



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • SEPTEMBER 27, 2022

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Board Policy

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

V. Roll Call

VI. Board Business

1. Report of Pending Applications

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Aug 9, 2022 7:00 PM
2. Planning/Zoning Board - Regular - Sep 13, 2022 7:00 PM

VIII. Old Business

1. PB2019-11 Mangan, Nichola
Vacant Lot - Shrewsbury Ave
Block 66, Lots 3 & 4
Request for Extension of Approval PR-19-27 due to NJDEP approval delays
2. PR-22- Resolution of Approval, 18 Balmer

IX. New Business

1. PB2022-17 Shaw Construction Company, LLC
Block 19, Lot 14
35 Wyandotte Avenue
Minor Subdivision creating 2 conforming lots

X. Petitions from the Public

XI. Adjournment



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • AUGUST 9, 2022

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Whitson called the meeting to order at 7:00 PM
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute.
- IV. **Board Policy:** Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 10:00 P.M.; no new testimony will be taken after 10:30 P.M., except at the discretion of the Board.

V. **Roll Call:**

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

VI. **Board Business:**

1. Mandatory Training Certifications - Ms. Smith distributed Certificates of Completion of Mandatory training to present Board members: Whitson, Cooper, Foster, Dailey, Tvrdik.
2. Report of Pending Applications – Ms. Smith advised of upcoming applications under review including 3 minor subdivisions and 1 variance application that should be ready for the September meetings.
3. Referral from Governing Body - Ordinance Adopting a Redevelopment Plan – Ms. Smith summarized the introduced ordinance referred by the Mayor & Council which implements the next stage in the designation of the warehouse and postal parcels as areas in need of redevelopment and adopts the Fort Monmouth Plan Amendment #15 as the Borough's Redevelopment Plan for those parcels.
4. Resolution Determining Ordinance #1057 Consistent with the Master Plan

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

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Jul 12, 2022 7:00 PM

RESULT: ACCEPTED [3 TO 0]
MOVER: Patty Cooper, Mayor's Designee
SECONDER: John (Jack) Kahle, Vice Chairman
AYES: Whitson, Kahle, Cooper
ABSTAIN: Tvrdik, Foster, Kleiberg
ABSENT: Widdis C, Davis, Dailey, Widdis L

VIII. Old Business:

1. Resolution of Approval - 2 Balmer Court

RESULT: ADOPTED [3 TO 0]
MOVER: John (Jack) Kahle, Vice Chairman
SECONDER: Patty Cooper, Mayor's Designee
AYES: Whitson, Kahle, Cooper
ABSENT: Widdis C, Davis, Dailey, Widdis L
INELIGIBLE: Tvrdik, Foster, Kleiberg

2. PB2022-08 Molino, Bruno

144 Monmouth Blvd
 Block 12, Lot 13
 Request for variance for maximum impervious coverage

Exhibits:

A-8
 A-9
 A-10

Motion to Approve with Conditions

RESULT: ADOPTED [UNANIMOUS]
MOVER: John (Jack) Kahle, Vice Chairman
SECONDER: Patty Cooper, Mayor's Designee
AYES: Whitson, Kahle, Cooper, Tvrdik, Foster, Kleiberg
ABSENT: Widdis C, Davis, Dailey, Widdis L

- IX. **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.

- X. **Adjournment:** As there was no further business, the meeting was adjourned at 8:05 pm on a motion by Mr. Tvrdik which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • SEPTEMBER 13, 2022****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. Call to Order:** Chairman Whitson called the meeting to order at 7:00 PM
- II. Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute
- IV. Board Policy:** Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 10:00 P.M.; no new testimony will be taken after 10:30 P.M., except at the discretion of the Board
- V. Roll Call:**

Attendee Name	Title	Status	Arrived
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Late	8:00 PM
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Present	
Michael Dailey	Class IV	Present	
Leslie B Widdis L	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. Board Business:

1. Report of Pending Applications

Ms. Smith advised the next meeting was scheduled for September 27, 2022. Two applications scheduled are a minor subdivision with no variances and an as-built pool exceeding the approval for impervious coverage.

VII. Old Business:

1. PR-22- Resolution of Approval - 144 Monmouth Blvd

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

VIII. New Business:

1. PB2022-18 Carchio, Kathleen

Block 51, Lot 2

60 Werah Place

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

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

DFD 12/08/2022

EXHIBITS:

A-1 Land Development Application

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

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

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

Motion to Carry Application with Conditions to October 11, 2022

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Foster, Environmental Commission Liaison
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, Widdis C, Kleiberg

2. PB2022-16 Poulos, John & Elizabeth

18 Balmer Court

Block 65, Lot 1.02

Proposed accessory structures not permitted in front yard

DFD 12/13/2022

EXHIBITS:

A-1 Land Development Application

A-2 Plan entitled "Final As-built Survey," prepared by InSite Surveying, last revised December 16, 2021.

A-3 Hand marked up copies of the survey prepared by Elizabeth Poulos, LLC, dated June 23, 2022, consisting of three (3) sheets

A-4 Colliers Engineering & Design review letter dated August 19, 2022

Motion to Approve Application

RESULT:	ADOPTED [7 TO 0]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis, Widdis L
ABSENT:	Widdis C, Kleiberg
RECUSED:	Dailey

- IX. 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.
- X. Adjournment:** As there was no further business, the meeting was adjourned at 8:24 pm on a motion by Mr. Tvrdik which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**Planning/Zoning Combined Board**

PO Box 370
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 2545)**

Meeting: 09/27/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2545

PB2019-11 Mangan, Nichola

Vacant Lot - Shrewsbury Ave

Block 66, Lots 3 & 4

Request for Extension of Approval PR-19-27 due to NJDEP approval delays

William Mangan
529 East Street
Long Branch, NJ 07740
(732) 690-0035
bill@crossptllc.com

September 15, 2022

Jeannie Smith
Borough Clerk
910 Oceanport Way
P.O. Box 370
Oceanport, NJ 07757

Dear Jeannie,

Please be advised that I am requesting an extension for my variance for Block 66; Lots 2 & 3 on Shrewsbury Avenue due to unforeseen delays from the DEP, which have been resolved to date. Your help in this matter is greatly appreciated.

Best Regards,

Bill Mangan

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF NICHOLA MANGAN
SHREWSBURY AVENUE,
OCEANPORT, NJ
BLOCK 66, LOTS 3 & 4
APPROVAL DATE: NOVEMBER 12, 2019
MEMORIALIZATION DATE: DECEMBER 10, 2019**

INTRODUCTION

WHEREAS, Nichola Mangan has made Application to the Oceanport Planning Board for the vacant property located on Shrewsbury Avenue, designated as Block 66, Lots 3 & 4, Oceanport, NJ, within the Borough's R-3 Zone, for the following approval: Bulk Variance associated with an Application to construct a single-family home and related improvements; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on November 12, 2019, Applicant's representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Planning Board Application Package, introduced into Evidence as A-1;*
- *Conceptual Architectural Plans, untitled, undated, consisting of 2 sheets, introduced into Evidence as A-2;*
- *Plot Plan, prepared by D.W. Smith Associates, LLC, last revised September 18, 2019, introduced into Evidence as A-3;*
- *Maser Consulting Review Memorandum, dated September 23, 2019, introduced into Evidence as A-4;*
- *A copy of the Tax Map, dated January 31, 2011, introduced into Evidence as A-5;*

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

WITNESSES

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

- Nichola Mangan, Applicant, appearing Pro Se.
- Carolyn Feigin, P.E., P.P.;

WHEREAS, William H.R. White, III, P.E., P.P., C.M.E., 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 AND

HER REPRESENTATIVES

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

- The Applicant is the owner of the development site (i.e. Block 66, Lot 3 and Lot 4)
- The 2 lots, as aforesaid, in common ownership, have merged together.
- The Applicant is processing the within Application as if the 2 lots have been merged / consolidated.
- Even if the subject 2 lots have not officially merged, as a condition of the within approval, the Applicant has agreed to officially consolidate / merge the said 2 lots.
- The development site is currently vacant.
- The property is severely restricted by the presence of wetlands.
- The presence of wetlands severely limits the nature / extent / location of any home which can be constructed on the site.

- The Applicant is proposing to construct a home on the southern portion of the to-be-consolidated lot – and the Applicant has received necessary approvals from the NJDEP (for such construction).
- As indicated, the Applicant is proposing to construct a single-family home on the to-be-consolidated lot.
- The proposed home will be a 2-story home, and the same will contain 4 bedrooms and 2 ½ bathrooms.
- The proposed single-family home will generally have approximately 1,420 square feet on the first floor and 1,420 square feet on the second floor.
- The Applicant will arrange for a driveway to be installed at the site, which will contain a turn-around area.
- The turn-around area on the driveway, as aforesaid, will prevent occupants and their guests from having to back out of the driveway onto Shrewsbury Avenue.
- The Applicant will only clear the lot to the extent clearance is necessary for the construction of the home approved herein.
- It is anticipated that the home will be constructed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the construction process.

VARIANCE

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

LOT WIDTH: Minimum 120 ft. required; whereas 102.09 ft. exists, which is an existing condition;

PUBLIC COMMENTS

WHEREAS, questions, and/or statements in connection with the Application were submitted by the following:

- Mario Zolofra.

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 on Shrewsbury Avenue, Oceanport, NJ, within the Borough's R-3 Zone.
3. The subject Lot contains 18,855 SF; whereas a minimum of 12,000 SF is otherwise required in the Zone.
4. The subject property is currently vacant.
5. The Applicant proposes to construct a single-family home (with related improvements).
6. A single-family home is a permitted use at the site.
7. That notwithstanding, the Application requires approval for a Bulk Variance.
8. The Oceanport Planning Board is statutorily authorized to grant the requested relief and thus, the matter is properly before the said entity.
9. With regard to the Application, and the requested relief, the Board notes the following:
 - The within Application involves Block 66, Lot 3 and adjacent Block 66, Lot 4.
 - As indicated, the said two lots are contiguous to each other.
 - Both of the two said lots are vacant, without improvements.
 - The two lots have previously merged from a functional standpoint, and presumably, from a legal standpoint (by operation of law.)

- In the event the said two lots have not technically merged, as an express condition of the within Approval, the Applicant has agreed to officially consolidate/merge the two said lots.
- The Board representatives were concerned about whether the lots were officially merged or would be officially merged.
- The questions / issues / concerns in the said regard were initially identified in the Review Memorandum of the Board Engineer (A-4). The questions / issues / concerns were further presented by the Board Members / Representatives during the Public Hearing process.
- The questions/issues/concerns (regarding the merger / consolidation of the lots) represented important concerns, specifically because of the nature of the two lots, and the location of the home on what is currently identified on the Plans as Lot 4. That is, based upon the nature of the lots, and the nature of the Plot Plan, a casual observer might think that a single-family home would ultimately be developed on what is currently identified on what is Lot 4 and a separate / second single family home would be developed/constructed on what is currently identified as Lot 3.
- Because of the site constraints, the said issues/concerns (of the possibility of having two single-family homes constructed on each of the lots) was troubling to some Board Members / representatives.
- Based upon the testimony and evidence presented, the Board would not have approved an Application to construct one single-family home on what is currently identified as Lot 4 and a separate / second single-family home on what is currently identified as Lot 3.
- Sufficient testimony/evidence was not presented to justify relief for the construction of one home as what is currently identified as Lot 4 and a separate/second home on what is currently identified as Lot 3.
- The Applicant's representatives officially agreed, on the record, that the two adjacent lots would officially be merged as an express condition of the within Approval. As referenced, it is widely believed under the Doctrine of Merger, and Case Law associated therewith, the two lots, in common ownership, have already merged.
- Even in the event the two adjacent lots have not been officially consolidated under the Doctrine of Merger, as an express condition of the within Approval, the Applicant has agreed to consolidate/merge the said two lots.
- But for such a merger/consolidation of the two lots, the within Application would not have been approved.

- Furthermore, on the issue of lot merger, the Board notes that, as a practical matter, the Applicant has promoted the Application and processed the Application, as if the lots had merged. That is, the Zoning Chart on the Plot Plan (A-3) provides dimensions / calculations for the development site as if the entire development site were merged/combined. That is, the Zoning Chart on the submitted Plans does not reference a lot area for Lot 4 and a separate lot area for Lot 3. Likewise, the submitted Plans do not reference a lot width for Lot 4, and a separate lot width for Lot 3. Moreover, the submitted Plans do not reference a lot depth for Lot 4, and a separate lot depth for Lot 3. Rather, the Plans reference the combined lot area (for both lots), the combined lot width (for both lots) and the combined lot depth (for both lots). The information presented in the said format furthermore underscores the fact that the two adjacent lots have merged, and that the Application is being presented and processed for one combined/merged lot.
- Had the lots not been merged, the Applicant would be presenting an Application which would have Lot 4 with a non-conforming lot width of approximately 51 ft. Likewise, under such a scenario (if the Lots were not merged), the Applicant would be presenting Lot 3 to have a non-conforming lot width of approximately 51 ft. Clearly, under the circumstances, and based upon the testimony and evidence presented, the Board would not have approved a house to be constructed on a lot which was only approximately 51 ft. wide (when the minimum required lot width in the Zone is 120 ft.).
- The Board notes that as a merged/consolidated lot, the site has a non-conforming width of 102.09 ft. (whereas 120 ft is otherwise required).
- Sufficient professional testimony was presented to justify the non-conforming lot width of 102.09 ft.
- Sufficient professional testimony was not presented to justify a non-conforming lot width of approximately 51 ft.
- The testimony / evidence indicated that the property is significantly encumbered by wetlands, which severely limit the nature / extent / location of any home which can be constructed on the to-be-consolidated lot.
- The testimony indicated that the Applicant has received NJDEP approval for the construction of the home proposed/approved herein (in the specific location proposed/approved herein).
- The Board Members expressed strong concerns that the proposed home is not more centrally located on the to-be-consolidated lot. In response the Applicant's representatives advised that the proposed home is located in an area which was specifically approved by the NJ DEP. Furthermore, the Applicant's representatives testified that

any change to the location of the home would require further approval from the NJDEP. (The Applicant's representatives insinuated that it would be very difficult to obtain any such further amended approval, and that any such approval would take a very long time and would likely be quite expensive.)

- Under the circumstances, the Board Members accept, and appreciate, the Applicant's arguments in the said regard.
- The Applicant's representatives testified that if the home were relocated, even a slight bit, the home would likely be placed on the lowest point of the property – and such a relocation would not be desired, preferred, practical, or marketable.
- Per the testimony presented, any relocation of the proposed home would likely compromise grading/drainage issues.
- Per the testimony and evidence presented, the home will be designed and constructed in accordance with prevailing FEMA guidelines.
- The subject lot is encumbered by wetlands which severely restriction the nature/extent/location of any potential development thereon.
- The fact that the to-be-consolidated lot is severely restricted by wetlands, based upon the nature/topography of the existing site, essentially constitutes a hardship within the meaning of NJ Law.
- Per the testimony and evidence presented, and per the nature of the extensive wetlands on the site, there do not appear to be many practical/viable options to have the home relocated on the to-be consolidated lot.
- The presence of the wetlands, as aforesaid, severely restricts the nature/location/orientation/placement of any home on the to-be consolidated lot.
- As an express condition of the within Approval, the Applicant will have a turn-around area in the driveway, so that occupants and guests will not have to back-out onto Shrewsbury Avenue.
- The on-site driveway turn-around area will make it much easier/safer for occupants and guests to enter/exit the subject property.
- The installation of the driveway turn-around area on the site, as referenced above, will promote public safety.
- The existing Lot contains approximately 18,885 SF, well in excess of the minimum 12,000 SF required in the R-3 Zone.

- The existing Lot is a significantly oversized Lot.
- Subject to the conditions contained herein, the subject Lot can, in fact, accommodate the Applicant's proposal.
- The Board is aware that the new home approved herein will be constructed in accordance with all Prevailing / updated FEMA / Flood Regulations.
- The new home approved herein will be a Code-compliant home, which will be better able to withstand future storm surges.
- There is a legitimate Borough interest in approving an Application for the construction of a new home which will be better able to withstand increasingly frequent floods and storm surges.
- Per the testimony and evidence presented, and subject to the conditions contained herein, the storm-water management run-off has been appropriately directed to the rear of the property, following natural drainage patterns, (and / or otherwise contained onsite).
- The Application as presented requires a Variance for Lot Width. Specifically, a 120 ft. width is required; whereas 102.09 ft. exists.
- The Board is aware that the said Lot Width condition is an existing condition, which is not being exacerbated herein.
- Per the testimony and evidence presented, there is, essentially, no additional land available to reasonably/practically acquire (so that the non-conforming width could be increased).
- Subject to the conditions contained herein, and per the testimony and evidence presented, approval of the within Application will not detrimentally affect grading / drainage at the site, the neighborhood, or in the Borough of Oceanport as a whole.
- There are aesthetic, architectural, practical, and functional reasons justifying the Bulk "c" Variance relief.
- Under the circumstances, the Bulk "c" Variance relief can be granted without causing substantial detriment to the public good.
- The Applicant submitted detailed plans of the proposed home which sufficiently described its appearance. Additionally, subject to the conditions set forth herein, the proposed home will comply with the Prevailing Building and Construction Code Requirements.
- Based upon the testimony/evidence presented, construction of the proposed home will continue the pattern of existing development in the area.

- Subject to the conditions contained herein, the subject Lot is an appropriate host for a single-family home.
- Given the lay-out of the Lot, and wetland restrictions associated therewith, the location of the proposed home is appropriate and practical.
- Subject to the conditions contained herein, the home approved herein will not overpower / overwhelm the subject Lot.
- Subject to the conditions contained herein, the 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 home is appropriately sized for the to-be-consolidated lot.
- Per the testimony and evidence presented, the site has a sufficient number of off-street parking spaces. 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 home has been very efficiently designed.
- The consolidated Lot currently has a non-conforming width – and approval of the within Application will not exacerbate the said condition.
- The proposed home will be generally consistent with other single-family homes in the area, on similarly sized lots.
- The Applicant is complying with all of the Prevailing Building Setback Requirements.
- A brand new, energy-efficient and FEMA-compliant home to be constructed on the site will be beneficial for the property, the neighborhood, and the Borough as a whole.
- The construction of a brand-new home on the site will aesthetically improve the neighborhood.
- Approval of the within Application (in conjunction with the adherence to the prevailing CAFRA/NJDEP regulations) will restore the lot to a productive and conforming use.

- The Board notes that there were no public objections associated with the Application.
- The Board finds that sufficient testimony has been presented for the Application to be adjudicated – and the Board furthermore finds that, subject to the conditions contained herein, there is no need to elicit additional information to supplement the record.
- Single-family use is a permitted use in the subject Zone.
- The architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the Specified Bulk Standards.
- The architectural design of the proposed home will not be inconsistent with the architectural design of other single-family homes in the area (on similarly sized Lots).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.
- The improvement to be constructed herein will not be inconsistent with other improvements located within the Borough.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

For the above reasons, and for the other reasons set forth during 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 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, in good faith, work with the Borough Engineer so as to appropriately control / manage storm-water management at the site.
- c. The Applicant shall comply with the terms and conditions of the Board Engineer's Review Memorandum, dated September 23, 2019 (A-4).
- d. The Applicant shall arrange for Block 66, Lot 3 and Block 66, Lot 4 to be consolidated – and the Deed of Consolidation (including the Metes and Bounds description) shall be reviewed/approved by the Board Attorney and Board Engineer. The said Deed of Consolidation shall be recorded in the Office of the Monmouth County Clerk – and proof of recording shall be presented to the Board Secretary, Board Engineer, and Board Attorney.
- e. The Applicant shall provide the Board Secretary, Board Engineer, and Zoning Officer with a Surveyor's Certification as to the conforming building height of the structure. (The Surveyor's Certification shall be submitted once sheathing is completed, and prior to the installation of any roofing or siding materials.) It is expressly acknowledged and understood that no Height Variance is granted herein.
- f. A copy of the signed and sealed Boundary and Topographic Survey shall be provided to the Board Secretary and Board Engineer.
- g. If not already effectuated, the Applicant shall revise the plans so as to portray and confirm a turn-around area on the driveway (so as to prevent occupants and guests from having to back out onto Shrewsbury Avenue). (The said details should be reviewed and approved by the Board Engineer.)
- h. The Applicant shall, in good faith, preserve as many trees on site as possible. Specifically, per the testimony and evidence presented, the Applicant shall only clear / remove those trees which are necessary in order to construct the home approved herein. (The Applicant shall comply with any tree preserve regulations as the Borough of Oceanport may require.)
- i. The Applicant shall comply with all prevailing restrictions imposed by the NJDEP.
- j. As the subject property is vacant land, with no official address, the Applicant shall secure the new address for the site from the appropriate municipal officials and/or the appropriate postal officials.
- k. The newly consolidated lot designation shall be reviewed and approved by the Municipal Tax Office.
- l. The Applicant shall comply with all Prevailing Affordable Housing Rules, Regulations, Contributions, and Directives, as required by the Borough of

Oceanport, the State of New Jersey, COAH, the Court System, and any other Agency having jurisdiction over the matter.

- m. The Applicant shall submit 3 sets of revised Plans, to the Board Secretary, as part of the Resolution Compliance Process.
- n. The Applicant shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties.
- o. The Applicant shall have an obligation to work with the Board Engineer, in good faith, to finalize appropriate grading / drainage / storm-water details, to the satisfaction of the Board Engineer. Additionally, the Applicant shall comply with all Prevailing Building / Construction Code Requirements.
- p. 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.
- q. 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
- r. If applicable, the proposed structure shall comply with applicable provisions of the Americans with Disabilities Act.
- s. Unless otherwise waived by the Board Engineer, grading / drainage plans shall be submitted to the Board Engineer so as to confirm that any drainage/run-off does not go onto or otherwise adversely affect adjoining properties.
- t. 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.
- u. The Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Borough Engineer, Conflict 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.
- v. 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.

- w. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- x. If required by the Board/Borough Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.
- y. The within Resolution shall be recorded in the Office of the Monmouth County Clerk, and proof of same shall be submitted to the Board Secretary.

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

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

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

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

PR-19-27

12-10-19

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on December 10, 2019 roll call that evening by the following vote:

Offered by: Mr. Whitson

Seconded by: Mr. Davis

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

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

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

I hereby certify that the foregoing is a true copy of a Resolution adopted by the Oceanport Planning Board on this 10th day of December 2019.


 Jeanne Smith, Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2546)

8.2

Meeting: 09/27/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2546

PR-22- Resolution of Approval, 18 Balmer

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF JOHN AND ELIZABETH POULOS
18 BALMER COURT, BLOCK 65, LOT 1.02
APPROVED SEPTEMBER 13, 2022
MEMORIALIZED SEPTEMBER 27, 2022**

INTRODUCTION

WHEREAS, John and Elizabeth Poulos have made Application to the Oceanport Planning Board for the property designated as Block 65, Lot 1.02, commonly known as 18 Balmer Court, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to install a hot-tub, firepit, and gas grill at the site; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on September 13, 2022, Applicants' representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Development Application, introduced into Evidence as A-1;*
- *Final As-Built Survey, prepared by InSite Surveying, last revised December 16, 2021, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Hand-marked copies of the subject Survey, as inserted by Elizabeth Poulos, dated June 23, 2022, consisting of 3 sheets, introduced into Evidence as A-3;*
- *Review Memorandum from Colliers Engineering and Design, dated August 19, 2022, introduced into Evidence as A-4;*
- *Survey of the subject property, prepared by Charles Surmonte, P.E., P.L.S., dated August 19, 2022, introduced into Evidence as A-5;*
- *Affidavit of Service; and*

- *Affidavit of Publication.*

WITNESSES

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

- Elizabeth Poulos, Applicant;
- John Poulos, Applicant;
- Anthony Almeida, Esq.; appearing;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANTS'

REPRESENTATIVES

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

- The Applicants herein are the Owners of the subject property.
- The Applicants have owned the subject property since approximately September of 2021.
- There is an existing single-family home at the site.
- The Applicants live at the site.
- A prior Owner of the property (i.e. not the Applicant) previously obtained approval to subdivide the then Mother Lot into 12 single-family homes.
- One of the subdivided Lots (created by the previously approved Subdivision) is Lot 1.02 (i.e. the subject of the within Application).
- The Applicants propose to install a hot-tub, firepit, and gas grill at the site.
- Details pertaining to the proposed hot-tub include the following:

Size of hot-tub:	SF (Per Plans)
Location of hot-tub:	Rear of dwelling, off of Myrtle Ave (per Plans)

PR-22-27

09-27-22

- Details pertaining to the proposed firepit include the following:

Size:	Per Plans
Location:	Near the Monmouth Blvd /Myrtle Ave corner of the property (per Plans)

- Details pertaining to the proposed grill include the following:

Type of grill:	Gas
Location:	Rear of dwelling (per Plans)

- The Applicants anticipate having the aforesaid amenities installed in the very near future.

VARIANCE

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

ACCESSORY STRUCTURE LOCATION: The Prevailing Municipal Regulations do not permit a hot-tub, firepit, and / or gas grill to be located in a front yard area; whereas, in the within situation, the Applicants are proposing to have the subject amenities installed in such a technical front yard area.

PUBLIC COMMENTS

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

FINDINGS OF FACT

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

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

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

2. The subject property is located at 18 Balmer Court, Oceanport, New Jersey, within the Borough's R-3 Zone.

3. A single family home currently exists at the site.

4. The property was previously part of a larger Mother Lot. Specifically, the Mother Lot contained the former Oceanport Borough Hall Complex.

5. The former Borough Hall Complex was previously subdivided into 12 single-family Lots.

6. The said Subdivision has been perfected.

7. One of the Lots created under the aforesaid Subdivision was Lot 1.02, which is the subject of the within Application.

8. New Lot 1.02 contains approximately 23,314 SF (0.535 acres).

9. The Applicants herein are requesting permission to install a hot-tub, firepit, and gas grill at the site, in a technical front yard area.

10. Such a proposal requires Bulk Variance Approval.

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

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

- New Lot 1.02 (the subject of the within Application) was created as part of a recently approved Subdivision.
- The subject property is a 23,314 SF (0.535 acre) parcel, which was formerly a portion of the old Borough Hall site.
- The subject property is located at the southeast corner of the intersection of Myrtle Avenue and Monmouth Boulevard.
- The subject property has frontages on Balmer Court, Monmouth Boulevard, and Myrtle Avenue.
- The subject property has 3 technical front yard areas – i.e. 1 front yard area off of Myrtle Avenue, 1 front yard area off of Balmer Court, and 1 front yard off of Monmouth Boulevard.

- The Applicants are proposing to install a hot-tub, firepit, and gas grill at the site, off of Myrtle Avenue (as referenced on the Plans).
- Though the area of the subject property off of Myrtle Avenue is a technical front yard area, the same is the Applicants' functional rear yard area.
- As indicated, the subject Lot has frontages on 3 streets.
- The said situation results in the property having 3 technical front yard areas.
- The fact that the property has 3 front yard areas compromises the ability of the Applicants to reasonably satisfy the Borough's Prevailing Accessory Structure Location Requirements.
- Under the circumstances, the said situation (i.e. the fact that the subject Lot is surrounded by a public Right-Of-Way on 3 sides) constitutes a hardship within the meaning of the New Jersey Municipal Land Use Law.
- The unique features of the land compromise the ability of the Applicants to reasonably satisfy the Prevailing Zoning Regulations.
- The Prevailing Municipal Zoning Regulations do not permit accessory structures, to be located in a front yard area – whereas, in the within situation, the proposed accessory structures are located in a technical front yard area.
- Presumably, the Municipal Regulations do not permit such accessory structures to be located in a front yard area, as there is a legitimate municipal interest in attempting, when appropriate, to shield personal / private activity from public view.
- If the subject Lot were a traditional Lot, with 1 front yard area, 1 rear yard area, and 2 side yard areas, the requested Variance relief would not be necessary.
- However, given the unique nature of the Lot, and the fact that the same is surrounded by a public street on 3 sides, there is a need for Variance relief.
- The location of the aforesaid accessory structures as proposed, is in a technical front yard area, but, in reality, the same will be placed in the functional / practical/more private area of the subject property.
- The location of the proposed accessory structures as proposed, is offset so that the homeowner can still have a functional and useable outdoor / yard area.

- As indicated, an accessory structure in a front yard area should be appropriately shielded so as to minimize any adverse visual, noise, or functional impacts. In the within situation, the accessory structures are so shielded.
- In the within situation, the Applicants' representatives have advised that there is landscaping along the property line (where the accessory structures will be located). The said landscaping shall serve as a visual / noise / aesthetic buffer. Moreover, the said plantings shall minimize any adverse impact associated with the within approval.
- In conjunction with the above point, as a condition of the within approval, the said landscaping shall be perpetually maintained / replaced / planted, as necessary, so that the visual / noise / aesthetic buffer always exists.
- The host location for the proposed accessory structure is logical and functional.
- The Board is aware that other similarly situated accessory structures have been constructed in other technical front yard areas in the subject subdivision / complex.
- There are no adverse health and safety concerns associated with the Variance relief granted herein.
- The single-family home is a permitted use in the Zone.
- The proposed accessory structures are a permitted accessory structures in the zone.
- The Applicants considered a number of potential host locations for the amenities, and the proposed location is most appropriate / desirable for the subject site.
- The proposed host location of the proposed amenities is near the existing home and near the utility hook-ups, etc., further justifying the appropriateness of the proposed host location.
- The proposed accessory structures comply with all Prevailing Setback Requirements.
- Per the testimony and evidence presented, improvements approved herein will not compromise any Sight Triangle Easements at or around the property.
- Per the testimony and evidence presented, the improvements approved herein will not compromise public safety.

- Per the testimony and evidence presented, the improvements approved herein will not compromise the line of sight of any drivers or pedestrians.
- Per the testimony and evidence presented, the improvements approved herein will not violate any Prevailing Building / Construction Code Requirements.
- For the reasons set forth above, and otherwise discussed during the Public Hearing process, the Board has determined that the Variance for the accessory structure location can be granted without causing substantial detriment to the public good.
- The Applicants' Representatives provided compelling testimony in support of the Application, and the requested relief.
- Subject to the conditions set forth herein, the grading and drainage testimony / plans / details presented satisfied the technical concerns of the Board Engineer.
- Per the testimony and evidence presented and subject to the conditions contained herein, there will be no adverse drainage impacts associated with the within approval.
- Subject to the conditions contained herein, the Applicants' site can accommodate the subject proposal.
- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the accessory structure location approved herein.
- Per the testimony and evidence presented, the installation of the proposed improvements herein will not compromise the health and safety of the occupants.
- There will be no adverse lighting or spill-over lighting associated with the placement of the improvements in the designated location.
- The improvements will be shielded by shrubbery and / or fencing, etc. further ensuring that the proposed installation will not have an adverse impact on adjacent property owners.
- The improvements will be appropriately shielded with landscaping / fencing.
- Subject to conditions contained herein, the location of the improvements will minimize, to the greatest extent possible, any disturbance to the neighboring property owners.

PR-22-27

09-27-22

- Additionally, notwithstanding the Variance relief, the Board notes that the location of the proposed improvements is practical, appropriate, safe, functional, and aesthetically pleasing.
- The proposed improvements will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- The Board notes that given the screening / buffering, the proposed improvements will not be readily seen from the public road / Right-of-Way.
- 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 owners.
- The to-be installed improvements are specifically designed for residential use.
- Approval of the within Application will not intensify the existing and to-be-continued single-family nature of the home / site.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the improvements will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfied the Statutory Requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance).

Based upon the above, and subject to the conditions contained herein, the Board is of the 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 Applicants have agreed, to comply with the following conditions:

- a. The Applicants shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicants shall comply with the terms and conditions of the Colliers Engineering and Design Review Memorandum, dated August 19, 2022. (A-4)
- c. The Applicants shall utilize / employ dark-sky compliant lighting (associated with the proposed improvements).
- d. The Applicants shall perpetually maintain, replace, and replant landscaping at the site, as necessary (so as to maintain physical / sound buffers, as necessary).
- e. There shall be no light spillover onto the adjacent properties.
- f. 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
 - Fire Permit
- g. There shall be no adverse drainage impact on the adjoining properties.
- h. The Applicants shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- i. The Applicants shall confirm the lot coverage calculation.
- j. The Applicants shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties.
- k. The construction / installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with Prevailing Provisions of the Uniform Construction Code.
- l. The Applicants shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of

Public Works, the Bureau of Fire Prevention and Investigation, and / or other agents of the Borough.

- m. The Applicants shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- n. The Applicants 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 Applicants and / or their agents shall be deemed conditions of the approval granted herein, and any misrepresentations or actions by the Applicants contrary to the representations made before the Board shall be deemed a violation of the within approval.

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

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

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

SUMMARY OF VARIANCES GRANTED

ACCESSORY STRUCTURE LOCATION: The Prevailing Municipal Regulations do not permit an accessory structure to be located in a front yard area; whereas, in the within situation, the Board approved a request to have a _____ installed in such a front yard area.

PR-22-27

09-27-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on September 13, 2022 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

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

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

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

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

Jeanne Smith, Secretary

KEK/dmp

Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Poulos - (3 frontages) hot tub-firepit-grill\Resolution.docx

**Planning/Zoning Combined Board**

PO Box 370
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 2470)**

Meeting: 09/27/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2470

PB2022-17 Shaw Construction Company, LLC

Block 19, Lot 14
35 Wyandotte Avenue
Minor Subdivision creating 2 conforming lots

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



August 19, 2022

VIA EMAIL

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

35 Wyandotte Avenue, Minor Subdivision
Block 19, Lot 14
Application No. PB2022-17
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0328

Dear Board Members,

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

- Plan entitled "Minor Subdivision", prepared by InSite Engineering, LLC last revised July 12, 2022, consisting of two (2) sheets.
- Plan entitled "Location Survey" for Lot 7 of Block 39, prepared by Land Control Services, LLC dated February 20, 2021, consisting of one (1) sheet.
- Plan entitled "Minor Subdivision (Lot Line Adjustment)," prepared by Land Control Services, LLC., last revised February 15, 2022, consisting of one (1) sheet.

The subject property is a 24,000 SF parcel located in the R-3 Residential Zone. Lot 14 is a through lot with frontages on Wyandotte Avenue and Pocahontas Avenue. The parcel is located 420 feet east of Port Au Peck Avenue. The property currently contains a single-family dwelling and three (3) sheds. All structures are designated to be removed.

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

A. Variances/Design Waivers

1. The Application as presented does not require any Variances or Design Waivers.

B. General Comments

1. A condition of approval, if so granted, shall require removal of the existing dwelling and sheds; otherwise variances would be required.

2. The combined Side Yard Setback is 25 feet. The building envelopes only provide 10-foot side yards for a combined 20 feet. The plan should be revised to address this comment.
3. The property is not within the Flood Hazard Area.
4. Signed and sealed survey shall be provided for existing Lot 14.
5. The metes and bounds descriptions are acceptable. The Applicant shall clarify how the subdivision will be filed, deed or map. The map was not reviewed for compliance with the Title Recordation Law.
6. Shade trees shall be provided in accordance with Ordinance 371-1. The trees are to be installed on the proposed properties, not in the right of way.
7. Should the Board approve the Application, a condition of approval should be to provide an acceptable grading plan for each lot at the time of which building permits are applied.

C. Additional Agency Approvals

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

1. Freehold Soil Conservation District
2. Monmouth County Planning Board

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

Sincerely,

Colliers Engineering & Design



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

WHW/dmm

cc: Jason Fichter, PE (via email)
 Karen Dolan, Esq. (via email)

r:\projects\m-p\opp\opp0328\correspondence\out\220819_whw_35_wyandotte__review#1.docx

MINOR SUBDIVISION FOR 35 WYANDOTTE AVENUE

BLOCK 19, LOT 14 TAX MAP SHEET #11 35 WYANDOTTE AVENUE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY

PROPERTY OWNERS WITHIN 200'

BLOCK	LOT	QUAL.	CLA.	PROPERTY OWNER	PROPERTY LOCATION
17	2			JOHN J. & MARY A. SCARFONE	42 WYANDOTTE AVE
17	3.01			PATRICIA CHRISTOPHER & KAREN SCARFONE	38 WYANDOTTE AVE
17	3.02			BARBARA SCHWAB & HARRISON A. SCARFONE	34 WYANDOTTE AVE
17	4			LORENZO, ROBERT V & KATHLEEN SCARFONE	30 WYANDOTTE AVE
17	5			LYNN, DONALD & SHIRLEY SCARFONE	24 WYANDOTTE AVE
17	14			MYRTLE, EDWARD JR & ALONQUIN SCARFONE	24 ALONQUIN AVE
17	15			QUILL, MARY & DAVID SCARFONE	35 ALONQUIN AVE
17	16			SHARLA, JENNIFER & KRISTIA WELLE SCARFONE	29 ALONQUIN AVE
17	17			RAJENDRA, SUPARNA & MAURO V SCARFONE	43 ALONQUIN AVE
17	18			SHILPA, ROBERT & WALEEN SCARFONE	47 ALONQUIN AVE
19	2			MAJID, TONY D & TARA L SCARFONE	42 POCAHONTAS AVE
19	3			REBECCA, BEATRICE SCARFONE	34 POCAHONTAS AVE
19	6			ANNELO, THOMAS J & JUDY E SCARFONE	22 POCAHONTAS AVE
19	12			FERRUCIO, JOHN D JR & KAREN W SCARFONE	25 WYANDOTTE AVE
19	13.01			RONALD, MICHAEL & MARIA W SCARFONE	29 WYANDOTTE AVE
19	13.02			DAVID, SHERRA A & SUSAN SCARFONE	28 POCAHONTAS AVE
19	15.01			REBECCA, JACQUELINE V SCARFONE	39 WYANDOTTE AVE
19	16.01			SANDRA, MATTHEW & RICHIE LEE SCARFONE	47 WYANDOTTE AVE
20	2			EMERSON, EDWARD W & ANGELA W SCARFONE	34 HORIZON AVE
20	4			FRANK, JUDITH G & KATHRYN E SCARFONE	24 HORIZON AVE
20	5			GARY, THOMAS AND JOHN RESCINDO EPIC SCARFONE	24 HORIZON AVE
20	6			DEBRA, GREG & T. BELFRIDGE OLIVE SCARFONE	24 HORIZON AVE
20	7			CARROLL, JOHN J., JR. & JANE D SCARFONE	18 HORIZON AVE
20	12			ELVA, ROBERT & MARY ELLEN SCARFONE	22 POCAHONTAS AVE
20	14			COLLE, WARD & HEATHER SCARFONE	27 POCAHONTAS AVE
20	15			DAVID, ROBERT J 111 SCARFONE	33 POCAHONTAS AVE
20	16			JOHN, JAMES & CHARLIE SCARFONE	24 POCAHONTAS AVE
20	17			ROBERTO GARCIA SCARFONE	43 POCAHONTAS AVE

UTILITY CONTACTS

Two Rivers Water Reclamation Center
1 Highland Avenue
Monmouth Beach, NJ 07750

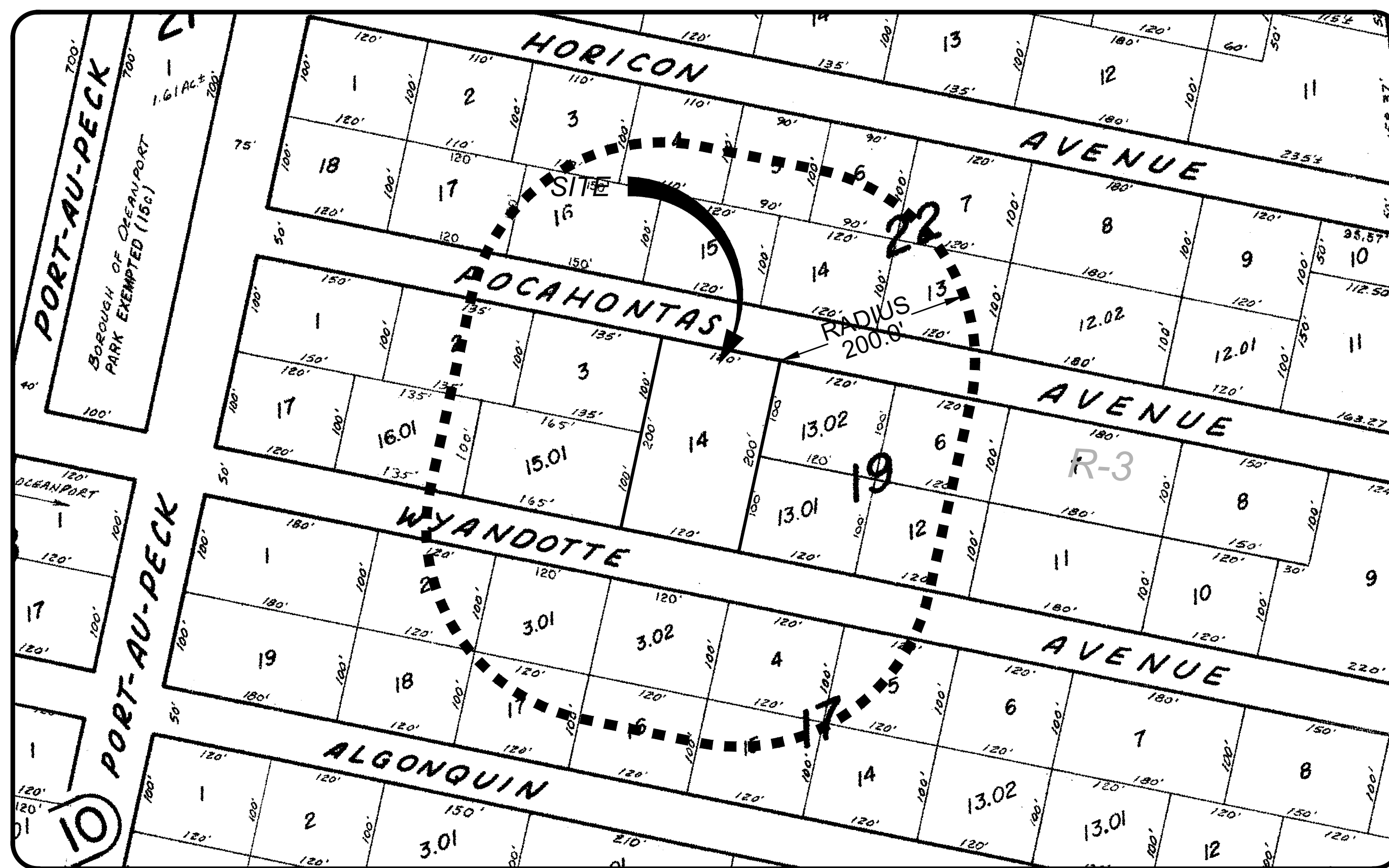
KCP&S, Co.
ATTN: Richard Cohen
380 Madison Ave.
Morristown, NJ 07960

Comcast
493 South Street
Eatonsville, NJ 07724

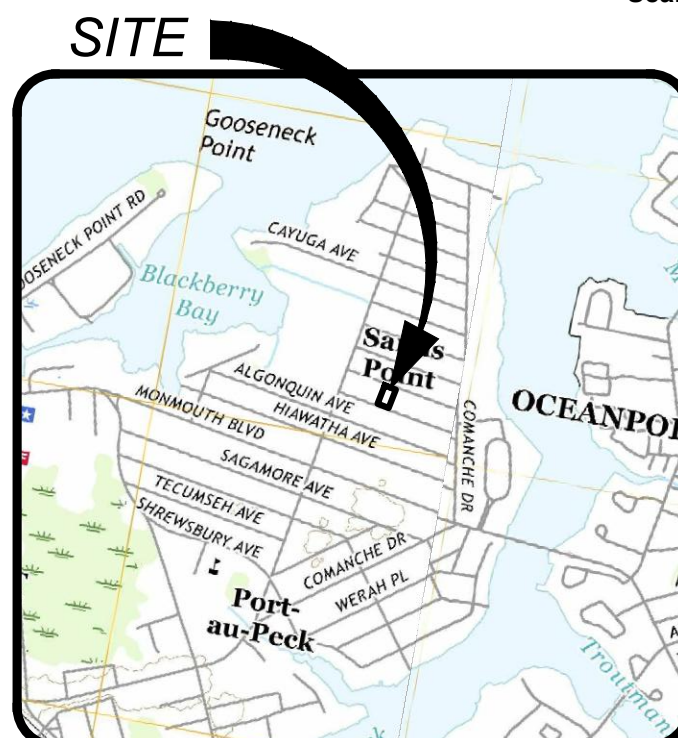
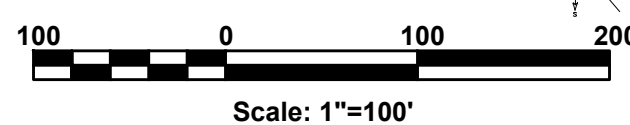
NJ American Water Company, Inc
1625 Laurel Oak Road
Voorhees, NJ 08043
Attn: Diana Short, GIS Supervisor

NJ Natural Gas Co.
1415 Wyckoff Rd.
Wall, NJ 07719

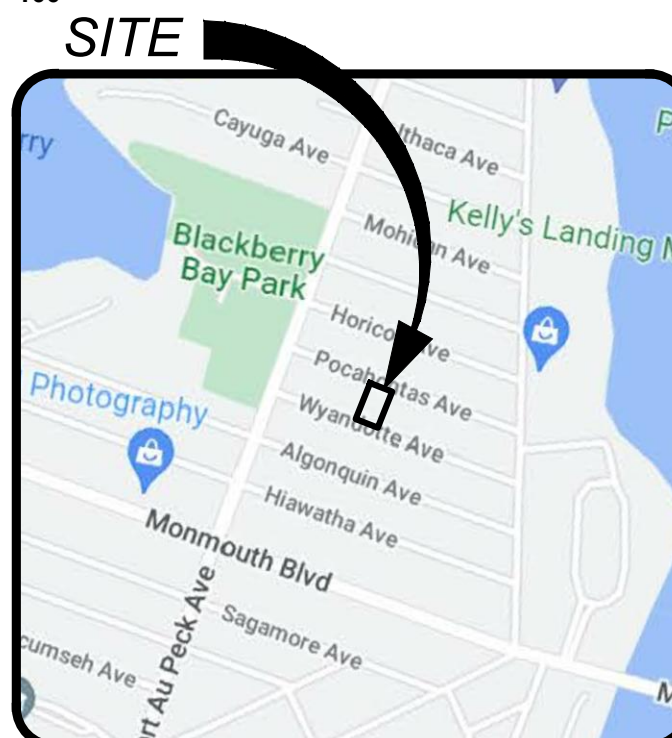
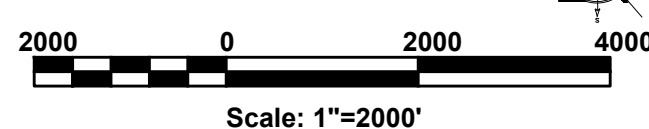
Verizon
Attn: Manager of Engineering
5011 Bulwer Blvd.
Wall, NJ 07727



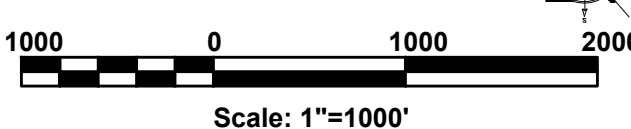
TAX MAP



USGS MAP



LOCATION MAP



GENERAL NOTES:

- SUBJECT PROPERTY:**
BLOCK 19, LOT 14, OF TAX MAP SHEET #11; 35 WYANDOTTE AVENUE, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NJ
- OWNER & APPLICANT:**
K SHAW CONSTRUCTION
32A BEACH ROAD
MONMOUTH BEACH, NJ 07750
- PURPOSE OF THIS PLAN:**
THIS PLAN HAS BEEN PREPARED TO SUPPORT AN APPLICATION TO THE BOROUGH OF OCEANPORT FOR A MINOR SUBDIVISION APPROVAL.
- SURVEY DATA:**
SURVEY INFORMATION CONTAINED HEREON IS BASED ON A FIELD SURVEY PERFORMED BY INSITE SURVEYING, LLC, ENTITLED "BOUNDARY & TOPOGRAPHIC AND UTILITY SURVEY BLOCK 19 LOT 14; 35 WYANDOTTE AVENUE", LAST REVISED 04/28/22.
- PROPOSED LOT NUMBERS:**
PROPOSED LOT NUMBERS SHALL BE VERIFIED BY BOROUGH OF OCEANPORT TAX ASSESSOR AS A CONDITION OF APPROVAL.
- SUBDIVISION FILING:**
THIS SUBDIVISION SHALL BE FILED BY DEED.
- BASE FLOOD ELEVATION:**
SUBJECT PROPERTY IS LOCATED IN FEMA EFFECTIVE FLOOD ZONE X SHADED, 0.2% ANNUAL CHANCE FLOOD HAZARD ZONE, PER FLOOD HAZARD DATA MAP No. 34025C0184G, DATED 06/20/2018.
- CLOSURE:**
BEARINGS AND DISTANCES ARE WITHIN A LIMIT OF ERROR OF NOT MORE THAN ONE (1) PART IN TEN THOUSAND (10,000)
- NO CONSTRUCTION PROPOSED:**
THERE IS NO CONSTRUCTION PROPOSED AS PART OF THIS APPLICATION. AS SUCH, NO INFORMATION IS SHOWN HEREON REGARDING GRADING, DRAINAGE, CONSTRUCTION DETAILS, ETC.
- INDIVIDUAL PLOT/GRADING PLANS SHALL BE PREPARED FOR EACH PROPOSED LOT AND SUBMITTED TO THE BOROUGH ENGINEER FOR REVIEW AND APPROVAL.
- SURVEY COORDINATES SHOWN SHALL NOT BE USED TO ESTABLISH THE BOUNDARY LINES IN THE FIELD.

INDEX OF SHEETS:			
SHEET #	SHEET TITLE	INITIAL RELEASE	REV. DATE
1	TITLE SHEET	05/20/22	07/12/22
2	SUBDIVISION PLAN	05/20/22	07/12/22

PROJECT INFORMATION



WYANDOTTE
AVENUE
SUBDIVISION

PROJECT LOCATION:

BLOCK 19, LOT 14
35 WYANDOTTE AVENUE
OCEANPORT BOROUGH,
MONMOUTH COUNTY, NJ

CORNER/APPLICANT:

K SHAW CONSTRUCTION
32A BEACH ROAD
MONMOUTH BEACH, NJ 07750

APPLICANT'S PROFESSIONALS

ATTORNEY:
KAREN DOLAN, ESQ.
27 BEACH ROAD, SUITE 6A
MONMOUTH BEACH, NJ 07750

SURVEYOR:
INSITE SURVEYING, LLC
1955 ROUTE 34, SUITE 1A
WALL, NJ 07719

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CALL BEFORE YOU DIG!
NJ ONE CALL - 800-272-1000
(at least 3 days prior to excavation)

ELECTRICITY	RED
GAS OIL	YELLOW
COMMUNICATION TV	ORANGE
WATER	BLUE
SEWER	GREEN
TEMP. SURVEY MARKINGS	MAGENTA
PROPOSED EXCAVATION	WHITE



INSITE Engineering, LLC
CERTIFICATE OF AUTHORIZATION: 24GA28083200
1955 ROUTE 34, SUITE 1A, WALL, NJ 07719
732-531-7100 (PH) 732-531-7344 (FAX)
insite@insiteeng.net www.insiteeng.net

LICENSED IN: NEW JERSEY, NEW YORK, PENNSYLVANIA, DELAWARE, CONNECTICUT, NORTH CAROLINA, COLORADO, & DISTRICT OF COLUMBIA

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Jason J. Fichter
JASON L. FICHTER, PE, PP, CFM, CME
NJPE 33118 NJUPP 1726 PAPE 61968
DEPE 3813 NYPE 802285 CPPE 23291
NCPE 33336 DCPE 900682 CPE 36605

REVISIONS

Rev. #	Date	Comment
1	05/20/22	ADD ADDITIONAL BOUNDARY INFORMATION
2	05/20/22	ADD ADDITIONAL BOUNDARY INFORMATION

SCALE: AS SHOWN DESIGNED BY: JMW
DATE: 05/20/22 DRAWN BY: AMC
JOB #: 22-018-56 CHECKED BY: JHJ

CAD ID: 22-018-56r01

☒ NOT FOR CONSTRUCTION

APPROVED BY:

FOR CONSTRUCTION

PLAN INFORMATION

DRAWING TITLE:

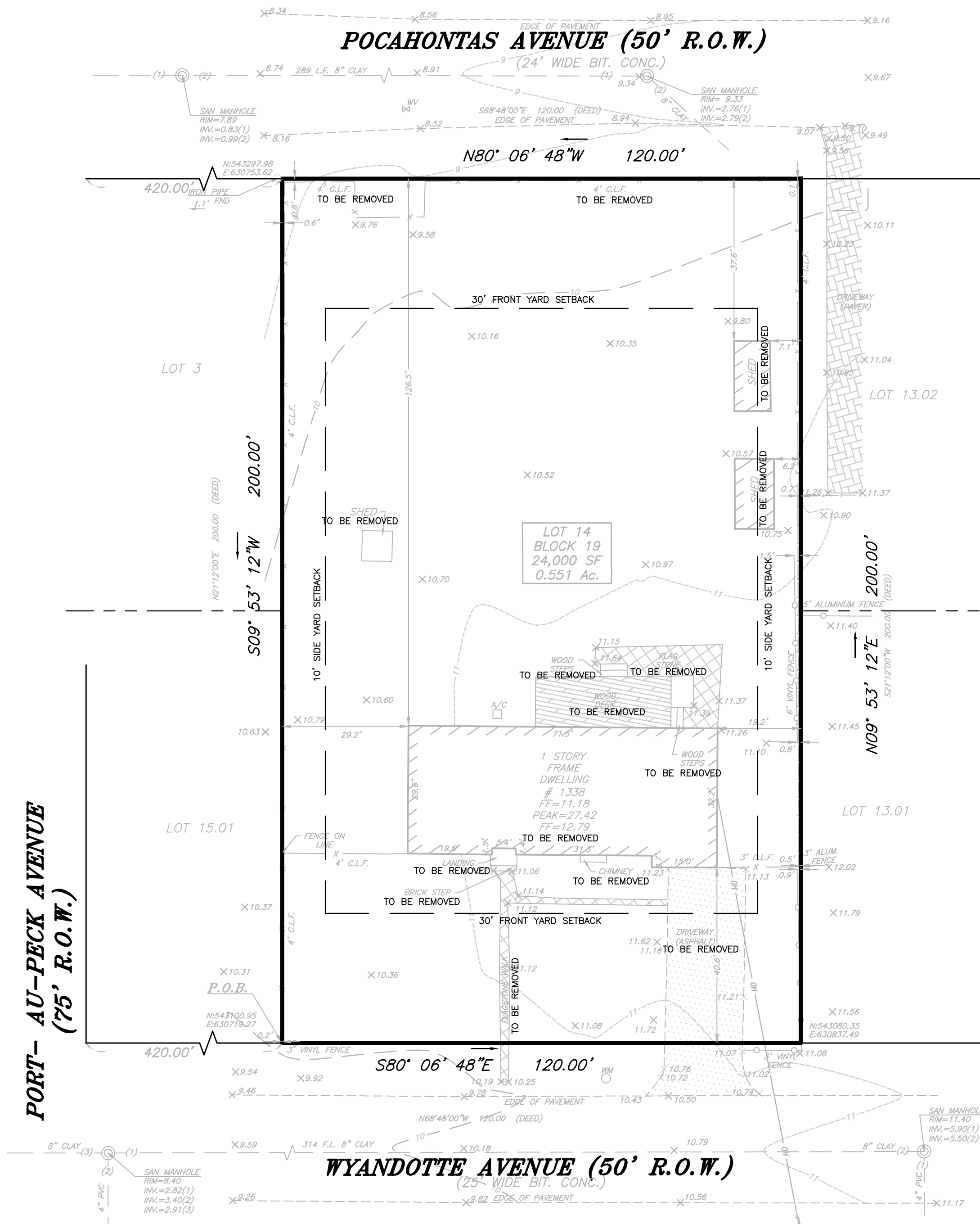
MINOR SUBDIVISION

SHEET TITLE:

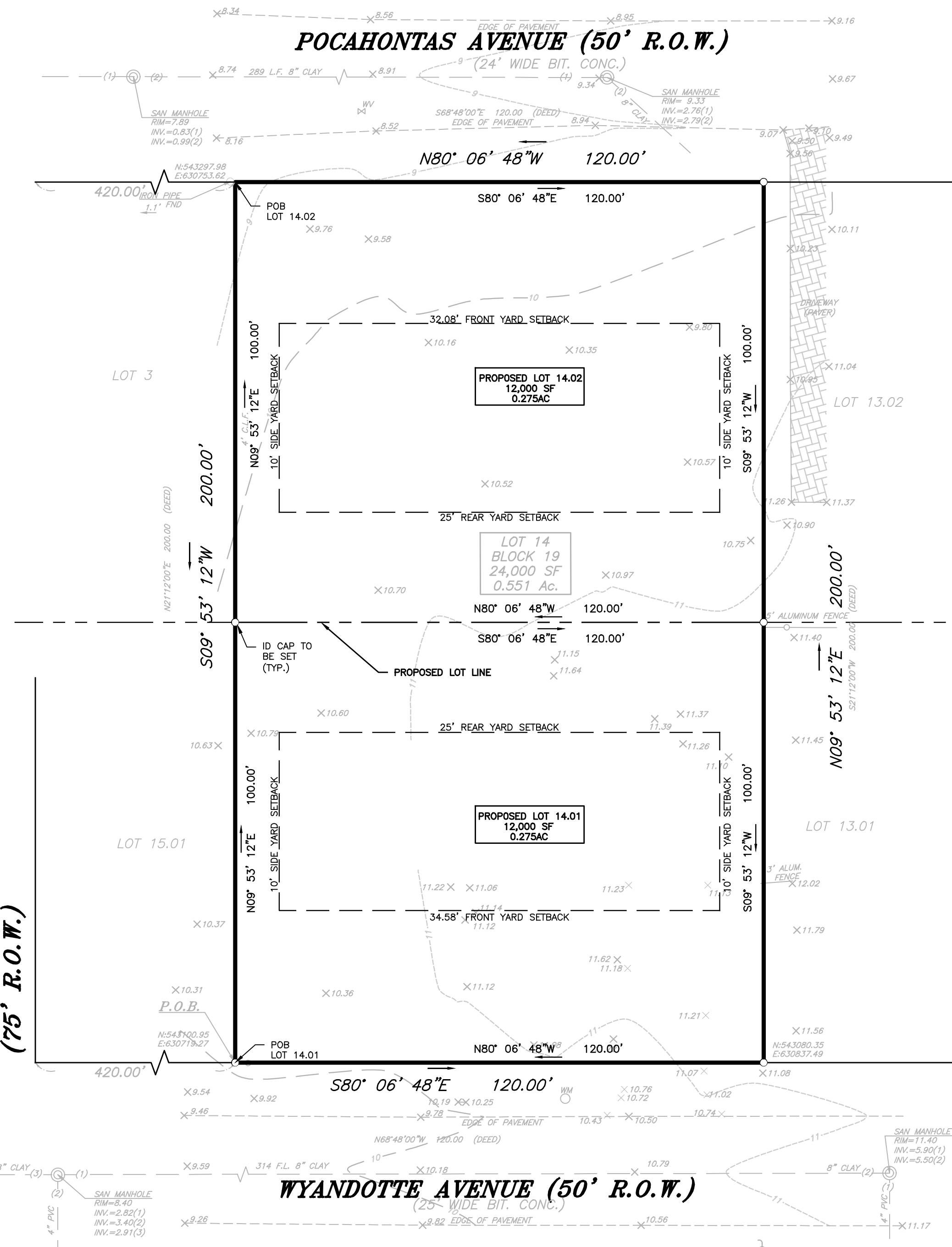
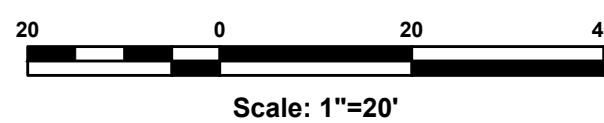
TITLE SHEET

SHEET NO:

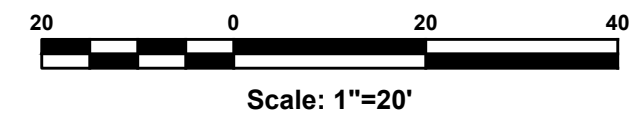
1 OF 2



EXISTING CONDITIONS PLAN



PROPOSED CONDITIONS PLAN



LEGEND	
EXISTING	PROPOSED

CERTIFICATIONS	
PLANNING BOARD	
CLASSIFIED AND APPROVED AS A MINOR SUBDIVISION MUST BE FILED IN THE OFFICE OF THE CLERK OF MONMOUTH COUNTY ON OR BEFORE WHICH DATE IS ONE HUNDRED NINETY (190) DAYS FROM THE SIGNATURE OF THIS MAP FOR FINAL	
BOARD CHAIRPERSON	
ATTEST:	
BOARD ENGINEER	DATE
THIS PLAT (OR A DEED DESCRIBING THIS SUBDIVISION) MUST BE FILED IN THE OFFICE OF THE CLERK OF MONMOUTH COUNTY ON OR BEFORE WHICH DATE IS ONE HUNDRED NINETY (190) DAYS FROM THE SIGNATURE OF THIS MAP FOR FINAL	
BOARD SECRETARY	DATE

MONMOUTH COUNTY PLANNING BOARD (STAMP)	

MUNICIPAL CLERK	
I HAVE CAREFULLY EXAMINED THIS MAP AND THE REQUIRED DIGITAL SUBMISSIONS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND IT CONFORMS WITH THE PROVISIONS OF THE BOROUGH OF OCEANPORT ORDINANCES AND REQUIREMENTS APPLICABLE THERETO.	
MUNICIPAL CLERK	DATE
MUNICIPAL ENGINEER	
I HAVE CAREFULLY EXAMINED THIS MAP AND THE REQUIRED DIGITAL SUBMISSIONS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND IT CONFORMS WITH THE PROVISIONS OF THE BOROUGH OF OCEANPORT ORDINANCES AND REQUIREMENTS APPLICABLE THERETO.	
MUNICIPAL ENGINEER (AFFIX SEAL)	DATE

OWNER	
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION AND THAT I CONSENT TO THE FILING OF THIS SUBDIVISION PLAN WITH THE BOROUGH OF OCEANPORT PLANNING BOARD.	
OWNER	DATE
OWNER	DATE
NOTARY PUBLIC	
SWORN AND SUBSCRIBED TO BEFORE ME THIS DAY OF	
NOTARY PUBLIC	DATE

BOUNDARY SURVEY	
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS LAND SURVEY DATED 04/28/2022, HAS BEEN MADE UNDER MY SUPERVISION AND MEETS THE MINIMUM SURVEY DETAIL REQUIREMENTS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THAT THE OUTBOUND CORNER MARKERS AS SHOWN HAVE BEEN FOUND, OR SET.	
JUSTIN J. HEDGES, P.L.S. N.J. LIC. #643362	DATE

ZONING COMPLIANCE CHART						
R-3 (RESIDENTIAL SINGLE FAMILY) ZONE (CH 390)						
SINGLE FAMILY DWELLING: PERMITTED						
ORD. SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED LOT 14.01	PROPOSED LOT 14.02	COMPLIES
Ch 390	MIN. LOT AREA (SF)	12,000	24,000 (0.551 AC)	12,000 (0.275 AC)	12,000 (0.275 AC)	YES
Ch 390	MIN. LOT WIDTH (FT)	120	120.0	120.00	120.00	YES
Ch 390	MIN. LOT DEPTH (FT)	100	200.0	100.00	100.00	YES
Ch 390	PRINCIPAL BUILDING					
Ch 390	MIN. FRONT YARD SETBACK (FT) (POCAHONTAS AVE)	32.08	(1)(2)	126.5	N/A	TO COMPLY
Ch 390	MIN. FRONT YARD SETBACK (FT) (WYANDOTTE AVE)	34.58	(1)(2)	N/A	40.6	N/A
Ch 390	MIN. REAR YARD SETBACK (FT)	25	N/A	TO COMPLY	TO COMPLY	YES
Ch 390	MIN. SIDE YARD SETBACK					
	ONE SIDE (FT)	10	(2)	19.2	TO COMPLY	TO COMPLY
	BOTH SIDES (FT)	25	48.4	TO COMPLY	TO COMPLY	YES
Ch 390	MAX. BUILDING HEIGHT (STORIES / FT)	2 / 30	-	TO COMPLY	TO COMPLY	YES
Ch 390	FLAT ROOF	2.5 / 35	1 / 17.2	TO COMPLY	TO COMPLY	YES
Ch 390	ALL OTHER ROOFS	3.7	1.8	TO COMPLY	TO COMPLY	YES
Ch 390	MAX. DWELLING UNIT PER ACRE	25	9.0	TO COMPLY	3.6	TO COMPLY
Ch 390	MAX. COVERAGE PER PRINCIPAL BUILDING (%)	25	9.0	TO COMPLY	TO COMPLY	YES
	ACCESSORY BUILDING					
§ 390-19C	ALLOWABLE YARD LOCATION	SIDE/REAR	FRONT (X)	TO COMPLY	TO COMPLY	YES
Ch 390	MIN. REAR YARD SETBACK (FT)	5	N/A	TO COMPLY	TO COMPLY	YES
Ch 390	MIN. SIDE YARD SETBACK (FT)	10	6.2 (X)	TO COMPLY	TO COMPLY	YES
Ch 390	MAX. BUILDING HEIGHT (FT)	15	(a)	TO COMPLY	TO COMPLY	YES
Ch 390	MAX. COVERAGE PER ACCESSORY BUILDING (%)	5	1.4	TO COMPLY	TO COMPLY	YES
	LOT COVERAGE					
Ch 390	MAX. IMPERVIOUS COVERAGE (%)	37	16.9	TO COMPLY	TO COMPLY	YES
(N) EXISTING NON-CONFORMITY		(I) IMPROVED CONDITION		N/A - NOT APPLICABLE		
(E) EXISTING VARIANCE		(X) VARIANCE / NON-CONFORMITY ELIMINATED		N/S - NOT SPECIFIED		
(V) PROPOSED VARIANCE		(W) PROPOSED WAIVER				
(a) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE						
(1) IN RESIDENTIAL DISTRICTS, NO PRINCIPAL BUILDING SHALL BE NEARER TO THE STREET LINE OF ANY STREET THAN FIVE FEET OF THE AVERAGE ALIGNMENT OF THE EXISTING PRINCIPAL BUILDINGS WITHIN 200 FEET OF EACH SIDE OF THE LOT ON THE SAME BLOCK. BUILDINGS UTILIZED FOR COMPARISON SHALL BE LOCATED ON THE SAME SIDE OF THE STREET AS THE PRINCIPAL BUILDING AND IN ANY EVENT SHALL NOT VIOLATE THE MINIMUM FRONT YARD SETBACK.						
(2) IN RESIDENTIAL DISTRICTS, A PORCH ONE STORY IN HEIGHT CAN PROJECT NOT MORE THAN SIX FEET INTO THE FRONT YARD AND NOT MORE THAN FIVE FEET INTO THE SIDE YARD BUT IN NO INSTANCE NEARER THAN 10 FEET TO A SIDE LOT LINE AND 24 FEET TO THE FRONT LOT LINE						

PROJECT INFORMATION

PROJECT NAME: **K SHAW CONSTRUCTION CO.**

PROJECT LOCATION: **WYANDOTTE AVENUE SUBDIVISION**

OWNER/APPLICANT: **K SHAW CONSTRUCTION**

APPLICANT'S PROFESSIONALS:

ATTORNEY: **KAREN DOLAN, ESQ.**

SURVEYOR: **INSITE SURVEYING, LLC**

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JUSTIN J. HEDGES, P.L.S.

PROFESSIONAL LAND SURVEYOR

N.J. LIC. NO. 6543362

INSITE ENGINEERING, LLC

SINCE 2003

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NJ ONE CALL 800-272-1000

or call 3 days prior to excavation

ELECTRIC: RED

GAS: ORANGE

 COMMUNICATION: YELLOW | WATER: BLUE | SEWER: GREEN | TEMP SURVEY MARKINGS: MAGENTA | PROPOSED EXCAVATION: WHITE |

INSITE

Engineering • Surveying • Planning

CERTIFICATE OF AUTHORIZATION: 24GA28083200

1955 ROUTE 34, SUITE 1A, WALL, NJ 07719

732-531-7100 (Ph) 732-531-7344 (Fax)

Insite@inSiteEng.net www.inSiteEng.net

LICENSED IN: NEW JERSEY, NEW YORK, PENNSYLVANIA, DELAWARE, CONNECTICUT, NORTH CAROLINA, COLORADO, & DISTRICT OF COLUMBIA

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JOHN J. FICHTER, PE, PP, CFM, CME

NJPE 43718 NJPP #726 PAPE 61968

DEPE 3813 NYPE 802295 CTPE 23291

NCPE 33336 DCPE 900682 COPE 36805

REVISIONS

REV. NO.	Date	Comment
1	07/12/22	ADD ADDITIONAL BOUNDARY INFORMATION
2	06/08/22	ADD AVG FY SETBACKS AND 200 POL
3	05/20/22	INITIAL RELEASE

SCALE: 1"=20'

DATE: 05/20/22

DESIGNED BY: JMW

DRAWN BY: AMC

JOB #: 22-018-56

CAD ID: 22-018-56/01

☒ NOT FOR CONSTRUCTION

APPROVED BY:

FOR CONSTRUCTION

PLAN INFORMATION

DRAWING TITLE:

MINOR SUBDIVISION

SHEET TITLE:

PLAN

SHEET NO.

2 OF 2