



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • SEPTEMBER 24, 2019

Regular

Maple Place School

7:30 PM

2 Maple Place, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and the posting of same on the municipal bulletin board and Borough Web Site.

III. Flag Salute

IV. Roll Call

V. Board Business

1. Planning/Zoning Board - Regular - Aug 13, 2019 7:30 PM
2. Planning/Zoning Board - Regular - Sep 10, 2019 7:30 PM

VI. Old Business

VII. New Business

1. PB2019-12 Fiore, Joe
36 Tohicon Place
Block 4, Lot 5
Request for side yard setback of 0' where 10' required for retaining wall
2. PB2019-11 Oceanport Urban Renewal Preservation LLC
274-278 E. Main Street
Block 121, Lot 5
Site Plan with variance(s)

VIII. Resolutions

1. Resolution of Approval, The Loft Partnership, 552 Caren Franzini Way
2. Resolution of Approval, Nancy Herman, 33 Irqouis Ave
3. Resolution of Approval, Carl Ingrassia, 544 Seawaneka Ave

IX. Petitions from the Public

X. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • AUGUST 13, 2019****Regular****Maple Place School****7:30 PM****2 Maple Place, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:30 p.m.
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.
- III. **Flag Salute:** Chairman Widdis led the audience and members of the Board in the flag salute.
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Darren Davis	Mayor's Designee	Present	
Robert Proto	Council Liaison	Present	
Joseph Foster	Environmental Commission Liaison	Present	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Present	
Robert Kleiberg	Class IV	Absent	
Daphne Halpern	Class IV	Absent	
Thomas Tvrdik	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
William White	Board Engineer/Planner	Present	
Kevin Kennedy	Board Attorney	Present	
Kevin Kennedy (Dan substitute)	Board Attorney	Present	8:25 PM

V. **Board Business:**

1. Approval of Minutes, June 11, 2019

Chairman Widdis called for a motion to approve the minutes of June 11, 2019, which was made by Mr. Whitson, seconded by Mr. Foster and approved by the eligible members of the Board.

RESULT: **ADOPTED [4 TO 0]**
MOVER: James Whitson, Vice Chairman
SECONDER: Joseph Foster, Environmental Commission Liaison
AYES: Widdis, Whitson, Davis, Foster
ABSENT: Kleiberg, Halpern
INELIGIBLE: Proto, Kahle, Savarese, Tvrdik

VI. **Old Business - None:**

VII. **New Business:**

1. PB2019-07 Ingrassia, Carl

Exhibits

- A-1** Land Use Development Application of Carl Ingrassia
- A-2** Plan entitled "Survey of Property" prepared by Charles V. Bell Associates, LLC, dated April 4, 2019, consisting of one (1) sheet
- A-3** Plan entitled "Plot Plan for new wall" prepared by Richard Stockton and Associates, Inc., dated July 8, 2019, consisting of one (1) sheet.
- A-4** Plan entitled "Hardscape Plan" prepared by Deruvo and Associates Architects, dated June 30, 2019, consisting of one (1) sheet.
- A-5** Maser Consulting Review letter dated July 30, 2019

William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibits A-1, A-2, A-3, A-4 and A-5** for the record.

Mr. Kennedy asked if there was anyone present who had an objection to the notice provided for this application. Hearing none, advised that he had reviewed the notice, found service in order and the Board had jurisdiction.

Carl Ingrassia, Applicant/Owner, was sworn.

PUBLIC:

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

Chairman Widdis advised the Applicant that based on the comments being heard from the Board and his own concern with the numerous differences between the plans submitted recommended that the Applicant take the time to have new set of plans that provide the details the Board were questioning. The Applicant requested that the application be carried and that new plans would be ready for the public in time for the next meeting.

Chairman Widdis stated for the public that the application would be carried to the September 10, 2019 meeting with no additional notice required.

2. PB2019-09 Oceanport Board of Education

Mr. Kennedy briefed the Board on their role for reviewing the conceptual plans submitting by the Oceanport Board of Education including the opportunity to provide comments and recommendations to the State for consideration during their review of the proposed projects.

Board members first discussed the plan for Maple Place School. Board Engineer Bill White commented that the site plan improvements were a long time coming....

Mr. Kennedy drafted a resolution based on the comments of the Board and read the resolution in full for the record which was moved by Mr. Whitson and seconded by Mr. Davis and received the following roll call.

3. Motion to Approve Resolution Setting Forth Recommendations for the School District's Referendum Projects

Chairman Widdis next advised that Mr. Kennedy would be stepping down due to a conflict with the next application. Dan Roberts, Esq. would represent the Board for this application.

RESULT:	ADOPTED [7 TO 0]
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Savarese, Tvrdik
ABSTAIN:	Proto
ABSENT:	Kleiberg, Halpern

4. PB2019-06 The Loft Partnership

Exhibits**A-1** Land Use Development Application of Chris Harvey**A-2** Plans entitled "Major Site Plan for The Loft at Fort Monmouth", prepared by Landmark Surveying

and Engineering Inc., last revised April 16, 2019, consisting of eight (8) sheets;

A-3 Plans entitled "The Loft at Fort Monmouth, Addition & Alteration", prepared by Monmouth Ocean

Design Experts, last revised May 31, 2019, consisting of five (5) sheets;

A-4 Landscape Architectural Plans entitled "The Loft at Fort Monmouth", prepared by Melillo + Bauer

Associate, last revised May 28, 2019, consisting of five (5) sheets;

A-5 Plan entitled "Survey Plan", prepared by Landmark Surveying and Engineering Inc., dated December 22, 2017, consisting of one (1) sheet;**A-6** Plan entitled "ALTA/NSPS Survey", prepared by Langan Engineering and Environmental Services, Inc., dated March 7, 2017, consisting of one (1) sheet.**A-7** Report entitled "Environmental Impact Statement", prepared by Envirotactics, Inc., dated July 2019.**A-8** Maser Consulting Review letter dated August 9, 2019**A-9** Traffic Impact Analysis prepared by McDonough & Rea Associates, Inc.**A-10** Photographs Depicting Existing and Conceptual Site Characteristics, 10 Sheets, prepared by Monmouth Ocean Design Experts, dated August 13, 2019**A-11** Colored Rendering of Exhibit A-4, Sheet L-1

Mr. Roberts marked **Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8 and A-9** for the record.

Mr. Roberts advised that notice had been reviewed the notice, found service in order and the Board had jurisdiction.

Carlton Kromer, Attorney for the Applicant presented with a summary of the application....

PUBLIC:

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

_____, Engineer for the Applicant

PUBLIC:

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

_____, Architect for the Applicant

PUBLIC:

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

_____, Traffic Engineer for the Applicant

PUBLIC:

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

PUBLIC:

Chairman Widdis opened the meeting to comments or statements on the application from the public. As no one wished to be heard, he closed that portion of the hearing.

5. Motion to Approve Application PB2019-06 The Loft Partnership

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Council Liaison
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Davis, Proto, Foster, Kahle, Savarese, Tvrdek
ABSENT:	Kleiberg, Halpern

VIII. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

IX. Adjournment: As there was no further business, the meeting was adjourned at 10:30 pm on a motion by Councilman Proto which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

**Jeanne Smith
Board Secretary**

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • SEPTEMBER 10, 2019****Regular****Maple Place School****7:30 PM****2 Maple Place, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:30 p.m.
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.
- III. **Flag Salute:** Chairman Widdis led the audience and members of the Board in the flag salute.
- IV. **Roll Call:**

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

- V. **Board Business - None**

- VI. **Old Business:**

1. PB2019-07 Ingrassia, Carl

A-6 Plan entitled "Plot Plan for new wall" prepared by Richard Stockton and Associates, Inc., dated July 8, 2019, last revised August 20, 2019, consisting of one (1) sheet

A-7 Colored Rendering of Proposed Fence

A-8 Photograph of Proposed Outdoor Shower When Completed

William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibit A-6** for the record.

Chairman Widdis

2. Motion to Approve Application PB2019-07

Mr. Savarese made a motion to approve the application as amended subject and subject to the standard conditions which was seconded by Mr. Whitson.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Michael Savarese, Class IV
SECONDER:	Darren Davis, Mayor's Designee
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Savarese, Kleiberg, Tvrdek
ABSENT:	Proto, Halpern

VII. New Business:

1. PB2019-08 Herman, Nancy

A-1 Land Use Development Application of Nancy Herman

A-2 Plan entitled "Survey of Property" prepared by Morgan Engineering & Surveying, dated August 27, 2019, consisting of one (1) sheet

A-3 Plan entitled "Survey of Property" prepared by Morgan Engineering & Surveying, dated August 27, 2019, consisting of one (1) sheet with Plotted Proposed Shed prepared by Applicant.

The following persons were sworn in: Applicant Nancy Herman, Daniel Herman and William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibits A-1, A-2, and A-3** for the record.

Mr. Kennedy asked if there was anyone present who had an objection to the notice provided for this application. Hearing none, advised that he had reviewed the notice, found service in order and the Board had jurisdiction.

PUBLIC:

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

PUBLIC:

Chairman Widdis opened the meeting to comments or statements on the application from the public. As no one wished to be heard, he closed that portion of the hearing.

2. Motion to Approve Application Granting Variances for Existing Shed and Proposed Shed

Mr. Savarese made a motion to approve the application as amended subject and subject to the standard conditions which was seconded by Mr. Whitson. Mr. Roberts read for the record the following conditions in addition to the standard conditions applicable to the approval:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Savarese, Kleiberg, Tvrdek
ABSENT:	Proto, Halpern

VIII. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

IX. Adjournment: As there was no further business, the meeting was adjourned at 8:06 pm on a motion by Mr. Foster which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1420)**

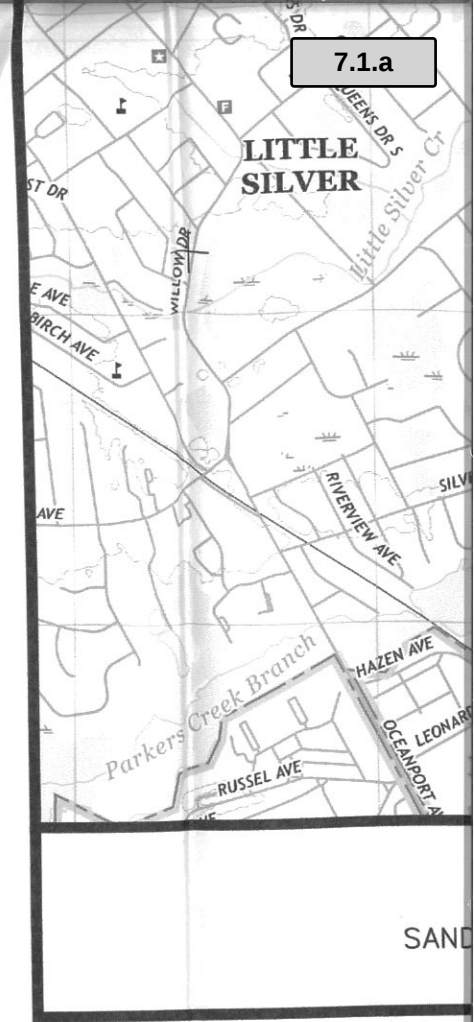
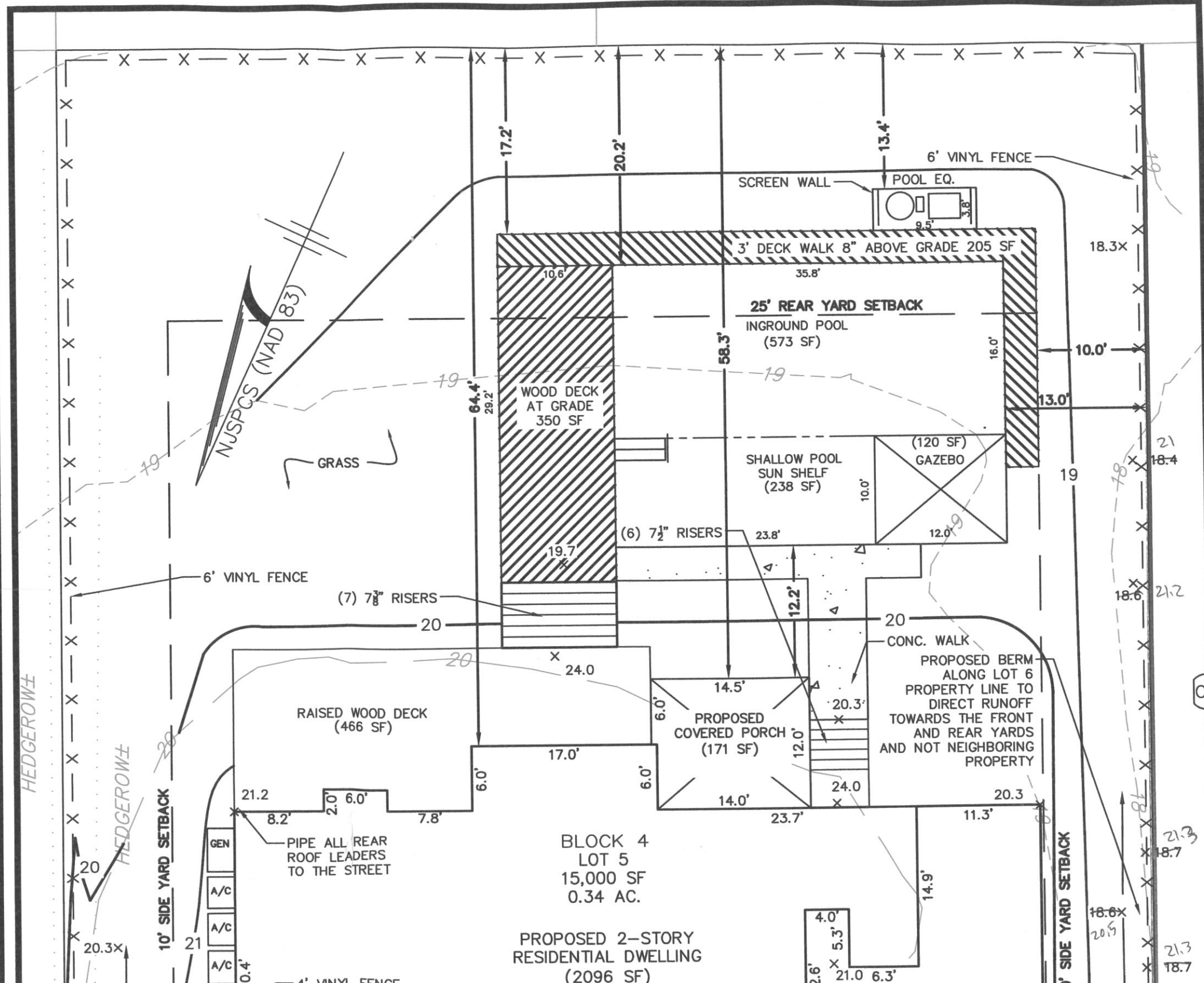
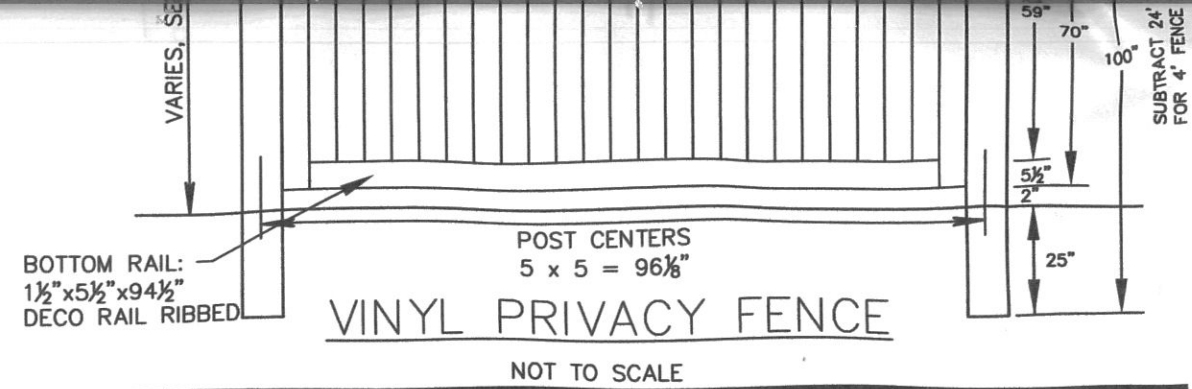
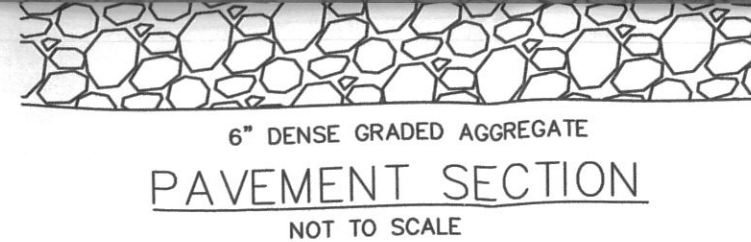
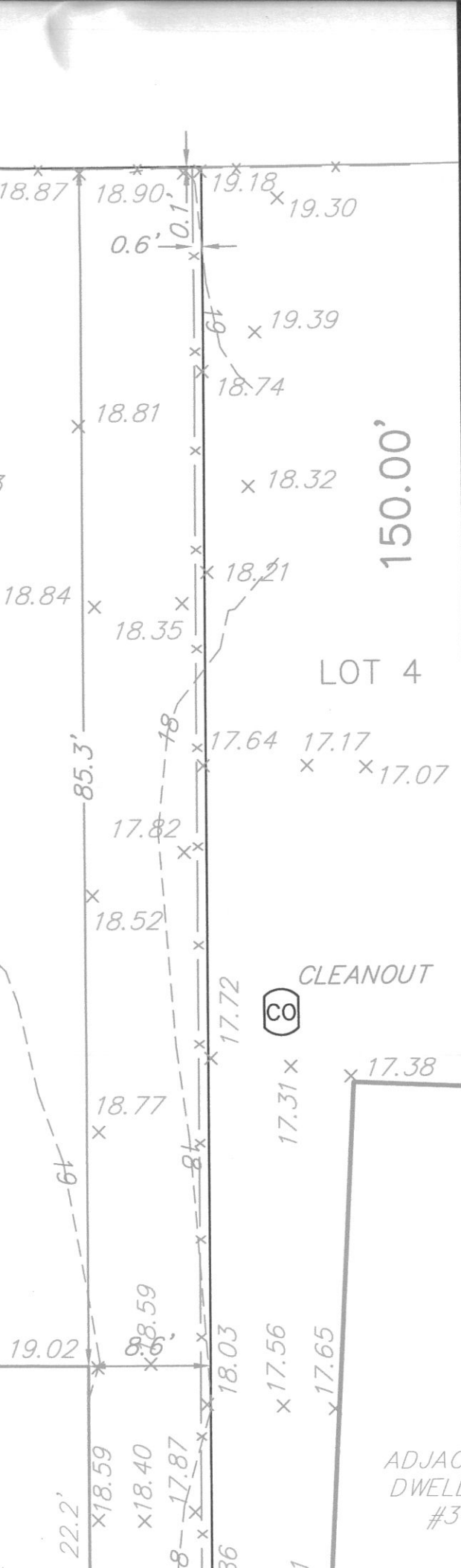
Meeting: 09/24/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1420

PB2019-12 Fiore, Joe

36 Tohicon Place

Block 4, Lot 5

Request for side yard setback of 0' where 10' required for retaining wall



- MAP REFERENCES
- CURRENT TAX ASSESSMENT MAP OF
 - "SURVEY OF PROPERTY WITH TOPOG MONMOUTH COUNTY, NEW JERSEY"
- NOTES
- APPLICANT
JOE FIORE
4 FIORE CT
OCEANPORT, NJ 07757
 - PROJECT SITE KNOWN AND DESIGN MAP OF THE BOROUGH OF OCEANPORT
 - LOT INFORMATION BASED UPON SURVEY SITUATED IN BOROUGH OF OCEANPORT FRD SURVEYING, LLC. AVERAGE FROM FRD SURVEYING, LLC.
 - VERTICAL DATUM: NAVD 88.
 - PROPERTY IS LOCATED IN FLOOD ZONE FLOOD PLAIN ACCORDING TO FEMA DATE OF JUNE 20, 2018.
 - THE CONTRACTOR IS DIRECTED TO LOCATE ALL STRUCTURES AND FACILITIES (INCLUDING WATER LINES AND APPURTENANCES) UNDERGROUND WORK ARE SHOWN ON THE PLANS

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1421)**

Meeting: 09/24/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1421

PB2019-11 Oceanport Urban Renewal Preservation LLC

274-278 E. Main Street
Block 121, Lot 5
Site Plan with variance(s)



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

7.2.a

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

September 9, 2019

VIA EMAIL

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

Re: Preliminary and Final Site Plan
274-278 East Main Street
Block 121, Lot 5
Borough of Oceanport, Monmouth County, New Jersey
Application PB2019-10
MC Project No. OPP-256

Dear Board Members:

Our office has received the following information in support of the above-referenced Preliminary and Final Site Plan application:

- Plan entitled “ALTA/NSPS Land Title Survey”, prepared by Lan Associates, dated March 27, 2019 and consisting of one (1) sheet;
- Plan entitled “Partial Topographic Survey”, prepared by PS&S, dated July 3, 2019 and consisting of one (1) sheet;
- Plan entitled “Preliminary/Final Site Plans, Oceanport Gardens Site Rehabilitation” prepared by PS&S, dated August 12, 2019 and consisting of eight (8) sheets.

The subject property is situated in the Village Center Zone District and located on the west side of East Main Street, approximately 350 feet northwest of the intersection with Haskell Way. The property currently has a six-story senior apartment building along with a 73-space parking lot and various site improvements. The Applicant proposes various site improvements including, two monument signs, additional landscaping, restriping of a portion of the parking lot, sidewalk replacement, and pedestrian actuated cross walk signs with flashing beacons.

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



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

Variances/Design Waivers

1. Bulk variances are required for the following:
 - a. Freestanding signs are not permitted in the Village Center Zone in accordance with Ordinance section 390-26B(8)(s). The Applicant proposes two monument signs located adjacent to the driveways. The northern one is approximately 4-foot-high and has an area of 26.2 square feet. The southern sign is slightly under 3-foot-high with a sign area of 11.3 square feet. Each sign requires a variance. No illumination of the signs is proposed at this time.

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

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

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

Design Waivers

1. Design waivers are required for the following:
 - a. Parking spaces are required to be a minimum of 9 feet wide and 18 feet deep in accordance with Ordinance section 390-22B(2). The Applicant is proposing one stall at an 8.1 width.
 - b. The Village Center Zone requires all curb to be Granite Block (Ordinance 390-26B(7)). The project will be replacing some curb on the north side of the building with concrete vertical curb similar to what exists on site presently.



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-256
September 9, 2019
Page 3 of 3

- c. The access drive to the five-space parking lot to the rear is only 13 feet wide whereas a 25' minimum width is required (Ordinance 390-22B(3)).

General Comments

1. Testimony shall be provided with regard to vehicle circulation throughout the site including trash pickups. An exhibit should be provided to demonstrate how the garbage truck will access the dumpster enclosure.
2. The handicap parking spaces are to be the closest spaces to the accessible entrances. The Applicant shall clarify which entrances are accessible. The northern most handicap space should be relocated closer to the building.
3. The Applicant shall clarify if both signs will be single sided. The northern driveway is fully functional with no turn restriction which appears to need the entrance sign visible to traffic in both directions.
4. The sidewalk that abuts the parking lot on the northside of the building shall be a minimum of 6 feet wide to accommodate the overhang of parked vehicles.
5. The van accessible parking spaces shall have R7-8P plaque.
6. The five-space parking lot to the rear should be designated as employee only parking.

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

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

Very truly yours,

MASER CONSULTING P.A.

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

William H.R. White, III, P.E., P.P., C.M.E.
Planning Board Engineer and Planner

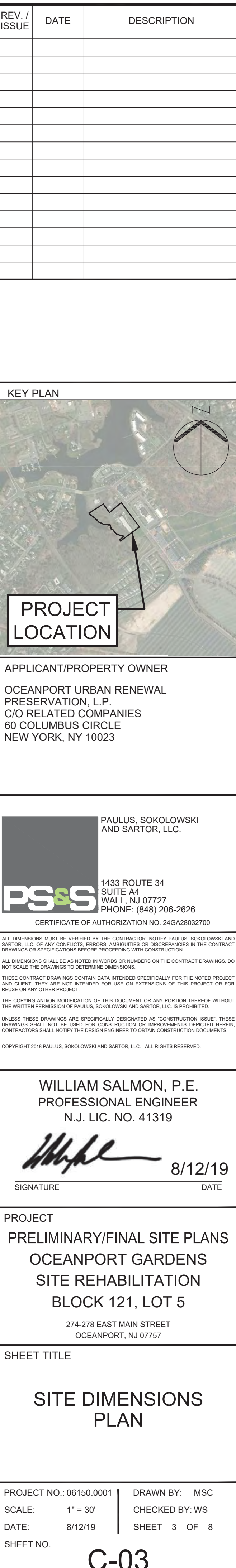
WHW/nb

cc: Kevin Kennedy, Esq. (kkennedy@kevinkennedylaw.net)
Aaron Brotman, Esq., Sills Cummis & Gross PC, 100 Overlook Center, 2nd Floor, Princeton, NJ, 08540

\\Hqfas1\general\Projects\Opp\OPP-256\Correspondence\OUT\190909_whw_smith_274_east_main_street.docx

PROJECT NO.: 06150.0001 DRAWN BY: MSC
SCALE: 1" = 30' CHECKED BY: WS
DATE: 8/12/19 SHEET 2 OF 8
SHEET NO.





**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB (ID # 1413)**

Meeting: 09/24/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1413

Resolution of Approval - The Loft Partnership

PR-19-19
09-24-19

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF
THE LOFT AT FORT MONMOUTH
THE LOFT PARTNERSHIP, LLC
DANCE HALL/FORT MONMOUTH CAMPUS
552 CAREN FRANZINI WAY
OCEANPORT, NEW JERSEY
BLOCK 110.08, LOT 1
APPLICATION NO.: PB 2019-6
APPROVAL DATE: AUGUST 13, 2019
MEMORIALIZATION DATE: _____, 2019**

INTRODUCTION

WHEREAS, Agents of The Loft Partnership, LLC have made Application to the Oceanport Planning Board for the property designated as Block 110.08, Lot 1, Fort Monmouth Campus, Oceanport, New Jersey, within the Borough's Green Tech District, for the following approval: Preliminary and Final Major Site Plan Approval, Bulk Variance Approval, and Design Waiver Approval to effectuate the following:

- Rehabilitation and expansion of the Dance Hall Building (Building No: 552), for use as commercial event space and brewery; and
- Installation of various other site improvements;

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on August 13, 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:

PR-19-19
09-24-19

Oceanport Planning Board Development Application Package, introduced into Evidence as A-1;

Major Site Plan, prepared by Landmark Surveying and Engineering, Inc., last revised April 16, 2019, consisting of 8 sheets, introduced into Evidence as A-2;

Plans, prepared by Monmouth Ocean Design Experts, last revised May 31, 2019, consisting of 5 sheets, introduced into Evidence as A-3;

Landscape Architectural Plans, prepared by Melillo & Bower Associates, last revised May 28, 2019, consisting of 5 sheets, introduced into Evidence as A-4;

Survey Plan, prepared by Landmark Surveying and Engineering, Inc. dated December 22, 2017, consisting of 1 sheet, introduced into Evidence as A-5;

Survey, prepared by Langan Engineering and Environmental Services, Inc., dated March 7, 2017, consisting of 1 sheet, introduced into Evidence as A-6;

Environmental Impact Statement, prepared by Envirotactics Inc., dated July, 2019, introduced into Evidence as A-7;

Maser Consulting Review Memorandum, dated August 9, 2019, introduced into Evidence as A-8;

Traffic Impact Analysis, prepared by McDonough and Rea Associates, Inc., dated March 14, 2019, introduced into Evidence as A-9;

Photographs depicting the existing and conceptual site characteristics, prepared by Monmouth Ocean Design Experts, dated August 13, 2019, consisting of 10 sheets, introduced into Evidence as A-10;

Illustrated rendering of the Landscape Architectural Plans, (A-4) (Sheet L-1), introduced into Evidence as A-11;

Affidavit of Service; and

Affidavit of Publication.

WITNESSES

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

following:

PR-19-19
09-24-19

- Fuller H. "Trip" Brooks, Managing Member of The Loft Partnership, LLC;
- Daniel Condatore, Architect;
- Anthony Parziale, Landscape Architect;
- Daniel Caruso, P.E.
- John Rea, Traffic Engineer;
- Carlton Kromer, Esq. appearing;

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

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

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

- The Applicant herein is The Loft Partnership, LLC, a Limited Liability Company of the State of New Jersey.
- The Applicant is also the owner of the subject property.
- The subject site currently hosts the building identified as the Dance Hall (officially known as Building No: 552 on the former Fort Monmouth Campus).
- The Applicant herein proposes the following:
 - Rehabilitation and expansion of the Dance Hall Building (Building No: 552) for use as commercial event space and brewery; and
 - Installation of various other site improvements;
- Details pertaining to the proposed commercial event space / brewery include the following:

PR-19-19
09-24-19

Size of existing Dance Hall Building:	Approximately 14,985.98 SF
Size of Proposed Building Expansion:	Approximately 15,157.28 SF
Ultimate size of to-be-renovated/expanded building:	30,143.26 SF
Type of Commercial Event Space:	The commercial event space approved herein will be used to host such things which include, but are not limited to, weddings, receptions, birthday parties, office conferences, communions, bar mitzvahs, and other celebratory events (including the possibility that the site will be utilized as a restaurant.)
Maximum No. of Seats (for entire operation):	200 seats
Maximum occupancy (for entire commercial event space / building):	250 People
Maximum number of commercial events to be held at any one time:	2 events at one time
Size of brewery:	Approximately 1,400 SF
Type of brewery:	Microbrewery Note: The proposed brewery is <u>not</u> a brew pub.
Maximum # of seats in the brewery:	Approximately 25 seats
Anticipated hours of operation for the brewery:	Monday: 4:00-9:00 p.m. Tuesday: 4:00-9:00 p.m. Wednesday: 4:00-9:00 p.m. Thursday: 4:00-9:00 p.m. Friday: 4:00-10:00 p.m. Saturday: 12:00 noon-10:00 p.m. Sunday: 12:00 noon-6:00 p.m.
Anticipated Hours of Operation (for commercial event space):	Approximately 9:00 a.m. – Midnight *While the operation will stop at midnight, the Board is aware that post event cleanup will take place, sometimes, after midnight.
Anticipated peak hours of commercial event space operation:	5:15 p.m. – 6:15 p.m. 7:00 p.m. – 8:00 p.m.
No. of Employees:	Approximately 40
No. of Employees anticipated to be on site at any one time:	Approximately 25
Type of Employees:	Managers, Servers, Chefs, Table Clearers, Dishwashers, Brewers, etc.

PR-19-19
09-24-19

Anticipated Patrons:	It is anticipated that the majority of the patrons will stem from the general Oceanport/Monmouth County Area, including visitors to the general Oceanport Area
Floor Plans:	The proposed commercial event space will include the following: FIRST FLOOR: All Season Outdoor Space Courtyard Brewery/Bar Storage Area Liquor Area Men's Restroom Women's Restroom Hallway Liquor Storage Area Kitchen Hallway Staff Room Storage Area Restroom Green Room Courtyard Lounge Grand Lobby Restrooms Office Space Coat Check Area Elevator Area Elevator Machine Room Front Patio SECOND FLOOR Storage Area Men's Restroom Women's Restroom Bathroom Half Bathroom Suite Private Terrace Cocktail Kitchen Area Suite Bathroom Private Terrace Area Lounge Area Balcony Wet Bar Area

PR-19-19
09-24-19

Liquor License:	The Applicant acknowledges a need to obtain any and all approvals for any potential liquor license, – including, the need to secure any approvals from the Borough of Oceanport, the State of New Jersey, the Division of Alcohol Beverage Control, and any other Agency having jurisdiction over the matter. The Applicant's representatives acknowledge that a catered event may potentially include alcohol – but all aspects of such use shall be governed by, and subject to, prevailing regulations / statutes / ordinances. The Applicant's Representatives are aware that the Planning Board has no jurisdiction over liquor related licenses / details.
Garbage Details:	The Applicant will contract with a private garbage hauler, which will collect garbage from the site approximately 2 times per week. The garage will be collected, more frequently, if the same becomes necessary. The Applicant's garage will be placed in dumpsters, located on the property.
Garbage Dumpster Details:	The garbage dumpster or dumpsters, will be placed / located, per the plans.
Fire Details:	The renovated Dance Hall will be fully sprinklered and fully alarmed in accordance with all prevailing/Building/Construction/Fire regulations.
Indoor Entertainment:	Indoor entertainment for the designated events will include the following: Live bands DJs Dancers & performers Guest speakers & comedians
Outdoor Entertainment:	Outdoor entertainment for the designated events will include the following: String musicians
Loading / Unloading location:	Per the plans

PR-19-19
09-24-19

Delivery Frequency:	It is anticipated that deliveries to the site will occur approximately 3 times per week.
Anticipated type of delivery vehicles to be utilized in the loading / unloading process:	Food & beverage, liquor, brewery, supplies, flowers, decorations, instruments – refrigerated trucks and moving vans.
No. of on-site dedicated Parking Spaces:	Approximately 81-83
Location of Dedicated Parking Spaces:	On site, per the plans
Interior Renovation Details:	The Dance Hall interior renovation details include, but are not limited to, the following: Removal of damaged building materials, floor reconstruction, spray foam insulation, new drywall and wall coverings, finish carpentry, new HVAC / electrical / lighting / plumbing / fire protection & alarm / security / data / AV systems, new elevator, additional stairs, kitchen equipment, bar & brewery equipment, and furniture, fixtures, and equipment for events space & supporting spaces.
Exterior Renovation Details:	The Dance Hall exterior renovation details include, but are not limited, the following: New front addition, re-building the NE and SE wings, new cladding, new windows, replacing damaged roof materials, adding a glass enclosure space, north and south courtyards, fencing, landscaping, site lighting, parking lot re-finishing, loading and trash areas, and wayfinding signage.
Exterior Materials:	The exterior materials to be utilized in conjunction with the renovation process include the following: Brick veneer, stone veneer, Hardie board and plank, steel & aluminum windows, Solar Innovations glazing systems, curtainwall.
Anticipated Renovation Commencement Date:	In the absence of extraordinary circumstances, and subject to weather, permitting, and outside approval delays, it is anticipated that the

PR-19-19
09-24-19

	renovation work will commence on or about December 2019.
Renovation Time-Frame:	In the absence of extraordinary circumstances, and subject to weather, permitting, and outside approval delays, it is anticipated that the renovation process will last approximately 14 months.
Outside Approvals:	Outside Approvals required include, but are not necessarily limited to, approvals from the Monmouth County Planning Board, Freehold Soil Conservation District, the New Jersey Department of Environmental Protection and any other Agency having jurisdiction over the matter.

- Notwithstanding earlier Application references to the contrary, the Applicant's representatives are not proposing to construct any type of outdoor performance stage at the site. If the Applicant's representatives desire to install the same in the future, they will return to the Oceanport Planning Board for further review/approval.
- Other Site Improvements proposed in connection with the renovation process include the following:
 - Installation of a new domestic/fire/water line;
 - Installation of a new gas line;
 - Relocation of an existing sanitary sewer line;
 - Installation of a new pad-mounted transformer;
 - Installation of 2 new pervious courtyard spaces by the north and south facades;
 - Installation of a loading zone;
 - Installation of a gated trash enclosure;
 - Installation of 50 ft. Right-of-Way, extending from Caren Franzini Way to the main building entrance;
 - Installation of paver walkways and crosswalks (adjacent to the parking lots and along Caren Franzini Way); and
 - Installation of landscaping;

PR-19-19
09-24-19

- The Applicant's representatives will be utilizing licensed Contractors in connection with the renovation/construction process.

VARIANCE

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

REAR YARD SETBACK (Malterer Avenue): 25 ft. setback required; whereas approximately 13' 7" exists, which is an existing condition.

DESIGN WAIVERS

WHEREAS, the Application as presented and modified requires Approval for the following Design Waivers:

Parking Lot Access Isles: Pursuant to the prevailing Regulations, Parking Lot Access Isles are required to be a minimum of 25 ft. for two-way traffic. However, in the within situation, the existing parking lot has an isle width which, at some points, is as narrow as 22.48 ft. Thus, a Design Waiver is required.

Lighting: Pursuant to the prevailing Design Regulations, a maximum illumination level of 0.1 ft. is permitted at the property line, and lighting levels of between 0.5 and 2 ft. candles are permitted, with a maximum uniformity ratio of 4:1. However, in the within situation, the Applicant's representatives propose an average lighting level of 2.1 ft. candles with a conformity ratio of 8:1. Thus, a Design Waiver is required.

Parking Area Landscaping Requirements: Pursuant to the prevailing Regulations, at least 10% of the interior portion of the Parking Area is to be landscaped with trees and low plantings. However, in the within situation, the Applicant is proposing that less than 10% of the park area. Thus, a Design Waiver is required.

Refuse Area Location: Pursuant to the prevailing design relations, a refuse area is not permitted to be

PR-19-19
09-24-19

located between the building and Brewer Lane. However, in the within situation, the Applicant's representatives propose for such a refuse area location and, as such, a Design Waiver is required.

PUBLIC COMMENTS

WHEREAS, no members of the public submitted any comments, questions, objections, and / or concerns associated with the 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 identified as Block 110.08, Lot 1, Oceanport, New Jersey, within the Borough's Green Tech District.
3. The subject property involves a 4.28 acre portion of the former Fort Monmouth complex.
4. The subject property currently hosts a building which was formerly known as The Dance Hall.
5. The Dance Hall Building contains approximately 14,985.98 SF.
6. The subject property has frontage on Saltzman Avenue, Malterer Avenue, Irwin Avenue, Caren Franzini Way, and Brewer Lane.
7. The subject property is located within the Oceanport portion of the former Fort Monmouth complex.

PR-19-19
09-24-19

8. Pursuant to prevailing regulations, the property is subject to the Fort Monmouth Economic Revitalization Authority (FMERA) Guidelines.

9. The FMERA regulations have been designed with the intention of providing comprehensive, cohesive, and consistent development of the various portions of the Fort Monmouth Complex, regardless of whether the particular development site is located in the Borough of Oceanport, the Borough of Eatontown, or the Borough of Tinton Falls.

10. Generally speaking, the FMERA regulations govern the uses at the Fort Monmouth site, and the various host communities (including the Borough of Oceanport, and the Oceanport Planning Board) govern Site Plan and Bulk Variance – related issues/concerns.

11. The Applicant herein proposes the following:

- Rehabilitation and expansion of the Dance Hall Building (Building No: 552) for use as commercial event space and brewery; and
- Installation of various other site improvements;

12. Details pertaining to a proposal are set forth on the submitted Plans, are set forth elsewhere herein, and were described, in detail at the Public Planning Board Meeting.

13. Such a proposal requires Preliminary and Final Major Site Plan Approval, Bulk Variance Approval, and Design Waiver Approval.

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

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

GENERAL

- Commercial event space, as proposed herein, is a permitted use under the prevailing FMERA guidelines.

PR-19-19
09-24-19

- Per the prevailing regulations and requirements, the Oceanport Planning Board has no jurisdiction over the use of the property, as proposed herein.
- Throughout the public hearing process, sufficiently detailed plans and testimony were presented to the Board.

PARKING

- The parking situation at the site is of critical importance for the Board Members.
- It is imperative that there be sufficient parking for the Applicant's proposed use (in accordance with the specific testimony presented during the Public Hearing).
- The absence of sufficient / appropriate parking for any particular use in the former Fort Monmouth Complex will be detrimental to the Borough of Oceanport and the other host communities.
- The absence of sufficient / appropriate parking for a particular use in the former Fort Monmouth Complex will compromise overall Fort Monmouth redevelopment efforts.
- In that the proposed commercial event space use requires approximately 76 parking spaces, and in that 81-83 parking spaces are proposed, no Parking Variance is required.
- The existence of sufficient parking is of the utmost importance to the Board Members – and but for the same, the within Application may not have been approved.
- The location of the proposed parking spaces is appropriate for the commercial office space use approved herein.
- The prevailing parking spaces are sufficiently sized so as to satisfy prevailing Municipal/RSIS standards.
- Per the testimony and evidence presented, the proposed parking is sufficient for the Applicant's proposed use, and the operational needs associated therewith.
- The Board is aware that some patrons for the proposed use may actually travel together in vans or mini-buses, thereby potentially minimizing the number of vehicles which need to be accommodated at the site on a regular basis.
- The Application as presented requires a Design Waiver for the Parking Lot Access Isle. Specifically, a 25 ft. wide Access Aisle is required for two-way traffic; whereas, in the within situation,

PR-19-19
09-24-19

the proposed traffic aisle has a meandering width which, at some points, is as narrow as 22.48 ft. As a result, a Design Waiver is required. Because the size of the parking lot makes it impractical to comply with the 25 ft. wide requirement, the Board has determined that the said Design Waiver can be granted without causing substantial detriment to the public good.

- The parking arrangement, as generally referenced above, is appropriate for the site, and the commercial office space approved herein.
- Per the testimony and evidence presented, the lay-out of the proposed parking area has been designed in a safe, efficient, and functional fashion.

TRAFFIC

- The Board Members reviewed, in detail, the testimony and other documentary evidence regarding the traffic impact associated with the Applicant's proposed use of the former Dance Hall Building.
- Towards that end, one document which was reviewed was the Applicant's Traffic Assessment Report, dated March 14, 2019, prepared by McDonough & Rea Associates, Inc., introduced into evidence as A-9.
- In preparing the aforesaid Traffic Impact Analysis, the Applicant's Traffic representatives prepared a study/report which included the following scopes:
 - a. A review and analysis of the site so as to establish the existing roadway and traffic conditions in the area;
 - b. An analysis of the peak hour traffic counts at the intersection of Route 537/Oceanport Avenue;
 - c. An analysis of the estimated traffic to be generated by the Banquet space based upon data published by the New Jersey Department of Transportation;
 - d. An analysis of the site-generated traffic to the adjacent roadway network, in accordance with anticipated origins and destinations of the site-generated traffic;
 - e. An analysis of the future traffic volume demand associated with the proposed use and other pending/proposed projects associated with the former Fort Monmouth Campus; and

PR-19-19
09-24-19

- f. An analysis of the level service capacity of the Route 537/Oceanport Avenue signalized intersection.
- The Board finds that the aforesaid scope of analysis is appropriate for the subject proposal.
- Relevant portions of the Traffic Impact Analysis include the following:

EXISTING TRAFFIC VOLUMES

Traffic volume data was collected by MRA by conducting manual turning movement counts at Route 537/Oceanport Avenue during the time frames when the restaurant/event space will be generating its maximum traffic impact. Based on communication with you, peak hours for the restaurant/event space will typically be on Friday and Saturday evenings, after 5:00 PM. Traffic counts were conducted at Route 537/Oceanport Avenue between 5:00 PM and 8:00 PM on a Friday evening and Saturday evening. Results of the manual turning movement counts reveal that Friday evening volumes were higher than Saturday evening volumes, presumably due to commuter/work related traffic which may not be present on Saturday evenings. Therefore, Friday evening was considered the critical evening for analysis.

Most events will likely be scheduled to begin at approximately 5:00 PM and will discharge traffic later in the evening after 8:00 PM, depending on the duration of the event. Figure 2 in the Appendix illustrates existing weekday PM peak street hour and weekend evening traffic volumes traversing the intersection. The PM peak street hour occurs between 5:15 PM and 6:15 PM and evening peak hour between 7:00 PM and 8:00 PM.

In order to conduct a worst case analysis, MRA assumed that arrivals for an event would coincide with the 5:15 PM to 6:15 PM peak hour and departures would coincide with the 7:00 PM to 8:00 PM peak hour, although many events may end much later than 8:00 PM. It should also be noted that if there is no event scheduled for a particular night, the 5:00 PM to 8:00 PM traffic counts will also be coincident with the peak hours for a restaurant.

See Traffic Report, A-9, Page 3

PR-19-19
09-24-19

TABLE I
TRIP GENERATION-200 SEAT RESTAURANT/EVENT SPACE (USING 300 SEATS)
THE LOFT

<u>WEEKEND ARRIVAL PH</u>			<u>WEEKEND DEPARTURE PH</u>		
<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>	<u>IN</u>	<u>OUT</u>	<u>TOTAL</u>
90	10	100	10	90	100

With respect to the distribution of site generated traffic, traffic was assumed to be evenly split east and west along Route 537 toward Route 35 in the Borough of Eatontown and Oceanport Avenue in the Borough of Oceanport. Figure 3 in the Appendix illustrates anticipated site-generated traffic flows.

See Traffic Report, A-9, Page 4

ANALYSIS OF FUTURE TRAFFIC

A design year of 2022 was assumed for analysis. In addition to existing traffic volumes utilizing the Route 537/Oceanport Avenue intersection, other development within Fort Monmouth was assumed to take place prior to the design year. Based on communication with the Fort Monmouth Economic Revitalization Authority (FMERA), the following information was provided:

- Squier Hall - plan for redevelopment as a satellite college campus. Approximately 300 students
- Russell Hall – commercial development. Approximately 40-50 staff
- Barker Circle – 75 residential units, commercial space, restaurant and small theater

PR-19-19
09-24-19

- Allison Hall – commercial redevelopment with retail and restaurant space and 100 room hotel

In addition to the foregoing, as previously indicated, the East Gate and Liberty Walk residential developments are currently receiving tenants. It is our understanding that the East Gate community consists of 68 units and 12 were occupied as of late January, with 19 more properties closed and 16 under contract as of this date. Liberty Walk consists of 48 units. As of late January, 25 were occupied with an anticipation that 7 more units would be occupied in early February.

The timing of the construction of the foregoing projects and future tenancy of all residential units is uncertain for the 2022 design year, however, again in order to prepare a conservative analysis, MRA has doubled the turning movement counts into and out of Route 537 from Oceanport Avenue for the 2022 design year. Furthermore, based on the anticipated peak hours for the foregoing projects which are in the construction/planning phase, those projects' peak hours will not coincide with peak hours for The Loft. Peak hours for residential, retail and college uses will not peak on Friday and Saturday evenings, when the restaurant/event space will generate its peak traffic.

For the Oceanport Avenue thru movements at this location, the NJDOT's Historical Background Traffic Growth Rate data for the area was consulted with a finding that thru volumes along Oceanport Avenue are anticipated to grow at a rate of 1 percent per year. MRA conservatively applied a 5.0 percent growth rate to existing thru volumes for the 3 year period from 2019 to 2022. Figure 4, in the Appendix illustrates design year 2022 no-build traffic volumes and Figure 5 in the Appendix illustrates build traffic volumes.

Traffic engineers calculate levels of service of signalized intersections which relate to the quality of traffic flow. Level of service is a measure of average control delay. Average control delay is the time lost due to deceleration and the amount of time from when a vehicle is stopped for a traffic control device (or at the end of the queue) to when the vehicle departs the

intersection. Delay is a relative quantity of driver discomfort, frustration, fuel consumption, and loss in travel time.

Levels of service range from “A” to “F,” with “A” being the highest or best attainable level of service. Level of service “E” with average control delays of not more than 80 seconds per vehicle at a signalized intersection indicates near to or at capacity conditions and is generally considered the limit of acceptable level of service and delay.

Full definitions of levels of service for signalized intersections as well as level of service summaries are included in the Appendix. The intersections studied by this report were analyzed according to the procedures set forth in the Highway Capacity Manual 2010, using the McTrans Highway Capacity Software (HCS), release 7.5.

Findings were that at the signalized intersection of Route 537/Oceanport Avenue, this intersection would operate at an acceptable level of service “B” for both the weekend late afternoon peak hour and for the weekend evening peak hour. Therefore, this intersection has the capacity to process The Loft traffic and other traffic generated by adjacent uses planned for Fort Monmouth and operate well within accepted traffic engineering parameters.

See Traffic Report, A-9, Pages 4 & 5

TRAFFIC REPORT

CONCLUSIONS

It is concluded, based on the analysis set forth in this report, that plans to repurpose the existing World War II era dance hall into The Loft can be approved and operate compatibly with existing and future traffic conditions in the area. The signalized intersection of Route 537/Oceanport Avenue, located in the Borough of Oceanport, is the closest signalized intersection to The Loft. It will operate at an acceptable level of

PR-19-19
09-24-19

service “B” for weekend peak hours when The Loft will be generating its maximum traffic impact.

See Traffic Report, A-9, Page 6

- Based upon the above, the Board finds that the Applicant's proposed use of the former Dance Hall Building can be approved without causing a substantial traffic detriment to the public good.
- Per the testimony and evidence presented, approximately 100 vehicles associated with the Applicant's proposed event space use will be expected to enter the site and exit the site during peak hours on an average weekend. Towards that end, the Board finds that the Applicant's proposed parking spaces will be sufficient for the Applicant's proposed use.
- Per the testimony and evidence presented, the Applicant's proposed use is not a standard 9:00 a.m. to 5:00 p.m. operation. Rather, the Applicant's proposed commercial event space will involve night use and other activity at off-peak hours. The said off-peak features associated with the proposed commercial event space will help with the overall traffic situation at the Fort Monmouth site, as the proposed commercial event space will not directly compete with other peak / daytime uses in the former Fort Monmouth Complex.
- The Applicant's proposed commercial event space will complement the parking needs of other existing / anticipated uses in the former Army Base Complex.
- The testimony from the Applicant's traffic representatives indicated that for most uses, peak travel / traffic times are between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. to 6:00 p.m. However, the testimony also indicated that the peak hours for the commercial office space approved herein will be at night – i.e. a timeframe which will not conflict with, or otherwise interfere with, the peak parking needs of other surrounding uses in the Fort Monmouth complex.
- Conversely, the traffic testimony / arguments indicated that at night, when other surrounding uses in the Fort Monmouth area are closed, the proposed commercial event space will be open, and operating at peak levels. Thus, the testimony and other evidence presented indicated that the peak traffic hours associated with the proposed facility will not coincide with the peak parking needs of many other establishments in the Fort Monmouth complex.

PR-19-19
09-24-19

- Given the non-competing parking demands associated with the commercial event space approved herein, and with other existing uses in the Fort Monmouth Complex, the Board finds that the subject site can accommodate (from a traffic/parking standpoint), the proposal approved herein.
- The Board hereby accepts and incorporates the Traffic Impact Report, and conclusions/findings set forth therein.
- The Board notes that while the commercial event space will have a maximum of 200 seats, out of an abundance of caution, the Applicants traffic representatives utilized a 300 seat count for the Traffic Report. Though there was some initial confusion on the matter, the Board Members understand that such a methodology will provide the Board with extra-conservative traffic calculations. Under the circumstances, the Board applauds and appreciates such a traffic study methodology.

ADAPTIVE REUSE

- The Board is aware that the subject Application involves the proposed use of the of the existing Dance Hall building which, upon information and belief, was constructed in the World War II era. The Board is furthermore aware that Dance Hall is, arguably, or potentially, one of the more prominent buildings in the Fort Monmouth Complex. The Board is also aware that per the prevailing FMERA regulations, the Dance Hall building is not necessarily permitted to be demolished, and that renovation of the same must be effectuated in an appropriate fashion????
- The existing Dance Hall building is not currently utilized, and the same suffers from deferred maintenance. Specific features associated with the existing Dance Hall building include the following:
 - The existing building is damaged and in a state of disrepair;
 - The existing floors are compromised;
 - The HVAC / plumbing / electrical / fire protection features are compromised and old / outdated;
 - The existing building is not necessarily ADA compliant per prevailing / modern standards.

PR-19-19
09-24-19

- Approval of the within Application will result in several significant improvements / modifications to the existing building. Specifically, the proposed renovations / improvements include the following:
 - Installation of a new domestic/fire/water line;
 - Installation of a new gas line;
 - Relocation of an existing sanitary sewer line;
 - Installation of a new pad-mounted transformer;
 - Installation of 2 new pervious courtyard spaces by the north and south facades;
 - Installation of a loading zone;
 - Installation of a gated trash enclosure;
 - Installation of 50 ft. Right-of-Way, extending from Caren Franzini Way to the main building entrance;
 - Installation of paver walkways and crosswalks (adjacent to the parking lots and along Caren Franzini Way); and
 - Installation of landscaping;
- The improvements, as aforesaid, will modernize and significantly improve the existing building.
- Though the existing Dance Hall Building is not knowingly listed on any historic registry list, the existing World War II era building still has value, charm, and architectural integrity as a historically interesting / noteworthy building.
- Approval of the within Application will result in the revitalization / renovation of the Dance Hall Building.
- Approval of the within Application will not result in the demolition of The Dance Hall Building.
- Approval of the within Application represents an adaptive reuse of the historically interesting/noteworthy Dance Hall Building.
- Approval of the within Application will allow the historically interesting/noteworthy Dance Hall Building to be appropriately renovated and utilized for modern purposes.
- There was extensive testimony and evidence presented as part of the Application suggesting that the existing two-story Dance

PR-19-19
09-24-19

Hall Building will be restored in an appropriate fashion. The Planning Board specifically finds there are many benefits and beneficial features associated with restoring the existing building in an appropriate fashion.

- Approving a Development Application which allows an historically interesting/noteworthy building to physically remain intact advances a legitimate development goal.
- Other development opportunities for the site/area could potentially result in the physical destruction/demolition of the existing Dance Hall (if prevailing FMERA Regulations would so allow), and such destruction/demolition would not necessarily, in and of itself, be in the best interest of the Borough of Oceanport, or the residents thereof.
- Development Applications which encourage/embrace the preservation and utilization of older, historic, and/or historically interesting/noteworthy buildings serves a legitimate development goal.
- Approving Applications which encourage/embrace the preservation and utilization of older, historic, and otherwise historically interesting/noteworthy building essentially advances the purposes of the Borough's Master Plan.
- There is a legitimate Borough-related interest in preserving buildings which have significant, historic, or otherwise unique architectural charm/interest.
- The renovation approved herein will allow the historically significant/noteworthy Dance Hall Building to be preserved, but nonetheless utilized, for modern commercial educational purposes.
- The Board recognizes that the existing Dance Hall Building is completely vacant right now, and approval of the within Application will restore the said building to productive use.
- Subject to conditional set forth herein, approval of the within Application will result in the revitalization / restoration of an old building, while still maintaining / promoting elements of the Borough's rich history.

GENERAL PLANNING FINDINGS

- The Application as presented requires a technical setback variance off of Malterer Avenue. Specifically, a 25 ft. rear yard

PR-19-19
09-24-19

setback is required; whereas, the Applicant herein is proposing a rear setback of approximately 13.7 ft. The Board notes that the said condition is an existing condition which is not being exacerbated as a result of the within approval.

- The Board is also aware that approval of the within Application will not change the physical location / physical setback of the existing building (off of Malterer Avenue).
- The Board is also aware that the Dance Hall Building is an existing building at the site, and the to-be-expanded building addition approved herein will not materially change the existing setback conditions.
- The Board is aware that while the Application approved herein may reorient the front, rear, and sides of the building (from a functional standpoint), approval of the within Application will not physically change the existing setbacks – and, as such, the Board is of the opinion that the technical rear yard setback Variance can be granted without causing substantial detriment to the public good.
- Under the circumstances, and based upon the information presented, the Board finds that it would be inappropriate and impractical to require the existing building to be relocated so as to satisfy the prevailing 25' rear yard setback requirement.
- The existing building has existed at the site for a number of decades – and continued existence of the building, with the non-conforming setback, will not cause substantial detriment to the public good.
- Under the circumstances, the Variance required and approved herein is more of a technical Variance in nature than a substantive Variance.
- The Application approved herein will significantly improve the overall aesthetic appeal of the site.
- The Board notes that there are many large trees on the property which are being saved / preserved – and the Board appreciates the Applicant's efforts in the said regard.
- The significantly enhanced landscaping at and around the site will greatly minimize the aesthetic impact approval of the within Application will have on any surrounding uses.
- The Application as presented requires approval for a Design Waiver. Specifically, the prevailing regulations require that at least 10% percent of the interior portion of the parking area is to

PR-19-19
09-24-19

be landscaped with trees and low plantings. However, in the within situation, the Applicant's representatives are proposing that less than 10% of the interior portion of the parking area to be so landscaped and, as such, a Design Waiver is required. Towards that end, the Board notes that because of the extensive amount of landscaping already proposed, from a visual standpoint, the Dance Hall parcel will appear to have a compliant amount of parking lot landscaping.

- The Board finds that if the aforesaid Parking Lot Landscaping Design Requirement is waived, the Applicant herein will likely be in a position to offer more on-site parking spaces for the proposed commercial event space use. Under the circumstances, the Board finds that the need for sufficient parking justifies the granting of the subject Design Waiver.
- Per the testimony and evidence presented, if the Applicant complied with the Parking Lot Landscaping Design Requirements, there could, potentially, be a corresponding loss of some associated parking spaces. Under the circumstances, the Board Members did not feel it would be appropriate to lose any parking spaces.
- The Application as presented also requires a Design Waiver for lighting. Specifically, pursuant to the prevailing regulations, a maximum illumination level of 0.1 foot candles is permitted - whereas, in the within situation, the Applicant's representatives are proposing slightly greater than the same. Towards that end, the Board notes said increase in foot candles is justified for certain safety reasons.
- The Board is aware that the prevailing Fort Monmouth Land Use Law permits the granting of Design Waivers/Exceptions when either the literal enforcement of a particular regulation is impractical; or when literal enforcement of the design regulations will exact undue hardship. Upon critical review of the matter, the Board finds that the Design Waivers requested herein, and approved herein, are reasonable, and will not compromise public health or safety.
- The Board also notes that under the circumstances and given that The Dance Hall is an existing building which is being significantly renovated as part of the within Application, it would be extremely impractical for the existing building to be relocated.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which provide for, or otherwise guide, the appropriate use or development of all lands in the State, in manner which promotes the Public Health, Safety, and General Welfare. The Board finds that, subject to the conditions

PR-19-19
09-24-19

contained herein, approval of the within Application will advance such a purpose. Specifically, appropriate renovation of the historically interesting/noteworthy Dance Hall building, and the adaptive reuse of The Dance Hall Building for modern commercial purposes, will, in fact advance the general welfare.

- One purpose of the Municipal Land Use Law encourages the approval of Applications which provides sufficient space in appropriate locations for a variety of uses – and, subject to the conditions set forth herein, the Board finds that approval of the within Application will advance such a purpose. Specifically, the aesthetically appropriate renovation of the historically interesting/noteworthy Dance Hall building will be coordinated with new commercial event space use at the site. Per the testimony and evidence presented, and subject to the conditions contained herein, there is sufficient space to accommodate the Applicant's proposed commercial event space of the Dance Hall building (as evidenced by the compliant parking, and the overwhelming compliance with other prevailing bulk conditions, etc.).
- Per the testimony and evidence presented, and subject to the conditions contained herein, the Board finds that the appropriate renovation of the Dance Hall Building for use as commercial event space is an appropriate use for the Dance Hall Building (in accordance with the operational parameters testified to at the Public Hearing.)
- Likewise, as previously set forth, the Board finds that approval of the within Application constitutes an adaptive reuse of a historically interesting/noteworthy building.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which promote the design of transportation routes which encourage the free flow of traffic, with an efficient traffic circulation plan. Subject to the conditions contained therein, the Board finds that approval of the within Application will advance such a purpose. Specifically, the Applicant's representatives provided sufficient parking spaces to accommodate the Applicant's proposed use of The Dance Hall Building, which will, in turn, help promote a safe and efficient traffic circulation flow in conjunction with the Applicant's proposed use.
- Per the testimony and evidence presented, the commercial event space approved herein will have peak parking needs on Saturdays and during evening hours. As referenced elsewhere herein, the Board finds that the said peak parking needs of the commercial event space approved herein will not compete with the parking needs of many other existing uses in the former Army

PR-19-19
09-24-19

Base site. The lack of such competing traffic uses will minimize any negative impact otherwise associated with the within Approval.

- The traffic associated with the commercial event space use approved herein will appropriately compliment other existing/anticipated traffic associated with other Fort Monmouth uses.
- One purpose of the Municipal Land Use Law encourages Applications to be approved which promote a desirable visual environment with good civic design standards and arrangements. Subject to the conditions contained herein, the Board finds that approval of the within Application will advance such a purpose. Specifically, the renovation approved herein will be effectuated on the existing Dance Hall Building, which is, upon information and belief, appropriately 80 years old. As referenced herein, the Board Members recognize the many benefits associated with the preservation of the historically interesting/noteworthy building.
- The Board is also aware that in conjunction with the within Application, there will be major improvements to the Dance Hall Building – including:
 - Installation of a new domestic/fire/water line;
 - Installation of a new gas line;
 - Relocation of an existing sanitary sewer line;
 - Installation of a new pad-mounted transformer;
 - Installation of 2 new pervious courtyard spaces by the north and south facades;
 - Installation of a loading zone;
 - Installation of a gated trash enclosure;
 - Installation of 50 ft. Right-of-Way, extending from Caren Franzini Way to the main building entrance;
 - Installation of paver walkways and crosswalks (adjacent to the parking lots and along Caren Franzini Way); and
 - Installation of landscaping;

PR-19-19
09-24-19

The Board finds that the significant improvements, as aforesaid, will clearly improve the overall aesthetic appeal of the building/site.

- The aforesaid architectural, aesthetic and functional improvements will help beautify the building/site.
- The Board is also aware that the renovations approved herein will result in a building which is fully fire sprinklered and fully alarmed, in accordance with Prevailing Building / Construction / Fire Code Regulations.
- The fully sprinklered nature of the to-be-renovated older building will certainly advance the Public Health and Safety.
- Based upon the testimony and information presented, the Board finds that approval of the within Application is consistent with the FMERA Reuse Plan. Specifically, as the same relates to the Dance Hall parcel, the FMERA Reuse Plan provides the following:

????

The Board finds that subject to the conditions contained herein, approval of the within Application will, in fact, advance such a purpose.

- In accordance with the FMERA Reuse Plan, the Board finds that, subject to the conditions contained herein, approval of the subject Application will aid FMERA in its efforts to attract suitable ventures which wish to relocate to the former Fort Monmouth site, and such ventures which also have the potential to replace jobs which were lost when the former army base was closed.
- In accordance with the FMERA Reuse Plan, the Board finds that approval of the within Application will, subject to conditions contained herein, help attract visitors to the Fort Monmouth site, and to help develop the future workforce on the former army base.
- In accordance with the FMERA Reuse Plan, the Board is aware that approval of the within Application will not preclude the FMERA goal/objective of creating an extensive system of bikeways, pedestrian trails, and sidewalks, circulating throughout the former army base site.

PR-19-19
09-24-19

- The landscaping plan approved herein will help beautify the site. Specifically, per the testimony and evidence presented, in conjunction with the within renovation, the Applicant's representatives will be planting a significant amount of new trees, new shrubs, and other plantings which will all help significantly improve the overall aesthetic appeal of the site / property. ????

MISCELLANEOUS FINDINGS

- The Board is aware that the commercial event use proposed herein is permitted under the Prevailing FMERA Land Use Regulations.
- Per the testimony and evidence presented, all aspects of the existing Dance Hall Building are not necessarily ADA-compliant – and the testimony presented indicated that approval of the within Applicant will result in the building satisfying Prevailing ADA Requirements.
- Approval of the within Application will, essentially, convert the existing Dance Hall Building from non-compliant (in terms of ADA Regulations) to compliant.
- The ADA-related improvements associated with the Dance Hall renovation include, but are not limited to, the following: installation of code-compliant stairs, installation of a code-compliant elevator, and installation of code-compliant accessible parking spaces.
- Approving an Application which allows an existing building (let alone a historically interesting/noteworthy building) to become ADA-compliant represents a legitimate development goal.
- The ADA improvements, as aforesaid, will facilitate the ability of many others (including handicapped individuals and other individuals whose mobility is otherwise challenged) to more easily use / access / maneuver the Dance Hall Building.
- There are many societal benefits associated with improving site / building access for handicapped individuals, and other individuals whose mobility is temporarily or permanently limited / restricted.
- Increased handicap accessibility at the site is a laudable development goal.
- The Application as presented requires a Waiver for the refuse area location. Specifically, the Applicant herein is proposing to

PR-19-19
09-24-19

have the refuse area located between the building and Brewer Lane, which is not permitted. However, the Board notes that the said location is an appropriate location for the refuse because of the unusual shape of the subject property, and the lack of any other suitable alternative locations. As such, the Board finds that the said Design Waiver can be granted without causing substantial detriment to the public good.

- The renovation associated with the within Approval will, to a great extent, take place on land which has already been developed. Thus, subject to the conditions noted herein, approval of the within Application will allow appropriate development to occur with little or no adverse impact on the environment.
- The Board recognizes that the Borough's Master Plan essentially and generally encourages the approval of Applications which enhance various neighborhoods throughout the Borough by providing for appropriate redevelopment, reinvestment, revitalization, and capital improvements, all designed to strengthen and improve the fabric of each area. For the reasons set forth herein, the Board finds that the approval of the within Application will, essentially, advance such general / presumed Master Plan objectives.
- The Board is also aware that the Borough's Master Plan essentially encourages the approval of Applications which promote a cooperative approach to economic development and revitalization through investment, maintenance, and reinvestment in existing areas – and, for the reasons set forth herein, the Board finds the approval of the within Application will generally advance such a presumed Master Plan goal / objective.
- Subject to the conditions set forth herein, approval of the within Application will not impair the character of the existing area.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented and modified satisfies the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variances).

PR-19-19
09-24-19

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

Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant's representatives have agreed, to comply with the following conditions:

NOTE: Unless otherwise indicated herein, all Plan revisions shall be subject to the review and approval of the Board Engineer.

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. Unless otherwise waived by the Borough of Oceanport, the Applicant's representatives shall execute a Developer's Agreement, with the Borough of Oceanport. The said Developer's Agreement shall be subject to the review and approval of the Borough Council, the Borough Attorney, and the Borough Engineer.
- c. The Applicant's representatives shall, in good faith, petition the Borough Council of the Borough of Oceanport so as to ascertain if the Borough of Oceanport desires to obtain Title 39 jurisdiction over the Applicant's property. If the Borough of Oceanport is so inclined to accept such Title 39 jurisdiction, then, in that event, the Applicant's representatives shall, at no cost, sign any and all documents necessary to officially provide such Title 39 jurisdiction to the Borough. In this regard, the Applicant's representatives shall provide the Board Secretary with a written Status Report regarding the matter within 120 (one hundred twenty) days following the successful expiration of any appeal period associated with the within approval.
- d. The Applicant shall apply for, and obtain, any and all applicable / necessary liquor license from the Borough of Oceanport, State of New Jersey, and any other agency having jurisdiction over the matter. The Applicant shall also comply with any conditions / restrictions on the liquor license which may be imposed by the Borough of Oceanport, State

of New Jersey, and/or any other agency having jurisdiction over the matter.

- e. The Applicant shall obtain any and all necessary approvals from the Municipal Board of Health (and any other agency having jurisdiction over the matter) for the food / drink aspect of the facility.
- f. The Board Members solicited extensive testimony regarding the nature /extent of the commercial event space / brewery space at the site – and, in response, the Applicant's representatives testified as to the general number of employees who would be on the site for any sustained period of time, the maximum amount of events / receptions which would take place at the site at any one time, the standard amount of deliveries associated with the use, the type of activities associated with the commercial event space, etc. The Board finds that subject to the conditions contained herein, such a commercial event space / brewery space (as testified to) will not be out of character for the area, and the same will not have an adverse impact on the Borough's Master Plan, the subject zone, or the adjoining neighborhood. However, the Board specifically notes that any material intensification of the operational parameters as testified to herein which appreciably deviates from the testimony / evidence presented herein, will require further / formal approval from the Oceanport Planning Board.
- g. The Applicant's representatives shall, in good faith, work with the Board Engineer so as to coordinate the Stormwater Management Improvements.
- h. The Applicant's representatives shall perpetually maintain, replace, and replant landscaping as necessary.
- i. The approval granted herein shall comply with all Prevailing FMERA Regulations or the FMERA Mandatory Conceptual Review approval, if relief was granted by FMERA from any prevailing regulations.
- j. The Applicant's representatives shall cause the Plans to be revised so as to portray and confirm the following:
 - i. The inclusion of a note confirming that the Applicant's representatives shall arrange for private garbage collection at the site.
 - ii. The inclusion of a note confirming that the private garbage shall be collected from the Dance Hall Building at least 2 times per week – and that the frequency of garbage collection

PR-19-19
09-24-19

will be appropriately increased, if necessary, as reasonably determined by the Applicant, FMERA representatives, or other Agents of the Borough of Oceanport.

- iii. The elimination of the outdoor performing stage, (which was initially submitted, but later withdrawn, as part of the Application process).
- iv. The inclusion of a Note confirming that any restaurant at the site will not be opened to the Public when other commercial events are taking place. ????
- v. The installation of conforming and zoning-compliant parking signage in the parking lot.
- vi. Confirmation that the lot coverage will comply with prevailing zoning regulations (as no variance is granted herein.)
- vii. Confirmation that the lighting levels shall be adjustable, and that the lighting levels shall be lowered after midnight of each night (and other times when the commercial event space is not in use.)
- viii. The inclusion of a note confirming that the Dance Hall building will not be utilized for occupancy / sleepover purposes, absent further / formal approval of the Oceanport Planning Board.
- k. The noise levels at the site shall comply with all prevailing state decibel levels.
- l. The maximum occupancy at the site shall comply with the parameters of the testimony presented during the public hearing – and in no event shall the same exceed that which is permitted by the Prevailing Building / Construction / Fire Code Requirements.
- m. The Applicant shall obtain any necessary liquor license for the brewery aspect of the within operation.
- n. The Applicant shall provide the Board Engineer with a tree inventory.
- o. The Applicant shall arrange, at the Applicant's cost, to obtain an arborist report detailing the nature / extent / location / condition of existing trees at the site.

PR-19-19
09-24-19

- p. The size of the brewery approved herein shall not be expanded / intensified, absent further approval of the Planning Board.
- q. The hours of operation for the facility shall comply with any Prevailing Municipal Regulations.
- r. The Applicant's representatives shall coordinate with Municipal Police Officials and other Borough Officials (including the Board Engineer) so as to determine how long the exterior lights are to remain on after midnight of each night (and other times when the commercial event space is not being utilized.)
- s. The Applicant's representatives shall submit a new, legible grading plan, which shall be subject to the review and approval of the Board Engineer.
- t. Throughout the Application Process, there were fairly intense discussions regarding the Oceanport Planning Board's institutional need to more formally review a comprehensive / overall Fort Monmouth Traffic Study / Plan and a comprehensive Fort Monmouth Infrastructure Improvement Plan / Study (so as to better assess and address the needs associated with the overall development of the Fort Monmouth Complex). The purpose / cause of the concerns, as aforesaid, is not to serve as an impediment or obstruction to development – rather, the within point is adopted to memorialize the basic truth that appropriate redevelopment should, and must, be effectuated in a thorough, well-reasoned, measured, comprehensive, and responsible format, with full recognition of the impact that any such current or future development will have on the Borough of Oceanport and the other host communities. The said issue is not necessarily within the control / purview of the Applicant herein. In the spirit of good-faith, in order to facilitate the development process, and without any precedent being set, the Planning Board Members agreed to approve the within Application without any such immediate review / study of overall Fort Monmouth traffic and infrastructure needs, etc. That notwithstanding, in order to prevent or otherwise limit any potential future issues, problems, or delays, in order to protect and promote the collective interests of the Borough of Oceanport, FMERA, and all other host communities, and in order to prevent any undue burden on the later / future developers in the Fort Monmouth Complex, the Applicant's representatives are respectfully encouraged to immediately consult with appropriate FMERA representatives so as to relay and address the within concerns.

PR-19-19
09-24-19

- u. The Applicant shall comply with all prevailing/applicable Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency with jurisdiction over the matter.
- v. Any Easements required / provided hereunder shall be reviewed and approved by the Board Engineer and Board Attorney. Upon such review and approval, any such required / provided Easements shall be recorded in the Office of the Monmouth County Clerk – and proof of same shall be submitted to the Board Secretary.
- w. The Applicant shall comply with any and all Prevailing ADA Requirements.
- x. The Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permits
 - Plumbing Permits
 - Electric Permits
 - Fire Permits
- y. The Applicant shall comply with the terms and conditions of the Maser Consulting Review Memorandum, dated August 9, 2019 (A-8) unless specific exceptions were noted at the Public Hearing. Note: Per the said Board Engineer Review Letter, point h, 2, the Applicant is not required to improve the storm water capacity to handle a 25 year design storm. Rather, the said issue shall be addressed to the satisfaction of the Board Engineer????
- z. The Applicant shall comply with all Prevailing FEMA / Flood Regulations.
- aa. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties
- bb. The construction shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction / renovation shall comply with Prevailing Provisions of the Uniform Construction Code.

PR-19-19
09-24-19

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

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

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

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

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Oceanport, the Borough of

PR-19-19
09-24-19

Oceanport, or their agents/representatives accept any responsibility for the structural design of the proposed improvements, or for any damage which may be caused by the development / renovation.

PR-19-19
09-24-19

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

Offered by: _____

Seconded by: _____

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

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

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of _____, 2019.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 1426)

8.2

Meeting: 09/24/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1426

PR-19- Resolution of Approval, Nancy Herman, 33 Iroquois Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF NANCY HERMAN
33 IROQUOIS AVENUE
OCEANPORT, NJ
BLOCK 10, LOT 27
APPROVAL DATE: SEPTEMBER 9, 2019
MEMORIALIZATION DATE: SEPTEMBER 24, 2019**

INTRODUCTION

WHEREAS, Nancy Herman has made Application to the Oceanport Planning Board for the property designated as Block 10, Lot 27, commonly known as 33 Iroquois Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variances associated with an Application to install a new/second shed;

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on September 9, 2019, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Development Application Package, introduced into Evidence as A-1;*
- *Survey, prepared by Morgan Engineering, dated August 27, 2018, Letter, introduced into Evidence as A-2;*
- *Survey, prepared by Morgan Engineering, dated August 27, 2018, with handwritten shed details located thereon, introduced into Evidence as A-3;*

- *Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

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

- Nancy Herman, Applicant, appearing Pro Se;
- Daniel Herman, the Applicant's spouse; and

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 her Representatives revealed the following:

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 10 months.
- There is an existing single-family home at the site.
- The Applicant lives at the site.
- There is already an existing shed at the site, but the same is filled to capacity. (The existing shed is located on the northwest corner of the lot.)
- There is a need for an additional shed at the site, so as to accommodate the Applicant's storage needs.

- The need for the additional shed is compounded by the fact that there is no garage at the site, and there is only a small attic.
- The need for the second shed is further exacerbated by the fact that extended family members will now be living in the home as well.
- As such, the Applicant proposes to install a second shed at the site.
- Details pertaining to the proposed new/second shed include the following:

Use:	The shed will be used for storage purposes (and the same will not be utilized for living purposes).
Location of shed:	Backyard area, near the east side property line (per plans).
Side setback:	5 ft. off of the side property line.
Rear setback:	5 ft. off of the rear property line.
Size of shed:	8' X 12"
Type of shed:	Pre-fabricated shed.
Height:	Compliant
Materials:	Per Plan Specifications.
Pad details:	Per Plan Specifications.
Utilities	There will be no utilities in the shed, except for electricity.

VARIANCES

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

*SIDE YARD SETBACK FOR THE NEW/SECOND SHED:
10 ft. required; whereas 5 ft. proposed.*

*REAR YARD SETBACK FOR THE NEW/SECOND SHED:
10 ft. required; where 5 ft. proposed.*

*SIDE YARD SETBACK (FOR THE EXISTING SHED): 10
ft. required; whereas less than 10 ft. exists.*

*REAR YARD SETBACK (FOR THE EXISTING SHED): 10
ft. required; whereas less than 10 ft. exists.*

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 33 Iroquois Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The site currently contains a 1 ½ single family dwelling, with an existing shed.
4. The Applicant proposes to install a second shed at the site.
5. Such proposal requires Bulk Variance Approval.
6. Per the testimony and evidence presented, there is a need for a an additional/second shed at the site (particularly in that the existing shed is filled to capacity, there is only a small attic, and there will be additional family members living in the home).
7. The Oceanport Planning Board is statutorily authorized to grant the requested relief.
8. With regard to the Application, and the requested relief, the Board note the following:

- As indicated, there is an existing shed at the site – and the existing shed is 8 ft. x 8 ft. (The existing shed is being retroactively legitimized herein.)
- The details pertaining to the proposed second shed are set forth herein.
- The second shed approved herein will not be readily visible from the public street.
- The second shed approved herein will likely be camouflaged by large fir trees.
- Per the testimony and evidence presented, the second shed will have a non-conforming rear-yard setback and a non-conforming side-yard setback. Specifically, a 10 ft. rear yard setback is required, a 10 ft. side yard setback is required, and the Applicant is only proposing a 5 ft. rear yard setback and 5 ft. side yard setback.
- Typically, the Board is not inclined to grant such Variances for new structures.
- The Board notes that the nature/extent/location of the existing trees will camouflage the new/second shed approved herein.
- The nature/extent of the existing landscaping at the site will minimize any adverse aesthetic impact the second shed will have on the site, the neighborhood and the Borough of Oceanport as a whole.
- As indicated, there is an existing initial shed at the site, which is located in a non-conforming location. During the public hearing process, the Board has decided to retroactively legitimize the placement of the existing shed.
- The existing shed has been in existence for a number of years – and, to the knowledge of Board Members, there have been no known objections associated therewith.
- Per the testimony and evidence presented, the Applicant communicated with some of the neighbors regarding the proposed shed – and no known concerns / objections were received.
- Per the testimony and evidence presented, the shed approved herein will not be utilized as living space.
- The shed approved herein will not have water / sewer / bathroom service or utility service (except for electric), and thus, occupancy of the same is not a viable option.
- The proposed shed is a permitted accessory use in the Zone.
- Additionally, notwithstanding the Variances, the Board notes that the location of the proposed shed is practical, appropriate, and aesthetically pleasing.

- The proposed shed new/second will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- 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.
- Under the circumstances, the installation of the proposed shed in the specified location, represents sound planning.
- Approval of the within Application will not materially intensify the existing, and to-be-continued, single-family nature of the home / site.
- The new/second shed approved herein represents an appropriate balance between the competing needs / desires to a) construct a modern / functional shed and b) comply, or more closely comply, with some of the Prevailing / Bulk Requirements.
- 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.
- Approval of the within Application will allow a brand new / upgraded and functional accessory structure to be built at the site.
- To the extent necessary, the new shed approved herein will satisfy all prevailing / updated Building Code Regulations, Construction Code Regulations, and Flood regulations.
- There are essentially no other practical / viable locations (on the site) for the new/second shed to be located, but for that which is proposed by the Applicants.
- The new shed approved herein will not overpower or overwhelm the site or the neighborhood.
- Per the testimony and evidence presented, other development options were reviewed and considered, but the same were not practical / feasible.
- The Plans approved herein are reasonable, given the site constraints, and given the Applicant's need for a new/second shed.

- The proposed location for the Applicant's new/second shed is logical and practical.
- Subject to the conditions contained herein, the new shed approved 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.
- Subject to the conditions contained herein, approval of the within Application will improve the overall appearance of the area.
- Additionally, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Bulk Zoning Standards.
- The architectural design of the new shed will not be inconsistent with the architectural character of other new/similar sheds in the area.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the proposed new/second shed will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfied the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance).

Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

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

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. There shall be no utilities associated with the new shed (except electrical service).
- c. There shall be no exterior lighting associated with the new shed, or the existing shed, which spills over onto adjacent properties.
- d. 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.
- e. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- f. The Applicant shall comply with the terms and conditions of any Maser Consulting Review Memorandum.
- g. The Applicant shall comply with all Prevailing / applicable FEMA / Flood Regulations.
- h. The shed approved herein shall not be utilized as living space.
- i. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the

Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties

- j. 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.
- k. 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.
- l. 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.
- m. 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 her agents shall be deemed conditions of the approval granted herein, and any mis-representations 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.

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

Offered by: _____

Seconded by: _____

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

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

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

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

Jeanne Smith, Board Secretary

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Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 1425)

8.3

Meeting: 09/24/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1425

PR-19- Resolution of Approval, Carl Ingrassia, 544 Seawaneka Ave