



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • NOVEMBER 9, 2021

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Flag Salute

III. Board Policy

- It is Board Policy that no application will be opened after 9:30 P.M.
- No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

IV. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

V. Welcome New Member

1. Oath of Office - Maura Kelly, Alternate II - unexpired term ending 12/31/2021

VI. Roll Call

VII. Board Business

1. Report of Pending Applications

VIII. Approval of Minutes

1. Planning/Zoning Board - Regular - Oct 26, 2021 7:00 PM

IX. Old Business

1. PR-21-32 Resolution of Approval - 10 Bridgewater Drive
2. PR-21-33 Resolution of Approval - Oport Partners, Phase II

X. New Business

1. PB2021-13 SCHMIDT, WILLIAM W.
Block 49, Lot 1
101 Smith Street
Bulk Variances for construction of new single family dwelling
 - Lot frontage of 92.9' where 120' required
 - Front setback of 15.3' where 35.5' required average
 - Rear setback of 28.6' where 30' required.
2. PB2021-19 KELLER, JOSPEH
22 Asbury Ave
Block 92, Lot 1
Bulk variances for expansion of deck and proposed patio
 - Maximum building coverage of 25% permitted, 28.12% proposed
 - Maximum impervious coverage of 40% permitted, 44.8% proposed
3. PB2021-20 CORSI, MICHAEL
27 Burnt Mill Circle
Block 136, Lot 46
Construction of a front porch with a proposed front yard setback of 23.33' where 24' is permitted

XI. Petitions from the Public

XII. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • OCTOBER 26, 2021****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. Call to Order:** Chairman Widdis called the meeting to order at 7:00 p.m.
- II. Flag Salute:** Chairman Widdis led attendees and Board members in the flag salute.
- III. Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- IV. Board Policy:** Chairman Widdis advised the public of the below Board policies: •It is Board Policy that no application will be opened after 9:30 P.M. •No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- V. Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Absent	
Thomas Tvrdik	Class III	Absent	
Joseph Foster	Environmental Committee Liaison	Present	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Darren Davis	Class IV	Present	
Michael Dailey	Alternate I	Present	7:08 PM
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. Board Business:**1. Report of Pending Applications**

Ms. Smith advised of upcoming applications for the Nov. 9th including 101 Smith St, 9 Pocano Ave and 22 Asbury Ave.

Ms. Smith next advised that the 2nd matter on the agenda had a potential notice issue and would be rescheduled. Ms. Smith advised the Board that the annual calendar had not scheduled the 2nd meeting in November as the Board had decided that it would add the date if the calendar deemed it necessary. Ms. Smith requested to add the 2nd meeting at this time but because the Borough Planner was not available for the 11/23 date, polled the Board for availability for the previous week. Afterwards it was decided to schedule another meeting for Tues., 11/16/21 with Ms. Smith to advertise in accordance with law and notify the applicant of the new date.

VII. Approval of Minutes:**1. Planning/Zoning Board - Regular - Oct 12, 2021 7:00 PM**

RESULT:	ACCEPTED [4 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Foster, Kahle
ABSTAIN:	Kleiberg, Davis
ABSENT:	Cooper, Tvrdik, Savarese, Dailey

Mr. Dailey entered the meeting at 7:08 PM

2. Planning/Zoning Board - Special - Oct 18, 2021 7:00 PM

RESULT:	ACCEPTED [6 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Dailey
ABSTAIN:	Davis
ABSENT:	Cooper, Tvrdik, Savarese

VIII. Old Business:

1. **PR-21-30** Resolution of Approval – 66 Shrewsbury Ave. As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	ADOPTED [4 TO 0]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Foster, Kahle
ABSENT:	Cooper, Tvrdik, Savarese
INELIGIBLE:	Kleiberg, Davis, Dailey

IX. New Business:

1. PB2021-17 West End-KB, LLC CARRIED from October 12, 2021
10 Bridgewaters Drive
Block 101, Lots 6 & 7

EXHIBITS:

- A-1 "Preliminary and Final Major Site Plan," 11 Sheets, prepared by InSite Engineering, LLC, dated May 26, 2021, last revised October 1, 2021
- A-2 "Stormwater Management Report" prepared by InSite Engineering, LLC, dated May 26, 2021.
- A-3 "Environmental Impact Report" prepared by InSite Engineering, LLC, dated June 2, 2021.
- A-4 "New Construction Oceanport Cove", 2 Sheets, prepared by Jeremiah J. Regan, AIA, last revised April 20, 2020
- A-5 Color Rendered Aerial of Site dated October 1, 2021
- A-6 Color Rendered Site Plan dated October 1, 2021
- A-7 Conceptual Streetscape entitled "Oceanport Cove", dated October 1, 2021
- A-8 "Location & Topographic Survey," prepared by Land Control Services, LLC, last revised March 5, 2021
- A-9 Review Letter prepared by Colliers Engineering & Design dated September 17, 2021

William White, Board Engineer, was sworn in

Jennifer Krimko, Attorney for the Applicant, appeared and summarized the witnesses being called. Ms. Krimko described and marked Exhibits A-1 – A8. Mr. Kennedy described and marked Exhibit A-9.

Jason Fichter, Applicant's Engineer & Planner, was sworn in, presented his qualifications and was accepted by the Board as an expert in both fields of engineering and planning. Mr. Fichter began testimony with a description of the property, location, surrounding developments, located in a flood zone with base elevation of 8.0 required, existing grades, proposed finish floor of 15.05', location of utilities; the project is not considered major development by either the Borough or DEP standards, properties to the west and south drain onto subject property, a portion of the site frontage drainage drains towards Bridgewaters Drive and ultimately into the tidal water body to the east. In the proposed condition, the subject site will continue to accept runoff from western and southern neighbors, reduce runoff to the property to the east and will capture almost all runoff and direct it to Bridgewaters Drive and discharged to the tidal water body as it does today. Recent roadway improvements removed/covered the inlet on their frontage – their goal is to re-use that pipe connection to the tidal discharge point.

Mr. Fichter next testified that the project has a compliant 24' driveway along western frontage; each unit will have its own 2-car garage with additional room for a 3rd vehicle in the front; the site is required to provide 10 parking spaces with proposed being 20 spaces; 8 of the 20 spaces are designated for common spaces where only 2 would be required; described location of the refuse container and would

work out collection with the town; described proposed site lighting with 4 pole mounted LED lights with intent to match existing fixtures installed by the Borough as close as possible as the existing fixtures are no longer manufactured; lighting will be 12' high around perimeter; fixtures will have house side shields and will cast zero light onto the residential neighbors to the south; footcandles to the east and west will not exceed ½ footcandle – the standard limit – the ordinance is silent on levels so respectfully requests a design waiver if one is required by the Board.

An attractive evergreen buffer is proposed along western and southern property lines with Leland cypress, driveway to be lined with decorative grass, buffering the AC condensers with decorative grasses, frontage will have a blend of trees, shrubs and grasses to soften it; low decorative landscape wall proposed just behind the front property line – max height of 12 inches – to assist with slope of front yard and create an attractive streetscape; proposing to maintain existing curb with the exception of the driveway.

Mr. Fichter also testified that the Application technically needed a design waiver for proposing a 4' wide concrete sidewalk that matches and connects to sidewalks on either side of subject site but ordinance requires 15' and use of pavers.

Mr. Fichter further testified that the application proposes a small, low, 12 sf sign at the driveway entrance to identify the property which requires a variance as the zone only permits wall signs.

Ms. Krimko asked Mr. Fichter if there was anything in the Board Engineer's review letter that the application couldn't comply with. Mr. Fichter testified that the Applicant agrees to comply with the conditions of the letter from an engineering perspective.

Chairman Widdis asked for questions from Mr. White and the Board.

Mr. White asked if cans for garbage were proposed at the street? DPW does not handle garbage – done by an outside contractor. There was lengthy discussion on whether to use a dumpster in the rear serviced by a private hauler; cans stored in garage to put to street; Ms. Krimko and Mr. Fichter concluded that they would provide a refuse enclosure in the rear, to be screened, with homeowners to bring cans to street if using Borough's service or have option to hire outside vendor and use a dumpster and deal with the borough for reimbursement through the Municipal Services Act.

Mr. White also wanted it noted that the road is under moratorium and would need approval from the Governing Body to open for services.

Mr. Dailey asked applicant to consider pulling the retaining wall further back from sidewalk to provide for plantings and site impacts. Mr. Fichter offered it was possible. There was discussion concerning how far to push back, need for sufficient room to plant required trees in front yard; how best to soften the slope. After which the Applicant agreed to shift the retaining wall back to a front yard setback of 2.5' and shift the building and parking lot back another 1' so not to lose front yard.

Mr. Kahle asked if there was any concern for fire trucks getting to the rear and being able to turn around. Mr. Fichter responded that the requirement is if the driveway is more than 150' long then a turnaround has to be provided, this driveway is not that long.

Mr. Kahle expressed concern for those that might park in the driveway and asked if a couple signs could be put up saying no parking in the driveway. The Applicant agreed.

Mr. Davis asked if there was a site triangle for the sign. Mr. Fichter confirmed it was out of the site triangle.

Mr. Foster asked questions about light spillage, Mr. Fichter revisited the spillage – none to take place on any residential – only on commercial parking lots. Mr. Foster asked if it would be dark sky compliant and was told yes – would be shielded downward.

Mr. Foster asked questions about fencing and was told it was proposed only on southern and western property lines. He asked if there would be any shrubs along easterly property line. Mr. Fichter responded, no, but he had thought the same – applicant will provide evergreens on easterly line.

Chairman Widdis asked questions about the floor elevation of the garage and expressed concern about flooding there. Mr. Fichter reviewed the flood elevation requirements, flood vents and flood resistant construction.

Chairman Widdis asked if the driveway would have signage for enter/exit – no it was a two-way width driveway.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Jeremiah Regan, Applicant's Architect, was sworn in, presented his qualifications and having appeared before the Board previously was accepted as an expert in the field of architecture.

Referring to Exhibit A-4, Mr. Regan provided testimony concerning the development of the building plans, codes, 2-story with parking underneath that would be stacked (not side-to-side) and an additional parking space on the outside of the garage; first floor is an open plan, front balcony, rear deck and stairway to driveway, 3BR, mechanicals planned for the attic space for 2nd floor and hung from ceiling for first floor; building height from crown of road complies; the materials and colors will be consistent with what is presented in the conceptual plan.

Chairman Widdis asked for questions from Mr. White and the Board.

Mr. Davis asked questions about the exterior siding – will be cedar impressions on the front, blackboard on the sides, and gable ends.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness.

Michael Sickle, 9 Lake Drive, was sworn in and advised he was the property owner to the rear/south and asked about screening for the AC units and decks – was told there would be 6' fence with a row of trees.

As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Mr. Fichter, Applicant's Planner, having been previously sworn in, provided testimony describing the waivers and variances being sought: d(1) use variance for the residential on the first floor and a c(2) variance for the proposed sign; reviewed the permitted uses for the zone, the previous use by Brummer's Tree Service was not a permitted use; argued that the site would no longer support commercial use as indicated by the extended periods of vacant commercial space in the village centers; argued that the proposed use of 4 townhomes would be suitable and preserves the multi-family character of the immediate community including multi-family developments to the north, west and east of the site; residential is a permitted use but use variance needed for residential on the 1st floor. Mr. Fichter stated it was his opinion that the Bridgewaters Drive is best suited to multi-family development; another benefit of the proposed development was to populate this neighborhood and create more foot traffic for the existing commercial uses - a very common planning strategy for creating vibrant walkable downtown communities. The Applicant believes in doing so they are proposing the highest and best use based on particular suitability of the site that serve the general welfare. The suitability of the site to support the proposed use is ideal as well per his earlier engineering testimony. A variance being sought for signs only permitted on walls which presumes the commercial space at ground level but this application proposes strictly residential with the entire front façade dedicated to the residential units leaving no space for a wall sign; the application proposes a modest sign at ground level at the driveway, outside of the triangle which they believe is a better planning alternative as opposed to a façade sign. Mr. Fichter testified that in support of the relief being requested he looked at the purposes of planning in order to demonstrate how the application advances those purposes: general welfare will be best served by the particular suitability of the multi-family development to serve the general welfare; securing safety from flood, providing adequate light, air and open space with all bulk requirements considering same being met; promotion of establishing appropriate population densities that contribute to the well-being of the community; provides additional population to support the commercial uses in the zone, as well as a necessary housing alternative; creation of an attractive development and ultimately conserve and improve property values in the neighborhood. There is a zoning overlay that covers this site known as the Village Center Affordable Housing overlay which permits multi-family development with an affordable component having 5 or more units which this application does not meet that threshold as it only proposes 4-units. He reviewed the Borough's 2016 East Main Street Urban Design and Resiliency Plan which proposes combining of lots for multi development – the Applicant proposes to combine 2 lots which only supports 4 units. The application proposes a use consistent with the multi-family residential development contemplated for the site with a walkable Main Street community; the project is an infill project that encourages pedestrian activity.

Mr. Fichter further testified that he sees no adverse impact to the public since the proposed development will blend with the existing neighborhood. He argued that there was more potential for adverse impact with additional commercial space since there's so much of that already and site is off the beaten path of Main Street.

Mr. Fichter summarized his testimony concluding that the benefits substantially outweigh any detriments, if any.

Chairman Widdis asked for questions from the Board.

Mr. Foster asked for additional details about the aesthetics of the sign seeking a variance. Ms. Krimko directed him to the plan detail and that it would not be internally lit but would likely have gooseneck lighting or ground mounted lighting.

Mr. Whitson asked if the sign was really needed if there wouldn't be resident turnover. Ms. Krimko responded that it wasn't for the residents, but for Amazon, deliveries, visitors, etc. The sign will include the address.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Ms. Krimko concluded with a summary of the testimony and requested approval of the application. There was discussion on the details to be added/included for the refuse container – where entrance door would be located and landscape buffer and the relocation of the retaining wall.

Motion to Approve Application with Conditions

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Darren Davis, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Cooper, Tvrdik, Savarese

2. PB2021-16 Barker's Circle
Applicant: Barker's Circle Partnership, LLC

Block 110, Portion of Lot 1
Proposed New Block 110.20, Lot 1 - 2000 Avenue of Memories
Proposed New Block 110.21, Lot 1 - 2200 Avenue of Memories
Proposed New Block 110.22, Lot 1 - 100 Barker's Circle
Proposed New Block 110.23, Lot 1 - 200 - 500 Barker's Circle
Major Site Plan Approval

Due to a potential notice issue, this application will be re-scheduled with new notice required.

- X. Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.
- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:25 pm on a motion by Mr. Kleiberg which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 21-32

9.1

Meeting: 11/09/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2229

PR-21-32 Resolution of Approval - 10 Bridgewaters Drive

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF WEST END KB LLC
10 BRIDGEWATERS DRIVE, BLOCK 101, LOTS 6 AND 7
APPLICATION NO.: PB2021-117
APPROVAL DATE: OCTOBER 26, 2021
MEMORIALIZATION DATE: NOVEMBER 9, 2021**

INTRODUCTION

WHEREAS, representatives of West End KB LLC have made Application to the Oceanport Planning Board for the property designated as Block 101, Lots 6 and 7, commonly known as 10 Bridgewaters Drive, Oceanport, New Jersey, within the Borough's Village Commercial (VC) Zone, for the following approval: Preliminary and Final Site Plan Approval, Use Variance Approval, Bulk Variance Relief, and Design Waiver Approval to effectuate the following:

- Demolition of an existing / dilapidated single-family home on the site; and
- Construction of 4 new Townhouse dwellings, with attached garages.

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on October 26, 2021, Applicant's Representatives 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:

- *Preliminary and Final Site Plan, prepared by InSite Engineering, LLC, dated October 1, 2021, introduced into Evidence as A-1;*
- *Stormwater Management Report, prepared by InSite Engineering, LLC, dated May 26, 2021, introduced into Evidence as A-2;*

- *Environmental Impact Statement, dated June 2, 2021, introduced into Evidence as A-3;*
- *Architectural Plans, prepared by Jeremiah J. Regan, AIA, dated May 1, 2021, consisting of 2 sheets, introduced into Evidence as A-4;*
- *Illustrated Aerial Photograph / Exhibit, prepared by InSite Engineering, LLC, dated October 1, 2021, introduced into Evidence as A-5;*
- *Illustrated Rendering / Site Plan, prepared by InSite Engineering, LLC, dated October 1, 2021, introduced into Evidence as A-6;*
- *Illustrated Elevation, introduced into Evidence as A-7;*
- *Survey, prepared by Land Control Services, LLC, dated December 8, 2020, introduced into Evidence as A-8;*
- *Review Memorandum from Colliers Engineering and Design, dated September 17, 2021, introduced into Evidence as A-9;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Jason Fichter, Professional Engineer / Planner;
- Jeremiah J. Regan, Architect;
- Jennifer Krimko, Esq., appearing;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The subject property (i.e. Lots 6 and 7) contains a total of 18,985 SF (or 0.36 acres).

- The existing site was formerly utilized as the Brummer Tree Service property. (The subject property also contains a dilapidated single-family home.)
- The Applicant's representatives propose to effectuate the following:
 - Demolition of an existing / dilapidated single-family home on the site; and
 - Construction of 4 new Townhouse dwellings, with attached garages.
- Per the Plans, the proposed Townhouse Units are informally identified as Unit's "A", "B", "C", and "D".
- Each Unit will contain 2,051 SF (990 SF on the 1st floor and 1,061 SF of the 2nd floor).
- Each of the 4 Units will contain the following:

Ground Level

2 Car Garage (stacked spaces)

First Floor

Kitchen
Dining Room
Living Rom
Bathroom
Deck
Balcony

Second Floor

Master Bedroom
Master Bathroom
Bedroom #2
Bathroom #3
Bathroom
Laundry Room

- The ground floor area will not be used as habitable or living space.
- Proposed materials include the following:

- Dark Vinyl Siding, with white trim
 - Cedar Impression (front façade)
 - Clapboard Siding (or similar material) (sides)
- There will be a total of 20 parking spaces at the site.
 - Each Unit can accommodate 3 parking spaces (i.e. 2 stacked spaces in the garage and 1 space in the driveway).
 - There will be a total of 8 parking spaces dedicated / reserved for visitors / guests.
 - The property is located in a Flood Zone and, as such, the dwelling units will be constructed in accordance with Prevailing FEMA Regulations.
 - There are available utility lines running across the frontage of the property.
 - The Applicant's representatives are proposing direct connections to the existing utilities.
 - The Applicant's representatives propose to install an enclosed refuse dumpster near the southeast corner of the property.
 - The trash enclosure area will be enclosed and otherwise screened, even though the same is not readily visible from the Street.
 - The Applicant's representatives will form a Townhouse Association, in accordance with New Jersey Law.
 - The Applicant's representatives anticipate that the demolition / construction project will commence in the near future.
 - It is anticipated that the Applicant, a local builder, will complete the project.

VARIANCES

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

USE VARIANCE: In that Residential Use is not permitted on the 1st floor, and in that the Applicant's representatives propose such 1st floor Residential Use, the Application as submitted requires approval for a (d)(1) Use Variance;

SIGN: The prevailing zoning regulations do not permit a free-standing sign, whereas, such a free-standing identification sign is proposed.

DESIGN WAIVERS

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

SIDEWALK WIDTH: 15 ft. required; whereas a 4 ft. sidewalk width is proposed;

SIDEWALK MATERIAL: Concrete pavers are required; whereas concrete is proposed;

LIGHT SPILLAGE: Non-invasive light spillage is proposed for the adjacent commercial space;

PUBLIC COMMENTS

WHEREAS, sworn public comments, concerns, questions, and / or statements were made by the following:

- Michael Stickle;

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the members of the Oceanport Planning Board, 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 Oceanport 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 10 Bridgewaters Drive, Oceanport, New Jersey, within the Borough's Village Commercial (VC) Zone.

3. The subject site contains 18,985 SF (or 0.436 acres).
4. The subject property was previously used as a commercial business. (A dilapidated single-family home currently exists on the site as well.)
5. The Applicant's representatives propose the following:
 - Demolition of an existing / dilapidated single-family home on the site; and
 - Construction of 4 new Townhouse dwellings, with attached garages.
6. Such a proposal requires Preliminary and Final Site Plan Approval, Use Variance Approval, Bulk Variance Approval, and Design Waiver Approval.
7. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
8. With regard to the Application, and the requested relief, the Board notes the following:
 - The existing home at the site is rundown, weathered, compromised, aesthetically challenged, flood damaged, dilapidated, and unoccupied.
 - The aesthetically challenged nature of the existing structure does not advance the interests of the neighborhood.
 - The rundown nature of the structure detrimentally affects the subject property, the neighborhood, and the Borough of Oceanport as a whole.
 - The rundown nature of the existing structure essentially compromises the vibrancy of the neighborhood.
 - Approval of the within Application will result in the demolition of the existing compromised structure, and the replacement of the same with a brand-new Code-compliant 4 Unit Townhouse Development.
 - As such, approval of the within Application will dramatically improve the overall appearance of the property.
 - The Board Members and Members of the Public welcome the aesthetic improvements associated with the within approval.
 - Approval of the within Application will aesthetically benefit the property, the neighborhood, and the community as a whole.

- The existing structure does not satisfy Prevailing Flood / FEMA Regulations.
- For instance, the existing home is not elevated.
- The existing structure needs to be replaced with a flood-compliant structure.
- The new dwelling units approved herein will comply with Prevailing FEMA / Flood Regulations. For instance, the Townhomes will be appropriately elevated. Moreover, other flood mitigation improvements (such as garage / storage area venting, etc.) will be implemented as well. Moreover, as a condition of the within approval, the Applicant's representatives will sign a Deed Restriction (or similar Notice of Restriction), confirming that the ground floor is to be utilized for parking, storage, and building access only. That is, the aforesaid Deed Restriction (or similar restriction) will confirm that the ground floor is not to be utilized as habitable living space, in accordance with Prevailing Flood Regulations.
- All of the aforesaid flood improvements will be beneficial for the property, the neighborhood, and the community as a whole.
- The new Townhomes will be elevated in accordance with Prevailing Flood Regulations.
- There is a legitimate Borough interest in approving Applications which minimize the likelihood of any potential damage from flooding, tidal surges, and the like.
- One of the purposes of the Municipal Land Use Law encourages the approval of Applications which protect residents from flooding and / or tidal surges – and the Board finds that approval of the within Application will, in fact, promote such a purpose.
- Per the testimony and evidence presented, given the old / challenged / worn / compromised / flood damaged nature of the existing structure, demolition is more appropriate than mere renovation.
- There was an extensive discussion regarding the grading / drainage details associated with the proposal, and the impact any such development would have on the subject property and the surrounding properties.
- The within approval is contingent upon the necessary grading / drainage improvements being effectuated, subject to the further review and approval of the Board Engineer.
- Based upon the testimony and evidence presented during the Public Hearing process, and subject to the expressed conditions contained

herein, the Board finds that approval of the within Application will not contribute to any adverse drainage impacts on the adjoining properties.

- The subject property was utilized as a commercial use (Brummer Tree Service). The Board is aware that the said use was not a specifically permitted use in the Village Commercial Zone.
- The Board is aware that the Townhouse Use approved herein is technically a permitted use – albeit a Use Variance is required because Townhouse / Residential Use is not permitted on the 1st floor of the structure (as approved herein).
- In conjunction with the above point, the Board notes that Residential Uses (on the upper floors) is permitted in the VC Zone.
- As indicated, the Application requires approval to a (d)(1) Use Variance (in that there will be residential use on the first floor).
- The Board is aware that in order to satisfy the prevailing criteria, a Use Variance Applicant must satisfy the so-called “positive” criteria and the so-called “negative” criteria. Towards that end, the Board recognizes that the “positive” criteria is satisfied if the Applicant’s representatives can prove that the subject Application advances one or a number of the purposes set forth in the New Jersey Municipal Land Use Law. Likewise, the Board is aware that the “negative” criteria requires the Applicant’s representatives to prove that the subject Application can be granted, without causing substantial detriment to the public good.
- For the reasons set forth herein, the Board unanimously finds that the relevant Use Variance criteria has been satisfied.
- As referenced, the Residential Use approved herein is permitted (on the upper floors). However, Use Variance relief is required because the Applicant’s representatives are proposing all Residential Use (i.e. including residential use on the first floor).
- During the Public Hearing process, the Applicant’s representatives testified that all residential use at the site was appropriate – particularly in that there is no real need/demand for 1st floor commercial use at the site.
- The Board finds that the proposed Townhouse Development is consistent with the character of the neighborhood.
- The Board notes that the RM Residential Multi-Family Zone is located in close proximity to the development site.
- The Board also notes that the Harbor Point Association (with approximately 24-dwelling Unit) and the Bridgewater Townhouse Units (with approximately 24-Units) are in close proximity to the development site as well.

- The Board also notes that there are a number of other multi-developments in the VC Zone. Specifically, one such development is located at 282 Main Street, which includes commercial space and 2 Residential Units on the ground level. Additionally, the Board is aware that the Oceanport Gardens Complex, containing approximately 100 dwelling units) is in close proximity to the development site as well.
- The Board is aware of a development located at the corner of East Main Street and Port au Peck Avenue, (near the development site), which includes a considerable amount of commercial space at ground level, with residential units above. The Board is aware that the said development has been carrying a significant amount of vacant / unoccupied commercial space (on the first floor) for quite some time.
- Per the above analysis, and per the nature / extent of vacant ground floor commercial space in the immediate area, the Applicant's representatives suggested that a Mixed Use Development at the within site (i.e. commercial on the 1st floor and residential above) would not be appropriate (even though the same is permitted).
- Based upon the nature / extent of the existing 1st floor commercial vacancies in the immediate area, the Applicant's representatives suggested that an entire Residential Development, such as proposed herein, would be more appropriate for the property.
- Given the nature of the site, the nature of the permitted uses, and the large amount of vacant / unoccupied 1st floor commercial space in the immediate area, the Board finds that the subject site is particularly suited to host the 4 Townhouse Development approved herein.
- The Board is also aware that approval of the within Application will appropriately populate the subject neighborhood, and create more foot traffic to support the commercial uses already existing in the area.
- Approval of the within Application represents a successful strategy for helping to create more of a vibrant and walkable downtown community.
- The development site is surrounded by a number of uses – including, but not limited to, the following:
 - The Kelly Builder's Office Building (to the east);
 - The Post Office / Commercial Center (to the west);
 - Single-family residences (to the south); and
 - Harbor Point Townhouses (across Bridgewaters Drive).
- The 4 Townhouse Units approved herein will not be inconsistent with the character of development in the immediate area.

- As indicated, the Townhouse Residential Use approved herein is, in fact, a permitted use in the Zone (albeit not at the 1st floor level).
- The 4 Unit Townhouse Use approved herein is much more of a permitted Use (and a much less intense use) than the former commercial tree service operation at the site.
- Approval of the within Application will essentially eliminate a non-conforming Commercial Use, and replace the same with a permitted Townhouse Residential Use (albeit Residential Use is just not permitted on the 1st floor).
- It is believed that approval of the Townhouse Development approved herein will preserve the multi-family character of the community / Zone.
- The 4 Townhomes approved herein do not represent an overbuild of the site – as evidenced by the fact that the Applicant's representatives comply with most Prevailing Bulk Regulations.
- The non-intense nature of the development approved herein is further evidenced by the existence of compliant parking.
- The Board notes, positively, that the within Application also includes sufficient parking spaces for visitors / guests.
- The existence of sufficient parking, including sufficient parking for visitors and guests, will be beneficial for the site, the neighborhood, and the community as a whole.
- 10 parking spaces are required for the development site and 20 spaces are proposed. The Board appreciates the fact that there is no Parking Variance, and that the provided parking will satisfy, and slightly exceed, the minimum requirements.
- The absence of sufficient visitor parking spaces at the site could potentially be detrimental to other surrounding uses – and, as such, the Board appreciates the Applicant's ability to comply with the required minimum parking spaces (as established by the Residential Site Improvement Standards).
- The Prevailing Ordinance states that the purpose of the Village Commercial Zone is as follows:

“This Zone encompasses the Borough's Downtown Area and was created to enhance the image and vitality of the Village Center by encouraging Mixed Use Infill Development with strong pedestrian elements. In order to ensure that the Village Center (VC Zone) be a visually attractive area, the following development criteria shall be applied...”

The Board notes, positively, that with the exception of sidewalk width, sidewalk material, and some lighting details, the Applicant meets / satisfies all relative development criteria.

- The Board finds that approval of the within Application will result in an infill project which encourages pedestrian activity, as specifically identified as one of the purposes of the zoning designation.
- Approval of the within Application will provide housing, which is directly connected to, and in close proximity to, the walkable/pedestrian-friendly community along Main Street.
- Per the testimony and evidence presented, the Board is aware of the goals and objectives as set forth in the 2016 Master Plan. The Board is also aware of the Borough's 2016 E. Main Street Urban Design + Resiliency Plan, which, essentially, recommends Townhouse Use at the site, with a corresponding absence of commercial space. Per the testimony and evidence presented, the Board finds that the Applicant's proposal is consistent with the aforesaid reports / documents.
- As indicated, one standard of Use Variance relief requires the Applicant's representatives to prove that the Application can be granted without causing substantial detriment to the public good. Subject to the conditions set forth herein, the Board does not expect any substantially adverse impact associated with the within approval.
- The Board fears that, under the circumstances, and per the testimony and evidence presented, creating additional 1st floor commercial space at the site (as permitted under the Ordinance) could detrimentally affect the surrounding neighborhood.
- The Application as presented requires variance approval for the existence of a free-standing sign (whereas such a free-standing sign is not permitted.)
- The Board notes that the free-standing sign approved herein is appropriate for Townhouse Development – and the Board notes, positively, that the same is very moderately sized (i.e. only 12 SF).
- The sign approved herein is an identification sign to aid orientation.
- Under the circumstances, it is appropriate for a small identification sign to be placed at the site.
- The Application as presented requires a Design Waiver for the Sidewalk Width. Specifically, a 15 ft. sidewalk width is required; whereas a 4 ft. sidewalk width is approved herein.
- The Application as presented also requires a Design Waiver for the sidewalk material. Specifically, concrete pavers are required, whereas, in the within situation, the Applicant proposes a concrete sidewalk.

- The Board finds that, per the testimony and evidence presented, a 4 ft. wide concrete sidewalk is much more consistent with the existing neighborhood.
- The 4 ft. wide concrete sidewalk approved herein is consistent with the 4 ft. wide concrete sidewalk on both sides of the subject development site.
- The Board is also aware that an extra wide (15 ft. wide) sidewalk width (as required in the Zone) is likely much more appropriate for uses along the Main Street corridor.
- The Application as presented also requires a Design Waiver for lighting spillage. Specifically, as proposed, there will be some minimal light spillage onto the adjacent commercial parking area. Per the testimony and evidence presented, the same will not disturb any nearby residential uses.
- The purpose of the Lighting Design Regulations is to limit spillage to a maximum of 0.5 ft. candles – which, the Applicant herein has achieved (notwithstanding the need for a Design Waiver).
- Based upon the testimony and evidence presented, there will be minimal light spillage onto the neighboring commercial parking areas – which is typically welcome.
- Per the testimony and evidence presented, the minimal spillage of light onto a commercial neighbor's parking area is generally welcomed (by the affected neighbor) as "free light".
- The minimal spillage of light onto the neighboring commercial parking area should help promote security.
- The amount of spillage (onto the neighboring commercial parking area) is less than 0.5 ft. candles.
- Importantly, there is *no* light spillage onto any adjacent residential uses – and had there been any such adverse light spillover onto residential uses, the Application would not have been approved.
- The Application as presented requires a Variance for a free-standing sign (which is not permitted in the VC Zone). Per the testimony and evidence presented, the small and low (i.e. 12 SF sign) approved herein is merely to identify the property.
- The free-standing sign approved herein will, essentially, identify the property.
- For various practical / aesthetic / emergency service reasons, it is important / appropriate to have an appropriate identification sign on the property.

- The free-standing sign approved herein, though non-conforming, will not cause confusion amongst traveling motorists / pedestrians.
- As part of the Application, the Applicant's representatives have proposed a significant amount of nice / attractive landscaping / buffering along the western and southern property lines.
- Additionally, as a condition of the within approval, additional landscaping will be placed on the site so as to minimize any adverse impact on any adjacent uses.
- Moreover, per the testimony and evidence presented, the driveway areas will be lined with decorative grass.
- Per the testimony and evidence presented, the air conditioning condensers will be buffered with decorative grass.
- Per the testimony and evidence presented, the frontage of the property will be lined with an appropriate mix of trees, shrubs, and grasses.
- As a condition of the within approval, the said landscaping will be appropriately maintained / replaced / replanted as necessary, which will have a long term beneficial impact for the site, the neighborhood, and the community as a whole.
- The Board is aware that the retaining wall approved herein is, essentially, a low, decorative, landscaped wall, which will have a maximum height of only 12 inches.
- Moreover, the Board is aware that the purpose of the landscape wall / retaining wall is to soften the slope of the front yard area, and, essentially, to improve the overall streetscape.
- The Board is aware of the many benefits associated with an attractive streetscape and, as such, the Board finds that the Retaining Wall Setback Variance can be granted without causing substantial detriment to the public good.
- Per the terms and conditions of the within approval, the retaining wall will be setback an additional 2 feet than initially proposed, ft. thereby further minimizing any adverse impact to adjacent owners.
- The subject lot is an appropriate site for the 4 proposed Townhomes.
- Per the testimony of the Applicant's representatives, demolition of the existing structure is more appropriate/practical than just mere renovation.
- Per the testimony and evidence presented, the existing home is old, and outdated – and is simply not built / designed to accommodate the

needs of a modern family. The Townhomes approved herein are, in fact, designed for the needs of modern families.

- Continued Townhouse Use at the site is consistent with the character of the neighborhood.
- Approval of the within Application will allow a brand new / Townhouse structures to be built at the site.
- The new Townhouses approved herein will satisfy all prevailing/updated Building Code Regulations, Construction Code Regulations, and Flood regulations.
- There are essentially no other practical/viable locations (on the site) for the Townhouses to be located, but for that which is proposed by the Applicant.
- Subject to the conditions contained herein, the new Townhouses will not overpower or overwhelm the site or the neighborhood.
- Per the testimony and evidence presented, other development options were reviewed and considered, but the same were not practical / feasible.
- The Plans approved herein are reasonable, given the site constraints and given the Applicant's need / deserve to construct a new, modern, flood-compliant Townhouses.
- The proposed location for the Applicant's new Townhouses are logical and practical.
- Subject to the conditions contained herein, the new Townhouses approved herein will not have any significant detrimental impact on adjoining property owners.
- Subject to the conditions contained herein, approval of the within Application will significantly improve the overall appearance of the area.
- Additionally, the architectural/aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Use and Bulk Zoning Standards.
- The architectural design of the new Townhouses will not be inconsistent with the architectural character of other Townhomes in the area, on similarly situated lots.
- Sufficiently detailed Plans were submitted.

- Subject to the conditions contained herein, the location of the proposed Townhomes will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, 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.
- 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 satisfied the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance) and 40:55D-70CD (Use Variances).

Based upon the above, and subject to the conditions contained herein, 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, the Board has requested, and the Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with all Prevailing Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency with jurisdiction over the matter.
- c. 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
 - Fire Permit

- d. The Applicant shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated Sept. 17, 2021 (A-9).
- e. The Applicant shall comply with all Prevailing FEMA / Flood Regulations.
- f. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - i. The inclusion of a note confirming that there shall be no adverse light spillover onto the adjacent residential uses;
 - ii. The inclusion of a note confirming that the trash enclosure shall be relocated to the end of the driveway (dumpster or cans), the details of which shall be reviewed and approved by the Board Engineer;
 - iii. The inclusion of a note confirming that the Applicant's representatives shall perpetually maintain / replace / replant the landscaping at the site as necessary;
 - iv. The inclusion of a note confirming that 2 shade trees shall be planted along the front yard of the property;
 - v. Confirmation that the retaining wall shall be relocated 2 ft. further back (than initially proposed) so that the same is setback 2.5 ft. from the property line;
 - vi. Confirmation that the proposed building and proposed parking lot area shall be setback 1 ft. further (so that there is a front setback of 17.1 ft.). (The same is effectuated so as to improve the amount of front yard area at the site and so as to further improve the overall streetscape.)
 - vii. Confirmation that the Applicant's representatives shall plant additional landscaping around the retaining wall;
 - viii. The inclusion of a note confirming that the Applicant's representatives shall work with the Board Engineer so as to revise the Plans so as to extend the drainage system easterly to discharge into an inlet adjacent to the creek.
 - ix. Confirmation that a "no parking in driveway/fire lane" sign shall be placed at the site;
 - x. Confirmation that the driveway / fire lane shall be striped in accordance with Prevailing Fire Code / Building Code / Construction Code Regulations;
 - xi. Confirmation that evergreens or a 6 ft. fence shall be placed along the eastern property line;

- xii. The inclusion of a note confirming that the materials / colors of the proposed building shall be consistent with the testimony / evidence / exhibits presented during the public hearing process;
 - xiii. The inclusion of a note confirming that the cedar impression, the composite, or the hardy board plank shall be extended / placed down the west side of the building;
 - xiv. The inclusion of a note confirming that stone shall be placed along the western side of the property line;
 - xv. The inclusion of a note confirming that the sign shall not be internally illuminated;
 - xvi. Confirmation that the content of the sign shall contain fixed identification materials with no interchangeable copy thereon;
 - xvii. Confirmation that the lighting shall be gooseneck lighting;
 - xviii. Confirmation that additional landscaping shall be planted at the site;
 - xix. Confirmation that the parking area shall be relocated so that the same is a minimum of 10 ft. off of the property line;
 - xx. Confirmation that the entrance door to the dumpster shall face the east; (NOTE: The Board recognizes that the said situation may need to be slightly adjusted to accommodate any potential private garbage collector);
 - xxi. Confirmation that landscaping shall be planted around the trash enclosure; and
 - xxii. Confirmation that additional trees shall be planted along the western property line, or that the fencing continue along this property line up to the building front.
- g. The sign details shall be reviewed and approved by the Board Engineer.
 - h. The Applicant's representatives shall arrange for the 2 existing Lots to be consolidated. The Deed of Consolidation shall be reviewed and approved by the Board Attorney and Board Engineer. Thereafter, the Deed of Consolidation shall be recorded in the Office of the Monmouth County Clerk – and proof of recording shall be submitted to the Board Secretary.
 - i. The Municipal Tax Assessor shall specifically review / approve the new Lot designation for the to-be-designated Lots.

- j. The Applicant's representatives shall form a Townhouse Association, in accordance with New Jersey Law.
- k. The Applicant's representatives shall secure any and all necessary demolition Permits.
- l. The Applicant's representatives shall receive approval from the Borough of Oceanport for relief from any existing paving / disturbance moratorium.
- m. The Applicant shall comply with any and all Prevailing ADA Regulations.
- n. The Applicant shall prepare a Deed Restriction (or some type of Notice of Restriction) confirming that the use of the ground floors shall be limited to parking, storage, and building access. Furthermore, the ground floors shall not be utilized as habitable living space. The said Deed Restriction (or similar Notice of Restriction) once approved by the Board Attorney, shall be recorded in the Office of the Monmouth County Clerk – and proof of the same shall be submitted to the Board Secretary.
- o. The landscaping shall be perpetually replaced / maintained / replanted, as necessary, so as to perpetually maintain the buffer between the subject property and the neighboring properties.
- p. The within approval shall be voided, unless the Applicants obtain a Building Permit within 24-months of the adoption of the within Resolution, or any extension formally approved by the Planning Board.
- q. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties.
- r. The Applicant shall obtain any and all necessary demolition permits as may be required.
- s. 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.
- t. 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.
- u. 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. Additionally, to the extent the application materially changes as a result of any of the aforesaid

outside approvals, then, in that event, the Applicants shall be required to return to the Board for further review / relief.

- v. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and / or its agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicants 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 Applicants' 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 Applicants 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 improvements, or for any damage which may be caused by the development.

SUMMARY OF GRANTED VARIANCE RELIEF

USE VARIANCE: First Floor residential use is approved;

SIGN: A 12 SF identification sign is approved for the site.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 26, 2021 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (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	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Kelly (Alt 2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of November 9, 2021.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2230)

9.2

Meeting: 11/09/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2230

PR-21-33 Resolution of Approval - Oport Partners, Phase II

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF OPORT PARTNERS, LLC
DENHOLTZ PARTNERS, LLC
FORT MONMOUTH COMPLEX
OCEANPORT, NEW JERSEY
BLOCK 110.13, LOT 1
APPLICATION NO.: PB2020-29.1
PHASE II
APPROVAL DATE: OCTOBER 18, 2021
MEMORIALIZATION DATE: NOVEMBER 9, 2021**

INTRODUCTION

WHEREAS, Agents of Oport Partners, LLC have made Application to the Oceanport Planning Board for the property designated as Block 110.13, Lot 1, Fort Monmouth Campus, Oceanport, New Jersey, within the Borough's Warehouse District (which has an overlay Zone within the Oceanport Education / Mixed Use Neighborhood Zone), for the following Phase II approval: Preliminary and Final Major Site Plan Approval, Potential Bulk Variance Approval, Exception Approval, and Design Waiver Approval to effectuate the following:

- Demolition of 5 existing Administrative Buildings on the site (already completed);
- Demolition of 3 existing Warehouse Buildings on the site (already completed);
- Removal of existing curbing / pavement / parking areas on the site;
- Construction of 3 Commercial Flex Space Buildings; and
- Installation of additional site improvements, including 188 parking spaces, pedestrian walkways, utilities, lighting, and landscaping; and

PUBLIC HEARINGS

WHEREAS, the Board held Public Hearings on September 28, 2021 and October 18, 2021, Applicant's representatives 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:

- *Land Development Application, introduced into Evidence as A-1;*
- *Topographical Survey (Warehouse Parcel), prepared by John T. Luts, P.L.S., dated November 18, 2020, revised through January 18, 2021, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Preliminary and Final Site Plans, prepared by Kennedy Consulting Engineers, dated February 15, 2021, consisting of 8 sheets, introduced into Evidence as A-3;*
- *Architectural Plans (proposed Flex Building A), prepared by Rotwein & Blake Associates, dated January 22, 2021, last revised March 12, 2021, consisting of 2 sheets, introduced into Evidence as A-4;*
- *Architectural Plans (proposed Flex Building B), prepared by Rotwein & Blake Associates, dated January 22, 2021, last revised March 12, 2021, consisting of 2 sheets, introduced into Evidence as A-5;*
- *Architectural Plans (proposed Flex Building C), prepared by Rotwein & Blake Associates, dated January 22, 2021, last revised March 12, 2021, consisting of 2 sheets, introduced into Evidence as A-6;*
- *Landscape Plan, prepared by Melillo, Bauer, & Carmen Landscape Architecture, dated March 12, 2021, introduced into Evidence as A-7;*
- *Traffic Impact Analysis Report, prepared by McDonough & Rea Associates, Inc., dated January 27, 2021, revised March 9, 2021, introduced into Evidence as A-8;*
- *Stormwater Management Report, prepared by Kennedy Consulting Engineers, LLC, dated January 25, 2021, revised February 15, 2021, introduced into Evidence as A-9;*
- *Report of Geotechnical Investigation, prepared by Whitestone Associates, Inc., dated August 14, 2020, introduced into Evidence as A-10;*
- *Environmental Impact Statement, prepared by EcoSciences, Inc., dated April 15, 2021, introduced into Evidence as A-11;*
- *Addendum to the Environmental Impact Statement, prepared by EcoSciences, Inc., dated July 30, 2021 (associated letter signed by Peter A. Hansen, LSRP, LEP, Vice President), introduced into Evidence as A-12;*
- *Mandatory Conceptional Review (Phase II Warehouse Final MCR), prepared by Upendra Sapkota of FMERA., dated June 3, 2021, introduced into Evidence as A-13 (NOTE: The said document was superseded by subsequent Evidence);*
- *Mandatory Conceptional Review, prepared by Upendra Sapkota, P.P., AICP, LEED, AP, dated July 13, 2021, introduced into Evidence as A-14;*

- *Stormwater Facility Manual, prepared by Kennedy Consulting Engineers, LLC, dated May 12, 2021, revised May 18, 2021, introduced into Evidence as A-15;*
- *Board Engineer Review Memorandum, prepared by ENGenuity Infrastructure Engineering, dated September 15, 2021, introduced into Evidence as A-16;*
- *A series of 4 Renderings (Phases I / II / III) (with an aerial photo) Exhibits, prepared by Kennedy Consulting Engineers, LLC, aerial photo, dated March 23, 2021, (the 3 other sheets are dated Sept. 28, 2021), introduced into Evidence as A-17;*
- *Colored Rendering of Phase II Landscaping Plan, prepared by Melillo, Bauer, & Carmen Landscape Architecture, dated September 28, 2021, introduced into Evidence as A-18;*
- *Lighting Plan, Phase II, prepared by Melillo, Bauer, & Carmen Landscape Architecture, dated March 12, 2021, introduced into the Evidence as A-19;*
- *Illustrated Computer Rendering of proposed Flex Building A, prepared by Rotwein & Blake Associates, dated August 7, 2020, introduced into Evidence as A-20;*
- *Illustrated Computer Rendering of proposed Flex Buildings B and C, prepared by Rotwein & Blake Associates, dated August 7, 2020, introduced into Evidence as A-21;*
- *Rear Elevation of proposed Flex Building B / C (Sheet A.4.1 of the Architectural Plans), prepared by Rotwein & Blake Associates, dated January 22, 2021, last revised March 12, 2021, introduced into Evidence as A-22;*
- *Sheet A1.1 of the Architectural Plans (revised Plan for Building A, Flex Space), prepared by Rotwein & Blake Associates, dated October 15, 2021, introduced into Evidence as A-23;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- James Kennedy, P.E., Engineer;
- Lance Blake, Architect;
- John Rea, Traffic Engineer;
- Andrew Janiw, Professional Planner
- John Giunco, Esq., appearing;

WHEREAS, Jaclyn Flor, P.E., P.P., C.M.E., the Board's Conflict Engineer, was also sworn with regard to any testimony and information she would provide in connection with the subject Application; and

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT'S REPRESENTATIVES

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

- The Applicant is the Owner of the subject property.
- The Principals of the Applicant have significant experience in the construction and development field.
- The subject property is an approximate 8.8-acre parcel located in the Fort Monmouth Complex.
- There are 3 overall Phases to the Applicant's project; namely, Phase I, Phase II, and Phase III.
- The Phase I stand alone aspect of the project was approved by the Oceanport Planning Board on or about March 23, 2021.
- The within Application involves the Phase II stand alone aspect of the project.
- Currently, the site is developed with 5 Administrative Buildings and 3 Warehouse Buildings.
- The Phase II aspect of the project includes the following:
 - Demolition of 5 existing Administrative Buildings on the site (already completed);
 - Demolition of 3 existing Warehouse Buildings on the site (already completed);
 - Removal of existing curbing / pavement / parking areas on the site;
 - Construction of 3 Commercial Flex Space Buildings; and
 - Installation of additional site improvements, including 188 parking spaces, pedestrian walkways, utilities, lighting, and landscaping; and

- The 3 new buildings will be informally identified (on the Plans) as Building "A", Building "B", and Building "C."
- Details pertaining to the proposed buildings include the following:

	Building A	Building B	Building C
Size of building:	31,370 SF	20,584 SF	20,584 SF
Height:	35.6 ft.	26.1 ft.	26.1 ft.
Number of stories:	Per Plans	Per Plans	Per Plans
Use:	Commercial flex space	Commercial flex space	Commercial flex space
Number of loading areas:	6	5	5
Location:	Per Plans	Per Plans	Per Plans
Specifically identified Tenants?:	As of the hearing date, no specific Tenants have been identified.	As of the hearing date, no specific Tenants have been identified.	As of the hearing date, no specific Tenants have been identified.

- It is anticipated that the aforesaid demolition / construction process will take place in the near future.
- The Applicant's representatives will be utilizing licensed contractors in connection with the demolition / construction process.

VARIANCES / DESIGN WAIVERS / EXCEPTIONS

WHEREAS, the Application as presented and modified requires approval for the following

Variances / Design Waivers / Exceptions:

TRASH ENCLOSURE LOCATION: Pursuant to the Prevailing Regulations, no refuse or recycling storage areas shall be permitted in the front yard, or between the street and the front of any building. In the within situation, the Applicant is proposing a trash enclosure in the front yard area, between Building "C" and Oceanport Way. As such, relief is required.

HEIGHT OF FREE-STANDING LIGHTS: The Prevailing Regulations provide that the maximum height of free-standing lights shall not exceed the height of the principal building or 18 ft., whichever is less. In the within situation, the Applicant is proposing pole mounted lights with a mounting height of 20 ft. and 25 ft. As such, relief is required.

HEIGHT OF BUILDING MOUNTED LIGHTS: The Prevailing Regulations provide that the maximum height of building mounted lights shall not exceed the height of the principal building or 18 ft., whichever is less. In the within situation, the Applicant is proposing building mounted lights with a mounting height of 22 ft. As such, relief is required.

MAXIMUM ILLUMINATION AT PROPERTY LINE: *The Prevailing Regulations provide that the maximum illumination at the property line shall be 0.1 ft. candle. In the within situation, the Applicant is proposing an illumination intensity of 0.6 ft. candles at the property line. As such, relief is required.*

LIGHTING INTENSITY: *The Prevailing Regulations provide that the minimum lighting intensity in a given area cannot be less than 0.5 ft. candles. In the within situation, the Applicant is proposing a minimum illumination intensity of 0.3 ft. candles at the property line. As such, relief is required.*

BUILDING SETBACKS: *The Prevailing Regulations provide that building setbacks shall meet FMERA Land Use Rules (N.J.A.C. 19:31C-3.14(d)). Oceanport Way was initially envisioned as a Boulevard in the circulation element of the Land Use Regulations. However, in subsequent meetings and communications with FMERA representatives, FMERA representatives clarified in that permitted uses have changed per Amendment No. 15, FMERA representatives no longer envision Oceanport Way as a Boulevard, and that the same is now envisioned as a future 50 ft. Right-Of-Way. Therefore, the setbacks to a minor collector road would apply, which are a minimum of 20 ft. and a maximum of 30 ft.. However, in the within situation, the Applicant's representatives are proposing Building Setbacks of between 82.1 ft. and 245 ft. FMERA representatives have advised Planning Board representatives that, as a result of the same, relief is required.*

BICYCLE RACK DETAILS: *The Prevailing Regulations require that for all non-residential buildings, a secure indoor bicycle storage room shall be provided and, the number of bicycle parking in each required area shall be based upon the expected number of occupants, visitors, and / or workers at the building. The Applicant herein has proposed an exterior bicycle rack for 7 bicycles near the exterior of each of the 3 proposed buildings. Relief is required.*

PUBLIC COMMENTS

WHEREAS, during the Public Hearing process, formal questions / comments / statements / concerns were expressed by the following:

- John Johnson

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the members of the Oceanport Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Phase II aspect of the Application is hereby **granted / approved with conditions**, as set forth herein.

In support of its decision, the Oceanport 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 identified as Block 110.13, Lot 1, Oceanport, New Jersey, within the Borough's Warehouse District, which has an overlay Zone within the Oceanport Education / Mixed Use Neighborhood Zone.
3. The subject parcel contains approximately 8.8 acres.
4. The subject property is located west of the intersection of Oceanport Way (formerly Murphy Drive) and Anson Avenue.
5. The subject property currently contains 5 existing Administrative Buildings and 3 existing Warehouse Buildings.
6. The subject property is located within the Oceanport portion of the former Fort Monmouth Complex.
7. Pursuant to Prevailing Regulations, the property is subject to the Fort Monmouth Economic Revitalization Authority (FMERA) guidelines.
8. The FMERA regulations have been designed with the intention of providing comprehensive, cohesive, and consistent development of the various portions of the Fort Monmouth Complex, regardless of whether the particular development site is located in the Borough of Oceanport, the Borough of Eatontown, or the Borough of Tinton Falls.
9. Generally speaking, the FMERA regulations govern the uses at the former Fort Monmouth site, and the various host communities (including the Borough of Oceanport, and the Oceanport Planning Board) govern Site Plan and Bulk Variance – related issues / concerns.

10. The Applicant's representatives propose the following:

- Demolition of 5 existing Administrative Buildings on the site (already completed);
- Demolition of 3 existing Warehouse Buildings on the site (already completed);
- Removal of existing curbing / pavement / parking areas on the site;
- Construction of 3 Commercial Flex Space Buildings; and
- Installation of additional site improvements, including 188 parking spaces, pedestrian walkways, utilities, lighting, and landscaping; and

11. Details pertaining to the Phase II aspect of the proposal are set forth on the submitted Plans, are set forth elsewhere herein, and were discussed, at length, at the subject Public Hearings.

12. Such a proposal (i.e. Phase II) requires Preliminary and Final Major Site Plan Approval, Bulk Variance Approval, Exception Approval, and Design Waiver Approval.

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

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

PARKING

- The parking situation at the site is of critical importance for the Board Members.
- It is imperative that there be sufficient parking for the Applicant's proposed use (in accordance with the specific testimony presented during the Public Hearings).
- The absence of sufficient / appropriate parking for any particular use in the former Fort Monmouth Complex will be detrimental to the Borough of Oceanport, and the other host communities.
- The absence of sufficient / appropriate parking for a particular use in the former Fort Monmouth Complex will compromise overall Fort Monmouth redevelopment efforts.
- Per the testimony and evidence presented, the Applicant's site is required to have 91 off-street parking spaces, calculated as follows:

1 space per 800 SF of Flex Space

- 188 off-street parking spaces are proposed.

- The said parking spaces satisfy, and significantly exceed, Prevailing Parking Requirements.
- Pursuant to the Prevailing Regulations, the proposed development is required to have 91 parking spaces; whereas, as indicated, the Applicant herein is proposing 188 parking spaces.
- As referenced, the proposed parking exceeds the minimum required parking requirements, and thus, no Parking Variance is required.
- The Board is aware that many times, developers attempt to under-park a site, which does not represent good planning, and consistently leads to quality-of-life concerns for future visitors to the site. The Board recognizes that the within Application is not under-parked but rather, the same contains more than sufficient / more than required parking spaces.
- In that sufficient parking is provided for the Applicant's proposed Use, no Parking Variance is required.
- The existence of sufficient parking is of the utmost importance to the Board Members – and but for the same, the within Application may not have been approved.
- Based upon the testimony and evidence presented, the Board finds that the parking is sufficient for the development site.
- Currently, the parking lot area for the site/concrete areas for the site are somewhat in a state of disarray. There are a number of significant deficiencies associated with the existing parking/concrete areas at the site. Some of the aforesaid deficiencies include the following:
 - i. The existing parking spaces are not clearly delineated;
 - ii. The existing parking/concrete/paved areas are cracked, worn, and uneven;
 - iii. There are a number of tripping hazards at and around the parking/concrete areas at the site;
 - iv. There is a significant amount of pavement in the area which is either broken, cracked, or otherwise compromised;
 - v. The existing parking lot area and related concrete areas have not been sufficiently paved to prevailing municipal standards;
 - vi. The existing parking lot areas/concrete areas at the site have not been maintained to prevailing municipal standards;
 - vii. There are a significant amount of potholes, divots, and other indentures / imperfections throughout the existing paved areas at the site;

- viii. The paved areas are not sufficiently illuminated, in accordance with Prevailing / Modern Design Standards;
- ix. The existing lighting scheme at the site is not energy-efficient; and
- x. The existing lighting scheme at the site (for the existing parking/paved areas) is not dark-sky compliant.

The existence of the aforesaid existing conditions is problematic.

- The aforesaid existing parking area/concrete area conditions are problematic and need to be repaired / addressed / cured / improved.
- As part of the Application process, the Applicant's representatives will be removing the existing parking areas/paved areas, and reconstructing the same.
- The Application approved herein will ultimately result in vast improvements for the subject parking areas/paved areas.
- The proposed parking/paving improvements (associated with the within Application) include the following:
 - i. The ultimate reconstruction of the designated parking stalls;
 - ii. The ultimate reconstruction of the existing parking area;
 - iii. The elimination of the existing pavement irregularities at the site (including the elimination of the cracked pavement);
 - iv. The elimination / removal of the existing tripping hazards in the existing parking area/paved areas; and
 - v. The installation of new LED dark-sky compliant lights (at the parking area) so as to ensure that the lighting will be directed to the ground, and not up to the sky (which could, in turn, contribute to light pollution).
- The aforesaid parking lot/pavement improvements will significantly enhance and improve the quality of the existing parking lot / area.
- The aforesaid parking lot/pavement improvements will improve the safety for the individuals / visitors who will utilize and / or otherwise visit the to-be-renovated Commissary Building.
- The aforesaid parking lot /paving improvements will ultimately result in the parking areas (and related areas) being paved to municipal or near municipal standards.
- The aforesaid parking lot/pavement improvements will significantly improve the overall parking scheme at the site.

- The aforesaid parking lot/pavement improvements will significantly enhance the overall parking/transportation at the site.
- The parking lot/pavement improvements, as aforesaid, will ultimately improve the ease with which vehicles / drivers can safely enter / exit / maneuver the site.
- The size of the parking space stalls in the within Application satisfies the prevailing Design Standards.
- The Applicant's representatives will be making the necessary repairs to the pavement, loading area, and access points.
- The width of the parking circulation aisle is sufficient.
- The site is appropriately designed, from a traffic standpoint.

TRAFFIC

- The traffic issues associated with the proposal were of paramount importance to the Board Members.
- The Applicant's representatives submitted a Traffic Impact Analysis in connection with the Application.
- The Traffic Impact Analysis, prepared by McDonough & Rea Associates, dated January 27, 2021, last revised March 9, 2021, was entered into the Record as A-8.
- Per the Traffic Impact Analysis, in preparing the Traffic Report, the Applicant's representatives undertook a number of steps / initiatives to gather the necessary information to provide a comprehensive traffic analysis. Such undertakings included the following:
 - a. *A field examination of the site and the surrounding road networks was conducted so as to inventory physical and regulatory conditions regarding the surrounding roadways, including the number of lanes, lane assignments, channelization, traffic control devices, lateral clearances, and other traffic-limiting capacities;*
 - b. *Traffic counts were calculated at the County Route 537 / Oceanport Way intersection, the County Route 537 / Todd Avenue (aka Oceanport Way) intersection, and the County Road 537 / Oceanport Avenue intersection;*
 - c. *The preparation of traffic estimates, generated by various uses based on the Institute of Transportation Engineers Trip Generation Manual;*

- d. *The preparation of future traffic volume demand estimates, in consultation with other approved Applications or Applications which are under construction in the immediate Fort Monmouth Area; and*
- e. *The analysis of the service capacity of the aforementioned County Road 537 intersections, in accordance with procedures established by the Highway Capacity Manual.*

See Traffic Impact Analysis (A-8)

- The aforesaid extensive analysis was appropriate, and necessary, for a project such as that proposed herein.
- Moreover, the Board finds that in the absence of such an extensive and detailed Traffic Impact Study, such a development could not have been properly approved.
- During the Public Hearing process, the Board Members were provided with a description of the roads, intersections, and traffic volumes in the immediate area of the development site.
- Per the testimony and evidence presented, the Applicant's representatives arranged for turning movement counts to be conducted during the morning and evening peak periods on a typical weekday (at the study intersection) so as to examine traffic conditions at and near the development site.
- The aforesaid traffic counts were identified in the Traffic Impact Analysis, and discussed during the Public Hearing process.
- As a result of the data obtained and analyzed, as is standard, the Traffic Impact Analysis generated various findings and conclusions.
- Some of the findings / conclusions as set forth in the Traffic Impact Analysis included the following:

It is concluded, based on this analysis, that Plans to redevelop the Warehouse District and Commissary / Post Office properties within the confines of Fort Monmouth can be approved and operate compatibly with future traffic conditions in the area. Levels of service at all studied intersections, including the signalized intersection of County Route 537 / Oceanport Avenue will operate well within accepted Traffic Engineering parameters.

See Traffic Impact Analysis Report (A-8)

- After extensive testimony, debate, questioning, and an opportunity for public comment, and subject to conditions, the Board Members ultimately accepted the Findings and conclusions as set forth in the Traffic Impact Study (A-8).
- Subject to the conditions set forth herein, the Board accepts the Findings / Conclusions of the Traffic Impact Study, and the professional testimony

associated therewith. Moreover, the Findings and Conclusions of the Traffic Impact Study are incorporated herein at length.

PLANNING / FINDINGS

- The Application as presented also requires a Design Waiver for lighting. Specifically, pursuant to the prevailing regulations, a maximum illumination level of 0.1-foot candles are permitted; whereas, in the within situation, the Applicant's representatives are proposing slightly greater than the same. Towards that end, the Board notes said increase is minimal, is limited to small locations, and the same will not result in any negative impact to the surrounding properties.
- The Application as presented requires a Design Waiver for the maximum height of the free-standing lights. Specifically, the Prevailing Regulations provide that the maximum height of free-standing lights should not exceed the height of the principal building, or 18 ft., whichever is less. However, in the within situation, the Applicant's representatives are proposing free-standing light poles which have a height of 20 ft. and 25 ft. The Applicant is also proposing building mounted lights with a mounting height of 22 ft. As such, Design Waiver relief is required.
- Though the proposal does not satisfy the Prevailing Design Standards, the Board is aware that there is adequate spacing between the proposed light poles, so as to minimize any excessively bright areas of illumination.
- Per the testimony and evidence presented, though the proposal does not technically meet all of the Design Standards for the height of the light poles, the Applicant's light pole proposal is appropriate for the site and the same does not compromise the health or safety of those who will visit the site.
- Under the circumstances, the free-standing lighting pole height deviation is relatively de-minimus in nature.
- The Application as presented requires a Design Waiver for the Minimum Lighting Intensity Regulations. Specifically, the Prevailing Borough Regulations require that the proposed lights be no less than 0.5-ft. candles. However, in the within situation, a portion of the parking lot will have lights which have a lighting intensity of only 0.3 ft. candles, at the property line, which is below the minimum standards. As such, Design Waiver relief is required.
- The Board notes, importantly, that the lower than required lighting intensity is not a feature of the entire Development. Rather, the lower than required lighting level is only present in one corner of the parking lot. The Board notes that the area which has the lower than required lighting level is an area of low pedestrian use (and there are no pedestrian crossings in the said area). Rather, the said area (where the less than required lighting exists) is located on the perimeter of the site, in what is, technically, an overflow parking area. As such, under the aforesaid circumstances, the Board finds that the requested

waiver (for a lower than required lighting intensity), in one portion of the parking area, can be granted without causing substantial detriment to the public good.

- The Board is also aware that the Application as presented also requires a Design Waiver for the Maximum Illumination at the Property Line. Specifically, the Prevailing Borough Regulations provide that the maximum illumination at the property line shall be 0.1 ft. candles. In the within situation, however, the Applicant is proposing an illumination intensity of 0.6 ft. candles at the property line. Initially, the Board notes that the said deviation, is, under the circumstances, de-minimis in nature. Likewise, the Board finds that that a slightly higher than required lighting intensity at the property line will promote safety and security. As such, the Board finds that the requested Waiver relief (regarding Maximum Illumination at the Property Line) is justified.
- Towards that end, the Board Members are aware that because Oceanport Way (in the vicinity of the development site) is currently not illuminated, there is a need to modify / exceed the otherwise Prevailing Minimum Lighting Standards.
- Given the situation that Oceanport Way is not currently illuminated, and there will be a need for the same to be illuminated (in conjunction with the within approval), the lighting levels (slightly exceeding the minimum brightness standards) is appropriate.
- Under the circumstances, approving greater than required minimum lighting requirements will likely render the site safer.
- The Applicant's proposed illumination levels are safe and reasonable.
- As referenced, the lack of current lighting on Oceanport Way helps justify the Design Waiver relief approved herein.
- The Design Waiver relief approved herein will not compromise pedestrian / vehicular access to the site, exit from the site, or site circulation.
- The Board Members also recognize that pursuant to the subject Design Waiver, the Applicant only exceeds the minimum light standards by a minimal amount.
- Additionally, the Board notes that there is a rather significant JCP&L easement which runs near/through/next to the subject Development site – and that the Applicant has no authority to install light poles in the said area.
- In conjunction with the above point, the Board recognizes that the Applicant cannot place compliant light poles on property which the applicant herein does not own / control.
- The Board Members recognize that in light of the pedestrian and vehicular activity which will be occurring onsite, there is a need for the Applicant's lighting illumination to be appropriate and safe. The Board finds that granting the requested Design Waivers (relative to lighting) will not compromise the overall interests of the Borough of Oceanport, or the residents of Oceanport. In fact,

the Applicant's proposed lighting scheme will actually help improve the overall public safety.

- The Board notes that per the revised Plans, the Applicant will provide a sufficient number of bicycle racks (inside bicycle racks) so as to satisfy the Prevailing Standards (and / or so as to satisfy modified design standards embraced by FMERA).
- The Board notes that the Prevailing Regulations require the installation of bicycle racks – and that the Applicant herein is installing such bicycle racks.
- Though the bicycle racks are, per the Prevailing Regulations, required to be inside, in the within situation, the proposed bicycle racks will be located outside (and hence, the need for a Design Waiver). Under the circumstances, the Board finds that it is appropriate for the site to have bicycles racks, and, in the within situation, exterior bicycle racks are acceptable and appropriate. As such, the Board finds that the requested Waiver can be granted without causing substantial detriment to the public good.
- The Board is aware that the Prevailing Fort Monmouth Economic Revitalization Authority Regulations permit the granting of Design Waivers / Exceptions when either the literal enforcement of a particular regulation is impractical; or when literal enforcement of the design regulations will exact undue hardship. Upon critical review of the matter, and subject to the conditions set forth herein, the Board finds that the Design Waivers requested herein, and approved herein, are reasonable, and will not compromise public health or safety.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which provide for, or otherwise guide, the appropriate use or development of all lands in the State, in manner which promotes the Public Health, Safety, and General Welfare. The Board finds that, subject to the conditions contained herein, approval of the within Application will advance such a purpose. Specifically, historically appropriate renovation of the historically noteworthy Commissary Building, and the adaptive reuse of the same for modern residential purposes, will, in fact advance the general welfare.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which provides sufficient space in appropriate locations for a variety of uses – and, subject to the conditions set forth herein, the Board finds that approval of the within Application will advance such a purpose. Specifically, per the testimony and evidence presented, and subject to the conditions contained herein, there is sufficient space to accommodate the Applicant's proposed uses on the site (as evidenced by the more than compliant parking, and the overwhelming compliance with other prevailing bulk conditions, etc.).
- Per the testimony and evidence presented, and subject to the conditions contained herein, the Board finds that the demolition of the existing site and reconstruction for use as a modern / permitted use, is appropriate for the site (in accordance with the operational parameters testified to at the Public Hearing.)

- One purpose of the Municipal Land Use Law encourages the approval of Applications which promote the design of transportation routes which encourage the free flow of traffic, with an efficient traffic circulation plan. Subject to the conditions contained therein, the Board finds that approval of the within Application will advance such a purpose. Specifically, the Applicant's representatives provided more than sufficient parking spaces to accommodate the Applicant's proposed uses which will, in turn, help promote a safe and efficient traffic circulation flow in conjunction with the Applicant's proposal.
- One purpose of the Municipal Land Use Law encourages Applications to be approved which promote a desirable visual environment with good civic design standards and arrangements. Subject to the conditions contained herein, the Board finds that approval of the within Application will advance such a purpose. Specifically, 5 existing / compromised / underutilized buildings will be demolished and replaced with 3 brand new Code-Compliant buildings, which will be beneficial for the site, the neighborhood, and the Borough of Oceanport as a whole.
- The aforesaid architectural and aesthetic improvements will help beautify the site.
- The Board is also aware that the renovations approved herein will result in a building which is fully compliant with Prevailing Building / Construction / Fire Code Regulations.
- Based upon the testimony and information presented, the Board finds that approval of the within Application is consistent with the FMERA Reuse Plan, as amended. Specifically, as the same relates to the within tract, the FMERA Reuse Plan, as amended, provides the following:

"This amendment does not purport to delete any provisions of the Reuse Plan, but rather supplements the Plan by proposing alternative development scenarios for the parcels in the Fort area as shown on Appendix B. Under N.J.A.C. 19:31C-3.19(a)(1), principal land uses permitted in the Reuse Plan are specifically permitted under the Land Use Rules. Thus, this amendment is incorporated into the Land Use Rules of the Reuse Area in a manner similar to an "overlay zone", whereby an alternative set of requirements are superimposed on the area allowing for alternative land use scenarios to be realized. With regard to the alternative land use scenario, the overlay zoning provides alternative opportunities for development that do not apply unless the land is developed in accordance with the purposes for which the overlay zoning is adopted."

The Board finds that subject to the conditions contained herein, approval of the within Application will, in fact, advance the spirit and intent of the aforesaid purposes.

- In accordance with the FMERA Reuse Plan, the Board finds that, subject to the conditions contained herein, approval of the subject Application will aid

FMERA in its efforts to attract suitable ventures which wish to relocate to the former Fort Monmouth site, and such ventures which also have the potential to replace jobs which were lost when the former army base was closed.

- In accordance with the FMERA Reuse Plan, the Board finds that approval of the within Application will, subject to conditions contained herein, help attract visitors to the Fort Monmouth site.
- In accordance with the FMERA Reuse Plan, the Board is aware that approval of the within Application will generally advance the FMERA goal/objective of creating an extensive system of bikeways, pedestrian trails, and sidewalks, circulating throughout the former army base site.
- The landscaping plan approved herein will help beautify the site. Specifically, per the testimony and evidence presented, in conjunction with the within renovation, the Applicant's representatives will be planting significant landscaping at the site which will help significantly improve the overall aesthetic appeal of the site/property.

MISCELLANEOUS FINDINGS

- The Board is aware that the Applicant's proposed uses are permitted under the Prevailing FMERA Land Use Regulations, as amended.
- The Applicant has a proven track record of successful development.
- The Applicant's representatives have, throughout the entire development process, worked in good-faith with municipal representatives – and the Planning Board appreciates the good-faith efforts in the said regard.
- Throughout the Public Hearing process, the Applicant's representatives have in good-faith, expressed a willingness to reasonably cooperate with the Board, to revise the Plans in accordance with Board requests, and to consider other design options when available – all of which resulted in a better overall proposal.
- Throughout the Public Hearing process, the Applicant's representatives have addressed a majority of Board concerns, and either revised the Plans accordingly, or agreed to revise the Plans (as a condition of the within approval), which will ultimately minimize any adverse impacts otherwise associated with the proposal approved herein.
- As a result of the Applicant's good-faith commitment to work with the Borough / Planning Board to address legitimate development / design concerns, the Applicant's representatives have caused the Plans to be revised on a number of occasions, arranged for Phase I and Phase 3 Plans to be prepared / submitted on an expedited basis, and appeared at 2 extensive Planning Board Hearings. The Board appreciates the Applicant's ability and willingness to work with the Board.

- The site will be appropriately landscaped (subject to the conditions set forth herein).
- There will be sufficient landscaping throughout the development site, as necessary / appropriate.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which, under appropriate circumstances, result in the creation of a variety of commercial uses, in appropriate locations. Based upon the Prevailing circumstances, and based upon the Prevailing FMERA Regulations/ Reuse Plan (as amended), the Board finds that the subject development site is an appropriate host site for the proposed Development.
- To a large extent, the renovation associated with the within Approval will take place on land which has already been developed. Thus, subject to the conditions noted herein, approval of the within Application will allow appropriate development to occur with little or no adverse impact on the environment.
- The Board recognizes that the Borough's Master Plan essentially (and generally) encourages the approval of Applications which enhance various neighborhoods throughout the Borough by providing for appropriate redevelopment, reinvestment, revitalization, and capital improvements, all designed to strengthen and improve the fabric of each area. For the reasons set forth herein, the Board finds that the approval of the within Application will, essentially, advance such general / presumed Master Plan objectives.
- The Board is also aware that the Borough's Master Plan essentially encourages the approval of Applications which promote a cooperative approach to economic development and revitalization through investment, maintenance, and reinvestment in existing areas – and, for the reasons set forth herein, the Board finds the approval of the within Application will generally advance such a presumed Master Plan goal / objective.
- Subject to the conditions set forth herein, approval of the within Application will not impair the character of the existing area.
- Subject to the conditions contained herein, 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.
- 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 and modified satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(C) (Bulk Variances).

- Subject to the conditions contained herein, the Application as presented and modified satisfies the Preliminary and Final Major Site Plan Requirements of the Borough of Oceanport.

Based upon the above, and subject to the conditions contained herein, 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, the Board has requested, and the Applicant's representatives have agreed, to comply with the following conditions:

NOTE: Unless otherwise indicated herein, all Plan revisions shall be acceptable to the Board Engineer.

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with the terms and conditions of the ENGenuity Review Memorandum, dated September 15, 2021 (A-16).
- c. The Applicant's representatives shall cause the plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming that the lift station / sewer pump station shall be maintained until the same is no longer needed (as determined by FMERA or the Two Rivers Water Reclamation Authority);
 - The inclusion of a note confirming that the Applicant shall, at the Applicant's cost, convert to the sewer system when the sewer system is installed;
 - The inclusion of the true / actual location of all fire hydrants;
 - The inclusion of a note confirming that small trees / shrubs shall be planted (and / or other screening devices installed) around the "hot box" and the trash enclosure (the details of which shall be reviewed and approved by the Board Engineer);
 - Confirmation that the light fixtures (along Oceanport Way) shall be consistent with other existing Borough lighting fixtures.;
 - The inclusion of a cross-section of the curb-to-curb details for Oceanport Way;

- The inclusion of turning movement details, the thru-lane width, and other related details (which shall be reviewed and approved by the Board Engineer);
 - The inclusion of the bicycle rack width on the Plans (which shall be coordinated with appropriate Borough / FMERA officials);
 - The elimination of the parking stalls adjacent to Building "C" (so as to promote / facilitate pedestrian crossing);
 - The potential relocation of ADA spaces for Building "C" (to be reviewed and approved by the Board Engineer in consultation with the Applicant's representatives);
 - The inclusion of handicap-ramps (where necessary) (subject to the review and approval of the Board Engineer);
 - The submission of lighting / landscaping issues, as set forth in the Board Engineer's Review Memorandum (A-16);
 - The inclusion of additional landscaping at the site (with the understanding that no landscaping will be placed/planted in the JCP&L Easement Area);
 - The inclusion of a note confirming that all signs shall comply with Prevailing Zoning Regulations;
 - The inclusion of any necessary / applicable Sight Triangle Easement, as deemed necessary by the Board Engineer;
 - Confirmation that the air conditioning condensers on the roof shall be appropriately screened, with the ultimate review and approval of the Board Engineer;
 - The inclusion of a note confirming that warehouse use at the site shall not (in the aggregate) exceed the required percentages as set forth in the Prevailing FMERA Land Use Regulations.
 - The inclusion of a note confirming that any truck idling at and around the site shall comply with Prevailing Regulations.
 - The inclusion of a note confirming that the Applicant's representatives shall comply with the lighting concerns, as set forth in the Review Memorandum of the Board Engineer.
 - The inclusion of a note confirming that if requested by the Borough of Oceanport, the Applicant shall, at no cost, provide the Borough of Oceanport with Title 39 Jurisdiction over the property.
- d. The Applicant's representatives shall comply with, and not violate, any Prevailing Provisions of the existing JCP&L Easement on / through the subject property.

- e. The Applicant's representatives shall, at the Applicant's cost, secure private garbage collection at the site.
- f. The Applicant's representatives shall, in good faith, work with FMERA, and / or Agents thereof, so as to reconstruct Oceanport Way.
- g. The Applicant's representatives shall provide truck-turning templates for the review and approval of the Board Engineer.
- h. The Applicant's representatives shall satisfactorily address the stormwater management concerns of the Board Engineer, as set forth in the testimony at the Public Hearings and as set forth in the Review Memorandum (A-16).
- i. The Applicant's representatives, and any successor owners / tenants / operators, etc. shall comply with any Prevailing Hour of Operation Restrictions as established by the Borough of Oceanport.
- j. The Applicant's representatives shall relocate the electric vehicle charging station, per the terms and conditions of the Board Engineer Review Memorandum.
- k. The Applicant's representatives shall, in good faith, attempt to facilitate a meeting or meetings between the Borough of Oceanport, JCP&L, FMERA, and other appropriate entities / individuals so as to attempt to establish / identify / create uniform lighting standards for the Oceanport Way.
- l. The Applicant's representatives shall, in good faith, petition FMERA representatives so as to ascertain if a physical connection / walkway path is needed / necessary / advisable to the foot bridge near the Applicant's property. In the event FMERA representatives advise that such a physical connection / walking path is required, then, in that event, the Plans shall be revised accordingly. Additionally, within 180 days of the adoption of the within Resolution, the Applicant's representatives shall report back to the Board Secretary as to any substantive developments in the said regard.
- m. There shall be no outside storage of material on the property – and the various Tenant Leases shall contain a confirming prohibition against the same.
- n. There shall be no overnight truck parking on the site (except that overnight truck parking is permitted in the designated loading areas, in the rear of the buildings).
- o. The exterior lighting system throughout the site shall be placed on a timer.
- p. The Applicant's representatives shall, in good faith, and with the requested cooperation of FMERA, the Borough of Oceanport, the County of Monmouth, the State of New Jersey, and any other Agency having jurisdiction over the matter, direct heavy truck traffic to County Route 537, which is a higher order roadway (as opposed to Anson Avenue / Razor Avenue). Minimal efforts in the said regard shall include, but not be limited to, the following:
 - The installation of appropriate restrictions / regulations in the Lease documents with the proposed Tenants, and any renewal / extensions thereof;

- The installation of appropriate signage at the site (including signs on Anson Avenue and Main Street);
 - The petitioning of appropriate Municipal / State / County / FMERA Representatives to place a weight limit on vehicles traveling on / over Anson Avenue / Razor Avenue;
 - A directive that (unless otherwise agreed by the Borough / Board) trucks entering the Applicant's site shall enter the Fort Monmouth Complex from the Route 35 main gate (Eatontown, NJ) – and that such a restriction shall be included in the various leasing documents;
 - Confirmation that between 8:00 p.m. and 7:00 a.m. (7-days a week), there shall be no deliveries to / from the site.
- q. The Applicant shall, in good faith, comply with any directives / regulations for the pedestrian pathway (associated with the off-site foot bridge), as required by the Borough of Oceanport, FMERA, the State of New Jersey, the Army Corp of Engineers, the United States of America, and / or any other agency having jurisdiction over the matter.
- r. Given the importance of the situation and the inter-related nature of the Phase 1, Phase 2, and Phase 3 aspects of the development, the Applicant shall diligently, and in good-faith, pursue the Phase 1 and Phase 3 approvals of the within site, in accordance with the parameters of the to-be-negotiated Developer's Agreement with the Borough of Oceanport.
- s. The Applicant's representatives shall comply with the FMERA Re-Use Plan, and Amendments associated therewith, and any uses at the site shall specifically be uses which are permitted under the Prevailing FEMA Regulations.
- t. The Applicant's representatives shall obtain any and all necessary / applicable demolition permits as the Borough of Oceanport (and any other Agency having jurisdiction over the matter) may require.
- u. The Applicant's representatives shall, in good faith, work with the Board Engineer so as to coordinate the Stormwater Management Improvements, as shown on the approved plans.
- v. The Applicant's representatives, shall perpetually maintain, replace, and replant landscaping at the site, as necessary to maintain the landscaping aesthetics for the property, as contemplated by the approved Plan (and / or as otherwise testified to during the Public Hearing process).
- w. The approval granted herein shall comply with all applicable Prevailing FMERA Regulations and the FMERA Mandatory Conceptual Review approval.
- x. The Applicant's representatives shall secure any and all historic preservation approvals as may be required for many local / county / FMERA / state / national entity, and any other such Agencies having jurisdiction over historic-related matter.

- y. The Applicant shall comply with all prevailing/applicable Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency having jurisdiction over the matter.
- z. Any Easements required / provided hereunder, if any, shall be reviewed and approved by the Board Engineer and Board Attorney. Upon such review and approval, any such required / provided Easements shall be recorded in the Office of the Monmouth County Clerk – and proof of same shall be submitted to the Board Secretary.
- aa. If requested by the Borough of Oceanport, the Applicant shall sign a Developer's Agreement – and the said Agreement shall be reviewed and approved by the Borough Attorney, the Borough Engineer, and the Borough Council of the Borough of Oceanport.
- bb. The Applicant's representatives shall, in good-faith, meet with the Municipal Bureau of Fire Prevention representatives so as to review / address fire-related concerns, and so as to confirm review and approval of the project by the Municipal Fire Officials.
- cc. The Applicant's representatives shall have a pre-construction meeting with Municipal representatives (including Police representatives) so as to appropriately identify, establish, and enforce mutually agreeable construction access routes, and other construction-related details (so as to minimize / limit any construction disturbance to the other residents in the former Ft. Monmouth Complex).
- dd. The Applicant shall comply with any and all applicable Prevailing ADA Requirements.
- ee. 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 Permits
 - Plumbing Permits
 - Electric Permits
 - Fire Permits
- ff. The Applicant shall comply with all Prevailing FEMA / Flood Regulations.
- gg. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties
- hh. The construction shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction / renovation shall comply with Prevailing Provisions of the Uniform Construction Code.
- ii. 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.

- jj. The Applicant shall obtain any and all approvals from applicable outside agencies - including, but not limited to, the Federal Government, the State of New Jersey, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District, etc. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicant shall be required to return to the Board for further review / relief.
- kk. The Applicant shall, to the extent necessary, secure any applicable RSIS Exemption Approvals as may be required by the State of New Jersey.
- ll. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and charges.
- mm. The within conditions/restrictions shall be binding on any successor owners, tenants, operators, etc. (to be liberally construed).

SUMMARY OF VARIANCE RELIEF GRANTED

TRASH ENCLOSURE LOCATION: The Board has authorized the trash enclosure to be located in a front yard area;

HEIGHT OF FREE-STANDING LIGHTS: The Board has authorized freestanding lights with mounting heights of 20 ft. and 25 ft.;

HEIGHT OF BUILDING MOUNTED LIGHTS: The Board has authorized building mounting lights with a height of 22 ft.;

MAXIMUM ILLUMINATION AT PROPERTY LINE: The Board has authorized an illumination intensity of 0.6 ft. candles at the property line;

LIGHTING INTENSITY: The Board has authorized a minimum illumination intensity of 0.3 ft. candles, per the approved plans;

BUILDING SETBACKS: The Board has authorized building setbacks ranging from 82.1 ft. and 245 ft., as set forth in the approved Plans;

BICYCLE RACK DETAILS: The Board has authorized the installation of outdoor bicycles racks, as forth on the Plans.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or its agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant's representatives 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 improvements, or for any damage which may be caused by the development / renovation.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 18, 2021 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (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	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Kelly (Alt. 2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of November 9, 2021.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2137)

10.1

Meeting: 11/09/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2137

PB2021-13 SCHMIDT, WILLIAM W.

Block 49, Lot 1

101 Smith Street

Bulk Variances for construction of new single family dwelling

- Lot frontage of 92.9' where 120' required
- Front setback of 15.3' where 35.5' required average
- Rear setback of 28.6' where 30' required.

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772



September 16, 2021

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
910 Oceanport Way
P. O. Box 370
Oceanport, NJ 07757

101 Smith Street – Bulk Variances
Block 49, Lot 1
Application No. PB2021-13
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0303

Dear Board Members,

Our office has received the following information in support of the above-referenced Application:

- Plan entitled "Survey of Property," prepared by Charles Surmonte P.E. & P.L.S., dated November 30, 2020, consisting of one (1) sheet.
- Plan entitled "Plot/Grading Plan," prepared by Charles Surmonte P.E. & P.L.S., last revised July 11, 2021, consisting of one (1) sheet.
- Plans entitled "New House for: Mr & Mrs Billy Schmidt," prepared by William Herchakowski R.A., dated December 18, 2019, consisting of five (5) sheets.

The subject property is a 9,750 SF (0.223-acre) parcel on the southeast corner of the intersection of Smooth Street And Werah Place. The subject is in the R-3 Residential Zone. The Applicant proposes to raze the existing structure and construct a new dwelling.

Based on our review, we recommend that the Application be deemed complete and scheduled for the next available public hearing. The Applicant shall provide proof of public notification as required for this Application. A planning and engineering review of the Application is included below.

A. Variances/Design Waivers

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

1. Bulk variances are required for the following:

- a. Minimum Lot Area – 12,000 square feet required; 9,750 square feet existing.
- b. Minimum Lot Width - 120 feet required; 92.9 feet existing condition.
- c. Minimum Front Setback - 30 feet required; 15.3 feet proposed.
- d. Average Front Setback – 30.5 feet required; 15.3 proposed.

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

1. **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.
2. **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.

B. General Comments

1. The Applicant must demonstrate compliance with Ordinance 390-20 regarding Viewshed Protection.
2. The Board shall require the Applicant to file a deed restriction that limits the use of the Ground Floor to parking, storage and building access. No habitable area is permitted.
3. The flood venting appears to be insufficient. It is recommended to vent the foyer independently from the garage as the common wall must comply with the required fire rating. Additional vents may be required.
4. The property is in the AE10 Flood Hazard Area. Design Flood Elevation is 12.4. All utilities must be at or above this elevation. All construction below this elevation shall be of flood

resistant materials in accordance with FEMA Technical Bulletin 2. A not to this effect shall be provided on the plans.

5. All roof downspouts shall be piped and discharged to the rear yard.

C. Additional Agency Approvals

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

1. NJDEP CAFRA
2. Freehold Soil Conservation District
3. 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.

Sincerely,

Colliers Engineering & Design

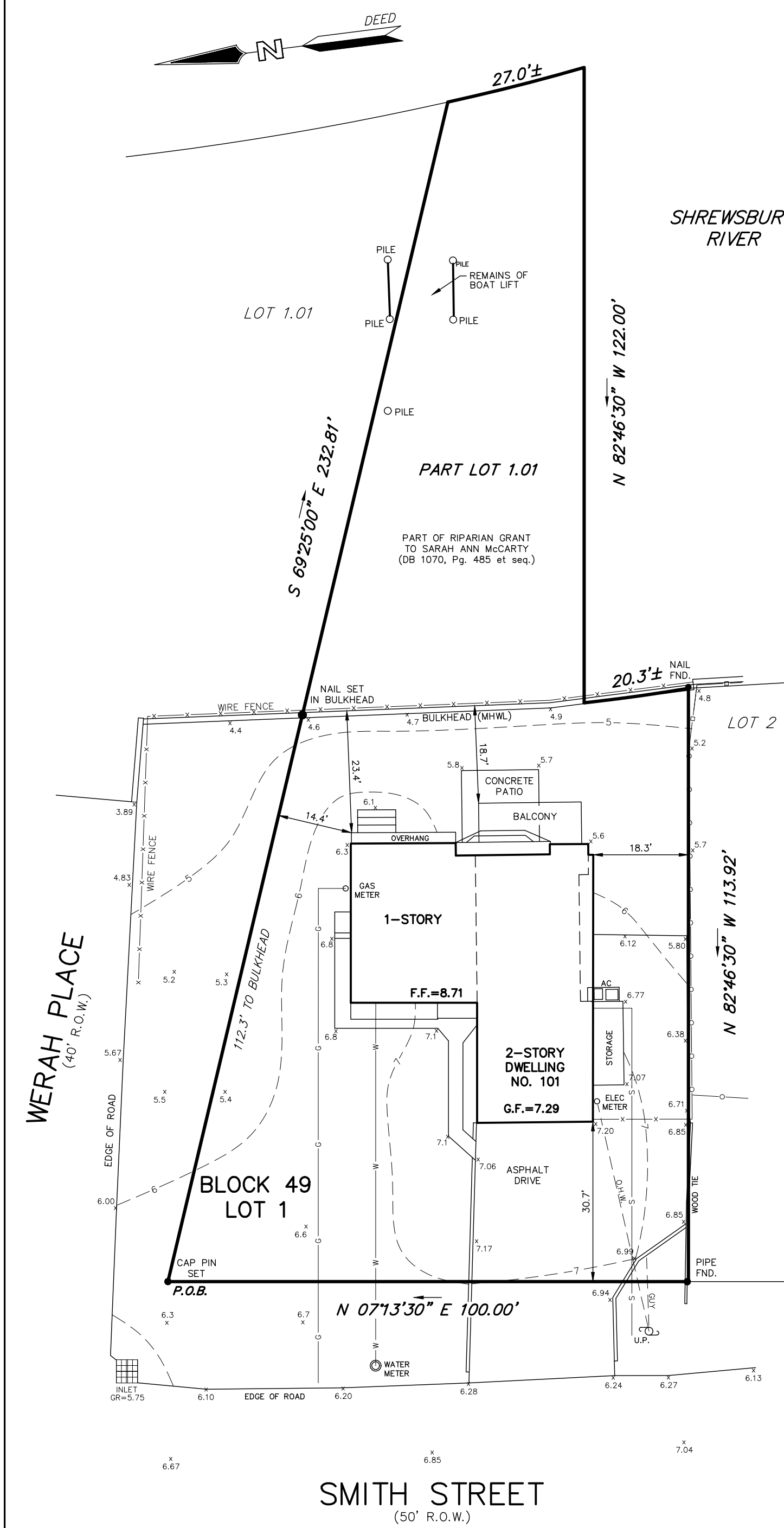


William H.R. White, III, PE, PP, CME, CFM, CPWM
Planning Board Engineer and Planner

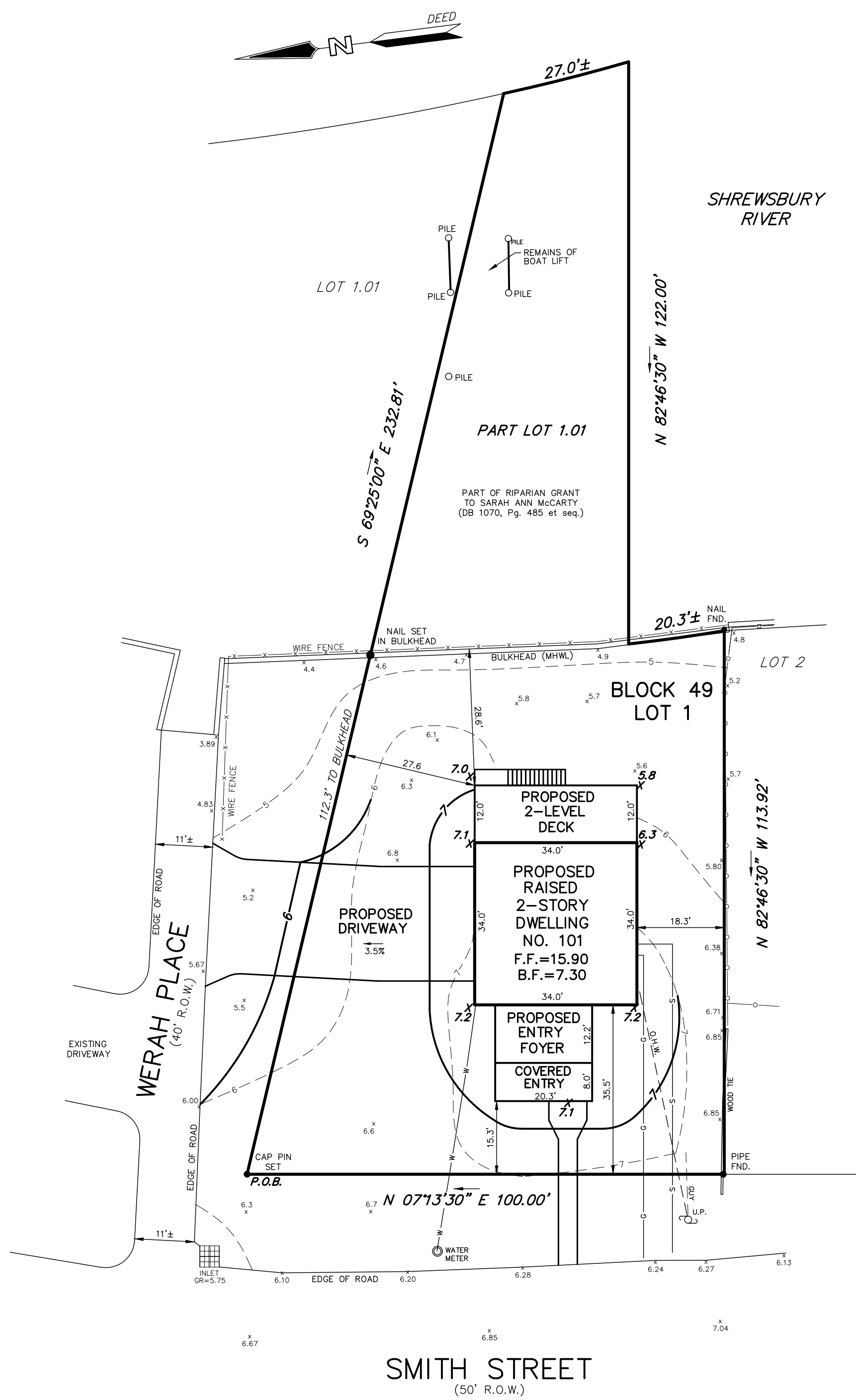
WHW/dmm

cc: William Schmidt (via email)
Charles Surmonte, P.E., P.L.S. (via email)

r:\projects\m-p\opp\opp0303\correspondence\out\210916_whw_101_smith_st_review#1.docx



EXISTING CONDITIONS



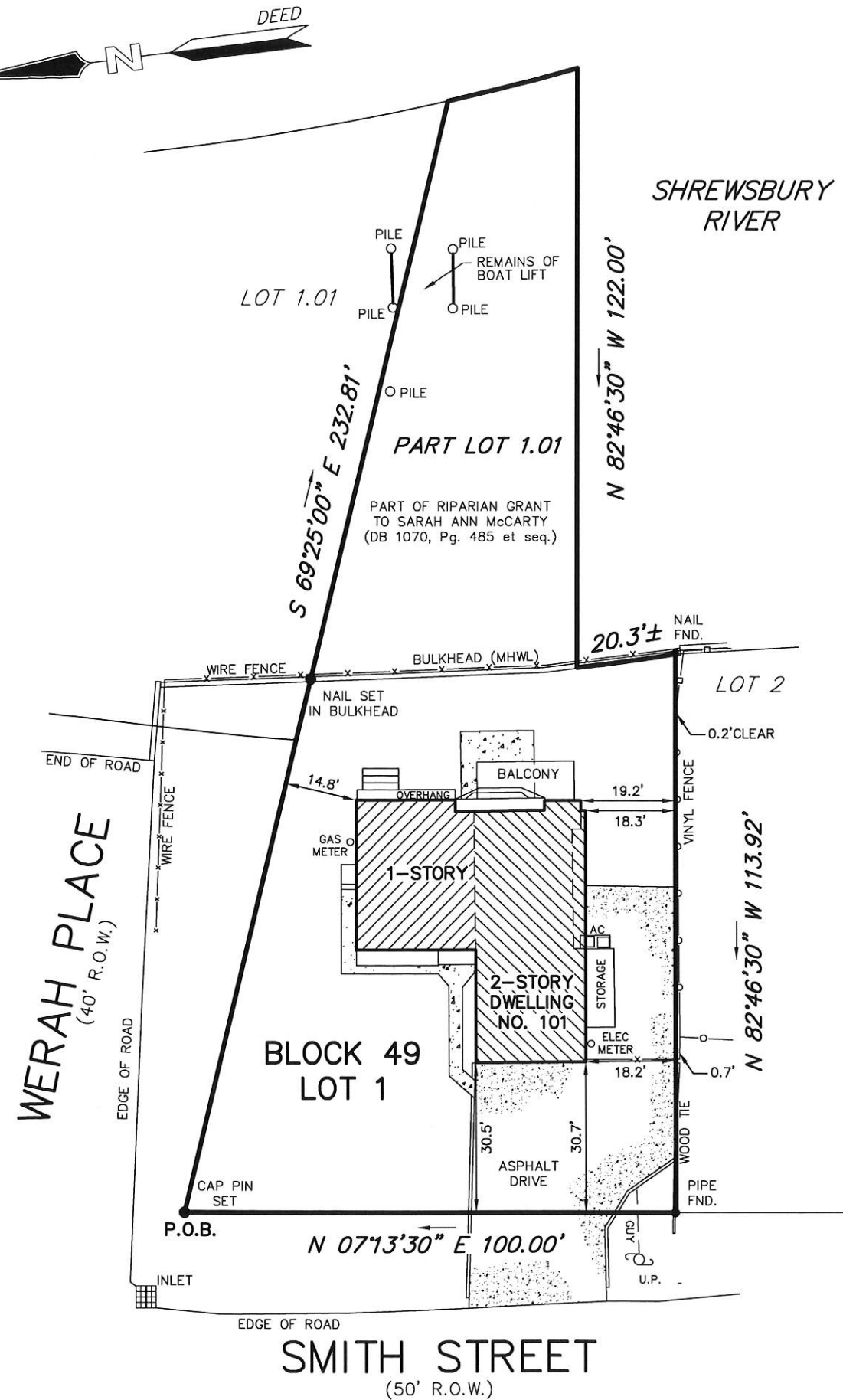
PROPOSED CONDITIONS

- 6.7 EXISTING SPOT GRADE
7.1 PROPOSED SPOT GRADE
--- 6.8 --- EXISTING CONTOUR LINE
--- 7.1 --- PROPOSED CONTOUR LINE

LEGEND

- GENERAL NOTES:**
- PLAN BASED ON OUTBOUND AND TOPOGRAPHIC SURVEY PREPARED BY CHARLES SURMONTE P.E. & P.L.S. ELEVATIONS ARE BASED ON NAVD'88 DATUM.
 - THE SUBJECT PROPERTY IS WITHIN FLOOD ZONE A8 (ELEV. 10) AS SHOWN ON FLOOD INSURANCE RATE MAP (FIRM) PANEL NUMBER 3402500203G DATED JUNE 20, 2018.
 - FILED MAP REFERENCE:
LOT 1 BEING KNOWN AND DESIGNATED AS LOTS 16, 17, 18, 19 & 20 IN BLOCK 56AF AS SHOWN ON A MAP ENTITLED, "MAP OF PORTAULPECK TERRACE IN THE BOROUGH OF OCEANPORT, N.J. BELONGING TO JOHN P. SMITH" WHICH MAP WAS FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON JANUARY 22, 1924 AS CASE No. 24-8.
 - PROPERTY IS SITUATED IN THE R-3 (SINGLE FAMILY RESIDENTIAL) ZONE.
- | REQUIREMENTS OF R-3 ZONE: | REQUIRED | EXISTING | PROPOSED |
|-------------------------------|-------------------|---------------------|-------------------|
| MIN. LOT AREA | 12,000 S.F. | | |
| GROSS AREA | | 14,345 S.F.± | 14,345 S.F.± |
| NET AREA (UPLAND OF BULKHEAD) | | 9750 S.F.± | 9750 S.F.± |
| MIN. LOT WIDTH | 100 FT. | 92.9 FT. * | 92.9 FT. * |
| MIN. LOT DEPTH | 100 FT. | 109.2 FT. | 109.2 FT. |
| MIN. FRONT YARD SETBACK | | | |
| SMITH STREET | 35.5 FT. | 30.7 FT. * | 15.3 FT. ** |
| WERAH PLACE | 15.0 FT. | 14.4 FT. * | 27.6 FT. |
| MIN. SIDE YARD SETBACK | 10 FT. | 18.3 FT. | 18.3 FT. |
| MIN. REAR YARD SETBACK | 26.5 FT. | 18.7 FT. * | 28.6 FT. |
| MAX. BUILDING HEIGHT | 35 FT. | 29.3 FT. | 34.85 FT. |
| MAX. # OF STORIES | 2-1/2 STORY | 2 STORY | 2 STORY |
| MAX. BUILDING COVERAGE | 25.0% (2430 S.F.) | 21.9% (2130 S.F.) | 20.3% (1975 S.F.) |
| MAX. LOT COVERAGE | 37.0% (3595 S.F.) | 44.4% (4315 S.F.) * | 30.6% (2975 S.F.) |
- * EXISTING NON-CONFORMING CONDITION
* PROPOSED NON-CONFORMING CONDITION
- FRONT YARD SETBACKS WITHIN 200 FEET WITHIN BLOCK 49:**
Lot 2 (5 Winhar Place) = 35.5 Feet
- REAR YARD SETBACKS (TO RIVER) WITHIN 200 FEET WITHIN BLOCK 49:**
Lot 2 (5 Winhar Place) = 26.5 Feet
- BUILDING HEIGHT CALCULATION:**
CROWN OF ROAD ELEVATION = 6.85
PROPOSED LOWER FLOOR ELEVATION = 7.30
LOWER FLOOR TO ROOF RIDGE = 34.40 FEET
PROPOSED RIDGE ELEVATION = 41.70
PROPOSED BUILDING HEIGHT = 34.85 FEET
5. THE CONSTRUCTION OF THE PROPOSED DWELLING SHALL BE SUBJECT TO NJDEP CAFRA PERMITTING.
6. FLOOD VENTS SHALL BE PROVIDED IN FOUNDATION IN ACCORDANCE WITH STATE AND/OR FEDERAL REGULATIONS.
7. PROPOSED DWELLING SHALL UTILIZE EXISTING UTILITY SERVICES.

1	07-11-21	PER COMPLETENESS CHECKLIST
NO.	DATE	DESCRIPTION
PLOT/GRADING PLAN		
101 SMITH STREET LOT 1 & PART OF LOT 1.01 BLOCK 49		
BOROUGH OF OCEANPORT		MONMOUTH COUNTY
Charles Surmonte P.E. & P.L.S. New Jersey Professional Engineer and Land Surveyor License No. 35885		301 Main Street, 2nd Floor Allenhurst, New Jersey, 07711 Phone 732-660-0606 Fax 732-660-0404
PROJECT No.	DATE:	SCALE:
20-1496	02-18-21	1"=20'
SHEET:		1 OF 1



RECEIVED
AUG 03 2021
OCEANPORT BOROUGH
PLANNING BOARD

SURVEY OF PROPERTY

101 SMITH STREET
LOT 1 & PART OF LOT 1.01 BLOCK 49

BOROUGH OF OCEANPORT

MONMOUTH COUNTY

NEW JERSEY

Charles Surmonte P.E. & P.L.S.
New Jersey Professional Engineer and Land Surveyor
License No. 35885

301 Main Street, 2nd Floor
Allenhurst, New Jersey, 07711
Phone 732-660-0606
Fax 732-660-0404

NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY. THIS SURVEY IS SUBJECT TO CONDITIONS WHICH MIGHT BE DISCLOSED BY AN ACCURATE TITLE SEARCH.
OFFSETS AS SHOWN HEREON ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES.

PROJECT No.

20-1496

DATE:

11-30-20

SCALE:

1"=30'

SHEET:

Packet Pg. 61

**RESOLUTION OF THE BOROUGH OF OCEANPORT
AUTHORIZING THE DENIAL OF REQUEST TO VACATE THE PORTION OF WERAH PLACE
BETWEEN SMITH STREET AND BRANCHPORT CREEK**

**Resolution #2021-154
07/15/21**

WHEREAS, on June 10, 2021, the Borough received correspondence from resident Billy Schmidt, property owner of 101 Smith Street, Block 49, Lot 1; and

WHEREAS, Mr. Schmidt is seeking to perform improvements to the property which will require variance relief due to existing non-conforming lot width; and

WHEREAS, Mr. Schmidt's application to the Planning Board for variance relief requires that he attempt to purchase additional land to mitigate the lot's non-conformity; and

WHEREAS, said correspondence seeks to purchase a portion of the Borough's unimproved portion of the terminus of Werah Place in order to meet the requirements of the Municipal Land Use Law, *N.J.S.A. 40:55D et. Seq.*; and

WHEREAS, said correspondence indicated that the vacation of the property will result in an increase to Lot 1 width and bring the property more in compliance with zoning requirements; and

WHEREAS, the vacation of a portion of Werah Place was discussed at the June 17, 2021 Meeting of Mayor and Council, the importance of the Borough's right of ways that provide public access to the water and the position of this governing body and past governing bodies has been to maintain these right of ways for the use of all residents,

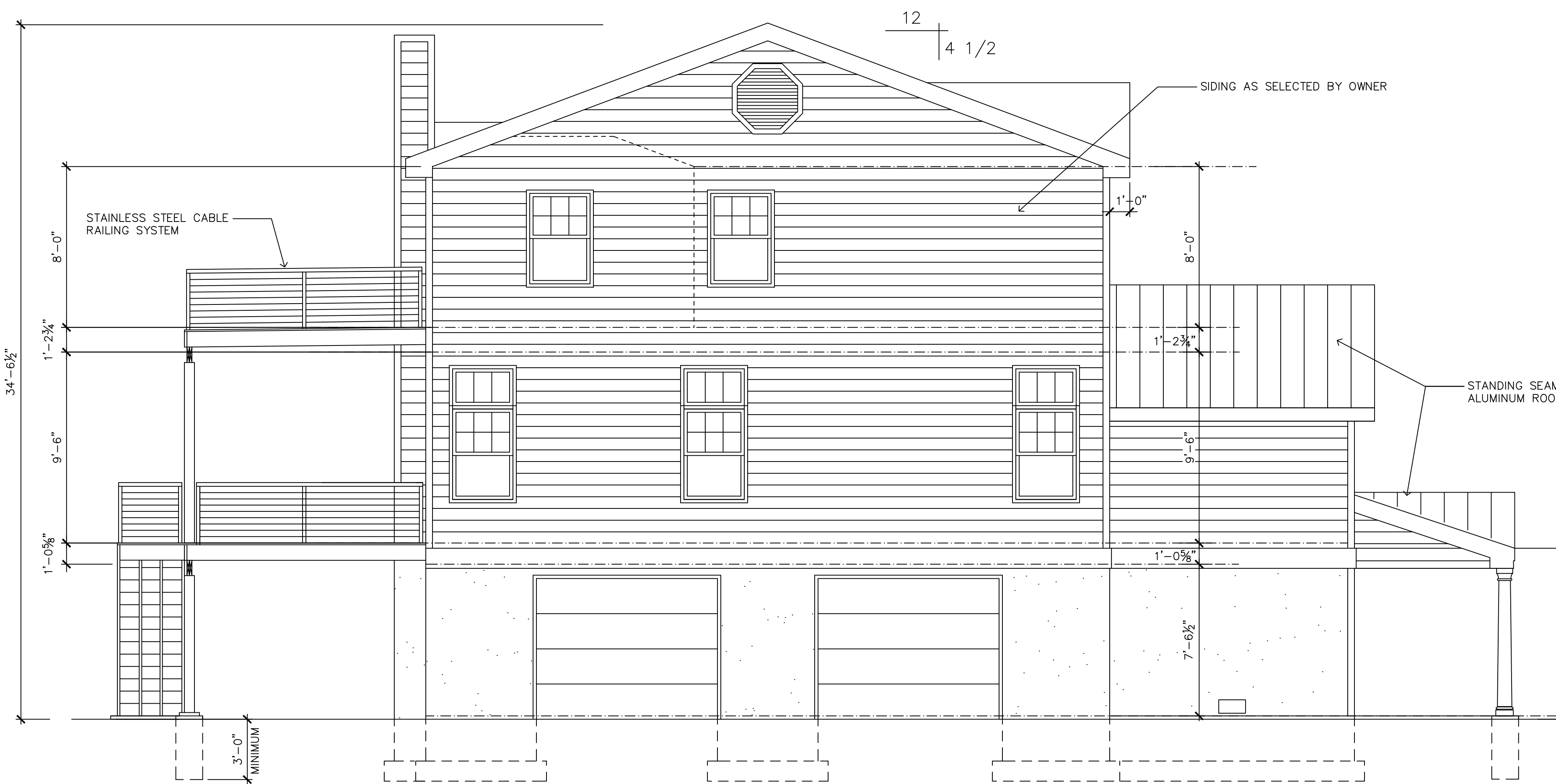
NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Oceanport that vacating the portion of Werah Place between Smith Street and Branchport Creek would not be in the best interests of the residents.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Oceanport that the request to vacate that portion of Werah Place is hereby denied.

RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Meghan Walker, Councilwoman
SECONDER:	Michael O'Brien, Councilman
AYES:	Deerin, Gallo, Keeshen, O'Brien, Tvrdik, Walker

I certify that the foregoing Resolution #2021-154 was adopted by the Oceanport Governing Body at the Regular Meeting held July 15, 2021


JEANNE SMITH, RMC
BOROUGH CLERK



LEFT (NORTH) ELEVATION

SCALE 1/4"=1'-0"



FRONT (WEST) ELEVATION

SCALE 1/4"=1'-0"

NEW HOUSE FOR:
MR & MRS BILLY SCHMIDT
101 SMITH STREET
OCEANPORT, NEW JERSEY

WILLIAM HERCHAKOWSKI R.A.
N.J. LICENSE NO. 1386

WILLIAM HERCHAKOWSKI R.A.
ARCHITECT
49 WATERMAN AVENUE
RUMSON, NEW JERSEY 07760
(732) 236-2154

ELEVATIONS

SCALE:
DO NOT SCALE DRAWINGS
CHECKED: WJH
DRAWN: WJH

DESCRIPTION

DATE

DATE
12-31-19

COMM. NO.
1907

A-2

NEW HOUSE FOR:
MR & MRS BILLY SCHMIDT
101 SMITH STREET
OCEANPORT, NEW JERSEY

WILLIAM HERCHAKOWSKI R.A.
N.J. LICENSE NO. 13386

WILLIAM HERCHAKOWSKI R.A.
ARCHITECT
49 WATERMAN AVENUE
RUMSON, NEW JERSEY 07760
(732) 236-2134

ELEVATIONS

SCALE: DO NOT SCALE DRAWINGS
AS NOTED
CHECKED WITH
DRAWN WITH

DESCRIPTION

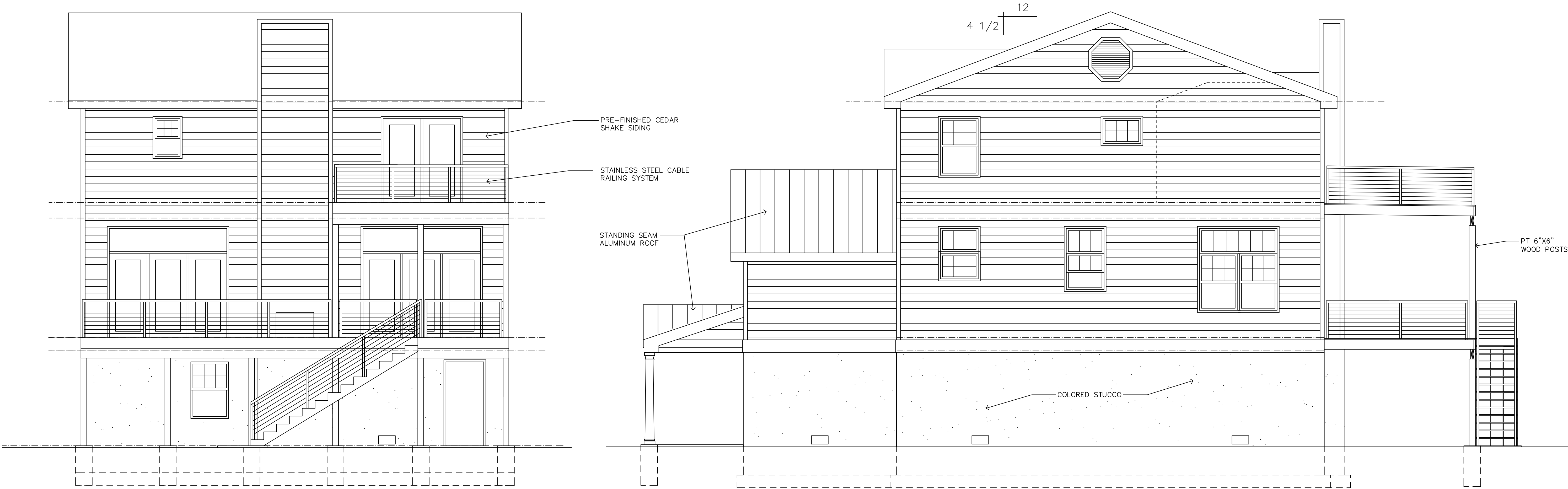
DATE

12-31-19

COMM. NO.

1907

A-3



REAR (WEST) ELEVATION
SCALE 1/4"=1'-0"

RIGHT (SOUTH) ELEVATION
SCALE 1/4"=1'-0"



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2136)

10.2

Meeting: 11/09/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2136

PB2021-19 Keller, Joseph

22 Asbury Ave

Block 92, Lot 1

Bulk variances for expansion of deck and proposed patio

- Maximum building coverage of 25% permitted, 28.12% proposed
- Maximum impervious coverage of 40% permitted, 44.8% proposed

DFD 1/26/2022

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772



October 20, 2021

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
910 Oceanport Way
P. O. Box 370
Oceanport, NJ 07757

22 Asbury Avenue – Bulk Variance
Block 92, Lot 1
Application No. PB2021-19
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0305

Dear Board Members,

Our office has received the following information in support of the above-referenced Application:

- Plan entitled "Location Land Survey of Lot 1 in Block 92" prepared by Thomas Finnegan Land Surveying, dated June 17, 2021, consisting of one (1) sheet.
- Plan entitled "Location Land Survey of Lot 1 in Block 92" prepared by Thomas Finnegan Land Surveying, dated September 22, 2021, consisting of one (1) sheet.
- Architectural deck sketches, unsigned and undated, consisting of four (4) pages.

The subject property is a 5,000 SF (0.114-acre) parcel on the southwest corner of the intersection of Milton Avenue and Asbury Avenue. The subject is in the R-4 Residential Zone. The Applicant proposes to expand a side yard deck and install a patio.

Based on our review, we recommend that the Application be deemed complete and scheduled for the next available public hearing. The Applicant shall provide proof of public notification as required for this Application. A planning and engineering review of the Application is included below.

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

A. Variances/Design Waivers

1. Bulk variances are required for the following:
 - a. Maximum Building Coverage – 25% permitted, 28.12% proposed.
 - b. Maximum Impervious Coverage – 40% permitted; 44.8% proposed.

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

Maser Consulting is now Colliers Engineering & Design

1. **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.
2. **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.

B. General Comments

1. The Applicant shall provide testimony as to the previously existing deck and what is currently shown on the survey as existing.
2. The Applicant has included the deck in the impervious coverage calculation. If gaps are provided between the boards and there is no impervious layer beneath the deck, then that area can be removed from the calculation and the Applicant will be under the maximum permitted Impervious Coverage.

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.

Sincerely,

Colliers Engineering & Design

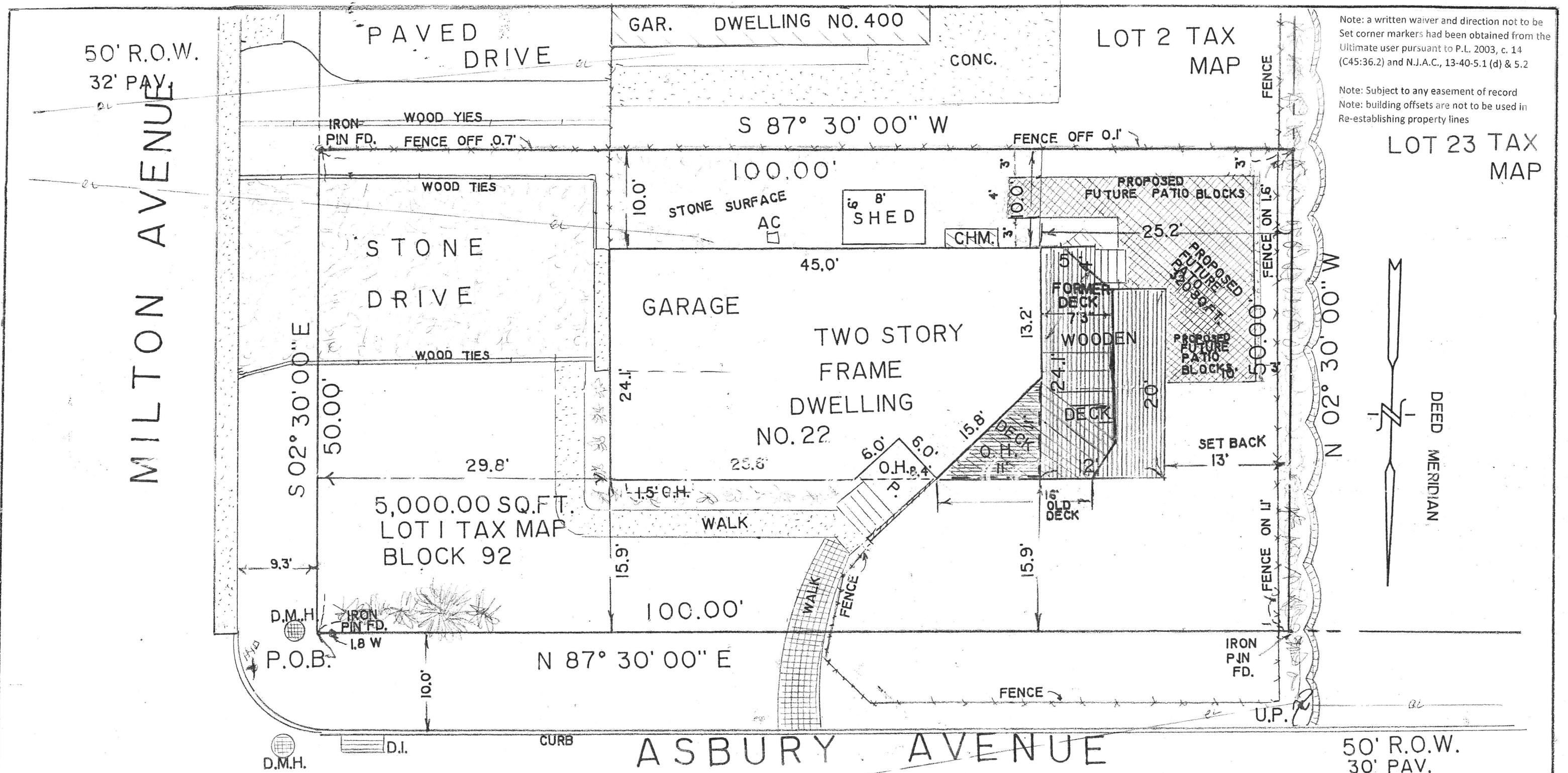


William H.R. White, III, PE, PP, CME, CFM, CPWM
 Planning Board Engineer and Planner

WHW/dmm

cc: Joseph Keller (via email)
 Kevin Kennedy, Esq., Board Attorney, (via email)

r:\projects\m-p\opp\opp0305\correspondence\out\211020_whw_22_asbury_ave_review#1.docx



OWNER/APPLICANT:

SPAULDING ENTERPRISES, LLC
C/O JOSEPH KELLER
NO. 22 ASBURY AVENUE
OCEANPORT, N.J. 07757
732-208-6801
JOKELO052@GMAIL.COM

SUBJECT PROPERTY IS 5,000.00 SQ. FT.
DWELLING IS 1,025 SQ. FT. = 20.50% COV.
STONE DRIVE IS 527 SQ. FT. = 10.54% COV.
SHED IS 48 SQ. FT. = 0.96% COV.
EXISTING WOODEN DECK = 320 SQ. FT. = 6.40% COV.
LOT COVERAGE IS 38.40% COV.
PROPOSED FUTURE PATIO BLOCKS ARE 320 SQ. FT. = 6.40% COV.
COVERAGE WITH FUTURE PATIO = 44.80% COV.

NO. 22 ASBURY AVENUE

LOCATION LAND SURVEY OF LOT 1 IN BLOCK 92 ON THE OFFICIAL TAX
MAP OF THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY
THOMAS FINNEGAN LAND SURVEYING TAX MAP PAGE 14

THOMAS CRAIG FINNEGAN P.L.S. LIC. # 38601
PROFESSIONAL LAND SURVEYOR 245 EA.

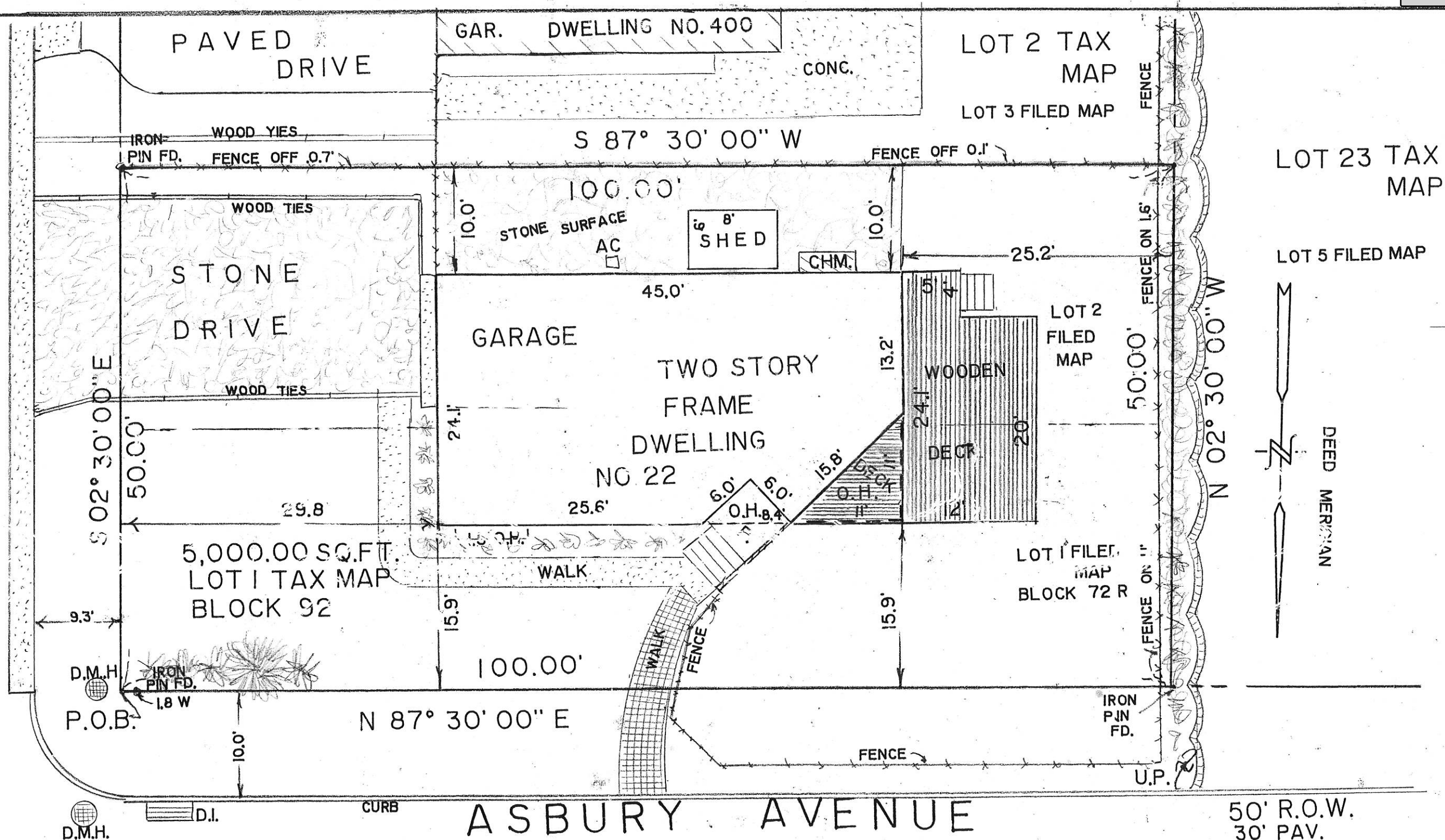
245 EAST END AVENUE, BELFORD, N.J. 07718
PHONE # 732-787-0318, Cell Ph. 732-856-2821
FAX # 732-495-6217 tfinn58810@aol.com

SCALE 1" = 10'

SEPTEMBER 22, 2021

50' R.O.W.
32' PAV.

MILTON AVENUE



FILED MAP REFERENCE : BEING KNOWN AS LOT 1 AND LOT 2 IN BLOCK 72 R ON MAP.
DATED REVISED MAY 14, 1949 ENTITLED, " MAP OF OCEANPORT PARK ON THE SHREWSBURY RIVER"
BY J.W. SEAMAN AND SON. BOROUGH OF OCEANPORT, MONMOUTH COUNTY, N.J.
FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON JUNE 6, 1949
IN CASE 24-4.

CERTIFIED TO: SPAULDING ENTERPRISED LLC

NO. 22 ASBURY AVENUE

LOCATION LAND SURVEY OF LOT 1 IN BLOCK 92 ON THE
OFFICIAL TAX MAP OF THE BOROUGH OF OCEANPORT,
MONMOUTH COUNTY, NEW JERSEY. TAX MAP PAGE NO. 14

THOMAS FINNEGAN LAND SURVEYING, 245 EAST END AVENUE
BELFORD, N.J. 07718

THOMAS CRAIG FINNEGAN N.J. P.L.S.
PROFESSIONAL LAND SURVEYOR

SCALE 1" = 10' LIC. 38601

PHONE NO. 732-787-0318

TFINN58810 @ AOL.COM

JUNE 17, 2021



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2167)

10.3

Meeting: 11/09/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2167

PB2021-20 CORSI, MICHAEL

Bock 136, Lot 46

27 Burnt Mill Circle

Construction of a front porch with a proposed front yard setback of 23.33' where 24' is permitted

331 Newman Springs Road
Suite 203
Red Bank New Jersey 07701
Main: 877 627 3772



October 12, 2021

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
910 Oceanport Way
P. O. Box 370
Oceanport, NJ 07757

27 Burnt Mill Circle – Bulk Variance
Block 136, Lot 46
Application No. PB2021-20
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0306

Dear Board Members,

Our office has received the following information in support of the above-referenced Application:

- Plan entitled "Survey of Property," prepared by Charles V. Bell Associates Inc., dated May 6, 2017, consisting of one (1) sheet.
- Plan entitled "Corsi Residence, Proposed Residential Renovation and Addition," unsigned, last revised May 4, 2021, consisting of four (4) sheets.
- Color Rendering of building front view, undated.

The subject property is a 31,561 SF (0.72-acre) parcel on the southwest side of the outer portion of the loop road approximately 150 feet south of the intersection with Evergreen Lane. The subject is in the R-2 Residential Zone. The Applicant proposes to renovate the existing structure and install a front porch.

Based on our review, we recommend that the Application be deemed complete and scheduled for the next available public hearing. The Applicant shall provide proof of public notification as required for this Application. A planning and engineering review of the Application is included below.

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

A. Variances/Design Waivers

1. Ordinance 390-17A(4) permits covered porches to extend 6 feet into the front yard setback, thereby permitting a front yard setback of 24' for porches. The Applicant proposes a 23.33' front setback to the porch, thereby requiring a bulk variance.

Maser Consulting is now Colliers Engineering & Design

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

1. **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.
2. **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.

B. General Comments

1. The provided property survey is from 2017. The Applicant shall provide testimony as to whether or not it is representative of current conditions.

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.

Sincerely,

Colliers Engineering & Design



William H.R. White, III, PE, PP, CME, CFM, CPWM
 Planning Board Engineer and Planner

WHW/dmm

cc: Michael Corsi (via email)

r:\projects\m-p\opp\opp0306\correspondence\out\211012_whw_27_burnt_mill_circle_review#1.docx

Table 1: Bearings and Distances

NUM	DELTA	ARC	RADIUS	BEAR
C1	53°04'06"	125.04'	135.00'	S67°09'5"
C2	32°06'24"	75.65'	135.00'	S24°34'4"

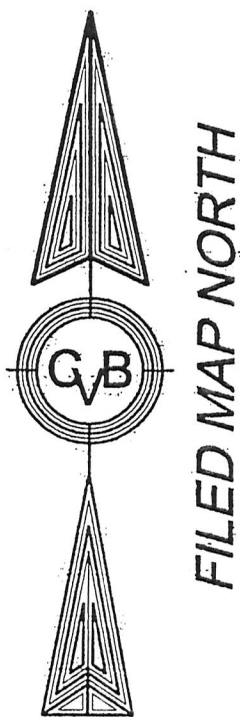
Table 2: Bearings and Distances

NUM	BEARING	DISTANCE
L1	N87°12'00"E	39.29'
L2	S13°05'26"W	29.64'
L3	S81°26'40"E	29.09'
L4	S16°05'52"E	24.59'
L5	S86°29'28"E	36.46'
L6	S57°45'08"E	62.43'
L7	S72°11'20"W	35.44'
L8	S3°33'06"E	55.87'
L9	S12°44'40"E	23.10'

Table 3: Bearings and Distances

NUM	BEARING	DISTANCE
A-1	N30°14'30"W	126.32'
A-2	S77°26'30"W	174.33'
A-3	S3°42'00"E	123.08'
A-4	S57°45'08"E	62.43'
A-5	S72°11'20"W	35.44'
A-6	S16°05'52"E	24.59'
A-7	S81°26'40"E	29.09'
A-8	S13°05'26"W	29.64'
A-9	N87°12'00"E	39.29'
A-10	N49°22'00"E	151.11'

NUM	BEARING	DISTANCE
L1	N87°12'00"E	39.29'
L2	S13°05'26"W	29.64'
L3	S81°26'40"E	29.09'
L4	S16°05'52"E	24.59'
L5	S86°29'28"E	36.46'
L6	S57°45'08"E	62.43'
L7	S72°11'20"W	35.44'
L8	S3°33'06"E	55.87'
L9	S12°44'40"E	23.10'



Tax Map Reference

Lot 46 Block 136
Borough Of Oceanport
Tax Map Sheet No. 17

Filed Map Reference

Lot 11B/27 Block 67
"Section No. 2, Final Plat Evergreen Manor, Borough Of Oceanport, Monmouth County, New Jersey"
Prepared By Howard M. Schoor Associates, Inc., Dated July 24, 1968.
Filed In The Monmouth County Clerk's Office On November 18, 1968 In Case No. 94-24

Lot Area: 31,561.3 S.F. (0.72 Acres)

Record Owner Deed: Deed Book 5638 Page 549

This Survey Was Prepared In Accordance With A Title Search Prepared By Foundation Title LLC, File No. 315-50073, Dated April 27, 2017.

Schedule B - Section II Exceptions:

Item No. 9: Subject To A 30-Foot Building Setback Line As Shown On Filed Plan

Item No. 10: Rights In Any Road, Street Highway Or Lane Bounding Or Affecting Subject Premises

Item No. 11: Rights Of Utility Companies To Service And Maintain Facilities Crossing, Bounding Or Otherwise Located On Or Near The Premises.

Item No. 12: Utility Easement As Contained In Deed Book 3628 Page 740

Item No. 13: Rights, Public And Private, Together With Flooding And Drainage Rights, If Any, In And To All Streams, Rivers, Or Watercourses, Bounding Or Affecting The Premises.

Deed And Map References:

Lot 51: Official Record 9060 Page 359

"Survey Of Property, 32 Burnt Mill Circle, Lot 18 Block 131, Borough Of Oceanport, Monmouth County, New Jersey" Prepared By Charles V. Bell Associates, Inc., Dated November 8, 2011

"Survey Of Property, Lot 46 Block 136, Borough Of Oceanport, Monmouth County, New Jersey" Prepared By Charles V. Bell Associates, Inc., Dated July 10, 1997

"Survey Of Lands For Sandra Dempsey Situate In The Borough Of Oceanport, Monmouth County, New Jersey, Known And Designated As Lot 46 Block 136 As Shown On The Tax Map Of The Borough Of Oceanport, Monmouth County, New Jersey" Prepared By Paul K. Lynch, Land Surveyors, Dated November 4, 2016

Wetlands Delineation Shown On Above Referenced Survey Flagged By Aqua-Terra Environmental, Inc.

es:
Set Dimensions From Structures To Property Lines Shown Hereon Are To Be Used To Re-Establish Property Lines.

Underground Encroachments, If Any, Have Not Been Shown.

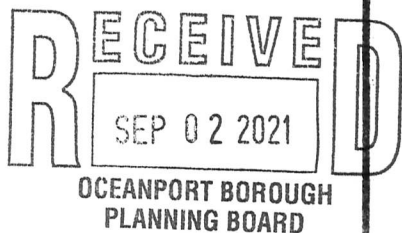
The Surveyor Is Not Qualified To Make Any Determination As To The Presence Or Non-Existence Of Wetlands And/Or Toxic Wastes. No Statement Is Being Made Or Implied Hereon, Nor Should It Be Assumed Or Construed That Any Statement Is Being Made By The Fact, That Wetlands And/Or Toxic Wastes Is Portrayed Hereon. The Client Should Pursue These Matters As Items Separate And Apart From This Survey.

The Use Of The Word Certify Or Certification Constitutes An Expression Of Professional Opinion Regarding Those Facts Or Findings Which Are Subject To The Undersigned Professional Knowledge And Belief And In Accordance With The Common Accepted Procedure Consistent With The Usable Standards Of Practice And Does Not Constitute A Warranty Or Guarantee Either Expressed Or Implied.

Notes To Fences Are As Follows:

Chain Link Fence To Center Of Post
Wrought Aluminum Fence To Center Of Post
Vinyl And Rail Fence To Center Of Post
Chain Link Fence To Edge Of Board
Wrought Aluminum Fence To Edge Of Board

Notes To Dwellings, Sheds And Buildings To Edge Of Siding, Brick Or Foundation To Edge Of Block



CERTIFIED TO:

MICHAEL J CORSI and MEGHAN L. CORSI, h/w;
UNITED WHOLESALE MORTGAGE, its successors
and/or assigns as their interest may appear;
FOUNDATION TITLE LLC, agent for
FIDELITY NATIONAL TITLE INSURANCE COMPANY;
and ANSELL, GRIMM and AARON, ESQ.

This Survey Is Certified Only To The Above Named Parties For Purchase And/Or Mortgage Of Herein Delineated Property By The Above Named Purchaser. No Responsibility Or Liability Is Assumed By The Surveyor For Any Other Use Of The Survey Including, But Not Limited To, The Use Of The Survey For Survey Affidavit, Re-Sale Of Property, Or To Any Other Person Not Listed In The Certification.

SURVEY OF PROPERTY
27 BURNT MILL CIRCLE
LOT 46 BLOCK 136
BOROUGH OF OCEANPORT
MONMOUTH COUNTY NEW JERSEY

Hereby Certify To The Best Of My Knowledge, Information And Belief, That This Survey Has Been Performed In Accordance With The Accepted Standard Of The Profession As Practiced In The State Of New Jersey

Date	Description

CVB CHARLES V. BELL
ASSOCIATES INC.

PROFESSIONAL LAND SURVEYORS AND PLANNERS
40 MEREDITH DRIVE TINTON FALLS, NEW JERSEY 07724
732-542-1616 Fax 732-542-2999 BellSurveying@GMail.Com

CHARLES V. BELL JR.

N.J. Professional Land Surveyor Licence No. 27601
N.J. Professional Planner License No. 2468

Scale	Date	Drawn	Checked	File No.	Field Book
1"=30'	May 6, 2017	CVB	CVB	13676	402

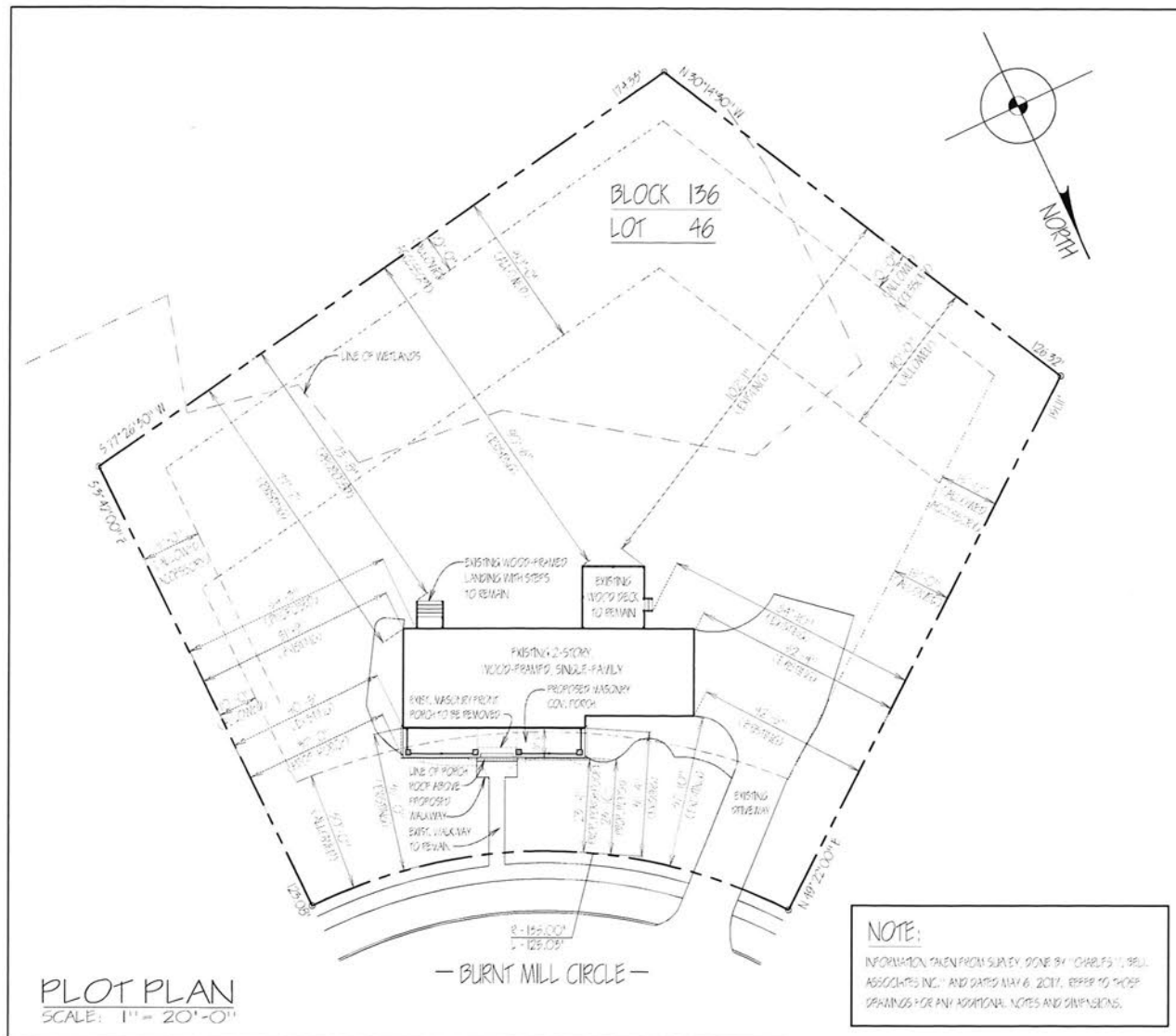
Corsi Residence

Proposed Residential Renovation and Addition

27 Burntmill Circle

Oceanport, NJ

Block : 136 Lot: 46



ZONING SCHEDULE

R-2	SINGLE-FAMILY RESIDENCE ZONE			
HEIGHT	MAX. BUILD. HT.	REQUIRED 35 FT. 2 1/2 STORY	EXISTING 26.00' ± 2 STORY	PROPOSED 26.00' ± 2 STORY
LOT	MIN. LOT WIDTH	128.00' L.F.	152.79' ± L.F.	152.79' ± L.F.
	MIN. LOT DEPTH	120.00' L.F.	176.92' L.F.	176.92' L.F.
	MIN. LOT AREA	15,360.00 S.F.	27,561.50 S.F.	27,561.50 S.F.
	MAX. IMPERVIOUS COVERAGE	10,100.00 S.F. (66.00%)	5,547.00 S.F. (20.13%)	1,156.00 S.F. (4.20%)
	MAX. BUILDING COVERAGE	7,890.00 S.F. (51.50%)	2,119.00 S.F. (7.70%)	2,410.00 S.F. (8.74%)
	MIN. FIRST FLOOR H.F.A.	1180.00 S.F.	1,547.00 S.F.	1,547.00 S.F.
	MIN. H.F.A. (BOTH FLOORS)	2,000.00 S.F.	2,755.00 S.F.	2,755.00 S.F.
BUILDING	MIN. FRONT SETBACK	30.00 FT.	31.50 FT. (HOUSE)	31.50 FT. (HOUSE)
	MIN. FRONT PORCH SETBACK (REFER TO NOTE #1)	25.50 FT.	N/A	25.50 FT. (PORCH REFER TO NOTE #1)
	MIN. SIDE SETBACK	10.00 FT.	40.40 FT.	40.40 FT.
	MIN. CORNER SETBACK	25.00 FT.	52.85 FT.	57.00 FT. (CORNER)
	MIN. REAR SETBACK	40.00 FT.	77.55 FT.	79.61 FT.

EXISTING IMPERVIOUS (LOT) COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,594 S.F.)
EXISTING GARAGE (564 S.F.)
EXISTING DRIVEWAY (1,596 S.F.)
EXISTING WALKWAY (156 S.F.)
EXISTING FRONT PORCH (50 S.F.)
EXISTING WOOD-FRAMED DECK (258 S.F.)
EXISTING REAR LANDING/STEPS (49 S.F.)

EXISTING BUILDING COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,594 S.F.)
EXISTING GARAGE (564 S.F.)
EXISTING WOOD-FRAMED DECK (258 S.F.)
EXISTING REAR LANDING/STEPS (49 S.F.)
EXISTING FRONT PORCH (50 S.F.)

EXISTING FIRST FLOOR H.F.A. COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,547 S.F.)

EXISTING TOTAL H.F.A. COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,547 S.F.)
EXISTING SECOND FLOOR (1,388 S.F.)

PROPOSED IMPERVIOUS (LOT) COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,594 S.F.)
EXISTING GARAGE (564 S.F.)
EXISTING DRIVEWAY (1,596 S.F.)
EXISTING WALKWAY TO REAR (114 S.F.)
EXISTING WOOD-FRAMED DECK (258 S.F.)
EXISTING REAR LANDING/STEPS (49 S.F.)
PROPOSED MASONRY FRONT COVERED PORCH (546 S.F.)
PROPOSED WALKWAY (15 S.F.)

PROPOSED BUILDING COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,594 S.F.)
EXISTING GARAGE (564 S.F.)
EXISTING WOOD-FRAMED DECK (258 S.F.)
EXISTING REAR LANDING/STEPS (49 S.F.)
PROPOSED MASONRY FRONT COVERED PORCH (546 S.F.)

PROPOSED FIRST FLOOR H.F.A. COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,547 S.F.)

PROPOSED TOTAL H.F.A. COVERAGE INCLUDES:

EXISTING FIRST FLOOR (1,547 S.F.)
EXISTING SECOND FLOOR (1,388 S.F.)

NOTE:
1.75 PER SECTION 590-14 (B) EXCEPTION: IN RESIDENCE DISTRICTS, AN OPEN PORCH, ONE STORY IN HEIGHT, CAN PROJECT NOT MORE THAN SIX FEET INTO THE FRONT YARD AND NOT MORE THAN FIVE FEET INTO THE SIDE YARD BUT IN NO INSTANCE NEARER THAN 10 FEET TO A SIDE LOT LINE AND 24 FEET TO THE FRONT LOT LINE.

* NON-CONFORMING ZONING CONDITION NOT PRECISELY BY PROPOSED NEW WORK.

NUMERIC SUMMARY

PROPOSED EXISTING BUILDING AREA TO AN EXISTING TWO-STOREY, WOOD-FRAMED SINGLE-FAMILY RESIDENCE.

	HOUSE IMPERVIOUS	GARAGE IMPERVIOUS	DRIVEWAY IMPERVIOUS
1ST FLOOR	1,594.00 S.F.	564.00 S.F.	1,596.00 S.F.
2ND FLOOR	1,388.00 S.F.		
TOTAL	2,982.00 S.F.	564.00 S.F.	1,596.00 S.F.

SCOPE OF WORK

THE PROJECT SCOPE CONSISTS OF A REAR PORCH ADDITION, AS WELL AS AN EXTERIOR FACILITY TO AN EXISTING TWO-STOREY, SINGLE-FAMILY RESIDENCE.

DESIGN LOADS

1ST FLOOR	40 PSF LIVE LOAD	20 PSF DEAD LOAD
ROOF	20 PSF LIVE LOAD	20 PSF DEAD LOAD

SNOW LOAD 12.5%

INDEX

SHEET #1	FLOOR LOAD DESIGN NOTES USE GROUP CONSTRUCTION TYPE NUMERIC SUMMARY PLOT PLAN ZONING SCHEDULE
SHEET #2	EXISTING FIRST FLOOR PLAN EXISTING SECOND FLOOR PLAN
SHEET #3	FIRST FLOOR PLAN SECOND FLOOR PLAN
SHEET #4	FRONT ELEVATION PARTIAL REAR SIDE ELEVATION WALL SECTION AT LANDING
SHEET #7	DETAIL - SECTION AT DECK RISER DETAIL - SECTION AT TRENCH WALL SECTION AT REAR ROOM

USE GROUP	R-13C / IRC 2018 NJ
CONSTRUCTION TYPE	55 IRC 2018 NJ

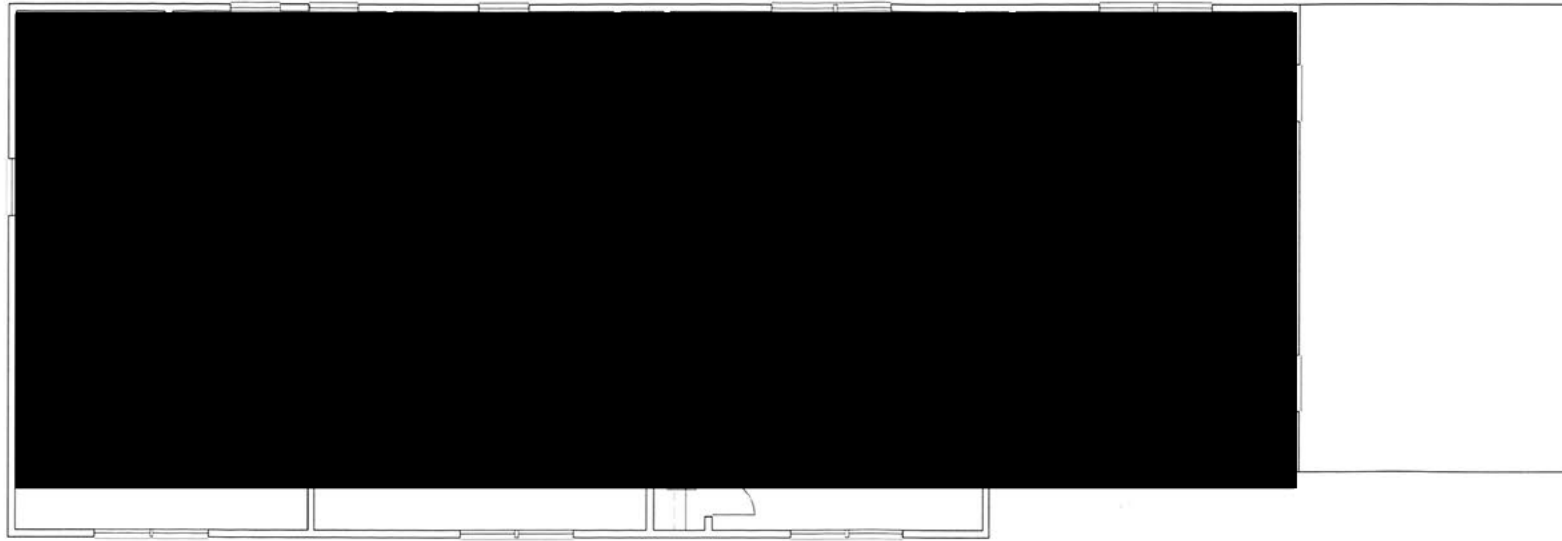
PROPOSED RENOVATION & ADDITION FOR:

CORSI

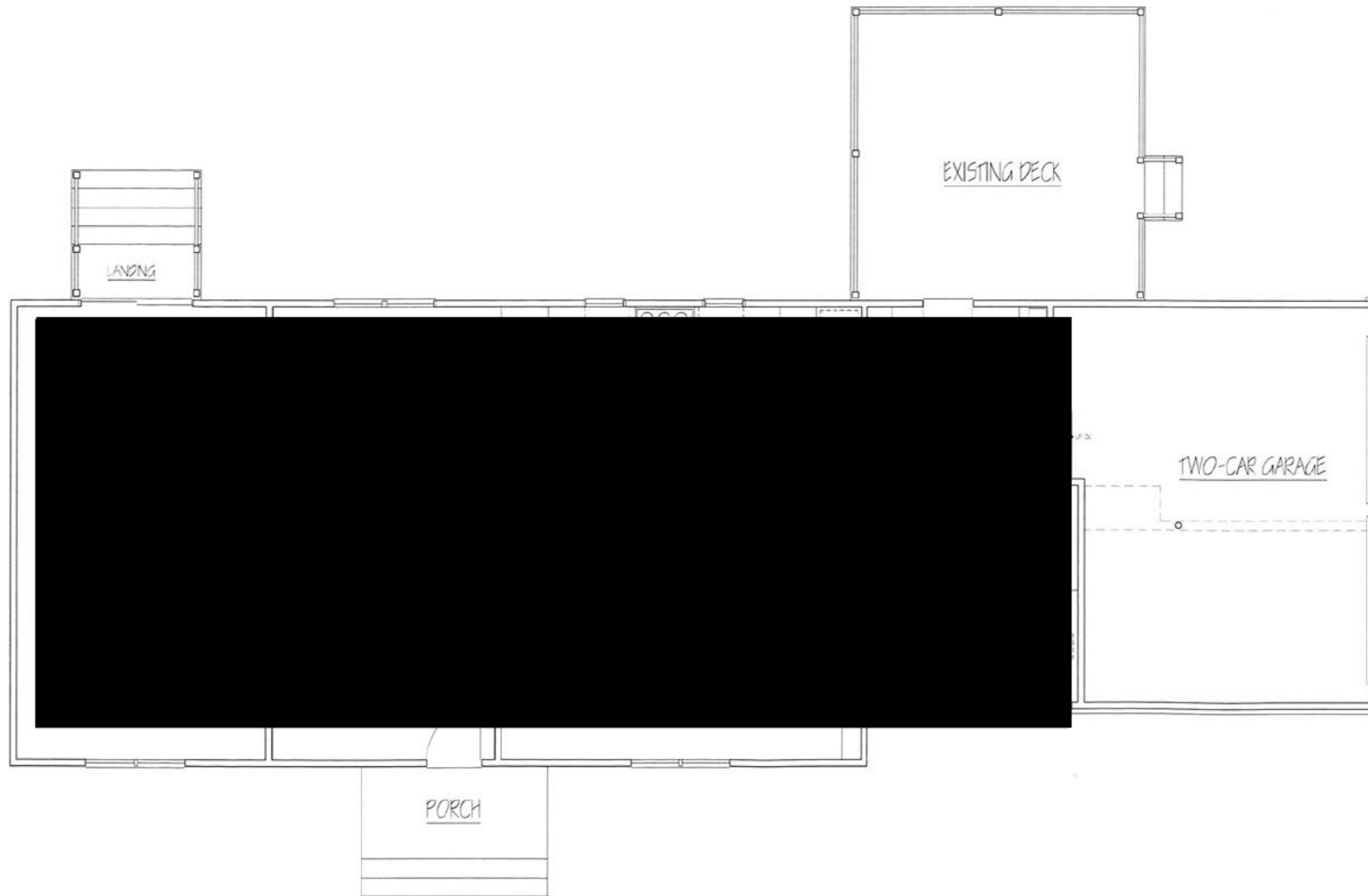
27 BURNMILL CIRCLE - OCEANPORT, NJ 07757

DRAWING:	02 - EXISTING INFO, PLOT PLAN
DATE:	APRIL 9, 2021
REVISED:	MAY 4, 2021

1 OF 4



EXISTING SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"

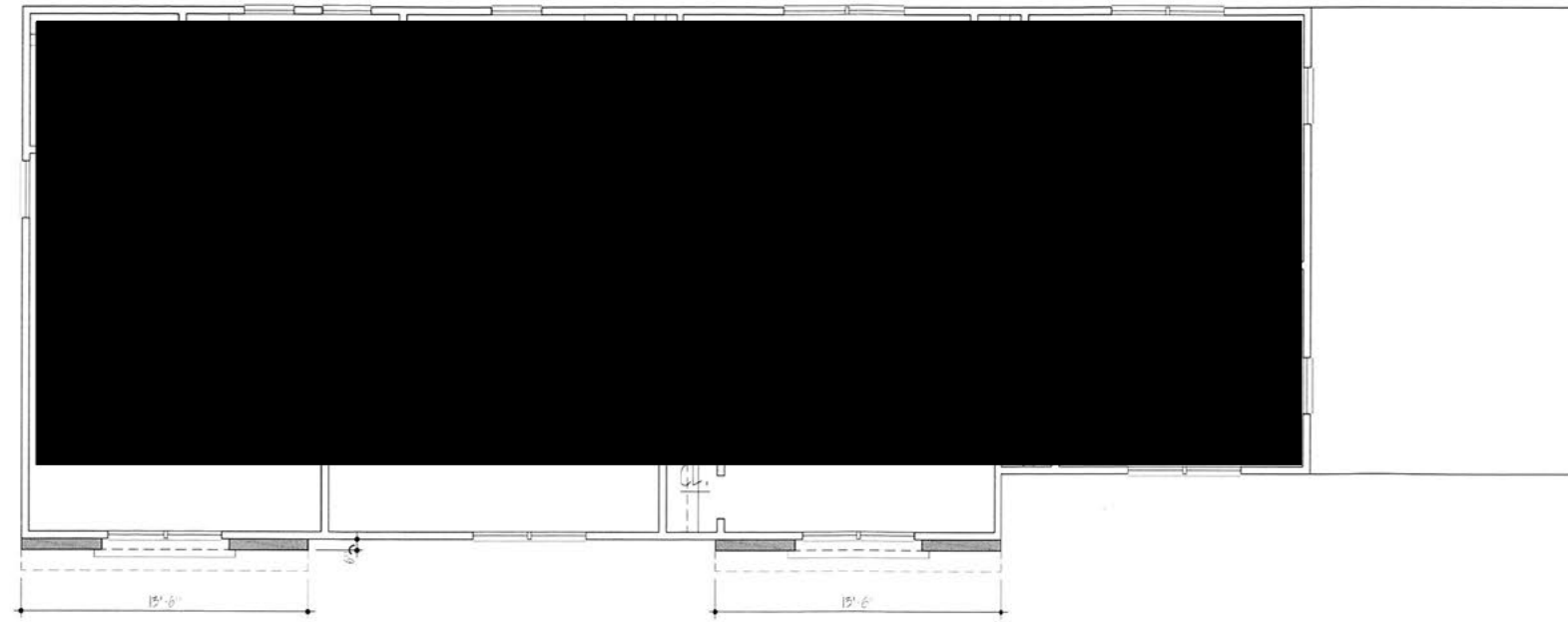


EXISTING FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

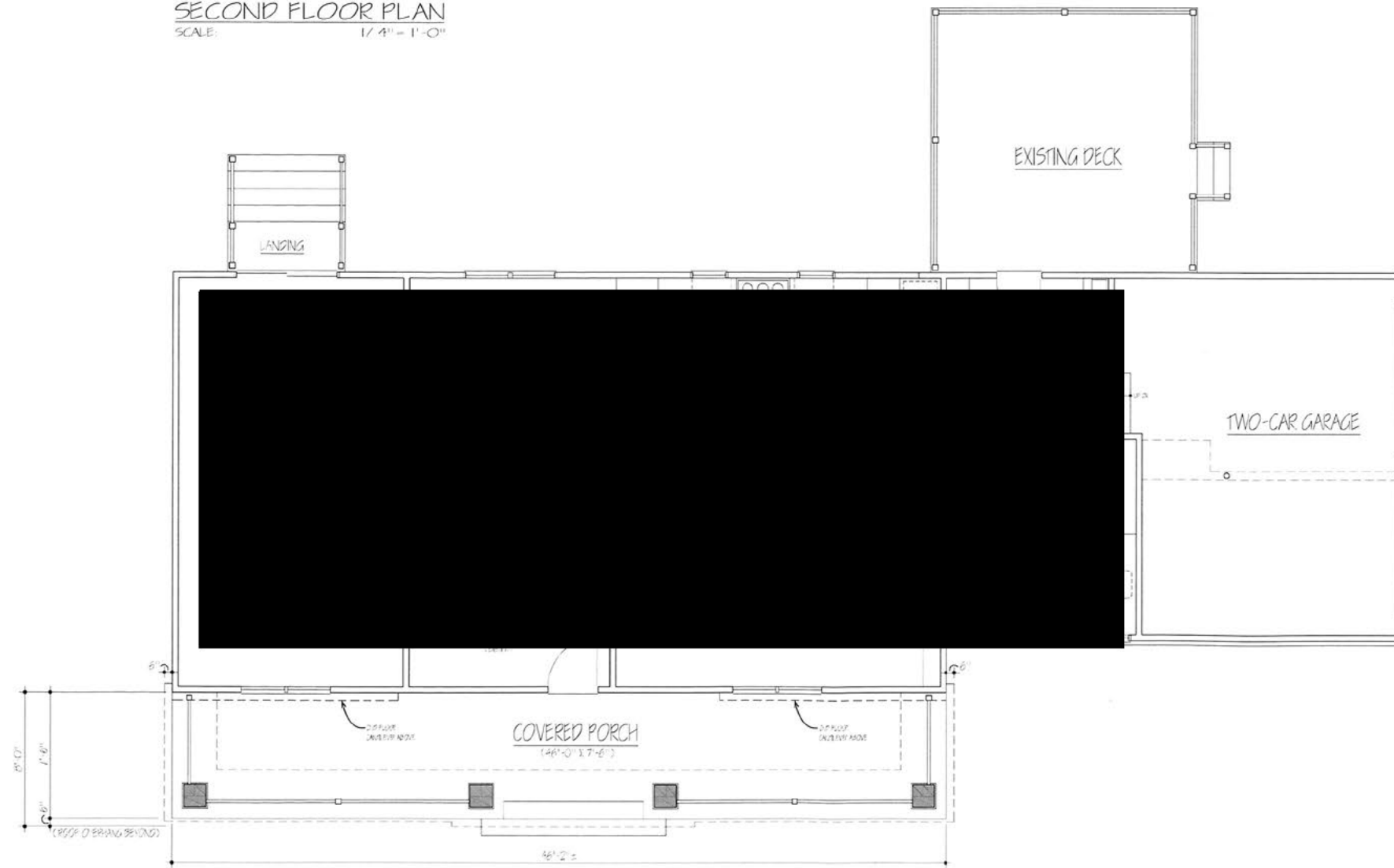
WALL SYMBOLS LEGEND

EXISTING CONDITION TO REMAIN AS SHOWN

PROPOSED INTERIOR RENOVATION FOR: CORSI 27 BURNING OAK DR - OCEANPORT, NJ 07757		
DRAWING:	EXISTING FLOOR PLANS	2 OF 4
DATE:	APRIL 8, 2020	
REVISED:	MAY 4, 2020	



SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"

WALL SYMBOLS LEGEND

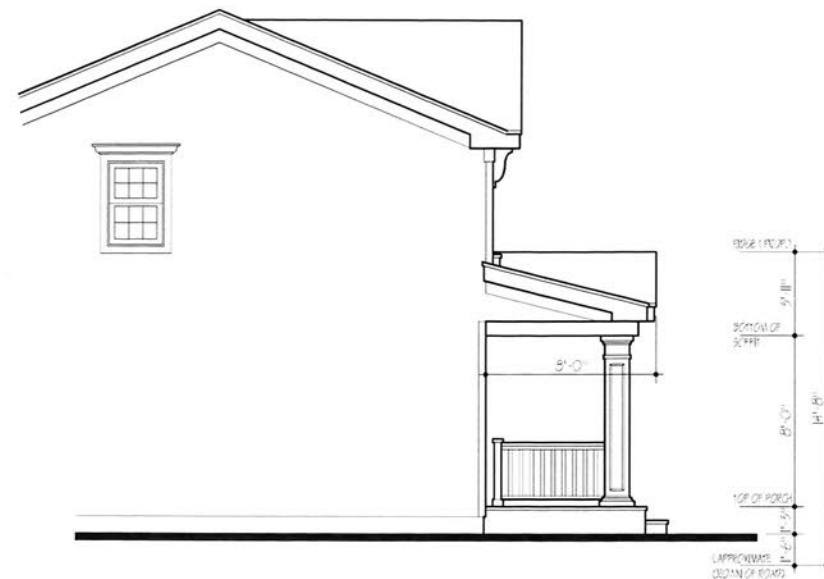
- EXISTING CONDITION TO REMAIN AS SHOWN
- 2" X 4" OR 2" X 6" WOOD STUDS SPACING 16" O.C. WITH 1/2" Gypsum BOARD ON EACH INTERIOR SURFACE

PROPOSED INTERIOR RENOVATION FOR:
CORSI
27 BURNING OCE - OCEANPORT, NJ 07757

DRAWING: FLOOR PLAN
DATE: APRIL 8, 2021
REVISED: MAY 4, 2021



FRONT ELEVATION
SCALE: 1/4" = 1'-0"



PARTIAL LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"



RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

PROPOSED INTERIOR RENOVATION FOR:	
CORSI	
27 BURNALL CIRCLE - OCEANPORT, NJ 07757	
DRAWING:	ELP/1006
DATE:	APRIL 5, 2021
REVISED:	4/14/2021
4 OF 4	

