



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • OCTOBER 25, 2022

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 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.

III. Flag Salute

IV. 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.

V. Roll Call

VI. Board Business

1. Report of Pending Applications

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Sep 27, 2022 7:00 PM

VIII. Old Business

1. PR-22-29 Resolution of Approval - 35 Wyandotte Ave
2. PR-22-30 Resolution of Approval - 19 Main Street
3. PR-22-31 Resolution of Approval - 196 Monmouth Blvd LLC
4. PR-22-32 Resolution of Approval - Manvan LLC
5. PB2022-18 Carchio, Kathleen

Block 51, Lot 2

60 Werah Place

DFD 12/08/2022

CARRIED from September 13, 2022

CARRIED from October 11, 2022

IX. New Business

1. PB2022-19 Harvey, Chris

28 Revere Drive

Block 65, Lot 18.01

As-Built of Pool requires relief for additional impervious coverage:

- Maximum Impervious Coverage: 37% permitted; 39.44% variance approval, as-built 42.5%

X. Petitions from the Public

XI. Adjournment



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • SEPTEMBER 27, 2022

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. Call to Order:** Chairman Whitson called the meeting to order at 7:00 PM
- II. Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 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.
- III. Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute.
- IV. Board Policy:** Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 10:00 P.M.; no new testimony will be taken after 10:30 P.M., except at the discretion of the Board

V. Roll Call:

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

VI. Board Business:

- Report of Pending Applications - Ms. Smith advised the next meeting was scheduled for October 11, 2022. Described four scheduled applications for variance relief and/or minor subdivision.

VII. Approval of Minutes:

- Planning/Zoning Board - Regular - Aug 9, 2022 7:00 PM

RESULT:	ACCEPTED [4 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster
ABSENT:	Tvrdek, Kleiberg
INELIGIBLE:	Widdis C, Davis, Dailey, Widdis L

- Minutes of Sep 13, 2022 7:00 PM - Re-scheduled for next meeting.

VIII. Old Business:

1. PB2019-11 Mangan, Nichola

Vacant Lot - Shrewsbury Ave

Block 66, Lots 3 & 4

Request for Extension of Approval PR-19-27

Ms. Smith advised the Board that she was in receipt of correspondence seeking to extend the approval granted for this application (PR-19-27) for a single-family home on the lot due to delays related to obtaining NJDEP approvals.

PR-22-28 Extension of Approval for PR-19-27 – *added and read in full*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, Kleiberg

2. **PR-22- 27** Resolution of Approval - 18 Balmer Court

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, Kleiberg

IX. New Business:

1. PB2022-17 Shaw Construction Company, LLC

35 Wyandotte Ave

Block 19, Lot 14

Minor Subdivision

EXHIBITS:

A-1 Land Development Application

A-2 Minor Subdivision Plan prepared by InSite Engineering, LLC, last revised July 12, 2022

A-3 Colliers Engineering & Design review letter dated August 19, 2022

X. Petitions from the Public: Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.**XI. Adjournment:** As there was no further business, the meeting was adjourned at 7:38 pm on a motion by Mr. Widdis which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2573)

8.1

Meeting: 10/25/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2573

PR-22-29 Resolution of Approval - 35 Wyandotte Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF SHAW CONSTRUCTION COMPANY, LLC
35 WYANDOTTE AVENUE, BLOCK 19, LOT 14
APPROVED SEPTEMBER 27, 2022
MEMORIALIZED OCTOBER 11, 2022**

INTRODUCTION

WHEREAS, Agents of Shaw Construction Company, LLC have made Application to the Oceanport Planning Board for the property designated as Block 19, Lot 14, commonly known as 35 Wyandotte Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Minor Subdivision; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on September 27, 2022, 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:

- *Development Application, introduced into Evidence as A-1;*
- *Minor Subdivision Plan, prepared by InSite Engineering, LLC, last revised July 12, 2022, consisting of 2 sheets, introduced into Evidence as A-2;*
- *Review Memorandum from Colliers Engineering & Design, dated August 19, 2022, introduced into Evidence as A-3;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Jennifer White, P.E.;
- Matt Dolan, 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'S

REPRESENTATIVES

WHEREAS, testimony and other evidence presented by the Applicants and its representatives revealed the following:

- The Applicant is the Owner of the subject property.
- The subject property (i.e. the Mother Lot) contains 24,000 SF.
- The subject property contains an existing single-family home and 2 or 3 sheds.
- The Applicant's representatives propose to effectuate the following:
 - Demolition of the existing structures on the site; and
 - Subdivision of the Mother Lot into 2 single-family Lots;
- Single-family use is a permitted use in the subject Zone.
- As indicated, the Applicant's representatives are proposing to subdivide the subject property into 2 single-family Lots; namely, proposed Lot 14.01 and proposed Lot 14.02.
- Details pertaining to the proposed Lots including the following:

PROPOSED LOT 14.01

Minimum required Lot Area: 12,000 SF
Proposed Lot Area: 12,000 SF

PROPOSED LOT 14.02

Minimum required Lot Area: 12,000 SF
Proposed Lot Area: 12,000 SF

- As referenced, both Lots will be conforming (i.e. Variance-free Lots).

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10-25-22

- The Applicant's representatives do not yet have any building plans / building envelopes proposed.
- The Applicant's representatives anticipate perfecting the Subdivision via Deed.
- The Subdivision will be perfected in accordance with New Jersey Law.

VARIANCE

WHEREAS, the Application as presented does not require approval for any Variances;
and

PUBLIC COMMENTS

WHEREAS, there were no public comments, questions, statements or objections associated with the subject Application;

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 35 Wyandotte Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The subject property is a 24,000 SF parcel. The existing parcel is a through Lot, with frontages on Wyandotte Avenue and Pocahontas Avenue. The subject parcel is located 425 ft. east of Port Au Peck Avenue.
4. The subject property currently contains a single-family dwelling, with 2 or 3 sheds.
5. As indicated, the subject site (i.e. the Mother Lot) currently contains 24,000 SF.

6. The Applicant's representatives propose to demolish the existing structures and to subdivide the property into 2 Lots; namely, proposed Lot 14.01 and proposed Lot 14.02.

7. Such a proposal requires Minor Subdivision Approval.

8. There are no Variances associated with the within proposal.

9. The Applicant's representatives have not yet submitted any Plans to construct a home on either Lot – nor have any such House Plans been submitted to the Planning Board or the Zoning Office.

10. As referenced, the within Application is merely a request for a Variance-free Subdivision. In the future, if the Applicant, or any successor Applicant / Owner wishes to build a single-family home, the said individual will need to submit a formal request to the Borough and Zoning Office. In accordance with New Jersey Law, if a Variance-free single-family home is proposed, a Zoning Permit will be issued. Likewise, if a Variance-free single-family home is not proposed, the Zoning Officer will issue a denial letter, requiring the Applicant, or any successor Applicant, to appear before the Planning Board in the hope of formally obtaining any necessary Variance relief.

11. As referenced, the Applicant's representatives are proposing to Subdivide the subject Lot.

12. As indicated, there are no Variances required with the subject Subdivision.

13. The newly created Lot sizes will comply with all Prevailing Lot Area Requirements.

14. There was no known public opposition associated with the Application.

15. Subject to the conditions contained herein, and subject to any necessary submission waivers, the Application as presented satisfies the Minor Subdivision Requirements of the Borough of Oceanport.

16. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Variance-free Minor Subdivision Application 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 promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant's representatives shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated August 19, 2022 (A-3).
- c. The Applicant's representatives shall obtain any necessary Demolition Permits as the Borough of Oceanport may require.
- d. The Subdivision shall not be perfected until such time as the existing sheds on the site have been demolished / removed.
- e. In the event the Subdivision is to be perfected via Deed, the Subdivision Deed (including the Legal Descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- f. Prior to the issuance of any Building / Construction Permits, the Applicant (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
- g. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules, Regulations, Installation and Hook-Up Requirements of the Municipal Utility Authorities.
- h. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner, shall submit detailed Plans / Elevations / Grading & Drainage Details – and the said documents shall be reviewed / approved by the Board Engineer / Zoning Officer (as well as any other applicable municipal officials).
- i. Absent further / formal approval of the Planning Board, any single-family homes to be constructed on the newly created Lots shall comply with all Prevailing Bulk Zoning Regulations (as no Variances are granted hereunder.)

- j. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- k. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- l. The Applicant (or any successor Applicants) shall comply with all applicable Affordable Housing Rules / Regulations / Ordinances / Contributions / Directives as may be required by the Borough of Oceanport, the State of New Jersey, C.O.A.H., the Court System, or any other Agency having jurisdiction over the matter.
- m. 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.
- n. 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.
- o. 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's representatives and / or agents thereof, 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 its agents / representatives accept any responsibility for the perfection of the Minor Subdivision Approval.

SUMMARY OF VARIANCES GRANTED

The Application as presented does not require approval for any Variances.

PR-22-29

10-25-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on September 27, 2022 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of October 25, 2022.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2572)

8.2

Meeting: 10/25/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2572

PR-22-30 Resolution of Approval - 19 Main Street

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF BRADLEY AND JOY SHERMAN
19 MAIN STREET / BLOCK 110, LOT 21
APPROVED OCTOBER 11, 2022
MEMORIALIZED OCTOBER 25, 2022**

Introduction

WHEREAS, Bradley and Joy Sherman have made Application to the Oceanport Planning Board for the property designated as Block 110, Lot 21, commonly known as 19 Main Street, Oceanport, NJ, within the Borough's R-5 Zone, for the following approval: Variance relief associated with a request to install a 2-sided fireplace on an accessory structure at the subject site; and

Public Hearing

WHEREAS, the Board held a Public Hearing on October 11, 2022, Applicants 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:

- *Development Application, introduced into Evidence as A-1;*
- *Location Survey, prepared by Richard E. Stockton and Associates, Inc., dated February 17, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Variance Plan, prepared by Richard E. Stockton and Associates, Inc., dated May 3, 2022, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Plan, prepared by Sherman Pierre Architects, dated on or about February 17, 2022, consisting of 2 sheets, introduced into Evidence as A-4;*

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10-25-22

- *Notice of Appeal and associated communication from John B. Anderson, Esq., to the Oceanport Planning Board, dated September 12, 2022, introduced into Evidence as A-5;*
- *Narrative of Development, introduced into Evidence as A-6;*
- *Colliers Engineering & Design Review Memorandum, dated September 7, 2022, introduced into Evidence as A-7;*
- *Wolverton Map, 1878, introduced into Evidence as A-8;*
- *Sandborn Map, 1907, introduced into Evidence as A-9;*
- *4 Photographs of the subject property / home, collectively introduced into Evidence as A-10;*
- *Zoning Officer Denial Letter, dated December 20, 2021, introduced into Evidence as A-11;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

Witnesses

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

- Bradley Sherman, Applicant;
- Casey Sherman, Architect;
- John B. Anderson, Esq., appearing;

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

Testimony and Other Evidence Presented on Behalf of the Applicants

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

- The Applicants are the Owners of the subject property.
- The Applicants have owned the subject property since approximately 2010.

- The property currently contains 2 structures; namely, a single family home and a second structure.
- Details pertaining to the 2 existing structures include the following:

Single-Family Home

Use:	Single-family home / dwelling
Occupancy status:	Occupied (by the Applicants)
Approximate date of construction:	1876
Setback calculations:	Per Plans and testimony
Utility service:	Electric / gas / water / sewer

Second Structure

Use:	Accessory structure (i.e. the structure is utilized as a storage space, as a boat house, and as a so-called man-cave)
Occupancy status:	The structure is not occupied, the same has never been used for sleeping quarters or as a dwelling unit – and the Applicants have no intention of so utilizing the structure.
Approximate date of construction:	1969
Size:	400 SF
Setbacks:	The structure is setback a non-conforming 1.8 ft. from the property line.
Utility service:	Electric only
Running water in the structure?:	No
Functioning restroom / bathroom in the structure?:	No
Shower / bathroom facilities in the structure?:	No
Is the structure utilized as living quarters?:	No

- As referenced, the Applicants and their representatives testified that the second structure at the site has never been utilized as a dwelling unit.

- Moreover, the Applicants and their representatives testified that the existing second structure at the site is not even capable of being utilized as a dwelling unit – for there is no water service, no sewer service, no plumbing service, no sleeping quarters, no rest room, no shower, etc.
- The existing second structure at the site is a non-conforming structure, in that the same has a non-conforming property setback.
- The Applicants propose to install a 2-sided fireplace in the accessory structure (i.e. one side of the fireplace will be utilized inside the second structure; whereas the other side of the fireplace will be utilized on the outside of the second structure).
- The Applicants anticipate having the 2-sided fireplace installed in the very near future.

Variance

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

*BULK VARIANCE ASSOCIATED WITH A REQUEST FOR THE
EXPANSION OF A PRE_EXISTING NON-CONFORMING
STRUCTURE;*

Public Comments

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

- NONE

Findings of Fact

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 19 Main Street, Oceanport, NJ, within the Borough's R-5 Zone.
3. The subject property contains 11,217 SF.
4. The subject property is located on the north side of Main Street, approximately 440 SF west of the intersection with Oceanport Avenue.
5. The existing site contains 2 separate / detached structures; namely, a single-family home and a second structure.
6. Details pertaining to the 2 existing structures are set forth herein, and were discussed, at length, during the Public Hearing process.
7. The Applicant propose to install a 2-sided fireplace at the second structure at the site (ie. the 400 SF structure).
8. Such a proposal requires Variance relief.
9. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
10. With regard to the Application, and the requested relief, the Board notes the following:
 - There is a rather extensive and complicated procedural history associated with the matter – and, for record-keeping purposes, the same is set forth herein.
 - Initially, the Applicant submitted a request to install a 2-sided (inside/outside) fireplace at / for the second structure at the site.
 - The then Municipal Zoning Officer apparently indicated that formal Variance Approval would be required.
 - In response to the aforesaid Zoning Officer's determination, additional information was provided.
 - Thereafter, on or about December 20, 2021, the Zoning Officer issued a Zoning Denial letter, advising that formal Variance Approval was required for the expansion of a non-conforming structure. (See A-11)

- The Applicants and the Applicants' representatives agreed with such a determination, and no appeal of the said decision was pursued.
- A Zoning Application was thereafter submitted, and the same was deemed complete.
- A Public Hearing was scheduled, and the Applicants noticed / advertised for the same.
- Immediately prior to the initially scheduled Public Hearing, the Board Engineer expressed concern that perhaps Use / "d" Variance relief was required because of the possibility that there existed, or could exist, 2 principal structures (i.e. 2 dwelling units) on the site. As such, there was a concern that the Applicants' proposal required Use / "d" Variance relief for the expansion of a non-conforming use.
- As a result of the above, the initially scheduled Public Hearing was adjourned, so, out of an abundance of caution, the Applicants could re-notice for the same.
- The Applicants' representatives did not agree with the aforesaid determination of the Board Engineer, and essentially sought various forms of alternative relief – including, the following:
 - a. Bulk Variance relief for the expansion of a non-conforming structure;
 - b. Use / "d" Variance relief for the expansion of a non-conforming use; and/or
 - c. Appeal of the decision of the Zoning Officer and / or Agents thereof.
- The Oceanport Planning Board has jurisdiction to grant either form of the alternative requested relief.
- Given the fact that the within factual scenario could someday lead to important questions about whether the subject property contains 1 or 2 lawful dwelling units, it was appropriate for the matter to be officially reviewed / adjudicated.
- Given the fact that the subject property is located in the R-5 Residential Zone (where only single-family use is permitted, and multiple dwelling units on 1 Lot are not permitted), it was appropriate for the matter to be officially reviewed / adjudicated.
- Given that the issue of determining whether 1 or 2 dwelling units exists on the site is an extremely fact sensitive matter, it was appropriate for the issue to be officially reviewed / adjudicated.

- Given the factual / legal sensitivities associated with the determination of whether the second structure at the site is a pre-existing non-conforming use, it was appropriate for the matter to be officially reviewed / adjudicated.
- Given the factual / legal sensitivities associated with determination of whether any potentially pre-existing use was abandoned, it was appropriate for the matter to be officially reviewed / adjudicated.
- Given the potentially adverse impact associated with a second dwelling unit being located on the site, it was appropriate for the matter to be officially reviewed / adjudicated.
- Given the fact that litigation, or potential litigation, is often associated with a determination as to whether or not there are 1 or 2 lawful dwelling units on a site, it was appropriate for the matter to be officially reviewed / adjudicated.
- Given the fact that litigation is often time-consuming, stressful, expensive, and risky, it was appropriate for the matter to be officially reviewed / adjudicated.
- Given the fact that the failure of the Borough / Board to promptly address the issue (as to whether or not the property contained 1 or 2 lawful dwelling units) would only complicate future analysis of the matter, it was appropriate for the matter to be officially adjudicated.
- Given the important short-term and long-term impact the existence of 1 or 2 dwelling units could have on the site, the neighborhood, and the community as a whole, it was appropriate for the matter to be officially reviewed / adjudicated.
- Given the important short-term and long-term impact the existence of 1 or 2 dwelling units could have on the site, the neighborhood, and the community as a whole, it would not be appropriate for the Borough / Board to ignore the controversy (once the seeds of a potential problem have been identified).
- It is, and was, against the above-referenced procedural history / backdrop that the within matter was officially and publicly reviewed / discussed / analyzed / debated / adjudicated.
- There was an extensive amount of testimony and written documentation submitted in connection with the Public Hearing process.
- Some of the aforesaid testimony / documentation was very important and determinative in the Board's overall analysis of the Application.
- Some items which were of significant importance to the Board Members included, but were not limited to, the following:

- a. The Applicants' representatives testified that though the second structure at the site was sometimes informally referred to as a "Carriage House," the said structure was never occupied, or otherwise utilized as, a dwelling unit (by any former owners).
- b. The Applicants' representatives testified that though the second structure was sometimes informally referred to as a "Carriage House," the said structure was never occupied, or otherwise utilized as, a dwelling unit by the Applicants.
- c. The Applicants have no intention of ever utilizing the second structure as a dwelling unit.
- d. The second structure on the site (400 SF) is not physically capable of being utilized as a dwelling unit – because, among other things, there is no kitchen in the same, there is no bathroom in the same, there is no sleeping quarters in the same, there is no shower in the same, there is no sewer service in the same, there is no plumbing service in the same, there is no water service in the same, and there are no bedroom in the same. Rather, the subject second structure (400 SF) has only been utilized, and will only be utilized, for storage space and as a so-called man-cave, where the Applicant can temporarily retreat from the presence of others.
- e. The Applicants are willing to record a Deed Restriction (in the Office of the County Clerk) confirming that the second structure at the site cannot be and will not be utilized as a dwelling unit (or for sleeping purposes).
- f. There is no claim suggesting that the existing second structure at the site was or is a pre-existing non-conforming single-family home and thus, there is no need to officially abandon any such potential claim.
- g. The second structure at the site will not be rented or leased to third parties.
- h. No additional utilities will service the said second structure (except for electrical service which already exists).
- i. The existing second structure at the site contains a concrete floor and exposed stud walls, not appropriate for human occupancy.

The Board acknowledges, and accepts, the said testimony - and the same serves as the factual / legal bases for the ultimate Findings reflected elsewhere herein.

- Based upon the above-referenced testimony and evidence, the Board finds that the second structure at the site is not a second principal structure. (Per Prevailing Borough Ordinance and Case Law, in the within situation, a “principal” structure, in a Residential Zone, is likely confined to a structure which is utilized as an actual dwelling unit).
- Per Prevailing Borough Definition and associated Case Law, the second structure currently existing at the site is an accessory structure (i.e. a structure which is incidental to, and subordinate to, the main single-family home on the Lot).
- Because the second structure (where the Applicant proposes to install the 2-sided fireplace) is not a principal structure, there is only one principal structure which exists on the Lot (i.e. the single-family home).
- Because only 1 principal structure is on the Lot (i.e. the existing single-family home), there is no Use Variance required herein.
- Had the subject site hosted 2 principal structures, Use Variance relief would be necessary. However, as indicated, because there is only 1 principal structure on the site, and only 1 accessory structure on the site, no Use / “d” Variance is required herein.
- Because the 400 SF second structure on the site is an accessory structure, the within Application only requires Bulk Variance relief associated with the expansion of a pre-existing non-conforming structure.
- There are a number of reasons why the aforesaid request for bulk Variance relief can be granted without causing substantial detriment to the public good.
- The reasons why the Board has granted the Variance relief were set forth, at length, during the Public Hearing process.
- Some of the reasons why the Board has granted the Variance relief include, but are not limited to, the following:
 - a. The existing accessory structure is only 400 SF, and approval of the within Application will not change / increase the size of the same;
 - b. Approval of the within Application will not change the height of the existing accessory structure;
 - c. Approval of the within Application will not change the location of the existing accessory structure;
 - d. Approval of the within Application will not change the orientation of the existing accessory structure;

- e. Approval of the within Application will not change the historic use of the existing accessory structure;
 - f. Approval of the within Application will not change the intensity of the existing accessory structure;
 - g. Approval of the within Application will not materially change the overall aesthetic appearance of the existing accessory structure;
 - h. Approval of the within Application will not introduce a new use at the site;
 - i. Approval of the within Application will not increase / expand any non-conforming use;
 - j. Approval of the within Application will not result in the introduction of new utilities for the existing accessory structure;
 - k. Approval of the within Application will not materially expand the existing accessory structure;
 - l. Approval of the Application will merely allow the placement of a 2-sided fireplace at the existing accessory structure;
 - m. The 2-sided fireplace approved herein will not be seen from the public street;
 - n. The installation of the 2-sided fireplace approved herein will not adversely affect any neighbors (as the surrounding uses include a creek, a fire house, and a multi-family structure;
 - o. Approval of the within application will not change the height of the roof peak of the existing structure.
- The Board notes that there were no public objections associated with the Application.
 - The Board finds that sufficient testimony has been presented for the Application to be adjudicated – and the Board furthermore finds that, subject to the conditions contained herein, there is no need to elicit additional information to supplement the record.
 - The architectural / aesthetic benefits associated with the proposal outweigh any potential detriments associated with the Applicant's inability to comply with the Specified Bulk Standards.
 - Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.

- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

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

Conditions

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

- a. The Applicants shall comply with all terms, conditions, promises, and representations made at or during the Public Hearing Process.
- b. The Applicants shall work with the Borough Engineer so as to appropriately control / manage storm-water management at the site.
- c. The Applicants shall comply with the terms and conditions of the Board Engineer's Review Memorandum, dated September 7 2022 (A- 7).
- d. Unless otherwise waived by the Board Engineer, the Applicants shall submit grading / drainage plans / details to the Board Engineer, for his review and approval.
- e. The Applicants shall cause the Plans to be revised so as to portray and confirm the following:
 - Confirmation that the accessory structure shall not be utilized as a dwelling unit, for occupancy purposes, or as sleeping/living quarters.
 - Confirmation that there shall be no kitchen, restroom, shower/ bath in the accessory structure.
 - Confirmation that there shall be no utility service to the existing accessory structure (but for the electrical service which already exists).

- Confirmation that the accessory structure shall not be rented/leased to third parties.
 - Confirmation that any exterior lighting associated with the accessory structure shall only be downward lighting.
 - Confirmation that there shall be no light spill over onto adjacent properties.
 - Confirmation that the accessory structure shall not exceed 15 ft in height.
 - Confirmation that there shall be no intensification/expansion of the accessory structure, absent formal approval of the Oceanport Planning Board.
- f. The Applicants' representatives shall arrange for a deed restriction to be filed in the office of the Monmouth County Clerk, which shall document the fact that the accessory structure is not to be utilized as a dwelling unit. The aforesaid deed restriction shall also generally reference the other restrictions set forth herein (relative to the absence of a bedroom in the structure, the absence of a bathroom in the structure, and the absence of any additional utility service for the accessory structure.) The said deed restriction shall be reviewed and approved by the board attorney before the same is recorded. Proof that the said restriction has been recorded in the office of the County Clerk shall be presented to the board secretary.
- g. The Applicants shall also comply with any prevailing requirements of the Municipal fire officials.
- h. The Applicants shall arrange for the interior of the accessory structure to be sheet rocked, if required by the municipal fire officials.
- i. The Applicants shall comply with all Prevailing Building / Construction Code Requirements.
- j. The Applicants 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
- k. Prior to the issuance of Permits, grading / drainage plans shall be submitted to the Board Engineer (for his review and approval) so as to confirm that any drainage / run-off does not go onto or otherwise adversely affect adjoining properties.

- l. The construction/installation shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code and Applicable Provisions of the Building Code.
- m. The Applicants 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.
- n. The Applicants 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.
- o. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- p. If required by the Board / Borough Engineer, the Applicants shall submit appropriate performance guarantees in favor of the Borough of Oceanport.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicants and/or their 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 improvement or for any damage which may be caused by the development.

SUMMARY OF APPROVED VARIANCE RELIEF

EXPANSION OF A PRE_EXISTING NON-CONFORMING STRUCTURE;

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 11, 2022 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of October 25, 2022.

Jeanne Smith, Secretary

KEK/dmp

Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Sherman (install 2-sided fireplace-accessory structure)\Resolution.doc



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2574)

8.3

Meeting: 10/25/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2574

PR-22-31 Resolution of Approval - 196 Monmouth Blvd LLC

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF 196 MONMOUTH BOULEVARD, LLC
196 MONMOUTH BOULEVARD, BLOCK 65, LOT 37
APPROVED OCTOBER 11, 2022
MEMORIALIZED OCTOBER 25, 2022**

INTRODUCTION

WHEREAS, Agents of 196 Monmouth Boulevard, LLC have made Application to the Oceanport Planning Board for the property designated as Block 65, Lot 37, commonly known as 196 Monmouth Boulevard, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following: Minor Subdivision approval; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on October 11, 2022, 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:

- *Development Application, introduced into Evidence as A-1;*
- *Minor Subdivision Plan, prepared by Shore Point Engineering, dated June 14, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Boundary and Topographic Survey, prepared by DPK Consulting, LLC, dated May 31, 2022, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Review Memorandum from Colliers Engineering & Design, dated September 7, 2022, introduced into Evidence as A-4;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Paul Van Dyke, Member of 196 Monmouth Boulevard, LLC;
- Kevin Shelby, P.E.;
- Mark Aikins, 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'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 subject property (i.e. the Mother Lot) contains 25,240 SF.
- The subject property contains an existing commercial building, with associated garage, parking lot, and greenhouse.
- The Applicant's representatives propose to effectuate the following:
 - Demolition of the existing structures on the site;
 - Subdivision of the Mother Lot into 2 single-family Lots; and
 - Construction of a single family home on each new lot.
- Single-family use is a permitted use in the subject Zone.
- As indicated, the Applicant's representatives are proposing to subdivide the subject property into 2 single-family Lots; namely, proposed Lot 37.01 and proposed Lot 37.02.
- Details pertaining to the proposed Lots including the following:

PROPOSED LOT 37.01

Minimum required Lot Area: 12,000 SF
 Proposed Lot Area: 12,234 SF

PROPOSED LOT 37.02

Minimum required Lot Area: 12,000 SF
 Proposed Lot Area: 12,234 SF

NOTE: Though the existing Lot contains 25,240 SF, the square footage of the proposed 2 Lots, added together, will not equal 25,240 SF. The reason for the same is that, as part of the approval, a part of the property will be dedicated to the Borough of Oceanport, thereby reducing the size of the two proposed lots.

- As referenced, both Lots will be conforming (i.e. Variance-free Lots).
- The Applicant's representatives anticipate perfecting the Subdivision via Deed.
- The Subdivision will be perfected in accordance with New Jersey Law.

VARIANCE

WHEREAS, the Application as presented does not require approval for any Variances;
 and

PUBLIC COMMENTS

WHEREAS, the public comments, questions, statements or objections associated with the subject Application were presented by the following:

- Marianne Paolise

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 196 Monmouth Boulevard, Oceanport, New Jersey, within the Borough's R-3 Zone.

3. The subject property consists of 25,240 SF. The subject parcel is located at the southwest corner of the intersection of Foggia Way and Monmouth Boulevard.

4. The subject property currently contains a commercial building with associated garage, parking lot, and greenhouses.

5. As indicated, the subject site (i.e. the Mother Lot) currently contains 25,240 SF.

6. The Applicant's representatives propose to demolish the existing structures and to subdivide the property into 2 Lots; namely, proposed Lot 37.01 and proposed Lot 37.02. It is anticipated that a single family home will be constructed on each new lot.

7. Such a proposal requires Minor Subdivision Approval.

8. There are no Variances associated with the within proposal.

9. As referenced, the within Application is merely a request for a Variance-free Subdivision. In the future, if the Applicant, or any successor Applicant / Owner wishes to build a single-family home, the said individual will need to submit a formal request to the Borough and Zoning Office. In accordance with New Jersey Law, if a Variance-free single-family home is proposed, a Zoning Permit will be issued. Likewise, if a Variance-free single-family home is not proposed, the Zoning Officer will issue a denial letter, requiring the Applicant, or any successor Applicant, to appear before the Planning Board in the hope of formally obtaining any necessary Variance relief.

10. The newly created Lot sizes will comply with all Prevailing Lot Area Requirements.

11. There was, essentially, no known public opposition associated with the Application.

12. Subject to the conditions contained herein, and subject to any necessary submission waivers, the Application as presented satisfies the Minor Subdivision Requirements of the Borough of Oceanport.

13. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Variance-free Minor Subdivision Application 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 promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant's representatives shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated September 7, 2022 (A-4).
- c. The Applicant's representatives shall obtain any necessary Demolition Permits as the Borough of Oceanport may require.
- d. The Subdivision shall not be perfected until such time as the existing structures on the site have been demolished / removed (including the existing greenhouse which encroaches on adjacent Lot 38).
- e. In the event the Subdivision is to be perfected via Deed, the Subdivision Deed (including the Legal Descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- f. Though the existing property is located in a Residential Zone, there is a pre-existing commercial use associated with the same. In conjunction with the within Subdivision, and the demolition of the existing structures, any pre-existing commercial use rights associated with the site shall be intentionally, knowingly, and perpetually abandoned.
- g. The Foggia Way right-of-way is only 43 ft wide. Per the discussion at the Public Hearing, the Plans shall be revised so as to portray and confirm a 3.5 ft. right-of-way dedication to the Borough of Oceanport, the terms of which shall be acceptable to, and formally accepted by, the Borough of Oceanport.
- h. The Plans shall be revised so as to portray and confirm that there shall be a 50 ft. wide right-of-way for Foggia Way.
- i. The Plans shall be revised so as to portray and confirm that Foggia Way shall be a 24 ft. wide road.

- j. The Plans shall be revised so as to portray and confirm that curbing shall be placed along the entire Foggia Way frontage (where the same does not currently exist).
- k. The Applicant shall contribute its fair share for necessary utility improvements/connections.
- l. The Applicant shall obtain any necessary Road Opening Permits.
- m. The Applicant shall comply with the Prevailing Provisions of the Borough's Shade Tree Ordinance (along Foggia Way and Monmouth Boulevard).
- n. In light of the property dedication, the Applicant's representatives shall revise the Plans so as to reflect that proposed Lot 37.01 shall have a Lot area of 12,234 SF and proposed Lot 37.02 shall have a Lot area of 12,234 SF.
- o. The Plans shall be revised so as to portray and confirm that the Applicant shall, at the Applicant's cost, arrange for the sidewalks to be extended along the Monmouth Boulevard frontage.
- p. The Plans shall be revised so as to portray and confirm that the Applicant shall install black Jerith 54" fencing, which is 50% open (or the equivalent).
- q. The Plans shall be revised so as to portray and confirm the installation of a recharge system (in a manner approved by the Board Engineer).
- r. The Plans shall be revised so as to portray and confirm that the house on the corner lot shall have frontage and an entrance on both Monmouth Boulevard and Foggia Way, subject to the review and approval of the Board Engineer.
- s. The Applicant shall comply with Prevailing FEMA Regulations.
- t. The Applicant shall cause the Plans to be revised so as to portray and confirm that the runoff shall be directed toward Monmouth Boulevard and towards Foggia Way (i.e. the Plans shall be revised so as to confirm the absence of any runoff onto the adjacent properties). (The details for the same shall be reviewed and approved by the board engineer.)
- u. The within approval shall be subject to the review and approval of the Municipal Fire Official.
- v. The Applicant shall arrange for the plans and maps to be updated and modified so as to reflect that Maple Way has been officially changed to Foggia Way.
- w. Prior to the issuance of any Building / Construction Permits, the Applicant (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.

- x. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules, Regulations, Installation and Hook-Up Requirements of the Municipal Utility Authorities.
- y. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner, shall submit detailed Plans / Elevations / Grading & Drainage Details – and the said documents shall be reviewed / approved by the Board Engineer / Zoning Officer (as well as any other applicable municipal officials).
- z. Absent further / formal approval of the Planning Board, any single-family homes to be constructed on the newly created Lots shall comply with all Prevailing Bulk Zoning Regulations (as no Variances are granted hereunder.)
- aa. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- bb. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- cc. The Applicant (or any successor Applicants) shall comply with all applicable Affordable Housing Rules / Regulations / Ordinances / Contributions / Directives as may be required by the Borough of Oceanport, the State of New Jersey, C.O.A.H., the Court System, or any other Agency having jurisdiction over the matter.
- dd. 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.
- ee. 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.
- ff. 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's representatives and / or agents thereof, 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 its agents / representatives accept any responsibility for the perfection of the Minor Subdivision Approval.

SUMMARY OF VARIANCES GRANTED

The Application as presented does not require approval for any Variances.

PR-22-31

10-25-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 11, 2022 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of October 25, 2022.

Jeanne Smith, Secretary

KEK/dmp

Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\196 Monmouth Boulevard, LLC (Variane Free Subdivision)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2575)

8.4

Meeting: 10/25/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2575

PR-22-32 Resolution of Approval - Manvan LLC

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF MANVAN, LLC
190-192 MONMOUTH BOULEVARD, BLOCK 65, LOTS 40 AND 41
APPROVED OCTOBER 11, 2022
MEMORIALIZED OCTOBER 25, 2022**

INTRODUCTION

WHEREAS, Agents of Manvan, LLC have made Application to the Oceanport Planning Board for the property designated as Block 65, Lots 40 and 41, commonly known as 190-192 Monmouth Boulevard, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following: Minor Subdivision approval (lot line adjustment) and Bulk Variance approval; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on October 11, 2022, 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:

- *Development Application, introduced into Evidence as A-1;*
- *Minor Subdivision Plan, prepared by Shore Point Engineering, dated June 4, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Boundary and Topographic Survey, prepared by DPK Consulting, LLC, dated April 5, 2022, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Review Memorandum from Colliers Engineering & Design, dated September 7, 2022, introduced into Evidence as A-4;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Paul Van Dyke, Member of Manvan, LLC;
- Kevin Shelby, Engineer;
- Nicholas Grabiano, Professional Planner;

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'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 subject involves two separate/adjacent lots.
- As indicated, the subject Application involves 2 Lots; namely, Block 65 existing Lot 40 and existing Lot 41. (Per the testimony presented, the two existing lots have not merged.)
- Details pertaining to the 2 existing Lots include the following:

	Existing Lot 40	Existing Lot 41
Size of Lot:	15,568 SF	7,775 SF
Lot features:	Corner Lot	Interior Lot
Existing structures:	Single-family home, detached garage, and sunroom.	Single-family home, and pool house.
Pool details:	There is an existing pool at the site, which straddles the boundary line of Lot 40 and Lot 41.	There is an existing pool at the site, which straddles the boundary line of Lot 40 and Lot 41.

- The Applicant's representatives propose to effectuate the following:
 - Demolition of the existing structures on the 2 sites;
 - Lot Line Adjustment between the 2 existing lots; and

- Construction of a single family home on each newly configured lot.
- Single-family use is a permitted use in the subject Zone.
- As indicated, the Applicant's representatives are proposing to reconfigure the existing lots through a minor subdivision. With the proposed reconfiguration there will be two new lots; namely, proposed Lot 40.01 and proposed Lot 40.02.
- Details pertaining to the proposed newly configured Lots include the following:

PROPOSED LOT 40.01

Minimum required Lot Area: 12,000 SF
Proposed Lot Area: 11,422 SF

PROPOSED LOT 40.02

Minimum required Lot Area: 12,000 SF
Proposed Lot Area: 11,318 SF

- The Applicant's representatives anticipate perfecting the Subdivision via Deed.
- The Subdivision will be perfected in accordance with New Jersey Law.

VARIANCES

WHEREAS, the Application as presented requires approval for the following Variances;

and

LOT AREA: 12,000 SF required; whereas 11,422 SF proposed for Lot 40.01 and 11,318 SF proposed for Lot 40.02;

LOT WIDTH: Minimum 120 Ft required; whereas 75.8 ft proposed for proposed lot 40.01 and 75 ft proposed for proposed lot 40.02.

PUBLIC COMMENTS

WHEREAS, the public comments, questions, statements or objections associated with the subject Application were presented by the following:

- Michael MacStudy

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 190-192 Monmouth Boulevard, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The two subject properties contain 15,568 SF and 7,775 SF respectively.
4. Existing Lot 40 is a corner lot located at the southeast corner of Foggia Way and Monmouth Boulevard. Existing Lot 41 is immediately adjacent to Lot 40 (to the east).
5. As indicated, the subject site (ie both existing lots combined) currently contains 23,343 SF.
6. The Applicant's representatives propose to demolish the existing structures and to subdivide the property (i.e. a Lot Line Adjustment) into 2 newly configured Lots; namely, proposed Lot 40.01 and proposed Lot 40.02. (It is anticipated that a new single family home will be constructed on each lot.)
7. Such a proposal requires Minor Subdivision Approval and bulk Variance Approval.
8. The Oceanport Planning Board has the lawful authority and jurisdiction to grant the requested relief.
9. With regard to the application and the requested relief, the Board notes and finds the following:

- Currently, one lot measures 15,568 SF and the other lot measures 7,775 SF (whereas 12,000 SF is otherwise required in the zone).
- In conjunction with the above point, one lot exceeds the 12,000 SF minimum, while the other lot is significantly undersized.
- As a result of the within approval, one lot will measure 11,422 SF and the other lot will measure 11,318 SF.
- As referenced, one of the existing lots is quite substandard, from a lot area standpoint.
- As a result of the within approval, the very undersized lot will become significantly more conforming.
- Thought the Board would prefer to have two lots which both satisfy the prevailing lot area requirements, the Board recognizes that the said two lots already exist and are allowed to continue to exist.
- Currently, there are two existing lots, and at the end of the day, there will continue to be two lots (although the lots will be more appropriately balanced).
- The lot line adjustment approved herein (with the new lot areas as referenced above) constitutes a better overall design layout/alternative than that which currently exists.
- The reconfigured lot sizes approved herein will allow each new single family home to have an appropriate amount of adequate light, air, and open space.
- In 2022, modern design principles recognize the value of having new homes which have a sufficient amount of air, space, and light.

- Under the circumstances, the newly configured lot arrangement approved herein (with a new single family home to be constructed on each lot) will result in a more aesthetically pleasing appearance.
- The improved aesthetics associated with the within approval will be beneficial for the site, the neighborhood, and the Borough as a whole.
- Under the circumstances, the newly configured lot arrangement approved herein is better than that which currently exists.
- Under the circumstances, the newly configured lot arrangement approved herein is more appropriate than that which currently exists
- Under the circumstances, the newly configured lot arrangement approved herein is more practical and functional than that which currently exists
- There are a number of existing non-conformities which exist; and approval will eliminate many of the same.
- Approval of the within application will result in the currently encroaching green house (on/over the boundary line with existing lot 38) to be removed/eliminated.
- Currently, there is an existing pool which straddles the boundary line of the two lots. Approval of the within application will result in the removal of the said pool, and thereby the elimination of the existing pool encroachment.
- There is significant municipal benefits associated with the elimination of existing boundary encroachments.
- The homes to be constructed in accordance with the within approval will meet all prevailing building setback requirements.
- As a condition of the within approval, sidewalks and curbs will be installed, and such installation shall promote the interests of the neighborhood and the entire municipality.

- The new curbing and sidewalks required hereunder will improve the overall safety at and around the site.
- The lot widths, though non-conforming, are directly related to the size of the existing lots.
- There does not appear to be any immediate available/adjacent land which would allow the proposed lot widths to be increased.
- Though non-conforming, the lot widths approved herein are more appropriate than that which currently exists.
- There was, essentially, no known public opposition associated with the within approval.
- Subject to the conditions contained herein, and subject to any necessary submission waivers, the Application as presented and modified satisfies the minor subdivision requirements of the Borough of Oceanport.
- The requested variance relief can be granted without causing substantial detriment to the public good.

10. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Application 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 promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant's representatives shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated September 7, 2022 (A-4).

- c. The Applicant's representatives shall obtain any necessary Demolition Permits as the Borough of Oceanport may require.
- d. The Subdivision shall not be perfected until such time as the existing structures on the site have been demolished / removed (including the existing greenhouse which encroaches on adjacent Lot 38).
- e. In the event the Subdivision is to be perfected via Deed, the Subdivision Deed (including the Legal Descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- f. The Applicant shall attempt, in good faith to negotiate and record a temporary construction/access easement with the owner of adjacent lot 42 (so that Lot 42 representatives shall have reasonable access to lot 42 for necessary construction/repairs, etc. on Lot 42). The Applicant shall not charge Lot 42 representatives for such an easement. The Planning Board shall have no involvement in the negotiation of such an easement, or the terms and conditions associated therewith. Moreover, the Applicant and the affected owner are encouraged to have all aspects of the arrangement reviewed and approved by their own legal and engineering representatives. Out of an abundance of caution, the Applicant shall release, defend, indemnify, and hold the Borough of Oceanport, the Oceanport Planning Board, and their respective agents, representatives, employees, and professionals harmless from and against any and all losses/damages/judgements (including reasonable attorney fees) associated with the said easement/arrangement. The within obligation shall be a continuing obligation, but, unless otherwise agreed by the Planning Board, if the Applicant's representatives have demonstrated and documented good faith efforts in the said regard, and the Applicant and neighbor are not able to come to mutually acceptable terms, then, in that event, the failure of the said condition to be satisfied shall not prevent the issuance of zoning, building, or construction permits.
- g. The Foggia Way Right of Way is only 43 ft wide. Per the discussion at the Public Hearing, the Plans shall be revised so as to portray and confirm a 4 ft. right-of-way dedication to the Borough of Oceanport, which shall be acceptable to and officially accepted by the Borough of Oceanport.
- h. The Plans shall be revised so as to portray and confirm that there shall be a 50 ft. wide right-of-way for Foggia Way.
- i. The Plans shall be revised so as to portray and confirm that Foggia Way shall be a 24 ft. wide road, with sufficient buffering for plantings (the details of which shall be acceptable to the board engineer.)
- j. The Plans shall be revised so as to portray and confirm that curbing shall be placed along Foggia Way.
- k. The Applicant shall contribute its fair share for necessary utility connections/extensions/improvements.

- l. The Applicant shall obtain any necessary Road Opening Permits.
- m. The Applicant shall comply with the Prevailing Provisions of the Borough's Shade Tree Ordinance along Foggia Way and Monmouth Boulevard.
- n. In light of the property dedication, the Applicant's representatives shall revise the Plans so as to reflect that Lot 40.01 shall have a Lot area of 11,422 SF and Lot 40.02 shall have a Lot area of 11,318 SF.
- o. The Plans shall be revised so as to portray and confirm that the Applicant shall arrange for the sidewalks to be extended along Monmouth Boulevard (in front of proposed Lot 40.01 and proposed Lot 40.02). The said sidewalk can be placed on one side of the street or the other, subject to the ultimate review and approval of the Board Engineer.
- p. The Plans shall be revised so as to portray and confirm that the Applicant shall install black Jerith 54" fencing, which is 50% open (or the equivalent).
- q. The Plans shall be revised so as to portray and confirm the installation of a recharge system (in a manner approved by the Board Engineer).
- r. The Plans shall be revised so as to portray and confirm that there shall be a 2nd frontage/2nd entrance for the house on the corner lot (on Monmouth Boulevard).
- s. The Applicant shall arrange for all plans and maps to be updated so as to portray the correct name of 'Foggia Way" (ie Maple Place has been changed to Foggia Way.)
- t. The Plans shall be modified so as to portray that the air conditioner(s) and generator shall be located in a zoning compliant location.
- u. The Plans shall be revised so as to confirm that the subject road shall be wide enough to comfortably and safely accommodate the municipal fire trucks.
- v. The Applicant shall be required to repair the existing roadways, in accordance with the terms and conditions of the board engineer review memorandum (A-4).
- w. The Applicant shall confirm that the linear road openings shall be coordinated, in a manner approved by the board engineer.
- x. The Applicant shall obtain any necessary approval from the County of Monmouth, and any agency thereof.
- y. The Plans shall be revised so as to include the installation of a dry-well system (the details of which shall be reviewed and approved by the board engineer.) Additionally, the to-be installed dry well shall be installed and

maintained in accordance with prevailing manufacturing standards, as well as other best practice procedures.

- z. Grading and drainage details shall be reviewed and approved by the board engineer.
- aa. The Applicant shall comply with Prevailing FEMA Regulations.
- bb. The Applicant shall revise the Plans so as to portray and confirm the installation of sidewalks along Monmouth Boulevard.
- cc. The Applicant shall cause the Plans to be revised so as to portray and confirm that the runoff shall be directed to Monmouth Boulevard and towards Foggia Way (i.e. the Plans shall be revised so as to confirm the absence of any runoff onto the adjacent properties).
- dd. The within approval shall be subject to the review and approval of the Municipal Fire Official.
- ee. Prior to the issuance of any Building / Construction Permits, the Applicant (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
- ff. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules, Regulations, Installation and Hook-Up Requirements of the Municipal Utility Authorities.
- gg. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner, shall submit detailed Plans / Elevations / Grading & Drainage Details – and the said documents shall be reviewed / approved by the Board Engineer / Zoning Officer (as well as any other applicable municipal officials).
- hh. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- ii. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- jj. The Applicant (or any successor Applicants) shall comply with all applicable Affordable Housing Rules / Regulations / Ordinances / Contributions / Directives as may be required by the Borough of Oceanport, the State of New Jersey, C.O.A.H., the Court System, or any other Agency having jurisdiction over the matter.
- kk. 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.

ll. 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.

mm. 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's representatives and / or agents thereof, 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 its agents / representatives accept any responsibility for the perfection of the Minor Subdivision Approval.

SUMMARY OF VARIANCES GRANTED

LOT AREA: 12,000 SF required; whereas 11,422 SF approved for Lot 40.01 and 11,318 SF approved for Lot 40.02;

LOT WIDTH: 120 ft required; whereas 75.8 ft approved for Proposed Lot 40.01 and 75 ft approved for Proposed Lot 40.02

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 11, 2022 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of October 25, 2022.

Jeanne Smith, Secretary

KEK/dmp

Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Manvan, LLC (minor subdivision - bulk variance)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2471)

Meeting: 10/25/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2471

PB2022-18 Carchio, Kathleen

Block 51, Lot 2
60 Werah Place
DFD 12/08/2022
CARRIED from September 13, 2022
CARRIED from October 11, 2022

HISTORY:

09/13/22 Planning/Zoning Board

Block 51, Lot 2

60 Werah Place

Construction of a rear covered porch addition seeking variance relief for:

- Rear yard setback, 19.75' proposed, where 25' required
- Maximum building coverage, 28.4% proposed where 25% permitted
- Impervious coverage, 43.4% proposed, 39.9% existing, 37% permitted

DFD 12/08/2022

EXHIBITS:

A-1 Land Development Application

A-2 Plan entitled "Proposed Rear Porch Addition," prepared by Monteforte Architectural Studio, LLC, last revised June 12, 2022.

A-3 Plan entitled "Final Asbuilt Survey" prepared by C.C. Widdis Surveying, LLC, dated November 8, 2019.

A-4 Colliers Engineering & Design review letter dated August 10, 2022

10/11/22 Planning/Zoning Board

From: [Anthony Almeida](#)
To: [Jeanne Smith](#)
Cc: [John N. Poulos](#); [James Monteforte](#)
Subject: RE: SCHEDULE HEARING DATE - 60 Werah Place Planning Board Application PB2022-18
Date: Wednesday, October 5, 2022 11:30:34 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Smith,

As you know, our law firm represents Kathleen Carchio. Unfortunately, we will not be able to provide revised plans and an engineering report to the Planning Board in time for the October 25, 2022, meeting.

I therefore respectfully request that the Board carry Ms. Carchio's hearing to the Tuesday, November 9, 2022, hearing date without the need to re-Notice.

Please advise if this is acceptable and please feel free to call me to further discuss.

Respectfully,

Anthony S. Almeida / Litigation Counsel

Poulos LoPiccolo PC

1305 South Roller Rd. / Ocean, NJ 07712

Office +1 732.757.0165 | Fax +1 732.358.0180

Toll Free +1 800.757.2304 | almeida@pllawfirm.com | www.pllawfirm.com

New York Office

311 West 43rd Street, 11th Floor, Suite # 124 / New York, NY 10036

Office +1 646.931.0011

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From: Anthony Almeida
Sent: Friday, September 30, 2022 11:50 AM
To: jsmith@oceanportboro.com
Cc: John N. Poulos <poulos@pllawfirm.com>; James Monteforte <jim@mas-aia.com>
Subject: RE: SCHEDULE HEARING DATE - 60 Werah Place Planning Board Application PB2022-18

Hi Jeanne,

Thank you for speaking with me this morning.

Please allow this email to confirm that we wish to carry Ms. Carchio's hearing from October 11, 2022, to October 25, 2022.

I would respectfully request that the Board approve a determination that we need not re-Notice the October 25 hearing.

Thank you and have a great weekend,

Anthony S. Almeida / Litigation Counsel

Poulos LoPiccolo PC

1305 South Roller Rd. / Ocean, NJ 07712

Office +1 732.757.0165 | Fax +1 732.358.0180

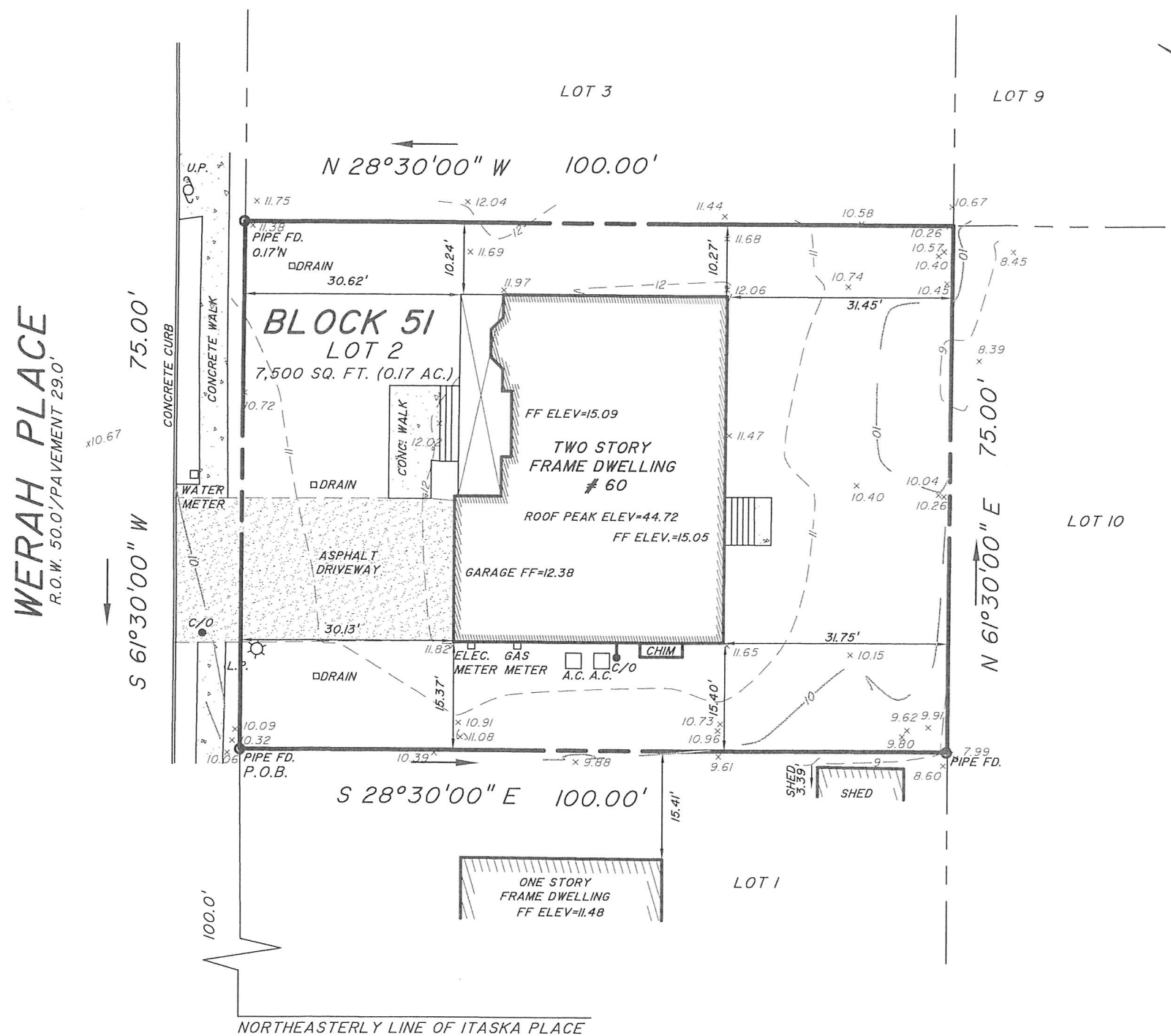
Toll Free +1 800.757.2304 | almeida@pllawfirm.com | www.pllawfirm.com

New York Office

311 West 43rd Street, 11th Floor, Suite # 124 / New York, NY 10036

Office +1 646.931.0011

PREMISES ALSO KNOWN AS LOTS 5, 6 & 7 IN BLOCK 38 AS SHOWN ON A CERTAIN MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUPECK, MONMOUTH COUNTY, NEW JERSEY." FILED IN THE MONMOUTH COUNTY CLERKS OFFICE ON NOVEMBER 11, 1920 IN CASE NO. 23-6.



NOTES:

- 1) BUILDING OFFSETS AND FENCES NOT TO BE USED TO ESTABLISH PROPERTY LINES.
- 2) LOCATION OF UNDERGROUND UTILITIES, IF ANY, NOT SHOWN
- 3) THIS SURVEY SUBJECT TO ANY EASEMENT OF RECORD OR OTHER PERTINENT FACTS WHICH MAY BE DISCLOSED BY A TITLE SEARCH.
- 4) WETLANDS, FLOOD HAZARD AREAS AND OTHER ENVIRONMENTALLY SENSITIVE LANDS, IF ANY, NOT SHOWN NOR INVESTIGATED.
- 5) TOPOGRAPHIC INFORMATION BASED ON 1988 NAVD.

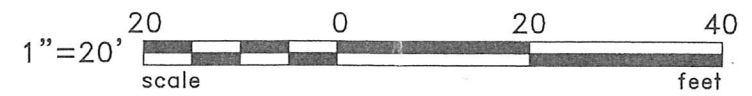
ACCEPTED
INITIALS: [Signature] DATE: 12/9/19

60 WERAH PLACE

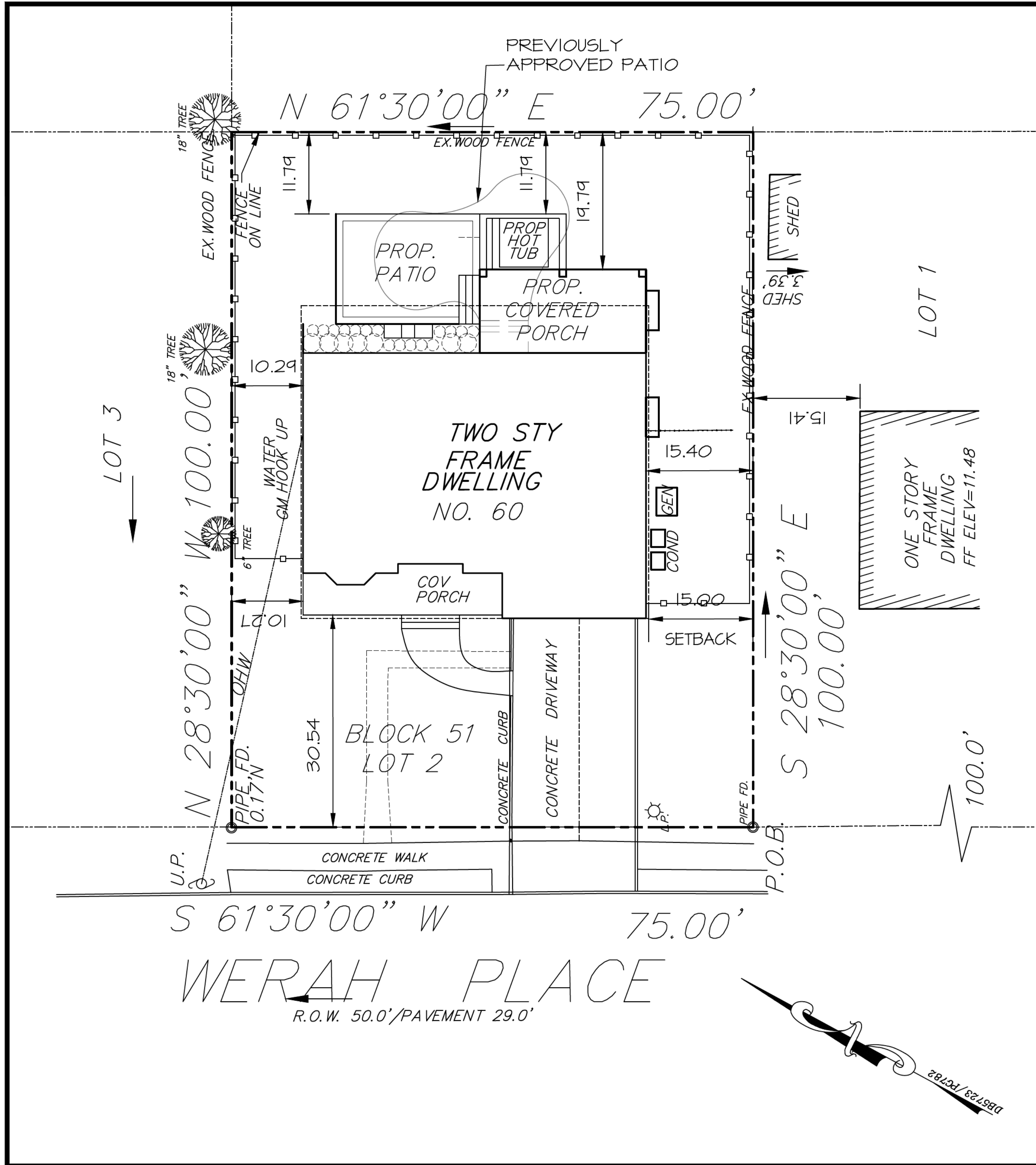
FINAL ASBUILT SURVEY BLOCK 51 LOT 2		DATE: 11/8/2019
SITUATED IN: BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY		SCALE: 1" = 20'
C.C. WIDDIS SURVEYING, LLC LICENSED LAND SURVEYORS 175 Broadway, Long Branch, New Jersey 07740 Voice: 732.222.8810 ~ Telefax: 732.222.8815 NEW JERSEY AUTHORIZATION No. 24GA28196100		DRAWN BY: JMW
JAMES B. GODDARD N.J. Professional Land Surveyor		CHECKED BY: AJW
[Signature]		APPROVED BY: JBG
N.J. PROFESSIONAL LAND SURVEYOR, License No. 37588		DRAWING FILE: F9967FABII-2019.DWG
DATE: 11/18/2019		MAP NO.: C-9363
		FILE NO.: F9976
		SHEET NO.: 1 OF 1

LEGEND:

- EXISTING CONTOURS ——— 10 ———
- EXISTING SPOT ELEVATION x100.66
- SANITARY SEWER LINE ——— SS ——— SS ———
- WATER LINE ——— W ——— W ———
- GAS LINE ——— GAS ——— GAS ———



RECEIVED
12/9/19



PROPOSED SITE PLAN

1"=10'

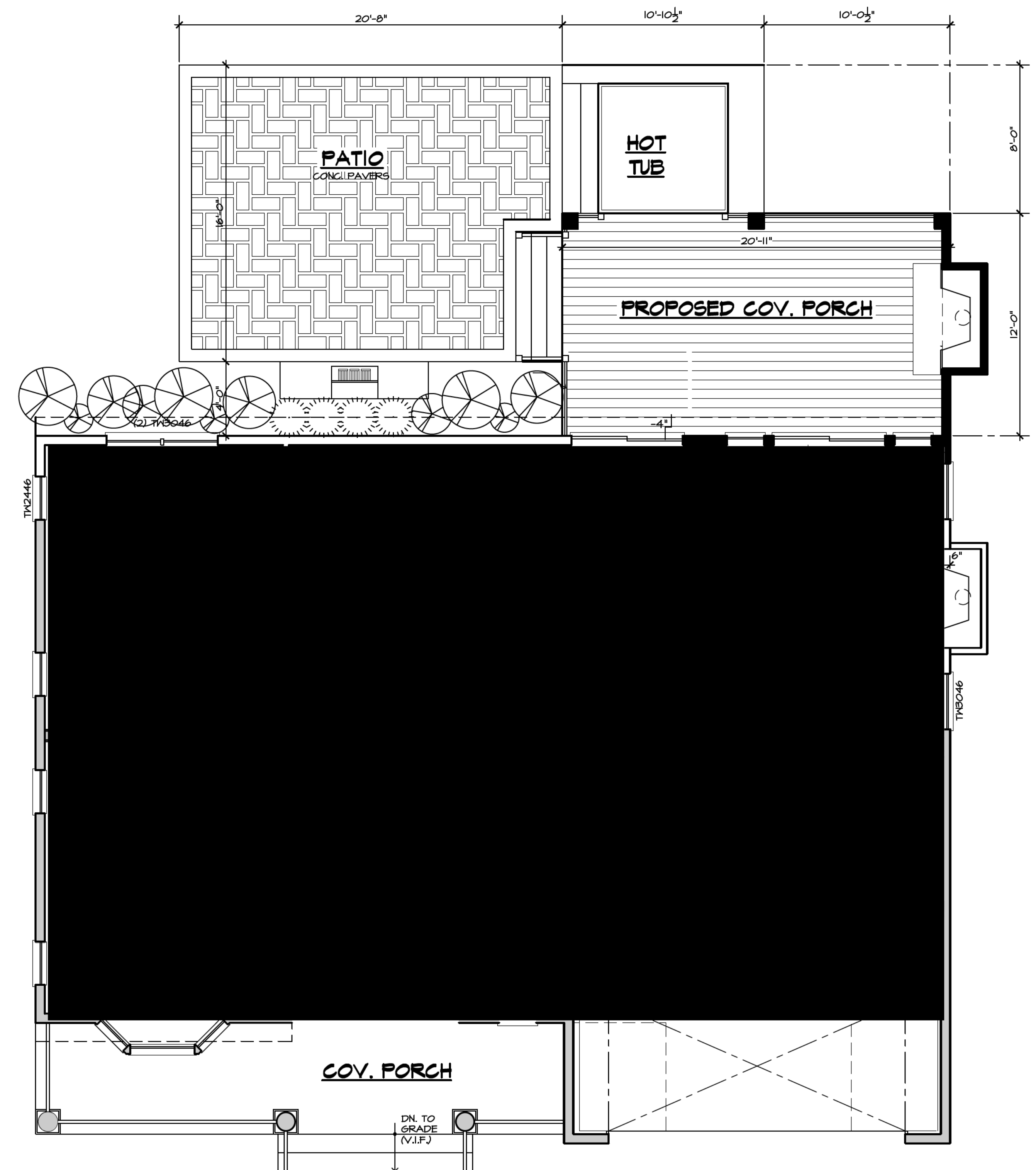
ZONING REQUIREMENTS				
R-3 ZONE				
REQUIREMENTS	REQ.	EXISTING	PROPOSED	COMMENTS
MINIMUM LOT AREA	12,000 SF	7,500 SF*	NC	PRE-EXISTING NON-COMFORMITY
MINIMUM LOT WIDTH	100 FT	75 FT*	NC	PRE-EXISTING NON-COMFORMITY
MINIMUM LOT DEPTH	120 FT	100 FT*	NC	PRE-EXISTING NON-COMFORMITY
MAX. LOT COVERAGE (IMPERVIOUS)	31% (4,440 SF)	31.98% (2,915 SF)	43.4% (3,251.7 SF)	
MAX. BUILDING COVERAGE	25% (3,000 SF)	25% (1,880 SF)	28.4% (2,131 SF)	PROPOSED OPEN PORCH=251 SF
MAXIMUM BUILDING HEIGHT	35 FT	34.54 FT	NC	
FRONT YARD SETBACK	30 FT	30.04 FT	NC	
SIDE YARD SETBACK (ONE SIDE)	10 FT	10.21 FT	NC	
SIDE YARD SETBACK (BOTH SIDES)	25 FT	25.61 FT	NC	
REAR YARD SETBACK	25 FT	21.1 FT	19.74**	PROPOSED COVERED PORCH

*PRE-EXISTING NON-COMFORMITY
**VARIANCE REQ. SEE IMPERVIOUS COVERAGE CHART

IMPERVIOUS COVERAGE CALCULATIONS			
DESCRIPTION	EXISTING	PROPOSED	COMMENTS
FRONT WALK	91 SF	91 SF	
DRIVEWAY	552 SF	552 SF	
REAR PATIO	432 SF***	433 SF	PATIO GRILL AND HOT TUB W/ PLATFORM
AC PADS FIRE PLACE	34 SF	44.7 SF	
	1,115 SF	1,126.7 SF	11.7 SF INCREASE
BUILDING COVERAGE			
DWELLING	1,880 SF	1,880 SF	COMPLIES WITH 25% BLDG COV.
REAR COV. PORCH	0	251 SF	
	1,880 SF	2,131 SF	PROP. 2131 28.4% BLDG COV.**
TOTAL	2,995 SF	3,257.7 SF	262.7 SF DECREASE IN IMPERVIOUS COVERAGE**

***PREVIOUSLY APPROVED PATIO

ZONING CHART



FIRST FLOOR PLAN

1/4"=1'-0"

NOT FOR CONSTRUCTION UNLESS SIGNED & SEALED BY
ARCHITECT & APPROVED BY ALL AGENCIES HAVING
JURISDICTION

USE OF THIS DESIGN OR DISSEMINATION IS PROHIBITED WITHOUT PRIOR WRITTEN
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MONTEFORTE

JAMES J. MONTEFORTE, AIA
733 HIGHWAY 35, SUITE C OCEAN, NJ 07712
(732) 988-1900

PROPOSED REAR PORCH ADDITION

KATHLEEN CARCHIO

60 WERAH PLACE OCEANPORT, NJ

LOT 2 BLOCK 51

REVISIONS:

DATE:

DRAWN BY: JJM

CHECKED BY: JJM

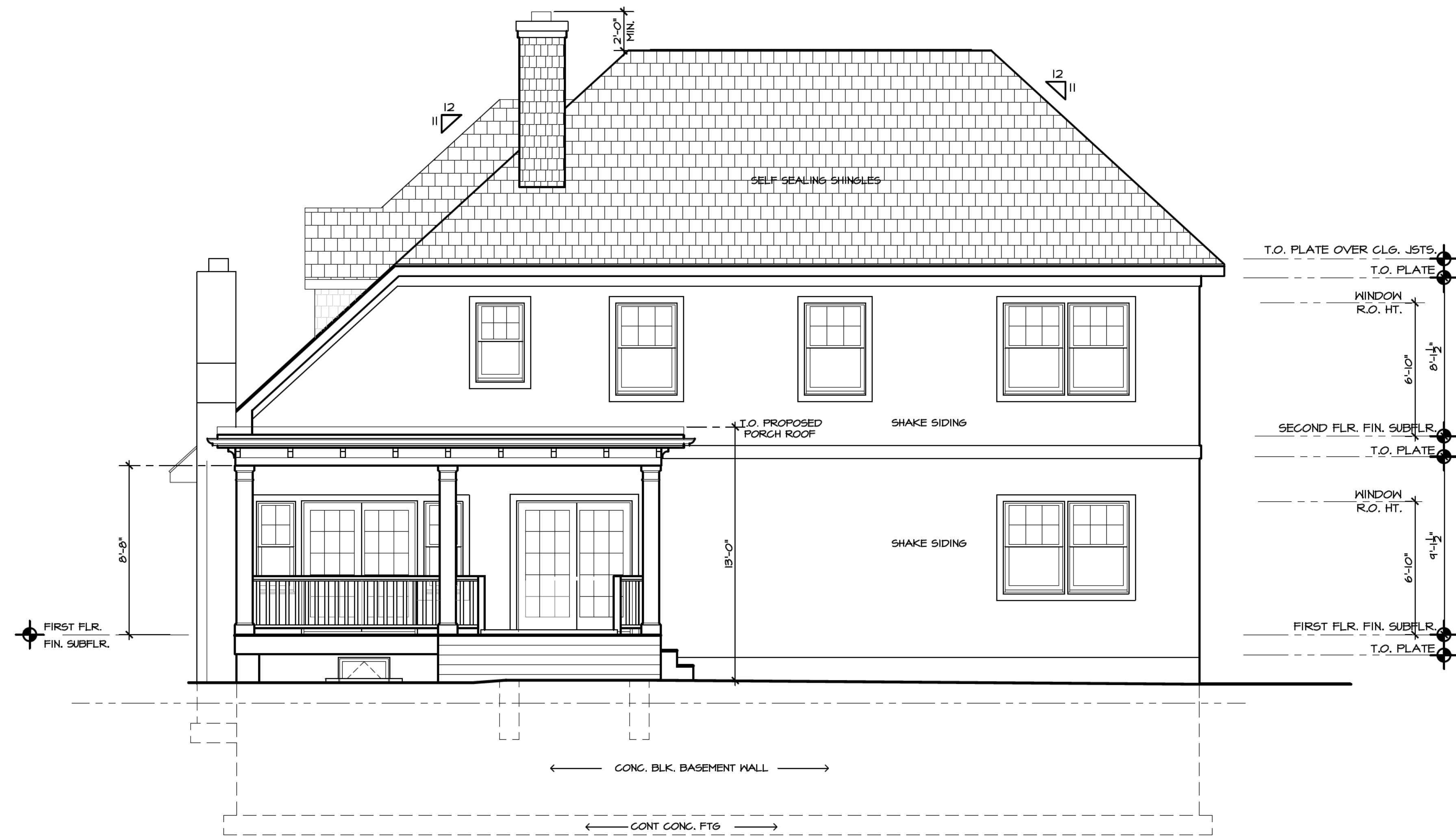
JOB NO. 2213

DATE: 4.21.22

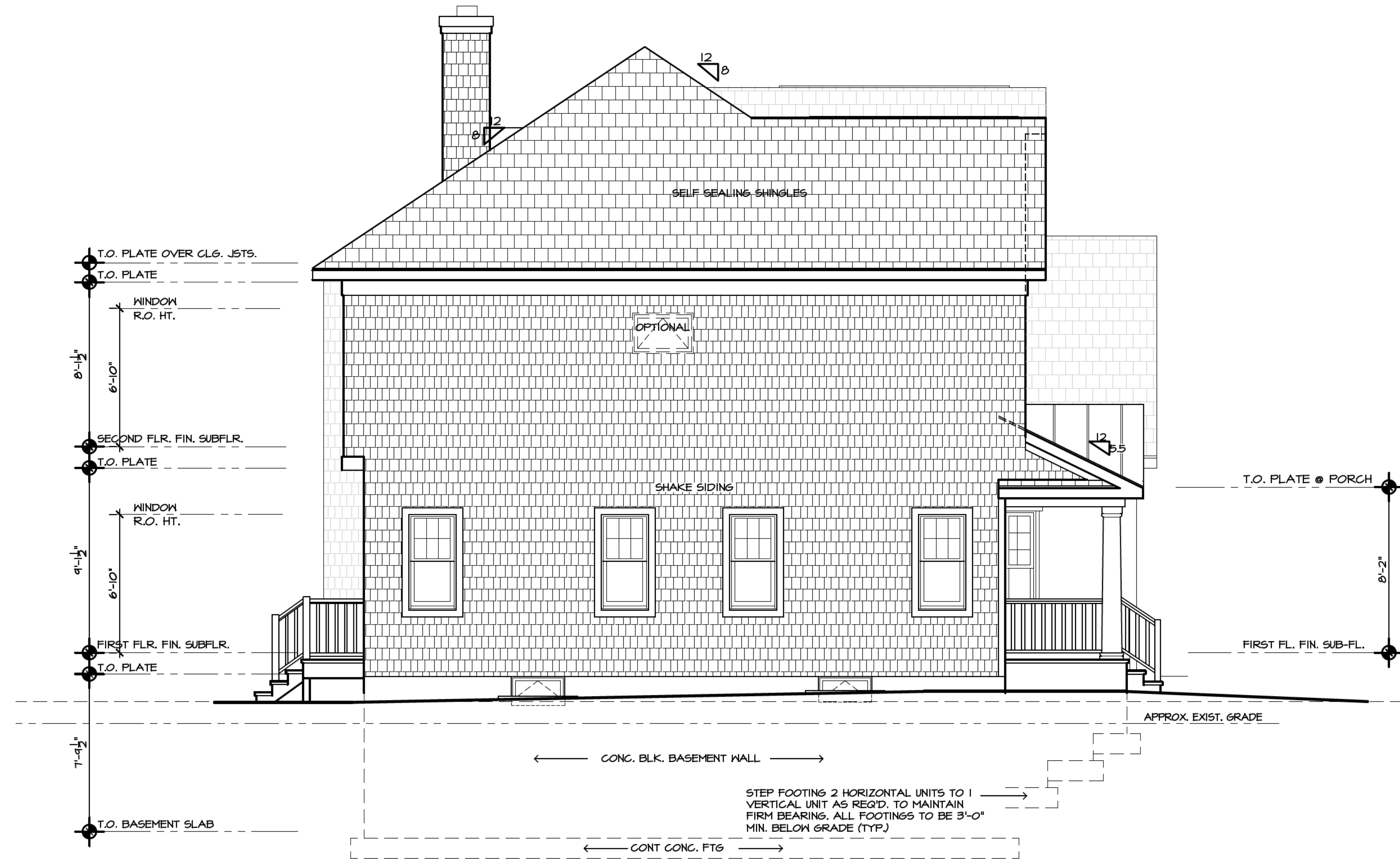
101

1 OF 2

Packet Pg. 56



A REAR ELEVATION



B LEFT ELEVATION

1/4" = 1'-0"

8.5.c

MONTEFORTE

JAMES J. MONTEFORTE, AIA

733 HIGHWAY 35, SUITE C OCEAN, NJ 07712 (732) 988-1900

PROPOSED REAR PORCH ADDITION

KATHLEEN CARCHIO

60 WERAH PLACE OCEANPORT, NJ

LOT 2 BLOCK 51

REVISIONS:

DATE:

DRAWN BY:

JJM

CHECKED BY:

JJM

JOB NO.

2213

DATE:

4.21.22

NOT FOR CONSTRUCTION UNLESS SIGNED & SEALED BY ARCHITECT & APPROVED BY ALL AGENCIES HAVING JURISDICTION

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A102

2 OF 2

Packet Pg. 57

**Planning/Zoning Combined Board**

PO Box 370
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 2494)**

Meeting: 10/25/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2494

PB2022-19 Harvey, Chris

28 Revere Drive
Block 65, Lot 18.01

As-Built of Pool requires relief for additional impervious coverage:

- Maximum Impervious Coverage: 37% permitted; 39.44% variance approval, as-built 42.5%

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



September 7, 2022

VIA EMAIL

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

As-built Variance Relief
28 Revere Drive
Block 65, Lot 18.01
Application No. PB2022-19
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0330

Dear Board Members,

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

- Plan entitled "Sketch of Pool As-built Survey for :28 Revere Drive" prepared by R.C. Burdick. P.E., P.P., P.C., dated January 25, 2022, consisting of one (1) sheet.

The subject property is situated in the R-3 – Residential Single-Family Zone District and located on the south easterly corner of the intersection of Revere Drive and Colonial Drive. The property currently has a one-story single-family dwelling, asphalt driveway, shed and concrete walkways. The Applicant previously received approve to install a pool in the rear yard.

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

Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Maximum Impervious Coverage: The R-3 Zone permits a maximum impervious coverage of 37%. In June 2019, the Applicant was granted a variance for 39.44%. During review of the as-built survey, the Zoning Officer noted that the survey indicated 42.5% impervious coverage.

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

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

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

General Comments

1. The Applicant shall provide the Board with a signed and sealed Survey.

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

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

Sincerely,

Colliers Engineering & Design, Inc.
 (DBA Maser Consulting)

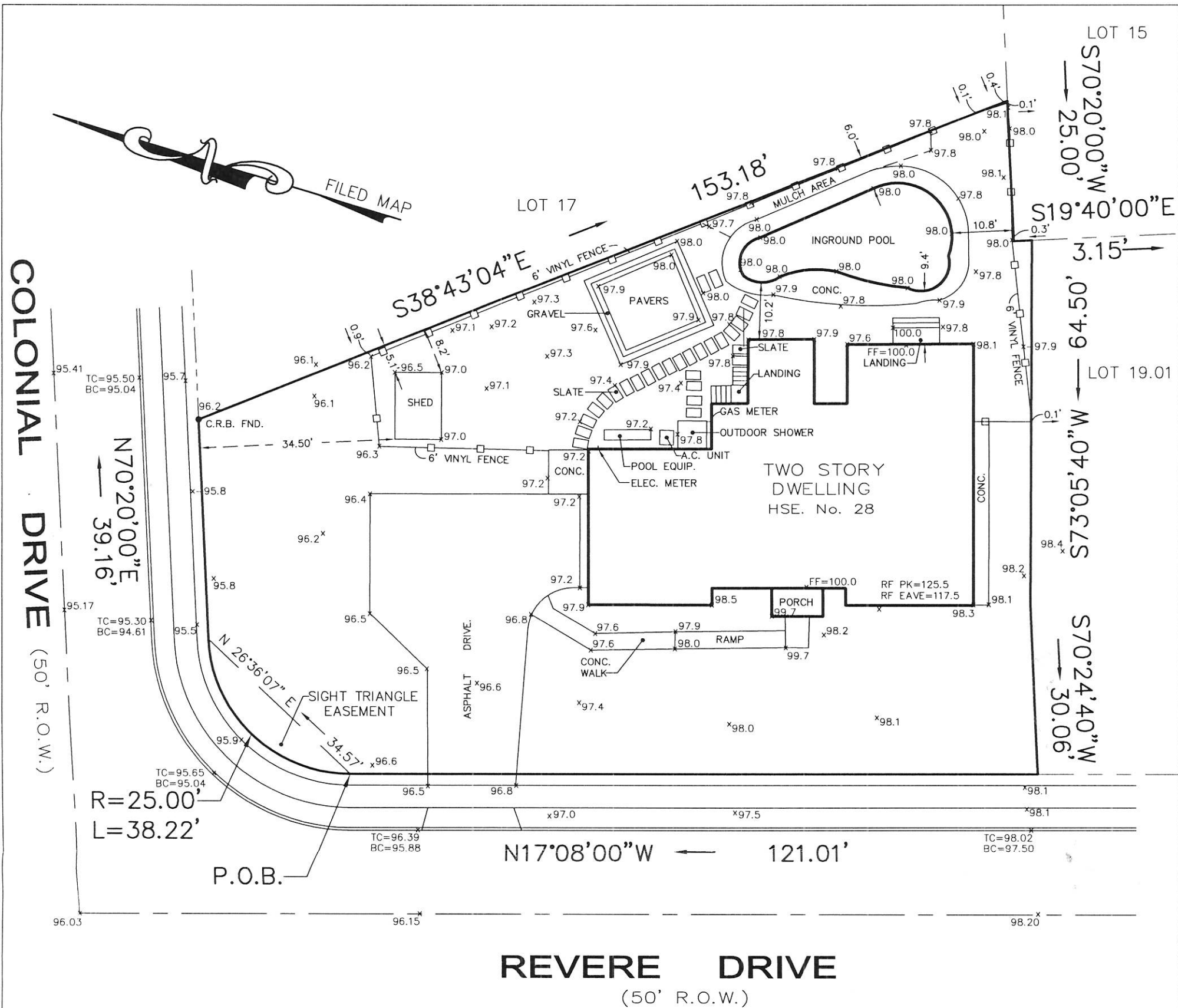


William White, PE, PP, CME, CFM, CPWM
 Planning Board Engineer and Planner

WHW/dmm

cc: Christopher Harvey (via email)

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LOT COVERAGE			
LOT AREA	=	13,533 S.F.	
HOUSE	=	2,533 S.F.	19.2 %
PORCH	=	45 S.F.	
RAMP	=	82 S.F.	
DRIVE (ASPHALT)	=	1,287 S.F.	
CONC. WALKS	=	227 S.F.	
INGROUND POOL	=	469 S.F.	
CONC. @ POOL	=	348 S.F.	
LANDINGS & STEPS	=	67 S.F.	
OUTDOOR SHOWER	=	25 S.F.	
A.C. UNIT	=	6 S.F.	
POOL EQUIP.	=	15 S.F.	
PAVERS	=	311 S.F.	
SLATES	=	104 S.F.	
SHED	=	97 S.F.	
TOTAL LOT COVERAGE =		566 S.F.	42.5 %

DEED DESCRIPTION

BEING KNOWN AND DESIGNATED AS ALL OF LOT 26C AND A PORTION OF LOT 26D, AS SHOWN ON A MAP ENTITLED "FINAL RECORDED PLAT, COLONIAL PARK, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY" AS FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON FEBRUARY 8, 1974 AS CASE No. 126-27.

ALSO KNOWN AS LOT 18.01 IN BLOCK 65 ON THE OFFICIAL TAX MAP OF THE BROUGH OF OCEANPORT.

UNDERGROUND UTILITIES NOT SHOWN SUBJECT TO ANY EASEMENTS AND/OR RESTRICTIONS OF RECORD.

This certification is made only to hereon named parties for purchase and/or mortgage of herein delineated property by the named purchaser. No responsibility or liability is assumed by Surveyor for use of survey for any other purpose including, but not limited to, use of survey for survey affidavit, resale of property, or to any other person not listed in certification, either directly or indirectly. Property corners have been set per contractual agreement.

CERTIFIED TO: CHRIS HARVEY  STANLEY HANS JR., P.L.S., P.P. N.J. PROFESSIONAL LAND SURVEYOR LICENSE # 29182 N.J. PROFESSIONAL PLANNER LICENSE # 2877	SKETCH OF POOL ASBUILT SURVEY FOR: 28 REVERE DRIVE	
	LOT 18.01 IN BLOCK 65 BOROUGH OF OCEANPORT MONMOUTH COUNTY, NEW JERSEY	
	R.C. BURDICK, P.E., P.P., P.C. CONSULTING ENGINEERS • SURVEYORS PLANNING • ENVIRONMENTAL PERMITTING	
	1023 OCEAN ROAD POINT PLEASANT, NJ 08742 (732)892-5050 FAX (732)892-5888	
	ROBERT C. BURDICK NJ PROFESSIONAL ENGINEER #30929 NJ PROFESSIONAL PLANNER #04383	
	DATE: 01/25/2022	JOB No.: 1354 HARVEY
	SCALE: 1" = 20'	SHEET 1 OF 1

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF
CHRISTOPHER HARVEY
28 REVERE DRIVE
OCEANPORT, NJ
BLOCK 65, LOT 18.01
APPROVED: MAY 14, 2019
MEMORIALIZED: JUNE 11, 2019**

Introduction

WHEREAS, Christopher Harvey has made Application to the Oceanport Planning Board for the property designated as Block 65, Lot 18.01, commonly known as 28 Revere Drive, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to install a pool at the site.

Public Hearing

WHEREAS, the Board held a Public Hearing on May 14, 2019, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

Evidence / Exhibits

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

- *Oceanport Planning Board Development Application Package, introduced into Evidence as A-1;*
- *Pool Variance Plan, prepared by R. C. Burdick, PE, PP, PC, dated March 1, 2019, introduced into Evidence as A-2;*
- *Maser Consulting Review Memorandum, dated April 4, 2019, introduced into Evidence as A-3;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

Witnesses

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

- Christopher Harvey, Applicant, appearing Pro Se;

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 revealed the following:

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 12 years.
- There is an existing single-family home at the site.
- The Applicant lives at the site.
- The Applicant proposes to install a pool at the site.
- Details pertaining to the proposed pool include the following:

Type of Pool:	Inground Pool, with concrete coping.
Size of Pool:	Approximately 19 ft. x approximately 35 ft.
Location:	Southeast side of property, in the rear of the lot, per Plans.
Pool Equipment:	Standard pool equipment, including a pump, filter, and heater.
Pool Equipment Location:	The pool equipment will be located on a concrete pad, per the Plans.
Patio Details:	The patio will consist of a 3 ft. wide concrete area surrounding the pool.

- The Applicant anticipates having the pool installed in the very near future.

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- There is an existing shed at the site (which was installed approximately 1 year ago).
- The existing Shed is not serviced by utilities.
- The existing Shed is not located on a slab.
- The existing Shed is used to store pool and other equipment.
- The shed has been installed in a non-conforming location.
- Once the pool is installed, there will be no room for the existing shed (where the same is currently located).
- Because the Applicant still needs the shed, in conjunction with installation of the pool, the Applicant will be relocating the shed to a new location identified on the Plans (i.e. off of Colonial Drive).

Variance Relief

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

IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas 39.44% proposed.

POOL SETBACK: The Prevailing Zoning Ordinance requires a 10 ft. pool setback from side / rear property line; whereas, in the within situation, the pool is setback only 6 feet off of the rear property line.

ACCESSORY STRUCTURE LOCATION: Per the Prevailing Zoning Regulations, an accessory structure is not permitted in a front yard area; whereas in the within situation, the relocated shed will be located in the front yard area off of Colonial Drive.

Public Comments

WHEREAS, there were no public comments, questions, statements, or objections associated with the subject Application;

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 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 28 Revere Drive, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The site contains an existing single-family dwelling, which is a permitted use in the zone.
4. The Applicant is proposing to install a pool at the site.
5. Such a proposal requires Bulk Variance Approval.
6. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
7. With regard to the Application, and the requested relief, the Board notes the following:
 - The existing single-family home is a permitted use in the Zone.
 - The proposed pool is a permitted accessory use in the zone.
 - The Applicant considered a number of potential host locations for the pool and patio, and the proposed location is most appropriate / desirable.
 - The proposed host location of the pool is near the existing home and near the utility hook-ups, etc., further justifying the appropriateness of the proposed location.
 - The subject property has two frontages; namely, Revere Drive and Colonial Drive.

- The two front yards, as aforesaid, complicate the ability of the Applicant to satisfy all Prevailing Bulk Requirements.
- The Board also notes that the subject property is not shaped like a traditional square or a traditional rectangle. Rather, per the documents submitted as A-2 in evidence, the subject property is somewhat irregularly shaped.
- The irregular shape of the property, as aforesaid, complicates the ability of the Applicant to satisfy all Prevailing Bulk Requirements.
- The irregular shape of the lot, combined with the two front yard areas, helps justify the necessary Variance relief.
- The irregular shape of the property, combined with the two frontages, essentially constitutes a hardship within the meaning of the New Jersey Municipal Land Use Law – and the said hardship helps justify the need for the requested Bulk Variances.
- The Application as presented requires approval for an Impervious Coverage Variance. The relevant calculations in the said regard include the following:

Maximum allowable impervious coverage	37%
Existing impervious coverage:	Not calculated%
Proposed impervious coverage:	39.44%

- The Applicant essentially testified that the existing drainage system / pattern at the site works quite well – thereby providing further justification for the required Variance relief.
- Subject to the conditions contained herein, the grading and drainage testimony/plans presented satisfied the technical concerns of the Board Engineer.
- Per the testimony and evidence presented, there will be no adverse drainage impacts associated with the within approval.
- The Applicant's site can accommodate the Applicant's proposal.
- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the non-compliant pool setbacks/location approved herein.
- Per the testimony and evidence presented, the installation of the pool approved herein will not compromise the health and safety of the occupants.
- There will be no adverse lighting associated with the placement of the pool in the desired location.

- The pool will be shielded by shrubbery and/or fencing, further ensuring that the proposed installation will not have an adverse impact on adjacent property owners.
- The pool will be appropriately shielded with landscaping / fencing.
- Subject to conditions contained herein, the location of the pool will minimize, to the greatest extent possible, any disturbance to the neighboring property owners.
- Additionally, notwithstanding the Impervious Variance relief, the Board notes that the location of the proposed pool is practical, appropriate, and aesthetically pleasing.
- The proposed pool will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- The Board notes that the proposed pool will not be readily seen from the public road.
- The Board finds that the Applicant's lot can, in fact, physically accommodate the Applicant's proposal.
- The Board notes that there were no public objections in connection with the subject Application.
- Approval of the within Application will enhance/improve the quality of life for the Applicant.
- The installation of the pool in the specified location, represents sound planning.
- Per the testimony and evidence presented, the installation of the proposed pool will likely enhance the value of the subject property.
- The to-be installed pool is specifically designed for residential use.
- Approval of the within Application will not intensify the existing and to-be-continued single-family nature of the home/site.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the pool 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).

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 Plans shall be revised to portray and confirm that the pool shall have a self-closing and self-latching feature.
- c. The Applicant shall revise the Plans so as to confirm a) the installation of a not to exceed 4 foot wide pool walkway (from the pool to the home) (approximately 100 square feet) and b) confirmation that the impervious coverage shall not exceed 39.44%.
- d. The Applicant shall submit three sets of revised Plans to the Board Secretary, as part of the Resolution compliance process.
- e. 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

- f. The Applicant shall comply with the terms and conditions of the Maser Consulting Review Memorandum, dated 4/4/19 (A-3).
- g. There shall be no adverse drainage impact on the adjoining properties.
- h. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- i. The Applicant shall arrange for the pool to be fenced in accordance with prevailing Building/Construction Code requirements (including, but not limited to, gate modifications, fence location, etc.) Additionally, the pool-compliant fence to be installed shall be the Applicant's fence. That is, the Applicants shall not be permitted to rely on neighbors' fencing surrounding the pool.
- j. The Applicant shall ensure that the location / elevation of the pool equipment shall comply with prevailing construction department regulations (regarding base flood elevation).
- k. The Applicant shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties.
- l. The installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with Prevailing Provisions of the Uniform Construction Code.
- m. 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.
- n. 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.
- o. 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 his agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

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

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

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

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06-11-19

The within Resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on May 14, 2019 on roll call that evening by the following vote:

Offered by: Mr. Kahle

Seconded by: Mr. Kleiberg

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	(✓)	()	()	()	()
Whitson	(✓)	()	()	()	()
Davis	(✓)	()	()	()	()
Proto	()	()	()	(✓)	()
Foster	(✓)	()	()	()	()
Kleiberg	(✓)	()	()	()	()
Halpern	()	()	()	(✓)	()
Kahle	(✓)	()	()	()	()
Savarese	()	()	()	(✓)	()
Tvrdik (Alt. 1)	(✓)	()	()	()	()
Vacant (Alt. 2)	()	()	()	()	()

This resolution was offered by Mr. Foster, seconded by Mr. Davis, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	(✓)	()	()	()	()
Whitson	(✓)	()	()	()	()
Davis	(✓)	()	()	()	()
Proto	()	()	()	(✓)	()
Foster	(✓)	()	()	()	()
Kleiberg	(✓)	()	()	()	()
Halpern	()	()	()	(✓)	()
Kahle	()	()	()	(✓)	()
Savarese	()	()	()	(✓)	()
Tvrdik (Alt. 1)	()	()	()	(✓)	()
Vacant (Alt. 2)	()	()	()	()	()

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Oceanport Planning Board on this 11th day of June, 2019.


Jeanne Smith, Board Secretary

KEK/ct
S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Harvey\Resolution.docx

LEGEND

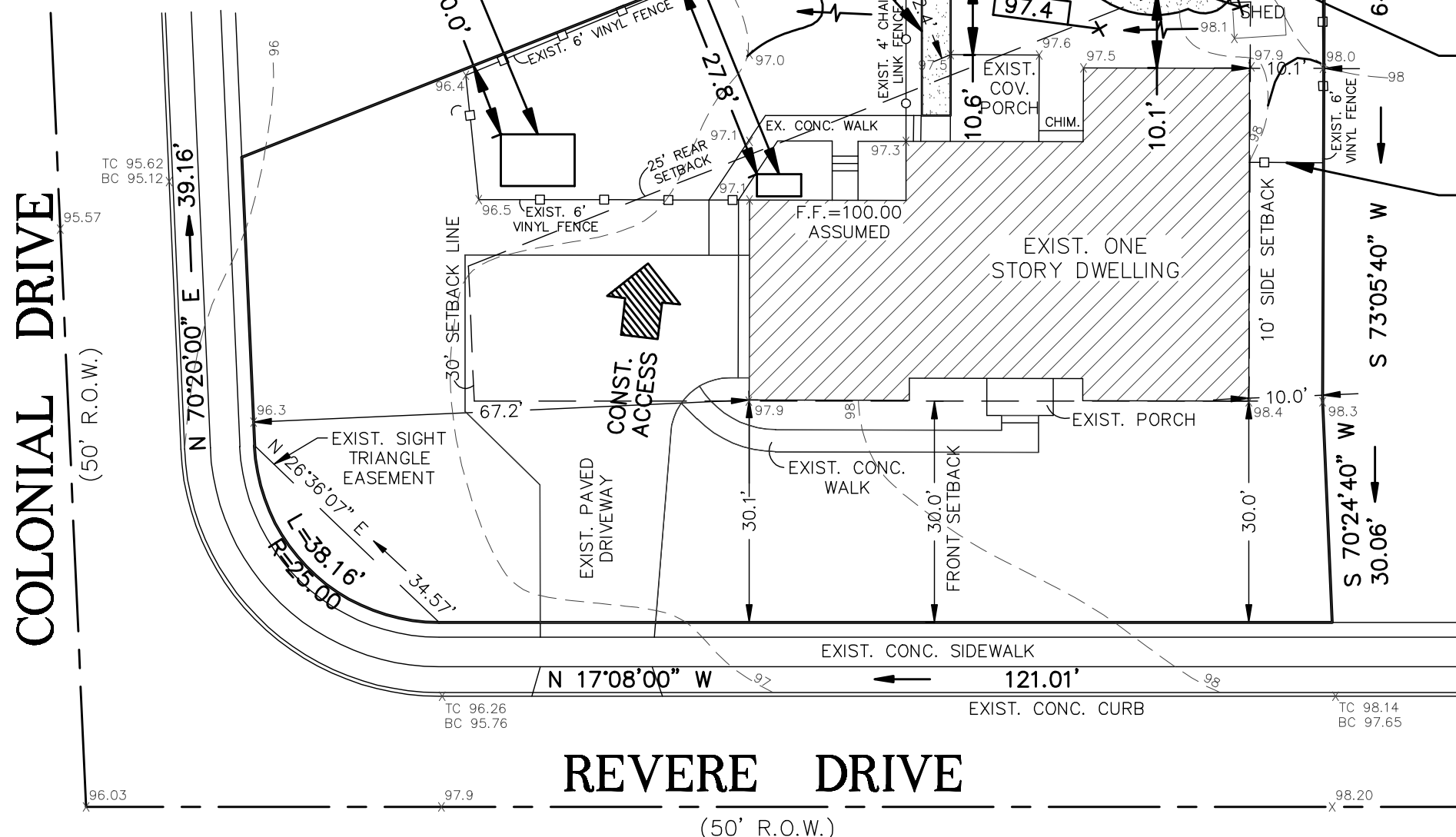
- PROPERTY BOUNDARY
 - - - ADJACENT PROPERTY LINE
 - - - SETBACK LINE
 - - - CENTERLINE ROADWAY
 - - - EXISTING CONTOURS
 - - - PROPOSED CONTOURS
 - - - PROPOSED GAS LINE
 - - - PROPOSED SEWER LINE
 - - - PROPOSED WATER LINE
 x3.9 EXISTING ELEV.
 x6.7 PROPOSED ELEV.
 5.6 SOIL BORING

PROP. 19'x35' INGROUND POOL
W/3' CONCRETE DECKING
ELEV.=98.0'

PROP. CONCRETE WALK (71 SF)

PROP. POOL EQUIPMENT

EXISTING SHED
RELOCATED



REVERE DRIVE
(50' R.O.W.)

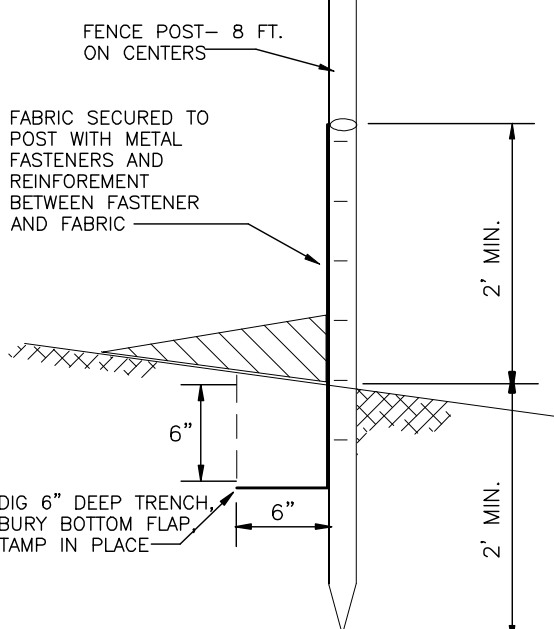
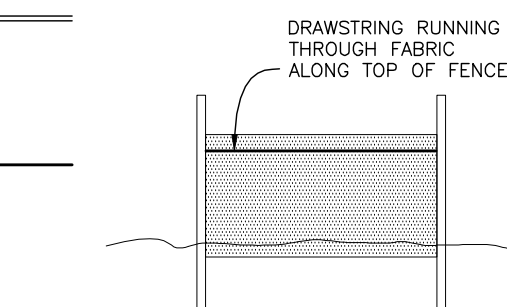
GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

SEEDING NOTES

- ALL AREAS DISTURBED BY CONSTRUCTION SHALL BE FINE GRADED AND SEEDED. TEMPORARY AND PERMANENT SEEDING MIXTURES SHALL CONSIST OF THE FOLLOWING MIXTURE OR APPROVED EQUAL:
 TEMPORARY SEEDING
 PERENNIAL RYEGRASS @ 1.0 LB. PER 1000 S.F.
 PERMANENT SEEDING
 HARD FESCUE AND/OR STRONG CREEPING RED FESCUE @ 4.0 LBS PER 1000 S.F.
 PERENNIAL RYEGRASS @ 1.0 LB. PER 1000 S.F.
 KENTUCKY BLUEGRASS @ 1.0 LB. PER 1000 S.F.
- ALL SEEDING AND MULCHING SHALL BE PERFORMED IN ACCORDANCE WITH THE NEW JERSEY STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL.
- SEED GERMINATION SHALL BE TESTED WITHIN 12 MONTHS OF PLANTING DATE. ADDITIONAL SEEDING SHALL BE PERFORMED IF LESS THAN 50% OF SEED GERMINATION RATES RESULT.
- TEMPORARY SEEDING TO BE MAINTAINED UNTIL DISTURBED AREAS ARE PERMANENTLY STABILIZED WITH PERMANENT SEEDING. IF ANY SERIOUS EROSION PROBLEMS OCCUR, THE ERODED AREAS SHALL BE REPAIRED WITH A MULCH AS INDICATED IN NOTE NO. 5.
- MULCH SHALL BE UNROTTED SMALL GRAIN STRAW APPLIED AT A RATE OF 1 1/2 TO 2 TONS PER ACRE SPREAD UNIFORMLY AT 70 TO 90 POUNDS PER 1000 SF. ANCHOR MULCH IMMEDIATELY AFTER PLACEMENT BY ONE OF THE FOLLOWING LIQUID MULCH BINDERS:
 - ORGANIC AND VEGETABLE BASE BINDERS- POWDER BASED HYDROPHILIC MATERIALS MIXED WITH WATER TO FORM A GEL. THE GEL SHALL BE PHYSIOLOGICALLY HARMLESS AND NOT RESULT IN A PHYTOTOXIC EFFECT OR IMPEDE GROWTH OF TURF GRASS. USE AT RATES AND WEATHER CONDITIONS RECOMMENDED BY MANUFACTURER.
 - SYNTHETIC BINDERS- HIGH POLYMER SYNTHETIC EMULSION, DILUTED WITH WATER AND WHEN APPLIED, DRIED AND CURED SHALL NO LONGER BE SOLUBLE OR DISPERSIBLE IN WATER. APPLY AT RATES RECOMMENDED BY MANUFACTURER AND REMAIN TACKY UNTIL GERMINATION OF GRASS.
- LIMESTONE AND FERTILIZER TO BE APPLIED ACCORDING TO SOIL TEST RECOMMENDATIONS. FERTILIZER FOR THE ESTABLISHMENT OF TEMPORARY VEGETATIVE COVER SHALL BE 10-20-10 (PERMANENT VEGETATIVE COVER FERTILIZER SHALL BE 10-10-10) WITH 50% WATER INSOLUBLE NITROGEN APPLIED AT A RATE OF 11 POUNDS PER 1000 SF OR AS DETERMINED BY A SOIL TEST. LIMESTONE FOR TEMPORARY SEEDING SHALL BE APPLIED AT A RATE AS SOIL TESTING INDICATES.
- IF THE SEASON PREVENTS THE ESTABLISHMENT OF TEMPORARY OR PERMANENT SEEDING, EXPOSED AREAS ARE TO BE STABILIZED WITH MULCH AS INDICATED IN NOTE NO. 5.



SILT FENCE &
INSTALLATION DETAIL

N.T.S.

AREAL MAP
Scale: 1" = 50'±

VICINITY MAP
Scale: 1" = 200'±

KEY MAP
Scale: 1" = 2000'±

GENERAL NOTES

- Owner and Applicant: Chris Harvey
28 Revere Drive
Oceanport, N.J. 07757
- Property known as Lot 18.01 Block 65 as shown on tax map No.158 of the Borough of Oceanport, Monmouth County, New Jersey.
- Plot Plan based on:
 - "Survey of Property at 28 Revere Drive", situated in Borough of Oceanport, Monmouth County, New Jersey, prepared and signed by Mr. Dominick J. Venditto, NJPLS #30093 and dated 9/15/2010.
 - Topography performed by RC Burdick PE PP PC by Mr. Stanley Hans Jr, NJPLS No. 29182 and performed on 2/27/19.
- Zoning: **R-3 Residential**

	Required	Existing	Provided
Minimum Lot Area	12,000sf	13,200sf	13,200sf
Minimum Lot Width	120'	100'	100'
Minimum Setbacks			
Principal Building			
Front	30'	30.0'	30.0'
Side (one/both)	10'/N/A	10'/N/A	10'/N/A
Rear			
Home	25'	27.8'	27.8'
Cov'd Porch	25'	22.4*	22.4*
Accessory Building-Shed			
Side	10'	3*	10'
Accessory Building-Pool			
Front	30'	N/A	85.3'
Side	10'	N/A	10.1'
Rear	10'	N/A	6**
Max. Building Lot Cov.	25%	19.5%	19.5%
Max. Impervious Cov.	37%	32.3%	39.2%**
Max. Building Height	35'	Conform	Conform

* Pre existing non conformity
** Proposed Variance Condition

11) Lot Coverage Calculations:

Existing Building		
Home	2,362 sf	
Covered Porch	141 sf	
Shed	70 sf	
Total	2,573 sf	19.5%
Building	2,573 sf	
Front Porch	44 sf	
Front Steps and Walk	159 sf	
Rear Stoops and Steps	39 sf	
Rear Concrete Walk	143 sf	
Driveway	1,312 sf	
Total	4,270 sf	32.3%
Proposed Improvements		
Pool	495 sf	
Concrete Decking	323 sf	
Concrete Walk	71 sf	
Equipment Pad	18 sf	
Total	907 sf	6.9%
Total Lot Coverage		
Existing Total	4,270 sf	
Proposed Total	907 sf	
Total	5,177 sf	39.2%

- Contractor to verify location of all utilities prior to start of construction. Utilities shown are per visual observation of physical features and/or mark outs and their location is approximate. The undersigned professional are not responsible for the presence of underground utilities or structures if they are not visible or otherwise disclosed by any of the above data. Pool contractor shall utilize the serviced of CALL DIG (1-800-272-1000) to accurately locate utilities.
- Pool to be secured by minimum 4' fence with self latching and closing gates by property owner. Fence and all construction shall comply with the International Building Code and the International Residential Code, New Jersey Edition, including ANSI/NSPI-5 Standards for Residential In Ground Swimming Pools, current edition. Where adjacent fences are used to secure the pool the applicant shall take full responsibility for repair or replacement should they be damaged or removed and shall seek a variation for the fence where required.
- All electrical equipment must be located at least 10' from the swimming pool.
- Pool to be staked out by a New Jersey Professional Land Surveyor prior to beginning of construction.
- The contractor shall protect all existing structures from damage and/or failure by acceptable methods as may be required per OSHA and other regulatory agencies. The Design Engineer accepts no responsibility for the safety or adequacy of the existing structures.
- The Design Engineer assumes no responsibility for pool construction in easements or required setback areas not shown on the survey provided to the Design Engineer. The pool contractor and property owner shall verify the pool layout and all dimensions prior to construction.
- Minimum 1.0%, maximum 3:1 grading provided in area that is to be disturbed by pool construction. Concrete areas to be minimum 0.5% grade.
- Pool filter discharge to be by cartridge filter with no discharge.

- Approval is requested to construct an in ground swimming pool in the rear of a single family home within the R-3 zone. Variance requested for rear yard setback to pool of 6 feet where 10 feet is required. Variance requested for impervious coverage of 38.7% where 37% is allowed. Variance requested to relocate an existing shed to the front of the home but outside of the front yard setback area.
- Location of existing utilities provided by observation of surface features and mark outs where they exist. Contractor to verify the location of all existing utilities and to designate a qualified employee responsible for site safety prior to the start of construction.
- All utilities to be provided by existing connection to municipal and/or public utilities adjacent to the site.
- Property located within the FEMA Advisory Zone X, 0.2% annual chance flood hazard per FEMA Advisory mapping updated through 4/28/15.
- Vertical Datum is assumed, rear finish floor at 100.0'.
- Survey Error of closure more accurate than 1:15,000.

POOL VARIANCE PLAN 28 REVERE DRIVE			
LOT 18.01 BLOCK 65 BOROUGH OF OCEANPORT MONMOUTH COUNTY, NEW JERSEY			
DATE: 3/1/19			
SCALE: 1"=20'			
JOB No.: 19-1354			
SHEET			
1 OF 1			
R.C. BURDICK, P.E., P.P., P.C. CONSULTING ENGINEERS • LAND SURVEYING PLANNING • ENVIRONMENTAL PERMITTING			
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