this area of the building as the balance of the work within the existing building envelope. The reason to create additional space in that area is for online delivery drop off packages and monitor it in a protected area seen through the pandemic and assumed to be continued in the future.

The applicants also propose to renovate the exterior of the premises to create a more modern look in keeping with the area with a lighter shore beach theme. It is proposed to be achieved as follows:

- a. Remove the existing mansard roof (looks like it is from the 60's)
- b. Remove the bulk of the old brick veneer to be capped about 30" above grade
- c. Install new horizontal siding, varying in blue and gray sections to break down the scale of the structure- with intentions to eventually replace the existing storefront glass and all windows and doors
- d. Install varied roof edge treatments coordinating with the different color sections including :
  - 1. A white azek parapet with decorative corbels
  - 2. 2" diameter white aluminum pipe rail sections to mimic the railing at the boardwalk
  - 3. White board and batten gables to mark the entry points integrated with sections of low wall and vinyl railing
- e. Renovate the main entry porch-currently exposed steel posts and a flat roof approximately 8 feet x 52 feet by encasing the posts with decorative columns and adding a low standing seam metal roof.

The main roof itself will remain flat roof and the drainage remains the same (scuppers and downspouts in their locations) that will be maintained.

From: paul damiano [mailto:pdamianoarch@gmail.com]

Sent: Tuesday, May 11, 2021 1:54 PM To: Lauren Wright < lwright@psr215.com>

Cc: Michael R. Rubino, Jr. <mrubino@psr215.com>

Subject: Re: ocean harbor apartments LLC

### 805 Ocean

Inbox

### **April Claudio**

to me

Thu, Apr 29, 10

Your minor land use application has been denied because it is an expansion of a non-conforming use.

April Claudio, RMC, CMC, CMR Municipal Clerk/Registrar Planning, Zoning & Construction 732-681-3700 ext. 225

Above is the Denial I received- an email from April- so yes we should just pursue the denial- not propose an unchanged a site plan-

-I was just reading through the checklist to see what drawings need to be assembled and what needs to be included

on them- I need to put together a board set- so we will need about a week for that-

in terms of the application we were denied for expansion of a non conforming use-just looking online to get my facts straight-

attached map-building falls in both - b-c beachfront commercial and an r75 zone- they call us a bc

also attached schedule 40-5-2B which allows apartments/residences on the second floor of a commercial or professional office

we previously sent the following:

### § 40-7.3Nonconforming Uses, Buildings and Structures.

b.

No nonconforming building or structure shall be enlarged, extended or increased unless such enlargement is conforming.

as the applicable ordinances I see so far- thanks again- paul

### Type of Application

ivision	Preliminary Major Subdivision	Subdivision	Conditionally Exempt Site Plan	lan	Preliminary Major Site Plan
Minor Subdivision	Preliminary ]	Final Major Subdivision	Conditional	Minor Site Plan	Preliminary ]

(Check all that apply)	Final Major Site Plan	Appeal of Zoning Officer's Decision ("A" Variance)	Interpretation of Zoning Ordinance ("B" Variance)	Hardship or Flexible Bulk Variance ("C" Variance)	Use Variance ("D" Variance)
		Variance)	ariance)	ariance)	

Amended Preliminary, Final or Minor Subdivision
Amended Preliminary, Final or Minor Site Plan
Extension of Time

Notes:

- An application shall not be considered complete until all applicable materials and information specified below have either been submitted, or a WRITTEN "Waiver Request" is made by the applicant for the non-submitted applicable item. Failure to submit a properly completed application checklist is reason for application incompleteness. Items denoted with an "X" are applicable for the type of application being submitted.
  - Applications for amended site plans and subdivisions shall comply with all checklist items below for site plans and subdivisions. Applications for extensions of time shall not be subject to the application checklist requirements below. 7

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Section 1 - Administrative Completeness Requirements

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"Development Application" forms.		×	×	×	×	×	×	×	×	×	X		
Fourteen (14) copies of the completed Borough of Belmar "Application Checklist" forms.	Borough of Belmar	×	×	×	×	×	×	×	×	×	×		+
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7	Certified list of property owners within 200 feet of the property as prepared by the Borough Clerk.	×	×	×	×	×	×	×	. ×	. ×	" ×	и 📂		+	-	+	+	+	T
∞	Municipal Tax Status Request form filled out and submitted as part of the package.	×	×	×	×	×	×	×	×	: ×	×	×		-	1	-	-	+	T
6	Fourteen (14) copies of the plans, signed and sealed by an architect or engineer licensed in the State of New Jersey.	×	×	×	×	×	×	×	×	×	×	×					-	-	T
10	Eighteen (18) copies of the full Environmental Impact Report. If applicant is requesting a waiver provide a letter stating such.	×	×	×	×	×	×	×						-	-		-	-	T
=	Eighteen (18) copies of the Stormwater Management Report	×	×	×	×	×	×	×							+	-	+	+	T
12	Eighteen (18) copies of the Traffic Report.	×	×	×	×	×	×	×						-	+		-	+	Т
13	Eighteen (18) copies of all proposed written descriptions including metes and bounds for all easements, covenants and deed restrictions affecting the property in question.	×	×	×		×	×	× ×		Ì				-	-	-	-	-	1
14	Eighteen (18) copies of all written explanations for waiver requests documenting the section and paragraph of the Borough code the applicant is requesting a waiver for and the corresponding item number on the checklist.	×	×	×		×	×	×	×	×	×	×		-	-	-		-	1
15	An affirmative statement in writing indicating how all applicable conditional use standards are met.					×	×	×									+	+	T
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Section 2 - Plat Requirements

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Section 3 - General Plan Information Requirements

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	Item Description		Plans drawn to scale not smaller than 1 inch = $50$ feet or larger than 1 inch = $20$ feet.	Sheet size shall be no smaller than $11" \times 17"$ , $24" \times 36"$ or $30" \times 42"$ .	Scale, north arrow and reference meridian both written and graphic. The reference source (i.e. deed, Filed Map, etc.) of the meridian shall be identified.	Key map showing location of parcel to be considered in relation to surrounding area, with two hundred foot (200') offset shown and block and lots labeled.	Title block containing contact information of professional, lot and block number, site or subdivision name, date prepared and date of last revision by revision block.	Parking plan showing spaces, size, and type, aisle width, curb cuts, drives, driveways, and all ingress and egress areas and dimensions, the number of spaces required by ordinance, and the number of spaces provided.	Site Triangles	Landscaping Plan
	Item #		27 P	28   3	29 au et et	30 X 5 Z	31 to	32 CC ar	33 Si	7 7

Section 5 - Miscellaneous Items Required on the Plans or in the Submission Package

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37 Details for the construction of any on-site improvements (i.e. curb, pavement, fences, sidewalk, lighting, etc.).

Section 6 - Miscellaneous Items Required on the Plans or in the Suhmissio

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	39 Utility Plan.		×	×	×	×	×	×					+	-	1
	40 Lighting Plan including luminaire calculations, specifications and details	T	  ×	×	×	×	×	×		+			+	+	
	Signing and Striping Plan including location and dimensions of all off street loading areas, parking requirement calculations and actual number of space provided pre- vs. post construction. Graphically depict all and dimension (Section 188 - 106 & 107).		×	×	×	×	×	×							
	42 Traffic Signal Plan & Public Entrance Plan (if any).		×	×			×	×					+	-	