



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • AUGUST 8, 2023

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Board Policy

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

V. Roll Call

VI. Board Business

1. Report of Pending Applications
2. Ordinance Committee Meeting

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Jan 25, 2022 7:00 PM
2. Planning/Zoning Board - Regular - Apr 26, 2022 7:00 PM

VIII. Old Business

1. Resolution of Approval - 95 Algonquin Ave
2. PB2023-09 Sciacca, Paul **CARRIED from 06-27-2023**
Block 12, Lot 25
111 Sagamore Avenue
Installation of pool and paver patio seeking bulk variance relief for:
- Maximum coverage permitted 37%, existing is 34.6%, proposed 42% (reduced from 45.9%)
DFD 9/23/23
3. PB2023-06 Marina at Oceanport Partners, LLC **CARRIED from July 11, 2023**
Block 104, Lot 1
10 Riverside Avenue
Major Site Plan Application

IX. New Business - None

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • JANUARY 25, 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. **Board Policy:** Chairman Whitson advised the public of the below Board policies: •It is Board Policy that no application will be opened after 9:30 P.M. •No new testimony will be taken after 10:00 P.M., except at the discretion of the Board
- III. **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.
- IV. **Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute.
- V. **Roll Call:**

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

VI. Board Business:

- Report of Pending Applications - Ms. Smith advised of upcoming applications for the Feb. 8th including 45 Main Street, 73 Monmouth Blvd and 9A Pocano Ave for the Feb. 22nd meeting.
- Motion to Accept Resignation of Michael Savarese - *Added*

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Kleiberg, Davis, Dailey
ABSENT:	Widdis, Widdis, Savarese

3. Development Review Committee Appointments

Pursuant with Borough Ordinance, Chairman Whitson appointed the following members of the Board to serve as the Board's Development Review Committee: Chairman Jim Whitson, Vice Chairman Jack Kahle, Councilman Tvrdik and Ms. Cooper. The Committee will participate informally in development discussions and completeness reviews.

4. Referral from Governing Body - Area in Need Study

Ms. Smith reviewed the referring resolution from the Governing Body to undertake a study for an Area in Need of Redevelopment for Blocks 110.13 and 110.14. As the parcels were related to Fort Monmouth redevelopment, the Fort Monmouth Economic Revitalization Authority would procure and provide the study for the Board's review. Upon receipt of the study a public hearing will be scheduled.

VII. Approval of Minutes:

1. Planning/Zoning Board - Reorganization - Jan 11, 2022 7:00 PM (Rescheduled for Feb. 8, 2022 meeting)
2. Planning/Zoning Board - Regular - Sep 28, 2021 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Darren Davis, Class IV
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Kleiberg, Davis, Dailey
ABSENT:	Widdis, Widdis, Savarese

VIII. Old Business:

1. PB2021-16 Barker's Circle

Applicant: Barker's Circle Partnership, LLC

Block 110, Portion of Lot 1

Proposed New Block 110.20, Lot 1 - 2000 Avenue of Memories

Proposed New Block 110.21, Lot 1 - 2200 Avenue of Memories

Proposed New Block 110.22, Lot 1 - 100 Barker's Circle

Proposed New Block 110.23, Lot 1 - 200 - 500 Barker's Circle

Major Site Plan Approval

CARRIED from December 14, 2021

EXHIBITS:

- A-12 Plan entitled "Preliminary & Final Major Site & Subdivision Plan," prepared by Morgan Engineering & Surveying, last revised December 29, 2021, consisting of 22 sheets.
- A-13 Parking Analysis Letter Report dated December 30, 2021, prepared by McDonough & Rea Associates.
- A-14 Plan entitled "Preliminary and Final Major Sites, Left sided Subdivision, Plan Shared Parking Exhibit, prepared by Morgan Engineering, dated May fourth, 2021.
- A-15 Colored Site Plan Rendering, prepared by Morgan Engineering & Surveying, dated Jan. 25, 2022
- A-16 Interior Renderings, 8 Sheets, prepared by MODE Architects, dated Jan. 13, 2022
- A-17 Plan entitled "Preliminary & Final Major Site & Subdivision Plan, Shared Parking Exhibit" prepared by Morgan Engineering & Surveying, last revised September 12, 2020.
- A-18 Residential Floor Plans, 4 Sheets, prepared by MODE Architects last revised July 19, 2021
- B-3 Colliers Engineering Review Letter dated January 21, 2021

Marc Leckstein, Board Conflict Attorney, described and marked additional Exhibits A12, A13, A14, A15, A16, A17.

Mathew Wilder, Applicant's Engineer, remaining under oath from previous hearing, testified that they took the Boards comments and suggestions and made some changes. The security is updated on the plans by adding black aluminum fencing, installing a key fob system to keep residents safe inside. We made the affordable housing units more spacious by increasing the size they went from 850 sq feet to 920- 1124 sq foot. Updated the plans to show where hvac condenser's will be. They have changed the idea from apartments to upscale condominiums.

Mr. Wilder reviewed plan changes including Exhibit A15 which shows how they incorporated a loading zone into the development. They reduced the parking by 6 spaces from building 206. The exhibit shows the areas where they eliminated parking. West of Kaplan Hall they eliminated 1 row. They still need 3 design waivers. One would be a proposed 24-foot drive aisle. Second would be illumination levels at property line. The last would be for bikes. They do not want the bikes in the buildings, so they provided outdoor bike racks. Each building will have its own rack. There will be 2 more for the public. They have provided accessible handicap ramps into every building. They will provide additional details for the engineer for all buildings to be fully ADA accessible including additional crosswalk striping and full pedestrian connectivity throughout the development. He reviewed utility locations with exterior mechanicals proposed, a VRF system which would include split systems that would provide heat and air. Serviced by electric no need for gas. They will be located behind the buildings and screened. The last part of Mr. Whites letter was regarding storm water management. They will perform and provide results of a televised inspection of the pipes which will tell the sizes and condition of pipes. In regard to elevation of the mechanicals they will all be elevated to at least 10.4. They have added landscaping around the perimeter and foundation planting up against the building.

Mr. Wilder next provided testimony concerning parking - all buildings will have their own parking, an overlap of some shared spaces through a shared parking agreement and the accessibility from each building. There will be sidewalks and cross walks throughout the areas. Electric vehicle parking is required and they will provide the 15% requirement for residential, with 1/3 required to be built at time of construction, remainder to be easy made spaces. He discussed at length the process by which they designed parking and circulation. Residents will be allowed to use the communal grills no one will be able to have a grill on their porches. There are conflicting details on plan regarding lighting which they will address by clarification to the engineer as well as a detail breakdown of the ADA accessible details for elevation and turnaround information. They are proposing black metal trash receptacles. There is also a proposed dog park, with 5-foot black aluminum chain link around it with one point of access into and out of park.

Chairman Whitson invited questions from the Board for this witness.

Mr. White asked how are they going to designate the shared parking spaces? Mr. Wilder responded there will be adequate signage everywhere for the parking to let cars know where there are designated spots for the specific tenants. Mr. White asked about the charging stations for the electric cars and if there would be a developer's agreement as the it's a 3-year staging process and you must add a percentage every year to keep up with the State regulations. How were they going to follow these guidelines? Mr. Brooks, Applicant, remaining sworn in from last meeting, responded they will build all the spaces now for the electric cars instead of doing it in stages. Mr. White asked about the proposed backup generators as they are not shown on the plans. Mr. Wilder said the generators are in the process of being designed based upon the loads. They will be located adjacent from where the 16 units will be. They will be small and sufficient for only the common area and not the entire building. They will be added to the plans. Mr. White asked about the two hotboxes shown on plan. Mr. Wilder responded that those are a proposed area subject to the utility companies. Mr. White commented that it should be noted that the hotboxes have to be required at grade (not underground).

Mr. Dailey asked questions about the shared parking; 4 separate lots, what happens when one gets sold. Mr. Kromer, Applicant's attorney, responded they will have recordable documents that run with the land. Agreement between residential and office by an easement it will be recorded and run with the land. There will be an easement agreement between Kaplan Hall and the Firehouse which will be recorded, and buyers will be given the agreement. Mr. Dailey expressed concerns for how it would work with the distance from parking to buildings. Mr. Wilder acknowledged his concerns but stated that they had to meet FMERA requirements. Discussion ensued concerning various scenarios of how it would work particularly between office and residential uses.

Mr. Davis asked questions regarding the shared parking and questioned why not make the whole area shared parking; will there be a management company to oversee all the properties. Mr. Wilder said for each of the 4 buildings there will be a different property manager. They discussed about the parking how to make sure all the residents have their own parking and the other buildings have enough. There will be 1 designated spot for each resident and ample amount for guests. They discussed the parking for office use and the restaurant to make sure there was enough and that there was safe crossing. Mr. Davis asked additional questions concerning grill locations, access walkways, landscaping for generators, management services, dumpster enclosures - Mr. Wilder testified the enclosure will be a solid concrete block and the color will match the condos. There will be solid wood gate across the front. There will be 4 buildings converted to a condominium association. Mr. Brooks commented that the challenge was to be sure that sufficient parking for all buildings which is why they went across the street. He was amenable to suggestions to make the entire area shared parking. Mr. White commented that to look at it as true shared parking, it works because the office spaces are leaving when residential not home. Discussion ensued on the best way to approach the parking. Mr. Wilder ran numbers and across all uses they need 211 and they have 310 proposed. There's a surplus of parking even if considering all uses at same time. It was decided that the only restricted parking would be the ones designated for residential units which would be handled by the condominium association management. Mr. Leckstein cautioned that numbering of spaces can cause issues when users don't follow signage. There was discussion of whether this was any concern but it was decided because there was surplus parking wouldn't be an issue. Mr. Brooks testified that he was agreeable to change the plan to provide one dedicated space for each residential space and the rest open. Mr. Davis asked additional questions concerning grill locations, access walkways, landscaping for generators, management services, dumpster enclosures - Mr. Wilder testified the enclosure will be a solid concrete block and the color will match the condos. There will be solid wood gate across the front of the dumpsters for shielding. Plans will be updated to show the generators shielded. Mr. Davis asked about lighting - specifically the pedestrian crossing and was told no. Mr. Wilder testified there will be low light illumination around any walking paths. There won't be lampposts. Higher lighting will come from the buildings. Mr. White the Borough Engineer said there is plenty of lighting throughout all the parking lots.

Mr. Kleiberg asked questions about the ADA spaces and proximity to the doors, van accessible spaces. Mr. Kleiberg asked if HVAC would be heat pumps - and was told there would be multiple condensers but not one for every unit. Mr. Kleiberg asked if dog park would have proper gating and would it be an off-leash park. Mr. Wilder said they would add that to the plans. He showed the Board where the area for the dog park will be. It's in a common area. Mr. Kleiberg asked who was responsible for taking care of the park? Mr. Wilder said the Condo Association will be responsible for the dog park.

Mr. Kahle asked about how many affordable units will be going in and will they be spread amongst all the buildings? Mr. Wilder said the affordable units will be mixed in amongst all the buildings. Building 205 will have 6 affordable units, 287 will have 4 units, 207 will have 3 and 208 will have 2 with a total of 15 units. Mr. Kahle asked if the fence around the perimeter of property - Mr. Wilder corrected - not perimeter - only along Oceanport Avenue and was not like a security fence, and would not be extended to the water/bridge. Mr. Davis stated he would prefer that the fence extended to the water. Mr. Wilder commented that there are

easements there that they would not be permitted to cross over with the fence due to easement restrictions. There was discussion whether or not the fence was permitted – Mr. White commented that typically fences are not usually an issue because they can be taken down. Mr. Kahle commented that they would like to see the fence extended as far south as possible. Mr. Wilder responded that they will have the conversation with Two Rivers Sewer Authority and see what can be done.

Mr. Foster asked if building 205 was already refinished as an office by the army with an elevator? Mr. Brooks said the office is building 206 and it will be kept as an office building. Mr. Foster asked questions about lighting of the Barkers Circle and would they consider installing along walkways for more security? Mr. Wilder said there are 13-foot light poles on Barker Circle. Mr. Foster asked if they would be dark-sky compliant. Mr. Wilder answered yes. Mr. Foster asked if the proposed restaurant would remain a property owned by FMERA? Mr. Brooks provided details concerning original bid sale terms, and that it was set up as a lease in order for a State's concessionaire's license to encourage restaurant development. The land under the Firehouse and Kaplan Hall are owned by FMERA. The buildings on top of the land are owned by Barkers Circle. The property is a 99-year lease.

Mr. Tvrđik asked for an explanation about the difference between the apartment/rental and the condo concept and why they chose to go with condos? Mr. Brooks said the market has changed and it made them decide to go with condos. They fall under the townhouse large prices but are still very nice and more affordable. They have always had high end finishes in them. Mr. Tvrđik asked about a fence being built all the way across the property and not being stopped in the middle of property. Concerns for people crossing street to get onto site. After last meeting they put the fence in as a deterrent. Mr. Brooks was concerned with the fence going into wetlands. He said they wouldn't have a problem if the DEP agreed it was okay. Mr. Brooks asked if their DEP representative could be sworn in to discuss the property.

Mr. Ritchings, President of Environmental Group and Consultant was sworn in. Mr. Ritchings worked closely on this project and feels running a fence all the way across the property depending on type of fence could work. He would work closely with the DEP to properly have it placed and installed. Mr. Wilder said he originally didn't bring the fence all the way over because there are 2 easements, JCP&L and Two Rivers. The easement holder may refuse but they have no issue with asking.

Mr. Tvrđik asked about the trash pickup and keep up of the trash being neat and tidy. Mr. Brooks said they would make sure that would be part of the resolution compliance that the Board would have a copy of the HOA rules about trash.

Mr. Davis asked if the grills are gas? Mr. Brooks said no gas, they will have to use briquettes and no propane.

Mr. White asked about the drainage across the lots and would who be responsible for ownership and maintenance. Mr. Brooks said that the HOA will maintain sewer drainage and the fire house, office buildings and the theater are going to have an agreement to pay percentages of that. Mr. White commented that all plans have to be filed with the Borough for compliance.

Mr. Foster asked for more clarification as to who owns what and who is responsible for the maintenance of said properties. Mr. Wilder clarified that there are four separate parcels if you own the parcel, you are responsible for maintenance of the property within that parcel. The common access point is owned by the residential parcel, following the rule if the property is within your boundary lines the HOA will be responsible for the access road. The other parcels will take care of all their own maintenance besides the sewer easement in which the HOA from the residential parcel will be responsible.

PUBLIC: Chairman Whitson asked for questions from the public of this witness only.

Lewis Fernandez, 42 Riverside Ave., was sworn in at last meeting and is still under oath. Mr. Fernandez asked questions about the units now being for sale and no longer rentals; where will children that move in play or will be there an area designated such as park area; and is there a maintenance person on site to take care of issues that may come up? Mr. Wilder said there is a park like setting at Barkers Circle for kids to run around throw a ball but there is no proposed playground. Mr. Brooks said regarding maintenance they will be hiring an outside management company to come every day and make sure the property is kept clean and take care of any issues that may evolve. There will no onsite management company.

Matt Zieniewicz from 1215 Turf Drive was sworn in at last meeting and still under oath. Mr. Zieniewicz commented he was pleased with change to "for sale" units and asked who would be paying for the electric car charging stations? Mr. Wilder said this is a new statute in NJ and all the details are not available yet. They can say that the town will not be paying for them. Mr. Zieniewicz commented that they should consider requiring other 3 buildings to contribute to maintenance of the common area roadway. This will be addressed when reviewed by the State for conversion to condominium.

As there was no one else from the public appearing, Chairman Whitson closed that portion of the meeting.

Mr. Brooks noted that he was questioned at a previous meeting about who would run the affordable housing units and he was able to let the Board know it was Community Grants Planning and Housing which is the Oceanport entity that administers the Oceanport housing. He has been in contact with them concerning the development.

John Rae, Applicant's Traffic Expert, principal with McDonough and Rae Associates Traffic and Control, 1331 Lakewood Rd. Manasquan, NJ was sworn in. Mr. Rae, having worked on many mixed-use projects, commented that he agreed that what was agreed upon to simply dedicate one space per residential unit and the rest open was the proper way to handle the parking arrangement. Mr. Rae provided testimony concerning the conduction of the traffic study submitted for the project, summarized the traffic counts, survey conduction times during morning and afternoon peak hours, reviewed the studies prepared for other Fort developments including Allison Hall and Fort Athletic Club, analyzed levels of service for signal at 537 and Oceanport Avenue,

unsignalized intersections and concluded that the adjacent roadway network, intersections – offsite as well, will operate within acceptable traffic parameters. Mr. Rae addressed issues related to Mr. White's review letter concerning the type of project, use of the Institute of Transportation Engineers generation manual and the results of the trip counts, illumination of parking spaces and possibility of adding an additional point of access to the property somewhere along the frontage in the vicinity of Riverside Ave. Due to a transition area for wetlands it would be a challenge. He also opined that the additional access would encourage cut-through traffic and believes the County would not support another unsignalized intersection. He also noted that it would be in opposition of the requests for fence all along that roadway as it would bring a point of access for pedestrians. He added that the project does have two entries and noted their locations.

Chairman Whitson invited questions from the Board for this witness.

Mr. Foster commented that he agreed with the decision to not have the additional intersection access and thanked them for minimizing the amount of traffic being generated by this project.

Mr. Kahle asked questions about the traffic numbers going out by Gosselin Ave and out to Main Street. Mr. Rae responded yes, those scenarios were considered and does believe that the Kaplan tract will contribute to traffic on that route but doesn't believe it will be significant. Mr. Kahle commented that he believes it will be significant as it provides a bypass route around 2 traffic signals out to Main Street. Mr. Rae further commented that that would aid in providing options to travelers and will aid in the traffic impacts.

Mr. Davis asked questions about how the study was conducted and if it reflects current trends, not just historical. Mr. Rae responded that the pandemic had impacted numbers but he overestimated on his traffic projects and does not believe there will be capacity issues. Impacts from possible Netflix development would have to be thoroughly considered.

Mr. White asked about the changes to the Oceanport Ave intersection that now permits right-turn movements and would that not assist with the flow and movement. Mr. Rae responded that he had not seen that and it would help traffic flows and provide additional capacity.

PUBLIC: Chairman Whitson asked for questions from the public of this witness only. As no one from the public appeared, Chairman Whitson closed that portion of the meeting.

Mr. Wilder re-appeared and testified that he had misspoke about the total number of spaces – there are 240 (not 310) so there is still a surplus of about 30 spaces on the residential side. He will provide exact numbers.

Daniel Doherty and Jason Hanrahan, with MODE Architecture, were sworn in. Mr. Hanrahan stated he was not licensed, he is a partner of the firm and has worked in the field of architecture for 22 years, testified as an expert witness on numerous boards. Both persons were not licensed.

Chairman Whitson expressed concern that there was no license. Mr. Leckstein commented that he too had a concern. Discussion ensued on what their testimony would include – mostly confirmation of their work on the plans and would be redundant. Mr. Leckstein advised that they are not licensed and could not answer questions. If they were only testifying that the plans accurately depict the development and renderings then there was no issue. Mr. Brooks stated that this had been a last-minute issue due to COVID and if it became any concern at all he could answer most of the questions. Mr. Dailey commented that the plans had not changed, he had no issues. Mr. Tvrdik commented that he was okay with proceeding and if it became an issue to stop the testimony. Mr. Davis commented that the buildings were existing and the architect had testified last meeting as to the alteration of the dormers, he was okay with it.

Courynn Waryn, Project Coordinator from MODE Architects, was sworn in. Ms. Waryn provided testimony concerning the characteristics of the existing buildings and the number of units in each – a total of 75 units with 15 of them being affordable units; Building 205 has 21 units, Building 207 has 21 units, Building 208 has 18 units and Building 287 has 15 units. She referred to Exhibit A-16 as an example of the interior finishes.

Mr. Hanrahan further described the proposed improvements including upgrading flooring, countertops, modern look with spiral duct work with the intent of attracting an elegant buyer.

Mr. Brooks added that the units have high ceilings as well.

Ms. Waryn continued testimony with descriptions of the private balconies, walkways, stairwells at ends with egress at the ground level at rear of buildings so not necessary to enter through 1st floor balcony as shown on Floor Plans which were described and marked as Exhibit A-18.

Chairman Whitson invited questions from the Board for this witness.

Councilman Tvrdik asked questions about storage which at last hearing was not sufficient and asked what was planned for storage and the balconies. Mr. Brooks responded that there was storage available in the basement. Mr. Leckstein asked if the association documents would indicate no storage on the balconies which Mr. Brooks agreed. Mr. Leckstein added that it would be in the master condo deed filed with the State. Councilman Tvrdik advised he would also like to see that the loft areas could not be turned into bedrooms.

- Mr. Foster asked how the storage area would be assigned by units. Mr. Brooks stated they would have one storage area per unit. Mr. Leckstein added that the master deed should include that language as well. Mr. Foster further commented his concerns that there be no storage on the exterior and that the space in the basement would be important to address that.
- Mr. Kahle asked questions about the designations on the plans which Ms. Waryn advised was required by the Borough Planner to specifically designate which units were affordable so that the units were scattered and not all in one location.
- Mr. Kleiberg asked questions about the handicap parking locations and ramps and was referred to the engineering plans on Sheet 21. They do not have a separate plan of the ramp elevations but the material on the sides of the ramps should match the material on the buildings which Mr. Brooks confirmed yes, they would match – in color for sure.
- Mr. Davis commented that at last hearing they had already addressed the storage and entrance security. Mr. Davis noted that there was still a need for a storage place for Amazon boxes and the like. Mr. Brooks answered that there was storage in the lobby that they would designate for each unit. Mr. Davis also expressed concern about the lofts being non-ADA compliant and concern that it not be made into a bedroom. Mr. Brooks referred to A002 of the architect plans that designate that space for office/flex space. There was discussion on the challenge of ensuring compliance by occupants and the mechanisms available to enforce. Councilman Tvrdik recommended that there should be noted in lease documents that there are heavy fines for non-compliance.
- Mr. Davis asked questions about the affordable units, bedroom counts, size. Mr. Brooks answered all the affordable units would be 2-bedrooms and yes, the overall size was increased from last plans by adjusting space from some of the oversized units. Ms. Waryn testified that the affordable units had previously been 850 s.f. and have been increased to 920-1,100 s.f. to be more in line with the market rate units.
- Mr. Dailey asked how it was determined that all the affordable units would be 2-bedroom. Mr. Brooks answered that at the last meeting the Borough Planner had advised that the Borough has an agreement for its affordable housing obligations that required the provision of 2-bedroom units. Mr. Leckstein added it was specific to a lawsuit settlement which Ms. Smith confirmed that it was specific to the Fort development – all the other bedroom makeups had been used by other developments and the requirement for 2-bedroom units was placed on this development.
- Mr. Dailey asked if there could be some provision for a table and 2 chairs on the patios which Mr. Brooks agreed to. Mr. Dailey asked how the mechanical units were addressed by the units and was told they are mostly interior.
- PUBLIC: Chairman Whitson asked for questions from the public of this witness only.
- Matthew Zeniewicz, Turf Drive, asked questions about the affordable housing guidelines and would the units be owner-occupied and not permitted to lease out. All affordable units would be owner occupied, no rentals.
- As no one else from the public appeared, Chairman Whitson closed that portion of the meeting.
- Councilman Tvrdik asked if there would be any restrictions on the leasing/renting of the market units. Mr. Brooks responded that as a developer they were encountering issues because of things such as Air B&B and his intent was to require language that a minimum of 12 month rental. Councilman Tvrdik clarified he wanted to know if there would be a limit on the percentage of units that could be rentals such as 25% of total units available for rental.
- Mr. Foster commented further about the unit use and suggested that language for the association provide for guidelines on the maximum rentals. Mr. Brooks responded that he was willing to incorporate a percentage but wasn't sure what that number should be and it would need to be included with the master condo deed documents. Discussion ensued with concerns for bank funding limitations, and whether the restrictions were reasonable for private property. Mr. Doherty opined that it seemed unreasonable and very restrictive for an owner particularly that may be struggling and needs to rent out the unit. It was suggested that they consider limiting rentals to 20% of the units.

Motion to Approve Application as Amended

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Kleiberg, Class IV
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey
ABSENT:	Widdis C, Widdis L
INELIGIBLE:	Foster

- Resolution of Approval - 523 Port Au Peck Ave/Villapiano – Ms. Smith summarized the resolution and conditions after which Mr. Dailey made a motion to adopt the resolution which was seconded by Mr. Davis and received the following roll call:

RESULT:	ADOPTED [7 TO 0]
MOVER:	Michael Dailey, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey
ABSENT:	Widdis C, Widdis L
INELIGIBLE:	Foster

4. PR-21-33 Resolution of Approval - Oport Partners, Phase II

Ms. Smith advised that Mr. Kennedy had distributed a memorandum concerning the conditions discussed for the resolution. The memorandum provides each of the conditions with the page from the transcript of the hearing as to what was testified. If Board members have had time to review, the resolution could be voted on that night or if the Board needed additional time to review the matter would be rescheduled for the next meeting. Discussion ensued. Board members unanimously agreed that they wanted additional time to review. Councilman Tvrdik suggested that Board members review over weekend and submit questions and comments through Ms. Smith for Mr. Kennedy to review.

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public.

Louis Fernandez, 42 Riverside Ave, commented that he hopes the fence gets through that whole area and knows it's a DEP issue and thanked the Board for the efforts on the application.

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

X. Adjournment: As there was no further business, the meeting was adjourned at 10:21 pm on a motion by Mr. Kleiberg which was seconded by Mr. Dailey 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 # 2898)

Meeting: 08/08/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2898

8.1

Resolution of Approval - 95 Algonquin Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF ANDREW TORREGROSSA
95 ALGONQUIN AVENUE, BLOCK 18, LOT 12
APPROVED JULY 11, 2023
MEMORIALIZED AUGUST 8, 2023**

INTRODUCTION

WHEREAS, Andrew Torregrossa has made Application to the Oceanport Planning Board for the property designated as Block 18, Lot 12, commonly known as 95 Algonquin Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to effectuate a number of improvements to an existing single-family home:

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on July 11, 2023, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Planning Board Application, introduced into Evidence as A-1;*
- *Survey of property, prepared by Charles Surmonte, P.E., P.L.S., dated June 10, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Floor Plans, prepared by Jeremiah J. Regan, AIA, last revised April 6, 2023, consisting of 2 sheets,, introduced into Evidence as A-3;*
- *Colliers Engineering & Design Review Memorandum, dated May 30, 2023, introduced into Evidence as A-4;*
- *Affidavit of Service; and*

- *Affidavit of Publication.*

WITNESSES

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

- Andrew Torregrossa, Applicant, appearing Pro Se;
- Jeremiah J. Regan, Architect;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 12 years.
- There is an existing single-family home at the site.
- The Applicant lives at the site as his primary residence.
- There is an existing deck at the site.
- The existing deck is currently uncovered.
- The existing deck was constructed prior to the Applicant's purchase of the property.
- In order to create more year-round outdoor living space, the Applicant proposes to effectuate a number of improvements.
- The proposed improvements include the following:
 - Construction of a roof over a portion of an existing deck;
 - Installation of an outdoor fireplace; and
 - Retroactive legitimization of an existing deck.

- Details pertaining to the proposed improvements include the following:

Roof

Location:	Rear of home, over portion of existing deck.
Enclosed?:	No, the deck will not be enclosed, and the same will be open on 3 sides (the 4 th side will contain the proposed fireplace / chimney).
Size:	Per Plans
Materials:	Asphalt shingles

Outdoor Fireplace

Location:	Outside of home.
Size:	6' X 2' (12 SF)
Fuel source:	Gas

Existing Deck

Location:	Rear of home (Per Plans)
Size:	Per Plans (Approximately 362 SF)
Materials:	Wood

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

VARIANCES

WHEREAS, the Application as modified requires approval for the following Variances:

LOT COVERAGE: Maximum 25% permitted for a principal structure; whereas 30% proposed.

IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas 42.52% proposed.

REAR YARD SETBACK: 25 ft. required; whereas 15.04 ft. exists;

PUBLIC COMMENTS

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

FINDINGS OF FACT

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 95 Algonquin Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The site contains an existing single-family dwelling, which is a permitted use in the zone.
4. The Applicant proposes the following:
 - Construction of a roof over a portion of an existing deck;
 - Installation of an outdoor fireplace; and
 - Retroactive legitimization of an existing deck.
5. Such a proposal requires Bulk Variance Approval.
6. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
7. With regard to the Application, and the requested relief, the Board notes the following:
 - The within approval will authorize / legitimize the installation of various outdoor improvements.

- The proposed improvements will increase year-round outdoor living space at the site.
- One of the improvements authorizes the installation of a roof over a porch of an existing deck.
- Per the testimony and evidence presented, and per an expressed condition of the within approval, the roofed deck area will not be enclosed (for use as indoor living space). That is, 3 sides of the roofed deck will perpetually remain open.
- The proposed improvements will provide additional outdoor living space at the site.
- The proposed improvements will not be readily visible from the surrounding properties / public street.
- The subject property is bordered by Blackberry Bay Park, further minimizing any potentially adverse impact on adjoining residential properties.
- The Application as presented requires an Impervious Lot Coverage Variance. Relevant calculations in the said regard include the following:

Maximum allowed impervious lot coverage	25%
Existing impervious lot coverage	29.92%
Proposed impervious lot coverage	30%

- As referenced above, the Lot Coverage increase is less than 1% (29.92% being increased to 30%).
- Under the circumstances, the said increase is de-minimus in nature.
- The Application also requires a Variance for Impervious Coverage.
- The relevant Impervious Coverage calculations include the following:

Maximum allowed impervious coverage	37%
Existing impervious coverage	39.5%
Proposed impervious coverage	42.52%

- With approval of the within Application, the Impervious Coverage will be increased from 39.5% to 42.52%.
- The Board recognizes that some of the coverage calculations are increased as a result of the installation of the outdoor fireplace / roof.
- The Board also recognizes that the existing deck is already in place – and the roof is being installed to partially cover the same. (The Board

recognizes that the installation of a roof over the existing deck will contribute to the coverage increases as well).

- During the Public Hearing, information revealed that the existing deck was presumably constructed / installed (by prior owners) without any known Variance Approval. Specifically, the deck appears to be encroaching into the permitted Rear Yard Setback. Specifically, a 25 ft. Rear Yard Setback is required; whereas only 15.04 ft. exists.
- During the Public Hearing process, it was decided that for many reasons, the existing deck should be officially legitimized so as to prevent any further / future issues / problems.
- Initially, the Board notes that the existing deck was constructed prior to the Applicant's ownership.
- The existing deck has been in existence for at least 12 years, and there have been no known objections / concerns / issues associated therewith.
- The granting of the Rear Yard Setback Variance will not change the location of any existing structure on the site.
- As referenced above, the existing Rear Yard Setback deficiency has existed at least for 12 years, and official approval of the within Application will merely legitimize the same.
- The installation of a roof over a portion of the existing deck will not materially change the nature / appearance / size / orientation of the existing residential structure or deck.
- As indicated, the subject property is adjacent to Blackberry Bay Park, a municipal Waterfront Park developed with State / Green Acre funding, and obviously subject to Green Acre Restrictions.
- A number of other property owners' (besides the Applicant) own property adjacent to the Waterfront Blackberry Bay Park as well.
- Representatives of the NJDEP have advised the Borough that a number of property owners (adjacent to Blackberry Bay Park) encroach onto Park property, by using municipal Parklands to store personal boats, boat trailers, paddleboards, kayaks, and other water-related equipment.
- It was explained during the Public Hearing process that the State of New Jersey (through the NJDEP) has expressed a need for the Borough of Oceanport to more vigorously enforce regulations prohibiting individuals from violating / encroaching into areas of the public Parkland.

- As part of the within approval, the Applicant will further investigate the situation and, if necessary, correct / cure / remove any Applicant encroachments into the Blackberry Bay Park area.
- In addition to the above, and in order to promote the goals and objectives of the NJDEP Green Acre Department, the Applicant herein will also revise the Plans so as to officially plant trees along the property line (with the Park) so as to clearly identify / demarcate distinguish between the Applicant's property line and the Park property.
- Such an action will better facilitate the ability of the Borough to appropriately enforce Green Acres Regulations prohibiting any private encroachments into the public Park area.
- Per the testimony and evidence presented, there are no adverse grading / drainage issues associated with the non-conforming coverages approved herein.
- The testimony indicated that there is, or will be, sufficient landscaping at the site, which should help further minimize any disturbance associated with the non-conforming conditions.
- Additionally, notwithstanding the requested Variances, the Board notes that the location of the proposed improvements are practical, appropriate, and aesthetically pleasing.
- The proposed improvements 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.
- The construction / placement of the proposed improvements in the specified location, represents sound planning (subject to the conditions contained herein).
- Approval of the within Application will not materially intensify the existing, and to-be-continued, single-family nature of the home/site.
- The subject lot is an appropriate site for a single-family home and the proposed improvements.
- Continued single-family use at the site is consistent with the Borough's Master Plan.
- Continued single-family use at the site is consistent with the character of the neighborhood.

- Subject to the conditions contained herein, the improvements authorized 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 proposed improvements to be located, but for that which is proposed by the Applicant.
- Subject to the conditions set forth herein, the new improvements authorized 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 desire to install the proposed improvements.
- The proposed location for the Applicant's improvements are logical and practical.
- Subject to the conditions contained herein, the proposed improvements 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 may help 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 proposed improvements will not be inconsistent with the architectural character of other similar improvements in the area.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the proposed improvements will minimize, to the greatest extent possible, any disturbance to the neighboring properties.

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

Based upon the above, and subject to the conditions contained herein, the Board is of the 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 submit a Surveyor's Certification confirming that improvements have been installed in accordance with the testimony / evidence presented, and in accordance with the approved Plans / Resolution.
- c. The Applicant shall perpetually maintain / replace / replant trees at the site, as necessary, so as to further protect / promote the buffer, and to further minimize any potentially adverse impacts otherwise associated with the approval.
- d. There shall be no enclosure of the roof deck, absent further / formal approval of the Oceanport Planning Board.
- e. The Applicant shall immediately correct / eliminate any Applicant encroachments onto / into the adjoining Blackberry Bay Park area, if any.
- f. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:

- Confirmation that the trees shall be planted along the rear property line so as to clearly, appropriately, and unambiguously distinguish the Applicant's property line from the property line of the adjacent Blackberry Bay Park; (Details shall be reviewed / approved by the Board Engineer).
 - The inclusion of a note confirming the absence of any Applicant encroachments onto / into the adjacent Blackberry Bay Park property;
 - The inclusion of a note confirming that in the absence of further / formal approval of the Oceanport Planning Board, the roofed deck approved herein shall remain open (on 3 sides); and
 - Confirmation that the existing stone walkway at the site shall remain stone, absent further / formal approval of the Oceanport Planning Board.
- g. Grading / drainage / gutter / leader details shall be reviewed and approved by the Board Engineer.
- h. The Applicant shall comply with all Prevailing Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency with jurisdiction over the matter.
- i. The Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
- Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- j. The Applicant shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated May 30, 2023 (A-4).
- k. The Applicant shall comply with all Prevailing FEMA / Flood Regulations.
- l. The Applicant shall not allow/permit any adverse light spill-over associated with the existing / new improvements.
- m. 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.

- n. The construction shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- o. 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.
- p. 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.
- q. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

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

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

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

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

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

SUMMARY OF VARIANCE RELIEF GRANTED

LOT COVERAGE: The Board has approved a Lot Coverage of 30%.

IMPERVIOUS COVERAGE: The Board has approved an Impervious Coverage of 42.52%

REAR YARD SETBACK: The Board has approved / legitimized a Rear Yard Setback of 15.04 ft.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on July 11, 2023 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (Alt. #2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of August 8, 2023.

Jeanne Smith, Secretary

KEK/dmp
Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Torregrossa #2 (improvements)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2810)

Meeting: 08/08/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2810

8.2

PB2023-09 Sciacca, Paul

Block 12, Lot 25

111 Sagamore Avenue

Installation of pool and paver patio seeking bulk variance relief for:

- Maximum coverage permitted 37%, existing is 34.6%, proposed 42% (reduced from 45.9%)

DFD 9/23/23

CARRIED from 06-27-2023

HISTORY:

06/27/23 Planning/Zoning Board

Block 12, Lot 25

111 Sagamore Avenue

Installation of pool and paver patio seeking bulk variance relief for:

- Maximum coverage permitted 37%, where 45.9% is proposed.

DFD 9/23/23

EXHIBITS

A-1 Land Development Application

A-2 Swimming Pool Plan, prepared by MGC Associates, last revised May 1, 2023

A-3 Location Survey, prepared by Land Control Services, dated April 26, 2023.

A-4 Colliers Engineering Review Letter, dated May 30, 2023

A-5 Set of 7 Photographs, taken by Applicant, dated June 27, 2023

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



August 1, 2023

VIA EMAIL

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

111 Sagamore Avenue – Bulk Variance
Block 12, Lot 25
Application No. PB2023-09
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0348

Dear Board Members,

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

- Plan entitled "Swimming Pool Plan," prepared by MGC Associates, last revised July 23, 2023, consisting of one (1) sheet.
- Plan entitled "Location & Topographic Survey," prepared by Land Control Services, dated July 19, 2023, consisting of one (1) sheet.

The subject property is a 10,000 SF (0.23-acre) parcel on the north side of Sagamore Avenue approximately 1,325 feet west of Port Au Peck Avenue located in the R-3 Residential Zone. The Applicant proposes to install a pool, patio and fencing. The improvements will be replacing an above-ground pool, wood deck, and concrete patio.

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

A. Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Impervious Coverage – Currently the property has 34.6% impervious coverage whereas the maximum permitted in the zone is 37%. The Applicant proposes to increase the impervious coverage to 42%.

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. A recharge system is proposed without any soil information such as percolation rates and elevation of seasonal high ground water table. In addition, there is insufficient elevation information on Lots 13 and 14 to determine if the proposed grading will work. Our office recommends that consideration be taken by the Applicant's engineer to maintain the grading of the east side yard toward the inlet on the property line, maintain the elevation of the rear property line, pipe the rear roof leaders to the inlet, and provide two (2) inlets in the western portion of the rear yard in a sump condition piped to the existing inlet to minimize amount of runoff to the north.



2. A signed and sealed copy of the Location & Topographic Survey from July 19, 2023 shall be provided to the Board Secretary.
3. The property is located in an AE10 Flood Hazard Area. The pool equipment must be at or above elevation 12.4

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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)

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

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

WHW/dmm

cc: Paul Sciacca (via email)
Kevin Kennedy, Esq. (via email)

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



May 30, 2023

VIA EMAIL

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

111 Sagamore Avenue – Bulk Variance
Block 12, Lot 25
Application No. PB2023-09
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0348

Dear Board Members,

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

- Plan entitled "Swimming Pool Plan," prepared by MGC Associates, last revised May 1, 2023, consisting of one (1) sheet.
- Plan entitled "Location Survey," prepared by Land Control Services, dated April 26, 2023, consisting of one (1) sheet.

The subject property is a 10,000 SF (0.23-acre) parcel on the north side of Sagamore Avenue approximately 1,325 feet west of Port Au Peck Avenue located in the R-3 Residential Zone. The Applicant proposes to install a pool, patio and fencing. The improvements will be replacing an above ground pool, wood deck, and concrete patio.

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

A. Variances/Design Waivers

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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. A signed and sealed survey shall be submitted to the Board Secretary for the file.
2. A signed and sealed copy of the topographic survey from September 10, 2022, shall be provided.
3. The property is located in an AE10 Flood Hazard Area. The pool equipment must be at or above elevation 12.4

Project No. OPP-0348
May 30, 2023
Page 3 | 3



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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)

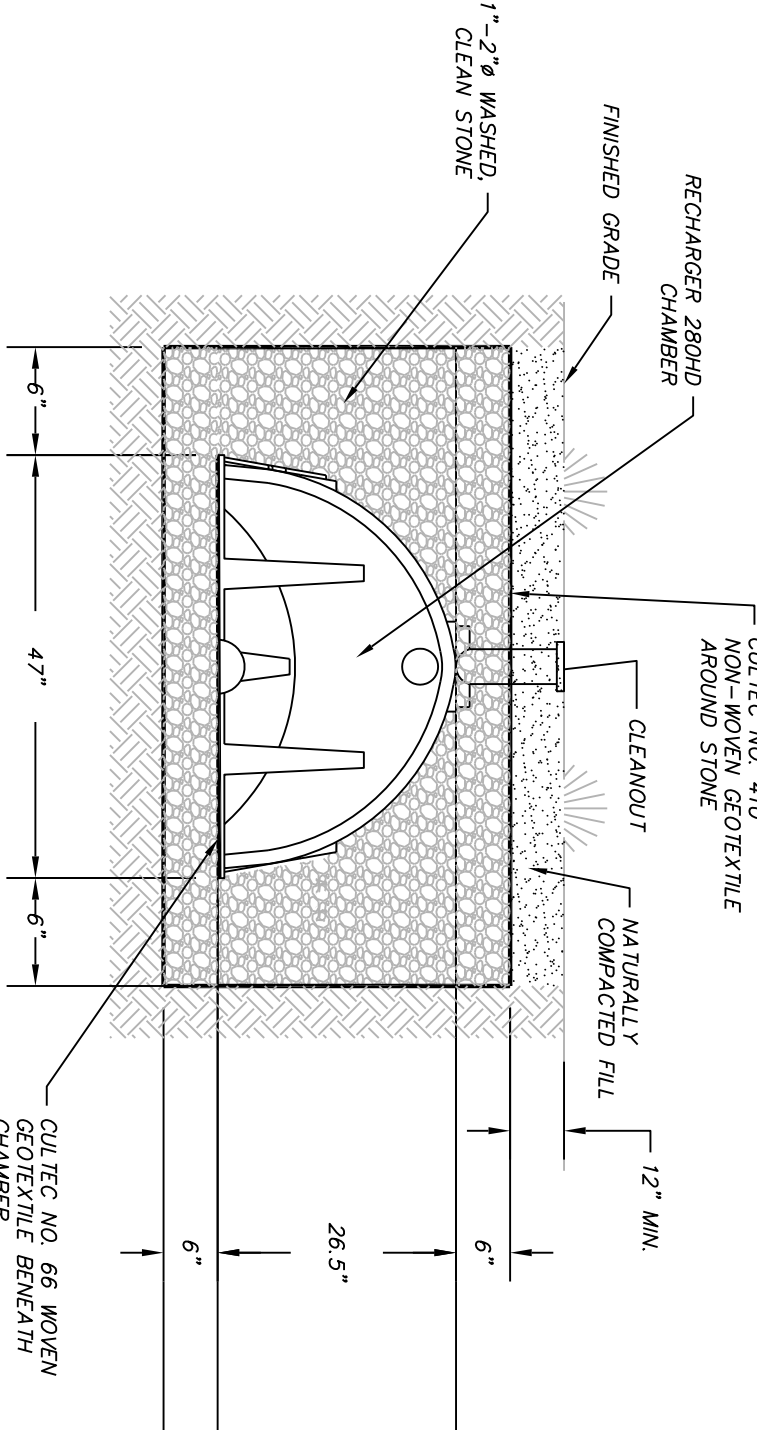
A handwritten signature in blue ink, appearing to read "W.H. White, III".

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

WHW/dmm

cc: Paul Sciacca (via email)
Kevin Kennedy, Esq. (via email)

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ALL RECHARGER 280HD HEAVY DUTY UNITS ARE MARKED WITH A COLOR STRIPE FORMED INTO THE PART ALONG THE LENGTH OF THE CHAMBER.

ALL RECHARGER 280HD CHAMBERS MUST BE INSTALLED IN ACCORDANCE WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL REGULATIONS.

$$- ((8.511 \times 4.9211 \times 3.2111) - 42.55 \text{ C.F.}) \times 0.40 = 36.7 \text{ C.F.}$$

NO SCALE

EX. IMPERVIOUS COVERAGE

To-

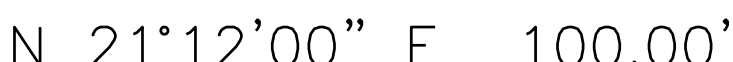
TO

MINIMUMS:

1071.

37%

SEE IMPERVIOUS COVERAGE CALCULATION TABLE



(50' ROW)

BE / M
POST.

NO SCALE

NoCh

GENERAL NOTES

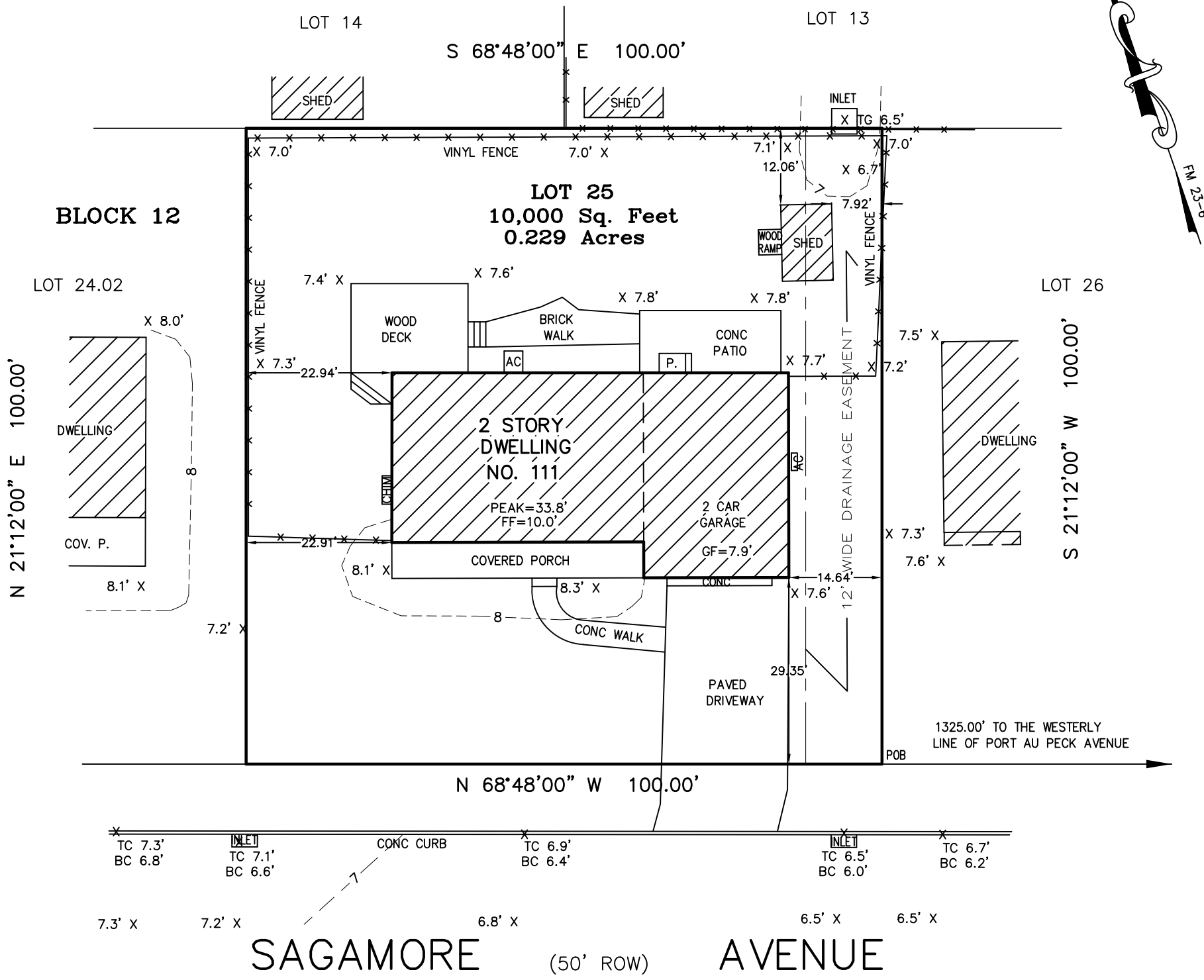


Consulting Engineer

MONMOUTH COUNTY, NEW JERSEY

Burlington, NJ 08701
609-776-4017

7/23/23



- NOTES:
1. THE PROPERTY IS KNOWN AS LOT 25 OF BLOCK 12 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OCEANPORT.
 2. THE PROPERTY IS ALSO KNOWN AS LOTS 107, 109, 111 & 113 OF BLOCK 13 AS SHOWN ON A CERTAIN MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORT-AU-PECK" SAID MAP WAS FILED IN THE OFFICE OF THE MONMOUTH COUNTY CLERK ON NOVEMBER 11, 1920 AS MAP NUMBER 23-6.
 3. THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH MAY BE DISCLOSED BY A TITLE SEARCH, UNDERGROUND STRUCTURES NOT LOCATED.
 4. OFFSET DIMENSIONS FROM STRUCTURE TO THE PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED FOR ESTABLISHING PROPERTY LINES.
 5. THE PROPERTY IS LOCATED IN AN AE ZONE WITH A BASE FLOOD ELEVATION OF 10.0' AS SHOWN ON THE FIRM PANEL NUMBER 34025C0184H DATED 06/15/2022
 6. ELEVATIONS SHOWN HEREON ARE BASED ON 1988 DATUM OBTAINED USING GPS

COVERAGE CALCULATIONS	
DWELLING	1790 SF (BLDG. COV.)
GAZEBO	223 SF (BLDG. COV.)
SHED	80 SF (BLDG. COV.)
FRONT WALK & STEP	95 SF
PAVED DRIVEWAY	572 SF
CONC PATIO & P.	218 SF
WOOD DECK & STEPS	297 SF
BRICK WALK	133 SF
AC UNITS	13 SF
CHIMNEY	7 SF
WOOD RAMP	14 SF
ABOVEGROUND POOL	333 SF
TOTAL BUILDING COVERAGE	1893 SF (18.9%)
TOTAL LOT COVERAGE	3575 SF (35.8%)

LOCATION & TOPOGRAPHIC SURVEY
PREPARED FOR
"SCIACCA"
LOT 25 OF BLOCK 12
SITUATED IN
BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY

N
W
E
S

LAND CONTROL SERVICES, LLC
SURVEYING & MAPPING
620 WARDELL STREET
LONG BRANCH, NEW JERSEY 07740
(732) 229-7628
landcontrol1@gmail.com

DATE	07/19/2023
SCALE	1" = 20'
DRAWN	CWK
CHECKED	JBG
FILE NO.	2317
SHEET	1 OF 1

JAMES B. GODDARD, PLS
LICENSE NO. 37588



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2860)

Meeting: 08/08/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2860

PB2023-06 Marina at Oceanport Partners, LLC

Block 104, Lot 1
10 Riverside Avenue
Major Site Plan Application
CARRIED from July 11, 2023

HISTORY:

07/11/23 Planning/Zoning Board

Block 104, Lot 1
10 Riverside Avenue
Major Site Plan Application

EXHIBITS:

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