



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JULY 14, 2020

Regular

Maple Place School

7:30 PM

2 Maple Place, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting further complies with the Open Public Meetings Act by notification on June 5, 2020 of this virtual/remote meeting, its location, date and time, and URL address at which to participate in the meeting to the Asbury Park Press, Star Ledger and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site. Registration for this meeting is required in order to participate. Register from the Borough website at www.oceanportboro.com "Click Here to REGISTER..." This meeting is also being broadcast on Verizon FiOS Channel 28. The public will be muted upon entry to the meeting but will be able to participate during public portions of the meeting by using one of the following options:

- Register to listen/view meeting at www.oceanportboro.com
- Submit text comments through the web-based application to be read out loud during the live-stream public portions of the meeting.
- Use the "Raise Your Hand" icon to be acknowledged for an opportunity to speak
- Email your question/comments to public.comments@oceanportboro.com
- Call the Borough's Public Comments Line # 732-272-8337 that is answered only during the live-stream. Callers' information will be taken and called back for their designated time to speak allowing the caller to be put on speaker and enter his or her comment on the record.

Instructions for Public Participation in the meeting are also available on the Borough's website: www.oceanportboro.com

III. Flag Salute

IV. Roll Call

V. Board Business

1. Mayor & Council Referral - Fort Monmouth Plan Amendment #15
2. Report of Upcoming Applications

VI. Old Business

1. Resolution of Approval - Bonforte, John, 109/111 Horseneck Point Rd
2. PB2016-13 Market on Main LLC - *Added on Late*
275 E. Main Street
Block 88, Lot 35
Approved September 26, 2017
Resolution PR-17-23

VII. New Business

1. PB2020-17 Cregle, Mark
8 Burnt Mill Circle
Block 132, Lot 8
Variance relief sought for installation of a 6' solid fence where 4' and 50% open is permitted
2. PB2020-01 Sempkowski, Anthony
74 Cayuga Ave

Block 27, Lot 9

Bulk Variance(s) for Improvements to Single Family Dwelling

3. PB2020-15 Walsh, Kevin

10 Hiawatha Avenue

Block 13, Lot 12

Bulk variances for single-family addition; rear yard setback, side yard setback, minimum lot width, maximum coverage of principle structure

VIII. Petitions from the Public

IX. Adjournment

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

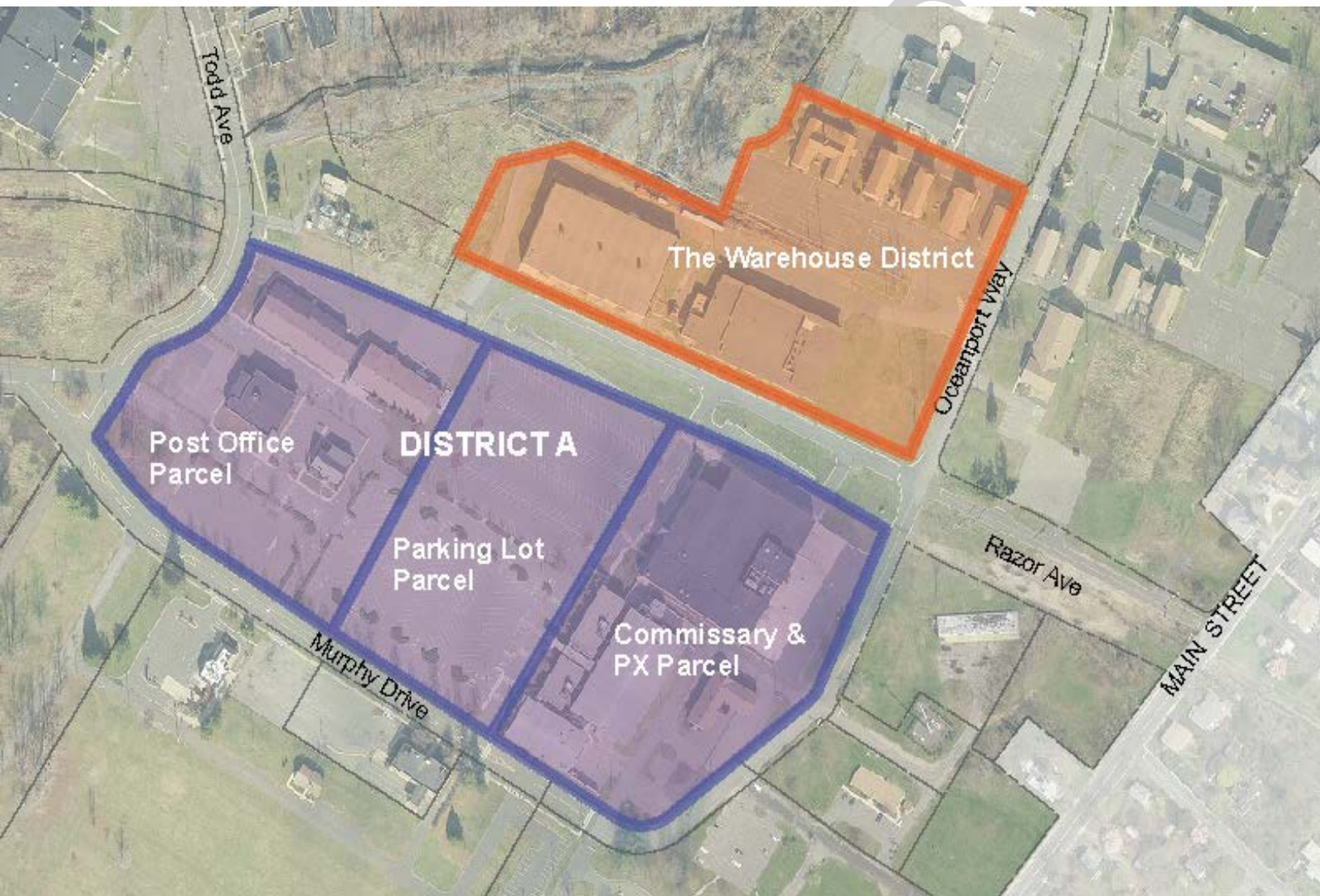
SCHEDULED**CORRESPONDENCE (ID # 1756)**

Meeting: 07/14/20 07:30 PM
Department: Planning/Zoning Board
Category: Referral to Planning Board
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1756

Mayor & Council Referral - Fort Monmouth Plan Amendment #15

Fort Monmouth Reuse and Redevelopment Plan

June 2020



Fort Monmouth Economic Revitalization Authority

Amendment #15 to the
Fort Monmouth Reuse and Redevelopment Plan

Prepared by:

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Fort Monmouth Reuse and Redevelopment Plan, adopted: October 2008

Amendments to the Fort Monmouth Reuse and Redevelopment Plan

- Amendment #1:** Parcel E in Tinton Falls, adopted May 2012
- Amendment #2:** Patterson Clinic in Oceanport, adopted December 2012
- Amendment #3:** Several parcels in Tinton Falls, adopted November 2015
- Amendment #4:** Russel Hall and Dance Hall in Oceanport, adopted January 2016
- Amendment #5:** Pistol Range in Tinton Falls, adopted May 2016
- Amendment #6:** Two parcels in Oceanport, adopted July 2016
- Amendment #7:** Fitness Center in Oceanport, adopted August 2016
- Amendment #9:** Eatontown Barracks and DPW in Eatontown, adopted December 2017
- Amendment #10:** Suneagles Golf Course in Eatontown, adopted May 2018
- Amendment #11:** Allison Hall in Oceanport, adopted December 2018
- Amendment #12:** Myer Center in Tinton Falls, adopted January 2019
- Amendment #13:** Squier Hall in Oceanport, adopted April 2019
- Amendment #14:** Lodging Area in Oceanport, adopted May 2019

ACKNOWLEDGEMENTS

Fort Monmouth Economic Revitalization Authority (FMERA) Board

Robert W. Lucky – Interim Chairman & Public Member, Fort Monmouth Economic Revitalization Authority
Lillian Burry – Monmouth County Board of Chosen Freeholders
Jay Coffey – Mayor of Oceanport
Anthony Talerico – Mayor of Eatontown
Vito Perillo – Mayor of Tinton Falls
Kevin A. Quinn – NJEDA Board Chairman
Brian Wilton – Governor's Representative
Catherine McCabe – Commissioner Director, Site Remediation Program, NJ Department of Environmental Protection
Diane Gutierrez Scaccetti – Commissioner, NJ Department of Transportation
Robert Asaro-Angelo – Commissioner, Central Regional Chief, NJ Department of Labor & Workforce Development
Sheila Oliver – Commissioner, New Jersey Department of Community Affairs

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I. Introduction

The Fort Monmouth Reuse and Redevelopment Plan (“the Reuse Plan”) was adopted by the Fort Monmouth Economic Revitalization Planning Authority (“FMERPA”) Board on October 15, 2008. Subsequently, the Reuse Plan has been amended 14 times since its first adoption to address the changing development climate.

To further support redevelopment opportunities and economic vitality within the Fort area, pursuant to P.L.2010, c. 10 (N.J.S.A. 52:27I-18 et. seq.), the Fort Monmouth Economic Revitalization Authority (“FMERA”) is considering amending the Reuse Plan to revise development standards (bulk standards) and provide the option for an alternative development scenario on the following parcels that are located in the former Fort Monmouth property in the Borough of Oceanport, New Jersey (“Oceanport Reuse Area”) as shown on Appendix A.

This amendment does not purport to delete any provisions of the Reuse Plan but rather supplements the Plan by proposing alternative development scenarios for the parcels in the Fort area as shown as shown on Appendix B. Under N.J.A.C. 19:31C-3.19(a)(1), principal land uses permitted in the *Reuse Plan* are specifically permitted under the Land Use Rules. Thus, this amendment is incorporated into the Land Use Rules for the Reuse Area in a manner similar to an “overlay zone,” whereby an alternative set of requirements are superimposed on the area allowing for alternative land use scenarios to be realized. With regard to the alternative land use scenario, the overlay zoning provides alternative opportunities for development that do not apply unless the land is developed in accordance with the purposes for which the overlay zoning is adopted.

This amendment, referred to as “Amendment #15,” is consistent with the planning objectives and principles articulated in the Reuse Plan and is necessary to fulfill the Authority’s main objectives, specifically job creation, economic development, and leveraging existing Fort assets.

This is the eighth amendment to the *Reuse Plan* for the Oceanport Reuse Area. Amendment #2 permitted the reuse of the Patterson Army Health Clinic as a medical clinic. Amendment #4 allowed for office/research uses in Russel Hall (Building 286) and permitted the Dance Hall (Building 552) to be reused for commercial/retail uses including outdoor dining accessory uses and provided for the maintenance of Van Kirk Park as open space. Amendment #6 allowed for a 13-acre parcel in the southern section of the Oceanport Reuse Area to be reused by the Borough of Oceanport and a 3-acre parcel to be developed as a County emergency homeless shelter; the *Reuse Plan* contemplated these government/civic/institutional uses of the Oceanport Reuse Area, but in other locations. In particular, the *Reuse Plan* called for a 15,000 square foot emergency shelter to be located on the Squier Hall parcel in Building 288. Amendment #6 moved that use to the new 3-acre site and designated Building 288 to be used for office and/or open space. Amendment #7 allowed for Building 114 (the Fitness Center) to be reused as a privately- operated commercial recreation facility, and Amendment #11 allowed for a variety of commercial and office uses on the Allison Hall parcel and transfers the residential units proposed on Allison Hall parcel to the Lodging parcel and permits the boutique hotel to be built on the Allison Hall site. Amendment #13 to the *Reuse Plan* contemplates the reuse of the Building 283 (Squier Hall) for higher education classrooms and ancillary uses, permits the demolition of Buildings 291 and 295 and allows for

institutions of higher education and all ancillary uses, which include, but are not limited to, classrooms, labs, libraries, residence halls, parking garages, arts centers, athletic facilities, both buildings and fields, cafeterias, bookstores, and similar uses that are typical to a college campus. Reuse Plan Amendment #14 (the "Amendment") to the Reuse Plan permits an alternative development scenario on the subject property known as the "Lodging Area Parcel". The Amendment permits demolition of Buildings 360, 361, 362, 363, 364, and 365 and reuse of Buildings 270 and 271 for affordable housing. Additionally, the Amendment permits the construction of 144 market-rate townhomes and development of at least a ± 50 -foot-wide waterfront esplanade along Parkers Creek including a 12-foot wide walkway designed in a complimentary coordinated style to the adjacent Allison Hall riverfront promenade.

The Fort Monmouth *Reuse and Redevelopment Plan* involved years of careful consideration and study as well as an extensive effort to draw input from residents, the three host municipalities and the County, State and Federal government. As such, this amendment does not change the underlying Plan vision for the Oceanport Reuse Area. Instead, it provides land use options that afford FMERA with the necessary flexibility to respond to changed circumstances in a manner that does not compromise the overall *Reuse Plan* goals and objectives.

The following chapter describes the nature and scope of the amendment, while succeeding chapters discuss its relationship to the elements, objectives and planning principles of the *Reuse Plan*, as well as to FMERA's own directive, and to relevant State, County and Municipal planning objectives.

II. Goals and Objectives

The primary goal of this Amendment is to further sustainable economic development of the Fort Monmouth area by encouraging a mix of futuristic uses with greater economic viability. The amendment also aims to promote sustainable and resilient development strategies. Some of the key plan goals and policy objectives are outlined below:

- a. Encourage reinvestment and redevelopments within the Fort Monmouth area.
- b. Encourage and promote a well-planned mixed-use environment with commercial, research and development (R & D) cluster and office uses consistent with the *Reuse Plan* to build a competitive advantage in the Fort Area.
- c. Promote the creation of vibrant retail, commercial and office spaces and create job opportunities for local residents.
- d. Address some of the limitations of FMERA's current land use rules and development standards and revise those standards to provide desired flexibility for current & future redevelopment projects.
- e. Enhance economic viability and livability of the area through improved pedestrian connectivity and walkability.

III. Scope of the *Reuse Plan* Amendment

The Fort Monmouth properties in Oceanport Reuse Area total approximately 419 acres and are bounded generally by New Jersey Transit's North Jersey Coast Line, Main Street and Oceanport Creek to the south, Parkers Creek to the north, and the former Fort properties in Eatontown to the west. The *Reuse Plan* envisions redevelopment of Oceanport Reuse area for approximately 1.75 million square feet of non-residential space and 720 residential units. Such development would include a high-tech/green industry cluster, education/medical campus, a neighborhood center, a boutique hotel and spa, and expansive green space including the historic Parade Ground.

This amendment maintains the development concepts and plans articulated in the *Reuse Plan* but further permits alternative development scenarios on the Warehouse District Parcel and District A (a merger of the Commissary and PX Complex, Parking Lot and the Post Office Area) parcels located in the Oceanport Reuse Area as shown in Appendix A. The details of the amendment to the land use plan and alternative development scenario contemplated in this amendment are provided below.

a. Amendment to Land Use Plan

The "Land Use Plan" is a figure in the *Reuse and Redevelopment Plan* which divides the Fort into the following broad land use categories: low density/residential; medium density residential; mixed/multi use; commercial/retail; lodging; office/R&D; Institutional; and Open Space. As shown in Appendix B, this amendment modifies that Land Use Plan with regard to the Warehouse District and District A.

Please note that throughout the former Fort Monmouth, the land use categories provided in the Land Use Plan shall be expanded and refined to include the uses listed in N.J.A.C. 19:31c-3.4 of the Land Use Rules, as well as those uses described below.

1. Commercial/Retail

- a. "Craft Production" as defined in Amendment #4, i.e., shall mean "a commercial use that involves the production of arts, crafts, foods, beverages or other product with on-site production and assembly of goods primarily involving the use of hand tools and/or small-scale equipment. Craft production establishments are compatible and are often co-located with retail sales and service uses. This use category includes but is not limited to coffee roasting and alcoholic beverage production. Establishments engaged in the craft production of alcoholic beverages including craft wineries, craft breweries, and craft distilleries shall be limited to no more than 10,000 gallons of product per year for brewpubs; 20,000 gallons for craft distilleries; and 300,000 gallons for microbreweries." The definition is further expanded in this amendment to specify that commercial establishments such as breweries, distilleries, and wineries shall be licensed by the Alcoholic Beverage Commission pursuant to N.J.S.A 33:1-10.
- b. "Instructional Schools and Studios" which shall mean "an establishment containing recreational facilities, such as dance schools, martial arts, yoga studios, Pilates, karate and dance studios, or similar group uses involving group instruction. This use may include accessory saunas, showers, massage rooms and lockers, snack bars providing non-alcoholic drinks and pre-packaged snacks not prepared on the premises, and sports equipment and clothing shops customarily accessory to the principal use."

2. Office/Research and Development

- a. "Food Service-Related Establishments" which shall mean "a building or establishment used for preparing, manufacturing, processing, bottling, packaging, assembly of food goods, and storage and distribution of food-related goods and products. Food Service-Related Establishment may also contain the following uses accessory to the principal use: ghost kitchen, shared kitchen, kitchen incubator, restaurant, cafe, event space and catering kitchen."
- b. "Food Service- Research & Development" which shall mean "a building or establishment used for food educational & research facilities, culinary school, demonstration kitchens, media kitchens, food membership, food testing, rooftop and interior growing of food products, nutritional health facilities and storage, and distribution of food-related goods and products. Uses may include cafeteria and other ancillary uses related to Research and Development."
- c. "Flex Space" shall mean "a building, or part of a building, used for research, office, and light industrial/fabrication/assembly uses (as defined in Amendment #3)¹ that is suitable or capable of

¹ In the Amendment #3, Light Industrial/Fabrication/Assembly is defined as follows: A land use where the primary activity involved is one of the fabrication, maintenance, alteration, repairing, finishing, or assembling of standardized parts as contrasted to a processing activity which would involve a physical or chemical process that could change the nature or character of the product of raw material or which would cause or result in toxic or objectionable or corrosive fumes, vapors, odors, effluent, gas, smoke, dust, glare, flashes or excessive noise or vibration. Any and all manufacturing, fabrication, maintenance, alteration, repairing, finishing, or assembling shall be carried on within and confined to an enclosed structure or structures. Light Assembly is also permitted which refers to the process of assembling pre-manufactured materials or components with minimal use of chemical and/or mechanical processes. In addition to the fabrication and assembly of goods, light industrial uses may include, but are not limited to, warehousing; distribution; research and development facilities as defined in the Land Use Rules; and contractor services (contractor services shall mean a business which provides a service which is primarily performed off-site. Few customers visit the site. Common examples of contractor services include plumbing, heating, electrical, and air conditioning service, exterminator service, lawn and garden service, and construction services.). Light industrial uses also permit incidental offices and limited retail sales. The regulations in the Land Use Rules for Building Setbacks and Building Height for office/R&D uses shall apply to light industrial/fabrication/assembly uses.

being changed to accommodate a variety of uses and designed to be used on a short- or long-term basis.

3. Prohibited Uses Applicable to This Amendment Only

- a. For this amendment only the term "Medical Office" shall not include inpatient services.

b. Bulk Regulations

1. The Warehouse District

The Warehouse District parcel consists of an approximately 8-acre site containing seven buildings: two circa 1954 warehouses, Building 975 (36,000 sf) and Building 976 (26,880 sf); Building 909, a circa 1942, 5,269 sf administrative building; and Buildings 910, 911, 912 & 913, four circa 1943 administrative buildings, each totaling 4,720. The parcel borders on Rasor Avenue and Murphy Drive AKA Oceanport Way in the Oceanport Reuse Area of the Fort.

The *Reuse Plan* as well as the Reuse Plan Amendment #2 contemplate the demolition of all seven buildings on the Warehouse District and the construction of new housing. As the residential housing has been targeted in other areas, the proposed amendment would permit the following on the Warehouse District:

- a. Permitted Principal Use
 1. Flex Space
 2. Medical Office
 3. Office
- b. Research & Development
Permitted Accessory Use
 1. Interior storage or small warehouse space may also be accessory to the principal use of the building but under no circumstance shall be greater than 35% of total built space or 25,000 sq. ft, whichever is less.
- c. Floor Area Ratio (FAR): The permitted Floor Area Ratio shall not exceed 0.3.
- d. Building Height: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(c) shall apply to this proposed amendment.²
- e. Street Facing Building Setback: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.14(d) shall apply to this proposed amendment.
- f. Maximum Impervious Lot Coverage: The permitted Maximum Impervious Lot Coverage shall not exceed 70%.
- g. Side lot line setbacks: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.
- h. Rear Yard Set Back: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.

² For the avoidance of doubt, pursuant to N.J.A.C. 19:31C-3.5(c)(3) rooftop appurtenances, such as parapets and other design features, may exceed the permitted building height by up to 15 percent above the permitted building height set forth herein.

1.1 Additional Requirements

The following additional requirements will be applicable to the Warehouse District

- a. Street intersections shall be located at least 150 feet from other new or existing intersections.
- b. Up to three (3) entrances from Murphy Drive AKA Oceanport Way to the Subject Parcel are permitted, subject to approvals by the County and municipality.
- c. Driveways or curb cuts shall be up to 40 feet in width, subject to approvals by the County and municipality. FMERA Land Use Rules 19:31C-3.9 (c) shall be applicable for all other requirements driveways or curb cuts.
- d. The site is not required to propose any lighting along Murphy Drive AKA Oceanport Way.
- e. No setback from the adjacent property line or public right of way is required for existing Northern Private road and the relocated Anson Avenue.

2. District A

The amendment will create an alternative development scenario applicable to the - District A as shown in Appendix A. The District A consists of the Post Office Area, the Commissary & PX, and Parking Lot parcels.

2.1 The Post Office Area

The Post Office Area parcel totals an approximately six (6) acres of land containing four (4) buildings: the 7,641± sf former Post Office (Building 1005), constructed in 1971; Tickets & Tours (Building 1010), a 2,600± sf building constructed in 1970; Building 800, a circa 1942 14,964± sf administration and classroom building renovated by the Army; and Building 801, the 9,267± sf recreation equipment checkout facility built in 1941. The Post Office Area parcel borders on Todd, Alexander and Rasor (aka Anson) Avenues in the Oceanport Reuse Area of the Fort. The *Reuse Plan* as well as the Reuse Plan Amendment #2 contemplate the demolition of all four buildings on the Post Office Area parcel and the construction of a new public elementary school within the parcel. As the Borough has identified an alternate resolution for a new public elementary school, the proposed amendment would not include school as a permitted use.

2.2 The Commissary, PX Complex & Parking Lot

The Commissary, PX complex and the Parking Lot parcels totals approximately eleven (11) acres. The Commissary and PX Complex includes the 25,626 sf. Post Exchange (Buildings 1000, 1001, 1002 & 1003), the 53,700-sf. former grocery (Building 1007) and the 5,563 sf. Army Community Service Center (Building 812). The Commissary and PX Complex, is approximately 6.385 acres in area. The Parking Lot consists of an approximately 4.90-acre paved lot. The Property borders on Rasor Avenue and Murphy Drive AKA Oceanport Way in the Oceanport Reuse Area of the Fort.

The *Reuse Plan* as well as the Reuse Plan Amendment #2 contemplate the renovation and reuse of The Commissary as a retail and/or community center and the demolition of the PX-Complex.

2.3 Permitted Uses in District A

The following uses are permitted in District A.

Permitted Principal Uses

1. Food Service - Research & Development (R&D)
 2. Flex Space
 3. Office
 4. Research & Development
 5. Instructional Schools and Studios
- a. Permitted Accessory Use
 - a. Interior storage or small warehouse space may also be accessory to the principal use of the building but under no circumstance shall be greater than 25% of total built space or 10,000 sq. ft, whichever is less.
 - b. Permitted Uses for Commissary Building

The Commissary Building must be adaptively reused. The following uses are permitted for the adaptive reuse of the Commissary Building.

1. Craft Production facility
2. Food Service - Related Establishments
3. Food Service - Research & Development

2.4 Bulk Regulations Applicable to District A

The following bulk requirements will be applicable to District A.

- a. Floor Area Ratio (FAR): The permitted Floor Area Ratio shall not exceed 0.3.
- b. Building Height: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(c) shall apply to this proposed amendment.³
- c. Street Facing Building Setback: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.14(d) shall apply to this proposed amendment.
- c. Maximum Impervious Lot Coverage: The permitted Maximum Impervious Lot Coverage shall not exceed 75%.
- d. Side lot line setbacks: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.
- e. Rear Yard Set Back: The standard set forth in the FMERA Land Use Rules N.J.A.C. 19:31C-3.5(h) shall apply to this proposed amendment.

³ For the avoidance of doubt, pursuant to N.J.A.C. 19:31C-3.5(c)(3) rooftop appurtenances, such as parapets and other design features, may exceed the permitted building height by up to 15 percent above the permitted building height set forth herein.

2.5 Additional Requirements Applicable to District A

The following additional requirements will be applicable to District A.

- a. The Property shall provide screening for the existing loading area to comply with 3.7(c)1. Notwithstanding the height requirement in 3.10(g)1, a 6-8' wall shall be permitted in the Commissary loading area. This wall shall comply with all sight triangle requirements.
- b. Notwithstanding the loading requirement in 19:31C-3.7(c)2, existing loading area on Murphy Drive AKA Oceanport Way is permitted for the Commissary Building.
- c. The development on the site is not required to propose any lighting along Alexander Ave, Todd Ave and Murphy Drive AKA Oceanport Way.
- d. Up to four (4) entry driveway from adjacent roadways to the Subject Parcel are permitted, subject to approvals by the County and municipality.
- e. Driveways or curb cuts shall be up to 40 feet in width, subject to approvals by the County and municipality. FMERA Land Use Rules 19:31C-3.9 (c) shall be applicable for all other requirements driveways or curb cuts.

3. Parking and Loading Requirements:

The following shall apply to both Warehouse District and District A with regard to Parking and Loading.

- a. Parking:

Each use permitted shall provide the minimum number of automobile parking spaces indicated in the table below.

Land Use	Minimum Space Required
Flex Space	One space per 800 square feet of GFA
Food Service-Related Establishments	Four spaces per 1,000 square feet of GFA
Research & Development/Food Service - Research & Development	Four spaces per 1,000 square feet of GFA
Instructional Schools and Studios	Four spaces per 1,000 square feet of GFA

- b. Shared Parking: Shared parking requirements are indicated in the table below. Shared parking calculation shall be done as per FMERA Land Use Rules 19:31C-3.7 (b) (1-4)

Weekday Rates	Flex Space	Food Service Related Establishments	Research & Development/Food Service – Research & Development	Instructional Schools and Studios
Daytime (8 AM-6PM)	90%	100%	100%	100%
Evening (6PM-Midnight)	80%	80%	50%	40%
Nighttime (Midnight-8 AM)	5%	5%	5%	5%

Weekend Rates	Flex Space	Food Service Related Establishments	Research & Development/Food Service – Research & Development	Instructional Schools and Studios
Daytime (8 AM-6PM)	80%	50%	40%	100%
Evening (6PM-Midnight)	50%	5%	5%	10%
Nighttime (Midnight-8 AM)	5%	5%	5%	5%

1. The parking ratio set forth in the FMERA Land Use Rules 19:31C-3.7(a) shall apply for Office use, including Medical Office.
2. The shared parking requirements set forth in the FMERA Land Use Rules 19:31C-3.7(b) shall apply for Office use, including Medical Office.

c. Loading:

1. The following loading space requirement shall be applicable to both Warehouse District and District A.

Land Use	Minimum Space Required
Flex Space	One space per first 10,000 sq. ft. and One space per 40,000 thereafter.
Food Service-Related Establishments	One space per first 15,000 sq. ft. and One space per 40,000 thereafter.
Research & Development (R&D) Food Service - Research & Development	One space per first 15,000 sq. ft. and One space per 40,000 thereafter.
Instructional Schools and Studios	One space per first 20,000 sq. ft. and One space per 40,000 thereafter.

2. No loading space is required for Office Use as defined under N.J.A.C. 19:31C -3.2(b).
3. All other requirements related to loading as set forth in FMERA Land Use Rules 19:31C-3.7 (c) (1-3) shall be applicable for the loading.

4. **Signage:**

The following requirement shall be applicable to both Warehouse District and District A.

a. **Ground Signs:**

1. Maximum two ground signs are permitted in each district. The maximum sign area shall be 80 square feet. The maximum sign height shall be ten feet above grade.
2. FMERA Land Use Rules 19:31C-3.9 (d) shall be applicable for all other requirements related ground signs.

b. **Wall Signs:**

1. For buildings containing more than one tenant, the provisions set forth in FMERA Land Use Rules 19:31C-3.9 (d) shall apply to the exterior surface of each tenant space or leased portion of the building.

V. Relationship to Elements, Objectives and Principles of the *Reuse Plan* and FMERA Directive

a. Relationship to Reuse and Redevelopment Plan and its Elements

In considering the impacts of the Reuse Plan amendment, the following *Reuse Plan* elements were considered: land use and circulation, infrastructure, environmental issues, historic preservation, and community impacts. The relationship between the amendment and these Plan elements are described below.

1. Land Use and Circulation

Total Non-Residential Square Footage Yield

The Warehouse District and District A:

The Reuse Plan envisions redevelopment of the Warehouse District and District A for education, medical campus, residential and commissary uses.

For the Warehouse District, the Reuse Plan as well as the Reuse Plan Amendment #2 calls for the demolition of all seven buildings on the Warehouse District and the construction of new housing in its place. As the residential housing has been targeted in other areas, the proposed amendment would permit non-residential uses related to office, research and development and flex space. The proposed uses for the Warehouse District will complement the surrounding proposed uses for District A in terms of R & D cluster development. The maximum permitted FAR for the district is 0.3 which allows low-density non-residential development with required parking spaces. The Amendment would permit up to +/- 98,000 sq. ft. of new development on the Warehouse District to house office, medical offices, research and development and flex space.

For the purposes of the Redevelopment of the Post Office Area, Commissary and PX Complex and the Parking Lot, the parcels shall be merged for one section of the Redevelopment Project. District A shall include the reuse of the Commissary building and the demolition of all the remaining buildings in District A. For the Commissary building, the *Reuse Plan* contemplated approximately 53,700 sq. ft. of uses related to commissary and retail. The proposed Amendment would permit the adaptive reuse of the commissary building into a +/- 53,700 sq. ft. of commercial and retail uses related to food service establishments, research & development and craft production. The Commissary is to be redeveloped as an enrichment center incorporating a provision for food services, a culinary school, crafts production, arts adaptation (including music and art facilities for enrichment learning for all ages) as well as the display of art. The complex may also potentially include retail, office, entertainment, research and development. The Commissary and PX Complex may also include flex-space/warehouse space provided that such flex-

space/warehouse space is: (i) in support of another principal use such as office or research and development; and (ii) not the primary use of any building on the Commissary and PX Complex. The *Reuse Plan* and Amendment #2 did anticipate that once the excess buildings were demolished, a new public elementary school would be constructed within the parcel. As the Borough has identified an alternate resolution for a new public elementary school, District A shall also allow up to 140,000 sq ft of commercial space uses of commercial uses related to food service establishments, research & development, flex space, office, and instructional schools and studios.

The *Reuse Plan* calls for the demolition of the PX complex and development of residential uses. As the residential housing has been targeted in other areas, the proposed amendment permits non-residential uses related to research and development and flex space to be incorporated into District A.

For the Parking Lot area, the *Reuse Plan* contemplates the development of parking for Commissary uses. The proposed amendment permits the Parking Lot to be merged into District A's 140,00 sq ft. of commercial space uses related to research and development, office and flex space, and instructional schools and studios as discussed in the previous section. The maximum permitted FAR for District A (the entire Post Office Area, Commissary & PX-Complex and Parking Lot area) will be 0.27 which will allow the development of adequate parking spaces for the various uses.

Total Residential Development Yield

The amendment does not propose any changes relative to the residential uses, the residential units on the Oceanport Reuse Area will remain 720 units as was contemplated in the *Reuse Plan* and subsequent amendments to the Oceanport Reuse Area.

Compatibility with Surrounding Land Uses

The uses contemplated in this amendment are compatible with the surrounding land uses anticipated in the *Reuse Plan* and subsequent amendments.

The amendment permits diverse tech-oriented uses for the Warehouse and District A areas and these uses are consistent with the goal and uses contemplated of the *Reuse Plan*. As this tech-center clustered development will complement the surrounding land uses.

Circulation

As there will be no school in District and residential in the Warehouse District as contemplated by the *Reuse Plan*, there will be slight change to the interior road network as contemplated by the *Reuse Plan*. However, the amendment does not propose any changes to Rasor Avenue and Murphy Drive AKA Oceanport Way and is consistent with the "Transportation Circulation Improvement Goals" established in the *Reuse Plan*. As such, the amendment would not adversely impact any of the "Transportation Circulation Improvement Goals" established in the *Reuse Plan*.

2. Open Space

The amendment does not impact any active recreation or open space contemplated in the *Reuse Plan*. Furthermore, this amendment aims to encourage the concept of placemaking and the development of

public space, plaza, and walkways within the redevelopment area which is consistent with the *Reuse Plan*.

3. Sustainability

This amendment would not preclude incorporation of any of the sustainability measures outlined in the *Reuse Plan*. Specifically, the reuse of Commissary Building would further the *Reuse Plan*'s green building sustainability goal to maximize the adaptive reuse of existing buildings and infrastructure.

4. Infrastructure

As indicated in the *Reuse Plan*, impacts on the existing gas, electric, water, wastewater and telephone utilities servicing Fort Monmouth will have to be evaluated at site plan review for a specific project. This assessment is unaffected by the amendment.

5. Traffic

Though the amendment permits up to +/- 268,700 sq. ft. commercial and R&D related uses in the Warehouse District A area, the maximum permitted FAR is 0.3 which is not significantly high for the non-residential uses contemplated in the *Reuse Plan*. Therefore, the proposed uses and the total increase of square footage as a result of the proposed amendment, will not generate significant additional traffic than what has been anticipated in the *Reuse Plan*. The existing road network system as contemplated in the *Reuse Plan* is expected to accommodate any additional traffic generated from the commercial and R & D uses. A detailed traffic analysis would be prepared as part of any site plan review related to the reuse and/or development of this parcel. Any necessary traffic mitigation would be addressed at that time.

6. Environmental Issues

The portions of this parcel anticipated to be developed by this amendment are not environmentally constrained per Geographic Information System (GIS) layers provided by the New Jersey Department of Environment Protection (NJDEP). Any environmentally constrained areas within the land area associated with this amendment would be preserved and protected accordingly.

7. Historic Preservation

None of the buildings affected by the proposed amendment are listed in State and National Registers of Historic Places. Likewise, none of the buildings or parcels included in the amendment are subject to FMERA's Historic Preservation Guidelines.

8. Community Impacts and Affordable Housing

As noted in the *Reuse Plan*, the host communities, including Oceanport, rely on taxation for the largest portion of their municipal revenues. The Fort's closure, and the resulting loss of the Fort's workforce is expected to result in a larger share of the tax burden falling to residential property owners. The potential offered by this amendment to increase non-residential tax revenues would lessen the burden on local residents.

The commercial/R&D uses contemplated for the Warehouse and District A areas in this amendment typically generate more positive fiscal impacts for a municipality, i.e., generate more tax revenues, than do other land uses, including residential development. Additional non-residential square footage on these areas is expected to have a positive fiscal impact on the tax base of Oceanport. The commercial/retail uses would not generate an increase in the number of school children. Thus, there would be no negative impact on the construction of affordable housing as delineated in the *Reuse Plan*.

b. Relationship to Objectives and Principles of the *Reuse Plan*

The amendment would fulfill the objectives and planning principles outlined in the *Reuse Plan*. Those planning objectives articulated in the *Reuse Plan* include the following:

1. Be consistent with State, County, and Municipal planning policies.
The amendment is consistent with State, County, and Municipal planning policies, as set forth in the ensuing chapter.
2. Focus on business retention and attraction, job replacement, and employee training.
This amendment would provide for increased flexibility to aid FMERA in its efforts to attract suitable businesses that wish to relocate to Fort Monmouth and that have the potential to replace jobs lost when the Fort closed.
3. Be founded on market and economic analysis. This amendment responds to the marketplace by permitting an alternative development scenario designed to attract futuristic R&D businesses to the Oceanport Reuse Area.
4. Leverage Fort assets (people, infrastructure, location).
The amendment affords FMERA with an opportunity to leverage existing assets through the Reuse of the Commissary building in District A and the redevelopment of the Warehouse District and the remaining land in District A area within the Oceanport Reuse Area and to attract new non-residential uses that generate much-needed local employment and tax revenues.
5. Be a green community model.
The adaptive reuse of the Commissary Building with surrounding redevelopments furthers the Plan's green building sustainability goal to maximize the adaptive reuse of existing buildings and infrastructure system.

The amendment further advances a number of key planning principles from which the overall concepts in the *Reuse Plan* were devised:

Principle #1: Decreasing Density West to East & Creating Mixed-Use Live/Work/Leisure Centers.
The amendment contemplates a mix of uses in existing and new buildings in a manner that promotes these planning principles.

- Principle #2:** *Link centers & increase mobility with connected transit infrastructure serving the region and the Fort.*
The amendment does not preclude the potential to create an extensive system of bikeways, pedestrian trails and side- walks as envisioned in the *Reuse Plan*.
- Principle #3:** *Enhance auto mobility and redevelopment capacity with targeted roadway infrastructure improvements.*
This amendment does not preclude the enhancement of auto mobility and redevelopment capacity with targeted roadway infrastructure improvements as set forth in the *Reuse Plan*.
- Principle #4:** *Combine open space, habitat, and water resources to establish a continuous Blue – Green belt.*
The amendment does not preclude the creation of an open space network consisting of environmentally sensitive areas, including wetlands, watercourses, and habitats. The amendment promotes green roof and other low impact development strategies that will further improve the natural environment of the Fort area.
- Principle #5:** *Utilize the Blue – Green belt as an armature for enhanced bicycle and pedestrian mobility throughout the Fort.*
The amendment would not preclude the development of the bike path or trails envisioned as part of the *Reuse Plan*.
- Principle #6:** *Remove Fort boundaries & extend existing land uses to reconnect the Fort to the communities.*
The proposed amendment encourages a well-connected campus within the proposed development area as well as creates opportunities to build strong connection between the local community and the Fort Area both physically and economically. Further, the amendment would not preclude any gates into the Fort, nor inhibit public access to the Fort's amenities.
- Principle #7:** *Leverage existing Fort Monmouth assets (People, Buildings, Technology, and Infrastructure).*
The amendment affords FMERA with an opportunity to leverage existing assets of the Oceanport Reuse Area, i.e., reuse of Commissary building, and redevelopment of District A and the Warehouse District area, attract new office, commercial and R&D tenants and food-based cluster development that would generate much-needed local employment and tax revenues. The amendment would not involve the removal of any buildings identified in the *Reuse Plan* as being required for preservation.

In summary, the amendment is consistent with the *Reuse Plan* elements, objectives and planning principles.

c. Relationship to FMERA Directive

To implement the *Fort Monmouth Reuse and Redevelopment Plan*, the New Jersey State legislature empowered the Fort Monmouth Economic Revitalization Authority (FMERA) to adopt any modifications or amendments to the *Reuse Plan* and adopt development and design guidelines and land use regulations to implement the plan. Pursuant to P.L.2010, c. 10 (N.J.S.A. 52:27I-18 et. seq.), FMERA's purpose is the following:

to oversee, administer, and implement the [Reuse Plan] as provided in this act, in a manner that will promote, develop, encourage, and maintain employment, commerce, economic development, and the public welfare; to conserve the natural resources of the State; to provide housing, including housing to address identified needs related to homelessness; and to advance the general prosperity and economic welfare of the people in the host municipalities, the county, and the entire State by cooperating and acting in conjunction with other organizations, public and private, to promote and advance the economic use of the facilities located at Fort Monmouth.

The *Reuse Plan* amendment would advance both FMERA's stated purpose and the public welfare, by promoting, developing, encouraging and maintaining employment and economic development, and it would advance the public welfare by furthering the adaptive reuse of an existing facility and roadway network at the Fort.

d. Relationship to FMERA's Land Use Rules

This Amendment creates alternative development scenario and creates an overlay zone superseding some provisions of FMERA's Land Use Rules. In all situations where zoning issues and bulk standards are not specifically addressed herein, the FMERA's Land Use Rules, however, shall remain in effect.

VI. Relationship to State, County and Municipal Planning Objectives

a. State Development and Redevelopment Plan (SDRP)

On March 1, 2001, the State Planning Commission readopted the State Development and Redevelopment Plan (SDRP). In the SDRP, the Oceanport Reuse Area is classified as Planning Area 1, Metropolitan Planning Area (PA-1). The SDRP defines Metropolitan Planning Areas as areas that "provide for much of the state's future redevelopment; revitalize cities and towns; promote growth in compact forms; stabilize older suburbs; redesign areas of sprawl; and protect the character of existing stable communities." The amendment is well-reconciled with the guiding policies and policy objectives of the adopted SDRP for the Planning Area 1, Metropolitan Planning Area.

Consistent with the goals for the PA-1, the amendment promotes the type of redevelopment needed to transform this area of the Oceanport Reuse Area, into a vibrant, mixed- use community with compact development that will ensure efficient utilization of scarce land resources while also carefully protecting the character of surrounding communities. Also, in accordance with the objectives for PA-1, the amendment allows for redevelopment in a location well served by existing transportation networks, which is consistent with the plans for the Oceanport Reuse Area.

b. Monmouth County Open Space Plan

The Monmouth County Open Space Plan, adopted by the Monmouth County Planning Board in August 2006 as an element of the Monmouth County Growth Management Guide, specifically advocates the acquisition of a portion of the Fort Monmouth property as a new County park site. To fulfill this acquisition, Monmouth County filed a Notice of Interest for park and recreation lands within Fort Monmouth. The County subsequently filed an application to the National Park Service's Federal Lands to Park Program for a Public Benefit Conveyance, which was endorsed by the three host municipalities of Eatontown, Oceanport and Tinton Falls. This amendment is not inconsistent with the County's goals for open space in the Oceanport Reuse Area.

c. Fort to Village Plan: A Vision for Oceanport's Fort Monmouth

Although the development of the former Fort properties in Oceanport will be governed by the land use regulations and design guidelines adopted by FMERA, as a point of information, the former Fort properties in Oceanport are included within the "master plan" for Fort Monmouth, i.e., the *Reuse and Redevelopment Plan*. However, a vision for the redevelopment of the fort is provided in ***Fort to Village Plan: A Vision for Oceanport's Fort Monmouth***. This document was incorporated as an amendment to the Master Plan which was adopted by the Oceanport Planning Board on April 23, 2008.

The Fort to Village Plan calls for the area surrounding the Patterson Medical Center Area, presently Beacon of Life Pace Program-an adult care facility area, to be zoned for mixed-use medical office park uses, schools, and residential uses to allow townhouse. The Warehouse district and District A are in close proximity to the Beacon of Life Pace Program- adult care facility area. The amendment permits a mix of medical & professional offices and R& D uses in the Warehouse District and District A and these uses are well aligned with the uses contemplated for the area in the Fort to Village Plan. As the Borough has identified an alternate resolution for a new public elementary school and the residential housing has been targeted in other areas, repurposing the area with a mix of commercial, office and R & D uses affords FMERA the flexibility to create a cluster development of compatible and complementary land uses in the area as contemplated in the Fort to Village Plan.

d. Oceanport Zoning

The area affected by the proposed amendment lies within the Borough's R-1: Single-Family Residential District under the municipality's current zone plan. This designation permits single-family detached dwellings, parks and playgrounds, municipal buildings, libraries and public schools. The minimum lot size is 30,000 square feet, the maximum height is two stories, or thirty-five feet and the maximum density is 1.5 dwelling units per acre. The *Reuse Plan* and Land Use Rules, however supersedes the Oceanport Zoning.

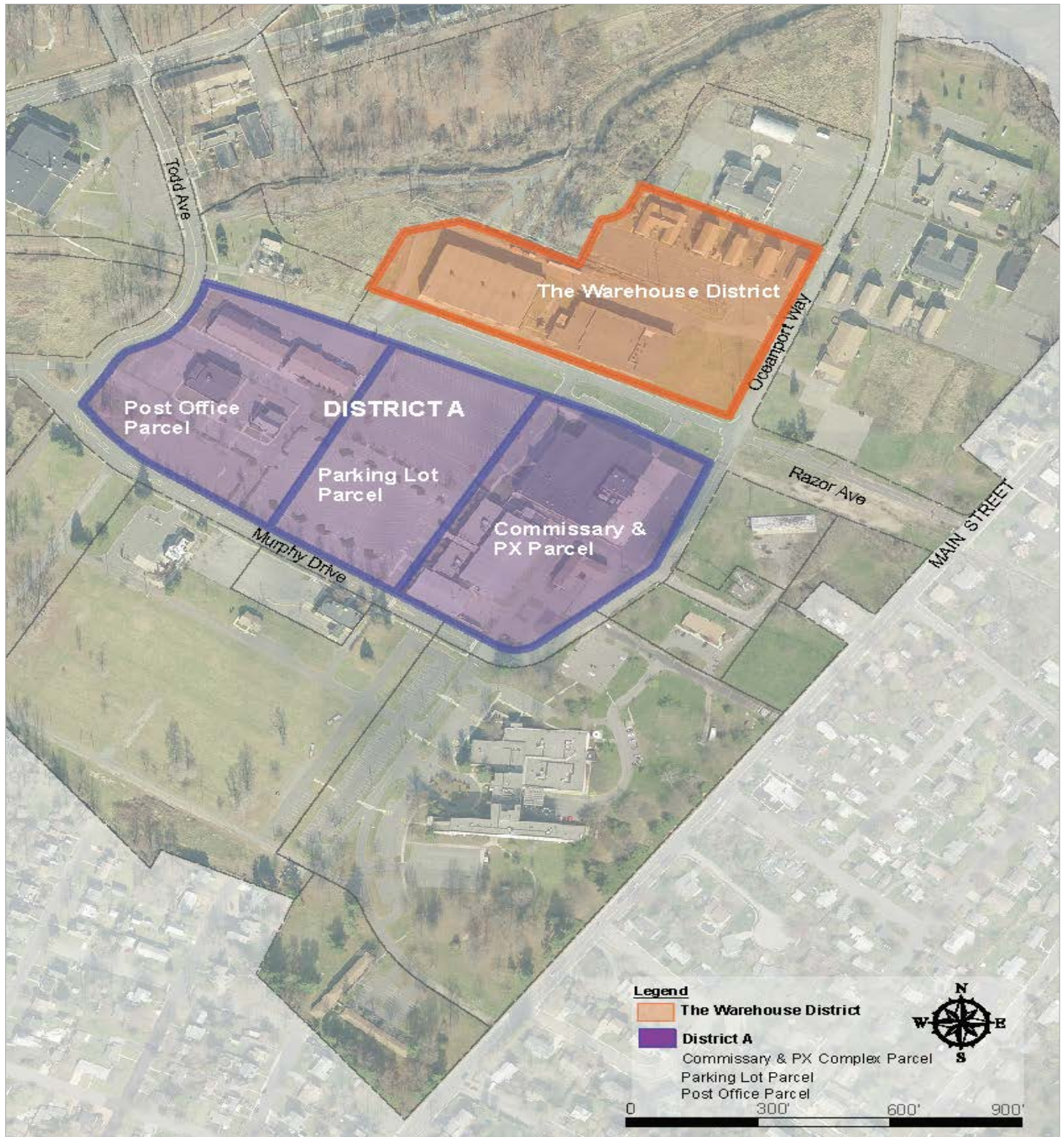
VI. Conclusion

The subject amendment, referred to as Amendment #15 to the Fort Monmouth Reuse and Redevelopment Plan, maintains the land use concepts and plans articulated in the Reuse Plan. However, the amendment permits alternative development scenarios for the Oceanport Reuse Area.

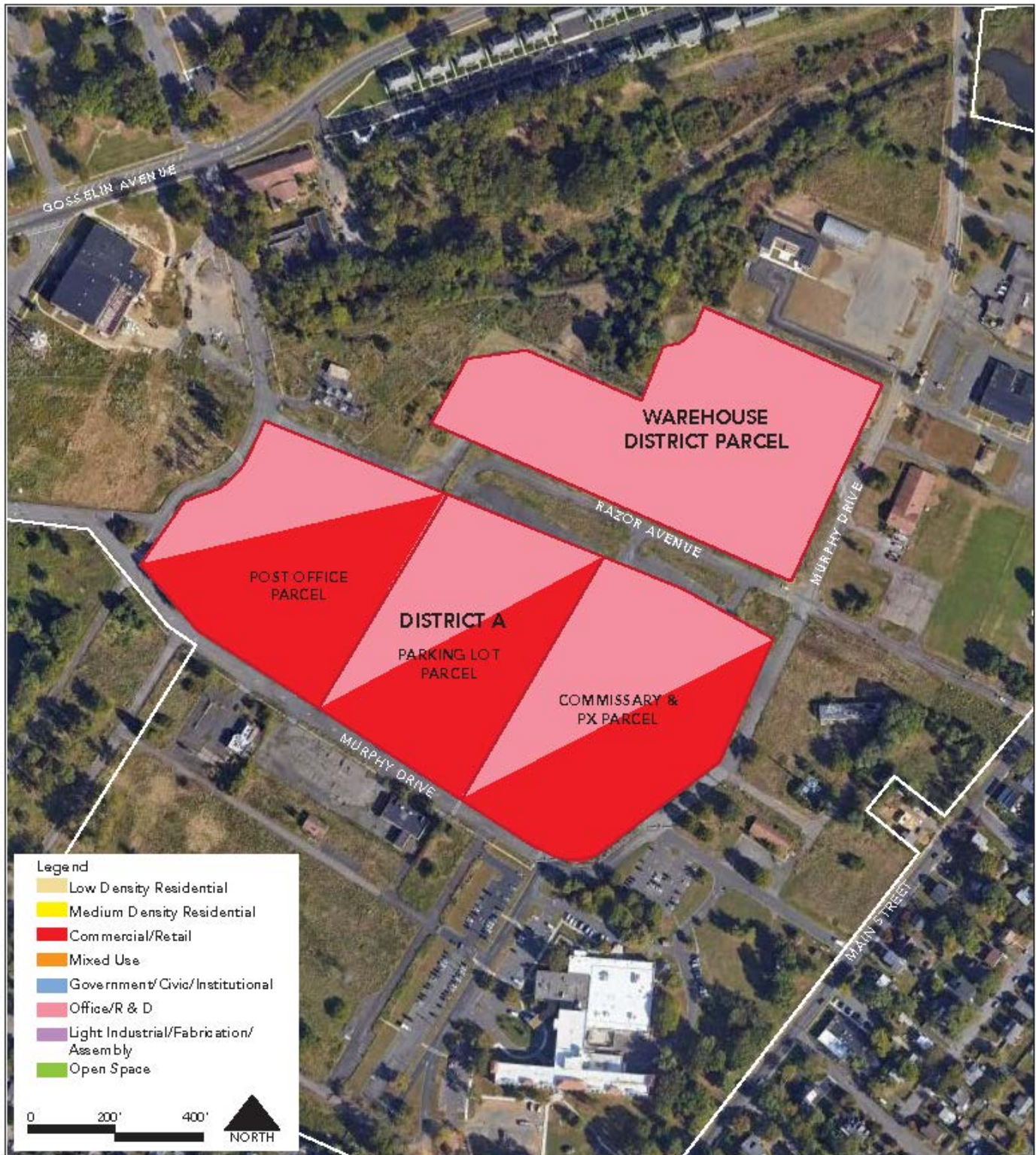
This amendment is consistent with the objectives and principles in the Reuse Plan, as well as State, County and Municipal planning objectives. Furthermore, the amendment advances the public welfare, particularly with regard to promoting, developing, encouraging and maintaining employment. Lastly, the amendment provides flexibility for FMERA to more effectively attract potential non-residential users to the Oceanport Reuse Area, thereby enabling it to fulfill its statutory mandate to create new jobs, regenerate the local tax base and advance the general prosperity and welfare of the people most impacted by the Fort's closure.

DRAFT

APPENDIX A
MAP SHOWING PARCELS AFFECTED BY THE AMENDMENT



APPENDIX B – LAND USE MAP



Land Use Plan AMENDMENT #15 in the Oceanport Reuse Area

PHILLIPS PREISS GRYGIEL LEHENY HUGHES LLC 2020

MEMO to Planning Board

Attached please find a copy of the proposed 15th Amendment of the Fort Monmouth Reuse Plan. As some of you may recall from previous plan amendments in the past, each of the host towns are to provide comments to FMERA on the proposed amendment. The Governing Body believes it is important to gather input from all facets of our community as a policy, which is why this is being sent to your attention.

This amendment represents alternative development scenarios to the plan impacting a parcel within the boundaries of Oceanport known as the ?The Warehouse District?.

Please review and provide your comments back to this office by July 16, 2020. As there is a limited review period, it is imperative that responses are received by this date. Your comments will be reviewed and discussed by the Governing Body with a final response to FMERA based on all comments received.

Jeanne Smith, RMC
Borough Clerk

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB 20-23**

Meeting: 07/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1744

Resolution of Approval - Bonforte, John, 109/111 Horseneck Point Rd

RESOLUTION

**OCEANPORT PLANNING BOARD
JOHN BONFORTE, SR.
109 HORSENECK POINT ROAD (BLOCK 109, LOT 15)
111 HORSENECK POINT ROAD (BLOCK 109, LOT 16)
OCEANPORT, NJ
APPLICATION NO.: 2020-14
APPROVAL DATE: JUNE 9, 2020
MEMORIALIZATION DATE: JULY 14, 2020**

INTRODUCTION

WHEREAS, Agents of John Bonforte, Sr. have submitted a Development Application to the Borough of Oceanport; and

WHEREAS, the said Application involved the following properties:

109 Horseneck Point Road (Block 109, Lot 15), Oceanport, NJ
111 Horseneck Point Road (Block 109, Lot 16), Oceanport, NJ

WHEREAS, the properties are adjacent to each other, and located in the Borough's R-3 Zone; and

WHEREAS, the Applicant seeks Minor Subdivision Approval and Bulk Variance Approval associated with a proposed Lot Line Adjustment; and

PUBLIC HEARING

WHEREAS, the Board held a remote Public Hearing on June 9, 2020, Applicant's representatives having provided proper proof of service and publication, in accordance with Prevailing 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 Package, introduced into Evidence as A-1;*

- *Maser Consulting Review Memorandum, dated May 19, 2020, last revised May 22, 2020, introduced into Evidence as A2;*
- *Minor Subdivision Plan, prepared by WJH Engineering, dated March 4, 2020, consisting of 3 sheets, introduced into Evidence as A-3;*
- *Boundary Survey, prepared by WJH Engineering, dated February 18, 2020, consisting of 1 sheet, introduced into Evidence as A-4;*
- *Aerial Exhibit, dated June 9, 2020, introduced into Evidence as A-5;*
- *Affidavit of Service;*
- *Affidavit of Publication; and*

WITNESSES

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

- John Bonforte, Sr., the Applicant;
- Walter Hopkin, P.E., P.P.;
- John Giunco, Esq., appearing;

WHEREAS, William H.R. White, III, PE, PP, CMA, the Board Engineer / Planner, was also sworn with regard to any testimony and information he may provide in connection with the subject Application;

TESTIMONY AND OTHER EVIDENCE SUBMITTED ON BEHALF OF THE APPLICANT

WHEREAS, testimony and other evidence presented on behalf of the Applicant revealed the following:

- The within Application involves the following 2 properties:
 - 109 Horseneck Point Road (Block 109, Lot 15), Oceanport, NJ
 - 111 Horseneck Point Road (Block 109, Lot 16), Oceanport, NJ
- John Bonforte, Sr. is the Owner of the property located at 111 Horseneck Point Road, Oceanport, NJ, more formally identified as Block 109, Lot 16.
- James Attaway is the Owner of the property located at 109 Horseneck Point Road, Oceanport, NJ, more formally identified as Block 109, Lot 15.

- The aforesaid 2 individuals are father and son-in-law.
- The aforesaid 2 properties are adjacent to each other.
- Details pertaining to the existing Lots include the following:

	109 Horseneck Point Road Block 109, Existing Lot 15	111 Horseneck Point Road Block 109, Existing Lot 16
Owner:	James Attaway	John M. Bonforte, Trustee
Lot Area:	55,121.84 +/- SF	25,153.82 SF
Lot Width:	128.7 Ft.	65 Ft.
Lot Depth:	392.4 Ft.	380 Ft.
Front Setback:	246.5 Ft.	158.9 Ft.
Rear Yard Setback:	119.62 Ft.	146.79 Ft.
Use:	1 ½ story single-family home	2 ½ story single-family home
Amenities:	Stone driveway, wood deck, and dock	Concrete driveway, dock, retaining wall, and shed
Shape of Lot:	Generally rectangular in nature, with an irregular / meandering property line along Parkers Creek.	Generally rectangular in nature, with an irregular / meandering property line along Parkers Creek.
Known / potential Survey Encroachments:	Shed	Shed, portion of flag-stone walkway, and portion of concrete driveway.

- The Applicant proposes to adjust the aforesaid Lot Lines, so as to create more uniform Lots, more clean Lots, and so as to eliminate some existing Survey Encroachments.
- Per the testimony and evidence presented, father and son have both consented to the submission of the Application.
- As indicated, the proposed Lot Line Adjustment needs to be effectuated in the form of a Minor Subdivision.
- As ultimately amended, details pertaining to the newly created Lots will be as follows:

	109 Horseneck Point Road Block 109, Existing Lot 15	111 Horseneck Point Road Block 109, Existing Lot 16
Owner:	James Attaway	John M. Bonforte, Trustee
New Lot Designation:	New Lot 15.01	New Lot 16.01
Lot Area:	48,783 SF	31,492 SF
Lot Width:	120.7'	73'
Lot Depth:	396.86'	380'
Front Setback:	246.5 Ft.	158.9 Ft.
Rear Yard Setback:	119.68 Ft.	146.79 Ft.
Use:	1 ½ story single-family	2 ½ story single-family

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	home	home
Amenities:	Stone driveway, wood deck, and dock	Concrete driveway, dock, retaining wall, and shed
Shape of Lot:	Generally rectangular in nature, with a jut-out, with an irregular / meandering property line along Parkers Creek.	Generally rectangular in nature, with a jut-out/in, with an irregular / meandering property line along Parkers Creek.

- The Applicant proposes to effectuate the Lot Line Adjustment as soon as possible.
- The Applicant anticipates perfecting the Subdivision by Map.

VARIANCES

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

NEW LOT 16.01

SIDE YARD SETBACK: 10 ft. required for each side / 25 ft. combination required; whereas, the proposed Side Yard Setback for new Lot 16.01 will be 9.97' ;

LOT WIDTH: 120 ft. required; whereas 73' ft. proposed;

RETAINING WALL SETBACK: 10 ft. required; whereas 3.1 ft. proposed;

ACCESSORY STRUCTURE SETBACK: 10 ft. required; whereas 0.5 ft. proposed;

DRIVEWAY SIDE YARD SETBACK: 5 ft. required; whereas approximately 1.1 ft. proposed;

PUBLIC COMMENTS

WHEREAS, no members of the public expressed any questions, comments, statements, concerns, or objections in connection with the subject Application: and

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the members of the Oceanport Planning Board, after having considered the aforementioned Application, plans, evidence, testimony, and public comments 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 with Application involves the following 2 adjacent properties:
 109 Horseneck Point Road (Block 109, Lot 15), Oceanport, NJ
 111 Horseneck Point Road (Block 109, Lot 16), Oceanport, NJ
3. Details pertaining to the existing Lots are set forth herein, and also set forth on the submitted Plans.
4. The Applicant proposes to adjust the Lot Line, which needs to be effectuated through a Minor Subdivision.
5. The proposed Subdivision also requires approval for several Bulk Variances as well.
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 initially submitted subdivision plan proposed a lot line adjustment which was somewhat meandering, not straight, and somewhat random. Specifically, the initially submitted lot line adjustment started at a point along Horseneck Point Road, proceeded straight back approximately 127.50 ft, then juttied out to the west for approximately 15 ft, continued straight for approximately 50 ft, juttied back in to the east for approximately 10 ft, and then angled back to the waterfront. (See A-3)
 - There was a very intense and extensive public discussion / discourse regarding the proposed lot line adjustment, and the geographical configuration of the newly created lots. Specifically, there was an intense discussion as to the configuration of the new lots, and how the subject lots could be, or should be, shaped for optimum planning

purposes. The issue was a concern for a number of the Board Members.

- In conjunction with the above point, the Board Members engaged in a good faith and civil debate as to the overall merits of the proposal. The arguments in favor of approving the lot line adjustment as initially presented, included the following:
 - a) The initially prepared lot line adjustment effectuated the intentions / desires of the Applicant and the adjacent property owner;
 - b) The initially presented proposal preserved the existing waterfront width of each lot;
 - c) The initially submitted proposal eliminated some of the survey encroachments which exist at the site, including the driveway encroachment;
 - d) The initially submitted lot line adjustment was not dramatically different from the lot configuration which currently exists;
 - e) The initially submitted proposal resulted in lot sizes of 51,692.25 SF and 28,583.41 SF respectively, both of which significantly exceeded the 12,000 SF lot requirement in the R3 Zone;
 - f) The initially submitted lot line proposal avoided the need for some additional bulk variances (other than what was already applied for);
 - g) The initially submitted lot line adjustment was acceptable to both property owners; and
 - h) The idea that although the meandering lot line adjustment, as initially proposed, was unconventional, there was no known Borough ordinance / regulation requiring the creation of square or rectangular lots;

Those arguments against the initially submitted Application included, but were not limited to, the following:

- a) A concern that the initially submitted lot line adjustment appeared to create two (2) random, non-standard lots, with meandering lot lines;
- b) A concern that the initially submitted proposal created two (2) lots which were not truly rectangular or square in nature;

- c) A concern that the initially submitted lot line adjustment appeared to create lots with jagged or meandering lines, which appeared to be devoid of sound planning purpose or logic;
- d) A concern that the initially submitted lot line proposal did not eliminate all of the existing survey encroachments;
- e) A concern that the initially submitted proposal did not sufficiently or comfortably correct / cure some of the existing survey encroachments;
- f) A concern that the subject lots were of a significant size, which allowed for other development options to be considered, and other development options which could eliminate more of the existing survey encroachments;
- g) A concern that a different lot line proposal (than initially submitted) could eliminate more of the existing survey encroachments;
- h) A concern that while a non-standard lot line between two family members might be easy to maintain, at some point in the future, the two properties may be owned by different / unrelated parties;
- i) A concern that while the initially submitted lot line adjustment was acceptable to the two current owners, a lot line adjustment approved by the Board would be permanent / perpetual in nature;
- j) A concern that the irregular and jagged lot line adjustment (as initially proposed) could potentially cause confusion / tension amongst the future non-related owners;
- k) A concern that modifications to the initially submitted lot line proposal could result in the more favorable elimination of some of the existing survey encroachments;
- l) A concern that the jagged or irregularly shaped lot lines, as initially proposed, could cause problems / confusions / issues for the Borough's Tax / Zoning / Construction / Building Departments;
- m) A concern that a "better" or "different" lot line adjustment could potentially avoid future tension between any future non-related owners;
- n) A concern that sufficient professional testimony was not presented to justify the initially proposed lot line adjustment;

- o) A concern that sufficient lay testimony was not presented to justify the initially submitted subdivision proposal;
- p) A concern that the lot line adjustment as initially proposed did not represent a better overall zoning alternative for the Borough of Oceanport; and
- q) A concern that the detriments associated with the initially submitted lot line adjustment outweighed the benefits associated therewith.

After extensive debate and analysis, the Applicant agreed to modify the Plans. Specifically, the Applicant agreed to modify the Plans as follows:

The new lot 15.01 would start from a point on Horseneck Point Road, and the same would continue straight back for an approximate distance of 127.50 ft., whereby the proposed line would jut out approximately 14.09 ft. to the west, and then proceed straight back to Parkers Creek. The Plans modifications would result in New Lot 15.01 having a conforming lot area of 48,783 SF and New Lot 16.01 having a conforming lot area of 31,492 SF.

- A majority of the Board Members determined that the aforesaid modifications significantly improved the overall merits of the Application.
- The majority of the Board Members felt that the aforesaid modifications resulted in more appropriately shaped lots.
- A majority of Board Members determined that the aforesaid modifications, did, indeed, represent sound planning.
- A majority of the Board Members found that the aforesaid modifications resulted in the creation of a more uniform looking / shaped lot.
- A majority of the Board Members determined that the aforesaid lot line adjustment modifications represented a better overall design (than what currently exists.)
- A majority of the Board Members felt or determined that the aforesaid plan modifications represented a better overall zoning alternative for the Borough of Oceanport.
- Each of the new Lots created hereunder will host a single-family home, which is a permitted use in the zone.
- Single-family homes are permitted uses in the R-3 Zone.

- The newly created Lot sizes will comply with all Prevailing Lot Area Requirements.
- Subject to the conditions contained herein, and subject to any necessary Submission Waivers, the Application as presented and modified satisfies the Minor Subdivision Requirements of the Borough of Oceanport.
- Subject to the conditions set forth herein, the Board finds that the within proposal represents a sound, responsible, and aesthetically pleasing proposal.
- Each lot created / re-adjusted herein will contain a sufficient amount of parking spaces, so as to satisfy Prevailing RSIS / Borough Requirements. As such, no Parking Variance is required.
- The existence of sufficient parking is of the utmost importance to the Board – and but for the same, the within Application may not have been approved.
- Per the testimony and evidence presented, approval of the within Application will allow existing drainage patterns to be maintained.
- One purpose of the New Jersey Municipal Land Use Law encourages the approval of Applications which promote a desirable and visual environment. Subject to the conditions contained herein, a majority of the Board finds that approval of the within Application will, in fact, advance such a purpose.

Based upon the above, and subject to the conditions contained herein, a majority of the Board finds that the Subdivision Application (and requested Variance Relief) can be granted without causing substantial detriment to the public good. Additionally, a majority the Board finds that, subject to the requested Waivers, the Application satisfies the Prevailing Minor Subdivision Requirements as established by the Borough of Oceanport.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant's representatives have agreed, to comply with the following conditions: (Note: Unless otherwise indicated, all Plan Revisions shall be subject to the review and approval of the Board Engineer.)

- a. The Applicant's representatives shall comply with all promises, commitments, and representations made at or during the public hearing process.
- b. The Applicant's representatives shall comply with the terms and conditions of the Review Memorandum from Maser Consulting, dated May 19, 2020, last revised May 22, 2020 (A-2).
- c. For record-keeping purposes, the Application and Plans, as approved, shall be signed by both Owners.
- d. The Plans shall be revised so as to provide and include shade trees, to the satisfaction of the Board Engineer.
- e. To the extent the Subdivision is filed by Map, both Owners shall be required to sign the Map as well.
- f. The Applicant shall be required to revise the Plans so as to portray and confirm the following:
 - The new lot 15.01 would start from a point on Horseneck Point Road, and the same would continue straight back for an approximate distance of 127.50 ft., whereby the proposed line would jut out approximately 14.09 ft. to the west, and then proceed straight back to Parkers Creek. The Plans modifications would result in New Lot 15.01 having a conforming lot area of 48,783 SF and New Lot 16.01 having a conforming lot area of 31,492 SF.
- g. The Applicant's representatives shall secure any necessary approvals from the local Sewer Authority.
- h. The Applicant's representatives shall comply with all Prevailing Affordable Housing Regulations/ Contributions / Directives as established / required by the Borough of Oceanport, the State of New Jersey, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter. Additionally, the Applicant shall also satisfy any Affordable Housing Obligations as set forth in the Contract of Sale (and any other negotiated agreement) between the Applicant's Representatives (or Agents thereof) and the Borough of Oceanport.
- i. Any construction at the site, if any, shall be effectuated in accordance with Prevailing FEMA / Flood Regulations.
- j. The Applicant's representatives shall obtain any and all necessary NJDEP Permits / Approvals – including, but not limited to, the Transition Area Waiver Permit and a Flood Hazard Permit.
- k. Any new trees / shrubs planted in the subdivision shall be perpetually maintained and replanted / replaced, as necessary.

- l. The Applicant shall comply with any Prevailing Tree Preservation Ordinances/Regulations in effect.
- m. The Applicant shall comply with any Prevailing On-Site Construction Regulations of the Borough of Oceanport.
- n. The Applicant shall comply with all Prevailing Construction Code / Building Code Regulations.
- o. In the event the subdivision is to be perfected via Deed, the Subdivision Deed (including the metes and bounds descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- p. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules and Regulations of the Municipal / Regional Utilities Authority. Additionally, the Applicant shall pay / satisfy any applicable sewer / utility connection fees (and any other charges / fees due and owing.)
- q. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- r. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- s. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable internal / outside agencies - including, but not limited to, the United States of America, the Department of Environmental Protection, the Monmouth County Planning Board, the Freehold Soil Conservation District, the local utility offices, the Department of Public Works, the local Fire Department, and any other Agency having jurisdiction over the matter. The Applicant shall also satisfy any conditions associated with such outside agency review.
- t. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and inspection fees.
- u. If required by the Board Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.

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

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

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

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

PR-20-23

07-14-20

This resolution memorializes an action taken at the remote meeting of the Oceanport Planning Board held on June 9, 2020 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Rue (Alt. 2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Rue (Alt. 2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of _____, 2020.

Jeanne Smith, Secretary

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1745)**

Meeting: 07/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1745

PB2016-13 Market on Main LLC

275 E. Main Street
Block 88, Lot 35
Approved September 26, 2017
Resolution PR-17-23

1500 LAWRENCE AVENUE
CN7807
OCEAN, NEW JERSEY 07712
732-922-1000
732-922-6161 (FAX)

365 RIFLE CAMP ROAD
WOODLAND PARK, NEW JERSEY 07424
973-247-9000
973-247-9199 (FAX)

214 CARNEGIE CENTER
SUITE 112
PRINCETON, NEW JERSEY 08540
609-751-5551

140 GRAND STREET
SUITE 705
WHITE PLAINS, NEW YORK 10601
800-569-3886

41 UNIVERSITY DRIVE
SUITE 400
NEWTOWN, PENNSYLVANIA 18940
267-757-8792

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RICK BRODSKY
LAWRENCE H. SHAPIRO □
ROBERT A. HONECKER, JR. □ §
JENNIFER S. KRIMKO
FREDERICK C. RAFFETTO
JOSHUA S. BAUCHNER
DAVID J. BYRNE □
ANDREA B. WHITE ♦♦

EDWARD J. AHEARN
JASON S. KLEIN ♦
MELANIE J. SCROBLE
BARRY M. CAPP ♦ Δ
DOUGLAS A. DAVIE ♦
MARK M. WIECHNIK
ELYSA D. BERGENFELD
RICHARD B. LINDERMAN □
KEVIN M. CLARK
KRISTINE M. BERGMAN □
JESSICA T. ZOLOTOROF
TARA K. WALSH ♦
RAHOOL PATEL
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ALFRED M. CASO
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ROY W. HIBBERD ▽ Δ
HON. RAYMOND A. HAYSER, J.T.C. (RET)
LISA GOLDWASSER ♦
RETIRED
ROBERT I. ANSELL
IN MEMORIAM
LEON ANSEHELEWITZ (1929-1986)
MAX M. BARR (1929-1993)
MILTON M. ABRAMOFF (1935-2004)
DAVID K. ANSELL † (1962-2019)

LICENSED ALSO IN:
Δ D.C. Δ MASS. ♦ N.Y. ♦ WASH.
□ PENN. ~ FLA. ▽ CALIF.

† FELLOW, AMERICAN
ACADEMY OF MATRIMONIAL
LAWYERS

‡ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CIVIL TRIAL ATTORNEY

§ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
CRIMINAL TRIAL ATTORNEY

♦ CERTIFIED BY THE SUPREME
COURT OF NEW JERSEY AS A
MATRIMONIAL LAW ATTORNEY

June 18, 2020

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

Via e-mail and regular mail

Re: Market on Main LLC/Site Plan Application
Premises: 275 E. Main Street, Block 88, Lot 35
Our File No. 087890-0

Dear Jeanne:

This office represents the Applicant in connection with the above-referenced matter.

In this regard, it is hereby requested that the period during which the Applicant is protected from any zoning changes pertaining to Final Major Site Plan approval granted by Resolution of Approval dated October 24, 2017, be extended for a period of two (2) years, retroactive to October 24, 2019.

The basis for this request is that the Applicant was prepared to start moving forward earlier this year, both then the COVID-19 situation hit and the Applicant is anticipating significant delays as a result.

Thank you.

Very truly yours,

RICK BRODSKY
A Member of the Firm
Direct e-mail: rb@ansellgrimm.com
Direct Dial: 732-643-5296

RB/ahn

cc via e-mail only:
Kevin Kennedy, Esq.
Moses Shvarzblat, Market on Main LLC

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BOROUGH OF OCEANPORT PLANNING BOARD

RESOLUTION OF MEMORIALIZATION OF
APPROVAL OF
PRELIMINARY AND FINAL MAJOR SITE PLAN AND
ANCILLARY COVERAGE VARIANCE
MARKET ON MAIN, LLC
275 EAST MAIN STREET
BLOCK 88; LOT 35
APPROVED SEPTEMBER 26, 2017
MEMORIALIZED OCTOBER 24, 2017

WHEREAS, the Applicant, Market on Main, LLC, (hereinafter referred to as the "Applicant") is the owner of property known as 275 East Main Street and further known as Block 88, Lot 35 (hereinafter referred to as the "Site" or "Subject Property") as shown on the Official Tax Map of the Borough of Oceanport; and

WHEREAS, the subject property is situated in the Village Center Zone District and contains 104,896 SF (2.408 acres) on the east side of East Main Street at the intersection with Lake Drive; and

WHEREAS, the Applicant proposes to remove the existing second floor over a portion of the structure and construct a second floor over the entire building for the creation of twelve (12) one bedroom apartment units and eight (8) two bedroom apartment units for a total of twenty (20) new apartment units; and

WHEREAS, the Applicant presented the following submissions to the Board as part of its application which were reviewed and considered by the Board and its professionals:

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- Plans entitled "Proposed Apartment Addition & Renovation to Oceanport Village Plaza" prepared by Perez + Radosti Associates, P.C., dated October 7, 2016, consisting of two (2) sheets;
- Plan entitled "Preliminary & Final Site Plan for 275 East Main Street" prepared by Challoner & Associates LLC, last revised December 28, 2016, consisting of six (6) sheets;
- Report entitled "Stormwater Management Report for 275 East Main Street", prepared by Challoner & Associates LLC, and dated September 28, 2016.
- Plans entitled "Proposed Apartment Addition & Renovation to Oceanport Village Plaza" prepared by Perez + Radosti Associates, P.C., dated October 7, 2016, consisting of two (2) sheets;
- Plan entitled "Proposed Plans and elevations Scheme 4" prepared by Perez + Radosti Associates, P.C., dated May 8, 2017, consisting of one (1) sheet;
- Plans entitled "Preliminary & Final Site Plan for 275 East Main Street" prepared by Challoner & Associates LLC, last revised April 22, 2017, consisting of seven (7) sheets;
- Report entitled "Stormwater Management Report for 275 East Main Street", prepared by Challoner & Associates LLC, and dated September 28, 2016.
- Plans entitled "Preliminary & Final Site Plan for 275 East Main Street" prepared by Challoner & Associates LLC, last revised September 5, 2017 and consisting of seven (7) sheets;
- Report entitled "Stormwater Management Report for 275 East Main Street" prepared by Challoner & Associates LLC and dated September 11, 2017; and

WHEREAS, the application was presented by the Applicant's attorney Rick Brodsky, Esq. of the firm of Ansell, Grimm & Aaron

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with offices in Ocean New Jersey at meetings of the Board on August 8, 2017 and September 26, 2017 along with the testimony Stuart Challoner, PE & PP of the firm of Challoner & Associates, LLC, Ricardo Perez, AIA from the firm of Perez + Radosti Associates, PC and Moses Shvarzblat, as the owner of the property in support of the application; and

WHEREAS, the applicant presented the following exhibits which were considered by the Board:

- A-1 Colored rendering, prepared by Challoner & Associates, 1 page, dated August 8, 2017
- A-2 Proposed Plans & Elevations Scheme 4, prepared by Perez & Radosti, 1 page, dated May 8, 2017
- A-3 Colored rendering, front of building, prepared by Perez & Radosti, 1 page, undated
- A-4 Colored rendering, rear of building, prepared by Perez & Radosti, 1 page, undated
- A-5 Preliminary and Final Site Plan, 275 E. Main Street, Block 88, Lot 35, 7 Sheets, prepared by Challoner & Associates, LLC, dated September 28, 2016, last revised through September 5, 2017; and

WHEREAS, the Board carefully considered all testimony and comments presented to the Board at the public hearings; and

WHEREAS, the Board carefully considered the input of William H.R. White, III, PE, PP of Maser Consulting, PA. as the Board Engineer and Board Planner; and

WHEREAS, the Applicant had previously requested submission waivers for various submissions required by the completeness

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review process of the Board Engineer and the requested waivers were reviewed and discussed by the Board at a hearing of the Board held on March 28, 2017; and

WHEREAS, at said hearing the Board granted a waiver for the "Location and Arrangement of all Signs", however, the Board did not grant submission waivers for the following items:

- Existing and proposed sewer and storm drainage facilities.
- Sources of water supply.
- "A statement from Two Rivers Water Reclamation Authority that effluent will be accepted and plans are adequate.
- Location and specifications for all exterior lighting facilities.
- A development schedule
- Submission of an Environmental Impact Statement which is required for all commercial and industrial developments; and

WHEREAS, members of the public appeared and made inquiries concerning various aspects of the application and appeared satisfied with the responses provided by the Applicant's professionals; and

WHEREAS, the Applicant has provided notice to all property owners within two hundred feet and has caused notice to be published regarding said application in accordance with N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Board, after hearing the presentation of the Applicant and such witnesses as appeared on its behalf as well as

any other persons appearing and desiring to be heard, and after due consideration of the testimony and documents submitted, makes the following findings of fact and conclusions of law:

1. The Board has jurisdiction to hear this matter.
2. The Applicant is the owner of property known as 275 East Main Street and further known as Block 88, Lot 35 as shown on the Official Tax Map of the Borough of Oceanport.
3. The subject property is situated in the Village Center District and contains 104,896 SF (2.408 acres) on the east side of East Main Street at the intersection with Lake Drive.
4. The Applicant requests Preliminary and Final Major Site Plan approval to allow for the removal of the existing second floor over a portion of the structure and construct a second floor over the entire building for the creation of twelve (12) one bedroom apartment units and eight (8) two bedroom apartment units for a total of twenty (20) new apartment units.
5. The property is located in the Village Center Zone District which permits the proposed uses so there is no requirement of the procurement of a use variance for the Applicant's proposal.
6. The maximum impervious coverage allowed in Village Center Zone District is 80%. The current existing coverage is 82.9% and 85.1% is proposed coverage by the Applicant with no green banking of parking spaces. A bulk variance is required.

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7. Mr. Rick Brodsky, Applicant's attorney began the presentation at the September 26, 2017 hearing by explaining the application in general terms and indicating that the application was for Preliminary and Final Site Plan Approval to permit a second story expansion to the existing shopping center in the VC District. Mr. Brodsky went on to explain that the application proposes the single-story retail center to remain unchanged in terms of retail tenant makeup with proposed upgrades and that the application seeks approval to construct a second story to add twenty (20) residential apartments, including four (4) affordable housing units. Mr. Brodsky stated that the initial plans called for green bank parking and maintaining the islands around the existing fruit trees but that the plans were revised in response to Mr. White's July 7, 2017 review letter including the providing now on site of the 132 parking spaces as required by ordinance. It should be noted that prior to the Applicant's presentation Elizabeth McManus, the Borough's COAH Planner who was present at the meeting and sworn in indicated on the record that she had reviewed the Applicant's proposal for the proposed four affordable units and found that the proposed configuration of units met the COAH and Borough's affordable housing guidelines.

8. Stuart Challoner, PE & PP, the Applicant's Engineer and Planner was then sworn in, qualified and accepted as an expert in both Planning and Engineering. Mr. Challoner began his testimony by introducing and identifying A-1 which he described as the

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current condition of the property which contains primarily a one story retail structure with a partial second floor of offices and four access points. Mr. Challoner explained that the Applicant is seeking to maintain retail use on the first floor, remove the partial second floor, and reconstruct the entire second floor to provide twenty (20) residential apartments. Mr. Challoner indicated that the initial plan was to maintain the four (4) access points and enhance the existing parking and add trash enclosures and handicap parking. Stuart Challenger testified generally and responded to inquiries from Mr. Brodsky, Board members and the public concerning such topics as impervious coverage, drainage, traffic flow, ingress and egress, the existing drainage system, two separate trash enclosure, a 10 foot dedication, parking, handicapped parking, curbing, boundary and topographical surveys, curb grades, the fact that no height variance is requested or required and all other topics that the Applicant was requested to address in the professional review letters of William White, III.

9. Mr. Brodsky asked Mr. Challoner questions regarding impervious coverage. 80% coverage is permitted in the VC Zone District and currently the property coverage is 82.9%. Mr. Challoner stated that with the elimination of the parking spaces in front, new islands around the apple trees and increasing the parking spaces, the Applicant will add less than 1% to impervious coverage and that since impervious coverage is minimal, the

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existing drainage system will remain, there will be no impact on drainage or runoff and the drainage will be inspected during construction, to comply with Mr. White's recommendation. Mr. Challoner in his capacity as a professional planner then went on to testify in support of and provide the basis for the meeting of the requirements for the c(2) variance for increased impervious coverage under the Municipal Land Use Law which was the only variance requested or required by the Applicant.

10. In response to the request by Brodsky for Mr. Challoner to address specific items in Mr. White's review letter Mr. Challoner stated, inter alia, the Applicant will provide a 10 ft. wide dedication and an updated boundary and topography survey, will provide two separate trash enclosures, the building mechanicals will be located on the roof behind parapets, the minor changes to impervious coverage will not affect grading, the Applicant will provide top and bottom of curb grades and any additional spot grades as required, handicap parking will be ADA compliant and the Applicant will replace the stockade fence with low hedges and maintain the existing trees to provide a screen from lighting. Mr. Challoner went on to indicate the Applicant will replace the current 4 ft. sidewalk with an 8 ft. wide walk of pavers, add benches and bike racks, provide period lights as are required by the Village Center Zoning District requirements and that the plans will be revised to show all the aforementioned changes.

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11. Mr. Challoner went on to discuss changes in traffic, reduced commercial traffic, additional residential traffic, different peak hours of traffic, current deliveries by various types of trucks, vehicle turning radius and compliance with an 18 ft. turnaround requirement. Mr. Challoner went on to discuss that the paver sidewalk from E. Main to the parking lot would eliminate 2 unwanted trees, the removal the southernmost driveway as per the recommendation of the Board Engineer to eliminate the safety concerns of side by side driveways, parking in the rear of the building, curbing and restricting the size of trucks entering and how parking at the north entrance on E. Main St. will be removed to meet the Engineer's recommendations.

12. At the hearing of October 24, 2017 which was a follow up meeting to the initial hearing Stuart Challoner, Engineer for the Applicant described the revisions to the plans which took place to the plans since the prior meeting. He Indicated that there was a closing of the driveway on E. Main St., the unnamed right of way will have an access drive, curbing will be replaced with Belgian block, the entire parking lot will be repaved, upgrades will be provided to drainage system, new lampposts will be installed, a redesign of the rear parking area took place to maintain an 18 ft. distance for the drive isle, new trash enclosures will be provided, reserved spots will be designated for residents, upgraded rear landscaping, upgraded pedestrian access

from E. Main St., upgrading of sidewalks, added benches and bike storage racks.

13. Ricardo Perez, AIA, Architect for the Applicant, was sworn in and accepted as an expert in architecture. Mr. Perez testified generally concerning the architectural and aesthetics components of the overall project at the September 26, 2017 hearing. At both the August 8, 2017 and the September 26, 2017 hearings Mr. Perez answered questions concerning architectural topics and changes that were made to the plan to address the Board's comments. He testified that the building height will be 34.5 ft., and no variance is required, the elevator and stairs will be secured by tenant swipe cards, indicated how each unit will have a buzzer to allow visitors entry, how there will be a concrete floor for fire rating between the residential and commercial floors, how the front signage will have gooseneck lamps, how the Applicant will add new outside lights, how the lights will shine down to light the walkway and how each unit will have laundry facilities and storage rooms.

14. Mr. Perez, AIA testified that in summarizing the application that all architectural comments received from the Board or the Board engineer have been successfully addressed via redesigned facades and floor plans, all package deliveries to the apartments will be left in the lobby, that the main lobby door will be left unlocked during normal delivery hours, tenant stair and elevator access will require card access, that building will

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have an addressable doorbell/intercom system, that the height of the building will be 34'-6" and not exceed the maximum of 35'-0" over the mean of the road and that the plans have been revised to more clearly denote same and that all building signs will comply with the signage ordinance. Mr. Perez went on to indicate that exterior building lights will be by exit doors and recessed under the canopies, that no lights will shine outward from the building, that all window blinds will have a uniform color (white) from the exterior, and that the structure for the new second floor will be supported by the existing bearing concrete block walls or a new supplemental steel structure. In response to questions by the Board Mr. Perez indicated that that the Applicant will engage a structural engineer is to determine the best method to accomplish the structural support of the new second floor, that a new steel and concrete floor will be built over the existing roof line and that the apartment construction will be wood framed and pre-constructed in modular or panelized parts.

15. During the course of the August 8, 2017 meeting Moses Shvarzblat the managing partner of the Applicant and owner of the property was sworn in and testified as a fact witness and testified generally about his vision of the project, the background of the property and his desire to make this project one that the Borough of Oceanport could be truly proud of and about the family desire to be allowed to maintain the existing fruit trees and the significance these trees have had to the family for

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a numerous number of years which request was approved by the Board.

15. After due deliberation and considering all the testimony and evidence presented to the Board the Board finds that sufficient proofs have been presented to warrant that the requested Impervious Coverage Variance to allow for coverage of 84.8% where 80% is permitted can be granted since that the purpose of the Municipal Land Use Law would be advanced by granting the requested impervious coverage variance and that the benefits substantially outweigh any detriments and the granting of the variance will not substantially impair the intent and purpose of the Oceanport Master Plan and Zoning Ordinance nor harm the public good. The Board therefore finds that the impervious coverage variance to allow for a total impervious of 84.8% may be granted in accordance with the requirements of the MLUL and the Oceanport Zoning Ordinance.

16. The Board further finds that the applicant has satisfied all requirements of the Borough's Site Plan Ordinance and therefore Preliminary and Final Major Site Plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 are therefore appropriate and should be approved.

17. Board member Whitson complimented the Applicant on the response to the Board's requests and concerns and indicated that it was his position and that of the Board's the plans match nicely

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with the existing neighborhood and provide a more positive aesthetic appearance than the current structure. Mr. Whitson went on to indicate that since the only variance requested is a minimal increase of a pre-existing coverage variance condition, there is no detrimental effect on the master plan, the zone plan or the public good. Based on the aforementioned Board member Whitson made a motion to approve the application for Preliminary and Final Site Plan along with a variance for impervious coverage, which was seconded by Board member Savarese.

NOW, THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Oceanport that based on the aforementioned and consistent with the orderly development of the Site and the general area in which it is located and pursuant to the Land Use and Zoning Ordinances of the Borough of Oceanport the Board hereby determines that the applicant has met the requisite proofs to support the granting of Preliminary and Final Major Site Plan approval pursuant to N.J.S.A. 40:55D-46 and N.J.S.A. 40:55D-50 and the requested ancillary impervious coverage variance relief pursuant to N.J.S.A. 40:55D-70C(2) to allow for impervious coverage of 85.1% where 80% is permitted and the current coverage existing is 82.9%.

BE IT FURTHER RESOLVED that the application of Market on Main, LLC for Preliminary and Final Major Site Plan and the requested impervious coverage variance be and is hereby granted in accordance with the plans filed herein and the presentation and representations of the Applicant and the Applicant's professionals and is granted subject to and conditioned upon the following:

SPECIAL CONDITIONS:

1. The Applicant will provide a truck movement diagram to the Board Engineer which shall be subject to the review and approval of the Board Engineer

2. The Applicant will inspect the existing storm water system, clean the pipe network, certify the pipes are clean and structurally sound, and provide capacity computations to the Board Engineer all of which shall be subject to the review and approval of the Board Engineer

3. The Applicant shall submit revised plans to indicate all modifications to existing plans acknowledged or represented in the testimony of the Applicant's professional

4. The Applicant will investigate all pavement failures and catch basins for seepage and pavement repairs will be boxed out with new base and top coat all of which shall be subject to the review and approval of the Board Engineer

5. The Applicant will install concrete pavers and granite block curbing consistent with the Village Center design and Borough's ordinance.

6. All lighting shall have be designed and installed in a manner to have no spillage and light dimmers will be installed to dim the perimeter lights after the retail tenants closed.

7. Consistent with the Applicant's testimony the Applicant will provide a unit distribution to consist of one (1) studio unit, eleven (11) one bedroom units, seven (7) two bedroom units

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and one (1) three bedroom for a total of twenty (20) units and the four (4) COAH units will consist of one (1) one bedroom unit, two (2) two bedroom units and one (1) three bedroom units.

8. The Applicant shall comply with all of the Borough of Oceanport compliance requirements with respect to meeting of the Borough's affordable housing obligations under COAH and the FMERA COAH Rules.

GENERAL CONDITIONS

1. The applicant shall comply with all of the terms, conditions and requirements of all of the Planning Board Engineer's professional review letters.

2. The applicant shall comply with the Planning Regulations of the Borough of Oceanport to the extent that they are consistent with this resolution and shall comply with all the requirements of the Construction Code and the Fire and Health Code Officials.

3. The procurement of all state, county and local government approvals required by law.

4. The payment of all taxes, fees, professional fees, and costs due to the Borough of Oceanport and the posting of all bonds required by law and by ordinance.

5. The Applicant shall obtain all necessary building permits and other construction permits required by any local, county or state law, rule or regulation.

6. The Application is granted only in conjunction with the conditions noted herein and but for the existence of same the application would not be approved.

7. The action of the Planning Board in approving the within Site Plan and ancillary bulk variances and design waivers shall not relieve the applicant of the responsibility of any damage caused by this project, nor does the Planning Board or its reviewing professionals and agencies accept any responsibility for the structural design of the proposed improvements or for any damage caused by the project.

8. All representations made by the Applicant or the Applicant's professionals at the time of the Planning Board Hearing on this matter or in any documents submitted pursuant to this application are considered specific additional conditions of this approval. Any deviation or misrepresentation therefrom shall be considered a material breach of the facts upon which the conclusions of the Board were made and shall be considered a violation of this approval.

9. This Resolution reflects a summary of the conditions, facts, findings, determinations and conditions determined at the hearings in this matter and is not to be deemed all inclusive. The hearing minutes and transcripts are incorporated by reference in this Resolution and are made a part hereof and are deemed to be in augmentation or clarification of the within Resolution whenever

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10-24-17

necessary or proper to determine the action of the Board and the obligations of the applicant.

BE IT FURTHER RESOLVED, that nothing stated in the within approval shall be interpreted to excuse compliance by the applicant with any and all other requirements of the Borough of Oceanport or any other governmental entity, agency or subdivision as set forth in any laws, ordinances, regulations or fee ordinances.

BE IT FURTHER RESOLVED, that the Chairman and the Secretary of the Borough of Oceanport Planning Board be and are hereby authorized to sign any all documents necessary to effectuate the purpose of this resolution, provided that the Applicant has complied with all of the above stated conditions.

BE IT FURTHER RESOLVED, that a copy of this resolution, certified to be a true copy by the Secretary of the Planning Board be forwarded to the Borough Zoning Officer, Borough Construction Official, Borough Tax Assessor, Borough Tax Collector, and the Applicant within ten (10) days from the date hereof.

PR-17-23
10-24-17

APPLICATION FOR AND APPROVAL OF
PRELIMINARY AND FINAL MAJOR SITE PLAN
AND IMPERVIOUS COVERAGE BULK VARIANCE
MARKRT ON MAIN, LLC
BLOCK 88.01 LOT 35

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on September 26, 2017 on roll call that evening by the following vote:

Offered by: Mr. Whitson

Seconded by: Mr. Savarese

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	(✓)	()	()	()	()
Whitson	(✓)	()	()	()	()
Sullivan	()	()	()	(✓)	()
Cooper	(✓)	()	()	()	()
Foster	(✓)	()	()	()	()
Kleiberg	(✓)	()	()	()	()
Kahle	()	()	()	(✓)	()
Savarese	(✓)	()	()	()	()
Vacant	()	()	()	()	()
Fichter (Alt. 1)	()	()	()	(✓)	()
Halpern (Alt. 2)	()	()	()	(✓)	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of October 24, 2017.


Jeanne Smith, Secretary

STATE OF NEW JERSEY :

SS.

COUNTY OF MONMOUTH :

I hereby certify that on October 24, 2017, Jeanne Smith, personally came before me and acknowledged under oath, to my satisfaction, that she: (a) is the Secretary of the Borough of Oceanport Planning Board; and (b) signed the Resolution as her act and deed.


Rick J. DeNoia, Jr. Esq.
Attorney at Law, State of NJ

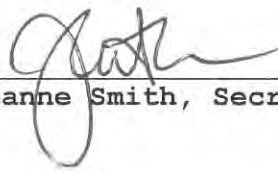
PR-17-23
10-24-17

APPLICATION FOR AND APPROVAL OF
PRELIMINARY AND FINAL MAJOR SITE PLAN
AND IMPERVIOUS COVERAGE BULK VARIANCE
MARKRT ON MAIN, LLC
BLOCK 88.01 LOT 35

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

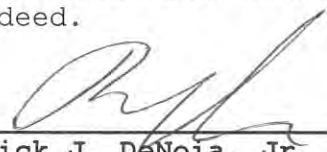
ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	(✓)	()	()	()	()
Whitson	(✓)	()	()	()	()
Sullivan	(✓)	()	()	()	()
Cooper	(✓)	()	()	()	()
Foster	()	()	()	(✓)	()
Kleiberg	(✓)	()	()	()	()
Kahle	()	()	()	()	(✓)
Savarese	()	()	()	(✓)	()
Vacant	()	()	()	(✓)	()
Fichter (Alt. 1)	()	()	()	(✓)	()
Halpern (Alt. 2)	()	()	()	(✓)	()

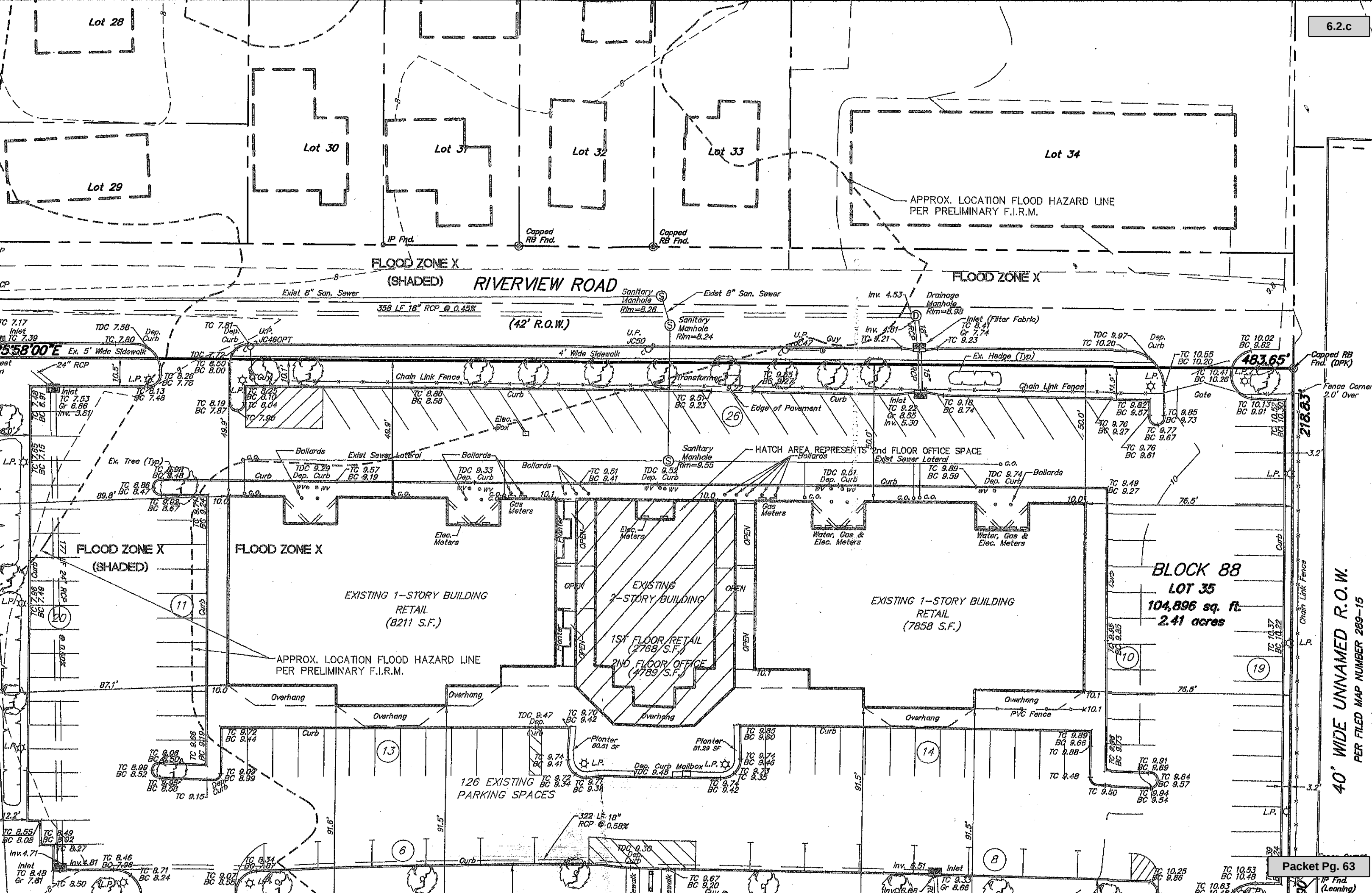
I hereby certify that the foregoing Resolution was adopted
by the Planning Board of the Borough of Oceanport at its meeting
of October 24, 2017.


Jeanne Smith, Secretary

STATE OF NEW JERSEY :
SS.
COUNTY OF MONMOUTH :

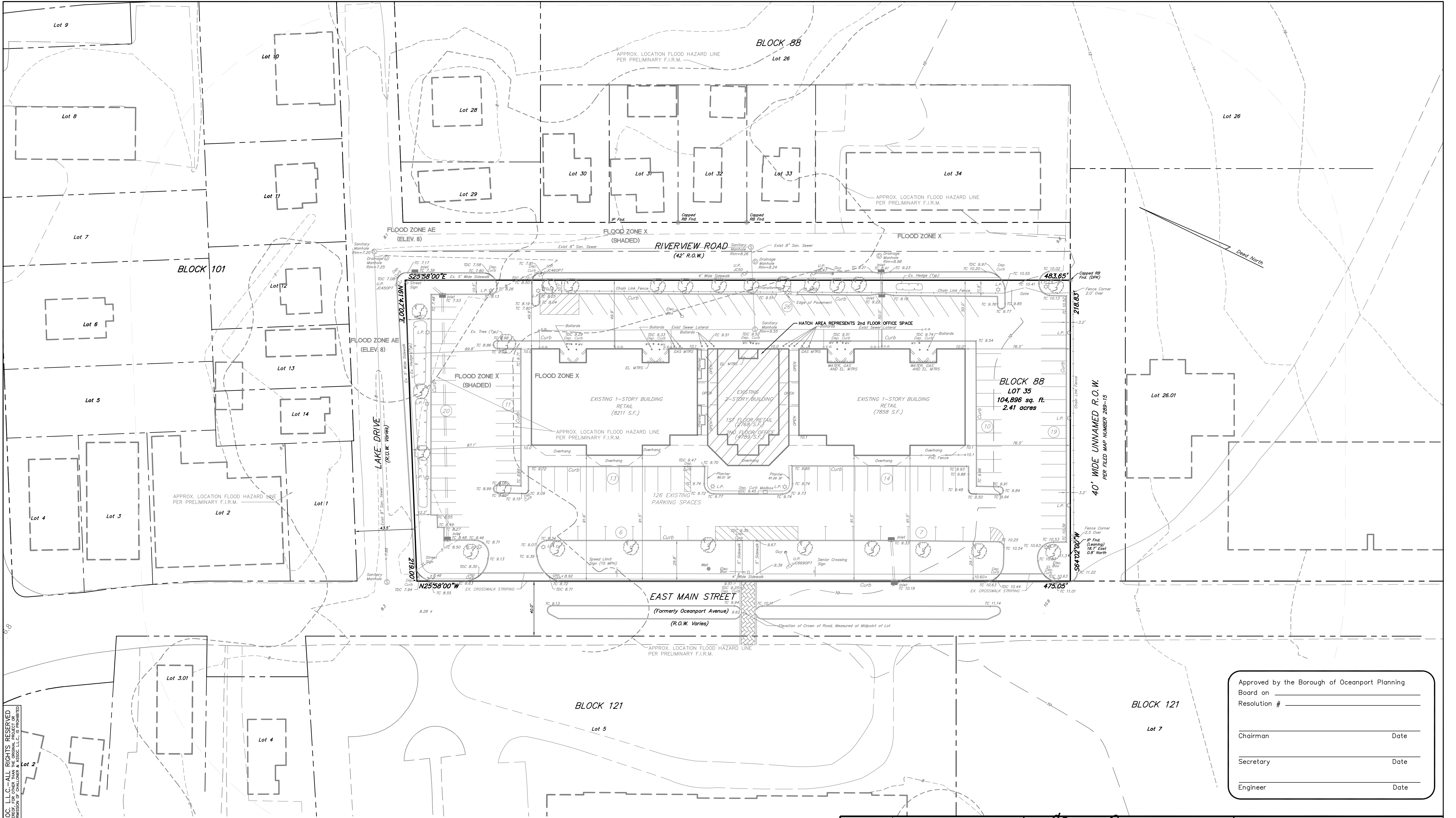
I hereby certify that on October 24, 2017,
Jeanne Smith, personally came before me and
acknowledged under oath, to my satisfaction, that she: (a) is the
Secretary of the Borough of Oceanport Planning Board; and (b)
signed the Resolution as her act and deed.


Rick J. DeNoia, Jr. Esq.
Attorney at Law, State of NJ

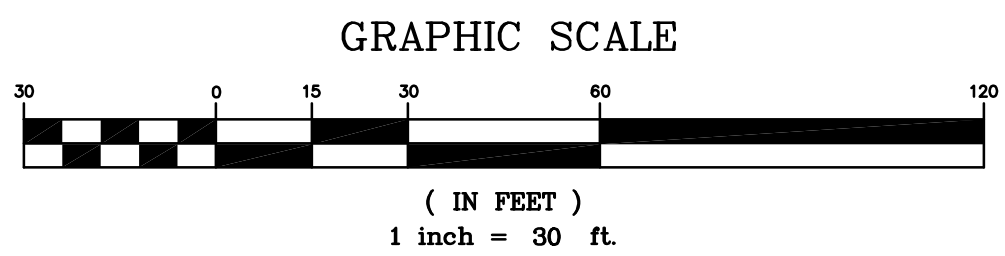


40' WIDE UNNAMED R.O.W.
PER FILED MAP NUMBER 289-15





COPYRIGHT © 2016 CHALLONER & ASSOC. L.L.C. - ALL RIGHTS RESERVED. THE COPYING OR REUSE OF THIS DOCUMENT OR PARTS THEREOF, FOR OTHER THAN THE ORIGINAL PROJECT OR THE PURPOSE ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF CHALLONER & ASSOC. L.L.C., IS PROHIBITED.



Approved by the Borough of Oceanport Planning Board on _____ Resolution # _____

Chairman _____ Date _____

Secretary _____ Date _____

Engineer _____ Date _____

DATE		REVISION				EXISTING CONDITIONS PLAN			
				 EDWIN J. HALE, P.L.S. PROFESSIONAL LAND SURVEYOR N.J. LIC. NO. 35842		275 EAST MAIN STREET			
				 CHALLONER & ASSOCIATES L.L.C. Certificate of Auth. No. 24GA28057700 CONSULTING ENGINEERS AND DESIGN PROFESSIONALS 201 Main Street 2nd Floor Toms River, New Jersey 08753 Phone: 732-818-9980 Fax: 732-818-9981		LOT 35			
						BLOCK 88			
						SITUATED IN			
						BOROUGH OF OCEANPORT			
						MONMOUTH COUNTY, NEW JERSEY			
MAY 31, 2017	PER ENGINEERS LETTER	Date:	Scale:	Drawn By:	Checked By:	File No.:	Field Book:	Sheet No.:	2 of 7
APRIL 22, 2017	PER PLANNERS LETTER	SEPT. 28, 2016	1"=30'	RP	SC	16029			
DEC. 28, 2016	PER ENGINEERS LETTER								

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1740)**

Meeting: 07/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1740

PB2020-17 Cregle, Mark

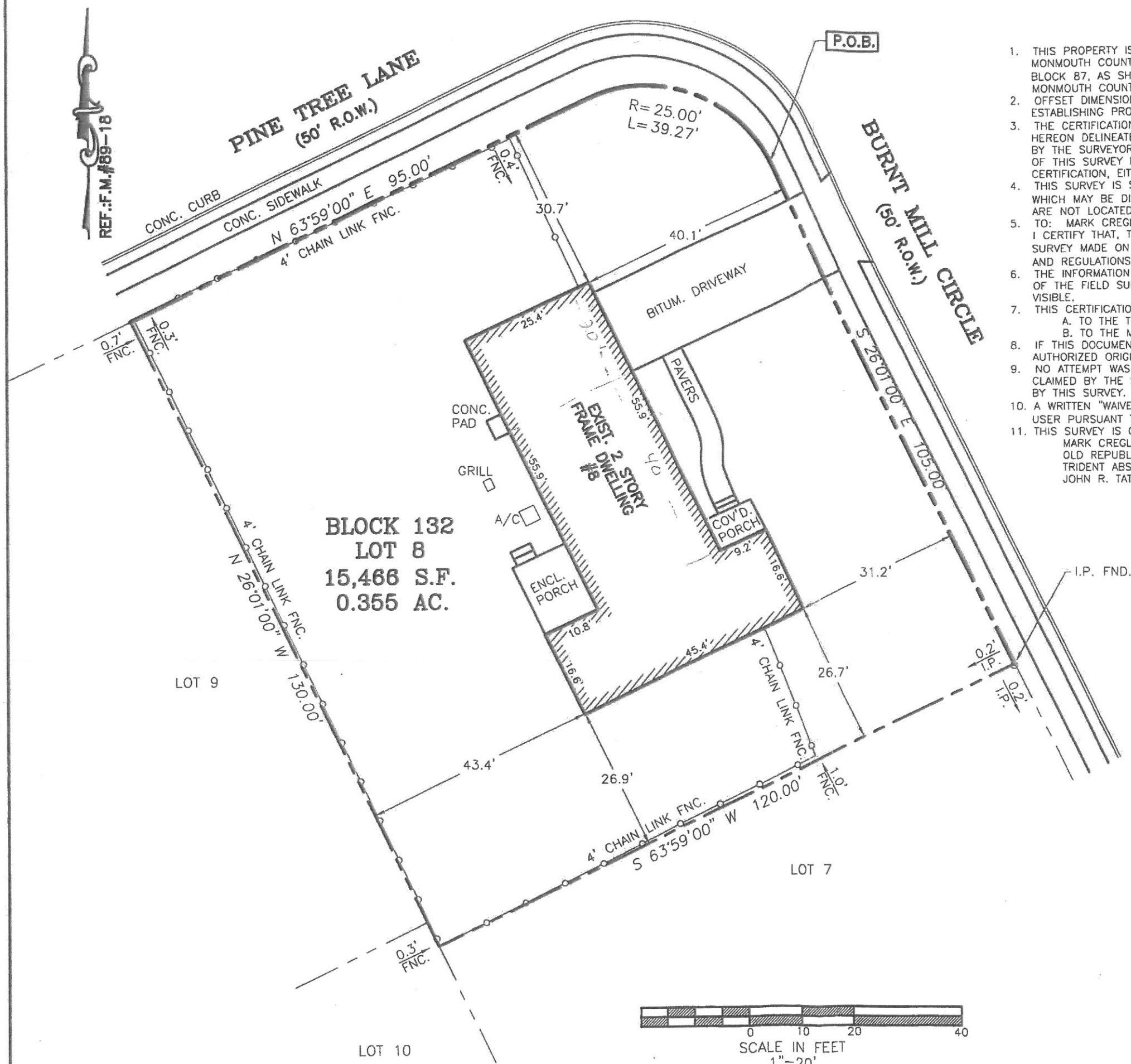
8 Burnt Mill Circle

Block 132, Lot 8

Variance relief sought for installation of a 6' solid fence where 4' and 50% open is permitted

GENERAL NOTES

1. THIS PROPERTY IS KNOWN AND DESIGNATED AS LOT 8 OF BLOCK 132, SITUATED IN THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY, AS SHOWN ON TAX MAP PAGE NO. 17. PROPERTY ALSO KNOWN AS LOT 118/8 OF BLOCK 87, AS SHOWN ON A MAP ENTITLED "FINAL PLAT SECTION 1 EVERGREEN MANOR, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, N.J.", FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON 9/28/67 AS CASE NO. 89-18.
2. OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED FOR ESTABLISHING PROPERTY LINES.
3. THE CERTIFICATION IS MADE ONLY TO THE HEREON NAMED PARTIES FOR PURCHASE AND/OR MORTGAGE OF HEREON DELINEATED PROPERTY BY HEREON NAMED PURCHASER. NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE SURVEYOR FOR USE OF THIS SURVEY FOR ANY OTHER PURPOSE, INCLUDING, BUT NOT LIMITED TO, USE OF THIS SURVEY FOR SURVEY AFFIDAVIT, RESALE OF PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN THE CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.
4. THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS AND CONDITIONS WHICH MAY BE DISCLOSED BY AN ACCURATE TITLE SEARCH. UNDERGROUND STRUCTURES AND/OR UTILITIES ARE NOT LOCATED.
5. TO: MARK CREGLE & DANIELLE CREGLE, husband & wife
I CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS MAP OR PLAN IS THE RESULT OF A FIELD SURVEY MADE ON 6/4/15, BY ME OR UNDER MY DIRECT SUPERVISION, IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE "STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS".
6. THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS FOUND ON SITE ON THE DATE OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE AND NOT VISIBLE.
7. THIS CERTIFICATION IS GIVEN SOLELY TO THE ABOVE NAMED PARTIES, EXCEPT AS FOLLOWS:
A. TO THE TITLE INSURER, SO THAT IT MAY INSURE TITLE TO THE PREMISES SHOWN HEREON.
B. TO THE MORTGAGE HOLDER, THE CERTIFICATION SHALL SURVIVE TO ITS SUCCESSORS OR ASSIGNS.
8. IF THIS DOCUMENT DOES NOT CONTAIN A RAISED IMPRESSION SEAL OF THE PROFESSIONAL, IT IS NOT AN AUTHORIZED ORIGINAL DOCUMENT AND MAY HAVE BEEN ALTERED.
9. NO ATTEMPT WAS MADE, NOR IS LIABILITY ASSUMED, TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS ARE NOT LOCATED BY THIS SURVEY.
10. A WRITTEN "WAIVER AND DIRECTION NOT TO SET CORNER MARKERS" HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO N.J.A.C. 13:40-5.1(d)
11. THIS SURVEY IS CERTIFIED TO THE FOLLOWING:
MARK CREGLE & DANIELLE CREGLE, husband & wife
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
TRIDENT ABSTRACT TITLE AGENCY, LLC
JOHN R. TATULLI, ESQ., c/o Trident Abstract Title Agency, LLC



NO.	REVISIONS	DATE	DRAWN	CHECKED
SURVEY OF PROPERTY PREPARED FOR "CREGLE" 8 Burnt Mill Circle (TA-129721) LOT 8 OF BLOCK 132 TAX MAP SHEET NO. 17 SITUATED IN BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY				
 MIDSTATE ENGINEERING INC. ENGINEERS, SURVEYORS & PLANNERS 82 WALNUT HILL LANE FREEHOLD, NEW JERSEY 07728 (732) 308-4226 (FAX) 732-308-4190 CERT. OF AUTHORIZATION NO. GA277692		DATE	6/8/15	
		SCALE	1" = 20'	
		DRAWN	JC	
		CHECKED	CDL	
		FILE NO.	11019	
		SHEET	1 OF 1	

CHESTER DILORENZO PE,LS,PP
 PE & LS LICENSE NO. 28966 PP LICENSE NO. 2871

Chester Di Lorenzo



GENERAL NOTES

- MARK CREGLE & DANIELLE CREGLE, husband & wife
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY
TRIDENT ABSTRACT TITLE AGENCY, LLC
JOHN R. TATULLI, ESQ., c/o Trident Abstract Title Agency, LLC

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1575)**

Meeting: 07/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1575

PB2020-01 Sempkowski, Anthony

74 Cayuga Ave
Block 27, Lot 9
Bulk Variance(s) for Improvements to Single Family Dwelling



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

7.2.a

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

April 27, 2020

VIA EMAIL

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

Re: Bulk Variances
74 Cayuga Avenue
Block 27, Lot 9
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPP-264

Dear Board Members:

Our office has received the following information in support of the above-referenced Bulk Variance application:

- Plans entitled “Plot Plan”, prepared by Geller Sive & Company dated November 12, 2013, and revised through June 3, 2014, consisting of one (1) sheet;
- Plan entitled “Final As-Built Survey with Topography”, prepared by DPK Consulting, LLC, dated January 31, 2020, consisting of one (1) sheet;
- Plans entitled “Tony Sempkowski Residence” prepared by Ronald Kacmarsky Architectural Group, last revised March 2, 2020, consisting of eight (8) sheets.

The subject property is situated in the R-3 – Residential Single-Family Zone District and contains 12,000 SF (0.28 acres) on the south side of Cayuga Avenue approximately 860 feet from the intersection with Port Au Peck Avenue. The original home was damaged by super Storm Sandy. The Applicant is in the process of building a new dwelling.

Based on our review of the application, we recommend that the application be deemed **complete** and scheduled for the next available hearing. A planning and engineering review of the application is provided below.

Variances/Design Waivers

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



1. Bulk variances are required for the following:
 - a. Rear Yard Setback: 25 feet required, 24 feet proposed. A Bulk Variance is required.
 - b. Maximum Driveway Width (Ordinance 390-25k(1): 24' permitted, and the as-built condition provides a varying width up to 42'. The Applicant shall clarify the proposed surface and limits for the driveway. A Bulk Variance is required.
 - c. Driveway Side Yard Setback: 5' required from side property line, 0' is proposed. A Bulk Variance is required.
 - d. Retaining wall setback: 10 feet required from all property lines. The as-built survey indicates that the wall encroached into the abutting property. A Bulk Variance is required and an easement for the encroachment or the wall relocated.

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

- **Hardship c(1) - Physical Constraints** – Hardship variances may be granted if the strict application of the ordinance would impose peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon the developer based upon the existence of the following conditions:
 - a. Exceptional narrowness, shallowness or shape of a specific piece of property;
 - b. Exceptional topographic conditions or physical features uniquely affecting a piece of property; and,
 - c. An extraordinary and exceptional situation uniquely affecting a specific piece of property of the structures lawfully existing thereon.
 - **Flexible “c” or c(2) - Benefits Outweighing Detriments** - A variance may be granted where the purpose of the Municipal Land Use Law would be advanced by the proposed deviation and the benefits of the deviation would substantially outweigh any detriment.
2. The property is located in the AE10 flood hazard zone which requires minimum design flood elevation (DFE) of 12.4. Flood Prevention Ordinance Section 229-17B(1)(a) requires “New construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated at or above” the DFE. The electric meter, AC Condenser unit and generator panel are not compliant and therefore the Applicant has to elevate the utilities or obtain a variance from the

requirement. The Applicant shall clarify the elevation of this equipment. Ordinance Section 229-15 (copy attached) provides a procedure for the Planning Board to hear a variance request. I would refer the Board to section 229-15B(5) (b). The Applicant has claimed that in order to make the dwelling conform it would result in exception hardship. The Applicant should address the remaining Conditions for Variances outlined in sub-chapter 229-15B.

We would recommend that the Applicant provide photographs of the dwelling and a copy of their Elevation Certificate for the Board to review and obtain a better understanding of the application.

If the Board chooses to grant the variance, the resolution should include the notice, as required by Ordinance Chapter 229-15B(6), that the cost of flood insurance will be commensurate with the increased risk resulting from the non-compliance.

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

General Comments

1. The Architectural plans are not reflective of the structure that was built with respect to the front porch, rear deck and west side deck.
2. The driveway is only 22' wide at the side entry garage which is not sufficient for vehicles to make the necessary turning movements into and out of the garage. The industry standard is 28-32'. This dimension will be further reduced by the safety rail and fencing that is required.
3. A six foot deep apron constructed of concrete, asphalt, pavers, etc. shall be provided at the entrance to the driveway as required by Ordinance 390-25k(2). If the entire driveway will be paved this will address this requirement.
4. Structural calculations are required for the guide rail along the elevated driveway to provide fall over protection to vehicles. In addition, a pedestrian guard is needed for the area where the wall exceeds 30" in height.
5. Structural calculations are required for the segmental block wall that demonstrate the wall is designed to withstand the impact load on the guiderail system. Since the wall is already built a certification from a New Jersey licensed Engineer certifying that the wall is structurally sound and provides the appropriate Factors of Safety
6. There appears to be a shed and another structure beyond the rear property line on the adjacent park land which is not permitted by Green Acres as this property is deed restricted. These



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-264
April 27, 2020
Page 4 of 4

items shall be removed or relocated onto the subject property and the appropriate setback provided. The approximate 8' x 16' platform appears to have been a shed that was partially destroyed. The Applicant shall clarify if it will be rebuilt and if so, will the proper setbacks be provided.

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

Very truly yours,

MASER CONSULTING P. A.

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

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

WHW/nb
Attachment

cc: Kevin Kennedy, Esq. (kkennedy@kevinkennedylaw.net)
Walter Toto, Esq. (walter@waltertoto.com)

\\Hqfas1\general\Projects\Opp\OPP-264\Correspondence\OUT\200211_whw_smith_74_cayuga_avenue.docx

X. Description of present use of the premises. Single-family residence.

XI. Purpose of application and detailed description of proposed improvements, development, change in use, etc. Attach Rider if additional space is necessary.

Obtain bulk variance approvals for post-Sandy rebuild. Prior single family residence was demolished to the foundation.

XII. List the specific zoning regulations for which appeal or variance relief is sought, and the nature and extent of the specific variances. (Ex. Side yard setback of 9', where 10' permitted)

- ① RETAINING WALL SETBACK: 1-5' proposed v. 10' required;
 ② DRIVEWAY SETBACK: 3' proposed v. 5' required; ③ Driveway width, 22' proposed v. 28' required; ④ Driveway slope 13% proposed v. 7% permitted; ⑤ Front landing & stairs (front yd setback)

XIII. If the application seeks use variance relief, state the "special reasons" as that term is defined under the Municipal Land Use Law, to justify the granting of use variance relief pursuant to N.J.S.A. 40:55D-70d. Attach Rider if additional space is necessary.

NOT APPLICABLE.

XIV. State whether the applicant owns or has under contract for purchase, an adjoining property. If so, set forth the block and lot number and street address of the property.

NOT APPLICABLE.

XV. State what efforts have been made to obtain the result you wish to accomplish without violating the Zoning Ordinance (i.e., relocation of planned construction, purchase of additional land, etc.)

IMPROVEMENTS HAVE BEEN CONSTRUCTED. APPLICANT HAD PRIOR DISCUSSIONS WITH CONSTRUCTION OFFICIAL SALVATORE MASSARO ONLY TO LEARN POST-CONSTRUCTION OF POTENTIAL DEVIATIONS FROM THE ORDINANCE.

XVI. The location of the property is approximately _____ feet from the intersection of

To be determined by engineer and _____.

XVII. Is the subject property located on a: *No*.

_____ County Rd _____ State Rd OR _____ within 200' of a Municipal boundary

XVIII. Are there any existing or proposed deed restrictions, easements, rights-of-way or other dedications? ☒ No _____ Yes (If yes, attach a copy)

FOR SITE PLAN REVIEW ONLY:

1. Acreage of the entire site is: _____

2. Type of Proposal is:

_____ New structure

_____ Expanded Area

_____ Improved Parking Area

_____ Alteration to Structure

_____ Expansion of Structure

_____ Change of Use

_____ Sign

3. The name of the business or activity (if any): _____

IMPROVEMENTS: List all proposed on site utilities and off-tract improvements:

PLAT SUBMISSION: List maps and other exhibits accompanying this application

AUTHORIZATION AND VERIFICATION

I certify that the foregoing statement(s), materials submitted and information contained in this application are true. I further certify that I am (a) the individual applicant, or (b) that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or (c) that I am a general partner of the partnership applicant. (If the applicant is a corporation this must be signed by an authorized corporate officer. If applicant is a partnership, this must be signed by a general partner).

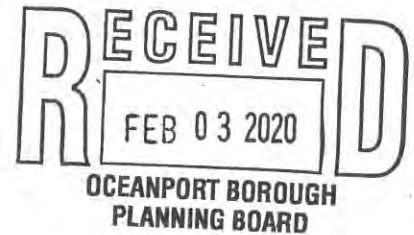
Date

1/13/2020

Applicant

X
ApplicantANTHONY SEMAKOWSKI

Sworn and subscribed to before me this

13th day of January, 20 20.Notary Public of New Jersey
(Affix stamp and seal)WALTER TUTO, ESQ.
ATTORNEY AT LAW, STATE OF NEW JERSEY**STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER**NOT APPLICABLE

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation this must be signed by an authorized corporate officer. If owner is a partnership, this must be signed by a general partner).

Date

Property Owner's Signature

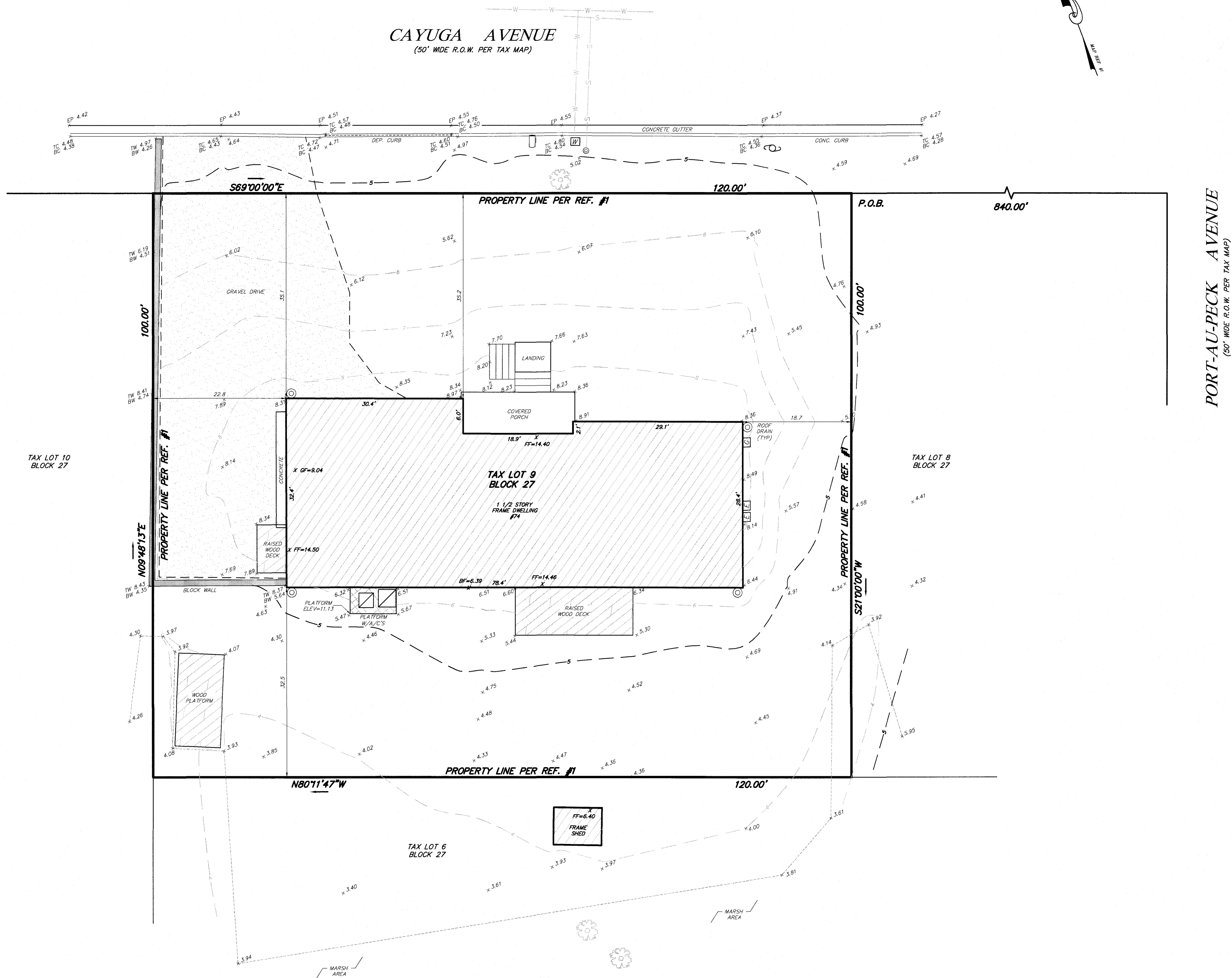
Notary Public of New Jersey

Print Name of Property Owner

Sworn and subscribed to before me this

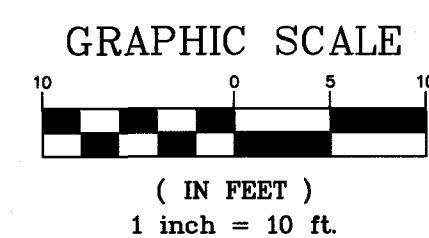
_____ day of _____, 20 ____.

Notary Public of New Jersey
(Affix stamp and seal)



1. DPK CONSULTING DID NOT PERFORM A BOUNDARY SURVEY OF THIS PROPERTY. BOUNDARY INFORMATION IS SHOWN PER MAP REFERENCE #1.
2. THIS SURVEY REPRESENTS FIELD CONDITIONS AS OF JANUARY 28, 2020.
3. THE SURVEY SHOWS HAVE BEEN DERIVED FROM EVIDENCE OBSERVED ON THE SURFACE ONLY OR HAVE BEEN SHOWN GRAPHICALLY PER SUPPLIED MATERIALS. DPK CONSULTING MAKES NO GUARANTEES THAT THE SURVEY INFORMATION IS CORRECT IN EACH AND EVERY AREA, EITHER IN SERVICE OR ABANDONED. DPK CONSULTING FURTHER STATES IT IS NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED. DPK CONSULTING HAS NOT PHYSICALLY VERIFIED THE UNDERGROUND UTILITIES.
4. PREMISES ARE COMMONLY KNOWN AS 74 CAYUGA AVENUE, OCEANPORT, NEW JERSEY.
5. ALSO KNOWN AS LOT 9 IN BLOCK 27 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY.
6. THE PREMISES IS LOCATED IN FIRM ZONE AE (BASE FLOOD ELEVATIONS DETERMINED, ELEV. 10, NAVD 88) AS PER MAP NUMBER 340250184G, EFFECTIVE 06/19/2018.
7. THE PROJECT VERTICAL DATUM IS BASED UPON NAVD 88 DERIVED USING RTK GPS RECEIVERS AND KEYNET.
8. IF THIS DOCUMENT DOES NOT CONTAIN A RAISED SEAL OF THE UNDERSIGNED PROFESSIONAL, IT IS NOT AN AUTHORIZED ORIGINAL DOCUMENT.

1. MAP ENTITLED "SURVEY OF LOT 9, BLOCK 27, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY," PREPARED BY GEORGE W. HENN, INC.
2. MAP ENTITLED "TOPOGRAPHIC SURVEY, BLOCK 27, LOT 9, SITUATED IN: BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY," PREPARED BY C.C. WIDDIS SURVEYING, LLC, DATED 10/4/2013.
3. MAP ENTITLED "PLOT PLAN TAX LOT 9 BLOCK 27, 74 CAYUGA AVENUE, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY," PREPARED BY GELLER SIE & COMPANY, DATED 11/12/13 AND LAST REVISED 6/13/14 AS REVISION #2.



FINAL ASBUILT SURVEY W/ TOPOGRAPHY		TAX LOT 9 BLOCK 27 74 CAYUGA AVENUE BOROUGH OF OCEANPORT MONMOUTH COUNTY NEW JERSEY	
DRAWING FILE: 20-8708LS00		PROJECT NUMBER: 20-8708 SHEET 1 REV. 1	

DRAWN BY:

MTR

CHKD BY:

DUN

SCALE:

1" = 10'

DATE:

01/31/2020

In consideration of the mutual covenants between the client listed above and the undersigned, the client and I, or a duly authorized agent, have agreed that the information and plan(s) herewith represent the condition found on the date of this survey, accurate as to the information furnished, any law and/or ordinance which are accurate to the best of our knowledge, and that the plan is made to provide a record of the condition of the property as shown on the date of this survey. This information and plan(s) are not to be used for any purpose other than that for which they were prepared and are not to be used for any other purpose without the written consent of the undersigned. This information and plan(s) are not to be used for any purpose other than that for which they were prepared and are not to be used for any other purpose without the written consent of the undersigned. This information and plan(s) are not to be used for any purpose other than that for which they were prepared and are not to be used for any other purpose without the written consent of the undersigned.

DATE:

1/31/2020

N.J. Lic: 2404331100

PA. Lic: SU075616

N.Y. Lic: 050952-1

CT. Lic: 70476

James J. Heiser

Professional Land Surveyor

JHEISER@DPKCONSULTING.NET

REV

DATE

DESCRIPTION

BY

CHKD

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1698)**

Meeting: 07/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1698

PB2020-15 Walsh, Kevin

10 Hiawatha Avenue

Block 13, Lot 12

Bulk variances for single-family addition; rear yard setback, side yard setback, minimum lot width, maximum coverage of principle structure



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

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

June 2, 2020

VIA EMAIL

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

Re: Bulk Variances
10 Hiawatha Avenue
Block 13, Lot 12
Application No. PB2020-15
Oceanport Borough, Monmouth County, New Jersey
MC Project No. OPP-275

Dear Board Members:

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

- Plan entitled “Addition/Alteration to the Walsh Residence” prepared by Architect James M. Pollifrone, NCARB, dated February 5, 2020, and consisting of eight (8) sheets;
- Plan entitled “Survey of Property Lot 12, Block 13” prepared by Morgan Engineering and Surveying, dated May 2, 2019, and consisting of one (1) sheet.

The subject property is situated in the R-3 – Residential Single-Family Zone District and has frontage on southside of Hiawatha Avenue approximately 180 feet west of Comanche Drive. The property contains an existing one-story single-family house, concrete driveway, shed, paver walkway and patio, and a wood deck.

The Applicant proposes to add an addition and new deck to the rear, front porch, and front walkway. The application is complete and should be scheduled for the next available hearing.

A planning and engineering review of the application is included below.

General Comments

1. Bulk variances are required for the following:
 - a. Minimum Rear Yard Setback: 25’ required, 23’ proposed.
 - b. Principle Building Coverage: 25% maximum permitted, 26% proposed.



- c. Accessory Structure Rear Yard Setback: 5 feet required, 4 feet proposed
- d. Accessory Structure Side Yard Setback: 10 feet required, 5 feet proposed.

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

- 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;
 - c. An extraordinary and exceptional situation uniquely affecting a specific piece of property of the structures lawfully existing thereon.
 - Benefits Outweighing the Detriments - A hardship 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.
2. The Applicant shall provide a tabulation of the impervious coverage to demonstrate compliance with the Zone requirement.
3. If approved a limited grading plan should be required as a condition of any approval.

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

Very truly yours,

MASER CONSULTING P. A.

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

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

WHW/nb

cc: Kevin Walsh (via email kevin.walsh97@gmail.com)
James Pollifrone, NCARB (via email jmparchitect73@gmail.com)

R:\General\Projects\Opp\OPP-275\Correspondence\OUT\200602_whw_10_hiawatha_ave.docx

ADDITION/ ALTERATION TO THE WALSH RESIDENCE

10 HIAWATHA STREET
BLOCK 13 - LOT 12 (ZONE: R.3 - SINGLE FAMILY)
OCEANPORT, NEW JERSEY

FOR PLANNING BOARD APPROVAL 02.05.20

APPROVED BY THE OCEANPORT PLANNING BOARD

(DATE)

BOARD CHAIRMAN DATE

BOARD SECRETARY DATE

BOARD ENGINEER DATE

02-05-20

ARCHITECT JAMES M. POLLIFRONE, NCARB
Eleven Avon Avenue Oceanport, New Jersey 07757
(732) 229-1888 email: jpollifrone73@gmail.com
State of New Jersey Registration Number: 21A100818100

GENERAL INFORMATION/SCOPE OF WORK:

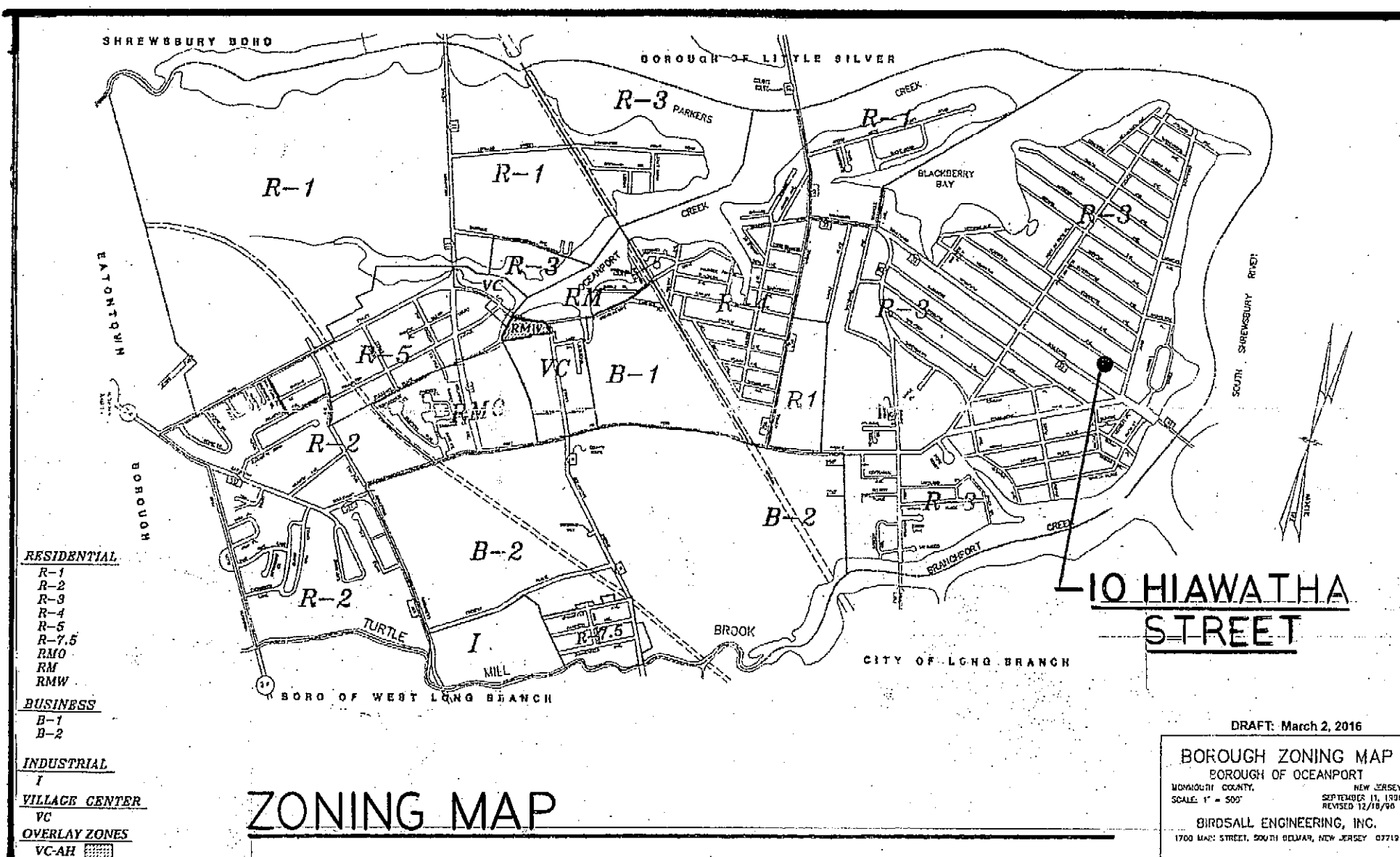
- Property located in R-3 Single Family Zone.
- Construction of Rear (1) Story Addition with Deck to an Existing (1) Story Dwelling
- Floor Area of Existing Dwelling: 1528 square feet
Floor Area of Addition: 888 square feet
Total Floor Area: 2416 square feet
- Rear Addition will not exceed the height of the Existing Dwelling. (17 feet plus/minus)
- Construction of Front Porch Addition: 6'-0" x 14'-0" = 84 square feet
Note: Front Porch Addition permitted to extend 6 feet into existing front setback as stated in the Borough of Oceanport Schedule II "Bulk and Coverage Controls" (Note # 11.)
Note: Height of Front Porch Addition will not exceed the height of the Existing Dwelling. (17 feet plus/minus)
- Existing Lot Coverage reduced from 37.00 percent to 32.80 percent.
- Refer to Drawing S.1 - Survey of Property for Variance Requirements.



WALSH RESIDENCE (VIEW FROM STREET)

INDEX TO PLANNING BOARD APPROVAL DRAWINGS:

Drawing	Number	Drawing Title
T.1	1 of 8	Title Sheet/Scope of Project/General Information/Drawing Index
S.1	2 of 8	Survey of Property Showing Location of Addition and Deck/Zoning Information
M.1	3 of 8	Photographs of Architect's Study Model Showing Proposed Additions and Deck
E.1	4 of 8	Existing Condition Floor Plan Showing Location of Front Porch Addition, (1) Story Addition and Deck
A.1	5 of 8	Floor Plan Showing Interior Alterations and Front Porch Addition, (1) Story Addition and Deck
A.2	6 of 8	Front Elevation (View from Hiawatha Avenue) Showing Front Porch Addition
A.3	7 of 8	Left Side and Right Side Elevation Showing (1) Story Addition and Deck
A.4	8 of 8	Rear Elevation Showing (1) Story Addition and Deck

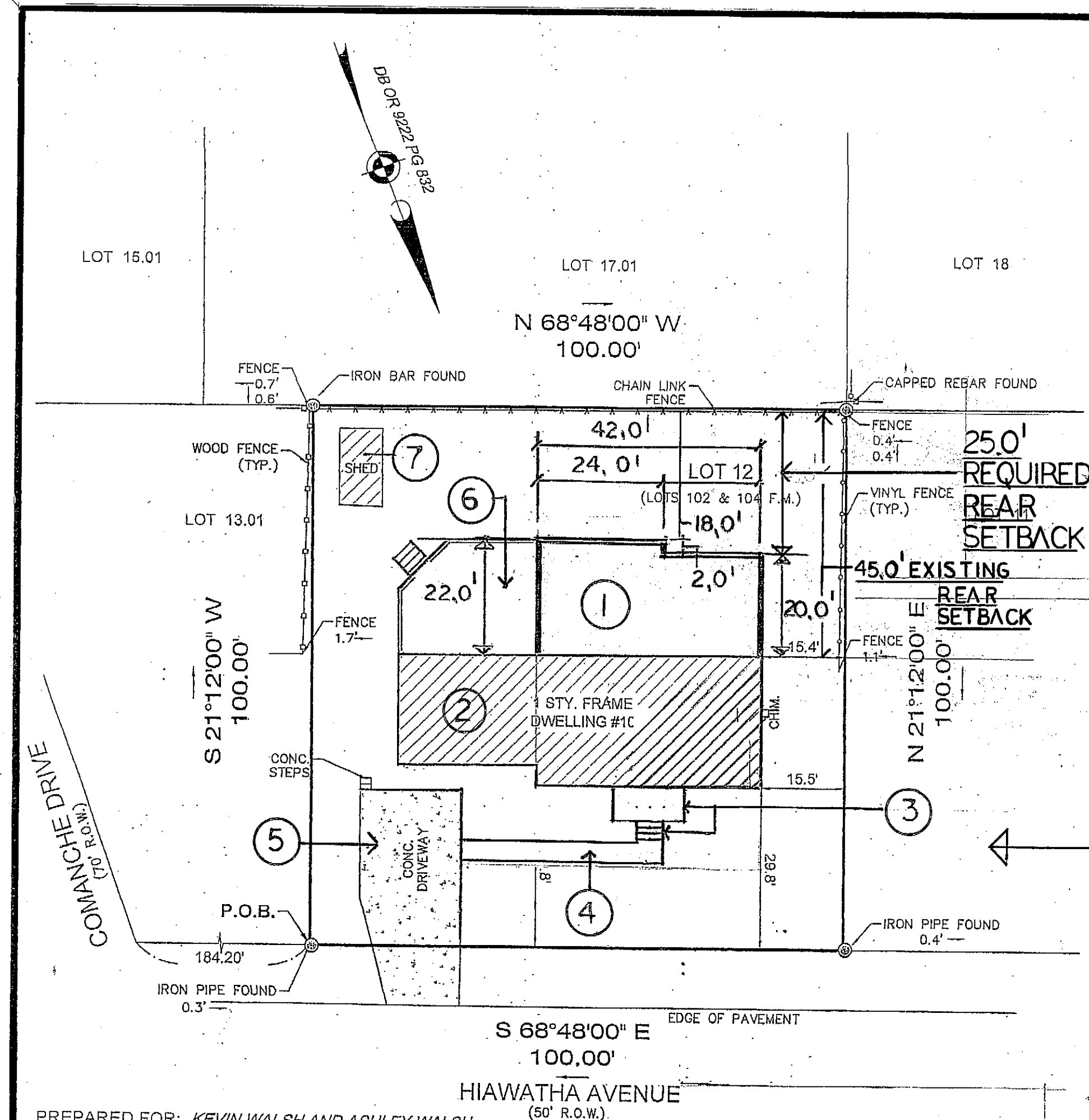


ZONING MAP

DRAFT: March 2, 2016
BOROUGH ZONING MAP
BOROUGH OF OCEANPORT
SOUTH JERSEY COUNTY, NEW JERSEY
SCALE: 1" = 500'
REVISED 12/18/00
BIRDSELL ENGINEERING, INC.
1700 MAIN STREET, SOUTH OCEAN, NEW JERSEY 07719

ADDITION/ALTERATION TO THE
WALSH RESIDENCE
10 HIAWATHA AVENUE OCEANPORT, NEW JERSEY
TITLE SHEET

T.1
1 OF 8



PREPARED FOR: KEVIN WALSH AND ASHLEY WALSH

TITLE INSURER: PROPERTY TRANSFER SERVICES, INC. (PTS-19-49116)
OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

MORTGAGE HOLDER: PROSPERITY HOME MORTGAGE, LLC,
its successors and/or assigns, as their interest may appear.

BUYER'S ATTORNEY: ANTHONY P. BUFANO, Esquire

Filed Map Reference:

PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUECK, OCEANPORT BOROUGH, MONMOUTH COUNTY, N.J.

IMPORTANT NOTES, PLEASE REVIEW:

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 5/2/19 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE, SUBJECT TO RESTRICTIONS AND EASEMENTS RECORDED AND/OR UNRECORDED.
- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-5.1(D))

CERTIFICATE OF AUTHORIZATION: 24GA20229800
MORGAN
engineering & surveying
P.O. BOX 5232
TOMS RIVER, N.J. 08754
TEL: 732-270-9690
FAX: 732-270-9691
www.morganengineeringllc.com

DAVID J. VON STEENBURG
PROFESSIONAL LAND SURVEYOR
N.J. LIC. No. 34500

SURVEY OF PROPERTY

LOT 12 BLOCK 13
BOROUGH OF OCEANPORT
COUNTY OF MONMOUTH NEW JERSEY

Scale: 1"=20' Drawn By: MS Date: 5/2/19 JOB #: 19-04004 CAD File #: 19-04004 Sheet #: 1 OF 1

BOROUGH OF OCEANPORT SCHEDULE II - BULK AND COVERAGE CONTROLS (390 Attachment 2)

Property Location: 10 Hiawatha Avenue (Block 13 / Lot 12) Zone: R-3 Single Family

Minimum lot area: Required - 12,000 sf Existing - 10,000 sf
(Pre-existing non/conforming condition.)
Minimum lot width: Required - 120.00' Existing - 100.00' (Variance Required)
Minimum lot depth: Required - 100 ft Existing - 100.00' (Compliance with R-3 Zone)

Maximum building Height for all other roofs (stories/feet): Permitted Height - (2) Stories/30.00'
Existing Height - (1) Story/17 ft (+/-)
Proposed Height of Addition - (1) Story/16 ft (=/-) and 15 ft (+/-)
(Compliance with R-3 Zone)

Maximum Principle building coverage (percent): Permitted - 25.00 percent
Proposed - 26.00 percent (Variance Required)

Accessory Building: Existing shed to remain.
Required side yard - 10.00'
Existing side yard - 5.00' (Variance Required)

Maximum dwellings per acre: Permitted - 3.7 Existing - 1
(Compliance with R-3 Zone)

Principal Building /Minimum yards (feet)

Front: Required - 30.00' Existing to remain - 30.00'
(Compliance with R-3 Zone)

Note: Construction of Front Porch Addition: 6'-0" x 14'-0" = 84 square feet.
Front Porch Addition permitted to extend 6 feet into existing front setback as stated in the Borough of Oceanport Schedule II "Bulk and Coverage Controls" (Note # 11.) Height of Front Porch Addition will not exceed the height of the Existing Dwelling. (17 feet plus/minus)

Side (one/both): Required - 10.00'/25.00'
Existing to remain - 15.50'/31.50'
(Compliance with R-3 Zone)
Rear: Required - 25.00'
Proposed - 23.00' (Variance Required)

Impervious coverage (percent): Permitted - 37.00 percent
Proposed - 32.80 percent
(Compliance with R-3 Zone)

KEY NOTES FOR CHANGES TO EXISTING SURVEY OF PROPERTY:

Note: Number inset in circle denotes location of Key Note

- Proposed (1) Story Addition (888 square feet)
- Existing (1) Story Dwelling (1528 square feet)
- (1) Story Front Porch with 6 ft. wide steps (6'-0" x 14'-0" = 84 square feet)
- New Side walk leading from Front Porch to Driveway (3'-0" wide x 38'-0" long +/-)
- Cut back existing driveway.
- Wood Deck. (20'-0" by 26'-0" with 12'-0" angled corner (45 degrees)
Note: Decks do not count as impervious coverage according to the Oceanport Zoning Ordinance as verified by Architect (08.15.19)
- Existing shed to remain. Shed is located 4.00 feet from the rear property line and 5.00 feet from the side property line. (Variance Required)

NOTE:
REFER TO SURVEY OF PROPERTY PREPARED BY MORGAN
ENGINEERING AND SURVEYING (SURVEY DATED 05.02.19)
JOB NUMBER 19-04004 TO VERIFY EXISTING CONDITIONS.

APPROVED BY THE OCEANPORT PLANNING BOARD

(DATE)

BOARD CHAIRMAN _____ DATE _____
BOARD SECRETARY _____ DATE _____
BOARD ENGINEER _____ DATE _____

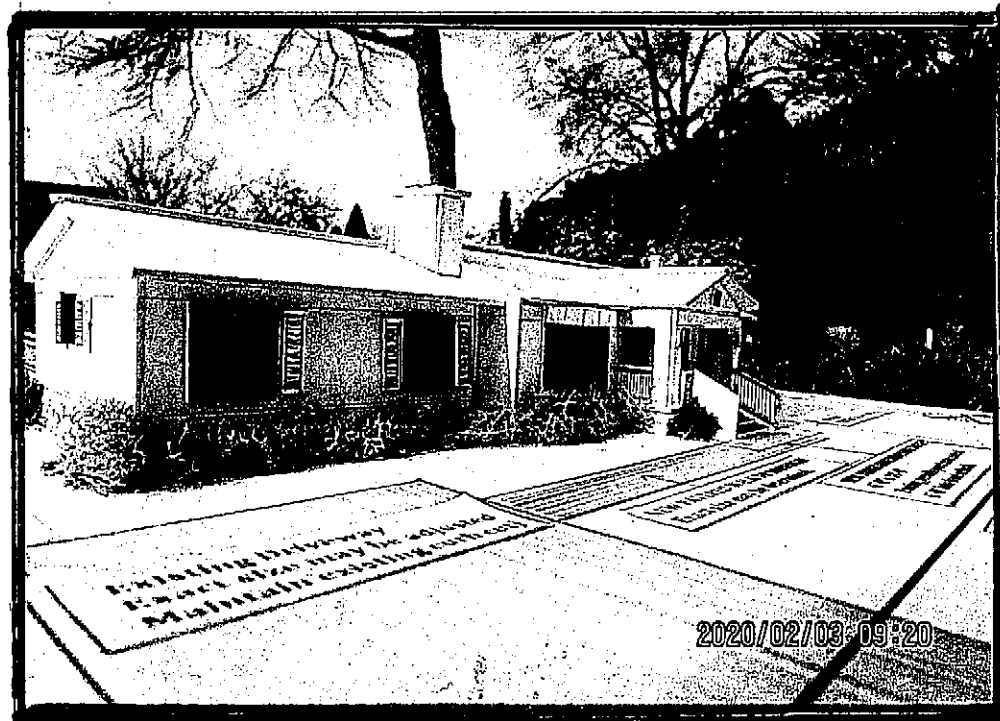
02-05-20

ARCHITECT JAMES M. POLLIFRONE
11 AVON AVENUE OCEANPORT, NJ 07757
(732) 229.1888 jmparchitect73@gmail.com
New Jersey Registration Number 21A100818100

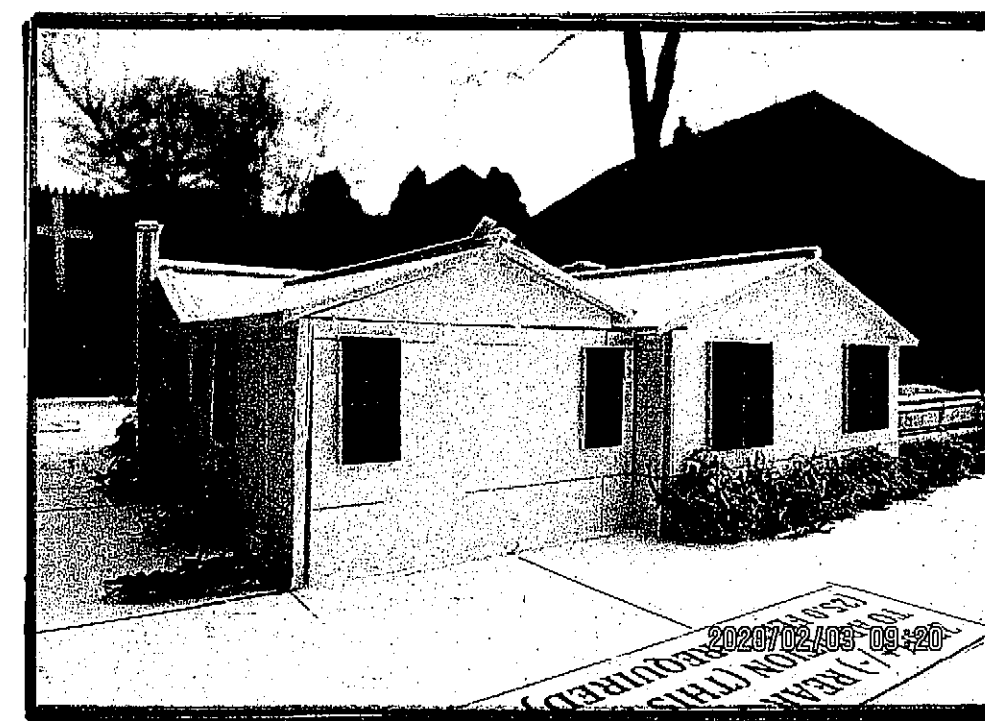
ADDITION/ALTERATION TO THE
WALSH RESIDENCE
10 HIAWATHA AVENUE OCEANPORT, NEW JERSEY
SURVEY OF PROPERTY

S.1

2 OF 8



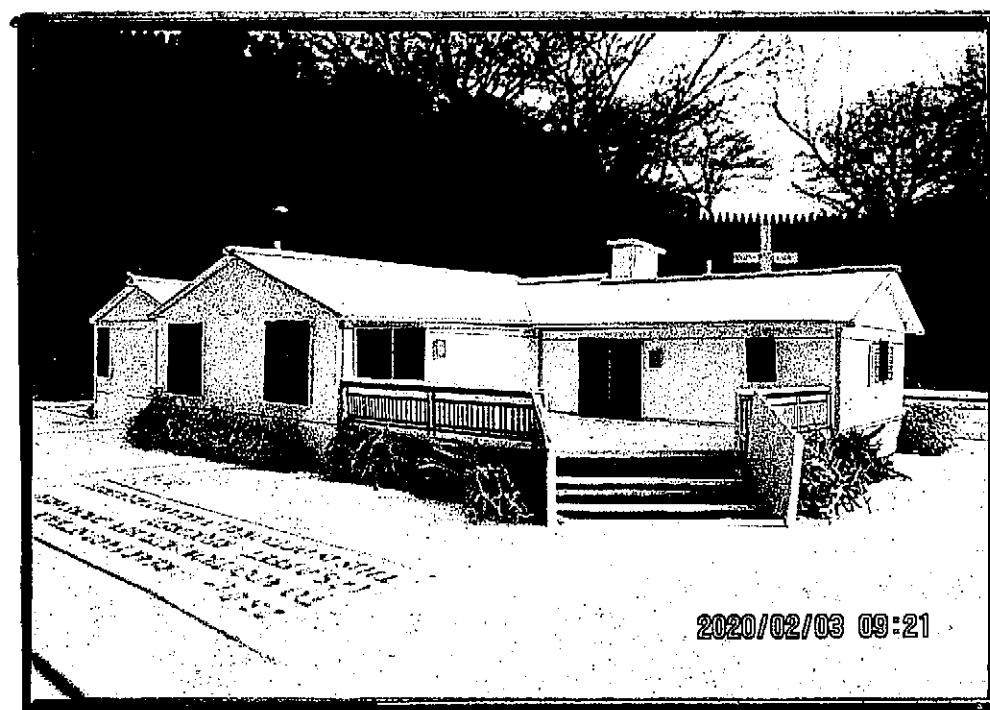
PHOTOGRAPH "B"



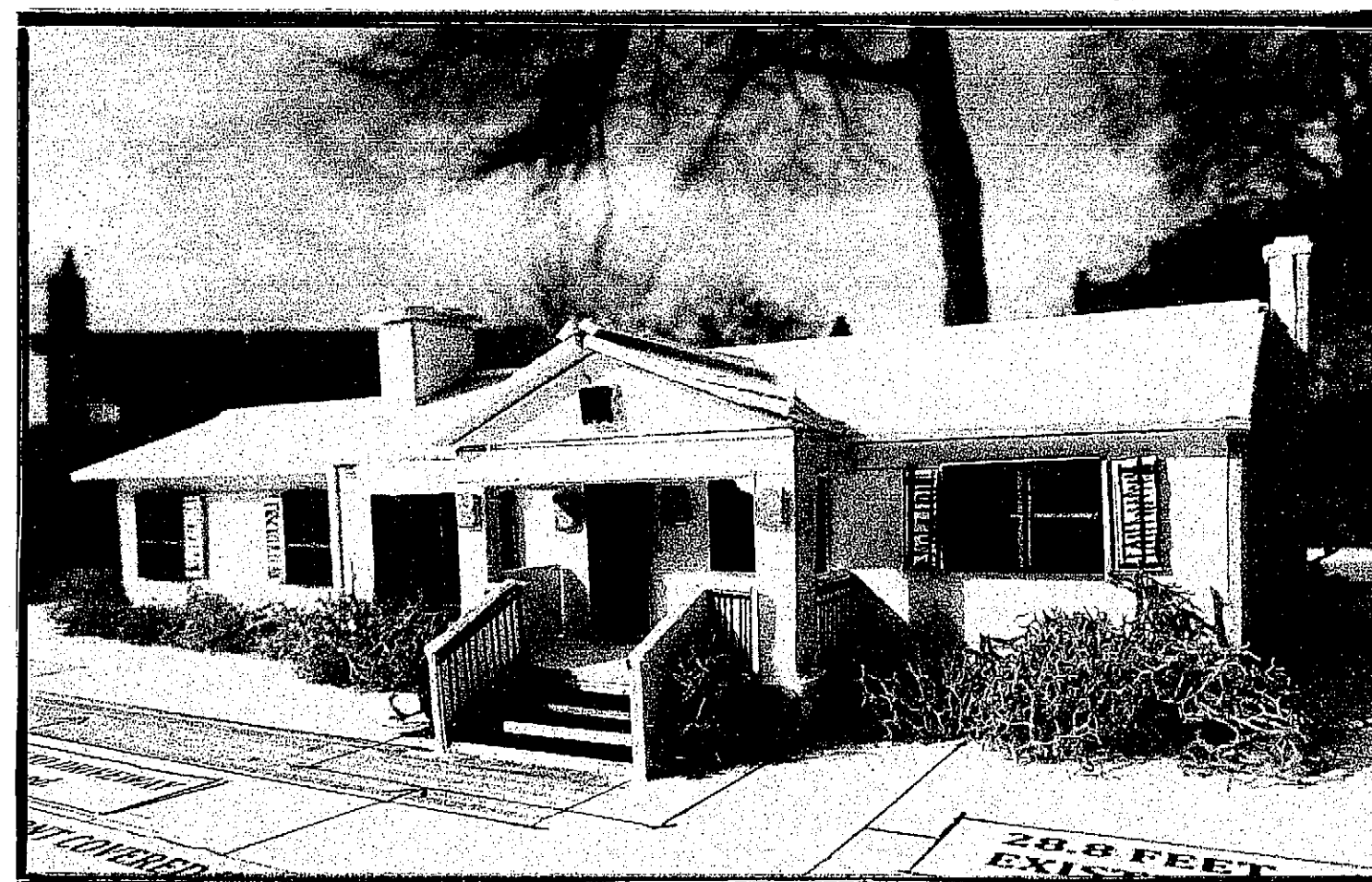
PHOTOGRAPH "C"

02-05-20

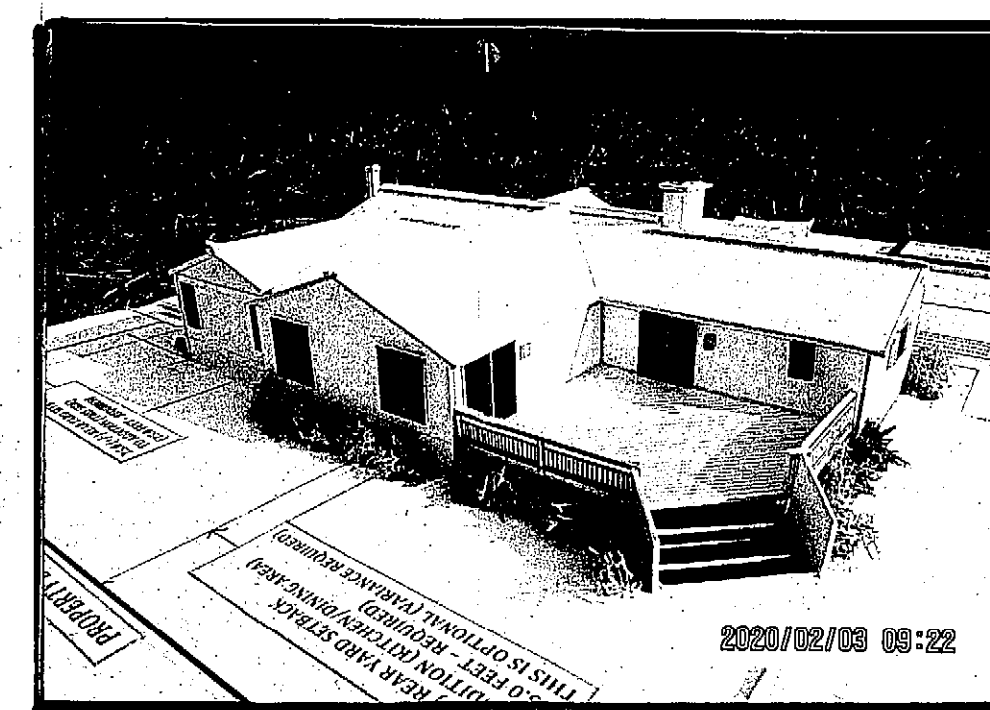
ARCHITECT JAMES M. POLLIFRONE
11 AVON AVENUE OCEANPORT, NJ 07757
(732) 229-1888 jpollifrone73@gmail.com
New Jersey Registration Number 21A100818100



PHOTOGRAPH "D"



PHOTOGRAPH "A"



PHOTOGRAPH "E"

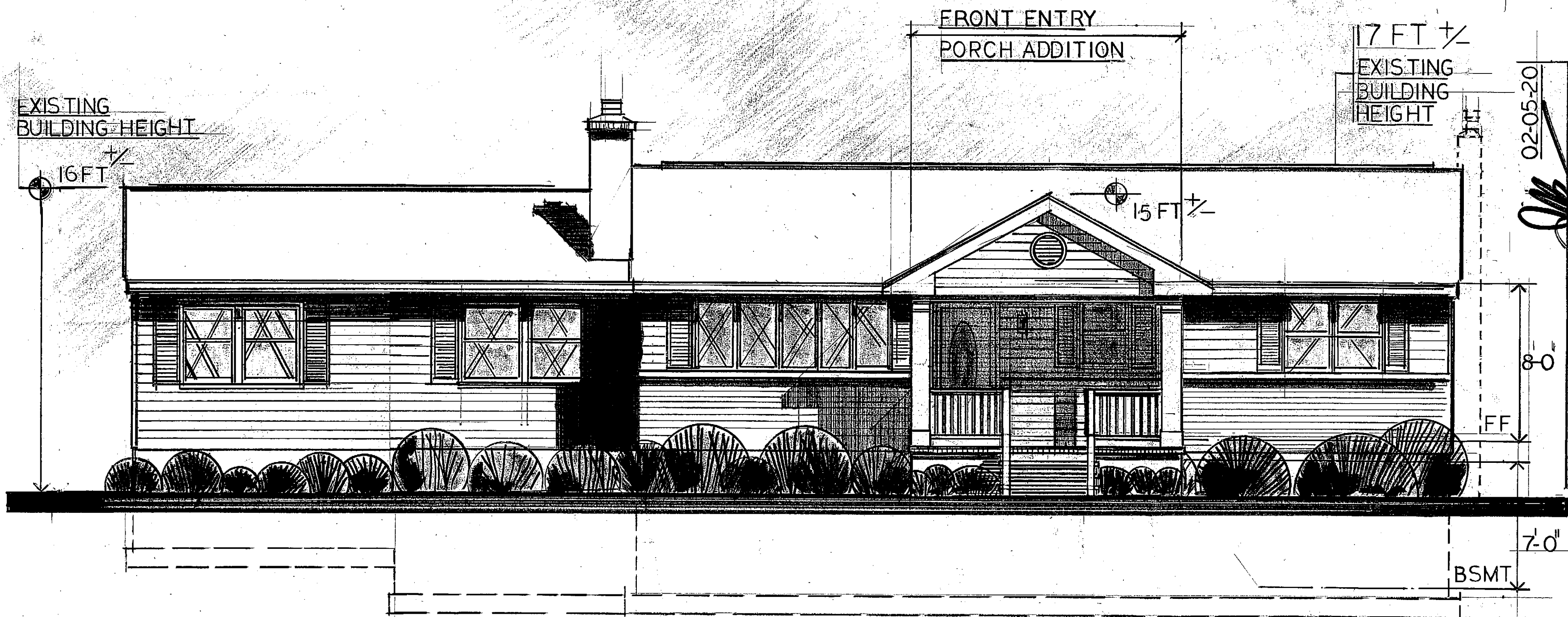
**PHOTOGRAPHS OF ARCHITECT'S STUDY MODEL
SHOWING EXISTING DWELLING WITH PROPOSED ADDITIONS**

LEGEND TO PHOTOGRAPHS

1. PHOTOGRAPH "A" - VIEW FROM FRONT YARD SHOWING FRONT ENTRY PORCH ADDITION
2. PHOTOGRAPH "B" - VIEW FROM STREET SHOWING FRONT ENTRY PORCH ADDITION
3. PHOTOGRAPH "C" - VIEW FROM REAR YARD SHOWING REAR ADDITION
4. PHOTOGRAPH "D" - VIEW FROM REAR YARD SHOWING REAR ADDITION AND NEW DECK
4. PHOTOGRAPH "E" - AERIAL VIEW SHOWING REAR ADDITION AND NEW DECK

ADDITION/ALTERATION TO THE
WALSH RESIDENCE
10 HIAWATHA AVENUE OCEANPORT, NEW JERSEY

STUDY MODEL



WALSH RESIDENCE

FRONT ELEVATION - VIEW FROM HIAWATHA AVENUE

SHOWING FRONT ENTRY PORCH ADDITION

SCALE ¼ inch = 1'-0"

SUMMARY OF BUILDING HEIGHTS

Existing Roofs: 17'-0" and 16'-0"

Rear Addition: 15'-0" and 16'-0"

Front Entry

Porch Addition: 15'-0"

(Note: All heights are plus/minus)

ARCHITECT JAMES M. POLLIFRONE, NCARB
Eleven Avon Avenue Oceanport, New Jersey 07757
(732) 229-1888 email: jmparchitect73@gmail.com
State of New Jersey Registration Number: 21A100818100

ADDITION/ALTERATION TO THE

WALSH RESIDENCE

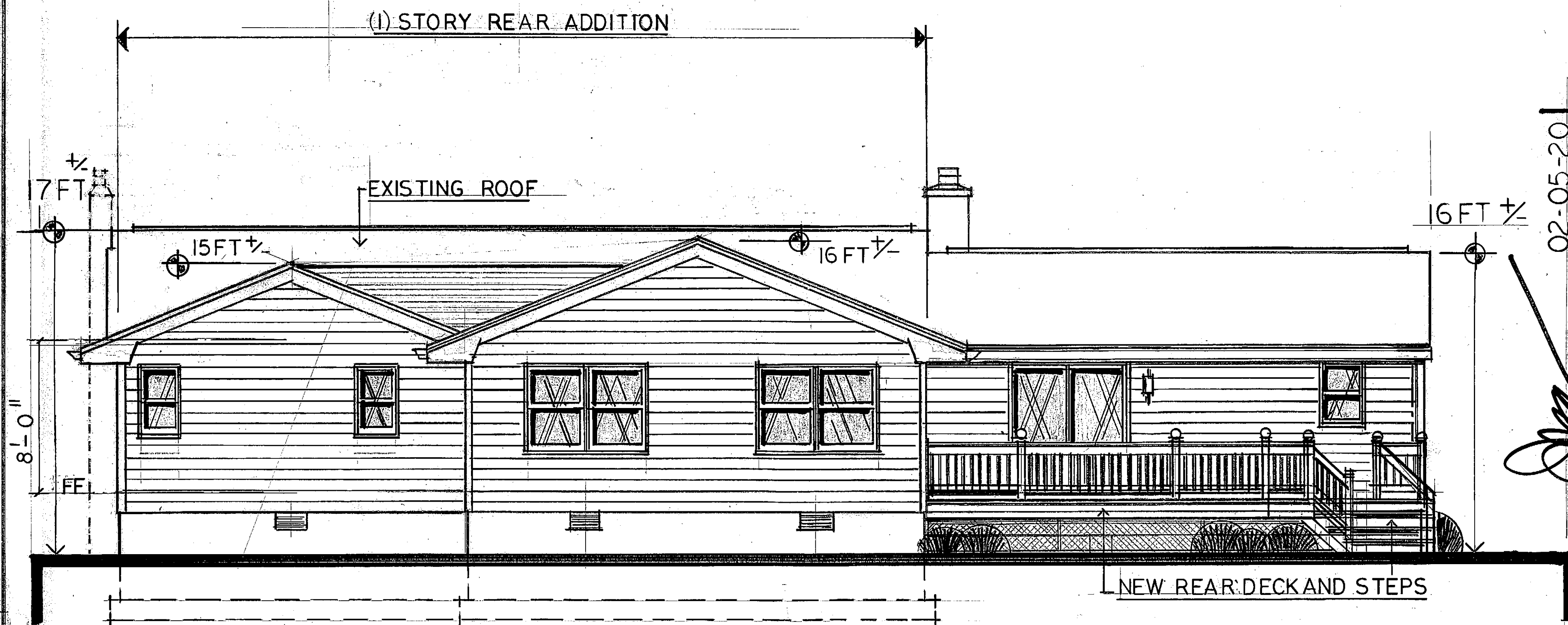
10 HIAWATHA AVENUE OCEANPORT, NEW JERSEY

FRONT ELEVATION

A • 2

6

OF 8



REAR ELEVATION SCALE $\frac{1}{4}$ INCH = 1'-0"

SHOWING (1) STORY REAR ADDITION AND NEW REAR DECK WITH STEPS

SUMMARY OF BUILDING HEIGHTS

Existing Roofs: 17'-0" and 16'-0"

Rear Addition: 15'-0" and 16'-0"

Front Entry

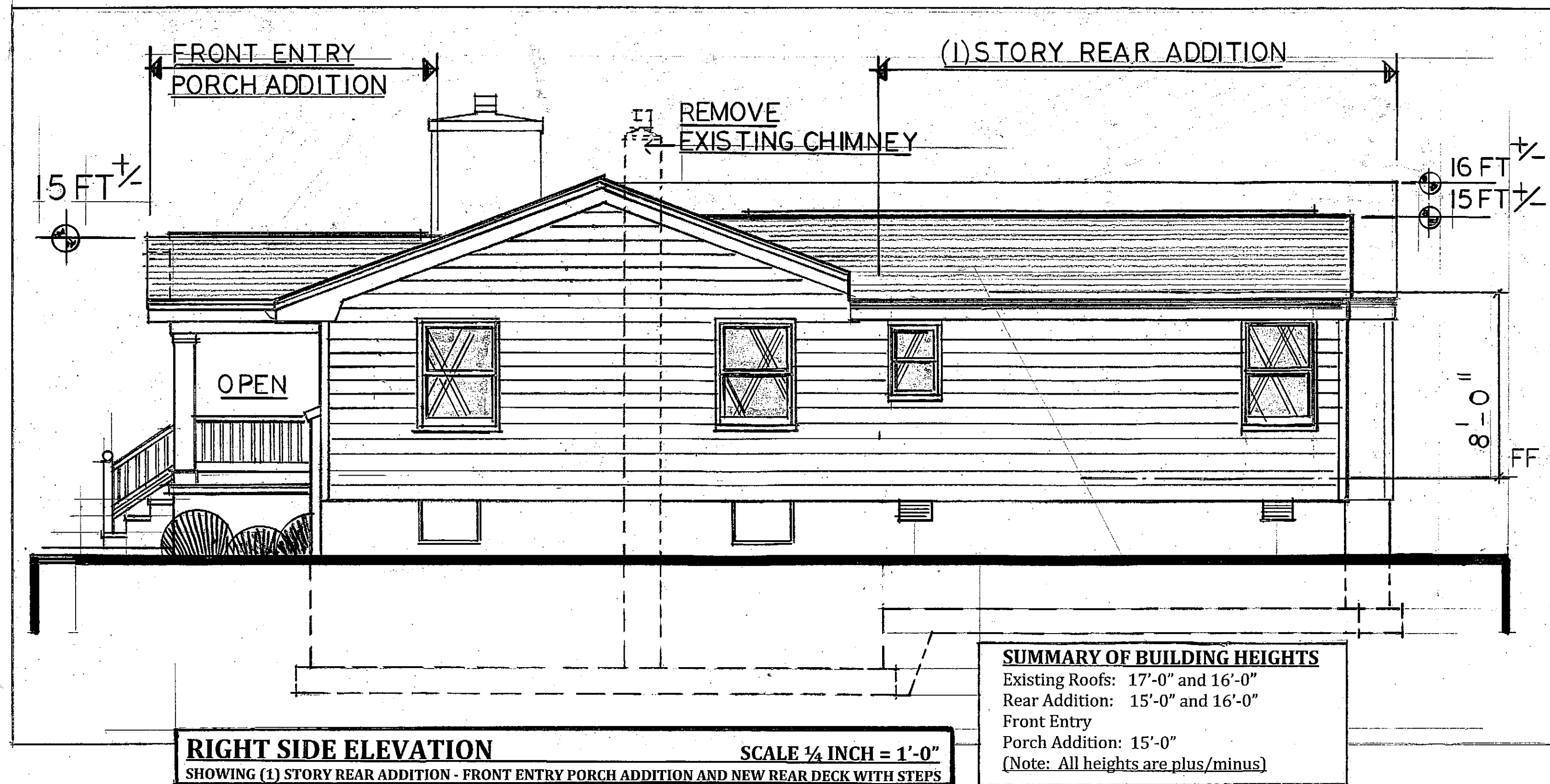
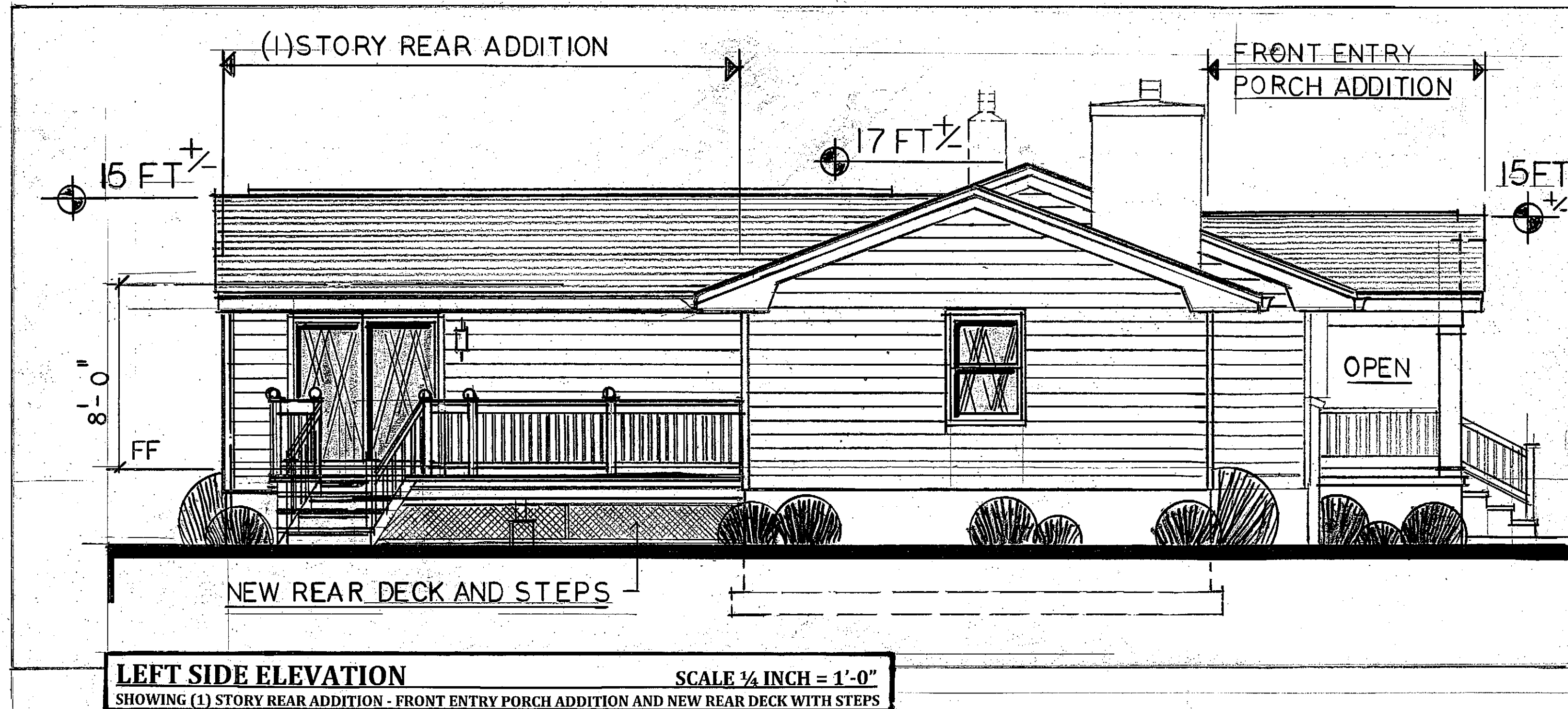
Porch Addition: 15'-0"

(Note: All heights are plus/minus)

ARCHITECT JAMES M. POLLIFRONE, NCARB
 Eleven Avon Avenue Oceanport, New Jersey 07757
 (732) 229-1888 email: jpollifrone73@gmail.com
 State of New Jersey Registration Number: 21A100818100

ADDITION/ALTERATION TO THE
 WALSH RESIDENCE
 10 HIAWATHA AVENUE OCEANPORT, NEW JERSEY

REAR ELEVATION

**SUMMARY OF BUILDING HEIGHTS**

Existing Roofs: 17'-0" and 16'-0"

Rear Addition: 15'-0" and 16'-0"

Front Entry

Porch Addition: 15'-0"

(Note: All heights are plus/minus)

02-05-20

ARCHITECT JAMES M. POLLIFRONE, NCARB
 Eleven Avon Avenue Oceanport, New Jersey 07757
 (732) 229-1888 email: jmbarchitect73@gmail.com
 State of New Jersey Registration Number: 21A100818100

ADDITION/ALTERATION TO THE
 WALSH RESIDENCE
 10 HIAWATHA AVENUE OCEANPORT, NEW JERSEY
 SIDE ELEVATIONS

A. 3

7 OF 8

X. Description of present use of the premises.

PRIMARY RESIDENCE FOR A GROWING FAMILY WITH THE HOPES OF MAKING THIS OUR FOREVER HOME.

XI. Purpose of application and detailed description of proposed improvements, development, change in use, etc. Attach Rider if additional space is necessary.

CONSTRUCTION OF A REAR (1) STORY ADDITION TO AN EXISTING (1) STORY DWELLING. PROPOSED REAR ADDITION OF 888 SQ. FT WILL NOT EXCEED HEIGHT OF THE EXISTING DWELLING. CONSTRUCTION OF A FRONT PORCH ADDITION 6'x14' (84 SQ. FT), WHERE ADDITION IS PERMITTED TO EXTEND 6' INTO EXISTING FRONT SET BACK. THESE ADDITIONS WILL ALLOW US TO CREATE A FLOOR PLAN SUITABLE FOR OUR GROWING FAMILY AND MAKE THE HOME A PLACE WE COULD LIVE FOREVER!

XII. List the specific zoning regulations for which appeal or variance relief is sought, and the nature and extent of the specific variances. (Ex. Side yard setback of 9', where 10' permitted)

- 1) REAR SET BACK OF 23 FT PROPOSED WHERE 25 FT IS REQUIRED FOR ADDITION
- 2) MAXIMUM PRINCIPLE COVERAGE OF 26% WHERE 25% IS ALLOWED
- 3) EXISTING SHED TO REMAIN REQUIRES 10' SIDE SET BACK
- 4) LOT FRONTAGE REQUIRES 120 FT WHERE 100 FT IS EXISTING

XIII. If the application seeks use variance relief, state the "special reasons" as that term is defined under the Municipal Land Use Law, to justify the granting of use variance relief pursuant to N.J.S.A. 40:55D-70d. Attach Rider if additional space is necessary.

N/A

XIV. State whether the applicant owns or has under contract for purchase, an adjoining property. If so, set forth the block and lot number and street address of the property.

N/A

XV. State what efforts have been made to obtain the result you wish to accomplish without violating the Zoning Ordinance (i.e., relocation of planned construction, purchase of additional land, etc.)

BEING AN ESTABLISHED NEIGHBORHOOD, THERE ARE NO VACANT ADJACENT PROPERTIES THAT WOULD ALLOW THE PROPERTY TO INCREASE THE REQUIRED FRONTAGE FROM 100 TO 120 FT. THE INITIAL DESIGN CONCEPT OF THE ADDITION WAS TO MAINTAIN THE CURRENT (1) ONE STORY LAYOUT, ELIMINATING STAIR REQUIREMENTS, ALSO AVOIDING VARIANCES REQUIRED FOR BUILDING HEIGHT. THE EXISTING SHED (CURRENTLY 5 FT. OFF THE EXISTING SIDE YARD) CAN BE MOVED BY OWNER TO COMPLY WITH REQUIRED SET BACK. THE REAR ADDITION CREATES (2) VARIANCES (REAR SETBACK 25 FT REQUIRED / 23 FT PROPOSED) AND BUILDING COVERAGE,

Oceanport Planning Board Application (last revised 08-20-2019)

(MAX 25% WHERE 26% IS PROPOSED), HOWEVER, THE TOTAL IMPERVIOUS COVERAGE WILL BE REDUCED FROM MAX 61% TO 62%.

XVI. The location of the property is approximately 250 feet from the intersection of
COMANCHE DRIVE and HIAWATHA AVENUE.

XVII. Is the subject property located on a:

_____ County Rd _____ State Rd OR _____ within 200' of a Municipal boundary

XVIII. Are there any existing or proposed deed restrictions, easements, rights-of-way or other dedications? ☒ No _____ Yes (If yes, attach a copy)

FOR SITE PLAN REVIEW ONLY:

1. Acreage of the entire site is: _____

2. Type of Proposal is:

_____ New structure

_____ Expanded Area

_____ Improved Parking Area

_____ Alteration to Structure

_____ Expansion of Structure

_____ Change of Use

_____ Sign

3. The name of the business or activity (if any): _____

IMPROVEMENTS: List all proposed on site utilities and off-tract improvements:

PLAT SUBMISSION: List maps and other exhibits accompanying this application

AUTHORIZATION AND VERIFICATION

I certify that the foregoing statement(s), materials submitted and information contained in this application are true. I further certify that I am (a) the individual applicant, or (b) that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or (c) that I am a general partner of the partnership applicant. (If the applicant is a corporation this must be signed by an authorized corporate officer. If applicant is a partnership, this must be signed by a general partner).

4/21/2020
Date

K. Walsh
Applicant

Date

Applicant

Sworn and subscribed to before me this
20th day of April, 20 20.
Jeannette Petti
Notary Public of New Jersey
(Affix stamp and seal)

Jeannette Petti
State of New Jersey
Notary Public
My commission Expires June 1, 2024 (2024)

STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation this must be signed by an authorized corporate officer. If owner is a partnership, this must be signed by a general partner).

4/21/2020
Date

K. Walsh
Property Owner's Signature

Jeannette Petti
Notary Public of New Jersey

KEVIN WALSH
Print Name of Property Owner

Sworn and subscribed to before me this
21st day of April, 20 20.

Jeannette Petti
Notary Public of New Jersey
(Affix stamp and seal)

Jeannette Petti
State of New Jersey
Notary Public
My commission Expires June 1, 2024



Oceanport Borough
Zoning Department
315 East Main Street
Oceanport, NJ 07757
(732) 222-0641

Application Date:	12/20/2019
Application Number:	ZA-20-0006
Permit Number:	
Project Number:	
Fee:	\$45

Denial of Application

Date: 1/21/2020

To: Ashley Walsh
NJ

CC: App Email: kevin.walsh97@gmail.com

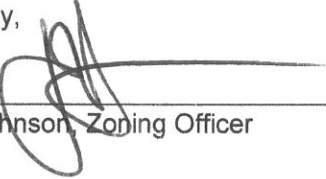
RE: 10 HIAWATHA AVE
Block: 13 Lot: 12 Qual: Zone: R-3

Dear Ashley Walsh,
Your request is hereby denied based upon the following requirements:

Rear set back of 23 feet proposed where 25 feet is required for the addition and the deck.
Maximum principle coverage of 26% where 25% allowed.
Existing shed to remain requires 10' side set back.
Lot frontage requires 120 feet where 100 is existing.

denial text

Sincerely,


John Johnson, Zoning Officer

