



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • OCTOBER 24, 2023

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 Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger 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 - Aug 8, 2023 7:00 PM
2. Minutes of Sep 26, 2023 7:00 PM - *To Be Provided*
3. Planning/Zoning Board - Regular - Oct 10, 2023 7:00 PM

VIII. Old Business

1. PR-23-19 Resolution of Approval - 360 Myrtle Ave
2. PR-23-20 Resolution of Dismissal without Prejudice - Oport Partners LLC - Phase III
3. PR-23-21 Resolution of Approval, 34 Main Street
4. PR-23-22 Resolution of Approval - 498 Branchport Ave

IX. New Business

1. PB2023-13 Marra, Marybridget
Block 66, Lot6
540 Shrewsbury Avenue
Reconstruct rear yard deck and new screened porch requiring variance relief for:
 - Rear yard setback for principal structure where 25' required, 8' existing, 12'proposed.
 - Maximum impervious coverage where 37% permitted, 49.30% existing and 47.44% proposed.

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • AUGUST 8, 2023****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 Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger 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 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- V. **Roll Call:**

Attendee Name	Title	Status
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Patty Cooper	Mayor's Designee	Present
Thomas Tvrdik	Class III	Present
Joseph Foster	Environmental Commission Liaison	Present
Christopher Widdis C	Class IV	Absent
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Alternate I	Present
Robert Kleiberg	Alternate II	Absent
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 September 12, 2023 and that there are applications for 34 Main St and 360 Myrtle Ave pending. It is also anticipated that a Capital Presentation will be made by the NJSEA at some point related to Monmouth Park and that the announcement at the last Mayor & Council meeting that they were appearing before the Board at the end of August was not correct. Chairman Whitson thanked Board members that attended the Mayor & Council meeting for the development presentation regarding Monmouth Park.
 - Ordinance Committee Meeting: Chairman Whitson advised that there would be a meeting of the Ordinance Committee at 6pm prior to the September 12, 2023 meeting.

VII. **Approval of Minutes:**

- Planning/Zoning Board - Regular - Jan 25, 2022 7:00 PM

RESULT:	ACCEPTED [8 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis L, Davis, Dailey
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Calver

2. Minutes of Apr 26, 2022 7:00 PM. Chairman Whitson advised that the April 26, 2022 minutes would be scheduled for a future meeting.

VIII. Old Business:

1. Resolution of Approval - 95 Algonquin Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Councilman Tvrdik made a motion to approve the Resolution as amended, which was seconded by Mr. Kahle and received the below roll call:

RESULT:	ADOPTED AS AMENDED [7 TO 0]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis L, Dailey, Calver
ABSTAIN:	Davis
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Foster

Councilman Tvrdik recused himself from the next matter due to a new conflict and exited the meeting at 7:10 PM

2. PB2023-09 Sciacca, Paul
111 Sagamore Ave
Block 12, Lot 25
Carried from June 27, 2023

EXHIBITS:

- A-1 Land Development Application
- A-2 Swimming Pool Plan, prepared by MGC Associates, last revised May 1, 2023
- A-3 Location Survey, prepared by Land Control Services, dated April 26, 2023.
- A-4 Colliers Engineering Review Letter, dated May 30, 2023
- A-5 Set of 7 Photographs, taken by Applicant, dated June 27, 2023
- A-6 "Swimming Pool Plan," prepared by MGC Associates, last revised July 23, 2023.
- A-7 "Location & Topographic Survey," prepared by Land Control Services, dated July 19, 2023
- A-8 Colliers Engineering Review Letter dated August 1, 2023
- A-9 "Swimming Pool Plan," prepared by MGC Associates, last revised August 5, 2023

Mr. Kennedy described and marked new Exhibits A-6, A-7, A-8.

The following person(s) remained under oath: William White, Board Engineer/Planner and Paul Sciacca, Applicant/Owner.

Mr. Sciacca advised that he had taken the Board's direction, spoke to neighbors about their concerns and worked with his engineer to add drainage system to avoid further runoff to neighbors and have proposed a zip drain.

Gary Chiang, Professional Engineer for the Applicant, was sworn in, presented his qualifications and was accepted as an expert in engineering. Mr. Chiang testified concerning the previous proposed dry well, his own field inspection which showed mostly clay soil and water table high and plan to install zipper drains to collect all runoff rather than a dry well. The zipper drains would connect directly to the existing inlet in the rear yard.

Chairman Whitson invited comments from Mr. White and Board members.

Mr. White advised that he found the revised plan acceptable.

Mr. Dailey asked what the difference was between a zipper drain and a trench drain which Mr. Chiang explained.

Ms. Cooper thanked the Applicant for taking concerns into consideration and felt her concerns had been addressed.

Mr. Foster asked about the dry well solution and whether it was found useless which Mr. Chiang affirmed.

Mr. Kahle asked what was removed to reduce the impervious coverage – Mr. Sciacca described reduction of patio and removal of paver stones along side of house. He also indicated that because his lot was undersized, he had a hardship as he would meet the impervious coverage if he had a conforming lot. Mr. Sciacca also testified that he was aware the shed was in the easement and would be moving it to other side of yard.

Mr. Davis asked questions about the plan to use zipper drains and channel coverage.

PUBLIC: Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Motion to Approve

RESULT:	ADOPTED [7 TO 0]
MOVER:	Leslie B Widdis L, Class IV
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster, Widdis L, Davis, Dailey
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Calver
RECUSED:	Tvrdik

Councilman Tvrdik re-entered the meeting at 7:25 PM

3. PB2023-06 Marina at Oceanport Partners, LLC **CARRIED from July 11, 2023**
 Block 104, Lot 1
 10 Riverside Avenue
 Major Site Plan Application

EXHIBITS:

- A-1 Land Development Application
- A-2 "Plan of Survey with Topography" prepared by Vallee Surveying, LLC, dated July 30, 2015, last revised September 13, 2022
- A-3 Preliminary & Final Major Site & Subdivision Plan," prepared by Kennedy Consulting Engineers, LLC., last revised April 23, 2023, consisting of three (3) sheets.
- A-4 "Site Location Map," prepared by Kennedy Consulting Engineers, LLC., dated April 13, 2023
- A-5 Stormwater Compliance Statement prepared by Kennedy Consulting Engineers, LLC., dated April 25, 2023.
- A-6 Traffic Narrative prepared by Kennedy Consulting Engineers, LLC., dated April 25, 2023.
- A-7 Colliers Engineering Review Letter dated July 6, 2023
- A-8 Aerial Exhibit AE-1 prepared by Kennedy Consulting Engineers, LLC, dated July 10, 2023
- A-9 Photographs of Existing Signage, 4 Sheets
- A-10 Garbage Truck Turning Exhibit, prepared by Kennedy Consulting Engineers, LLC., dated July 10, 2023
- A-11 Fire Truck Turning Exhibit, prepared by Kennedy Consulting Engineers, LLC., dated July 10, 2023
- A-12 Preliminary & Final Major Site & Subdivision Plan," prepared by Kennedy Consulting Engineers, LLC., last revised July 18, 2023, consisting of three (3) sheets.
- A-13 Colliers Engineering Review Letter dated August 7, 2023
- A-14 FMERA Reissued Certificate of Completion, dated August 4, 2023.

William White, Board Engineer/Planner, was sworn in by Mr. Kennedy. Mr. Kennedy then described and marked new Exhibits A-12, A-13, A-14.

Michael Bruno, Applicant's Attorney, appearing stated that the application was a continuation from the July 11th meeting; summarized the application for major site plan, topics discussed at the previous hearing and Board comments to be addressed by the Applicant including signage, parking lot striping, sidewalk repair, shade trees, accessory building and landscaping improvements, seasonal plantings, timing on the lighting system, pedestrian travel way from Riverside, new fence and landscaping around the accessory building, the right of way dedication, bike racks, ADA spaces, and the removal of box trailers and certain signage.

Andrew Comi, Kennedy Consulting Engineers, on behalf of the Applicant was sworn in and provided testimony concerning the revisions made to the plan, referencing Exhibit A-12, including addition of the 3 existing signs, the slips available sign shown to be removed, with the restaurant and paddle club signs to remain until such time as a combined monument sign can be developed; additional signage for a Stop sign at exit, sign identifying boat ramp ahead, parking stalls to be striped and 2 additional ADA spaces near the entrance for a total of 4 (the required amount); the addition of a 5' wide striped pedestrian lane from Riverside Ave to the building; two crosswalks added at the intersections with the two parking areas along with painted logos for the full length of the pedestrian walkway; addition of 14 street trees total along both frontages; plan now notes seasonal plantings to be provided along the bulkhead; proposed foundation plantings at the accessory building and a 6' board on board fence to screen the outdoor storage; note that parking lot lighting will turn off at 12a.m.; note that shows the right of way dedication. He further testified that the Applicant agrees to comply with the Engineer's comments.

Mr. Bruno provided clarification and requested the condition that the Applicant be provided additional time to return with new application with a comprehensive sign design, they would also like seasonal plantings required by Spring 2024, they have also removed the box trailers.

Mr. Bruno next requested to address the issue of public access which had not been resolved. The Applicant is not agreeable to

providing public parking for the boat ramp, while the boat ramp is required to remain public, there was no imposition of public parking. They don't believe there is ample parking to provide specific parking for the ramp.

Chairman Whitson invited comments from Mr. White and Board members.

Mr. White requested that a time limit be conditioned for the sign application. Mr. Bruno requested 1 year. Mr. White recommended 6 months to be submitted to the Zoning Officer which the Applicant agreed to.

Mr. Calver asked questions about the boat ramp, was there any oversight or direction for its use at the site, directional sign or other for boat trailers. Mr. Bruno responded that the boat ramp has been there as an existing condition, and the contract was that the ramp had to remain but no requirement to provide parking.

Ms. Barham-Widdis asked if there was a time frame for removal of the box trailers, which Mr. Bruno confirmed they have been removed.

Mr. Dailey asked questions about the ramp – any improvements made, were improvements required and a certificate of approval issued, concerns that there was no way to know if those conditions had been met. Mr. Bruno responded that they did receive a certificate of completion from FMERA.

Chairman Whitson asked who has the obligation to maintain and service, Mr. Bruno responded that it is on the Applicant's property so they are responsible.

Mr. Davis commented concerning the commitments required of the Developer to improve the property and how was that satisfied with the conditions of the site that remain. He further expressed concern that now there's a boat ramp and no provision for parking for the public.

Mr. Kahle asked questions about the handicap spaces location. Mr. Comi responded that 2 of the spaces were as close as possible as will the additional two.

Mr. Foster asked questions about the signage and the parking for the ramp, who has liability for the ramp, requested additional plantings along the side yard by the ramp.

Ms. Cooper commented her concern was for the signage, what was staying, what was being removed. Mr. Bruno advised that they plan was to keep the paddle club sign and main sign for the restaurant and will apply within 6 months for a monument sign to combine the signage.

Councilman Tvrdik commented that he would like a time commitment for the completion of all the repairs, sidewalks, signage, the picket fencing, the boat ramp is part of the property and is the owner's responsibility and would like to see provision of the 2 spaces for the ramp. Mr. Bruno responded that the sidewalk repairs would be made once the ongoing street work was completed so they are not busted up again; they are submitting the signage application within 6 months; the shade trees were a performance bond item but planned for the spring so that they're not planted and die. Mr. Bruno also stated that they are concerned that the Board was going to encumber the property with a requirement that was not lawful and his opinion that it was not within the Board's ability to impose without taking the property, and respectfully, they don't want to argue with the Board, but they are not going to agree to the designated spaces for the boat ramp. They don't have concern with parking on the site but they do not want to formally impose any obligations beyond the ramp.

Mr. Kahle asked about the signage locations, discussed was a no-right turn out of the restaurant but not practical for the residents that live that way; questions about lighting. Mr. Kahle asked about the problem of trailers being parked on the road. Mr. Bruno responded that would be an enforcement issue by the town. Mr. Kahle pressed the matter of the designated spaces and were they going to let trailers just be parked anywhere on the site.

Mr. Foster asked questions about the parking lot lighting. Mr. Comi responded they are proposing to maintain what is there, no new fixtures, with the only difference being lights would turn off at 12am instead of 1am, whether it was adequate which Mr. White commented he was ok with as they are LED and efficient.

PUBLIC: Chairman Whitson opened the meeting to the public for questions and then comments. As there was none, Chairman Whitson closed that portion of the meeting.

Councilman Tvrdik revisited the request for 2 designated spots for the ramp, read from the purchase agreement that describes the site as 3.9 acre, 71 slip marina and boat ramp...and associated off-street parking. He urged the Applicant to reconsider 2 spots.

Mr. Bruno commented that it was not as simple as 2 spots and requested time to discuss with the Applicant a possible informal solution.

At 8:02 PM, the Board took a 5-minute recess to allow time for Mr. Bruno to speak with the Applicant.

At 8:08 PM, the Board returned from recess with all previously sitting members in attendance.

Mr. Bruno reappeared and stated that despite his advise, the Applicant will agree to providing two (2) spaces for boat ramp users and appropriate signage, informal, no-deeded easement and hears the concern and will agree.

Ms. Barham-Widdis asked if they addressed where they would store the kayaks and paddleboards and was told that was not changing.

Mr. Davis asked but they will provide screening for the paddleboards. Mr. Bruno stated that they would fill the planters with seasonal landscaping. Mr. Davis asked for some type of screening from the paddleboards. Mr. Comi responded referencing the aerial exhibit, the paddleboards and kayaks are stored in the northwest corner of the property away from the residential areas. Mr. Davis pressed the issue that he would like to see screening there. Mr. Bruno offered to visit the site with the Engineer to find an appropriate type of fencing or buffering if approved, which Mr. White was agreeable to.

Mr. Foster asked what holds the Applicant to the dedicated boat ramp spaces if not stipulated formally. There was discussion that the intent was to memorialize it on the Site Plan.

Councilman Tvrdik added that he would not like to see a 6' vinyl fence as a buffer – was not necessary and recommended no fence but to use other type of screening.

Councilman Tvrdik made a motion to approve the application with conditions which Mr. Kennedy reviewed including compliance with Mr. White's review letter, monument sign, sidewalk repairs, planters, removal of box trailers, two parking spaces for the boat ramp, screening of the paddleboard/kayak area, compliance with ADA, perpetually maintaining the landscaping and plantings, removal of the slips available sign, shade trees to be installed by spring, lighting to turn off by midnight, no music on the outside deck after 10pm, bicycle rack, which was seconded by Ms. Barham-Widdis.

Motion to Approve with Conditions

RESULT:	ADOPTED [8 TO 0]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis L, Davis, Dailey, Calver
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Foster

IX. New Business: None

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 8:21 pm on a motion by Mr. Foster which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • OCTOBER 10, 2023****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 Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger 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 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- V. **Roll Call:**

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

- VI. **Board Business:**
- Report of Pending Applications: Ms. Smith advised the next meeting was scheduled for October 24, 2023 with one application for 540 Shrewsbury Ave seeking multiple variance relief for the removal of an existing above ground pool, replace an existing deck in a slightly altered configuration and construct a screened in porch.
- VII. **New Business:**
- PB2021-26 Kuchinski, Greg
34 Main Street
Block 115, Lot 5
Existing shed installed without approval seeking variance relief for:
- Accessory structure side yard setback of 5.5' where 10' required

EXHIBITS:

- A-1 Land Development Application
- A-2 Survey of Property prepared by Morgan Engineering & Surveying, dated November 3, 2020
- A-3 Colliers Engineering & Design Review Letter, August 8, 2023
- A-4 Letters of Support, 3 pages

Chairman Whitson asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, Ms. Smith stated notice was reviewed and found to be in order. Ms. Smith described and marked **Exhibits A-1, A-2 and A-3**.

The following persons were sworn in: William White, Board Engineer/Planner, Greg Kuchinski, Prior Owner/Applicant and James Conahan, current property owner.

Mr. Kuchinski testified that he had sold the property and at the time it was brought to his attention that the existing shed was installed without property permits and was seeking approval for the shed to stay in the same location which requires variance relief for the side yard setback for 5.5' where 10' required.

Mr. Conahan submitted letters of support for the application which were marked as Exhibit A-4.

Chairman Whitson asked if there were questions from the Board.

Mrs. Barham Widdis asked questions about electricity to the shed, height of the shed, was an electrical permit obtained - no, would be upon approval from the Board.

Mr. Widdis asked questions about the shed dimensions and if there was a ramp - no.

Mr. Foster asked additional questions about the electricity and were there plans to install lighting such as spotlights. Mr. Conahan testified there was none currently and no plans to install.

Councilman Tvrdik asked questions about the description of the property, grading, drainage.

Mr. Foster asked if the shed was on stone and was told yes, on stone and 2x4s.

Mr. Widdis asked if there was code requiring the shed to be tied down. Ms. Smith advised that the shed was undersized for UCC code and only required zoning approval.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Councilman Tvrdik made a motion to approve the application on the condition that if the shed were to have any work other than maintenance, it would need to be relocated to comply with the setbacks and that proper permits are applied for which was seconded by Mrs. Barham-Widdis.

Motion to Approve with Conditions

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Tvrdik, Foster, Widdis C, Widdis L, Davis, Dailey
ABSENT:	Kahle, Cooper, Calver, Kleiberg

VIII. Petitions from the Public: Chairman Whitson opened the meeting to Petitions from the Public.

Mary Corej, Contract Purchaser, 5 Sunset Road, Parkers Creek development appeared seeking guidance as to the appropriate official/agency to address the ongoing construction in front of her unit as there was a light pole installed directly in front of her front door. Discussion ensued after which it was decided Ms. Smith and Mr. White would meet with her to get location information in order to review the approved site plan and lighting plan to be sure it was being installed in the correct location.

Irene Elliott, 64 Kimberly Way, was sworn in and asked questions about the status of the water drainage issue related to the school property at Wolf Hill. Councilman Tvrdik provided an update including a design was developed, requires approval from an adjacent property owner as the drainage would pass over their property which the Borough had not yet been able to obtain and he will be following up on the matter.

Ms. Elliott next asked about the result of the NJSEA Monmouth Park Development presentation and the result of the meeting. She was advised that the Board had approved a resolution that memorialized the Board's findings and recommendations and the developer has responded in some ways including reduction of the number of units. Plan needs to be approved by the State.

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

IX. Adjournment: As there was no further business, the meeting was adjourned at 7:26 pm on a motion by Mr. Foster which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-19

Meeting: 10/24/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2956

8.1

PR-23-19 Resolution of Approval - 360 Myrtle Ave

RESOLUTION

BOROUGH OF OCEANPORT PLANNING BOARD APPROVAL OF THE APPLICATION OF WILLIAM JUNGFER 360 MYRTLE AVENUE, BLOCK 86, LOT 5 APPROVED SEPTEMBER 26, 2023 MEMORIALIZED OCTOBER 10, 2023

INTRODUCTION

WHEREAS, William Jungfer has made Application to the Oceanport Planning Board for the property designated as Block 86, Lot 5, commonly known as 360 Myrtle Avenue, Oceanport, New Jersey, within the Borough's R-4 Zone, for the following approval: Bulk Variances associated with a request to retroactively legitimize the installation of a temporary front yard shed, a driveway / parkway area, and a fence;

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on September 26, 2023, 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:

- *Development Application, introduced into Evidence as A-1;*
- *Survey of property, prepared by Charles Surmonte, P.E., P.L.S., dated June 8, 2023, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Topographic Survey, prepared by Charles Surmonte, P.E., P.L.S., dated June 8, 2023, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Colliers Engineering & Design Review Memorandum, dated August 14, 2023, introduced into Evidence as A-4;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

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

- William Jungfer, Applicant, appearing Pro Se;
- Jenny Jungfer, the Applicant's spouse;

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 and his Representatives revealed the following:

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 10 years.
- There is an existing single-family home at the site.
- The Applicant does not live at the site – rather, the existing structure is occupied by tenants.
- In order to obtain a Certificate of Occupancy (or unconditional Certificate of Occupancy), the Applicant herein is attempting to retroactively legitimize the temporary installation of a shed at the site, the installation of a driveway / parking area at the site, and a fence.
- As indicated, the said improvements already exist – and the Applicant herein is attempting to retroactively legitimize the same.
- Details pertaining to the existing improvements include the following:

Shed

Purpose:	Storage
Size:	8' X 10'
Location:	North side of property (between the dwelling and Spring Lake Avenue) (per Plans)

Foundation:	There is no foundation for the existing shed – rather, the same has been placed on gravel.
Utilities?:	The existing shed is not serviced by utilities.
Date of installation:	Approximately 7 years ago.

Driveway / Parking Area

Purpose:	Driveway / parking purposes (improved/safer access)
Size:	Per Plans
Location:	Off of Spring Lake Avenue (per Plans)
Driveway width:	24'
Date of installation:	Approximately 7-8 years ago

Fence

Type:	Solid fence
Height:	6'
Location:	Off of Spring Lake Avenue (per Plans)

VARIANCES

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

***SHED LOCATION:** The Prevailing Borough Ordinance prohibits Accessory Structures (such as a shed) from being located in a Front Yard Area; whereas in the within situation, the Applicant proposes to legitimize such a Front Yard Shed;*

***DRIVEWAY WIDTH:** Maximum 12 ft. Driveway Width allowed; whereas the Applicant herein is attempting to legitimize a 24' wide driveway;*

***FENCE TYPE:** The Prevailing Zoning Regulations only allow a Front Yard Fence to be a maximum of 4' in height, and the Regulations require that the fence be 50% open. In the within situation, the Applicant herein is proposing to legitimize a 6' high solid front yard fence;*

PUBLIC COMMENTS

WHEREAS, there were no public comments, questions, 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 360 Myrtle Avenue, Oceanport, New Jersey, within the Borough's R-4 Zone.
3. The subject property is a 9,375 SF parcel located at the south-west corner of the intersection of Spring Lake Avenue and Myrtle Avenue.
4. The site currently contains a 1 story single-family home, 2 asphalt driveways, a brick walkway, a shed, and a brick patio.
5. The Applicant is attempting to retroactively legitimize the installation of a temporary shed, a driveway/parking area, and a fence.
6. Such proposal requires Bulk Variance Approval.
7. The Oceanport Planning Board is statutorily authorized to grant the requested relief, and therefore, the matter is properly before the said entity.
8. With regard to the Application, and requested relief, the Board notes the following:
 - The Applicant previously installed the shed, driveway, and fence without proper Permits / Approvals.
 - The Applicant essentially apologized for the confusion, and indicated that there was no intent to manipulate the process or deceive the Zoning Office.
 - The Applicant is now seeking approval to retroactively legitimize the installation of the aforesaid shed, driveway / parking area, and fence.
 - The subject property is located on a corner property, located at the intersection of Myrtle Avenue and Spring Lake Avenue.
 - As a corner property, there are 2 frontages.

- The existing Zoning Regulations do not permit a shed to be placed in a front yard area.
- The corner nature of the property compromises the ability of the Applicant to satisfy all Prevailing Zoning Regulations in the said regard.
- Per the testimony and evidence presented, the existing temporary shed (legitimized herein) has been placed in the Applicant's functional side yard area.
- Per the testimony presented, the shed was placed at the existing location because the same was shielded by mature landscaping, so as to minimize any potentially adverse impacts to neighbors or the public.
- With the Applicant's consent, the Board has only legitimized the temporary installation of the non-conforming shed. Because of the fact that the same is located in a front yard area, and quite visible, the Board determined that once the existing shed is demolished / removed / destroyed / replaced, any replacement shed shall be located in a zoning-compliant location, absent further / formal approval of the Oceanport Planning Board.
- Per the testimony and evidence presented, and subject to the conditions set forth herein, the existing and proposed landscaping will help shield the non-conforming shed.
- Per the testimony and evidence presented, there is need for a shed at the site.
- The Board appreciates, accepts, and understands the Applicant's rationale for the temporary and non-compliant location of the shed.
- Though the Board is not typically inclined to grant such variance relief (for the shed in a front yard), under the circumstances, the requested temporary relief is appropriate.
- Per the testimony and evidence presented, the shed legitimized herein will not be utilized as living space.
- The shed legitimized herein will not have water / sewer / bathroom service or utility service, and thus, occupancy of the same is not a viable option.
- The shed is a permitted accessory use in the Zone.
- 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 and/or other occupants of the home.
- Approval of the within Application will not materially intensify the existing and to-be-continued single-family nature of the home / site.
- The subject lot is an appropriate site for a single-family home and shed.

- Continued single-family and shed use at the site is consistent with the Borough's Master Plan.
- Continued single-family and shed use at the site is consistent with the character of the neighborhood.
- To the extent necessary, the shed legitimized herein will satisfy all prevailing / updated Building Code Regulations, Construction Code Regulations, and Flood regulations.
- The temporary shed legitimized herein will not overpower or overwhelm the site or the neighborhood.
- Per the testimony and evidence presented, other development options (for the shed) were reviewed and considered, but the same were not practical / feasible.
- The Plans approved herein are reasonable, given the site constraints, and given the Applicant's need for a shed.
- The proposed location for the Applicant's temporary shed is logical and practical.
- Subject to the conditions contained herein, the temporary shed legitimized herein will not have any significant detrimental impact on adjoining property owners.
- Approval of the subject Application will not appreciably intensify the historic single-family use at the Site. Consequently, the Board is of the collective opinion that the requested relief can be granted without impairing the intent or purposes of the Borough Zoning Plan / scheme.
- Additionally, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Bulk Zoning Standards.
- The architectural design of the temporary shed legitimized will not be inconsistent with the architectural character of other sheds in the area.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the shed legitimized herein will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- The home initially only had one 12' driveway, located off of Myrtle Avenue.
- Per the testimony and evidence presented, because of the prevailing traffic conditions on Myrtle Avenue, it was difficult to safely move vehicles into and out of the Myrtle Avenue driveway. (The testimony indicated that the backing out of the initial driveway was particularly problematic.)

- As a result of the aforesaid concerns, the driveway was relocated (off of Spring Lake Avenue) so as to facilitate the safety and ease with which vehicles could enter / exit the site.
- The Board understands the Applicant's rationale of attempting to improve the overall health and safety associated with the site.
- The Applicant created a 24' wide driveway in order to accommodate 2 vehicles (even though the Prevailing Zoning Regulations only allow a maximum driveway width of 12').
- Under the circumstances, the Board understands the rationale for the 24' wide driveway width (which will accommodate two vehicles).
- Per the testimony and evidence presented, there are no known safety issues associated with the location of the existing driveway (to be legitimized herein).
- The driveway location legitimized herein does not knowingly violate any Site Triangle Easements.
- There is an existing fence at the site, which is a 6' high solid fence.
- The existing fence has been legitimized herein, subject to the conditions set forth herein.
- The existing fence helps shield the non-conforming shed, thereby minimizing any adverse impacts associated with the overall proposal.
- The location of the existing fence does not create or otherwise contribute to any known health and safety issues/concerns.
- 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. Some of the Board Members had concerns about the visibility of the non-conforming shed, the location of the same, and the setback of the same. As a result, and with the Applicant's consent, the approval for the location of the existing shed is only temporary in nature. Once the existing shed is intentionally / unintentionally demolished / removed / replaced/destroyed, (to be liberally interpreted), any replacement shed shall be located in a zoning-compliant location, absent further / formal approval of the Oceanport Planning Board. The Applicant shall notify any existing tenants and/or future owners of the property of the said condition. The Applicant's notice in the said regard, shall be in writing, and a copy of the said communication shall be presented to the Board Secretary.
- c. There shall be no further expansion/intensification of the existing shed, the existing driveway / parking area, or the existing fence, pending further review / approval of the Oceanport Planning Board.
- d. The Applicant shall obtain any necessary Permits to finalize the legitimization approved herein.
- e. The Applicant shall obtain any necessary Certificate of Occupancy which may be required under the Prevailing Borough Regulations.
- f. The driveway legitimized herein shall be paved.
- g. The Applicant shall plant additional trees and additional landscaping to further buffer the shed and the fence (the details of which shall be reviewed and approved by the Board Engineer).
- h. The Applicant shall perpetually maintain / replace / replant existing and proposed landscaping at the site, as necessary.
- i. The Applicant shall submit a final as-built Survey, confirming that improvements at the site have been installed / improved so as to be consistent with the Plans, consistent with the testimony presented, and consistent with the conditions set forth in the within Resolution.
- j. There shall be no utilities associated with the shed.
- k. The Applicant shall comply with all prevailing Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency with jurisdiction over the matter.

- I. 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
- m. The Applicant shall comply with the terms and conditions of the Maser Consulting Review Memorandum, dated August 14, 2023 (A-4).
- n. The shed legitimized herein shall not be utilized as living space.
- o. 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.
- p. 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.
- q. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicants shall be required to return to the Board for further review / relief.
- r. 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 development.

SUMMARY OF GRANTED VARIANCE RELIEF

***SHED LOCATION:** A Variance has been granted to legitimize the temporary installation of a shed in a front yard area (as referenced on the Plans).*

***DRIVEWAY WIDTH:** A Variance has been granted for the installation of a 24 ft. wide driveway, off of Spring Lake Avenue (as referenced on the Plans).*

***FENCE TYPE:** A Variance has been granted to retroactively legitimize the installation of a 6 ft. high solid fence, as noted on the Plans/survey.*

PR-23-19

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on September 26, 2023 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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of _____, 2023.

Jeanne Smith, Secretary

KEK/dmp
Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Jungfer (retroactive temp shed driveway fence)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-20

8.2

Meeting: 10/24/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2967

Resolution of Dismissal without Prejudice - Oport Partners LLC - Phase III

PR-23-20

10-24-23

**RESOLUTION OF DISMISSAL WITHOUT PREJUDICE
BOROUGH OF OCEANPORT PLANNING BOARD
APPLICATION OF OPORT PARTNERS, LLC – PHASE III
BLOCK 110.14, LOT 1 – PARCEL “A”/POST OFFICE
DISMISSAL DATE: OCTOBER 24, 2023**

WHEREAS, on March 10, 2021, Oport Partners, LLC (the “Applicant”), made an application (PB2020-29.2) to the combined Planning Board of the Borough of Oceanport (the “Board”), to obtain Preliminary & Final Major Site Plan Approval for the construction of three (3) office buildings totaling 137,792 sf and a 2,497 sf addition to the Commissary, several parking lots totaling 750 parking spaces and pedestrian access paths for property designated as Block 115, Lot 27, on the Tax Map, more commonly known as District A Parcel (Post Office), Oceanport Way, Oceanport, NJ, and more formally identified as Block 110.14, Lot 1 (the “Property”); and

WHEREAS, the application was deemed incomplete on March 31, 2021 and the application was never supplemented such that it could be deemed complete; and

WHEREAS, in *Sansone Oldsmobile-Cadillac, Inc. v. Shrewsbury Borough Bd. of Adj.*, 211 N.J. Super. 304 (Law Div. 1986), the court concluded that, when an applicant seeks to withdraw, or a land use board seeks to dismiss, an application pending before a land use board without prejudice, the principles of N.J. Court Rule 4:37-1(b) should be applied, such that the voluntary dismissal without prejudice during the pendency of the application is within the discretion of the Board and the Board may impose such terms and conditions as it deems appropriate; and

WHEREAS, the Board finds that Court Rule 1:13-7(a) applies such that the Board shall have the authority to dismiss, without prejudice, the Applicants’ pending application,

NOW, THEREFORE, BE IT RESOLVED that the application of Oport Partners, LLC is hereby dismissed, without prejudice, subject to the following:

1. That the Applicant shall cause all outstanding escrow charges (and other appropriate charges associated with the Planning Board Application) to be satisfied, in full.
2. That the within Resolution shall take effect immediately.

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.	()	()	()	()	()
Barham-Widdis, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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 24, 2023.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-21

Meeting: 10/24/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2960

8.3

PR-23-21 Resolution of Approval, 34 Main Street

RESOLUTION OF APPROVAL

BOROUGH OF OCEANPORT PLANNING BOARD APPROVAL OF THE APPLICATION OF GREG KUCHINSKI 34 MAIN STREET / BLOCK 115, LOT 5 APPROVED OCTOBER 10, 2023 MEMORIALIZED OCTOBER 24, 2023

Introduction

WHEREAS, Greg Kuchinski has made Application to the Oceanport Planning Board for the property designated as Block 115, Lot 5, commonly known as 34 Main Street, Oceanport, NJ, within the Borough's R-5 Zone, for the following approval: Bulk Variance associated with a request to effectuate the following:

- Legalization of an 8' x 12' shed

Public Hearing

WHEREAS, the Board held a Public Hearing on October 10, 2023, 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:

- *Land Development Application, introduced into Evidence as A-1;*
- *Survey of Property prepared by Morgan Engineering & Surveying, dated November 3, 2020, introduced into Evidence as A-2;*
- *Review Memorandum, prepared by Colliers Engineering and Design, dated August 8, 2023, introduced into Evidence as A-3;*
- *Letters of Neighbor Support, 3 pages, introduced into Evidence as A-4;*
- *Affidavit of Publication and Service;*

Witnesses

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

- Greg Kuchinski, Applicant and former property owner, appearing pro se;

- James Conahan, Current Property Owner;

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 and their representatives revealed the following:

- The Applicant is the former Owner of the subject property.
- There is an existing single-family home at the site.
- There is an existing 8' x 12' shed on the property, which was installed without permits in 2018 and Applicant is seeking legalization of the shed's location.

Variance

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

ACCESSORY STRUCTURE SIDE YARD SETBACK: 5.5' existing, 10' required

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 34 Main Street, Oceanport, NJ, within the Borough's R-5 Zone.
3. The subject property contains 10,115 SF.
4. The subject property is located on the southern portion of Main Street, approximately 200 ft. west of Arcana Avenue.
5. Additionally, there is an existing 8' x 12' shed at the site installed in 2018 without the required permits and Applicant seeks legalization of the shed and its location.
6. As such, the Applicants herein propose the following:
 - Legalization of the existing 8' x 12' shed
7. Details of the proposal are set forth herein, are set forth on the Plans, and were discussed during the Public Hearing process.
8. Such a proposal requires approval for a Bulk Variance.
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:

- The Application as presented requires an Accessory Structure Side Yard Setback Variance.

Required Side Yard Setback.....10 ft.

Existing Side Yard Setback.....5.5 ft.

The Board has critically reviewed the request for a Rear Yard Setback Variance.

- 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.
- 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.

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

Conditions

During the course of the Hearing process, the Board Members requested, and the 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 comply with the terms and conditions of the Board Engineer's Review Memorandum, dated August 8, 2023 (A-3).
- c. The Applicants shall comply with all on-site construction regulations as required by the Borough of Oceanport and any other Agency having jurisdiction over the matter.
- d. 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
- e. The Applicants shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- f. At which time the shed is removed/replaced, it shall require a new zoning application and compliance with current setback requirements.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or their 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 Applicants' compliance with all other appropriate Rules, Regulations, and/or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

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

SUMMARY OF APPROVED VARIANCE RELIEF

ACCESSORY STRUCTURE SIDE YARD SETBACK: 5.5' existing, 10' required

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 10, 2023 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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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 24, 2023.

Jeanne Smith, Secretary

KEK/dmp
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Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-22

Meeting: 10/24/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2957

8.4

PR-23-22 Resolution of Approval - 498 Branchport Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF JEANPIERRE DA SILVA
498 BRANCHPORT AVENUE / BLOCK 65, LOT 31
APPROVED SEPTEMBER 26, 2023
MEMORIALIZED OCTOBER 24, 2023**

Introduction

WHEREAS, Jeanpierre DaSilva has made Application to the Oceanport Planning Board for the property designated as Block 65, Lot 31, commonly known as 498 Branchport Avenue, Oceanport, NJ, within the Borough's R-3 Zone, for the following approval: Bulk Variance associated with a request to effectuate a number of improvements to an existing single-family home; and

Public Hearing

WHEREAS, the Board held a Public Hearing on September 26, 2023, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

Evidence / Exhibits

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

- *Planning Board Application, introduced into Evidence as A-1;*
- *Site Plan, prepared by Shore Point Architecturs, P.A., last revised August 6, 2023, consisting of 2 sheets, introduced into Evidence as A-2;*
- *Location and Topographic Survey, prepared by Land Control Services, dated June 8, 2023, consisting of 1 sheets, introduced into Evidence as A-3;*
- *Colliers Engineering & Design Review Memorandum, dated August 22, 2023, introduced into Evidence as A-4;*

- *Zoning Officer Denial Application Form, dated August 4, 2023, introduced into Evidence as A-5;*
- *2 photographs of the subject property (existing conditions), taken by Andrea Fitzpatrick, Architect, on or about September 26, 2023, collectively introduced into Evidence as A-6;*
- *Coverage Calculation Worksheet, prepared by Andrea Fitzpatrick, Architect, undated, introduced into Evidence as A-7;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

Witnesses

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

- Andrea Fitzpatrick, Architect;

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

Testimony and Other Evidence Presented on Behalf of the Applicant

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property for approximately 9 years.
- There is an existing single-family home located at the site.
- The Applicant lives at the site.
- There is a need for increased living space.
- In order to increase living space at the site, in or to make the home more functional, and more modern, the Applicant proposes several improvements.
- The proposed improvements include the following:
 - Replacement and expansion of a deck;

- Construction of an addition; and
 - Installation of a concrete walkway.
- Details pertaining to the existing deck include the following:
- Location: Rear of home
- Size: Per Plans
- Materials: Wood
- Details pertaining to the proposed / expanded deck include the following:
- Location: Rear of home
- Size: Per Plans
- Materials: Timbertech Composite
- Details pertaining to the proposed addition include the following:
- Size: Per Plans
- # of stories: 1
- Location: Rear of home (adjacent to the to-be-expanded deck)
- Materials: Vinyl Siding (To match the existing structure)
- Details pertaining to the proposed walkway include the following:
- Location: Extending from the rear of the property (between the home and the pool) to the front of the home (in a general "L" shape).
- Material: Concrete
- Upon completion of the construction / renovation process, the home will include the following:

First Floor

Kitchen
Dining Room
Living Room
Den
Kitchenette

Bedroom
 Bathroom
 Bathroom
 Mechanical Room
 Garage
 Covered Porch

- The Applicant anticipates having the construction work completed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the construction / renovation process.

Variance

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

IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas 39.1% exists and 42.1% proposed;

Public Comments

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

Findings of Fact

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.

2. The subject property is located at 498 Branchport Avenue, Oceanport, NJ, within the Borough's R-3 Zone.

3. The subject property contains 11,250 SF (0.26 acres).

4. The subject parcel is located on the southwest side of Branchport Avenue, approximately 400 ft. north of Colonial Drive.

5. There is an existing 2-story single-family home located at the site, with a wood deck, a pool, a shed, and an asphalt driveway.

6. In order to increase living space at the site, and in order to make the home more modern and functional, the Applicant proposes to effectuate several improvements to the existing single-family home.

7. The proposed improvements include the following:

- Replacement and expansion of a deck;
- Construction of an addition; and
- Installation of a concrete walkway.

8. Such a proposal requires Bulk Variance Approval.

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

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

- The existing and to-be-continued single-family use is a permitted use in the Borough's R-3 Zone.
- Per the testimony and evidence presented, the Applicant has a desire to increase living space at the site and to make the existing home more modern, more functional, and more aesthetically appealing.
- The Board Members appreciate the Applicant's aforesaid rationale for the proposed improvements.
- The Application as presented requires approval for an Impervious Coverage Variance.

- The relevant Impervious Coverage calculations include the following;

Maximum allowable impervious coverage	37%
Existing impervious coverage.....	39.1%
Proposed impervious coverage	42.1%

- Some Board Members were concerned about the excess Impervious Coverage, particularly in that the site already has a non-conforming Impervious Coverage of 39.1%.
- As initially proposed, the Applicant sought approval for an Impervious Coverage calculation of 42.6%.
- Some Board Members were concerned with such an excessive coverage calculation.
- Board Members inquired as to whether or not the Impervious Coverage calculation at the site could be reduced.
- During the Public Hearing process, the Applicant's representatives agreed to reduce the Impervious Lot Coverage calculation.
- In conjunction with the above point, the Applicant agreed to remove the existing shed, which helped to reduce the overall Impervious Coverage calculation.
- The removal of the shed reduced the Impervious Coverage calculation from 42.6% to 42.1%.
- Some Board Members were still concerned about the excess coverage, and inquired as to how the Applicant's representatives could help mitigate any potentially adverse issues associated with such excess coverage.
- In response thereto, the Applicant's representatives agreed to effectuate a number of grading / drainage improvements, and other stormwater management improvements. Specifically, among other things, the Applicant's representatives agreed that they would arrange to channel the runoff to a subsurface pipe with a buffer system. The Applicant's representatives also agreed that they would install new roof leaders that would pipe water to the front of the property. The Applicant's representatives also agreed that the pervious surface beneath the existing (and to-be-replaced wood deck) would be maintained. All the aforesaid grading / drainage improvements / details will be subject to the further technical review / approval of the Board Engineer. The aforesaid improvements assuaged those members of the Board who were concerned about the excess Impervious Coverage calculations.
- The aforesaid drainage improvements will help mitigate any potentially adverse impacts associated with the excess coverage.

- Additionally, per the testimony and evidence presented, the addition approved herein is located on the north side of the property, which will further help minimize / mitigate any adverse grading / drainage issues associated with the within approval.
- Based upon the testimony and evidence presented, and based upon the conditions of the within approval, the Board finds that there will be no adverse grading / drainage issues associated with the within proposal (subject to the conditions set forth herein).
- Per the testimony and evidence presented (including pictures of the subject property), the rear of the existing dwelling is, respectively, rather bland.
- Per the testimony and evidence presented, the addition approved herein will provide architectural diversity and character to the existing structure (particularly on the rear elevation).
- In conjunction with the above point, approval of the within Application will significantly enhance the overall aesthetic appeal of the subject property.
- The addition approved herein will provide the Applicant with an additional bedroom, an additional living space, resulting in a more modern and functional house.
- Per the testimony and evidence presented, the proposed single gable roof will extend the existing roofline.
- The materials for the proposed addition will architecturally / aesthetically match the existing structure.
- There were some concerns expressed that the proposed addition could possibly be utilized as a second dwelling unit / apartment at the site. (Particularly in that the floor plans identified an additional “kitchenette” at the site). The Applicant’s representatives indicated that there is, in fact, no such intent to utilize the subject addition as a second dwelling unit or apartment.
- The Board notes that the subject property is located in the R-3 Zone – and multi-family structures are not permitted in the said Zone.
- Out of an abundance of caution, as a condition of the within approval, the Applicant’s representatives agreed to record a Deed Restriction, confirming that the subject property can only be utilized as a single-family home.
- The recording of such a Deed Restriction, as referenced above, will help ensure that current / future Owners do not improperly utilize the structure as a non-permitted 2-family home.
- The Board finds that the proposed improvements have been efficiently designed.

- The Board understands the need and rationale to extend the existing deck, for additional outside space.
- The location of the to-be-extended deck (immediately adjacent to the existing deck) is logical and practical.
- The proposed concrete walkway is practically / appropriately located as well.
- Subject to the conditions contained herein, the proposal, as approved herein, represents an appropriate and non-invasive fashion in which an existing structure can be updated / modified / improved / expanded, without causing substantial detriment to the public good.
- The benefits of the improved / renovated home, as espoused elsewhere herein, help justify the granting of the requisite Variance relief.
- Approval of the within Application will significantly improve the overall visual appeal of the existing structure.
- The Board finds that the overall improvements / benefits associated with the proposal help justify the granting of the requested Variance relief.
- Per the testimony and evidence presented, the existing single-family structure was not built for the needs of a modern family (in terms of size of home, design, layout, etc.).
- Per the testimony and evidence presented, there is a need for increased living space at the site.
- The Applicant submitted detailed plans of the proposed addition, and other proposed improvements, which sufficiently described the appearance of the same. Additionally, subject to the conditions set forth herein, the proposed addition will comply with the Prevailing Building Code Requirements.
- Based upon the testimony/evidence presented, construction of the proposed addition will continue the pattern of existing development in the area.
- The subject Lot is an appropriate host for the expanded single-family home approved herein.
- Given the lay-out of the Lot and the existing home, the location of the proposed addition is appropriate and practical.
- The height of the proposed addition will comply with the Borough's Prevailing Height Requirements. That is, 35 ft. is allowed in the Zone – and, per the testimony and evidence presented, the proposed addition will have a conforming height.

- Subject to the conditions contained herein, the addition / improvement approved herein will not overpower / overwhelm the subject Lot.
- Subject to the conditions contained herein, the renovated home approved herein will not overpower / dwarf other homes in the area.
- The Board notes, positively, that the Applicant's proposal will have a conforming building coverage – and the said feature is one-way which the Board determined that the proposed improvements are appropriately sized for the Lot.
- Per the testimony and evidence presented, under the Borough's Prevailing Regulations the site is required to have a sufficient number of off-street parking spaces – and sufficient / compliant spaces are proposed. Thus, no Parking Variance is required in connection with the Application.
- The existence of sufficient and appropriate parking at the Site is an important consideration – and but for the same, the within application may not have been approved.
- The Board finds that the proposed addition has been very efficiently designed.
- Upon completion of the renovation process, the proposed home (with addition) will be consistent with other single-family homes in the area, on similarly sized lots.
- Subject to the conditions set forth herein, the brand-new addition to be constructed on the site (and the other improvements) will be beneficial for the property, the neighborhood, and the Borough as a whole.
- The construction of the subject addition (and the installation of the other proposed improvements) will aesthetically improve the site and the neighborhood.
- The Board notes that there were no direct 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 the detriments associated with the Applicant's inability to comply with the Specified Bulk Standards.
- The architectural design of the proposed addition / improvements will not be inconsistent with the architectural design of other single-family homes in the area (on similarly sized lots).

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

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

Conditions

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

- a. The Applicant shall comply with all terms, conditions, promises, and representations made at or during the Public Hearing Process.
- b. The Applicant shall work with the Borough Engineer so as to appropriately control / manage storm-water management at the site.
- c. The Applicant shall comply with the terms and conditions of the Board Engineer's Review Memorandum, dated August 22, 2023 (A-4).
- d. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming that the existing shed shall be removed;
 - The inclusion of a note confirming that the Shed Setback Variance has been withdrawn (because the shed will be removed);

- The inclusion of a note confirming that the subject property is not to be utilized as a multi-family structure. Rather, the note shall specifically confirm that the subject property is only to be utilized as a single-family home;
- The inclusion of a note confirming that the pervious surface beneath the existing and to-be-replaced deck shall be maintained;
- The inclusion of a note confirming that the walkway shall only be located on the Applicant's property, per the approved Plans;
- The inclusion of a note confirming that there shall be no doorway between the mechanical area and the home;
- The inclusion of a note confirming that there shall be no flood lights associated with the addition;
- The inclusion of a note confirming that the proposed walkway shall be a solid walkway (as opposed to stepping stones);
- Confirmation that the addition shall be referred to as a "cabana";
- The inclusion of a note confirming that there shall be no stove / oven located in the cabana addition;
- The inclusion of a note confirming that the Applicant shall channel the run-off to a sub-surface pipe with a bubbler system (the details of which shall be reviewed and approved by the Board Engineer);
- The inclusion of a note confirming that the stormwater discharge shall be directed from the south side of the property to the front of the property (the details of which shall be reviewed and approved by the Board Engineer);
- The inclusion of a note confirming that the roof leaders shall be piped to the front of the property (the details of which shall be reviewed and approved by the Board Engineer);
- The inclusion of a note confirming that any generator / air conditioning condenser shall be located in zoning-compliant locations;
- The inclusion of a note confirming that the new construction shall comply with all Prevailing FEMA / Flood Guidelines; and

- The inclusion of a note confirming that there shall be no adverse light spillover associated with the project.
- e. Grading / drainage details shall be specifically reviewed and approved by the Board Engineer.
 - f. The Applicant's representative shall sign a Deed Restriction confirming the following:
 - 1) That the subject property shall only be utilized as a single-family home;
 - 2) That the subject property shall not be utilized as a 2-family home; and
 - 3) That there shall be no stove / oven placed in the addition / cabana.

The said Deed Restriction shall be reviewed and approved by the Board Attorney. Thereafter, the said Restriction shall be recorded in the Office of the Monmouth County Clerk, and proof of recording shall be presented to the Board Secretary.

- g. Upon completion of the improvements, the Applicant shall submit a certified as-built Survey.
- h. Upon completion of the improvements, the Applicant's professional representatives shall submit a Certification detailing that the improvements have been installed per the approved Plans, per the testimony presented, and per the terms and conditions of the within Resolution.
- i. The Applicant shall comply with all Prevailing Building / Construction Code Requirements.
- j. The Applicant shall comply with all on-site construction regulations as required by the Borough of Oceanport and any other Agency having jurisdiction over the matter.
- k. 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
- l. If applicable, the proposed structure shall comply with applicable provisions of the Americans with Disabilities Act.
- m. 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.

- n. The proposed structure shall comply with the Borough's Prevailing Height Regulations.
- o. The construction shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code and Applicable Provisions of the Building Code.
- p. 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.
- q. 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. To the extent the within Application materially changes as a result of such outside approvals, then, in that event, the Applicant shall be required to return to the Planning Board for further review / approval.
- r. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- s. If required by the Board / Borough Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.

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

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

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules,

Regulations, and/or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

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

SUMMARY OF GRANTED VARIANCE RELIEF

IMPERVIOUS COVERAGE VARIANCE: A maximum 37% Impervious Coverage allowed; whereas the Board herein has approved an Impervious Coverage calculation of 42.1%.

PR-23-22

10-24-23

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on September 26, 2023 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.	()	()	()	()	()
Widdis, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver (Alt #1)	()	()	()	()	()
Kleiberg (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.	()	()	()	()	()
Widdis, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver (Alt #1)	()	()	()	()	()
Kleiberg (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 24, 2023.

Jeanne Smith, Secretary

KEK/dmp
Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\DaSilva (deed restriction) (additiona-concrete walkway-expand deck)\Resolution.doc



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2930)

Meeting: 10/24/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2930

9.1

PB2023-13 Marra, Marybridget

Block 66, Lot6

540 Shrewsbury Avenue

Reconstruct rear yard deck and new screened porch requiring variance relief for:

- Rear yard setback for principal structure where 25' required, 8' existing, 12'proposed.
- Maximum impervious coverage where 37% permitted, 49.30% existing and 47.44% proposed.

101 Crawfords Corner Road
Suite 3400
Holmdel, New Jersey 07733
Main: 877 627 3772



September 8, 2023

VIA EMAIL

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

540 Shrewsbury Avenue – Bulk Variances
Block 66, Lot 6
Application No. PB2023-12
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0351

Dear Board Members,

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

- Plan entitled "Addition – Alteration Marra Residence," prepared by Jeremiah Regan, AIA, last revised August 4, 2023, consisting of one (1) sheet.
- Plan entitled "Survey of Property" prepared by Thomas M. Ernst & Associates, last revised July 31, 2023, consisting of one (1) sheet.

The subject property is a 6,830 SF (0.16-acre) parcel on the west side of Shrewsbury Avenue approximately 228 feet south of paper street portion of Iroquois Avenue. The parcel is located in the R-3 Residential Zone. The Applicant proposes to remove an existing above ground pool, replace an existing deck in a slightly altered configuration and construct a screened in porch.

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

A. Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Rear Yard Setback – Principal Structure- R-3 Zone requires 25'. The proposed screened porch is 11.94' from the rear property line.

- b. Maximum Building Coverage – Principal – 25% permitted, 28.2 % proposed. The screened in porch is considered part of the principal structure as is the deck. Both are attached to the dwelling.
- c. Impervious Coverage – Currently the property has 49.3% impervious coverage whereas the maximum permitted in the zone is 37%. The Applicant proposes to decrease the impervious coverage to 47.44%.
- d. Side Yard Setback, Accessory Structure – 10 feet required. The remaining shed encroaches into Lot 7.01.

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

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

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

B. General Comments

1. The Applicant shall provide copies of the Use Easement Agreements.
2. Clarification shall be provided as to what utilities will be provided in the screened porch and if there are any future plans of enclosing the structure.
3. The Architect shall verify that the computations of lot coverage and impervious coverage pertain only to the improvements on Lot 6.



4. The Applicant shall clarify if there will be any change in grade. If there will be, then a grading plan will be required.
5. The property is located in an AE10 Flood Hazard Area.

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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)

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

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

WHW/dmm

cc: Marybridget Marra (via email)
Jeremiah J. Regan, AIA (via email)
Kevin Kennedy, Esq. (via email)

R:\Projects\M-P\Opp\OPP0351\Correspondence\OUT\230908_whw_540_shrewsbury_Ave_review#1.docx

PROJECT TITLE

MARRA RESIDENCE

540 SHREWSBURY AVENUE
OCEANPORT, NJ
BLOCK-66 LOT-6
PROJECT-2325 DATE - 6-6-23

ZONING DATA

540 SHREWSBURY AVENUE
BLOCK-66 LOT-6
RESIDENTIAL R-3
SINGLE FAMILY ZONE

	REQUIRED	EXISTING	PROPOSED
LOT AREA	12,000 SF	* 6,830 SF	N/C
LOT WIDTH	120'	* 50.31'	N/C
LOT DEPTH	100'	121.05'	N/C
BH	2 1/2 / 35'	2 / 30'	N/C
LC FB	25%	⊗ 1820 SF / 28.11%	1707 SF / 24.99%
LC AB	5%	206 SF / 3.02%	340 SF / 4.98%
FY5B (FB)	30'	32.9'	N/C
SY5B (FB)	10' / 25'	10.6' / 26.42'	N/C
RY5B (FB)	25'	42.5'	N/C
SY5B (AB) NO 1	10'	* OVER	N/C
RY5B (AB) NO 1	5'	44.0'	N/C
SY5B (AB) NO 2	10'	⊗ 2.0' (TO BE REMOVED)	13.21'
RY5B (AB) NO 2	5'	⊗ 3.5' (TO BE REMOVED)	11.94'
IS	31 %	* 3,367 SF / 49.30%	** 3,240 SF / 47.44%

N/C - NO CHANGE
* - EXISTING NON-CONFORMITIES
⊗ - EXISTING NON-CONFORMITIES TO BE REMOVED
** - VARIANCE NEEDED

EXISTING LOT COVERAGE**(PRINCIPLE BUILDING)**

DWELLING 1,233 SF
DECK 687 SF
1,920 SF / 28.11 %

EXISTING LOT COVERAGE**(ACCESSORY BUILDING)**

SHED 86 SF
SHED 84 SF
AC DECK 10 SF
GE. DECK 26 SF
206 SF / 3.02 %

PROPOSED LOT COVERAGE**(PRINCIPLE BUILDING)**

DWELLING 1,233 SF
DECK 474 SF
1,707 SF / 24.99 %

PROPOSED LOT COVERAGE**(ACCESSORY BUILDING)**

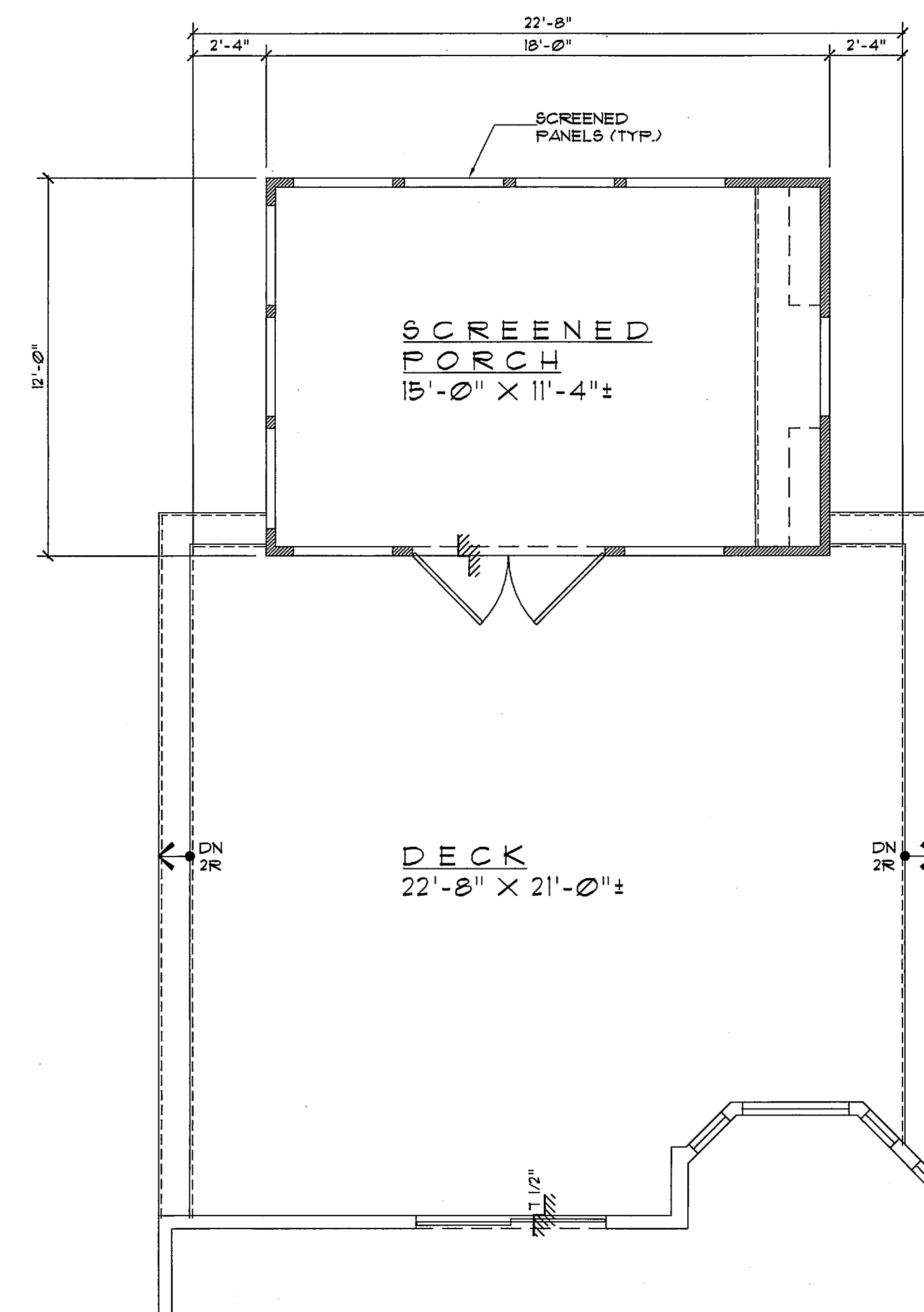
SHED 84 SF
AC DECK 10 SF
GEN. DECK 26 SF
SCREENED PORCH 220 SF
340 SF / 4.98 %

EXISTING IMPERVIOUS SURFACE

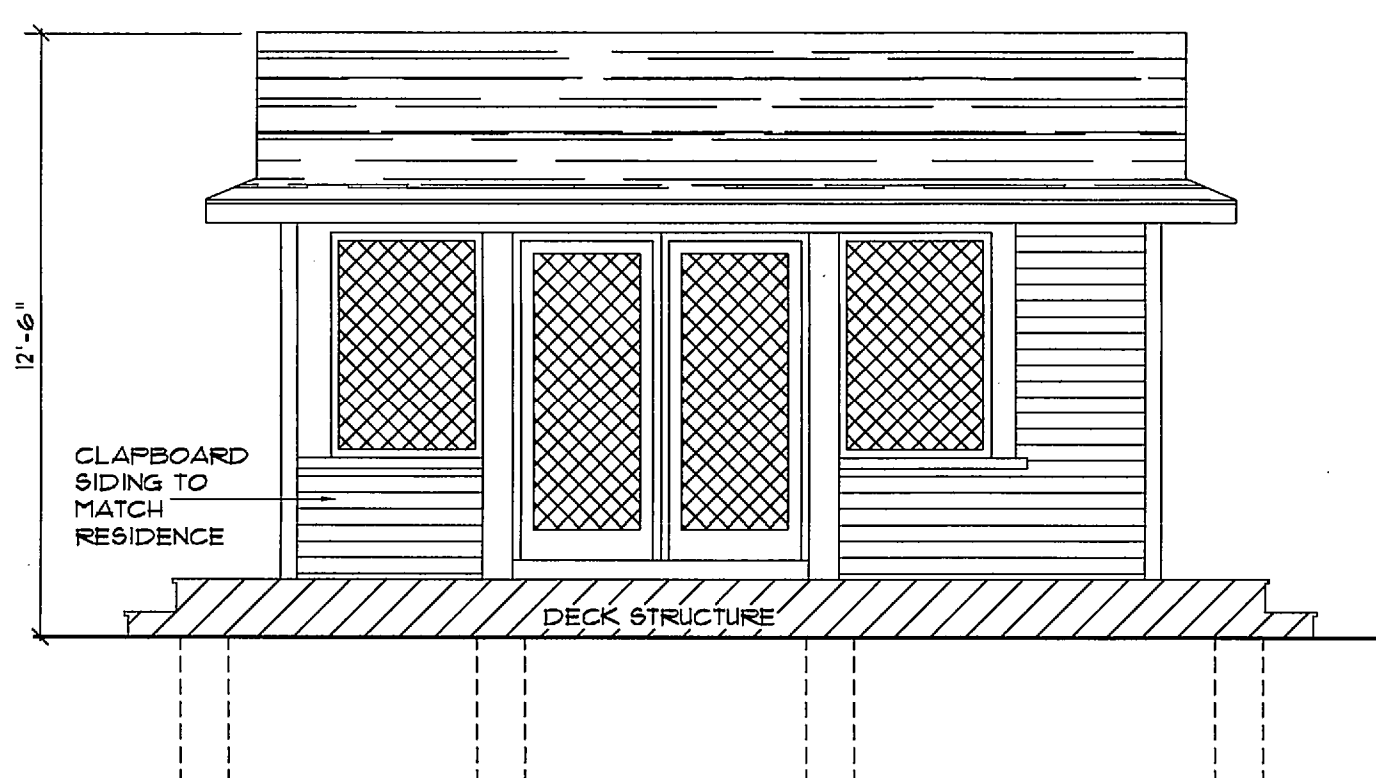
BUILDING COVERAGE (P.B.) 1,233 SF
BUILDING COVERAGE (A.B.) 206 SF
DRIVEWAY 1,478 SF
WALKS 62 SF
RETAINING WALLS 56 SF
POOL 261 SF
POND 71 SF
3,367 SF / 49.30 %

PROPOSED IMPERVIOUS SURFACE

BUILDING COVERAGE (P.B.) 1,233 SF
BUILDING COVERAGE (A.B.) 340 SF
DRIVEWAY 1,478 SF
WALKS 62 SF
RETAINING WALLS 56 SF
POND 71 SF
3,240 SF / 47.44 %

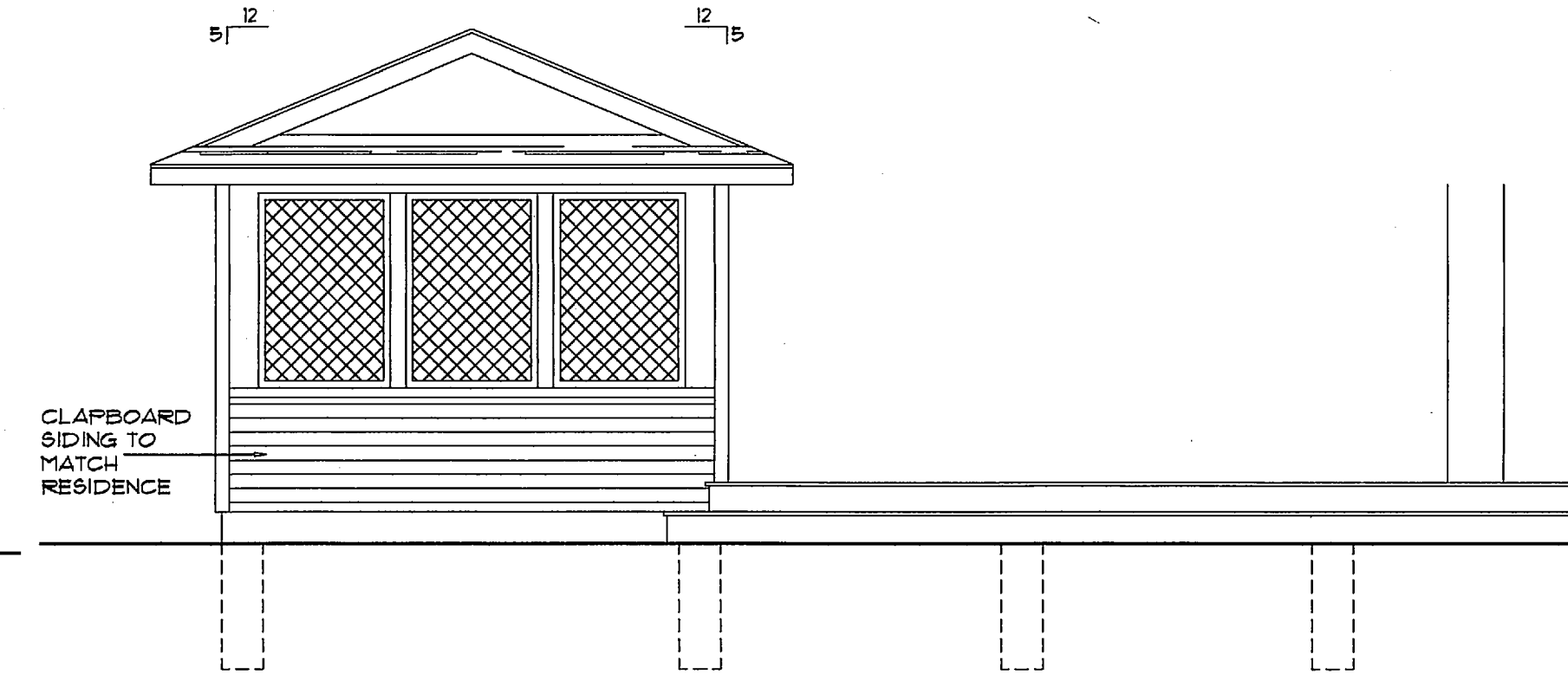
**FLOOR PLAN**

SCALE 1/4" = 1'-0"

**FRONT ELEVATION**

SCALE 1/4" = 1'-0"

(REAR ELEVATION - SIMILAR)

**LEFT SIDE ELEVATION**

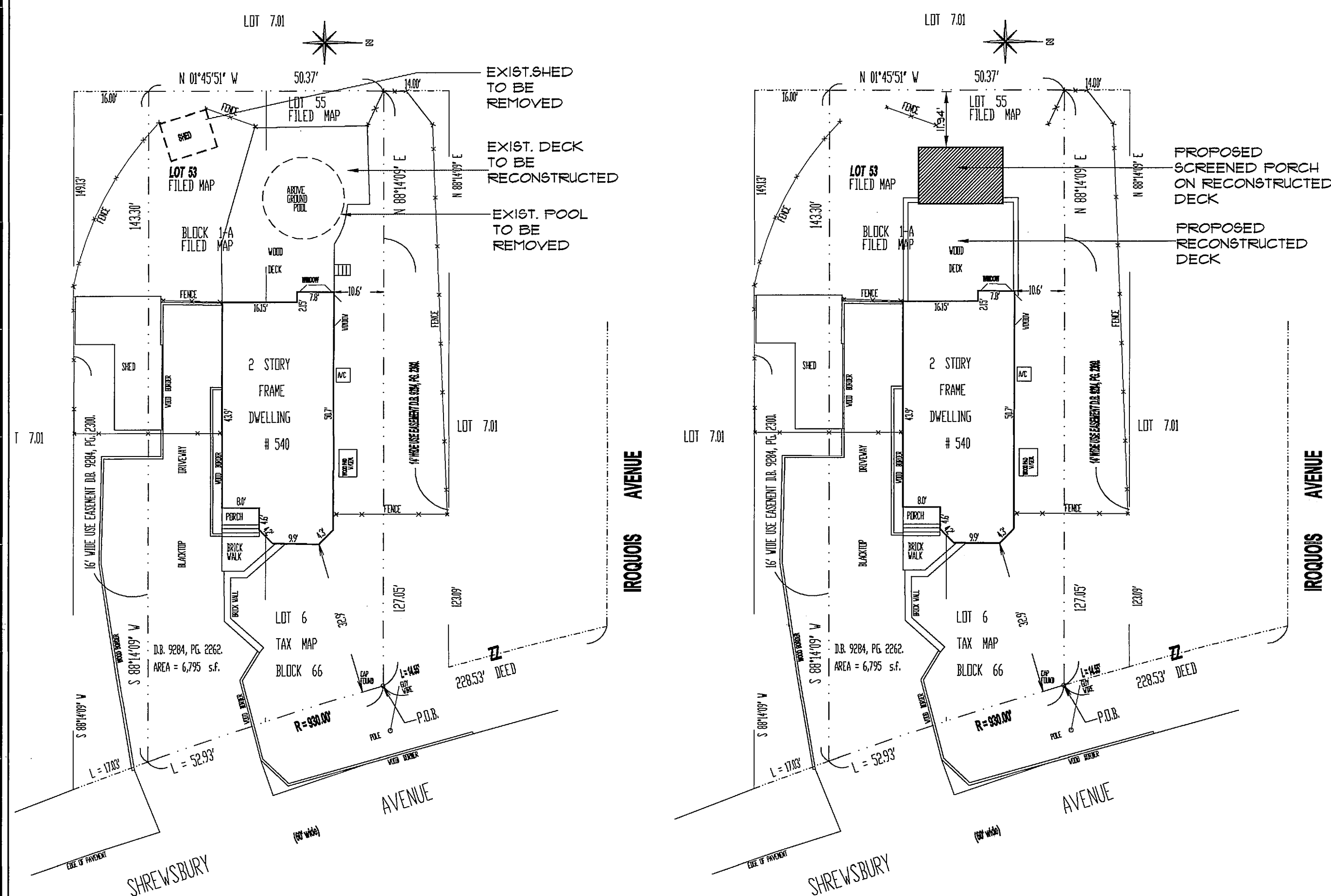
SCALE 1/4" = 1'-0"

(RIGHT SIDE ELEVATION - SIMILAR)

KEY PLAN

SCALE: N.T.S.

BLOCK-66 LOT-6

**EXISTING SITE PLAN**

SCALE: 1" = 20'-0"

PROPOSED SITE PLAN

SCALE: 1" = 20'-0"

SURVEY INFORMATION
TAKEN FROM SURVEY BY:
THOMAS ERNST & ASSOCIATES
457 SPOTSWOOD-ENGLISHTOWN ROAD
PO BOX 221
JAMESBURG, NJ 08831
CERT NO. 24GA27967000
PH: 732-251-1001
FAX: 732-251-9470
DATE: 7-31-23

JEREMIAH J. REGAN, AIA.
A R C H I T E C T

147 BRIGHTON AVENUE • 2ND FLR • LONG BRANCH • NJ • 07740
PH: (732) 870-2977 • FAX: (732) 870-1213 • EMAIL: jeremiahregan@aol.com
NEW JERSEY LIC. A1-10726
MARYLAND LIC. 9060-A

PROJECT TITLE
ADDITION • ALTERATION
MARRA RESIDENCE

540 SHREWSBURY AVENUE
OCEANPORT, NJ
BLOCK-66 LOT-6

SUBJECT

CODE DATA

SITE PLANS

FLOOR PLAN

ELEVATIONS

REVISIONS

NO.	DATE	DESCRIPTION	BY
1	8-4-23	-KEY MAP -SURVEY	MH

SCALE AS NOTED	DRAWN BY MH	CHECKED BY JJR
PROJECT NO. 2325	DATE 6/6/23	

DRAWING NO.

Z-1
1 OF 1

NOTE: THIS CERTIFICATION IS MADE ONLY TO HEREON NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREIN DELINEATED PROPERTY BY THE NAME 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.

THIS SURVEY DOES NOT DETERMINE THE EXISTENCE, NONEXISTENCE OR LOCATION OF FRESHWATER WETLANDS OR OTHER ENVIRONMENTAL CONDITIONS.

NOTE: NO INVESTIGATION INTO THE CLAIMS OF THE STATE OF NEW JERSEY REGARDING TIDELANDS HAS BEEN MADE BY OUR FIRM.

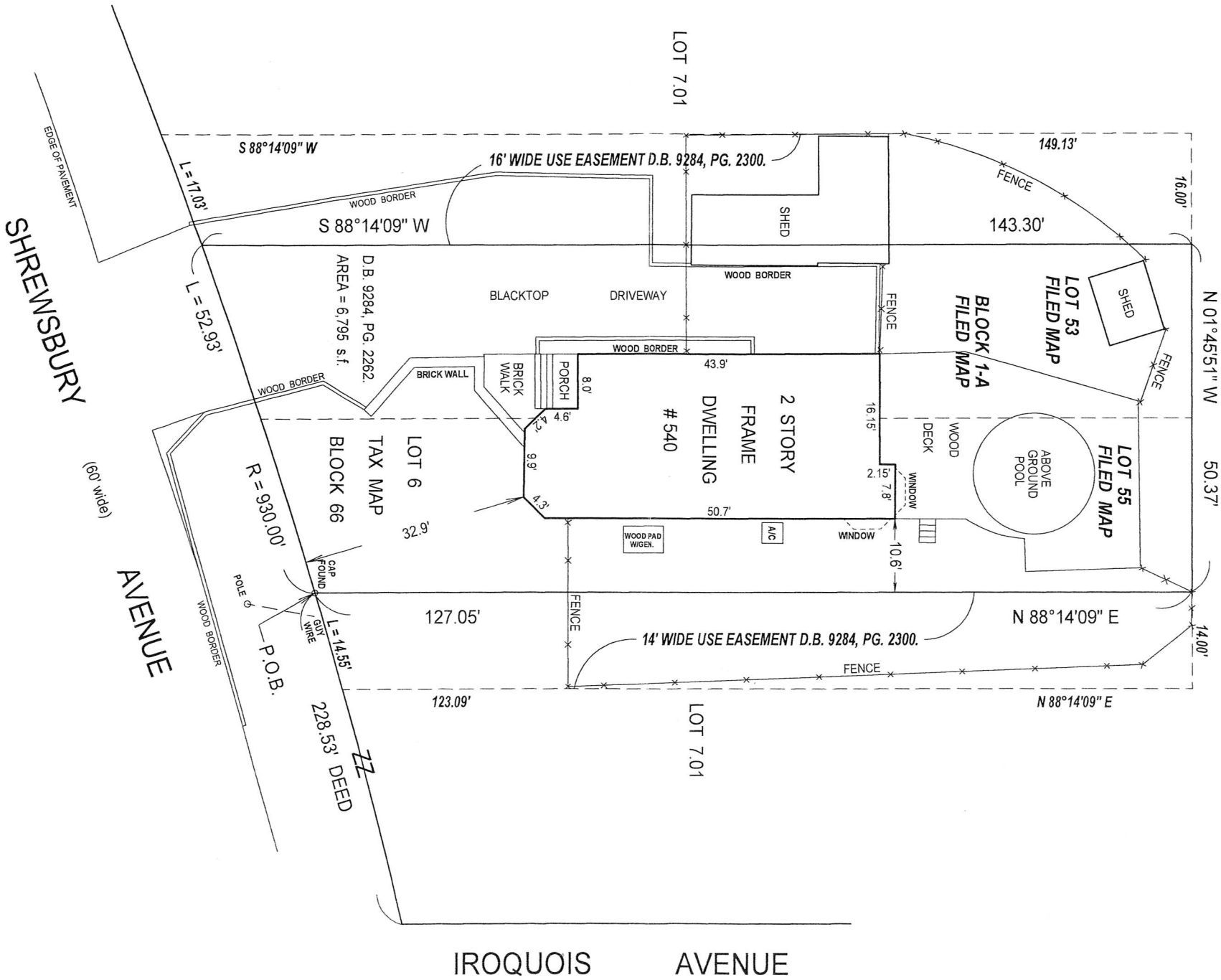
NOTE: THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF ANY TITLE REPORT AND/OR SEARCH. THE PROPERTY SHOWN HEREON, MAY BE SUBJECT TO VARIOUS EASEMENTS AND/OR "RIGHTS OF OTHERS". THIS SURVEY IS SUBJECT TO REVISIONS AS SUCH A REPORT AND/OR SEARCH MAY REVEAL.

NOTE: SURVEY SUBJECT TO EASEMENTS, COVENANTS AND RESTRICTIONS OF RECORD.

NOTE: UNDERGROUND UTILITIES, IF ANY, HAVE NOT BEEN LOCATED.

"A WRITTEN 'WAIVER AND DIRECTION NOT TO SET CORNER MARKERS' HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L.2003, c.14(C45:8-36.3) and N.J.A.C. 13:40-5.1 (d).

LOT 7.01



FILED MAP REFERENCE: PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUPECK, MONMOUTH COUNTY, NEW JERSEY, DATED: SEPT. 3, 1907, FILED: NOV. 11, 1920, AS CASE # 23-6.

SURVEY OF PROPERTY FOR: MARYBRIDGET MARRA, unmarried
SITUATED IN: BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY
PREPARED BY: THOMAS M. ERNST & ASSOCIATES, PROFESSIONAL LAND SURVEYORS, INC.
457 SPOTSWOOD-ENGLISH TOWN ROAD, P.O. BOX 221 JAMESBURG, N.J. 08831
CERTIFICATE NUMBER 24GA27967000 PHONE 732-251-1001 FAX 732-251-9470
DATE: APRIL 9, 2018
UPDATED: JULY 31, 2023
SCALE: 1" = 20'

CERTIFIED TO: MARYBRIDGET MARRA, unmarried;
JERSEY MORTGAGE COMPANY, its successors and/or assigns as their interests may appear;
TWO RIVERS TITLE COMPANY;
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY;
PAMELA STOCKHAM, ESQUIRE.

MICHAEL S. LYNCH
PROFESSIONAL LAND SURVEYOR
NEW JERSEY LIC. # 35382