Resolution prepared by:
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RESOLUTION GRANTING
SITE PLAN APPROVAL
WITH BULK VARIANCE RELIEF

NEPTUNE CITY LAND USE BOARD

APPLICATION # 25-08

LAWRENCE DELGUERCIO, JR.
BLOCK 116, LOT 9
1 OAK DRIVE

WHEREAS, Lawrence DelGuercio, Jr. has applied to the Neptune City Land Use Board for Site Plan approval with bulk variance relief so as to permit construction of a 1,680 square foot one–story HVAC appliance repair workshop building on premises located at 1 Oak Drive which is also designated as Block 116, Lot 9 on the official tax map of the Borough of Neptune City; and

WHEREAS, the applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with ***N.J.S.A. 40:55D-1*** et seq., this Board gaining jurisdiction thereunder; and

WHEREAS, a public hearing was held in the within matter at a regularly scheduled meeting of the Land Use Board held on March 24, 2026 during which all persons having an interest in said application were heard; and

NOW THEREFORE, be it Resolved by the Planning Board of the Borough of Eatontown that the following findings of facts are made:

1. The applicant, Lawrence DelGuercio, Jr., has applied to the Neptune City Land Use Board for site plan approval with bulk variance relief so as to permit construction of a 1,680 square foot one-story HVAC appliance repair workshop building on premises located at 1 Oak Drive which is also designated as Block 116, Lot 9 on the official tax map of the Borough of Neptune City.
2. The subject property is located within the Borough's Highway Commercial (HC) which permits the proposal structure. With that said, the following bulk variance relief, pursuant to the provisions of N.J.S.A. 40:55D-70(c), are required:

Ordinance Provision	**Required**	**Requested**
Minimum Lot Area	10,000 square feet	5,308 square feet (pre-existing)
Minimum Lot Width	50 feet	49.62 feet (pre-existing)
Minimum Lot Frontage	75 feet	49.62 feet (pre-existing)
Two-Way Driveway Width	25 feet	16 feet
Driveway Side Setback	10 feet	5 feet
Parking Lot Aisle Width	25 feet	16 feet

3. The following waiver relief has also been sought by the applicant:

   (a) A waiver is sought from the requirement to submit soil boring logs and dates

   (b) A waiver is sought from the requirement to submit a traffic report

   (c) A waiver is sought from the requirement to submit and Environmental Impact Study

4. Throughout the course of the proceedings, the applicant was represented by Rick Brodsky, Esquire of the law firm Ansell Grimm & Aaron, P.C. which has offices located at 1500 Lawrence Avenue, CN 7807, Ocean, New Jersey 07712.

5. In support of the proposal, the applicant submitted the following exhibits into evidence:

   Exhibit A-1: Site Plan prepared by William E. Jensen, Jr., P.E. of Jensen Design Group dated October 13, 2025 (consisting of 7 sheets)

   Exhibit A-2: Survey of Property prepared by James J. Schack, P.L.S. of Bay Point Surveying, dated September 7, 2025

   Exhibit A-3: Stormwater Management Statement prepared by William E. Jensen, Jr., P.E. dated October 13, 2025

   Exhibit A-4: Architectural Plans prepared by Marissa A. Iamello, A.I.A. of Iamello Architectural Studio, LLC dated August 1, 2025

   Exhibit A-5: Aerial of Property dated March 23, 2026

   Exhibit A-6: "Board Meeting Plan" dated March 23, 2026

6. Beyond the exhibits submitted by the applicant, the Board also marked its own exhibits:

   Exhibit B-1: Zoning Permit Denial dated September 19, 2025

   Exhibit B-2: Engineering Review Letter dated January 14, 2026 as prepared by Matt Shafai, P.E, P.P. of Leon S. Avakian, Inc.

7. In further support of the application, sworn testimony was presented by the applicant's professional engineer, William E. Jensen, Jr., P.E. who spoke with respect to the proposed building and the layout of the subject property. (**Exhibits A-4 & A-6**)

8. It was explained that the existing lot is an undersized vacant lot with fencing on three sides. There is an existing driveway which is 18 feet wide with access to Oak Drive. The applicant proposes to utilize this driveway, although the apron will be slightly increased. It was agreed that the front fence will be extended to accommodate the expanded driveway entrance.

9. The proposed building will consist of a 1,689 square foot building which the applicant intends to utilize as an appliance repair workshop. The building will also contain a small office with a bathroom. This is all shown on the architectural plan submitted as **Exhibit A-6**.

10. In response to concerns over whether the building might be used for housing at some point, it was agreed, as a condition of approval, that the bathroom would be specifically prohibited from having a shower installed.

11. It was further explained that the applicant did not intend to have customers come to this building. As a result, very limited parking would be necessary. Only two surface parking stalls and one garage parking space were being proposed. As a condition of approval it was therefore agreed that the building would not be open to the public.

12. With respect to trash collection, it was noted that all trash/recycling would be stored within the building itself and rolled out on trash day. This explained the lack of a dumpster for the site. The inside storage of trash would be a condition of approval.

13. With respect to landscaping at the site, it was stated that eastern junipers would be installed along the rear and side of the building. Further landscaping will cover the front and side. As a condition of approval, a final landscaping plan would need to be submitted to the Board's Engineer for his review and approval.

14. With respect to stormwater management, it was explained that the site will drain to the gutter lines in the street. This was demonstrated by the stormwater management statement marked into evidence as **Exhibit A-3**.

15. In response to questions concerning signage for the building, as none was shown on the plan, it was indicated that if there was any it would be compliant with the ordinance. It was agreed, as a condition of approval, that if signage was to be placed on the building, the plans must be revised to show such.

16. With respect to concerns about the poor condition of the existing concrete apron and sidewalk along Oak Drive, the applicant agreed, as a condition of approval, to replace them.

17. Mr. Jensen believed the site plan had been appropriately designed and would function correctly.

18. The applicant, Lawrence DelGuercio, Jr., also appeared and indicated that the structure would be used mostly as a storage building for his HVAC business, but that he also intended to conduct some repairs at the site.

19. No one else testified on behalf of the applicant.

20. The only member of the public to speak with respect to this application was John Vanderhoef of 290 West Sylvania Avenue who sought confirmation that the proposed building was not going to be built on a sewer easement which ran across the property. It was confirmed by the applicant's engineer, Mr. Jensen, that it would not be. As a condition of approval the plans would be revised to show the sewer easement upon it, thereby making clear that the building was not being constructed over the sewer line.

CONCLUSIONS

21. In considering the subject application, the Board finds that it agrees with the applicant that the site plan proposed for this application will function successfully as designed provided that the representations made by the applicant during the course of the public hearing and the exhibits submitted into evidence are all adhered to.

22. Taking everything into consideration, the Board cannot find any reason why the requested overall site plan should not be granted as requested. All of the submitted evidence and testimony indicates that the site will function in an efficient manner once the work is completed. There is absolutely no evidence in the record which could possibly lead to a different conclusion.

23. With respect to the variance and waiver relief triggered by the application, the Board finds that all of the variance relief may be granted pursuant to the provisions of N.J.S.A. 40:55D-70(c)(1) and (c)(2). Clearly the site is undersized and suffers from a physical hardship which out of the control of the applicant. Additionally, the site is currently vacant. Under this proposal the site will be developed with a new building and proper landscaping throughout it. This will beautify the site.

24. The Board is hard pressed to envision any negatives associated with this application. If any exist, they have not been presented to the Board for its consideration.

25. Based upon all of the above, the Board finds that the benefits of granting the requested variance relief substantially outweigh the benefit of strictly adhering to the provisions of the Borough's Zoning Ordinance. If this application were denied, the site would likely remain in its current vacant state, a result which would benefit absolutely no one.

26. The Board further finds that the site plan has been properly designed and will function as intended. No evidence has been presented to the Board would could lead it to believe otherwise.

27. For the above stated reasons, the Board finds that the application may be granted in its entirety subject to the conditions agreed to.

NOW THEREFORE, be it further resolved by the Neptune City Land Use Board that the application of Lawrence DelGuercio, Jr., may be granted subject to the following conditions:

1. Subject to substantial compliance with all exhibits marked into evidence unless otherwise modified by this Resolution. Any revisions to the plans (**Exhibits A-1 & A-6**) must be submitted to the Board's Engineer for his review and approval.

2. Subject to the condition that the bathroom shall be specifically prohibited from having a shower installed. It must remain as a half-bath. This must be shown on revised plans.

3. Subject to the condition that the building will not be open to the general public.

4. Subject to the condition that the applicant revise the plans to show compliant signage. If the signage is not compliant, the applicant must return to the Board for appropriate variance relief. Variance relief for signage has not been granted in this application.
5. Subject to a full landscaping plan being submitted to the Board's Engineer for his review and approval.
6. Subject to the plans being revised so as to show the location of the sewer easement. The building may not be located on top of this easement.
7. Subject to the condition that all trash/recycling must be stored inside of the new building. Trash/recycling may only be taken outside on garbage day.
8. Subject to the applicant repairing the sidewalk and apron. Repairs will be subject to the review and approval of the Board's Engineer.
9. Subject to compliance with any comments included within the review letter of the Board's Engineer. (**Exhibit B-2**)
10. Subject to all representations made by the applicant during the application.
11. This application is granted only in conjunction with the conditions noted herein and but for the existence of the same, the within application would not be approved.
12. Subject to the payment of any fees, escrows and taxes as may be due to the Borough prior to the issuance of any permits.
13. The action of the Neptune City Land Use Board in approving this application shall not relieve the applicant of responsibility for any damage caused by this project, nor does the Land Use Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage that may be caused by the development.
14. The applicant must publish adequate notice of this Resolution in the official newspaper of the Borough at their sole cost, within ten days, and provide proof of publication to the Board Secretary within thirty days.

The foregoing was Moved by Craig Morcom,
Seconded by Marie Morcom, and on Roll Call, the following vote was recorded:
Affirmative: Mayor Rachel McGreevy, Randy Reynolds, Craig Morcom, Pamela Renee, Marie Moulder, Donna Susino
Negative:
Abstentions:

The foregoing is a true copy of a Resolution adopted by the Neptune City Land Use Board as copied from the Minutes of its meeting on April 28, 2026.

Mya Cherbini
Board Secretary