



# BOROUGH OF OCEANPORT

## PLANNING/ZONING BOARD

AGENDA • AUGUST 9, 2022

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

**I. Call to Order**

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

**III. Flag Salute**

**IV. Board Policy**

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

**V. Roll Call**

**VI. Board Business**

1. Mandatory Training Certifications
2. Report of Pending Applications
3. Referral from Governing Body - Ordinance Adopting a Redevelopment Plan  
Proposed ordinance will adopt "Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan" as the Redevelopment Plan for the Parcels known as "Warehouse" and "District A".
4. Resolution Determining Ordinance #1057 Consistency with the Master Plan

**VII. Approval of Minutes**

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

**VIII. Old Business**

1. Resolution of Approval - 2 Balmer Court
2. PB2022-08 Molino, Bruno  
Block 12, Lot 13  
144 Monmouth Blvd.  
Proposed installation of in-ground pool and patio seeking relief for impervious coverage  
DFD 9/13/2022  
CARRIED from May 10, 2022  
CARRIED from July 12, 2022

**IX. Petitions from the Public**

**X. Adjournment**



## Planning/Zoning Combined Board

PO Box 370  
Oceanport, NJ 07757

**SCHEDULED**

**CORRESPONDENCE (ID # 2489)**

Meeting: 08/09/22 07:00 PM  
Department: Planning/Zoning Board  
Category: Referral to Planning Board  
Prepared By: Jeanne Smith  
Initiator: Jeanne Smith  
Sponsors:  
DOC ID: 2489

# Referral from Governing Body - Ordinance Adopting a Redevelopment Plan

Proposed ordinance will adopt "Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan" as the Redevelopment Plan for the Parcels known as "Warehouse" and "District A".

### *N.J.S.A. 40:55D-26. Referral powers*

Referral powers. a. Prior to the adoption of a development regulation, revision, or amendment thereto, the planning board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate. The governing body, when considering the adoption of a development regulation, revision or amendment thereto, shall review the report of the planning board and may disapprove or change any recommendation by a vote of a majority of its full authorized membership and shall record in its minutes the reasons for not following such recommendation. Failure of the planning board to transmit its report within the 35-day period provided herein shall relieve the governing body from the requirements of this subsection in regard to the proposed development regulation, revision or amendment thereto referred to the planning board. Nothing in this section shall be construed as diminishing the application of the provisions of section 23 of P.L. 1975, c. 291 (C. 40:55D-32) to any official map or an amendment or revision thereto or of subsection a. of section 49 of P.L. 1975, c. 291 (C. 40:55D-62) to any zoning ordinance or any amendment or revision thereto.

## ORDINANCE #1057

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, IN THE COUNTY OF MONMOUTH, NEW JERSEY ADOPTING A REDEVELOPMENT PLAN FOR PROPERTY LOCATED IN THE BOROUGH WITHIN THE FORMER FORT MONMOUTH AND IDENTIFIED AS THE “WAREHOUSE” PARCEL, AND “DISTRICT A” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

**WHEREAS**, on December 16, 2021, the Borough Council (the “**Borough Council**”) of the Borough of Oceanport, in the County of Monmouth, New Jersey (the “**Borough**”), adopted Resolution No. 2021-245, authorizing and directing the Borough Planning Board (the “**Planning Board**”) to examine whether all or a portion of certain properties located in the Borough within the former Fort Monmouth, and identified as the “Warehouse” parcel and “District A” (including parcels formerly designated as the “Post Office” parcel, “Parking” parcel and “Commissary” parcel) which parcels consist of Block 110.13, Lot 1 and Block 110.14, Lot 1 (formerly a portion of Block 110, Lot 2) as currently designated on the tax maps of the Borough (collectively, the “**Study Area**”), meet the criteria set forth in the Redevelopment Law for redevelopment area designation and to make a recommendation as to whether such Study Area should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, on behalf of the Fort Monmouth Economic Revitalization Authority (“**FMERA**”), Phillips Preiss Grygiel Leheny Hughes LLC (the “**Planning Consultant**”) conducted a preliminary investigation of the Study Area to determine whether the Study Area should be designated an area in need of redevelopment, and prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled, “Non-Condensation Area in Need of Redevelopment Study for District A & Warehouse Parcel Within the Former Fort Monmouth Properties in the Borough of Oceanport, New Jersey” dated December 2020, as amended by a report entitled, “April 2022 Addendum to Area in Need of Redevelopment Study for District A & Warehouse Parcel Within the Former Fort Monmouth Properties in the Borough of Oceanport, New Jersey dated December 2020” dated April 2022 (together, the “**Report**”); and

**WHEREAS**, on June 28, 2022, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Township Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

**WHEREAS**, on July 26, 2022, by Resolution No. 2022-158 and in accordance with the provisions of the Redevelopment Law, the Borough Council of the Borough designated the Study Area as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”); and

**WHEREAS**, a redevelopment plan for the Redevelopment Area, entitled “Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan” and dated August 2020 (the “**Redevelopment Plan**”) has been prepared; and

**WHEREAS**, the Borough Council desires to have the Planning Board review and comment upon the Redevelopment Plan, pursuant to the Redevelopment Law; and

**WHEREAS**, subject to receipt of the Planning Board’s recommendations concerning the Redevelopment Plan, the Borough Council believes that the adoption of the Redevelopment Plan is in the best interests of the Borough and the redevelopment of the Redevelopment Area.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Oceanport, in the County of Monmouth, New Jersey, as follows (not less than a majority of all members thereof affirmatively concurring):

**Section 1.** The aforementioned recitals hereof are incorporated herein as though set forth at length herein.

**Section 2.** Pursuant to N.J.S.A. 40A:12A-7(e), upon passage of this ordinance on first reading, the Borough

Council hereby refers the Redevelopment Plan to the Planning Board for review and recommendation. The Planning Board shall prepare a report regarding its recommendations and submit same to the Borough Council within 45 days after referral, as required by the Redevelopment Law.

**Section 3.** The Redevelopment Plan, on file with the Borough Clerk, is incorporated herein by reference and, contingent upon the receipt of the Planning Board's recommendations and upon the consent of FMERA pursuant to N.J.A.C. 19:31C-3.25(b)(6), is hereby approved and adopted pursuant to N.J.S.A. 40A:12A-7.

**Section 4.** The zoning ordinances and maps of the Borough are hereby amended to be consistent with the Redevelopment Plan and the provisions therein.

**Section 5.** The Borough Council shall serve as "redevelopment entity" for purposes of implementing the Redevelopment Plan and exercising the powers granted to a redevelopment entity under the Redevelopment Law.

**Section 6.** In case any one or more of the provisions of this ordinance or the Redevelopment Plan shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this ordinance or the Redevelopment Plan and this ordinance shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**Section 7.** Pursuant to N.J.A.C. 19:31C-3.25(b)(6), this ordinance shall take effect upon the latter of (i) 20 days after final passage and publication as prescribed by applicable law or (ii) FMERA's consent to the adoption of the Redevelopment Plan for the Redevelopment Area. The Borough Council hereby directs the Mayor, in consultation with counsel to the Borough, to prepare and submit to FMERA the necessary application and/or any other documents in connection therewith in furtherance of such consent by FMERA.

#### **APPROVED ON FIRST READING**

DATED: July 26, 2022

JEANNE SMITH  
Clerk of the Borough of Oceanport

#### **ADOPTED ON SECOND READING**

DATED: August 18, 2022

JEANNE SMITH  
Clerk of the Borough of Oceanport

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_.**

**JOHN F. COFFEY, II**  
Mayor



**Planning/Zoning Combined Board**

PO Box 370  
Oceanport, NJ 07757

**SCHEDULED**

**RESOLUTION - PB (ID # 2497)**

**6.4**

Meeting: 08/09/22 07:00 PM  
Department: Planning/Zoning Board  
Category: Development  
Prepared By: Jeanne Smith  
Initiator: Jeanne Smith  
Sponsors:  
DOC ID: 2497

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## **Resolution Determining Ordinance #1057 Consistent with the Master Plan**

**BOROUGH OF OCEANPORT PLANNING BOARD  
COUNTY OF MONMOUTH, NEW JERSEY**

**RESOLUTION OF THE PLANNING BOARD OF THE BOROUGH OF OCEANPORT, IN  
THE COUNTY OF MONMOUTH, NEW JERSEY RECOMMENDING THE ADOPTION OF  
A REDEVELOPMENT PLAN FOR PROPERTY LOCATED WITHIN THE FORMER FORT  
MONMOUTH, AND IDENTIFIED AS THE “WAREHOUSE” PARCEL, AND “DISTRICT  
A” PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW**

**WHEREAS**, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

**WHEREAS**, on December 16, 2021, the Borough Council (the “**Borough Council**”) of the Borough of Oceanport, in the County of Monmouth, New Jersey (the “**Borough**”), adopted Resolution No. 2021-245, authorizing and directing the Borough Planning Board (the “**Planning Board**”) to examine whether all or a portion of certain properties located in the Borough within the former Fort Monmouth, and identified as the “Warehouse” parcel and “District A” (including parcels formerly designated as the “Post Office” parcel, “Parking” parcel and “Commissary” parcel) which parcels consist of Block 110.13, Lot 1 and Block 110.14, Lot 1 (formerly a portion of Block 110, Lot 2) as currently designated on the tax maps of the Borough (collectively, the “**Study Area**”), meet the criteria set forth in the Redevelopment Law for redevelopment area designation and to make a recommendation as to whether such Study Area should be designated as a non-condemnation area in need of redevelopment; and

**WHEREAS**, on behalf of the Fort Monmouth Economic Revitalization Authority (“**FMERA**”), Phillips Preiss Grygiel Leheny Hughes LLC (the “**Planning Consultant**”) conducted a preliminary investigation of the Study Area to determine whether the Study Area should be designated an area in need of redevelopment, and prepared a preliminary investigation report of the above-referenced Study Area in accordance with the Redevelopment Law, entitled, “Non-condemnation Area in Need of Redevelopment Study for District A & Warehouse Parcel Within the Former Fort Monmouth Properties in the Borough of Oceanport, New Jersey” dated December 2020, as amended by a report entitled, “April 2022 Addendum to Area in Need of Redevelopment Study for District A & Warehouse Parcel Within the Former Fort Monmouth Properties in the Borough of Oceanport, New Jersey dated December 2020” dated April 2022 (together, the “**Report**”); and

**WHEREAS**, on June 28, 2022, the Planning Board, after providing due notice, conducted a public hearing in accordance with the Redevelopment Law, at which hearing it determined that the Study Area qualified as an area in need of redevelopment and recommended that the Borough Council designate the Study Area as an area in need of redevelopment pursuant to the criteria and requirements of the Redevelopment Law; and

**WHEREAS**, on July 26, 2022, by Resolution No. 2022-158, and in accordance with the provisions of the Redevelopment Law, the Borough Council of the Borough designated the Study Area as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”); and

**WHEREAS**, on July 26, 2022, the Borough Council introduced an ordinance on first reading approving and referring to the Planning Board the Redevelopment Plan in accordance with N.J.S.A. 40A:12A-7(e); and

**WHEREAS**, on behalf of FMERA, the Planning Consultant prepared a redevelopment plan for the Redevelopment Area, entitled “Amendment #15 to the Fort Monmouth Ruse and Redevelopment Plan” and dated August 2020 (the “**Redevelopment Plan**”); and

**WHEREAS**, pursuant to the Redevelopment Law, the Planning Board shall transmit a report to the Borough Council containing the Planning Board’s recommendation concerning the Redevelopment Plan,

including identification of any provisions in the Redevelopment Plan that are inconsistent with the Borough's Master Plan, the Planning Board's recommendations with respect to any such inconsistencies, and any other matters the Planning Board deems appropriate.

**NOW THEREFORE BE IT RESOLVED**, by the Planning Board of the Borough of Oceanport, in the County of Monmouth, New Jersey, as follows:

**Section 1.** The aforementioned recitals are incorporated herein as though fully set forth at length.

**Section 2.** The Planning Board hereby finds and determines that the Redevelopment Plan attached hereto as **Exhibit A** is consistent with the Borough's Master Plan and, to the extent of any inconsistencies, identifies such inconsistencies and makes the recommendations with respect to such inconsistencies as set forth in **Exhibit B**, if any. The Planning Board hereby recommends to the Borough Council that the Redevelopment Plan be adopted, contingent upon the consent of the Fort Monmouth Economic Revitalization Planning Authority pursuant to N.J.A.C. 19:31C-3.25(b)(6). The Planning Board hereby makes the additional recommendations as set forth in the attached **Exhibit C**, for consideration by the Borough Council, if any.

**Section 3.** The Planning Board Secretary is hereby directed to transmit a copy of this Resolution to the Borough Council. This Resolution shall serve as the report to the governing body pursuant to N.J.S.A. 40A:12A-7(e) of the Redevelopment Law.

**Section 4.** This resolution shall take effect in accordance with applicable law.

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of August 9, 2022.

\_\_\_\_\_  
 Jeanne Smith  
 Planning Board Secretary

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • JULY 12, 2022****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

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

| Attendee Name        | Title                            | Status  | Departed |
|----------------------|----------------------------------|---------|----------|
| James Whitson        | Chairman                         | Present |          |
| John (Jack) Kahle    | Vice Chairman                    | Present |          |
| Patty Cooper         | Mayor's Designee                 | Present |          |
| Thomas Tvrdik        | Class III                        | Absent  |          |
| Joseph Foster        | Environmental Commission Liaison | Absent  |          |
| Christopher Widdis C | Class IV                         | Present |          |
| Robert Kleiberg      | Class IV                         | Absent  |          |
| Darren Davis         | Class IV                         | Present | 7:28 PM  |
| Michael Dailey       | Class IV                         | Absent  |          |
| Leslie B Widdis L    | Alternate I                      | Present | 7:16 PM  |
| Jeanne Smith         | Board Secretary                  | Present |          |
| Kevin Kennedy        | Board Attorney                   | Present |          |
| William White        | Board Engineer/Planner           | Present |          |

- VI. Board Business:**
- Report of Pending Applications – Ms. Smith advised that there are three applications being reviewed but not ready to be scheduled. She updated the Board that the pending application for the District A project is still waiting for FMERA MCR report.
  - 5 Balmer Court – Zoning Officer request for clarification. Ms. Smith advised the Board of an issue concerning the relocation of pool equipment that places it in the front yard that would need a variance that was not granted in the original approval. Discussion ensued, need for more information and a plan, concern that neighbors were potentially not notified appropriately and general consensus was that the Applicant should make application to the Board.
- VII. Approval of Minutes:**
- Minutes of May 10, 2022 7:00 PM - Rescheduled
  - Planning/Zoning Board - Regular - Jun 28, 2022 7:00 PM

|                  |                                                   |
|------------------|---------------------------------------------------|
| <b>RESULT:</b>   | <b>ACCEPTED [UNANIMOUS]</b>                       |
| <b>MOVER:</b>    | Christopher Widdis C, Class IV                    |
| <b>SECONDER:</b> | John (Jack) Kahle, Vice Chairman                  |
| <b>AYES:</b>     | Whitson, Kahle, Cooper, Widdis C, Davis, Widdis L |
| <b>ABSENT:</b>   | Tvrdik, Foster, Kleiberg, Dailey                  |

**VIII. Old Business:**

1. Resolution of Approval - 20 Balmer Court – As the resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Widdis made a motion to adopt the Resolution, which was seconded by Ms. Cooper and received the below roll call.

|                  |                                                   |
|------------------|---------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                        |
| <b>MOVER:</b>    | Christopher Widdis C, Class IV                    |
| <b>SECONDER:</b> | Patty Cooper, Mayor's Designee                    |
| <b>AYES:</b>     | Whitson, Kahle, Cooper, Widdis C, Davis, Widdis L |
| <b>ABSENT:</b>   | Tvrdik, Foster, Kleiberg, Dailey                  |

2. Resolution of Approval - 1600 Avenue of Memories - As the resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Ms. Cooper made a motion to adopt the Resolution, which was seconded by Mr. Davis and received the below roll call.

|                  |                                                   |
|------------------|---------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                        |
| <b>MOVER:</b>    | Patty Cooper, Mayor's Designee                    |
| <b>SECONDER:</b> | Darren Davis, Class IV                            |
| <b>AYES:</b>     | Whitson, Kahle, Cooper, Widdis C, Davis, Widdis L |
| <b>ABSENT:</b>   | Tvrdik, Foster, Kleiberg, Dailey                  |

3. PB2022-08 Molino, Bruno  
Motion to Carry Application to August 9, 2022 with no additional notice required at Applicant's request.

|                  |                                                   |
|------------------|---------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                        |
| <b>MOVER:</b>    | John (Jack) Kahle, Vice Chairman                  |
| <b>SECONDER:</b> | Leslie B Widdis L, Alternate I                    |
| <b>AYES:</b>     | Whitson, Kahle, Cooper, Widdis C, Davis, Widdis L |
| <b>ABSENT:</b>   | Tvrdik, Foster, Kleiberg, Dailey                  |

Ms. Barham-Widdis recused herself from the following matter and exited the meeting at 7:16PM

**IX. New Business:**

1. PB2022-13 Reilly, Nicole  
Block 65, Lot 1.10  
2 Balmer Court  
Proposed 6' solid privacy fence where not permitted in front yard

**EXHIBITS:**

- A-1 Land Development Application
- A-2 Plan entitled "Plot Plan - 2 Balmer Court Proposed Fence", prepared by InSite Surveying, LLC, dated May 19, 2022
- A-3 Plans entitled "Final As-built Survey" prepared by InSite Surveying, LLC, dated July 14, 2021, (1) sheet
- A-4 Colliers Engineering & Design Review Letter dated July 6, 2022.
- A-5 Copy of Exhibit A-2 with fence location highlighted
- A-6 Photo Example of Proposed Fence with horizontal slats

The following person(s) were sworn in: William White, Board Engineer/Planner

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4.

Nicole Reilly, Owner/Applicant and Matthew Skirkanich, Fiancé were sworn in.

Ms. Reilly testified that she was the owner of the property for about a year, described the application for her property which has two front yards and the proposal to install a 6' privacy fence in the front yard along Monmouth Boulevard frontage due to a lot of noise, vehicles being pulled over with flashing lights.

Chairman Whitson invited questions from the Board.

Ms. Cooper asked questions about the location of the fence, fence material is wooden and requested plantings to buffer the look of a "wall". A red-marked version of A-2 showing the fence location was marked as Exhibit A-5.

Mr. Davis recused himself due to a potential conflict with the landscape company being used and exited the meeting at 7:29pm

Mr. Kahle asked questions about the type of wood fence, and would the panels be vertical or horizontal. Ms. Reilly produced a photograph of the planned fence showing horizontal slats which was marked as Exhibit A-6.

Mr. Widdis asked what type of landscaping to be used. Ms. Reilly responded that she has a plan with her landscaper which she could submit. The landscaping location to be on the outside of the fence.

Mr. Kahle asked questions regarding the fence offsets and distances and gate locations. Mr. White advised the plan shows it as 10' offset from Monmouth Blvd and 40.93' offset from Balmer Court.

Mr. White commented that he reviewed the site distance and there was no issue on Monmouth Blvd. with the site triangle.

Mr. Kahle commented that there's a number of white vinyl fences going up and the requests for the landscaping were to diminish the look of a long white wall. Ms. Reilly responded they agreed which was why they selected the cedar wood.

PUBLIC: Chairman Whitson asked if there were any questions or comments from the public. As there was no one from the public, Chairman Whitson closed this portion of the meeting.

Mr. Kahle made a motion to approve the application based on plan presented with the homeowner to provide as much landscaping on the outside of the fence which was seconded by Ms. Cooper. Mr. Widdis requested that it be further detailed that the fence would have horizontal slats and not vertical.

Motion to Approve Application with Conditions

|                  |                                                   |
|------------------|---------------------------------------------------|
| <b>RESULT:</b>   | <b>ADOPTED [UNANIMOUS]</b>                        |
| <b>MOVER:</b>    | Christopher Widdis C, Class IV                    |
| <b>SECONDER:</b> | John (Jack) Kahle, Vice Chairman                  |
| <b>AYES:</b>     | Whitson, Kahle, Cooper, Widdis C, Davis, Widdis L |
| <b>ABSENT:</b>   | Tvrdik, Foster, Kleiberg, Dailey                  |

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

**XI. Adjournment:** As there was no further business, the meeting was adjourned at 7:38 pm on a motion by Mr. Widdis which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith  
Board Secretary



## Planning/Zoning Combined Board

PO Box 370  
Oceanport, NJ 07757

**SCHEDULED**

**RESOLUTION - PB (ID # 2490)**

**8.1**

Meeting: 08/09/22 07:00 PM  
Department: Planning/Zoning Board  
Category: PB Resolutions  
Prepared By: Jeanne Smith  
Initiator: Jeanne Smith  
Sponsors:  
DOC ID: 2490

# Resolution of Approval - 2 Balmer Court

## RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD  
APPROVAL OF THE APPLICATION OF NICOLE REILLY  
2 BALMER COURT, BLOCK 65, LOT 1.10  
APPROVED JULY 12, 2022  
MEMORIALIZED AUGUST 9, 2022**

### **INTRODUCTION**

**WHEREAS**, Nicole Reilly has made Application to the Oceanport Planning Board for the property designated as Block 65, Lot 1.10, commonly known as 2 Balmer Court, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance associated with a request to install a non-conforming fence;

### **PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on July 12, 2022, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

### **EVIDENCE / EXHIBITS**

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

- *Oceanport Planning Board Development Application, introduced into Evidence as A-1;*
- *Plan entitled "Plot Plan - 2 Balmer Court Proposed Fence", prepared by InSite Surveying, LLC, dated May 19, 2022m introduced into Evidence as A-2.*
- *Final As-Built Survey, prepared by InSite Surveying, LLC, dated July 14, 2021, introduced into Evidence as A-3;*
- *Review Memorandum, prepared by Colliers Engineering & Design, dated July 6, 2022, introduced into Evidence as A-4;*

- *Picture of the proposed fence, introduced into Evidence as A-5; (Note: The picture presented portrays a fence with vertical slots; however, per the testimony, the fence approved herein will have horizontal slots);*
- *A schematic Survey of the property, with a hand-inserted redline detailing the actual location of the proposed fence, introduced into Evidence as A-6;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

### **WITNESSES**

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

- Nicole Reilly, Applicant, appearing pro se;
- Mathew Skirkanich, the Applicant's fiancée;

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

### **TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT**

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

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 1 year.
- There is an existing single-family home at the site.
- The Applicant lives at the site.
- The subject property is, essentially, a corner property – with frontage along Balmer Court and Monmouth Boulevard.
- A prior Applicant previously obtained approval to subdivide the subject / prior Mother Lot into 12 single-family homes.
- One of the subdivided Lots (created by the previously approved subdivision) is Lot 1.10 (i.e. the subject of the within Application).

- For privacy and security purposes, the Applicant proposes to install a fence.
- Details pertaining to the proposed fence include the following:

|                    |                                                                                |
|--------------------|--------------------------------------------------------------------------------|
| Type of fence:     | 6 ft. wood fence, with horizontal slats                                        |
| Location of fence: | Per plans / testimony (See A-5 & A-6) (10 ft. setback from Monmouth Boulevard) |
| Height of fence:   | 6 ft.                                                                          |
| Gate details:      | Double gate                                                                    |

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

### **VARIANCE**

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

*FENCE DETAILS: Per Prevailing Zoning Regulations, a fence in a front yard area cannot exceed 4 ft. in height, and the same must be at least 50% open. However, in the within situation, the proposed fence is located in a front yard, is 6 ft. in height, and the same is not 50% open.*

### **PUBLIC COMMENTS**

**WHEREAS**, there were no public comments, questions, statements, and / or objections presented by any members of the public;

### **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 2 Balmer Court, Oceanport, New Jersey, within the Borough's R-3 Zone.

3. The site contains an existing single-family dwelling.

4. The existing single-family dwelling is permitted use in the R-3 Zone.

5. The Applicant is proposing to install a 6 ft. high wood fence, with horizontal slats privacy fence.

6. Such a proposal requires Bulk Variance relief.

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

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

- The within Application involves a request to approve a non-conforming fence located at the site.
- The proposed fence is non-conforming as a result of a) its location in a portion of a front yard area; b) its height; and c) the type of fence.
- Per the testimony and evidence presented, in order to provide sufficient privacy and safety for the Applicant's family, the Applicant has requested permission to install a 6 ft. high solid wood privacy fence in the yard (with horizontal slats).
- As the subject property is a corner property, with 2 frontages. As such, the fence approved herein will help provide the Applicant with an additional sense of security and privacy.
- Per the testimony and evidence presented a conforming 4 ft. high fence at 50% visibility will not provide the sufficient or desired privacy / protection which the Applicant desires / needs.
- The subject property is, essentially, a corner property – with, essentially, 2 front yard areas.
- The nature of the property, with 2 front yard areas, essentially compromises the ability of the Applicant to place the fence in a totally conforming (non-front yard) area.
- The proposed fencing will partially enclose the functional backyard area at the site, which is appropriate under the circumstances.

- Approval of the within Application will not interfere with, or otherwise compromise, any existing Sight Triangle Easements.
- The fence approved herein will provide a greater amount of security and privacy than a conforming fence.
- There is a legitimate Borough interest in approving reasonable applications which facilitate the ability of homeowners to improve their properties, particularly if the request can be granted without causing substantial detriment to the public good.
- Per the testimony / evidence presented, the fence approved herein is no taller / higher than some other non-conforming fences in the area.
- The proposed fence, in its non-conforming condition, does not compromise the line of sight associated with any public street.
- The proposed fence does not compromise the privacy interests of the Applicant or any affected neighbors.
- The proposed fence does not compromise the health and safety of the Applicant or any other member of the public.
- The proposed fence does not have an adverse aesthetic impact on the site or on surrounding properties.
- During the Public Hearing, the Board Members noted that, for aesthetic purposes, it might be appropriate to avoid having an abundance of white vinyl fences in the area. The Applicant agreed, and advised that she specifically chose a wood / cedar fence, with horizontal slats, so as to be aesthetically different from the myriad of other white vinyl fences in the area.
- The proposed fence is aesthetically appealing.
- Under the circumstances, the fence is proposed in an appropriate and reasonable location.
- There were no known objections associated with the subject Application.
- The fencing approved herein will not be incompatible with the surrounding residential uses.
- The fencing approved herein will not materially change the nature / intensity of the existing site.
- Approval of the within Application will not detrimentally affect the existing parking requirements at the site.
- The fence approved herein will provide the Applicant and future owners with sufficient privacy / security.

- Based upon the testimony and information presented, and subject to the conditions contained herein, it is expected that the height of the fence approved herein will not cause inappropriate shadowing onto adjacent properties.
- Approval of the within Application will not increase the amount of interior living space at the site.
- Approval of the within Application will not materially change the single-family nature of the lot.
- Approval of the within Application will not materially change the intensity of the previously existing / to-be continued single-family use.
- Subject to the conditions contained herein, and given the nature of the existing site, the fencing approved herein will not overpower or overwhelm the site, or the neighborhood.
- Additionally, notwithstanding need for Variance relief, the Board notes that the location of the proposed fence is practical, appropriate, and aesthetically pleasing.
- Approval of the within Application will enhance / improve the quality of life for the Applicant and future owners.
- Per the testimony and evidence presented, other conforming fence locations, and other conforming fence styles, were reviewed and considered, but the same were not practical / feasible.
- 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, the location of the subject fence will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions contained herein, the fence approved herein will not have any significant detrimental impact on adjoining property owners.
- 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 design of the subject fence will not be entirely inconsistent with the character of other similar fences in the area.

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

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

### **CONDITIONS**

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

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall install additional landscaping / bushes / shrubbery on the Monmouth Boulevard streetside of the property. (The landscaping shall be planted along the street and return to the house.) (The landscaping / shrubbery details shall be approved by the Board Engineer. (Additionally, the said landscaping shall be placed on the outside of the fence.) (i.e. Monmouth Boulevard side of the fence.)
- c. The Applicant shall perpetually maintain, replace, and replant the landscaping so as to perpetually minimize any adverse impact otherwise associated with the non-conforming fence approved herein.
- d. The fence shall be installed / located in strict accordance with the extensive testimony presented during the Public Hearing, including the A-6 document.
- e. The Applicant shall not disturb, or otherwise compromise, any existing or otherwise necessary Sight Triangle Easements.

- f. 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.
- g. 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
- h. 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.
- i. 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 Applicant shall be required to return to the Board for further review / relief.
- j. 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 misrepresentations or actions by the Applicant contrary to the representations made before the Board shall be deemed a violation of the within approval.

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

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

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

#### **SUMMARY OF GRANTED VARIANCE RELIEF**

*The Prevailing Zoning Regulations provide that a fence in a front yard area cannot exceed 4 ft. in height and that the same must be at least 50% open. However, in the within situation, the Board has approved the installation of a 6 ft. white wood fence (with horizontal slats), which is not 50% open.*

PR-22-24

08-09-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on July 12, 2022 on roll call that evening by the following vote:

Offered by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

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

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

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of August 9, 2022.

\_\_\_\_\_  
Jeanne Smith, Secretary

KEK/dmp

Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Reilly - install non-conforming fence\Resolution.docx



## Planning/Zoning Combined Board

PO Box 370  
Oceanport, NJ 07757

### SCHEDULED

## PLANNING BOARD APPLICATION (ID # 2368)

Meeting: 08/09/22 07:00 PM  
Department: Planning/Zoning Board  
Category: PB Applications  
Prepared By: Kelle Burrough  
Initiator: Jeanne Smith  
Sponsors:  
DOC ID: 2368

## PB2022-08 Molino, Bruno

Block 12, Lot 13

144 Monmouth Blvd.

Proposed installation of in-ground pool and patio seeking relief for impervious coverage

DFD 9/13/2022

CARRIED from May 10, 2022

CARRIED from July 12, 2022

### HISTORY:

05/10/22 Planning/Zoning Board

Block 12, Lot 13

144 Monmouth Blvd

Proposed installation of in-ground pool and patio seeking relief for impervious coverage of 47.4% where 37% permitted and proposed 6' setback from the attached deck to the pool does not comply with the 10' required setback.

### EXHIBITS:

- A-1 Land Development Application
- A-2 "Proposed Swimming Pool Topography Plan," (3 Sheets), prepared by Martin G. Miller, III, PE & LS, dated 10/20/21
- A-3 "Plan of Survey", prepared by Leeper Land Group, LLC, dated September 23, 2021
- A-4 "Pool Shop Drawing", prepared by prepared by Martin G. Miller, III, PE & LS, dated 09/01/21
- A-5 Colliers Engineering & Design Review Letter dated April 14, 2022
- A-6 Photograph
- A-7 Photograph

07/12/22 Planning/Zoning Board - Carried to August 9, 2022

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



August 5, 2022

**VIA EMAIL**

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

144 Monmouth Boulevard – Bulk Variances  
Block 12, Lot 13  
Application No. PB2022-08  
Borough of Oceanport, Monmouth County, New Jersey  
Colliers Engineering & Design Project No. OPP-0321

Dear Board Members,

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

- Plans entitled "Proposed Swimming Pool Topography Plan," prepared by Martin G. Miller, III, Professional Engineer & land Surveyor, last revised July 28, 2022, consisting of two (2) sheets.
- Plans entitled "Plan of Survey" prepared by Leeper Land Group, LLC, dated September 23, 2021, consisting of one (1) sheet.
- Oceanport Planning Board Land Use Development Application dated March 9, 2022 consisting of five (5) pages.

The subject property is a 18,750 SF (0.43-acre) parcel located in the R-3 Residential Zone. The property is located on the south side of Monmouth Boulevard approximately 1,250 west of Port Au Peck Avenue. An existing single-family dwelling is presently located on the lot along with a paved driveway, walkways, basketball court, shed, rear deck and patio. The Applicant proposes to install an inground pool and associated patio.

### **A. Variances/Design Waivers**

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

1. Bulk variances are required for the following:
  - a. Impervious Coverage: The Applicant proposes 43% impervious coverage where only 37% is permitted in the R-3 Zone. Pervious pavers are considered impervious.

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

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

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

### **B. General Comments**

1. The property is located in a Flood Hazard Area. All pool equipment must be located at elevation 12.4 or higher.
2. The plan should be revised to direct runoff from the basketball court and southern portion of the pool to the existing inlet in the rear yard.
3. The pool shall be secured with fencing in accordance with Ordinance 390-31H. Details shall be provided with the construction permit applications..

Project No. OPP-0321  
August 5, 2022  
Page 3 | 3



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

Sincerely,

Colliers Engineering & Design

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

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

WHW/dmm

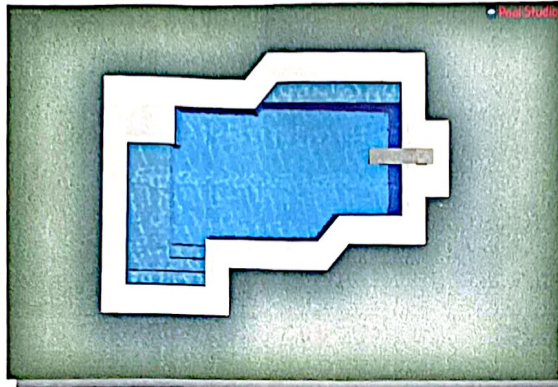
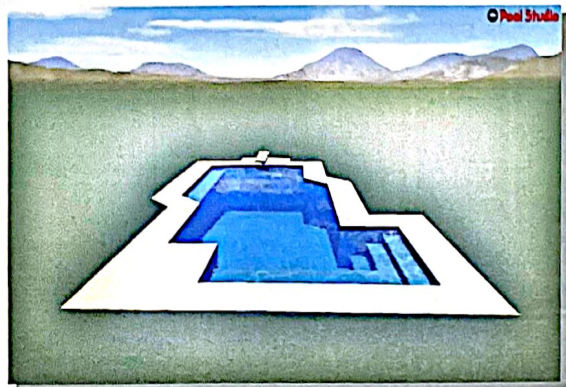
cc: Bruno Molino (via email)

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# MOLINO RESIDENCE

144 MONMOUTH BLVD

TOWNSHIP OF OCEANPORT, NJ 07757



## NOTE:

HOMEOWNER WILL HOLD POOLTOWN, INC. HARMLESS FOR ANY DAMAGES ARISING FROM INACCURACIES IN THE ORIGINAL SURVEY. HOMEOWNER WILL ASSUME ALL RESPONSIBILITY FOR CURING ANY INACCURACIES.

ANY DEVIATION FROM THIS PLAN, REQUESTED OR PERFORMED BY HOMEOWNER IS SOLELY THE HOMEOWNER'S RESPONSIBILITY AND COST.

THIS PLAN MAY SHOW ITEMS NOT SPECIFICALLY INCLUDED IN THE CONTRACT BETWEEN POOLTOWN, INC. AND THE HOMEOWNER. EXAMPLES OF SUCH ITEMS INCLUDE, BUT ARE NOT LIMITED TO, RETAINING WALLS, FENCING, DRAINAGE SYSTEMS, MOVING UNDERGROUND UTILITIES, GRADING, AND ADDITIONAL FILL. THESE ITEMS AND OTHER ITEMS SHOWN HERE, BUT NOT INCLUDED IN THE CONTRACT, ARE THE RESPONSIBILITY OF THE HOMEOWNER.

## GENERAL NOTES:

1. THIS POOL TOPOGRAPHIC PLAN IS NOT AND SHALL NOT BE CONSTRUCTED TO BE A BOUNDARY SURVEY PREPARED BY A LICENSED LAND SURVEYOR.
2. THE CONTRACTOR TO VERIFY THE LOCATION OF ALL PUBLIC UTILITIES PRIOR TO THE START OF CONSTRUCTION. UTILITIES SHOWN ARE PER VISUAL OBSERVATION OF PHYSICAL FEATURES AND/OR EXISTING MARK-OUTS AND LOCATION ARE APPROXIMATE. THE POOL CONTRACTOR IS NOT RESPONSIBLE FOR THE PRESENCE OF UNDERGROUND UTILITIES OR STRUCTURES IF THEY ARE NOT VISIBLE OR OTHERWISE DISCLOSED BY ANY OF THE ABOVE DATA. THE POOL CONTRACTOR SHALL UTILIZE THE SERVICE OF "CALL DIG" (1-800-272-1000) TO ACCURATELY LOCATE UTILITIES.
3. THE POOL IS TO BE SECURED BY MINIMUM 4' FENCE WITH SELF-LATCHING AND CLOSING GATES BY THE PROPERTY OWNER. EXISTING AND PROPOSED FENCE AND ALL OTHER CONSTRUCTION SHALL COMPLY WITH NJ IRC 2018 SECTION R326.1 WITH AMENDMENTS TO THE ISPSC. ALL FENCES USED TO SECURE THE POOL SHALL BE OWNED BY THE PROPERTY OWNER UNLESS EXPRESS WRITTEN WAIVER IS PROVIDED BY THE CITY/TOWN/TOWNSHIP/VILLAGE. IT IS THE RESPONSIBILITY OF THE PROPERTY OWNER AND THEIR FENCE CONTRACTOR TO ENSURE THE FENCE COMPLIES WITH ALL REQUIREMENTS.
4. ALL ELECTRICAL EQUIPMENT MUST COMPLY WITH AND BE LOCATED IN COMPLIANCE WITH THE NATIONAL ELECTRICAL CODE.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES FROM DAMAGE AND/OR FAILURE BY ACCEPTABLE METHODS, AS MAY BE REQUIRED BY OSHA OR OTHER REGULATORY AGENCIES.
6. THE POOL CONTRACTOR AND PROPERTY OWNER SHALL VERIFY THE POOL LAYOUT AND ALL DIMENSIONS PRIOR TO CONSTRUCTION.
7. THE PROPERTY OWNER IS RESPONSIBLE FOR ANY NECESSARY ENVIRONMENTAL PERMITS.
8. BY USE OF THIS POOL TOPOGRAPHIC PLAN FOR THE PURPOSE OF OBTAINING A PERMIT TO CONSTRUCT, THE PROPERTY OWNER AND POOL COMPANY AGREE TO THE PROPOSED POOL LOCATION, CONCRETE, OPERATING EQUIPMENT AND GRADING ASSOCIATED WITH THE PROPOSED SWIMMING POOL. ANY DEVIATION FROM THAT WHICH IS SHOWN ON THIS POOL TOPOGRAPHIC PLAN SHALL BE THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER FOR COMPLIANCE WITH ALL REGULATORY REQUIREMENTS.
9. WHEN A SLIT FENCE IS REQUIRED, ALL DISTURBED AREAS SHALL BE STABILIZED WITH SEED OR LANDSCAPING. THE SILT FENCE SHALL BE INSTALLED PRIOR TO ANY EXCAVATION.
10. EXISTING FENCING, IF ANY, SHALL NOT BE UTILIZED TO LOCATE THE PROPOSED POOL.
11. MINIMUM 1% AND MAXIMUM 4:1 GRADING TO BE PROVIDED IN AREAS OF POOL CONSTRUCTION.
12. THIS POOL TOPOGRAPHIC PLAN IS TO BE UTILIZED ONLY FOR THE CONSTRUCTION OF AN IN-GROUND SWIMMING POOL.
13. THERE WILL BE NO DEVIATION FROM THIS TOPOGRAPHIC PLAN WITH OUT APPROVAL, IN WRITING, FROM THE CITY/TOWN/TOWNSHIP/VILLAGE/BOROUGH ENGINEER.

8.2.b

|                                                                                                                                                                                                        |  |                                                                                                                                                                     |  |                                                                                                                                                              |  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|---------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|--------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <br>POOLTOWN, INC.   5500 Rte 9   HOWELL, NJ 07731<br>TEL: 800.882.0152   FAX: 732.364.1815<br>www.PoolTownNJ.com |  | MOLINO RESIDENCE<br>BLOCK 12, LOT 13<br>OCEANPORT TOWNSHIP,<br>NEW JERSEY 07757                                                                                     |  | Date<br>10/20/21                                                                                                                                             |  |
|                                                                                                                                                                                                        |  |                                                                                                                                                                     |  | COVER SHEET                                                                                                                                                  |  |
|                                                                                                                                                                                                        |  |                                                                                                                                                                     |  | Scale<br>AS NOTED                                                                                                                                            |  |
|                                                                                                                                                                                                        |  | <b>MARTIN G. MILLER III</b><br>PROFESSIONAL ENGINEER & LAND<br>SURVEYOR<br>267A GLEN ROAD<br>MONROE, NJ 08831<br>PHONE: (732) 580.7689<br>martinmiller111@gmail.com |  | Project<br>2210818                                                                                                                                           |  |
|                                                                                                                                                                                                        |  |                                                                                                                                                                     |  | Sheet                                                                                                                                                        |  |
| 10 07/28/22 ZONING BOARD APPLICATION UPDATE<br>Date Revisions/Issues                                                                                                                                   |  |                                                                                                                                                                     |  | <br>MARTIN G.<br>NJ PROF. ENGR. & LAND SURVEYOR<br>NJ LICENSE NO. 20363 |  |

Packet Pg. 27

**COVERAGE CALCULATIONS**  
**TOTAL LOT AREA**

18,750 SQ. FT. = 100%

**EXISTING:**

|                    |               |
|--------------------|---------------|
| DWELLING           | 2,760 SQ. FT. |
| FRONT PORCH & WALK | 511 SQ. FT.   |
| DRIVEWAY           | 2,128 SQ. FT. |
| REAR PATIO AREAS   | 421 SQ. FT.   |
| BASKETBALL COURT   | 1,283 SQ. FT. |
| SHED               | 127 SQ. FT.   |

**SUB-TOTAL EXISTING IMPERVIOUS**  
**LOT COVERAGE**

7,230 SQ. FT. = 38.6%

**PROPOSED:**

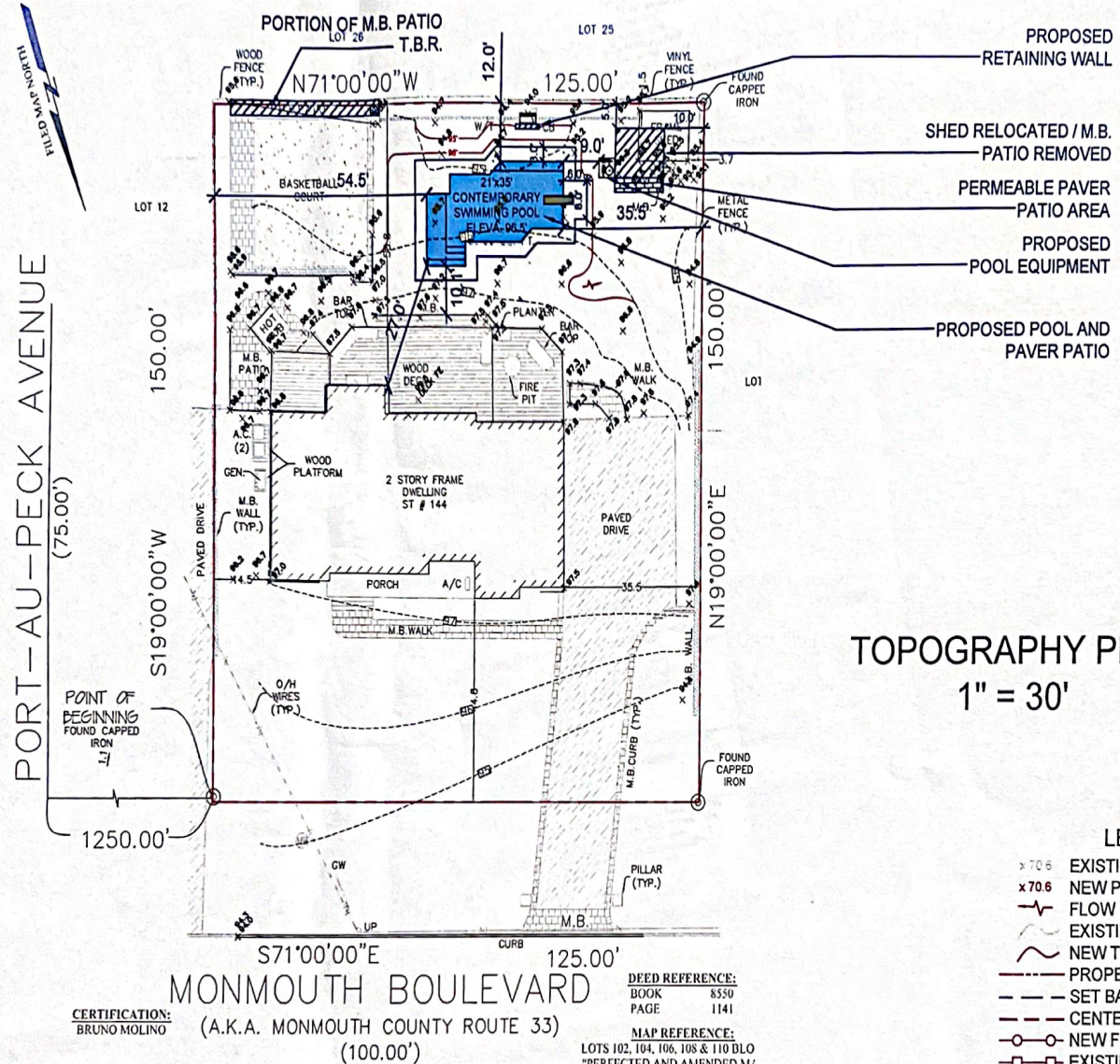
|                               |                              |
|-------------------------------|------------------------------|
| PERMEABLE PAVER POOL PATIO    | 415 SQ. FT. x 0% = 0 SQ. FT. |
| POOL WATER                    | 539 SQ. FT.                  |
| PORTION OF BB COURT T.B.R.    | -120 SQ. FT.                 |
| PORTION OF REAR PATIO T.B.R.  | -38 SQ. FT.                  |
| SHED PATIO (PERMEABLE PAVERS) | 38 SQ. FT. x 0% = 0 SQ. FT.  |

**SUB-TOTAL PROPOSED IMPERVIOUS**  
**LOT COVERAGE**

381 SQ. FT. = 2%

**TOTAL IMPERVIOUS**  
**LOT COVERAGE**

7,611 SQ. FT. = 40.5%

**MAXIMUM IMPERVIOUS**  
**LOT COVERAGE ALLOWED**
6,937.5 SQ. FT. = 37%  
\*needs variance
**TOPOGRAPHY PLAN**  
 1" = 30'
**LEGEND**

- ×70.6 EXISTING POINT GRADE
- ×70.6 NEW POINT GRADE
- FLOW / PITCH
- EXISTING TOPO LINE
- NEW TOPO LINE
- PROPERTY LINE
- SET BACK LINE
- CENTERLINE OF POOL
- NEW FENCE LINE
- EXISTING FENCE LINE
- POOL FILTER LOCATION

 POOL FILTER LOCATION APPROX.  
 ±18.3' FROM WATER LINE  
 (NOTE: NOT ALL SYMBOLS REQUIRED TO BE SHOWN ON LAYOUT PLAN)
**HOMEOWNER'S APPROVAL OF PLAN**
 I HAVE READ, UNDERSTAND AND APPROVE THIS TOPOGRAPHICAL PLAN.  
 THIS PLAN WILL BE SUBMITTED IN ORDER TO OBTAIN PERMIT APPROVALS. UPON SIGNING THIS PLAN,  
 NO FURTHER CHANGES IN THE PLAN CAN BE MADE

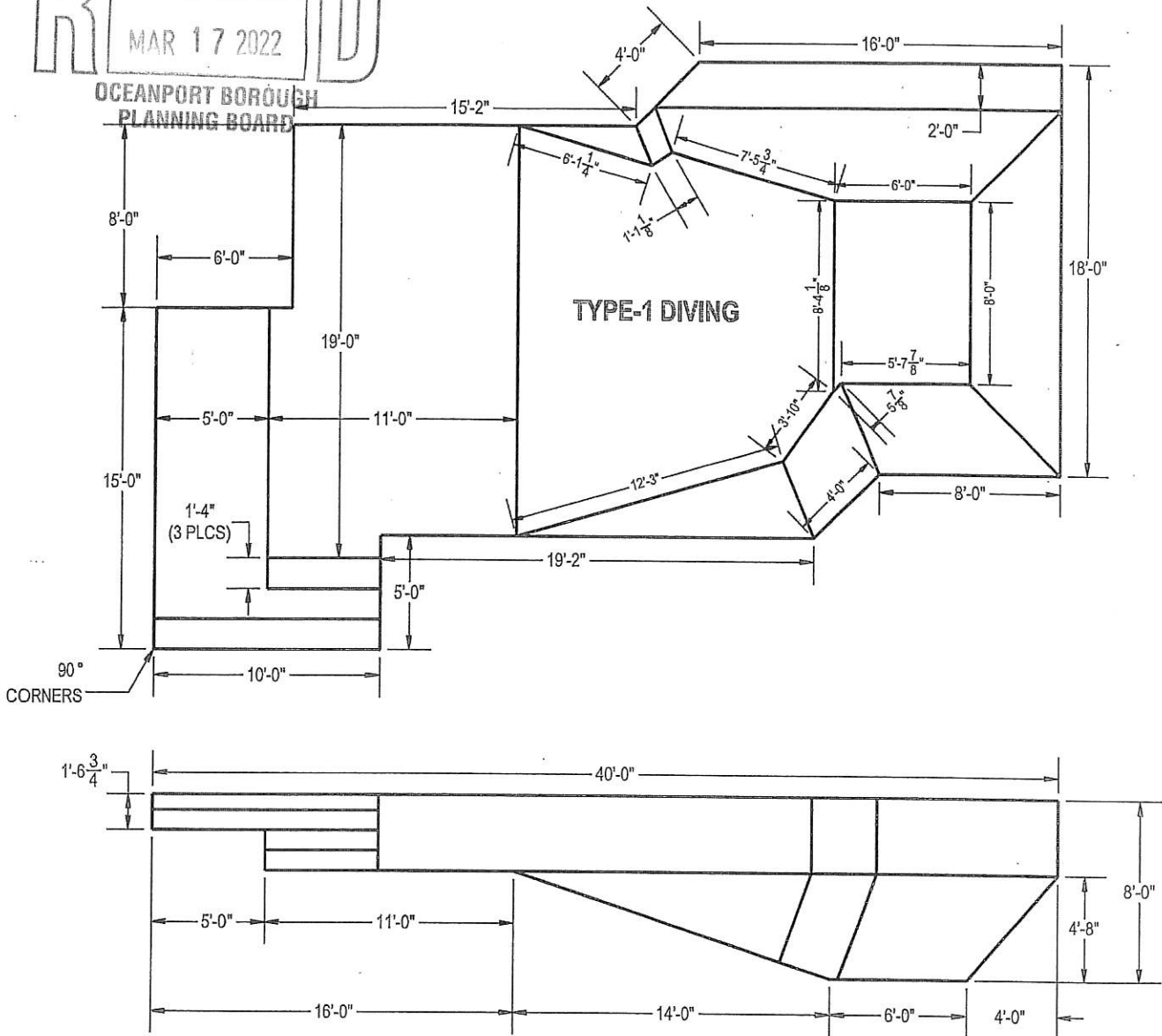
HOMEOWNERS SIGNATURE \_\_\_\_\_ DATE \_\_\_\_\_

**NOTE:**
 POOL TOPOGRAPHIC PLAN BASED ON LOCATION SURVEY BY DAREN C. LEEPER, NJPLS #GS43340  
 DATED 09/23/2021 AND TOPOGRAPHY BY DAREN C. LEEPER, NJPLS #GS43340 DATED 08/27/2021 AND  
 PROVIDED BY THE HOMEOWNER TO POOLTOWN, INC.

|                                                                                                                   |                                                                                                                                                                |                                              |                                       |
|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|---------------------------------------|
| <br>POOL TOWN, INC.   5500 Rt 9   HOWELL, NJ 07731<br>TEL: 800.882.0152   FAX: 732.364.1816<br>www.PoolTownNJ.com | MOLINO RESIDENCE<br>BLOCK 12, LOT 13<br>OCEANPORT TOWNSHIP,<br>NEW JERSEY 07757                                                                                | PROPOSED<br>SWIMMING POOL<br>TOPOGRAPHY PLAN | Date<br>10/20/21<br>Scale<br>AS NOTED |
|                                                                                                                   | MARTIN G. MILLER III<br>PROFESSIONAL ENGINEER & LAND<br>SURVEYOR<br>267A GLEN ROAD,<br>MONROE, NJ 08831<br>PHONE: (732) 580.7689<br>martingmiller111@gmail.com | Project<br>2210818<br>Sheet<br>8             |                                       |

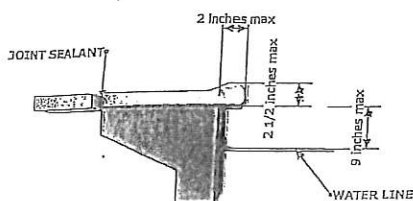
**RECEIVED**  
MAR 17 2022

OCEANPORT BOROUGH  
PLANNING BOARD



All construction shall comply with the 2018 International Residential Code (New Jersey Edition), ANSI/APSP 1-7

#### HANDHOLD/COPING REQUIREMENTS



## Contemporary

Shop Drawing

25' x 40' – Cont. Bench – Type I, Diving  
Hydra Pool No. 00038514

Date:

09/01/21

Scale:

N.T.S

Job No.:

Inventory

Sheet:

1 OF 1

Martin G. Miller III

Professional Engineering & Land Surveyor

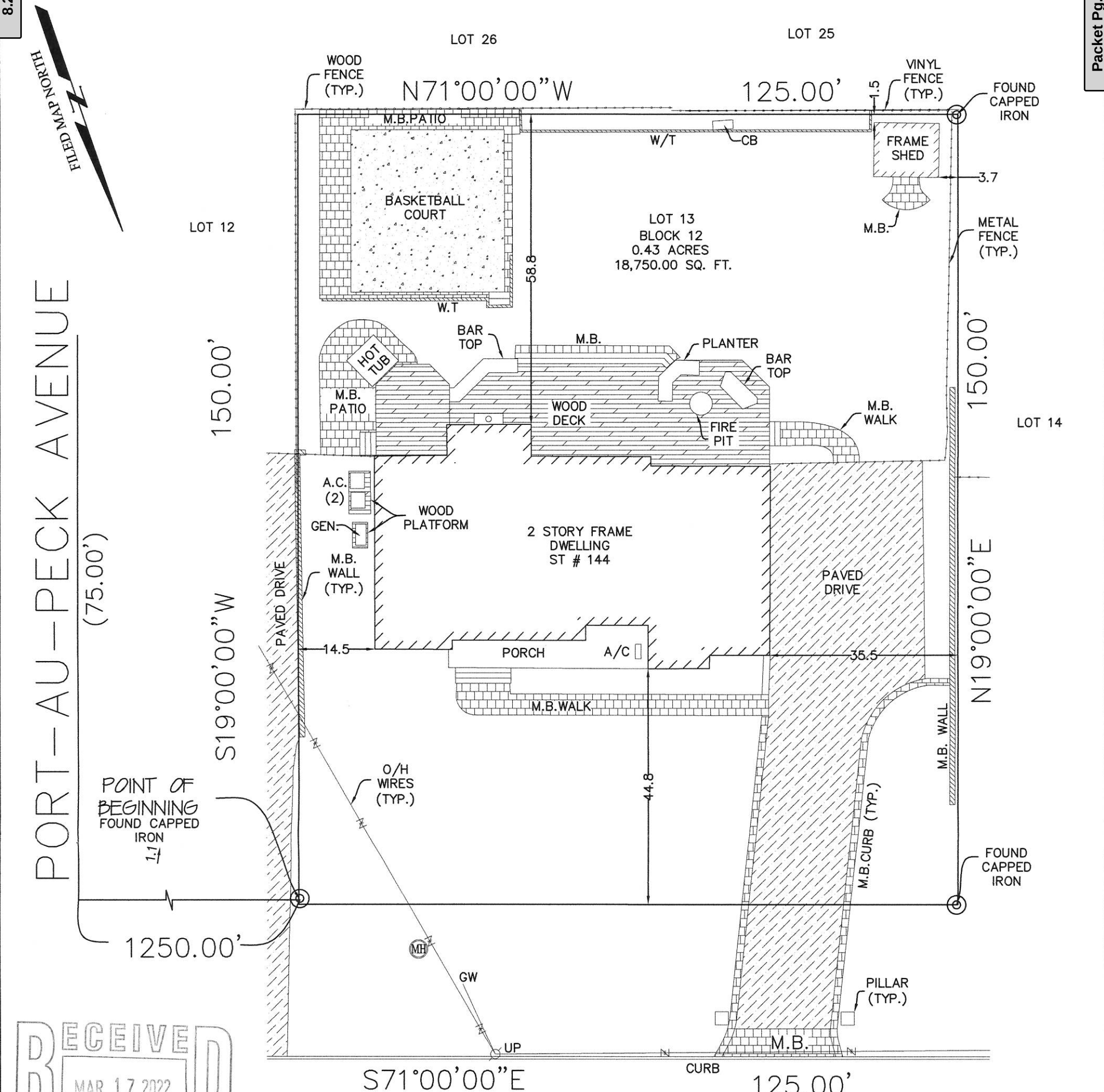
267A Glen Road, Monroe, NJ 08831

Phone: (732) 580-7689 martingmiller111@gmail.com

Martin G. Miller III

N.J. Professional Engineer &

Land Surveyor Lic. # 20363



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CERTIFICATION:  
BRUNO MOLINO

MONMOUTH BOULEVARD  
(A.K.A. MONMOUTH COUNTY ROUTE 33)  
(100.00')

DEED REFERENCE:  
BOOK 8550  
PAGE 1141

MAP REFERENCE:  
LOTS 102, 104, 106, 108 & 110 BLOCK 13  
"PERFECTED AND AMENDED MAP OF  
PROPERTY KNOWN AS PORTAUPECK"  
FILED DATE: 11-11-1920  
CASE NUMBER: 23-6

NOTE:  
1. IF THIS SURVEY DOES NOT REFERENCE A TITLE COMPANY WITH A TITLE NUMBER IN THE CERTIFICATION THAN THIS SURVEY IS SUBJECT TO THE FINDINGS OF A COMPLETE TITLE SEARCH NOT PROVIDED FOR THIS SURVEY  
2. THIS SURVEY MAKES NO CLAIMS OF RIPARIAN RIGHTS OR A TIDELAND CLAIM  
3. SURVEY MAY BE SUBJECT TO WETLANDS AND WETLAND BUFFERS  
4. ONLY VISIBLE UTILITIES WERE LOCATED ON THIS SURVEY, THE LOCATION OF UNDERGROUND UTILITIES AND SEWERS HAVE NOT BEEN LOCATED AND ARE NOT REPRESENTED ON THIS SURVEY  
5. CALL BEFORE YOU DIG 811 SHOULD BE CALLED BEFORE THE PLANNING OR COMMENCEMENT OF ANY CONSTRUCTION WORK  
6. SURVEY MAY BE SUBJECT TO POSSIBLE WRITTEN, NECESSITY AND PRESCRIPTION EASEMENTS  
7. THE USE OF THIS PLAN FOR A "SURVEY AFFIDAVIT" IS NOT PERMISSIBLE AND SAID USE WILL DEEM THIS PLAN INVALID  
8. THE USE OF THIS SURVEY FOR ANY INDIVIDUAL WHO IS NOT LISTED IN THE "CERTIFICATION" IS NOT PERMISSIBLE AND SAID USE WILL DEEM THIS PLAN INVALID

NOTE: WAIVER OF SETTING CORNER MARKERS OBTAINED FROM THE ULTIMATE USER PURSUANT TO THE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS REGULATION, N.J.A.C. 13:40-5.2

|                                                                                                                                                                                               |                                                                                                                                      |            |           |             |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------|------------|-----------|-------------|
| Leeper Land Group, LLC<br><br>Professional Land Surveyors<br>767 Brunswick Pike<br>Lambertville N.J. 08530<br><br><b>LLG</b><br><br>p. 609 571 3955<br>f. 609 571 9490<br>www.leepergroup.com | Scale:                                                                                                                               | Date:      | Drawn By: | Job Number: |
|                                                                                                                                                                                               | 1" = 30'                                                                                                                             | 09-23-2021 | G.S.      | 21-2024A    |
|                                                                                                                                                                                               | PLAN OF SURVEY<br>TAX LOT 13 BLOCK 12<br>144 MONMOUTH BOULEVARD<br>BOROUGH OF OCEANPORT<br>COUNTY OF MONMOUTH<br>STATE OF NEW JERSEY |            |           |             |
| CERTIFICATE OF AUTHORIZATION 24GA28232100                                                                                                                                                     | <i>Daren C. Leeper</i> 09-23-2021<br><b>DAREN C. LEEPER</b> DATE<br>N.J. Professional Land Surveyor GS 43340                         |            |           |             |
| Revision Date By                                                                                                                                                                              |                                                                                                                                      |            |           |             |