

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

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

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**\* 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,



MICHAEL R. RUBINO, JR.

MRR:lmw  
Enclosure(s)  
Cc: Client



# 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](http://www.belmar.com)

## DEVELOPMENT APPLICATION

DATE RECEIVED: 7-19-21

APPLICATION NO: LB21-33

RECEIVED BY AC

FEE AMOUNT PAID: \$750 escrow

(Items above to be filled out by the Borough)

Date Prepared: 05/26/2021

(Please Print)

Zone: B-C (Beachfront Commercial)

Block(s): 80

Lot(s): 15

Site Address: 805 Ocean Avenue

Name of Owner(s): Ocean Harbor Apartments, LLC

Owner Address: P.O. Box 43, Livingston, NJ 07039

Phone #: 732-759-9352

Email: davidlegow@legow.com

Name of Applicant (if different than owner): same as above

Applicant Address: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Name of Professional Preparing Plan: Paul Damiano

License #: AIO-11915

Name of Firm: Paul A. Damiano, Architects, LLC

Firm Address: 1721 Beverly Ave, Spring Lake Heights, NJ 07762

Phone #: 732-449-5642

Email: pdamianoarch@gmail.com

Name of Attorney Representing Applicant: Michael R. Rubino, Jr., Esq.

Name of Firm: Pandolfe, Shaw & Rubino, LLC

Firm Address: 215 Morris Ave., Spring Lake, NJ 07762

Phone #: 732-449-7500 ext 16

Email: mrubino@psr215.com / lwright@psr215.com

**1. Application Request**

a. The applicant is hereby requesting an application for the following:

- |  |  |
|--|--|
| <input type="checkbox"/> Minor Subdivision                               | <input type="checkbox"/> Final Major Site Plan                     |
| <input type="checkbox"/> Preliminary Major Subdivision                   | <input type="checkbox"/> Appeal of Zoning Officer's Decision ("A") |
| <input type="checkbox"/> Final Major Subdivision                         | <input type="checkbox"/> Interpretation of Zoning Ordinance ("B")  |
| <input type="checkbox"/> Conditionally Exempt Site Plan                  | <input type="checkbox"/> Hardship or Flexible Bulk Variance ("C")  |
| <input type="checkbox"/> Minor Site Plan                                 | <input checked="" type="checkbox"/> Use Variance ("D")             |
| <input type="checkbox"/> Preliminary Major Site Plan                     |  |
| <input type="checkbox"/> Amended Preliminary, Final or Minor Subdivision |  |
| <input type="checkbox"/> Amended Preliminary, Final or Minor Site Plan   |  |

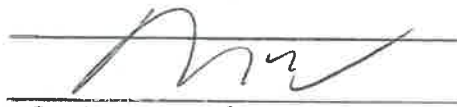
Is a variance or conditional use approval required? \_\_\_\_\_ If so, please specify the section of the Ordinance: \_\_\_\_\_ and provide a detailed explanation of the variances needed and attach explanation hereto.

**2. Items of Proposed Development**


- a. Address: 805 Ocean Avenue
- b. Zoning District: B-C (Beachfront Commercial)
- c. Number of Existing Lots: 1 Number of Proposed Lots: 1
- d. For the construction of: (check all that apply and provide # of each type)
- |   |   |
|---|---|
| <input type="checkbox"/> Single Family Dwelling _____ | <input checked="" type="checkbox"/> Accessory Use _____           |
| <input type="checkbox"/> Two Family Dwelling _____    | <input type="checkbox"/> Addition _____                           |
| <input type="checkbox"/> Other Residential _____      | <input checked="" type="checkbox"/> Commercial Structure(s) _____ |
| <input type="checkbox"/> Other (Describe) _____       |   |
- Number of units that will qualify as Affordable Units 0 for sale and 0 for rent.
- e. Provide brief description of proposed development: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_



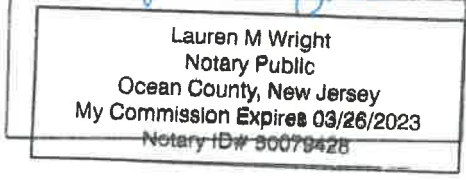
**7. Final Certification**

Owner  
Name: Ocean Harbor Apartments, LLC  
Address: P.O. Box 43, Livingston, NJ 07039  
Signature:   
BY DAVID L. LEGON, Notary Public

Applicant (if other than owner)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Notary Public  
Name: Lauren Wright  
Address: 215 Morris Ave.  
Spring Lake, NJ 07762  
Signature: 

Attorney on behalf of Applicant/Owner  
Michael R. Rubino, Jr., Esq.  
215 Morris Ave.  
Spring Lake, NJ 07762  
\_\_\_\_\_

Stamp: 

Seal: 

Applicant continued

Professional Engineer/Architect

Company Name: Ocean Harbor Apartments, LLC

Company Name: Paul A. Damiano, Architects, LLC

Address: P.O. Box 43

Address: 1721 Beverly Avenue

Livingston, NJ 07039

Spring Lake Heights, NJ 07762

Contact Name: David Legow

Contact Name: Paul A. Damiano, AIO

Signature: \_\_\_\_\_

*DAVID LEGOW*

Signature: \_\_\_\_\_

*PAUL A. DAMIANO*

Date Submitted: \_\_\_\_\_

Date Submitted: \_\_\_\_\_

Block: 80

Lot: 15

License No.: AIO - 11915

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

Seal



**STATEMENT OF CORPORATE OR OTHER OWNERSHIP**

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

1. Please indicate if the applicant is a(an):
    - a. Corporation         \_\_\_\_\_ **X** \_\_\_\_\_
    - b. Partnership        \_\_\_\_\_
  
  2. If the applicant is a Corporation or a Partnership, the following shall be provided:
    - a. The names and addresses of all stockholders owning 10% or more of its stock of any class;
    - b. The names and addresses of all individual partners who own 10% or greater interest therein.
  
  3. If one or more such stockholders or partners is itself a corporation or partnership, the stockholders holding 10% or more of that corporations stock, or the individual partners owning 10% or greater interest in that partnership, as the case may be, shall also be listed.
- 

Name:        see attached list\_\_\_\_\_

Name:        \_\_\_\_\_  
\_\_\_\_\_

Address:     \_\_\_\_\_

Address:     \_\_\_\_\_  
\_\_\_\_\_

Percentage Ownership: \_\_\_\_\_

Percentage Ownership: \_\_\_\_\_

Signature:   \_\_\_\_\_

Signature:   \_\_\_\_\_  
\_\_\_\_\_

Date:         \_\_\_\_\_

Date:         \_\_\_\_\_  
\_\_\_\_\_

Name:        \_\_\_\_\_  
\_\_\_\_\_

Name:        \_\_\_\_\_  
\_\_\_\_\_

Address:     \_\_\_\_\_  
\_\_\_\_\_

Address:     \_\_\_\_\_  
\_\_\_\_\_

Percentage Ownership: \_\_\_\_\_

Percentage Ownership: \_\_\_\_\_

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 Ordinance 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:

§ 40-7.3 Nonconforming 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

## BOROUGH OF BELMAR APPLICATION CHECKLIST SUBDIVISIONS, SITE PLANS AND VARIANCE APPLICATIONS

**Type of Application**

Minor Subdivision
Preliminary Major Subdivision
Final Major Subdivision
Conditionally Exempt Site Plan
Minor Site Plan
Preliminary Major Site Plan

(Check all that apply)

<input type="checkbox"/>	Final Major Site Plan
<input type="checkbox"/>	Appeal of Zoning Officer's Decision ("A" Variance)
<input type="checkbox"/>	Interpretation of Zoning Ordinance ("B" Variance)
<input type="checkbox"/>	Hardship or Flexible Bulk Variance ("C" Variance)
<input checked="" type="checkbox"/>	Use Variance ("D" Variance)

<input type="checkbox"/>	Amended Preliminary, Final or Minor Subdivision
<input type="checkbox"/>	Amended Preliminary, Final or Minor Site Plan
<input type="checkbox"/>	Extension of Time

**Notes:**

- 1) 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.
- 2) 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.

Item #	Site Plan	Item Description	Subdivision			Site Plan			Variances				Applicant Mark			Township Mark			
			Minor	Preliminary Major	Final Major	Minor	Preliminary Major	Final Major	"A" Variance	"B" Variance	"C" Variance	"D" Variance	Complies	Waiver	N/A	Complies	Does Not Comply	N/A	
<b>Section 1 - Administrative Completeness Requirements</b>																			
1		Fourteen (14) copies of the completed Borough of Belmar "Development Application" forms.	X	X	X	X	X	X	X	X	X	X	X	X	X				
2		Fourteen (14) copies of the completed Borough of Belmar "Application Checklist" forms.	X	X	X	X	X	X	X	X	X	X	X	X	X				
3		Properly calculated escrow review fee with payment submitted via cash or individual check made out to the Borough of Belmar	X	X	X	X	X	X	X	X	X	X	X	X	X				
4		Application fee as required by Board Secretary or Borough Engineer.	X	X	X	X	X	X	X	X	X	X	X	X	X				
5		Statement of Corporate or other Ownership on the form provided. (if applicable)	X	X	X	X	X	X	X	X	X	X	X	X	X				

**BOROUGH OF BELMAR APPLICATION CHECKLIST  
SUBDIVISIONS, SITE PLANS AND VARIANCE APPLICATIONS**

Item #	Item Description	Subdivision			Site Plan				Variances				Applicant Mark			Borough Mark		
		Minor	Preliminary Major	Final Major	Minor	Preliminary Major	Final Major	"A" Variance	"B" Variance	"C" Variance	"D" Variance	Complies	Waiver	N/A	Complies	Does Not Comply	N/A	
7	Certified list of property owners within 200 feet of the property as prepared by the Borough Clerk.	X	X	X	X	X	X	X	X	X	X	X	X					
8	Municipal Tax Status Request form filled out and submitted as part of the package.	X	X	X	X	X	X	X	X	X	X	X	X					
9	Fourteen (14) copies of the plans, signed and sealed by an architect or engineer licensed in the State of New Jersey.	X	X	X	X	X	X	X	X	X	X	X	X					
10	Eighteen (18) copies of the full Environmental Impact Report. If applicant is requesting a waiver provide a letter stating such.	X	X	X	X	X	X	X	X	X	X	X	X					
11	Eighteen (18) copies of the Stormwater Management Report	X	X	X	X	X	X	X	X	X	X	X	X					
12	Eighteen (18) copies of the Traffic Report.	X	X	X	X	X	X	X	X	X	X	X	X					
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.	X	X	X	X	X	X	X	X	X	X	X	X					
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.	X	X	X	X	X	X	X	X	X	X	X	X					
15	An affirmative statement in writing indicating how all applicable conditional use standards are met.				X	X	X	X	X	X	X	X	X					

**BOROUGH OF BELMAR APPLICATION CHECKLIST  
SUBDIVISIONS, SITE PLANS AND VARIANCE APPLICATIONS**

Section 2 – Plat Requirements

Item #	Item Description	Subdivision			Site Plan				Variances				Applicant Mark			Borough Mark			
		Minor	Preliminary	Final Major	Minor	Preliminary	Major	Final Major	"A" Variance	"B" Variance	"C" Variance	"D" Variance	Complies	Waiver	N/A	Complies	Does Not Comply	N/A	
16	Plat drawn to scale not smaller than 1 inch = 100 feet or larger than 1 inch = 20 feet.	X	X	X	X	X	X	X	X	X	X	X							
17	Name and address of property owner/applicant. Name signature, license number, seal of architect/engineer/surveyor.	X	X	X	X	X	X	X	X	X	X	X							
18	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.	X	X	X	X	X	X	X	X	X	X	X							
19	Key map depicting the entire site plus 500 feet in all directions shall be provided on the plat.	X	X	X	X	X	X	X	X	X	X	X							
20	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.	X	X	X	X	X	X	X	X	X	X	X							
21	Provide Zoning Schedule Tables for parcel indicating all setbacks, lot coverage, height, floor area ratio and density both required and proposed.	X	X	X	X	X	X	X	X	X	X	X							
22	Property lines shown, length in feet and hundredths, bearings in degrees, minutes and seconds.	X	X	X	X	X	X	X	X	X	X	X							
23	Area of parcel in square feet and acres, both to the nearest hundredth.	X	X	X	X	X	X	X	X	X	X	X							
24	Location and description of monuments whether set or to be set (if applicable) in accordance with Map Filing Law.	X	X	X	X	X	X	X	X	X	X	X							
25	Approval signature blocks for the Board Chairman & Secretary, Borough Engineer, Borough Clerk and certification of the Professional Land Surveyor and any other signature blocks required by the Map Filing Law	X	X	X	X	X	X	X	X	X	X	X							
26	Overall preparation of plat has been completed in full accordance with the Map Filing Law and Borough Code.	X	X	X	X	X	X	X	X	X	X	X							







