



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • OCTOBER 10, 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. New Business

1. PB2021-26 Kuchinski, Greg
34 Main Street
Block 115, Lot 5
Existing shed installed without approval seeking variance relief for:
- Side yard setback of 5.5' where 10' required

VIII. Petitions from the Public

IX. Adjournment



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2302)

7.1

Meeting: 10/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2302

PB2021-26 Kuchinski, Greg

34 Main Street
Block 115, Lot 5
Existing shed installed without approval with a side setback of 5.5' where 10' required

COMMENTS - Current Meeting:

34 Main Street
Block 115, Lot 5
Existing shed installed without approval seeking variance relief for:
- Side yard setback of 5.5' where 10' required

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



August 8, 2023

VIA EMAIL

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

34 Main Street – Bulk Variance
Block 115, Lot 5
Application No. PB2021-26
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0313

Dear Board Members,

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

- Plans entitled "Survey of Property" prepared by Morgan Engineering & Surveying, dated November 3, 2020, consisting of one (1) sheet.

The subject property is a 10,115 SF (0.232-acre) parcel in the R-5 Residential Zone on the south side of Main Street approximately 200 feet west of Arcana Avenue. The Applicant is requesting a bulk variance for an 8' by 12' shed that was installed in 2018 without a permit.

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 variance is required for the following:
 - a. Accessory Structure Side Yard Setback- 10 feet required, 4.3 feet proposed.

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

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

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

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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)



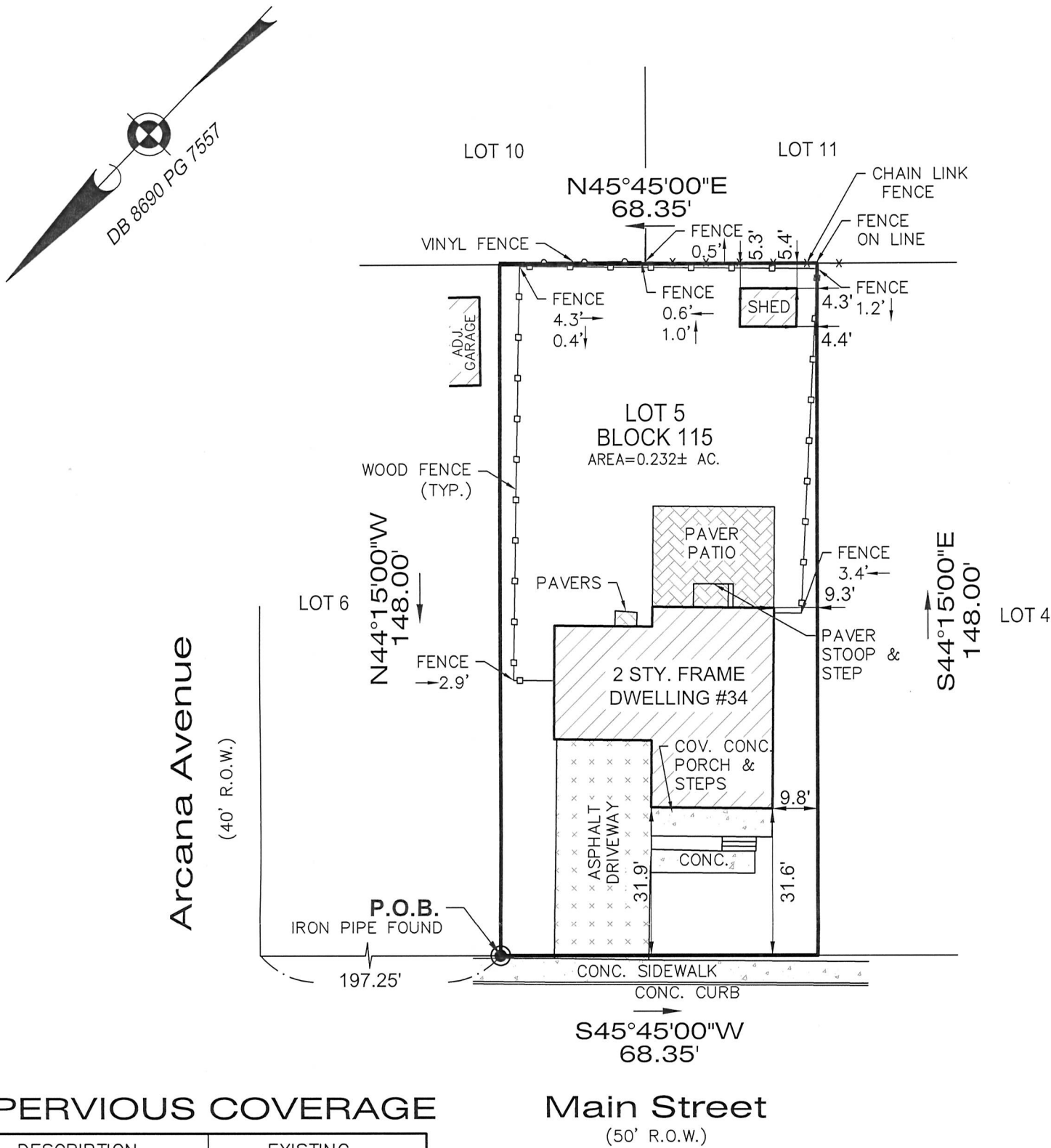
William H.R. White, III, PE, PP, CME, CFM, CPWM
Planning Board Engineer and Planner

WHW/dmm

cc: Greg Kuchinski (via email)

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REV	DATE	DESCRIPTION	BY
1	7/18/22	IMPERVIOUS COVERAGE & OFFSETS ADDED	AM



IMPERVIOUS COVERAGE

DESCRIPTION	EXISTING
DWELLING	1,630 S.F.
ASPHALT DRIVEWAY	948 S.F.
PAVERS	579 S.F.
CONC.	289 S.F.
SHED	100 S.F.
IMPERVIOUS COVERAGE	3,546 S.F.
LOT AREA	10,116 S.F.
TOTAL IMP. COVERAGE	35.1%

PREPARED FOR: JAMES CONAHAN AND MARTA CONAHAN

IMPORTANT NOTES, PLEASE REVIEW:

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 11/30/20 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE, SUBJECT TO RESTRICTIONS AND EASEMENTS RECORDED AND/OR UNRECORDED.
- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-5.1(D))

DB 9232 PG 6515



MORGAN

engineering & surveying

CERTIFICATE OF AUTHORIZATION: 24GA28229800

P.O. BOX 5232
TOMS RIVER, N.J. 08754
TEL: 732-270-9690
FAX: 732-270-9691

www.morganengineeringllc.com

SURVEY OF PROPERTY

LOT 5

BLOCK 115

BOROUGH OF OCEANPORT

COUNTY OF MONMOUTH

NEW JERSEY

Scale: 1"=30'

Drawn By: MS

Date: 11/3/20

JOB #: 20-11255B

CAD File #: 20-11255B

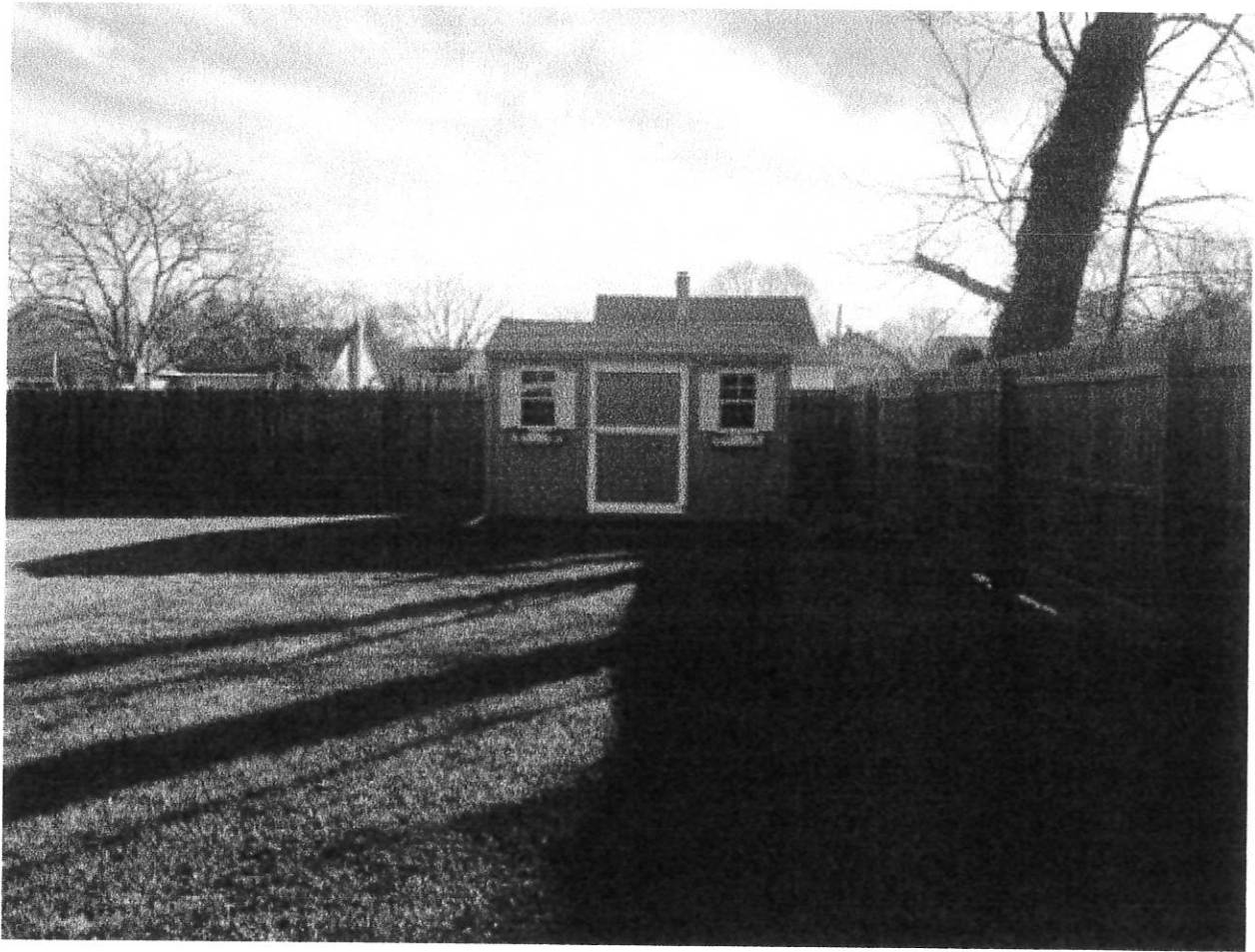
Sheet #:

Packet Pg. 5

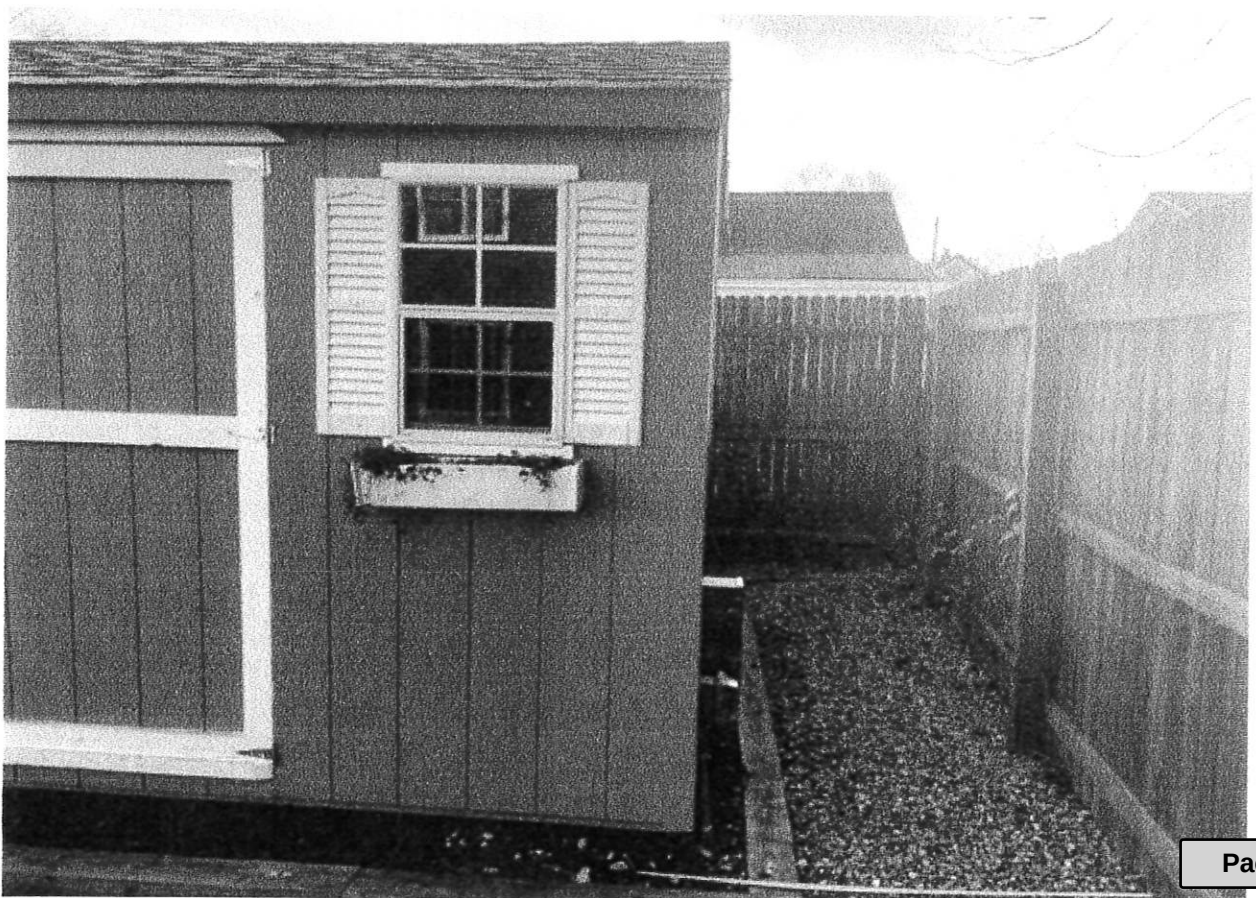


DAVID J. VON STEENBURG

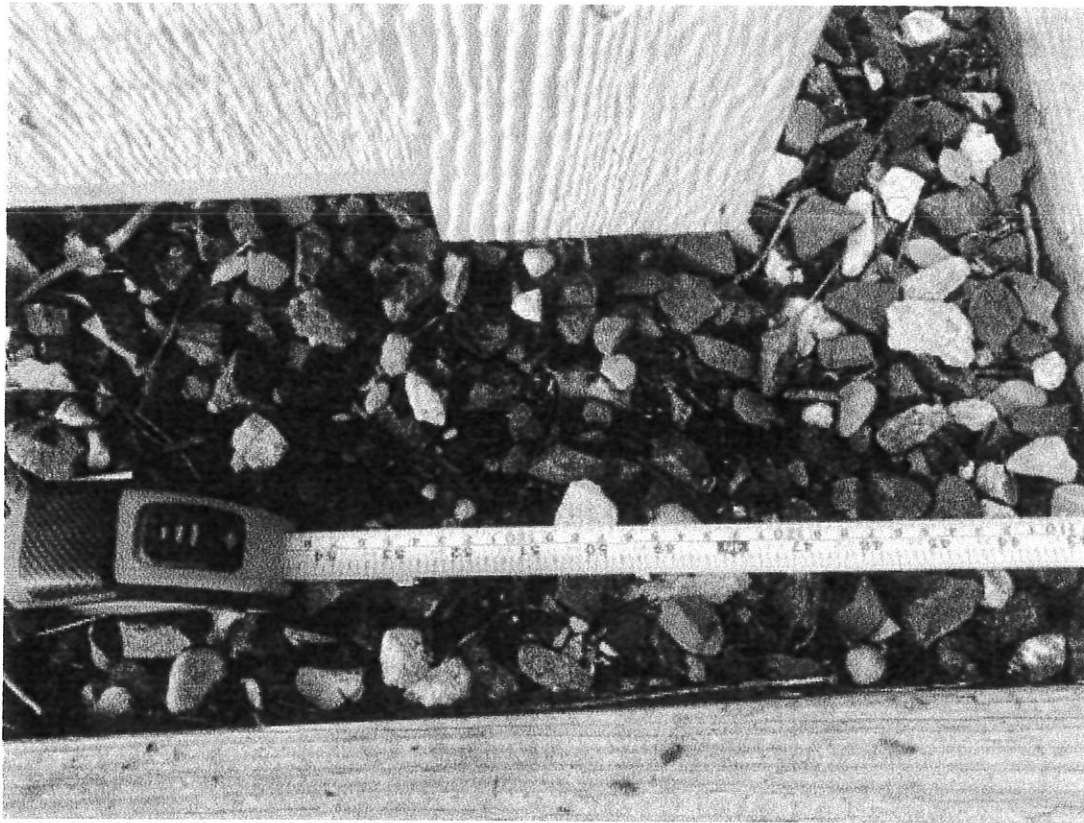
PROFESSIONAL LAND SURVEYOR
N.J. LIC. No. 34500



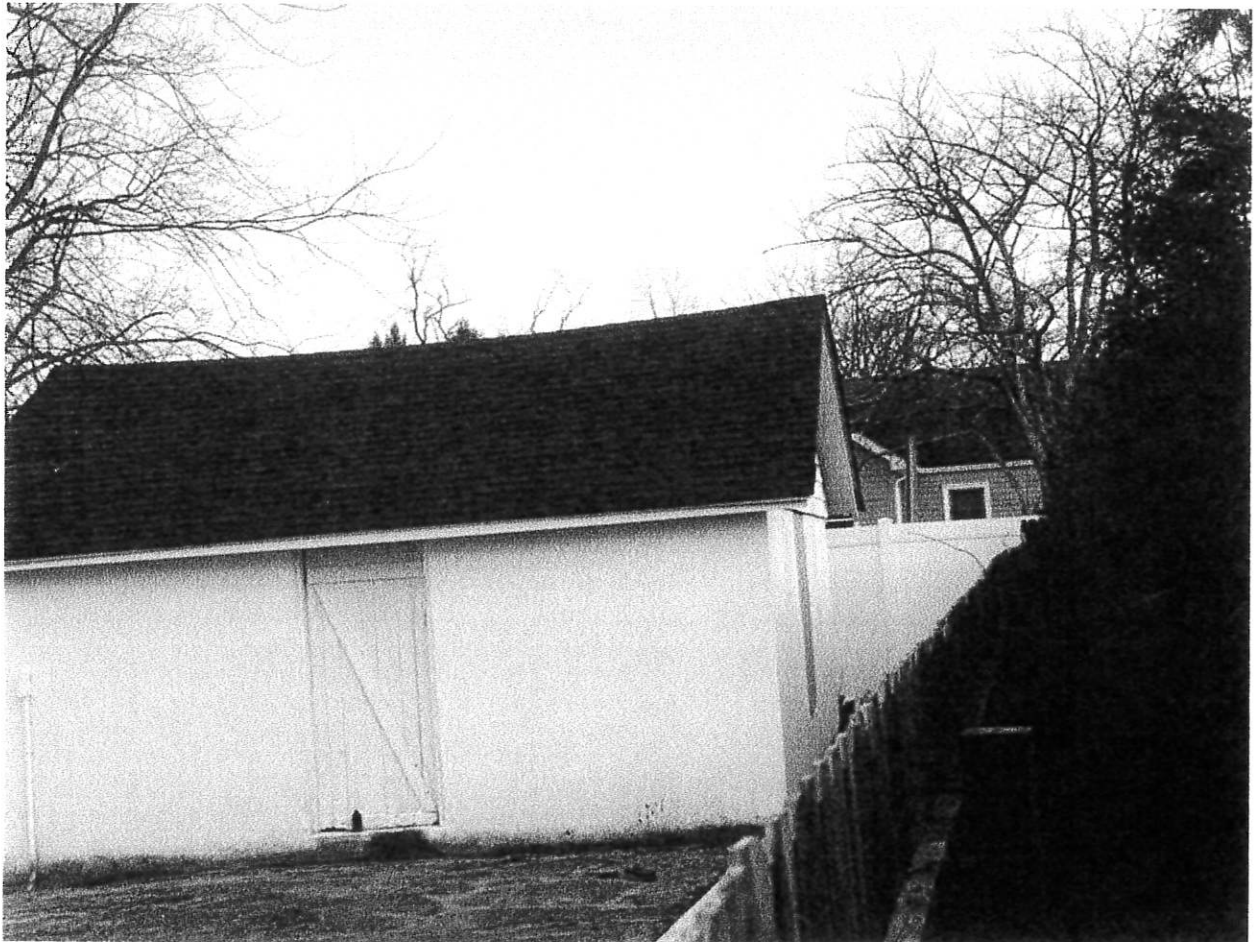
subject
shed



showing
4 ft
from fence.
Fence is
1.5 ft off
property line



close up
of lastpic



abutting property to East. The subject shed is

Addendum

December 21, 2021

Oceanport Borough
Zoning Department
315 E. Main Street
Oceanport, NJ 07757

Dear Planning Board,

This application for bulk variance approval post-facto is for an 8x12 shed. As previous owner, my wife and myself purchased 34 Main Street new in 2017, and invested further in the property in 2018 to complete both internal and external renovations. Projects included the finishing of the walk-up third floor, installation of a patio, full landscaping of site, including plants, sod, and irrigation system, as well as installation of this 8x12 shed.

At the time, I reviewed the borough code, and did not realize a permit was required for the shed. We fully permitted the patio and internal renovations (3rd floor), and there was no intent to avoid the permitting of the shed. Unfortunately, this shed was placed 5.5 feet from the side property line (4 feet from fence, which is 1.5 feet from property line). Upon selling the home to James Conahan, we were made aware by the Borough that a 10 ft setback was required.

The current position of the shed is not out of norm for the neighborhood, as there are neighboring properties with similar positioning of ancillary structures. The position of the shed is based on getting the most utilization out of the backyard, as moving it 4.5 ft to the left would create unusable space to the right of the shed. Additionally, it is positioned in the high point of the yard. Finally, we landscaped and irrigated based on the position of the shed. Moving the shed 4.5 feet would require repositioning the platform its built on, as well as re-landscaping and tearing up a portion of the sodded backyard to reposition several pipes and sprinkler heads.

We're hopeful you agree that the shed is best left where currently positioned, and will approved the variance as submitted.

Sincerely yours,

Greg Kuchinski (on behalf of James Conahan - current owner)