



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • NOVEMBER 12, 2019

Regular

Maple Place School

7:30 PM

2 Maple Place, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.

III. Flag Salute

IV. Roll Call

V. Board Business

1. Planning/Zoning Board - Regular - Oct 22, 2019 7:30 PM
2. Environmental Considerations, EAC Liaison Joseph Foster
3. Oceanport School Referendum Projects Update

VI. Old Business

VII. New Business

1. PB2019-11 Mangan, Nichola
Vacant Lot - Shrewsbury Ave
Block 66, Lots 3 & 4
Bulk variance for lot width, 120' required, 102.09 existing
2. PB2019-16 Czajkowski, John
8 Haskell Way
Block 121.01, Lot 4
Bulk Variance for Generator Installation
3. PB2019-17 Lawes, Donald & Darcy
121 Horseneck Point Road
Block 109, Lot 18
Bulk variance for retaining wall

VIII. Resolutions

1. Resolution of Approval - Gregory Pulley, 27 Morris Place

IX. Petitions from the Public

X. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • OCTOBER 22, 2019****Regular****Maple Place School****7:30 PM****2 Maple Place, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:30 p.m.
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.
- III. **Flag Salute:** Chairman Widdis led the audience and members of the Board in the flag salute
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Darren Davis	Mayor's Designee	Present	
Robert Proto	Council Liaison	Present	
Joseph Foster	Environmental Commission Liaison	Absent	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Daphne Halpern	Class IV	Absent	
Thomas Tvrdik	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

V. **Board Business:**

1. Planning/Zoning Board - Regular – Sept. 24, 2019 7:30 PM

Chairman Widdis called for a motion to approve the minutes of September 24, 2019, which was made by Mr. Whitson, seconded by Mr. Kahle and approved by the eligible members of the Board.

RESULT:	ACCEPTED [5 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Kahle, Kleiberg, Tvrdik
ABSENT:	Foster, Savarese, Halpern
INELIGIBLE:	Davis, Proto

2. Resignation of Daphne Halpern

Ms. Smith summarized Ms. Halpern's resignation letter and her thanks for the opportunity to serve on the Board, but due to new work commitments would no longer be able to serve.

VI. **Old Business:**

1. PB2019-09 Oceanport Board of Education

Ms. Smith advised that the Board of Education (BOE) resubmitted plans and comments to the Planning Board resolution. She advised that the revisions were submitted to the State, and the State required the BOE to address the concerns/recommendations from the Governing Body. Chairman Widdis recalled that most recommendations concerned parking and traffic flow for Wolf Hill. Mr. Davis stated that this was a first submission for Maple Place and the plan for nine parking spaces were not revised to show their removal. Chairman Widdis suggested postponing the discussion until the Board has more time to review the submission. Mr. Kleiberg stated that additional information should be required on lighting and handicap parking. Mr. Kennedy provided a history of the application and advised the Planning Board can request additional information. Chairman Widdis stated the Planning Board needs a more formal presentation so the Board can be better prepared. Councilman Proto stated the governing Body will receive a presentation from the architect and would be willing to present any questions at the Nov. 7th, 2019 Mayor & Council meeting but also believes there should be a formal presentation to the Planning Board.

Chairman Widdis called for a motion to have Ms. Smith send a letter requesting a representative to attend a future meeting which was made by Mr. Whitson, seconded by Mr. Kleiberg and approved by the eligible members of the Board.

VII. New Business:

1. PB2019-11 Mangan, Nichola

Vacant Lot Shrewsbury Ave

Block 66, Lots 3 & 4

Bulk variance for lot width, 120' required, 102.09 existing

Mr. Kennedy advised that the notice had been reviewed and deemed deficient and therefore the Board would not hear the application that evening. Mr. Kennedy asked if anyone from the public was present to hear that application for which no one responded. Mr. Kennedy then advised the Board that the Applicant was being rescheduled for the November 12, 2019 meeting and new notices were required.

Mr. Tvrdik recused himself from the next matter due to personal conflict and exited the meeting at 7:46 pm

2. PB2019-13 Pulley, Gregory

27 Morris Place

Block 60, Lot 9

Variance relief for addition to single family home

Exhibits:

A-1 Land Development Application

A-2 Architectural Plan, (1) Sheet, prepared by Jeremiah J. Regan, AIA, last revised Aug. 29, 2019

A-3 Location and Topographical Survey, prepared by Land Control Services, LLC, dated 6/10/19.

A-4 Maser Review letter dated September 24, 2019

William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibits A-1, A-2, A-3 and A-4** for the record.

Mr. Kennedy asked if there was anyone present who had an objection to the notice provided for this application. Hearing none, advised that he had reviewed the notice, found service in order and the Board had jurisdiction.

Gregory and Rose Pulley, Applicants/Owners, were sworn. Architect Jeremiah Regan was sworn.

Mr. Kennedy disclosed he was working with Mr. Regan on another project, but has no direct or indirect financial relationship with him. Mr. Regan was accepted as an expert in the field of Architecture. Mr. Pulley provided an overview of the reasons for their Application. Mr. Regan described the current condition of the home and the proposed renovation, explained the existing non-conforming conditions of undersized lot, lot width, lot coverage, front yard and a side yard setback. He provided details regarding the proposed modifications, variance required, and impervious surface coverage. Mr. White stated that if approved, the Applicants would be required to submit signed & sealed topographic survey, and grading plan near the addition. Mr. Foster asked for clarification regarding the addition of a roof to the patio and removal of the shed. Mr. Kleiberg asked about insulation and heating.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions regarding the Application. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting. Chairman Widdis opened the meeting to the public for comments regarding the Application. As no one wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Kahle made a motion to approve the application subject for the rear setback, maintaining the shed, causing increased lot coverage and requiring a variance, which was seconded by Mr. Kleiberg and received the following roll call:

Motion to Approve Application

RESULT:	ADOPTED [6 TO 0]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Davis, Proto, Kahle, Kleiberg
ABSENT:	Foster, Savarese, Halpern
RECUSED:	Tvrdik

Mr. Tvrdik re-entered the meeting at 7:58 pm.

VIII. Resolutions:

1. Resolution of Approval - Oceanport Urban Renewal Project LLC, 274-278 E. Main Street

As the resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution, after which Mr. Whitson made a motion to approve the resolution as presented which was seconded by Mr. Kleiberg and received the following roll call:

RESULT:	ADOPTED [5 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Kahle, Kleiberg, Tvrdik
ABSENT:	Foster, Savarese, Halpern
INELIGIBLE:	Davis, Proto

2. Resolution of Approval - Joe Fiore, 36 Tohicon Pl.

As the resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution and requested clarification from the Board regarding height of fence on top of wall. Mr. White advised he spoke with the Applicant, who will agree to whatever the Board requires. There was discussion regarding the height of the fence and retaining wall.

After which Mr. Whitson made a motion to approve the resolution as amended which was seconded by Mr. Tvrdek and received the following roll call:

RESULT:	ADOPTED [5 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Thomas Tvrdek, Alternate I
AYES:	Widdis, Whitson, Kahle, Kleiberg, Tvrdek
ABSENT:	Foster, Savarese, Halpern
INELIGIBLE:	Davis, Proto

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public.

Carl Rhodes, part owner of Monmouth Park Corporate Center II (MPCCII), Carol Truss, Attorney for Mr. Rhodes and Stephanie Hicks, owner of CrossFit, new tenant at MPCC II appeared before the Board, provided an overview of current tenants and amount of vacancies, pending expansions and new tenant CrossFit looking to move in. At hand was the determination of what amount of parking was required for the tenant uses at the site, memorandum of understandings between the owners and the Planning Board and the ordinance requirement that the Board determine the amount of parking for the use as proposed by CrossFit, not the Zoning Officer. The Zoning Officer had directed them to make application to the Board for an interpretation. Due to time constraints they were appealing to the Board that evening. Discussion ensued regarding the amount of space to be leased, number of parking spaces not yet designated, the parking requirements for additional space to be leased by St. Barnabas, the owner's intent to make application to expand parking area into ballfield area to address the St. Barnabas parking requirements and the anticipated demand for the CrossFit fitness center based on the size of fitness classes and whether the Zoning Officer was able to make an administrative decision for the CrossFit use. John Johnson, Zoning Officer, appeared and testified that he received the zoning application, requested and received additional information. He was unable to make a determination on parking because the Board needs to review and interpret the ordinance. Mr. Johnson agreed with Mr. Kennedy that there was no specific authority for Mr. Johnson to administratively approve the application. There was discussion regarding the agreement between the Borough and property owner with respect to the need for zoning review for new tenants. Ms. Truss read a pertinent part of the ordinance into the record and stated their position regarding parking for the new tenant. There were mixed feelings among the Board whether the Board had ability to provide a determination that evening. Mr. Tvrdek suggested allowing a conditional zoning permit and have the property owner return before the Board with a formal application. Councilman Proto agreed that a conditional permit would allow the tenant to move forward, and that Mr. Johnson review the ordinance and provide suggestions to amend the ordinance. Mr. Kennedy suggested that Ms. Truss arrange a phone conference between himself, Mr. Johnson, herself and anyone else from her team to discuss the memorandum.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

X. Adjournment: As there was no further business, the meeting was adjourned at 8:38 pm on a motion by Mr. Whitson which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**CORRESPONDENCE (ID # 1474)**

Meeting: 11/12/19 07:30 PM
Department: Planning/Zoning Board
Category: Policy
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1474

Environmental Considerations, EAC Liaison Joseph Foster

CHART B

ENVIRONMENTAL COMMISSION

SITE PLAN / SUBDIVISION CHECKLIST

1. Project Information

- A. Project Name: _____
- B. Applicant Name: _____
- C. Street Location: _____ Tax block and lot _____
- D. Date when application deemed complete: _____
- E. Project Description (single family, townhouse, commercial; acreage; size of structure, nature and use, etc.) _____

2. Information Received:

- A. Application
- B. Plans
- C. Variance Request(s)
Describe _____
- D. Environmental Impact Statement
Yes ___ No ___ Waiver requested ___ N/A ___
- E. Soil erosion & sediment control plans
Yes ___ No ___ Waiver requested ___ N/A ___
- F. Stormwater calculations
Yes ___ No ___ Waiver requested ___ N/A ___
- G. Septic; wastewater management plans
Yes ___ No ___ Waiver requested ___ N/A ___
- H. State permits: wetlands, flood hazard area; waste-water management amendment, sewer extension; coastal area facility review
Applied for ___ Received ___

3. Application deficiencies, inadequate items, discrepancies

4. Existing conditions: environmentally sensitive features

- | | |
|--|----------------|
| A. Steep slopes (over 15%) | Yes ___ No ___ |
| B. Wooded areas | Yes ___ No ___ |
| C. Surface water | Yes ___ No ___ |
| D. Aquifer recharge areas | Yes ___ No ___ |
| E. Wellhead protection areas | Yes ___ No ___ |
| F. Floodplains | Yes ___ No ___ |
| G. Wetlands | Yes ___ No ___ |
| H. Limestone areas | Yes ___ No ___ |
| I. Drainage pattern | Yes ___ No ___ |
| J. Significant trees or other vegetation | Yes ___ No ___ |
| K. Types of habitat | Yes ___ No ___ |
| L. Dunes | Yes ___ No ___ |

5. Impacts of proposed development on the existing conditions during and after construction

Have the requirements of NJ's regulations and the town's environmental ordinances been met?

- A. Grading
1. Change of slope
 2. Erosion, sedimentation and surface water
 3. Source of fills
 4. Preservation of topsoil
- B. Stormwater management (roads, buildings and other)
1. Relationship to municipal requirements
 2. Impervious cover amounts
 3. Stream buffer, if applicable
 4. Easement on non-structural element
- C. Flood Hazard Area
- D. Wetlands fill or disturbance
- E. Buffering
1. Proposed or needed
 2. Vegetation in buffers
- F. Landscaping/limits of disturbed areas
1. Preservation of significant trees or other landscaping
 2. Appropriateness of new species; natives or invasives?
- G. Habitat fragmentation for plants and wildlife
- H. Hazardous substances
1. Storage
 2. Generation
 3. Existing underground storage tanks
- I. Air, light or noise pollution
- J. Off-site secondary impacts:
1. Surface runoff and flooding
 2. Non-point source pollution
 3. Sedimentation and erosion
 4. Water supply quality and quantity
 5. Traffic congestion
 6. Air pollution
 7. Habitat fragmentation

Consistency with existing plans

- A. Municipal Master Plan
- B. Conservation Element in Master Plan
- C. County Master Plan
- D. Other regional plans
- E. State Development and Redevelopment Plan

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applicant, may require additional or supplemental conceptual review, if the Authority determines that such modifications or revisions materially and negatively alter the assumptions on which conceptual review was based.

(d) The following concern the Authority's Historic Preservation Advisory Committee:

1. The Authority's Historical Preservation Advisory Committee shall be the exclusive historic preservation commission, as established pursuant to section 21 of P.L. 1985, c. 516 (*N.J.S.A. 40:55D-107*), for all land use matters and approvals within the Fort Monmouth Project Area.

2. The Authority shall provide to the Historical Preservation Advisory Committee for its review a copy of each application for mandatory conceptual review that involves buildings required for preservation or select historic properties as defined in the Programmatic Agreement.

3. The Programmatic Agreement is not reproduced in this subchapter, but a current copy of the Programmatic Agreement shall be kept in the offices of the Authority.

4. The Historic Preservation Advisory Committee shall review the proposed project for consistency with the requirements of the Programmatic Agreement and any applicable preservation covenants required thereunder. The results of the Historic Preservation Advisory Committee's review may be incorporated in a resolution of the Committee or in the Committee's minutes, or in a written report of the Committee, at the Committee's discretion. The Historic Preservation Advisory Committee's review shall constitute part of and be coordinated with the timing of the Authority's mandatory conceptual review, so that the results and report thereof, if any, may be included or incorporated into the written report of the results of the Authority's mandatory conceptual review.

5. As required pursuant to *N.J.A.C. 19:31C-3.19(e)2*, the Historic Preservation Advisory Committee shall review and report on applications for building permits for properties identified in the Programmatic Agreement as buildings required for preservation or select historic properties, in all situations where the Authority mandatory conceptual review and site plan approval from the planning board are not required prior to issuance of the permit. The Authority shall report the results of the Historic Preservation Advisory Committee review of such permit application in writing to the host municipality code official who submitted the request for review, within 45 days of the Authority's receipt of the request. Failure of the Historic Preservation Advisory Committee to render a report within the 45-day period shall be deemed to constitute a report in favor of issuance of the permit and without the recommendation of conditions to the permit.

6. Meetings of the Historic Preservation Advisory Committee as part of the Authority's mandatory conceptual review of a project shall be conducted in accordance with the Senator Byron M. Baer Open Public Meetings Act, P.L. 1975, c. 231 (*N.J.S.A. 10:4-6 et seq.*).

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~~(e) The following concern the Authority's Environmental Advisory Committee:~~

1. The Authority's Environmental Advisory Committee shall be the exclusive environmental commission, as established pursuant to P.L. 1968, c. 245 (*N.J.S.A. 40:56A-1 et seq.*), for all land use matters and approvals within the Fort Monmouth Project Area.

2. The Authority shall provide to the Environmental Advisory Committee an informational copy of each application for mandatory conceptual review. Where the application involves open space to be preserved or other environmental features to be preserved or protected as identified in the natural resources inventory, the Authority shall request the Environmental Advisory Committee's review of the application.

3. The natural resources inventory shall be prepared by the Authority staff, giving due consideration to the Reuse Plan and the natural resource inventories, if any, of the host municipalities, and approved by the FMERA Board. A current copy of the natural resources inventory shall be kept in the offices of the Authority.

4. The Environmental Advisory Committee shall review the proposed project for impacts upon the open space parcels and other environmental features to be protected or preserved as identified in the natural resources inventory (or prior to the completion thereof, in the Reuse Plan). The results of the Environmental Advisory Committee's review may be in-

incorporated in a resolution of the Committee or in the Committee's minutes, or in a written report of the Committee, at the Committee's discretion. The Environmental Advisory Committee's review shall constitute part of and be coordinated with the timing of the Authority's mandatory conceptual review, so that the results and report thereof, if any, may be included or incorporated into the written report of the results of the Authority's mandatory conceptual review.

5. Meetings of the Environmental Advisory Committee as part of the Authority's mandatory conceptual review of a project shall be conducted in accordance with the Senator Byron M. Baer Open Public Meetings Act, P.L. 1975, c. 231 (*N.J.S.A. 10:4-6 et seq.*).

19:31C-3.21 Variances and exceptions

(a) The following concern bulk and area-type variances:

1. In connection with subdivision and site plan approval, the Planning Board shall have the authority to grant bulk and area-type variances from the requirements contained in this subchapter or applicable LRHL redevelopment plan, upon the satisfaction of either of the following criteria:

i. By reason of the exceptional narrowness, shallowness, or shape of the property; exceptional topographic conditions or physical features uniquely affecting the property; or an extraordinary and exceptional situation uniquely affecting the property or structures lawfully existing thereon, strict application would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer; or

ii. A determination that the purposes of the Reuse Plan and this subchapter would be advanced by a deviation from the bulk and area requirements of this subchapter and the benefits of the deviation would substantially outweigh any detriment.

2. No bulk and area-type variance may be granted without a determination that the variance can be granted without substantial detriment to the public good and that the granting of the variance will not substantially impair the intent and purpose of the Reuse Plan or this subchapter.

3. Where bulk and area-type variances are requested or identified by the Authority as being required during mandatory conceptual review, the Authority may include in its written report of the results of its mandatory conceptual review a statement with the Authority's position as to whether the variances can be granted without substantially impairing the intent and purpose of the Reuse Plan or this subchapter, or a statement as to why the Authority has determined that granting the variances would substantially impair the intent and purpose of the Reuse Plan or this subchapter.

4. Where the need or a request for a bulk and area-type variance is identified following the completion of the Authority's mandatory conceptual review, the planning board, prior to the completion of the public hearing on the application, shall so inform the Authority and shall afford the Authority the opportunity to provide for the record the Authority's statement pursuant to (a)3 above. The Authority's statement may be provided either as a written addendum to its report of the results of its mandatory conceptual review or by oral testimony, at the Authority's discretion.

(b) The following concern use-type variances, other than density variances:

1. The Authority shall have sole and exclusive jurisdiction to grant, for special reasons shown, a variance from the requirements of the Reuse Plan or this subchapter to permit:

- i. A use or principal structure in a development district restricted against such use or principal structure;
- ii. A continuation or an expansion of a nonconforming use;
- iii. Deviation from a specification or standard pursuant to this subchapter pertaining solely to a conditional use;
- iv. An increase in the permitted floor area ratio in a development district as established by this subchapter; and

P.L.2010, CHAPTER 51

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committee, counsel, officer or employee to administer oaths, take affidavits and issue subpoenas or commissions;

gg. To make and enter into all contracts and agreements necessary or incidental to the performance of the duties authorized in this act;

hh. After thorough evaluation and investigation, to bring an action on behalf of a tenant within the project area to collect or enforce any violation of subsection g. or h. of section 11 of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-12);

ii. To designate members or employees, who shall be knowledgeable of federal and State discrimination laws, and who shall be available during all normal business hours, to evaluate a complaint made by a tenant within the project area pursuant to section 11 of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-12);

jj. To borrow monies from the EDA to fund an approved budget on terms and conditions acceptable to the EDA;

kk. To adopt, pursuant to the "Administrative Procedure Act," P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations necessary to implement this act; and

ll. To do all things necessary or convenient to carry out its purposes and exercise the powers given and granted in this act.

~~C.52:271-27 Appointments of committees~~

10. The authority shall appoint an historical preservation advisory committee and an environmental advisory committee to assist in its activities in such areas, and any other advisory committee as it deems appropriate. The membership of the committees shall be determined by the authority. The historical preservation committee and the environmental committee shall for all intents and purposes be the exclusive "historic preservation commission," as established pursuant to section 21 of P.L.1985, c.516 (C.40:55D-107), and the "environmental commission," as established pursuant to P.L.1968, c.245 (C.40:56A-1 et seq.), for all land use matters and approvals within the project area.

C.52:271-28 Cooperation with State departments, agencies.

11. All State departments and agencies, to the extent not inconsistent with law and within budget constraints, shall cooperate with the authority and respond to requests for such information and assistance as are necessary to accomplish the purposes of this act.

To the extent not inconsistent with law and within budget constraints, and to the extent necessary to ensure a coordinated and comprehensive redevelopment and revitalization of Fort Monmouth, upon the recommendation of the EDA that a project be prioritized, a State department, agency or authority shall supersede existing priority setting or ranking systems to place applications that would benefit that project within the project area in the highest priority or ranking category for award or approval of grants, benefits, loans, projects, including highways, roads, sewer, or other infrastructure projects, or other considerations that would benefit the project area. Funding from State sources shall augment, and not replace, any funding from the federal government or as authorized by sections 22 through 24 of this act.

C.52:271-29 Property exempt from levy, sale.

12. All property of the authority or EDA shall be exempt from levy and sale by virtue of an execution and no execution or other judicial process shall issue against the same nor shall any judgment against the authority or EDA be a charge or lien upon its property; provided, that nothing herein contained shall apply to or limit the rights of the holder of any bonds to

MANDATORY CONCEPTUAL REVIEW - ESAC

Parcel: Dance Hall, Building 552

Developer: Regional Development Group, LLC

1. **Soil Disturbance:** The project as proposed will disturb more than 5,000 square feet of soil. Disturbance of 5,000 square feet or more of soil triggers a requirement to submit a "Soil Erosion & Sediment Control Plan" to the Freehold Soil Conservation District for approval. Work may not commence until such time the Freehold Soil Conservation District certifies the Soil Erosion & Sediment Control Plan as approved.
2. **Soil Disturbance of One Acre or More:** The project as proposed will not disturb one acre or more of soil. As a result, the requirement to secure an "Authorization to Discharge 5G3 Construction Activity Stormwater General Permit" is not triggered.
3. **Stormwater Management:** The developer proposes to make use of the existing, FMERA owned stormwater collection system. Under this proposal, the FMERA is required to maintain the stormwater collection system found outside of the boundaries of the Dance Hall parcel.
4. **Water Bodies:** There are no water bodies found on the Dance Hall parcel.
5. **Coastal Area Facilities Review Act (CAFRA):** In the opinion of the reviewer, the proposed project does not trigger a requirement to prepare a CAFRA permit.
6. **Wetlands & Associated Wetland Buffer Zones:** The proposed project will not impact any wetland areas or their associated buffer zones.
7. **Endangered & Threatened Wildlife or Vegetation Species Habitats:** There are no endangered or threatened wildlife or vegetation species or associated habitats found on the Dance Hall parcel.
8. **Critical Wildlife Habitats:** There are no critical wildlife habitats found on the Dance Hall parcel.
9. **Historic & Archaeological Resources:** There are no historical or archaeological covenants associated with the Dance Hall parcel.

Prepared By: Joe Fallon

Date: October 22, 2018

The Environmental Staff Advisory Committee last met on February 4, 2019 at 4:30 PM. The meeting opened with a discussion of the Mandatory Conceptual Review Environmental Checklists for several projects.

The highlights of the MCR for the Eatontown Barracks:

- A soil erosion control plan will be required due to the disturbance of more than 5,000 sq. ft. of soil.
- A CAFRA permit will be required due to the construction of the 84-plus-space parking lot.

The highlights of the MCR for the Pistol Range:

- A soil erosion and sediment permit will be required due to the disturbance of more than 5,000 sq. ft. of soil.
- Applicant intends to seek a Letter of Interpretation and a verification regarding a flood hazard area.
- Applicant will have a storm water management plan.

The highlights of the MCR for Squier Hall:

- A soil erosion control plan and storm water permit will be required due to the disturbance of more than 5,000 sq. ft. of soil.
- The developer proposes to construct a new drainage system to manage storm water runoff. Construction of the new storm water outfall would require an In-Water Waterfront Development permit from the DEP.
- There are four storm water outfalls draining the property, and it is recommended that they be decommissioned and restored to a natural state when a new headwall is constructed.
- The project is exempt from CAFRA due to the building being redeveloped as an educational institution.
- A Flood hazard study is required due to the northeast portion of the project being within the 100-year tidal floodplain.

The highlights of the MCR for the Dance Hall:

- A soil erosion control plan will be required due to the disturbance of more than 5,000 sq. ft. of soil.
- Developer will be using the existing storm water infrastructure.

No further action relative to the MCRs for any of these projects is required by the Committee.

FMERA staff then provided an update for several Carve-Out Parcels:

- Squier Hall Parcel – The Phase 1 and 2 deeds have been recorded and the DEP issued an unrestricted No Further Action determination for these areas.
- Former Dry-Cleaning Facility – Army has conducted two rounds of chemical injections and ground water samples have been collected. Two additional rounds of injections will be conducted in March. The preliminary results indicate that there are no soil vapors of concern for downgradient structures.
- Neutralization Pit at Myer Center – Army removed the underground vault and contaminated soils and is working on an NFA request for soils which was to be submitted to the DEP in February. The Army will perform two rounds of ground water chemical injections in March.
- Former AFFES Gas Station – The Army is preparing a Remedial Action Work Plan for the site. The Army proposes to dismantle and remove the existing treatment system. Soil vapor extraction and air sparge wells will be closed out. The Army will perform monitored natural attenuation for ground water. The Army will remove the oil from the five hydraulic lifts which are found inside the garage area of Building 699. FMERA has asked the Army to remove the lifts due to the unknown condition of the vessels and the immediately adjacent subsurface soil.
- Landfill Capping Project – Army has awarded a contract for the capping of the nine landfills, which will place a 2-foot vegetative soil cap across all the landfills beginning with the M2 and M8 landfills.

FMERA staff concluded the meeting with an update on Recent Property Closings and RFOTPs which have been issued and will be issued in 2019. The meeting was adjourned at 6:00 PM.

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1422)**

Meeting: 11/12/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1422

PB2019-11 Mangan, Nichola

Vacant Lot - Shrewsbury Ave

Block 66, Lots 3 & 4

Bulk variance for lot width, 120' required, 102.09 existing



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

7.1.a

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

September 23, 2019

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
315 E. Main Street
Oceanport, NJ 07757

Re: Bulk Variance
Shrewsbury Avenue
Block 66, Lots 3 and 4
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPP-257

Dear Board Members:

Our office has received the following information in support of the above-referenced Bulk Variance application:

- Conceptual Architectural Plans not titled, not dated, consisting of two (2) sheets;
- Plan entitled "Shrewsbury Avenue Plot Plan", prepared by DW Smith Associates, LLC last revised September 18, 2019 and consisting of one (1) sheet.

The subject property is situated in the R-3 – Residential Single-Family Zone District and contains 18,855 SF (0.4329 acres) on the west side of Shrewsbury Avenue, approximately 100 feet south of the intersection with Iroquois Avenue Place. The Applicant proposes to construct a single-family dwelling with an attached front entry two car garage on the currently vacant lot.

Based on our review of the application, we recommend that the application be deemed **complete** and scheduled for the next available hearing. A planning and engineering review of the application is provided below.

Variances/Design Waivers

We offer the following comments for the Board's consideration:

1. Bulk variances are required for the following:
 - a. Minimum Lot Width: 120 feet required, 102.09 feet existing/proposed. A Bulk Variance is required for the pre-existing condition.



The Municipal Land Use Law permits the granting of a hardship variance under either of two following situations (C.40:55D-70c):

- **Hardship c(1) - Physical Constraints** – Hardship variances may be granted if the strict application of the ordinance would impose peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer based upon the existence of the following conditions:
 - a. Exceptional narrowness, shallowness or shape of a specific piece of property;
 - b. Exceptional topographic conditions or physical features uniquely affecting a piece of property; and,
 - c. An extraordinary and exceptional situation uniquely affecting a specific piece of property of the structures lawfully existing thereon.
- **Flexible “c” or c(2) - Benefits Outweighing Detriments** - A variance may be granted where the purpose of the Municipal Land Use Law would be advanced by the proposed deviation and the benefits of the deviation would substantially outweigh any detriment.

The Applicant shall provide testimony in support of the variance being requested and/or identified.

General Comments

1. Building height is measured from the crown of the road at the midpoint of the property frontage to the peak of the roof. The Applicant is not requesting a variance. If approved, a condition of approval will be the requirement of a Surveyor’s certification of the building height to be submitted to the Zoning Officer once sheathing is completed and prior to installation of any roofing or siding materials.
2. A copy of the signed and sealed Boundary and Topographic Survey shall be provided.
3. The applicant shall clarify if the lots are to be consolidated by deed or map. The Applicant should indicate if the subdivision is to be filed by deed or map. If filing by deed, the appropriate metes and bounds descriptions should be forwarded to this office for review and approval.



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-257
September 23, 2019
Page 3 of 3

Additional Agency Approvals

This application is subject but not limited to the following outside agency approvals or letter of no jurisdiction:

- a. Two River Water Reclamation Authority
- b. New Jersey American Water
- c. Freehold Soil Conservation District
- d. Oceanport Road Opening Permit

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing.

Should you have any questions regarding this matter, please do not hesitate to contact me directly.

Very truly yours,

MASER CONSULTING P. A.

A handwritten signature in blue ink, appearing to read 'W. H. White, III'.

William H.R. White, III, P.E., P.P., C.M.E.
Planning Board Engineer and Planner

WHW/nb

cc: Kevin Kennedy, Esq. (kkennedy@kevinkennedylaw.net)
Nichola Mangan (Bill@crossptllc.com)

R:\General\Projects\Opp\OPP-257\Correspondence\OUT\190923_whw_smith_shrewsbury_avenue.docx

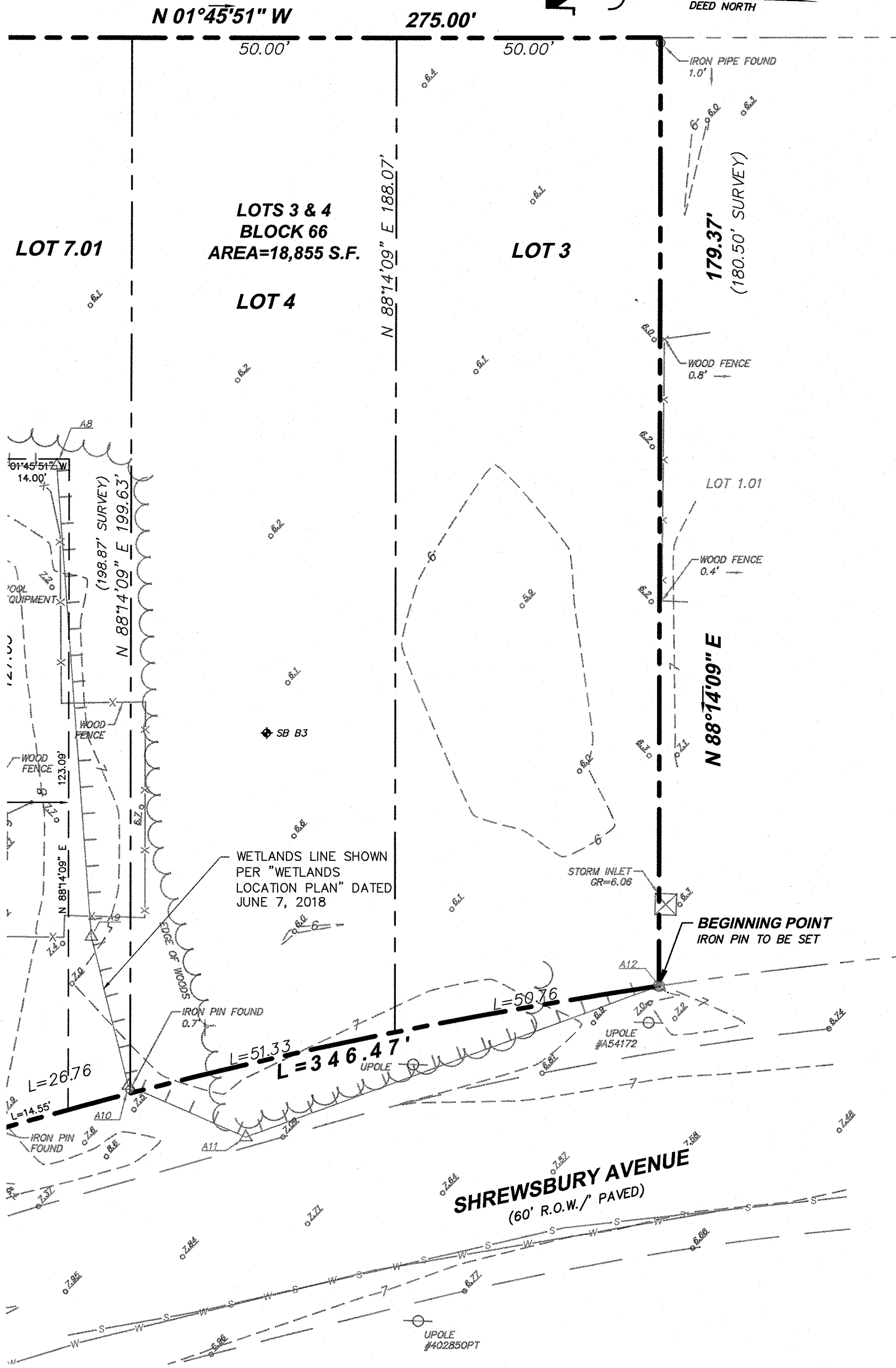
GENERAL NOTES:

APPLICANT: WILLIAM MANGAN
CROSSPOINT, LLC
540 SHREWSBURY AVENUE
OCEANPORT, NJ 07757

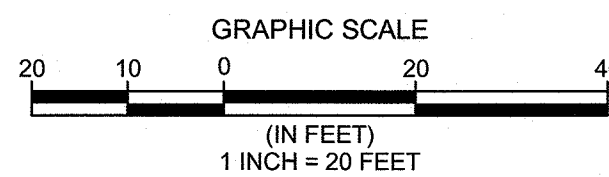
OWNER: ALEXIS MANGAN
507 BROWNSTRONG RIDGE
MERIDEN, CT 06451

- THE PROPERTY IS KNOWN AS LOTS 3 & 4, BLOCK 66, AS SHOWN ON THE BOROUGH OF OCEANPORT TAX MAP SHEET NO. 10.
- PLOT PLAN IS BASED ON A PLAN ENTITLED, "BOUNDARY AND TOPOGRAPHIC SURVEY LOTS 3, 4, 6 & 7.01, BLOCK 66 TAX MAP SHEET NO. 10, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY". PREPARED BY DW SMITH ASSOCIATES, LLC, DATED 9/11/17 LAST REVISED 3/14/18 AND WETLANDS LOCATION PLAN LOTS 3, 4 & 7.01 BLOCK 66 TAX MAP SHEET NO. 10 BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY" PREPARED BY DW SMITH ASSOCIATES DATED JUNE 7, 2018.
- THE ENTIRE SITE EXISTS WITHIN A FLOOD HAZARD AREA. NO RIPARIAN ZONE EXISTS ON THE SUBJECT SITE. THE APPLICANT INTENDS TO CONSTRUCT A NEW 2 STORY DWELLING AND STEPS TO GRADE TO BE IN CONFORMANCE WITH FEMA REGULATIONS. NEW CONSTRUCTION SHALL HAVE LOWEST FLOOR ELEVATED ABOVE THE DESIGNED FLOOD ELEVATION, WHICH IS THE BASE FLOOD ELEVATION (BFE) PLUS TWO FEET, BFE=10.0. ARCHITECTURAL PLANS HAVE NOT BEEN DESIGNED FOR THIS PROPERTY. DWELLING WILL NOT EXCEED A FOOTPRINT OF 35' X 50', AND WILL NOT EXCEED MAXIMUM BUILDING HEIGHT OF 35'. THE APPLICANT WILL NOT ENCLOSE LOWER LEVEL OF PILES, AREA BELOW F.F. WILL NOT BE USED AS A GARAGE. THE EXISTING LOT IS VACANT.
- VERTICAL DATUM IS BASED ON NAVD 88.
- THE DEED SHALL BE MODIFIED TO INCLUDE THE FOLLOWING ITEMS:
 - SA. THE DRIVEWAY IS LIKELY TO BE INUNDATED WITH FLOOD WATERS, WHICH MAY RESULT IN DAMAGE AND/OR INCONVENIENCE.
 - SB. THE DRIVEWAY IS LOCATED IN AND BELOW THE ELEVATION OF THE FLOOD HAZARD AREA ZONE AE, WITH A 1% ANNUAL FLOOD CHANCE OF 100 YEAR FLOOD.
 - SC. THE DEPTH OF FLOODING FROM THE BASE FLOOD ELEVATION (ELEVATION 10 IN NAVD 88) TO THE DESIGN GRADE OF THE DRIVEWAY SHALL BE 3-4 FEET IN DEPTH.
- ALL PROPOSED DECKS AND PORCHES ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE FLOOD HAZARD AREA PERMIT-BY-RULE 16 SET FORTH AT N.J.A.C. 7:13-7.16.
- ALL PROPOSED STAIRS ARE TO BE CONSTRUCTED IN ACCORDANCE WITH THE FLOOD HAZARD AREA PERMIT-BY-RULE 15 SET FORTH AT N.J.A.C. 7:13-7.15.
- GENERAL CONSTRUCTION ACTIVITIES WILL NOT RAISE THE EXISTING GROUND ELEVATION IN ACCORDANCE WITH THE FLOOD HAZARD AREA PERMIT-BY-RULE 9 SET FORTH AT N.J.A.C. 7:13-7.9.(g).
- ALL PROPERTY MAINTENANCE SHALL BE COMPLETED IN ACCORDANCE WITH THE FLOOD HAZARD AREA PERMIT-BY-RULE 1 SET FORTH AT N.J.A.C. 7:13-7.1.
- THE USE OF PLASTIC UNDER LANDSCAPED OR GRAVEL AREAS IS PROHIBITED. ALL SUB-GRAVEL LINERS SHALL BE MADE OF FILTER CLOTH OR OTHER PERMEABLE MATERIAL.
- THE DRIVEWAY SHALL BE PITCHED TO DRAIN ALL RUNOFF TO PERMEABLE AREAS OF THE SITE.
- THE PROJECT IS NOT CONSIDERED "MAJOR DEVELOPMENT" UNDER THE STORMWATER MANAGEMENT RULES (LESS THAN ONE ACRE OF DISTURBANCE AND LESS THAN A QUARTER-ACRE OF NEW IMPERVIOUS AREA).
- CURRENT EFFECTIVE BASE FLOOD ELEVATION IS 10 IN ZONE 'AE' PER FEMA MAP NO. 34025C01846, PANEL 184 OF 457, REVISED ON JUNE 20, 2018.
- CONTRACTOR TO VERIFY THE LOCATION OF ALL EXISTING UTILITIES AND TO DESIGNATE A QUALIFIED EMPLOYEE RESPONSIBLE FOR SITE SAFETY PRIOR TO THE START OF CONSTRUCTION.
- PRIOR TO THE COMMENCEMENT OF ANY WORK, THE CONTRACTOR IS RESPONSIBLE FOR NOTIFYING THE NEW JERSEY ONE CALL SYSTEM FOR UTILITY MARK OUTS THREE (3) BUSINESS DAYS IN ADVANCE. UNDER NO CIRCUMSTANCES SHALL ANY UNDERGROUND EXCAVATION OR WORK BE PERFORMED DURING THIS TIME. THE CONTRACTOR CAN CALL THE NJ ONE CALL SYSTEM SEVEN (7) DAYS A WEEK, TWENTY-FOUR (24) HOURS A DAY BY CALLING 811 OR 1-800-272-1000. THE CONTRACTOR SHALL FOLLOW THE GUIDELINES OUTLINED IN THE NEW JERSEY UNDERGROUND DAMAGE PREVENTION GUIDELINES FOUND ON THE NJ ONE CALL WEBSITE. THE CONTRACTOR IS SOLELY RESPONSIBLE FOR ANY DAMAGE DONE TO UNDERGROUND UTILITIES.
- BROKEN OR DAMAGED CURBS, SIDEWALKS OR APRONS ALONG THE ROAD FRONTAGE ARE TO BE RECONSTRUCTED PER THE DIRECTION OF THE BOROUGH ENGINEER.
- NEW GAS, ELECTRIC, CABLE, TELEPHONE, WATER AND SANITARY SEWER SERVICES ARE TO BE EXTENDED TO THE DWELLING. UTILITIES TO BE INSTALLED UNDERGROUND.
- PER J.C.P.L. THE BOTTOM OF THE ELECTRICAL METER SHALL BE INSTALLED AT OR ABOVE THE DESIGN FLOOD ELEVATION (D.F.E.) AND NO MORE THAN 6 FT. ABOVE ADJACENT GRADE OR 5 FT ABOVE THE NEAREST CLEAR HORIZONTAL PLATFORM SURFACE. BOTTOM OF METER ELEVATION=12.4. A 42"X48" FLAT AREA BELOW THE METER SHALL BE PROVIDED.
- THE BOROUGH OF OCEANPORT ZONING ORDINANCE SECTION 390-22.D. TABLE 1 REQUIRES 3.0 PARKING SPACES FOR A SINGLE FAMILY DWELLING. A DRIVEWAY HAS BEEN PROVIDED TO MEET THIS REQUIREMENT.
- YARD AREAS NOT UTILIZED FOR BUILDINGS, DRIVEWAYS OR OTHER STRUCTURES SHALL BE PERMANENTLY STABILIZED BY THE PROPERTY OWNER IN ACCORDANCE WITH THE STANDARDS FOR PERMANENT STABILIZATION AND FREEHOLD SOIL CONSERVATION DISTRICT.
- THE SEASONAL HIGH WATER TABLE IS ENCOUNTERED AT ELEVATION 6.1.
- PER ORDINANCE SECTION 390-14.A (3), CHIMNEYS MAY BE ERCTED WITHIN A SIDE YARD, PROVIDED THAT THEY DO NOT EXCEED 20 SF IN AGGREGATE EXTERNAL AREA.
- THE APPLICANT SHALL PROVIDE AT THE TIME OF THE SHEATHING INSPECTION A CERTIFICATION FROM A LICENSED SURVEYOR INDICATING THE FINAL AS-BUILT HEIGHT OF THE SUBJECT STRUCTURE AS MEASURED FROM THE CROWN OF THE ROAD IN THE CENTER OF THE LOT INDICATING COMPLIANCE WITH THE BULK HEIGHT REQUIREMENTS OF THE ZONE DISTRICT OR ANY HEIGHT VARIANCE APPROVED BY THE BOARD.
- RECEIVED DEP AUTHORIZATION TO CONSTRUCT FHGPC6 PERMIT TO CONSTRUCT SINGLE FAMILY IN TIDAL PERMIT #1338-18-0003.1 - FHC190001. EFFECTIVE DATE OF AUTHORIZATION 04/01/2019. PLEASE REFER TO PERMIT FOR GENERAL PERMIT BY CERTIFICATION (GPBC) CONDITIONS.
- THE CRAWL SPACE SHALL REQUIRE FLOOD VENTING IN COMPLIANCE WITH F.E.M.A. REGULATIONS.
- ALL CONSTRUCTION BELOW ELEVATION 12.4 WILL BE REQUIRED TO BE CONSTRUCTED OF FLOOD RESISTANT MATERIALS.

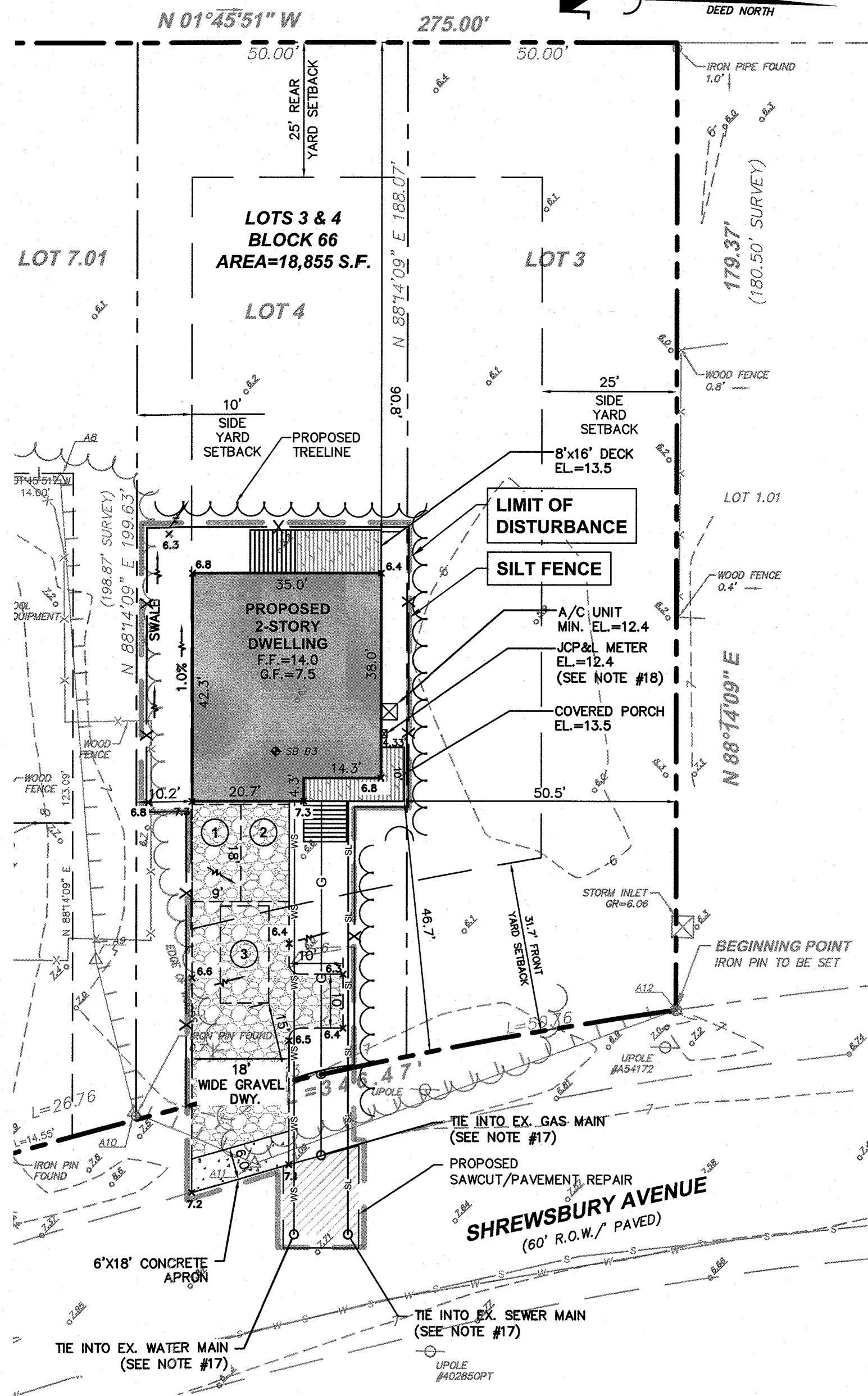
ONONDAGA AVENUE
(50' R.O.W.)

**EXISTING CONDITIONS**

SCALE: 1" = 20'



ONONDAGA AVENUE
(50' R.O.W.)

**PLOT PLAN**

SCALE: 1" = 20'

AREA OF DISTURBANCE	
4,994 S.F.	0.11 AC.

IMPERVIOUS COVERAGE CALCULATIONS		
PRINCIPAL BUILDING COVERAGE	EXISTING	PROPOSED
HOUSE (S.F.)	0	1,420
COVERED PORCH (S.F.)	0	105
TOTAL PRINCIPAL BUILDING COVERAGE: (S.F.)	0	1,525
PRINCIPAL BUILDING COVERAGE (%)	0	8.1

SEQUENCE OF CONSTRUCTION	
1	INSTALL SILT FENCE
2	CLEARING OF LOT
3	ROUGH GRADING OF PROPERTY
4	CONSTRUCTION OF DWELLING UNIT(S)
5	FINAL GRADING OF LOT(S)
6	PERMANENT STABILIZATION OF LOT(S)

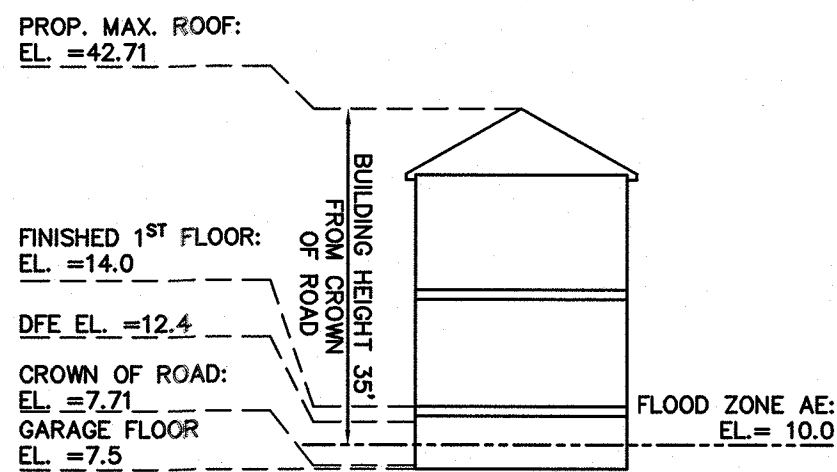
**ZONING SCHEDULE - R-3 SINGLE FAMILY RESIDENTIAL ZONE
BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY**

MINIMUM AREA REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA (S.F.)	12,000	18,855
LOT WIDTH (FEET)	120	102.09*
LOT DEPTH (FEET)	100	188 +/-
MINIMUM REQUIRED YARD AREAS - PRINCIPAL BUILDING		
FRONT YARD SETBACK (FEET) (1)	31.7	47.4
SIDE YARD SETBACK (FEET)	10	10.2
SIDE YARD COMBINED SETBACK (FEET)	25	65.0
REAR YARD SETBACK (FEET)	25	90.8
BUILDING HEIGHT REQUIREMENTS		
MAXIMUM HEIGHT (FT)/STORIES (2)	35.0/2.5	35.0/2
MAXIMUM LOT COVERAGE		
PRINCIPAL BUILDING COVERAGE (%)	25	8.1

* EXISTING NON-CONFORMITY

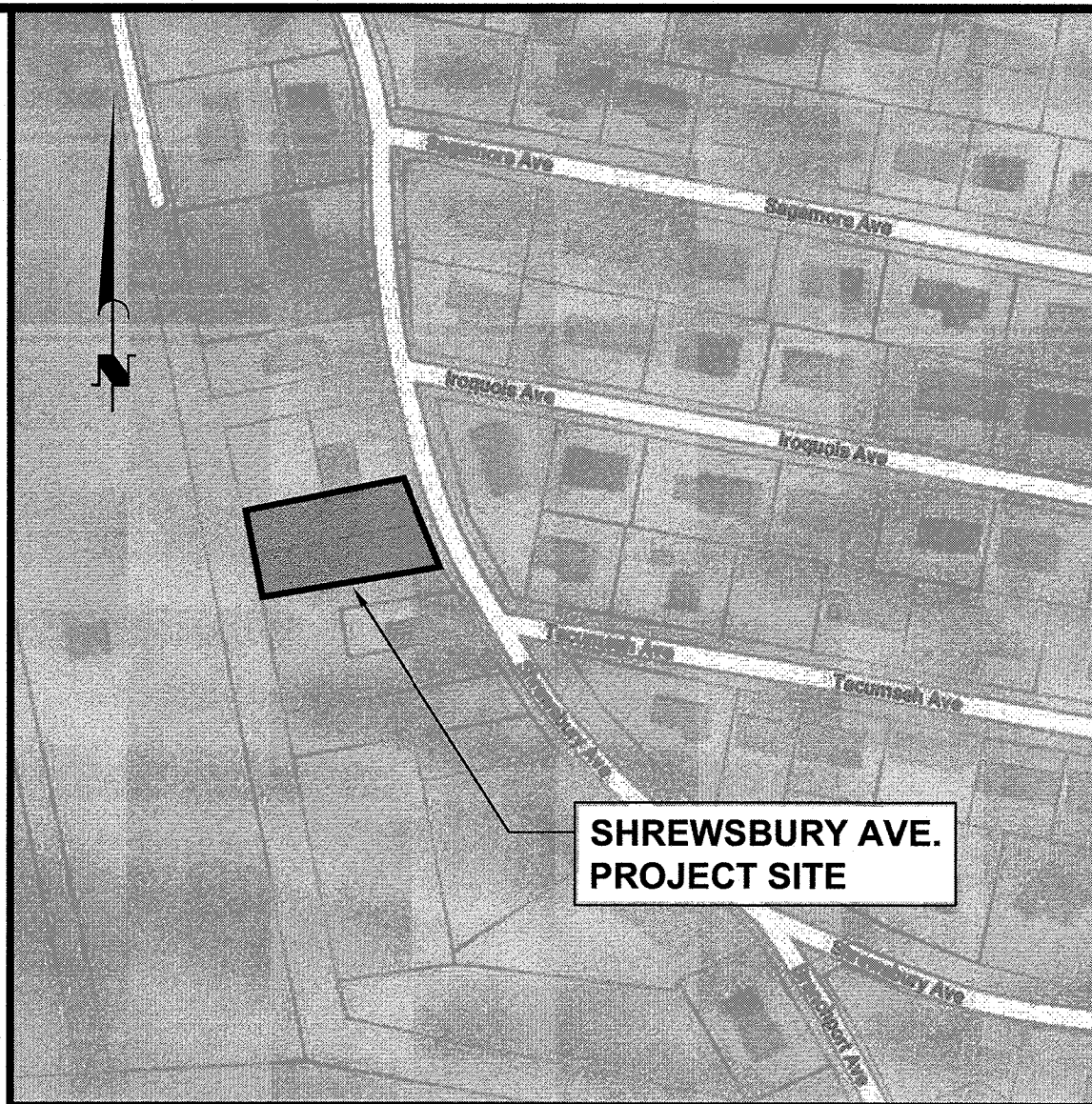
(1) THE FRONT YARD SETBACK IS BASED UPON THE AVERAGE ALIGNMENT OF EXISTING PRINCIPAL STRUCTURES WITHIN 200' OF THE PROPERTY WITHIN THE SAME BLOCK. PER DWSA "BOUNDARY AND TOPOGRAPHIC SURVEY, LOTS 3, 4, 6 & 7.01, BLOCK 66, TAX MAP SHEET NO. 10, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY", DATED 9/11/17, LAST REVISED 5/24/18, THE FRONT SETBACK ON LOT 6 IS 32.7 FT. PER "FINAL AS-BUILT PLAN FOR #548 SHREWSBURY AVENUE, BLOCK 66, LOT 1.01, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY" PREPARED BY KEE ENGINEERING ENTERPRISES, INC., DATED 7/12/17, THE FRONT SETBACK ON LOT 1.01 IS 30.7 FT. THEREFORE, THE AVERAGE FRONT SETBACK IS 31.7 FT.

(2) THE VERTICAL DISTANCE AS MEASURED BY THE CROWN OF THE ROAD OF THE IMPROVED STREET ON WHICH IT FRONTS AT THE MIDPOINT OF THE LOT TO THE HIGHEST POINT OF THE STRUCTURE, EXCLUDING SUCH APPURTENANCES AS OUTLINED IN SECTION 390-13.

**BUILDING HEIGHT CALCULATIONS**

SCALE: 1"=20'

No.	DATE	BY	DESCRIPTION
2	09/18/19	C.A.F.	REVISED PER PLANNING BOARD ENGINEER REVIEW LETTER DATED 09/10/19
1	04/25/19	C.A.F.	REVISED TO PROVIDE DEP APPROVAL (04/01/19)
REVISIONS			



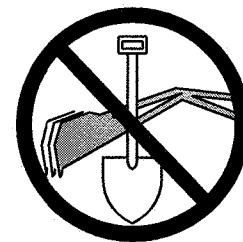
KEY MAP
SCALE: 1"=200'

LEGEND

F.F.=	PROPERTY LINE
G.F.=	FINISHED FLOOR ELEVATION
(TBR)	GARAGE FLOOR ELEVATION
(TBR)	TO BE REMOVED
(TBR)	TO REMAIN
7.10	TO BE RELOCATED
7.10	EXISTING SPOT ELEVATION
87	PROPOSED GRADE ELEVATION
87	EXISTING CONTOUR
87	PROPOSED CONTOUR
87	EXISTING TREELINE
87	PROPOSED TREELINE
87	EXISTING FENCE
87	SILT FENCE
87	LIMIT OF DISTURBANCE
87	SOIL BORING LOCATION
87	9'X18' PARKING SPACE
87	ASPHALT DRIVEWAY
87	GRAVEL DRIVEWAY
87	CONCRETE APRON
87	PAVEMENT REPAIR

BEFORE YOU DIG
CALL TOLL FREE
IN NJ
1-800-272-1000

THREE WORKING DAYS BEFORE YOU DIG

**CROSSPOINT, LLC**

LOTS 3 & 4, BLOCK 66
TAX MAP SHEET #10

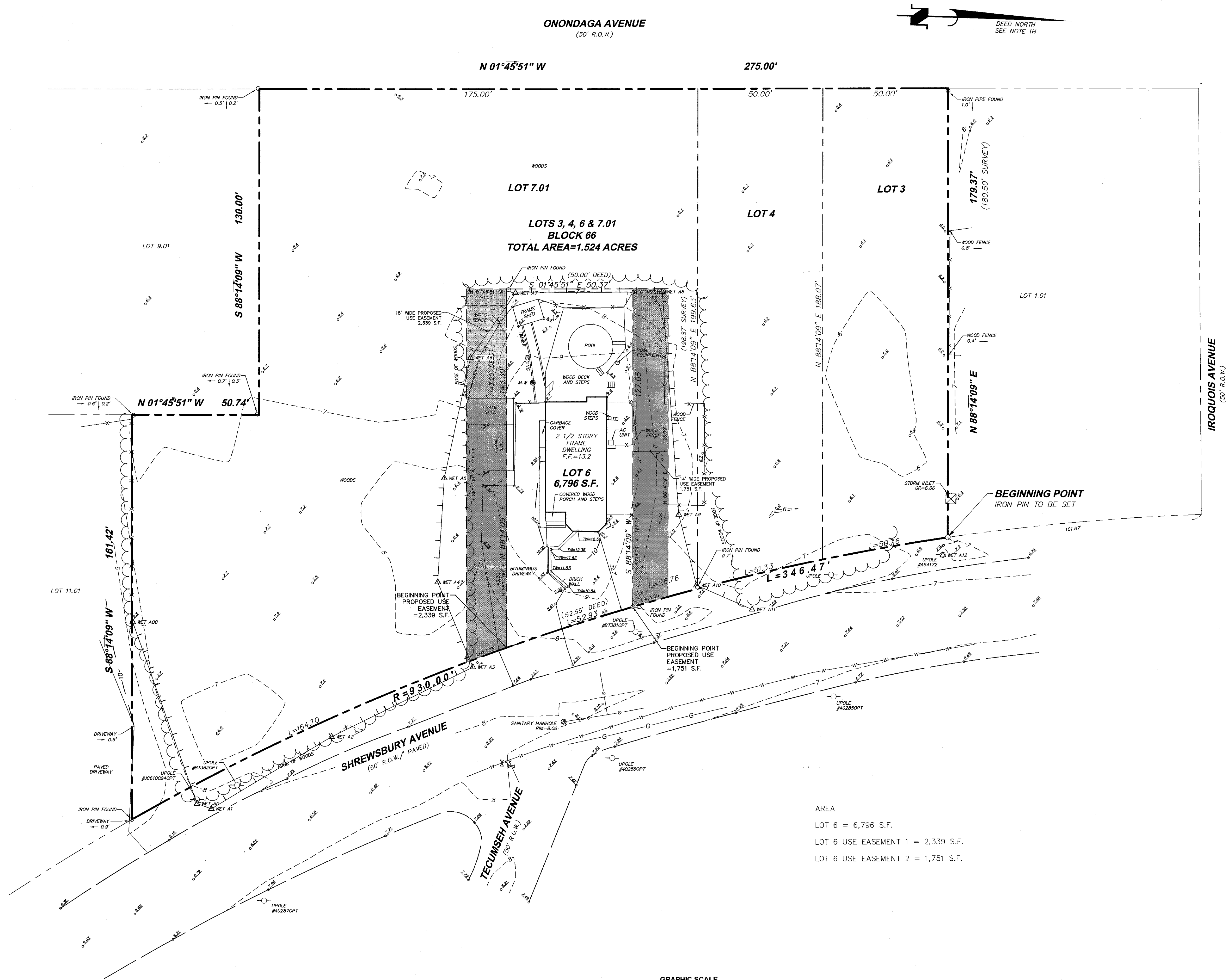
BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY

**SHREWSBURY AVENUE
PLOT PLAN**

ENGINEERS ▽ PLANNERS ▽ SURVEYORS
ENVIRONMENTAL SERVICES ▽ COMMUNITY ASSN. SERVICES ▽ LANDSCAPE ARCHITECTS
NJ CERTIFICATE OF AUTHORIZATION 24GA28122400

CAROLYN A. FEIGIN
PROFESSIONAL ENGINEER
N.J. P.E. No. 24GE04247200

PROJECT No.:	16-719.00
DATE:	JULY 06, 2018
DESIGNED BY:	R.E.
DRAWN BY:	P.T.
REVIEWED BY:	C.A.F.
SHEET:	1 OF 1

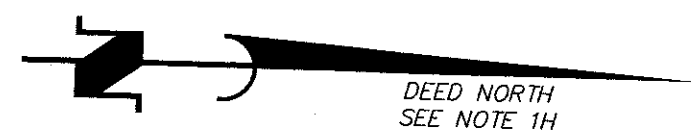
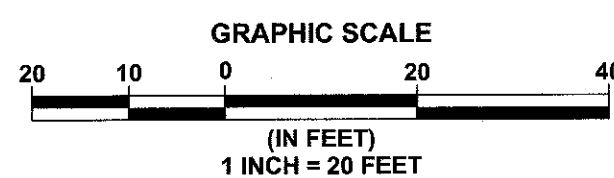


AREA

LOT 6 = 6,796 S.F.

LOT 6 USE EASEMENT 1 = 2,339 S.F.

LOT 6 USE EASEMENT 2 = 1,751 S.F.



DEED DESCRIPTION:

THE ABOVE PREMISES BEING KNOWN AND DESIGNATED AS LOTS 41, 43, 45-74, BLOCK 1-A AS SHOWN ON A CERTAIN PLAN ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUECK, MONMOUTH CO., N.J." AS FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON NOVEMBER 11, 1920 AS CASE No. 23-6, ALSO KNOWN AS LOTS 3, 4, 6 AND 7.01, BLOCK 66 ON THE BORO OF OCEANPORT TAX MAP SHEET No. 10.

GENERAL NOTES:

- THIS PLAN WAS PREPARED IN ACCORDANCE WITH THE FOLLOWING:
 - FILED MAP CASE No. 23-6 AS REFERENCED ABOVE.
 - A PLAN ENTITLED "SURVEY OF PROPERTY, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, N.J." PREPARED BY CHARLES M. WIDDIS, DATED NOVEMBER 7, 1986, REVISED FEBRUARY 1, 1988.
 - A PLAN ENTITLED "SURVEY OF LOTS 3 & 4, BLOCK 66, BORO OF OCEANPORT, MONMOUTH COUNTY, N.J." PREPARED BY AZIMUTH LAND SURVEYING Co., INC., DATED MARCH 28, 2000.
 - A PLAN ENTITLED "SURVEY OF PROPERTY, BLOCOK 66, LOT 5, 7, 8, SITUATED IN BOROUGH OF OCEANPORT, MONMOUTH COUNTY, N.J." PREPARED BY CHARLES C. WIDDIS, DATED OCTOBER 8, 2003.
 - DEED BOOK 8236, PAGE 1269 (LOT 6)
 - DEED BOOK 8245, PAGE 1141 (LOT 3)
 - DEED BOOK 5692, PAGE 151 (LOT 4)
 - DEED BOOK 8718, PAGE 801 (LOT 7.01)
 - BORO OF OCEANPORT TAX MAP SHEET No. 10.
 - AN ACTUAL FIELD SURVEY PERFORMED ON THE GROUND BY DW SMITH ASSOCIATES, LLC PERSONNEL ON SEPTEMBER 8 AND 11, 2017.
- SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD.
- UNDERGROUND IMPROVEMENTS AND/OR UNDERGROUND ENCROACHMENTS, IF ANY, ARE NOT SHOWN HEREON.
- THIS PLAN WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT.
- THIS PROPERTY HAS NOT BEEN REVIEWED FOR ANY STATE OF NEW JERSEY TIDELAND CLAIMS THAT MAY ENCUMBER THIS PROPERTY.
- VERTICAL DATUM IS NAVD 88.
- NO ATTEMPT HAS BEEN MADE TO IDENTIFY THE PRESENCE/ABSENCE OF FRESHWATER WETLANDS CLAIMS.

THIS SURVEY IS CERTIFIED TO:

CROSSPOINT, LLC

AND TO ALL CURRENT PARTIES INTERESTED IN TITLE TO PREMISES SURVEYED. THIS SURVEY WAS ACTUALLY MADE ON THE GROUND AND IS CORRECT; THAT THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN.

Thomas J. Murphy
 THOMAS J. MURPHY
 PROFESSIONAL LAND SURVEYOR
 No. 240503720700

BOUNDARY AND TOPOGRAPHIC SURVEY

LOTS 3, 4, 6 & 7.01 BLOCK 66

TAX MAP SHEET No. 10

BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY



ENGINEERS ▼ PLANNERS ▼ SURVEYORS
 ENVIRONMENTAL SERVICES ▼ COMMUNITY ASSN. SERVICES ▼ LANDSCAPE ARCHITECTS
 NJ CERTIFICATE OF AUTHORIZATION 24GA28122400

Thomas J. Murphy
 THOMAS J. MURPHY
 PROFESSIONAL LAND SURVEYOR
 N.J. P.L.S. No. 240503720700

PROJECT No.:	16-710.00
DATE:	SEPTEMBER 11, 2017
DESIGNED BY:	SCALE:
J.A.H.	1" = 20'
DRAWN BY:	REVIEWED BY:
C.A.K./A.S.C.	J.A.H.
SHEET:	1 OF 1

2	05-24-2018	J.A.H.	REVISED TO SHOW WETLAND LINE. SURVEY NOT CONTINUED TO DATE.
1	03/14/2018	J.A.H.	REVISED TO SHOW PROPOSED USE EASEMENTS. SURVEY NOT CONTINUED TO DATE (C.A.K.)
No.	DATE	BY	DESCRIPTION
REVISIONS			

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1455)**

Meeting: 11/12/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1455

PB2019-16 Czajkowski, John

8 Haskell Way
Block 121.01, Lot 4
Bulk Variance for Generator Installation

HASKELL WAY
(50' R.O.W.)

N 53°29'30" E
64.96'

ISLEN LANE
(50' R.O.W.)

241.04' TO NEAREST
INTERSECTION

POINT OF
BEGINNING

BLOCK 121.01

LOT 3

LOT 4
7,695.54 S.F.
0.18 AC.

1-STORY FRAME
DWELLING
F.F.=21.21
G.F.=20.49

LOT 5

20' WIDE UTILITY EASEMENT
TO BE DEDICATED TO
HOMEOWNER'S ASSOCIATION
CONTAINING 2,518 S.F. 0.06 AC.

LOT 18

LOT 17

LOT 16

THIS SURVEY IS HEREBY CERTIFIED TO THE FOLLOWING PARTIES;

JOHN D. CZAJKOWSKI, HUSBAND;
ANNA CZAJKOWSKI, WIFE;
EASTERN TITLE AGENCY, INC.;
STEVEN J. BODA, ESQUIRE;

BEING KNOWN AS LOT 4, BLOCK 121.01, AS SHOWN ON A CERTAIN PLAN ENTITLED "FINAL PLAT JOCKEY CLUB, BLOCK 121, LOTS 6, 7, 8, 9 & 11 BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY" PREPARED BY SCHOOR DEPALMA, MANALAPAN, DATED JUNE 12, 2006, REVISED TO MARCH 22, 2007, SAID MAP BEING DULY FILED IN THE MONMOUTH COUNTY CLERKS OFFICE ON SEPTEMBER 21, 2007 AS CASE No. 305-22, SHEETS 1 & 2.

SITE GRADING AS SHOWN HEREON IS BASED UPON A CERTAIN PLAN ENTITLED "FINAL MAJOR SUBDIVISION PLAN, JOCKEY CLUB, BLOCK 121 LOTS 6, 7, 8, 9 & 11, TAX MAP SHEETS 8, 13 & 14, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY", PREPARED BY SCHOOR DEPALMA, MANALAPAN, DATED SEPTEMBER 18, 2007 REVISED TO JULY 2, 2007.

FINAL SURVEY **JOCKEY CLUB**

BLOCK 121.01, LOT 4

BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY

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JOHN ALEXANDER

PROFESSIONAL LAND SURVEYOR, N.J. LIC. No. GS37180



SCHOOR DEPALMA

Engineers and Consultants

Cert. Of Authorization 24GA27926200

200 STATE HIGHWAY NINE

P.O. BOX 900 MANALAPAN, NJ 07726

TEL (732)577-9000 FAX (732)577-9888

SCALE

1"=30'

DATE

06/12/08

DRAWN BY

KAN

DES. BY

JA

FILE NO.

020807500

CHECKED BY

NET

DATE

REVISIONS

ORDER NO.

GENERAC®**16/20/22 kW**

GUARDIAN® SERIES

Residential Standby Generators

Air-Cooled Gas Engine

16/20/22 kW

1 of 5

INCLUDES:

- True Power™ Electrical Technology
- Two Line LCD Multilingual Digital Evolution™ Controller (English/Spanish/French/Portuguese)
- Two Transfer Switch Options Available:
100 Amp, 16 Circuit Switch or
200 Amp Service Rated Smart Switch.
See Page 4 for Details.
- Electronic Governor
- System Status & Maintenance Interval LED Indicators
- Sound Attenuated Enclosure
- Flexible Fuel Line Connector
- Direct-To-Dirt Composite Mounting Pad
- Natural Gas or LP Gas Operation
- 5 Year Limited Warranty
- Capability to be installed within 18" (457 mm) of a building*

Standby Power Rating

Models G007036-0, G007037-0 (Aluminum - Bisque) - 16 kW 60 Hz

Model G007035-0 (Aluminum - Bisque) - 16 kW 60 Hz

Models G007039-0, G007038-0 (Aluminum - Bisque) - 20 kW 60 Hz

Models G007043-1, G007042-1 (Aluminum - Bisque) - 22 kW 60 Hz

**QUIET-TEST™**

Note: CUL certification only applies to unbundled units and units packaged with limited circuit switches. Units packaged with the Smart Switch are UL certified in the USA only.

*Only if located away from doors, windows and fresh air intakes, and unless otherwise directed by local codes.

FEATURES

- **INNOVATIVE ENGINE DESIGN & RIGOROUS TESTING** are at the heart of Generac's success in providing the most reliable generators possible. Generac's G-Force engine lineup offers added peace of mind and reliability for when you need it the most. The G-Force series engines are purpose built and designed to handle the rigors of extended run times in high temperatures and extreme operating conditions.
- **TRUE POWER™ ELECTRICAL TECHNOLOGY:** Superior harmonics and sine wave form produce less than 5% Total Harmonic Distortion for utility quality power. This allows confident operation of sensitive electronic equipment and micro-chip based appliances, such as variable speed HVAC systems.
- **TEST CRITERIA:**
 - ✓ **PROTOTYPE TESTED**
 - ✓ **SYSTEM TORSIONAL TESTED**
 - ✓ **NEMA MG1-22 EVALUATION**
 - ✓ **MOTOR STARTING ABILITY**
- **SOLID-STATE, FREQUENCY COMPENSATED VOLTAGE REGULATION:** This state-of-the-art power maximizing regulation system is standard on all Generac models. It provides optimized FAST RESPONSE to changing load conditions and MAXIMUM MOTOR STARTING CAPABILITY by electronically torque-matching the surge loads to the engine. Digital voltage regulation at $\pm 1\%$.
- **SINGLE SOURCE SERVICE RESPONSE** from Generac's extensive dealer network provides parts and service know-how for the entire unit, from the engine to the smallest electronic component.
- **GENERAC TRANSFER SWITCHES:** Long life and reliability are synonymous with GENERAC POWER SYSTEMS. One reason for this confidence is that the GENERAC product line includes its own transfer systems and controls for total system compatibility.

THE **GENERAC**
PROMISE



* Built in the USA using domestic and foreign parts.

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1456)**

Meeting: 11/12/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1456

PB2019-17 Lawes, Donald & Darcy

121 Horseneck Point Road
Block 109, Lot 18
Bulk variance for retaining wall



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

October 30, 2019

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
315 E. Main Street
Oceanport, NJ 07757

Re: Minor Site Plan
121 Horsneck Point Road
Block 109, Lot 18
Borough of Oceanport, Monmouth County, New Jersey
Application PB2019-17
MC Project No. OPP-260

Dear Board Members:

Our office has received the following information in support of the above-referenced Bulk Variance application:

- Plan entitled “Final Asbuilt Survey for 121 Horseneck Point Road” prepared by Charles V. Bell Associates, LLC, dated April 4, 2019, consisting of one (1) sheet;

The subject property is situated in the R-1 – Residential Single-Family Zone District and located on the north side of Horseneck Point Road, approximately 1,300 feet east of the intersection with NY Long Branch Railroad. The property currently has a two-story single-family dwelling that has been lifted after Super Storm Sandy, paver driveway, slate porch, walkways, and two retaining walls. The Applicant had installed the retaining walls without zoning approval.

Based on our review of the application, we recommend that the application be deemed **complete** and scheduled for the next available hearing.

Variances/Design Waivers

We offer the following preliminary comments for the Board’s consideration:

1. Bulk variances are required for the following:
 - a. Retaining wall setback: 10 feet required from all property lines, 0.72 feet proposed.
A Bulk Variance is required.

The Municipal Land Use Law permits the granting of a hardship variance under either of two following situations (C.40:55D-70c):



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-260
October 30, 2019
Page 2 of 2

- **Hardship c(1) - Physical Constraints** – Hardship variances may be granted if the strict application of the ordinance would impose peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer based upon the existence of the following conditions:
 - a. Exceptional narrowness, shallowness or shape of a specific piece of property;
 - b. Exceptional topographic conditions or physical features uniquely affecting a piece of property; and,
 - c. An extraordinary and exceptional situation uniquely affecting a specific piece of property of the structures lawfully existing thereon.
- **Flexible “c” or c(2) - Benefits Outweighing Detriments** - A variance may be granted where the purpose of the Municipal Land Use Law would be advanced by the proposed deviation and the benefits of the deviation would substantially outweigh any detriment.

The Applicant shall provide testimony in support of the variances being requested.

General Comments

1. The height of the retaining walls shall be clarified. Any wall that is 30” or higher requires a guard/fence.

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing.

Should you have any questions or require any additional information, please do not hesitate to contact me directly.

Very truly yours,

MASER CONSULTING P.A.

A handwritten signature in blue ink, appearing to read 'W. H. White, III'.

William H.R. White, III, P.E., P.P., C.M.E.
Planning Board Engineer and Planner

WHW/nb

cc: Darcy Lawes (via email darcyplawes@gmail.com)

CURRENT:
COMMUNITY # 340320
MAP NO. 34025C0184F
SUFFIX "F"
DATE: 9-25-2009
ZONE "AE"
BFE: 8

PROPOSED:
COMMUNITY # 340320
MAP NO. 34025C0184G
SUFFIX "G"
DATE: 1-31-2014
ZONE "AE"
BFE: 8

ELEVATIONS REFER
TO NAVD '88 DATUM
x 6.6= EXIST SPOT ELEVATION

FF EL=13.0
REAR GARAGE FF EL=11.93
FRONT GARAGE FF EL=11.1
CRAWL EL=7.0
AC EL=11.85
GENERATOR EL=11.85
ELECT. METER EL=12.4

REV:	ADDED WALL DIM & OFFSETS	9/27/2019
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FINAL ASBUILT FOR
121 HORSENECK POINT ROAD
LOT 18 BLOCK 109
ON THE
BOROUGH OF OCEANPORT
TAX MAP
BOROUGH OF OCEANPORT
MONMOUTH COUNTY, NEW JERSEY

CERT. OF AUTH. # 24GA27979000
WILLIAM J. FIORE, INC.

PROFESSIONAL LAND SURVEYORS
263 BRICK BLVD., UNIT 5, BRICK, NJ 08723
TEL. (732) 920-5100 FAX (732) 920-5199

WILLIAM J. FIORE, PROFESSIONAL LAND
SURVEYOR GS# 35362 DATE 10/19/2017



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**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB (ID # 1467)**

Meeting: 11/12/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1467

Resolution of Approval - Gregory Pulley, 27 Morris Place

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF GREGORY PULLEY
27 MORRIS AVENUE
OCEANPORT, NEW JERSEY
BLOCK 60, LOT 9
APPLICATION NO.: PB2019-13
APPROVED: October 22, 2019
MEMORIALIZED: November 12, 2019**

Introduction

WHEREAS, Gregory Pulley has made Application to the Oceanport Planning Board for the property designated as Block 60, Lot 9, commonly known as 12 Morris Avenue, Oceanport, NJ, within the Borough's R-3 Zone, for the following approval: Bulk Variances associated with a request to construct an addition to an existing single family home; and

Public Hearing

WHEREAS, the Board held a Public Hearing on October 22, 2019, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

Evidence / Exhibits

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Planning Board Application Package, introduced into Evidence as A-1;*
- *Architectural Plans prepared by Jeremiah J. Regan, AIA, last revised August 29, 2019, consisting of one sheet, introduced into Evidence as A-2;*
- *Location and Topographical Survey, prepared by Land Control Services, LLC, dated June 10, 2019, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Maser Consulting Review Memorandum, dated September 24, 2019, introduced into Evidence as A-4;*

- *Affidavit of Service; and*
- *Affidavit of Publication;*

Witnesses

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Gregory Pulley, Applicant, appearing pro se;
- Rose Pulley, the Applicant's spouse;

WHEREAS, William H. R. White, III, P.E., P.P., CME, the Planning Board Engineer and Planner, was also sworn with regard to any testimony / information he would provide in connection with the Application; and

Testimony and Other Evidence Presented on Behalf of the Applicant

WHEREAS, testimony and other evidence presented by the Applicant revealed the following:

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property for approximately 14 years.
- There is an existing 1 1/2 story single-family home at the site.
- The Applicant lives at the site as his primary residence.
- In order to increase living space at the site, and in order to make the home more functional for growing family needs, the Applicant proposes to construct an addition.
- Details pertaining to the proposed addition include the following:

Size of Addition:	Approx. 18 ft x 16 ft. (288 SF)
Location of Addition:	Rear of Home
No. of Stories:	1 ½

- Upon completion of the construction/renovation process, the home will include the following:

First Floor

Porch

Kitchen

Living Room

Dining Room

Second Floor

Master Bedroom

Bathroom

Bedroom #2

Bedroom #3

- The proposed addition as aforesaid, will be located to the rear of the existing home.
- The Applicant anticipates that the construction will be completed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the construction process.

Variances

WHEREAS, the Application as submitted, and as modified, requires approval for the following Variance:

REAR YARD SETBACK FOR A PRINCIPAL STRUCTURE: 25 ft. required; whereas 20.58 ft. proposed.

IMPERVIOUS COVERAGE: 37% allowed; whereas 37.25% proposed.

*LOT COVERAGE FOR AN ACCESSORY STRUCTURE: 5%
allowed; whereas 5.83% proposed.*

Public Comments

WHEREAS, there were no public comments, questions, statements, and / or objections issued in connection with the subject Application.

Findings of Fact

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport, after having considered the aforementioned Application, plans, evidence, and testimony, that the Application is hereby **granted/approved with conditions**.

In support of its decision, the Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 27 Morris Avenue, Oceanport, NJ, within the Borough's R-3 Zone.
3. The subject property is located on the north side of Morris Avenue, approximately 600 ft. east of the intersection with Branchport Avenue.
4. The subject property currently contains a single-family dwelling, with a garage and shed.
5. The Applicant proposes to construct an addition to the existing single-family dwelling.
6. Details pertaining to the proposed addition are set forth elsewhere herein, are set forth on the Plans, and were discussed, at length, during the public hearing.
7. A single-family home is a permitted use in the subject Zone.
8. That notwithstanding, the Application as presented requires Bulk Variance approval.

9. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore the matter is properly before the said entity.

10. With regard to the Application, and the requested relief, the Board notes the following:

- Single-family use is a permitted use in the Borough's R-3 Zone.
- The existing 1 ½ story structure at the site is quite small, containing only 2 bedrooms. The testimony indicated that the home only contains approximately 1,000 sq. ft.
- The small home, as aforesaid, was just not built for the needs of a modern family.
- Per the testimony and evidence presented, there is a need for increased living space at the site (associated with the Applicant's growing family needs.)
- The Applicant herein is proposing to construct an addition which will contain approximately 288 sq. ft.
- The first floor of the proposed addition will include a porch. The second floor of the proposed addition will include a bedroom and a closet.
- The addition approved herein is relatively modest in nature.
- The Board notes that the addition approved herein will be constructed over the existing patio, which will minimize the amount of land which is disturbed in connection with the construction/renovation process.
- The addition will be located at the rear of the home – and the said location is a logical and natural location for any such proposed addition.
- Given the size of the lot, the location for the proposed addition is, essentially, the only practical place on the property for an addition.
- The addition approved herein will architecturally/aesthetically match the existing structure.
- There is an existing shed at the site. The Applicant testified that in conjunction with the construction/renovation process, the existing shed would be removed.
- It appears that given the small size of the house, there may be a need for a replacement shed at the site.

- Upon further review, the Applicant has requested, and the Board has approved, the Applicant's request to modify the Plans so as to reflect that the existing 8 ft. X 8 ft. shed may be replaced with a same size shed (and in the same footprint).
- The Application as presented requires an impervious Coverage Variance. Specifically, an impervious coverage of 37% is allowed; whereas an impervious coverage of 37.25% is proposed. Under the circumstances, the Board finds that the nature of the said relief is, under the circumstances, de minimis in nature.
- The Application as presented also requires a Variance for the lot coverage for the accessory structure. Specifically, 5% is allowed; whereas @5.83% is proposed. The Board notes that there is an existing unattractive shed at the site – and that the said shed will just be replaced within the same footprint.
- The Board finds that the existing she has been located at the site for a number of years, and that there is no substantial detriment associated with the continued placement of a shed at the site.
- The Board finds that the architectural/aesthetic/functional benefits associated with the within Application outweigh any detriments associated therewith.
- As a condition of the within Approval, the Applicant will be submitting a Grading/Drainage Plan, so as to confirm, (to the satisfaction of the Board Engineer), that there will be no adverse effects associated with the building addition and increased coverage.
- The Board notes that the existing site is undersized.
- The Board is aware that the undersized lot is an existing condition, which is not being exacerbated as a result of the approval.
- Per the testimony and evidence presented, and per the review of the Plans, there does not appear to be any available space which the Applicant could reasonably acquire so as to increase the overall lot area of the site.
- The undersized nature of the lot limits the nature/size/extent/location of any addition which can be constructed at the site.
- Per the testimony and evidence presented, the existing single-family structure was not necessarily built for the needs of a modern family.
- Per the testimony and evidence presented, there is a need for increased living space at the site.

- The addition approved herein is located at the rear of the structure.
- The rear-facing addition approved herein, will not be readily visible from a public street.
- The Board notes that the Application as presented requires a Rear Yard Setback Variance for a principal structure. Towards that end, the Board notes that the relevant calculations in the said regard include the following:

Minimum principal setback required 25 ft.

Existing setback (to dwelling) 36.25 ft.

Proposed setback 20.58 ft.

- The non-conforming rear setback approved herein will not compromise the aesthetic view of any affected neighbors.
- The non-conforming rear setback approved herein will not compromise the privacy rights of any adjacent occupants.
- The rear setback approved herein is not dramatically inconsistent with the rear setback of other principal dwellings in the area (on similarly situated lots).
- Per the testimony and evidence presented, and subject to conditions contained herein, there will be no outward light associated with the addition approved herein, and there will be no adverse light spillover associated with the within Application.
- The Applicant submitted detailed plans of the proposed addition which sufficiently described its appearance. Additionally, subject to the conditions set forth herein, the proposed addition will comply with the Prevailing Building Code Requirements.
- Based upon the testimony/evidence presented, construction of the proposed addition will continue the pattern of existing development in the area.
- The subject Lot is an appropriate host site for the expanded single-family home approved herein.
- Given the lay-out of the Lot and the existing home, the location of the proposed addition is appropriate and practical.
- The height of the proposed home will comply with the Borough's Prevailing Height Requirements. That is, 35 ft. is allowed in the Zone – and, per the testimony and evidence presented, the proposed home will have a conforming height.

- Subject to the conditions contained herein, the addition approved herein will not overpower / overwhelm the subject Lot.
- Subject to the conditions contained herein, the expanded home approved herein will not overpower / dwarf other homes in the area.
- The Board notes, positively, that the Applicant's proposal will have a conforming building coverage – and the said feature is one-way which the Board determined that the proposed addition is appropriately sized for the Lot.
- Per the testimony and evidence presented, under the Borough's Prevailing Regulations the site is required to have a sufficient number of off-street parking spaces – and sufficient / compliant spaces are proposed. Thus, no Parking Variance is required in connection with the Application.
- The existence of sufficient and appropriate parking at the Site is an important consideration – and but for the same, the within application may not have been approved.
- The Board finds that the proposed addition has been very efficiently designed.
- The brand new addition to be constructed on the site will be beneficial for the property, the neighborhood, and the Borough as a whole.
- The construction of the subject addition will aesthetically improve the site/structure.
- The Board notes that there were no public objections associated with the Application.
- The Board finds that sufficient testimony has been presented for the Application to be adjudicated – and the Board furthermore finds that, subject to the conditions contained herein, there is no need to elicit additional information to supplement the record.
- Single-family use is a permitted use in the subject zone.
- The architectural / aesthetic benefits associated with the proposal outweigh any detriments associated with the Applicant's inability to comply with the Specified Bulk Standards.
- The architectural design of the proposed addition will not be inconsistent with the architectural design of other single-family homes in the area (on similarly sized lots).

- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvement to be constructed herein will not be inconsistent with other improvements located within the Borough.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

For the above reasons, and for the other reasons set forth in the public hearing process, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

Conditions

During the course of the Hearing process, the Board Members requested, and the Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all terms, conditions, promises, and representations made at or during the Public Hearing Process.
- b. The Applicant shall work with the Borough Engineer so as to appropriately control / manage storm-water management at the site.
- c. The Applicant shall comply with the terms and conditions of the Board Engineer's Review Memorandum, dated September 24, 2019 (A-4).
- d. The Applicant shall submit a signed/sealed Survey.
- e. The Applicant shall submit a Grading Plan to the Board Engineer, for his approval.
- f. The Applicant shall cause the Plans to be revised so as to confirm that the Applicant is permitted to replace the existing 8 ft. X 8 ft. shed at the site (with an 8 ft. x 8 ft. replacement shed in the same footprint).

- g. The Applicant shall revise the Plans so as to portray and confirm that with the replacement shed, the overall impervious coverage at the site shall not exceed 37.25%.
- h. There shall be no adverse light spillover associated with the within approval.
- i. The Applicant shall submit 3 revised Plans to the Board Secretary, as part of the Resolution compliance process.
- j. The Applicant shall comply with all Prevailing Building / Construction Code Requirements.
- k. The Applicant shall comply with all on-site construction regulations as required by the Borough of Oceanport and any other Agency having jurisdiction over the matter.
- l. The Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
- m. If applicable, the proposed structure shall comply with applicable provisions of the Americans with Disabilities Act.
- n. Prior to the issuance of Permits, grading / drainage plans shall be submitted to the Board Engineer (for his review and approval) so as to confirm that any drainage/run-off does not go onto or otherwise adversely affect adjoining properties.
- o. The proposed addition shall comply with the Borough's Prevailing Height Regulations.
- p. The construction shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with prevailing provisions of the Uniform Construction Code and Applicable provisions of the Building Code.
- q. The Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- r. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.

- s. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- t. If required by the Board/Borough Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or his agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or their agents/representatives accept any responsibility for the structural design of the proposed improvement or for any damage which may be caused by the development.

PR-19-24

11-12-19

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 22, 2019 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Proto	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Tvrdik (Alt. 1)	()	()	()	()	()

This resolution was offered by _____, seconded by _____, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Proto	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Tvrdik (Alt. 1)	()	()	()	()	()

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Oceanport Planning Board on this _____ day of _____, 2019.

Jeanne Smith, Board Secretary

KEK/lam

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