



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JULY 13, 2021

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Board Policy

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

III. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

IV. Flag Salute

V. Roll Call

VI. Board Business

1. Report of Pending Applications
2. Receipt of Appellant Decision - Noel Kelly vs. OP Planning Board

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Feb 9, 2021 7:00 PM
2. Planning/Zoning Board - Regular - April 27, 2021 7:00 PM
3. Planning/Zoning Board - Regular - Jun 22, 2021 7:00 PM

VIII. Old Business

1. PR-21-21 Resolution of Approval - Martine, James
2. PR-21-22 Resolution of Approval - Zanghi, Joseph
3. PB2021-10 Terry, Gregory & Debra

80 Gooseneck Point Road

Block 74, Lot 11

Variance Relief from Flood Prevention Ordinance Section 229-17A(1) which requires two additional feet above base flood elevation

CARRIED from June 22, 2021

IX. New Business

1. PB2021-05 Cameron, Beth

43 Manitto Place

Block 56, Lot 11

Variance relief for construction an addition to single family dwelling

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • JUNE 22, 2021****Regular****REMOTE/VIRTUAL****7:00 PM****Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 PM
- II. **Board Policy:** Chairman Widdis advised the public of the below Board policies: •It is Board Policy that no application will be opened after 9:30 P.M. •No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 22, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. Mr. Widdis then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.
- IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute
- V. **Roll Call:**

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

- VI. **Board Business:**
1. Report of Pending Applications - Ms. Smith advised of upcoming applications for the July 13th meeting. She further advised that the Mandatory Conceptual Review for the warehouse parcel had been completed and review for completion was underway with hearing to be scheduled in near future. Ms. Smith also advised that there was high likelihood that the meeting room would be complete in time to return to in-person meetings for the July meeting pending some minor issues with technology and furniture.
- VII. **Approval of Minutes:**
1. Planning/Zoning Board - Special - Dec 16, 2020 7:30 PM

RESULT: **ACCEPTED [6 TO 0]**
MOVER: James Whitson, Vice Chairman
SECONDER: Joseph Foster, Environmental Committee Liaison
AYES: Widdis, Whitson, Tvrdik, Foster, Kahle, Kleiberg
ABSTAIN: Davis
ABSENT: Cooper, Savarese, Dailey

2. Planning/Zoning Board - Regular - May 25, 2021 7:00 PM

RESULT: **ACCEPTED [6 TO 0]**
MOVER: James Whitson, Vice Chairman
SECONDER: Robert Kleiberg, Class IV
AYES: Widdis, Whitson, Foster, Kahle, Kleiberg, Davis
ABSTAIN: Tvrdik
ABSENT: Cooper, Savarese, Dailey

VIII. Old Business:

1. PR-21-17 Resolution of Approval - Fort Monmouth Business Center

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Davis asked that the resolution condition specify the amount of concrete at back of warehouse should specify a minimum of 8' sufficient for a forklift. Mr. Davis made a motion to approve the Resolution with change, which was seconded by Mr. Foster and received the below roll call:

RESULT:	ADOPTED [5 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Tvrdek, Foster, Davis
ABSENT:	Cooper, Savarese, Dailey
INELIGIBLE:	Kahle, Kleiberg

2. PR-21-18 Resolution of Approval - Sommers, Dawn

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Kleiberg made a motion to approve the Resolution, which was seconded by Mr. Whitson and received the below roll call:

RESULT:	ADOPTED [6 TO 0]
MOVER:	Robert Kleiberg, Class IV
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Davis
ABSENT:	Cooper, Savarese, Dailey
INELIGIBLE:	Tvrdek

3. PR-21-19 Resolution of Approval - Rovinsky, Todd

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Kleiberg and received the below roll call:

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Tvrdek, Foster, Kahle, Kleiberg, Davis
ABSENT:	Cooper, Savarese, Dailey

4. PR-21-19 Resolution of Approval - Motzenbecker, Eric

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Mr. Kahle and received the below roll call:

RESULT:	ADOPTED [5 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Foster, Kahle, Kleiberg, Davis
ABSENT:	Cooper, Savarese, Dailey
INELIGIBLE:	Whitson, Tvrdek

IX. New Business:

1. PB2021-08 (Zanghi)

14 Balmer Court

Block 65.01, Lot 1.04

Bulk variances for fence and shed:

-Accessory Structure location: Ordinance 390:19C does not permit accessory structures to be in a front yard. The proposed 12' x 20'

pool shed is ten (10) feet from the Right of Way whereas the front yard would require a setback of 34.16'.

-Maximum height of fence - a maximum fence height in the front yard is 4 foot high and 50% open. The Applicant proposes a 6' high solid PVC fence.

Exhibits

A-1 Land Development Application

A-2 Plot Plan, 1 Sheet, prepared by Insite Engineering, LLC, last revised May 14, 2021

A-3 Colliers Engineering Review Letter, May 25, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. While waiting for the public to call in, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

Joseph Zanghi, Owner/Applicant and Maeve Desmond, Applicant's Professional Planner, were sworn in. Ms. Desmond presented her qualifications and was accepted as an expert in planning.

Ms. Desmond, referring to Exhibit A-2, described the application for a 12'x20' shed to store lawn furniture, tools and similar items and a 6' solid fence parallel to the Myrtle Avenue frontage, property location, lot characteristics, history of the lot's creation, the uniqueness of the lot having two frontages and the challenges with setbacks for improvements; described the variance relief for front yard setback of 10' where 30' required and for the fence which permits 4' high and 50% open where 6' high and solid are proposed; if the yard to the back of the home was considered a rear yard the proposed improvements would be compliant with the ordinance. Ms. Desmond testified to the (c)2 variance relief proofs including the unique geometry of the lot that limits the extent of the property's use if the strict interpretation of the zoning were applied. Case law has dictated that inability to use is not the only reason for a hardship. She opined that the two variances meet the burden of proof and that the deviation from the zoning ordinance would provide benefits that outweigh any detriments. It meets the positive criteria being permitted uses, maintaining adequate light, air and open space. The existing vegetation provides buffer that promotes a desirable visual environment and the fence was not obtrusive and in character with the type of fencing used in the surrounding neighborhoods. The required vegetative buffer per the subdivision eliminates any detrimental visual impacts from the proposed structures.

Chairman Widdis asked questions about the fence locations and if there was a need for variances for the fence height on the north and south sides of the property. Mr. White clarified the fence portions from the rear of the house to the straight are considered the front yard and are covered by the variances requested. Additional questions included setback to property line for fence and buffer area.

Board member questions included if there was a rear yard setback, the patio coverage, the location of the fence on the Balmer Ave side of the property, whether there were plans for a pool which there would be none, plans for electric only in the shed and no outside lighting on the shed, request that outside lighting, if any, be directed downward away from neighbors.

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

PUBLIC: Chairman Widdis opened the hearing to comments from the public on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Mr. Davis asked what was the width of the walkway to the shed. Ms. Desmond scaled it and advised it appeared to be 8'. Mr. Davis asked if the Applicant would agree to reduce the walkway to 4'. Mr. Zanghi answered yes. Mr. Davis asked if they would provide a tree buffer along the fence, 5' green giants to buffer the fence to which the Applicant agreed. Mr. Davis asked if the sidewalk could be sidestepped so that the neighbors don't look at a garage when gate is opened. Mr. Zanghi responded they hadn't designed that part of it but would take it into consideration.

Motion to Approve the Application with Conditions

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Darren Davis, Class IV
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Cooper, Savarese, Dailey

2. PB2021-02 Marttine, James

4 Blue Point Cove

Block 72, Lot 4.02

Bulk variances for pool installation: Maximum Impervious Coverage: 25% permitted, 21.68% existing and 30.84% proposed

Exhibits:

A-1 Land Development Application

A-2 Topographic Survey of Property, 1 Sheet, prepared by Lakeland Surveying, last revised 10/09/2019

A-3 Plot Plan, 1 Sheet, prepared by KBA Engineering Services, LLC, dated 01/21/2021

A-4 Colliers Engineering Review Letter, May 12, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice and provided the public with options to participate. While waiting for the public to call in, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

The following persons were sworn in: James Martine, Owner/Applicant; Joseph Bruno, Applicant's Architect and Joseph Kociuba, Applicant's Professional Engineer & Planner, were sworn in.

Frank Rivellini, Attorney for the Applicant, gave opening remarks describing the application for a pool, patio and deck area needing variance relief for impervious coverage of 30.84% proposed where 25% permitted.

Joseph Kociuba provided his credentials and qualifications and was accepted as an expert in engineering and planning. Mr. Kociuba provided testimony including description of the site characteristics, lot dimensions, existing residential use, the limited rear yard area due to the lot shape and location of dwelling, described the proposed improvements for a pool and associated improvements, successful approval of an NJDEP CAFRA permit for the project; what was included in the impervious coverage calculations, the grading will be compliant, with adjustment of the grade to avoid need for barrier at corner of the deck. He also provided testimony concerning design to minimize stormwater runoff impacts, runoff directed to bulkhead and creek and away from adjacent properties.

Mr. Kahle asked the 3' side of the pool was there a railing from grade to top of pool and was told it would be a finished edge.

Mr. Davis asked if the Applicant was willing to make the back patio at the rear of the house match with the lower deck to limit coverage.

Mr. Kociuba responded that the Applicant wished to keep that as patio and would provide that in his planning testimony. Mr. Davis asked if the pool was an infinite pool and was told no, it would have no outer trough.

Mr. Foster asked if there would be lighting installed around the pool. Mr. Kociuba deferred to the Applicant but believed there would be landscape lighting that would be downcast.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness.

Mr. White asked where the pool equipment would be located. Mr. Kociuba responded it would likely be placed next to the addition in a compliant location and would be placed on a raised platform to meet the elevation requirements.

Chairman Widdis asked doesn't the 3' section of the pool require a fence and was told the height was just below 30" – the maximum allowed without the need for a fence/guard. The grade at the pool/deck at the northwest corner would be graded for 30" or less. The pool will have compliant fencing as well.

Mr. Davis asked what the plan to remove the water from the courtyard area with the stepping stones etc. in the path. Mr. Kociuba answered that the deck was above grade at that point, and intent to slopes downward around the pool and would probably install some kind of French drain to address that and would daylight not empty to the river.

Matthew Goldfine, 5 Blue Point Cove, was sworn in, thanked the Board for their questions on the grades and railings, and asked if any railing or guard would not block visibility which was a point of his own approval previously from the Board. He asked questions about the grading, testimony assuring that grading would be brought to make slope less than 30". Mr. Goldfine asked that the Board make any approval condition upon no railings and the grade be done properly. Mr. Goldfine asked questions about materials to be used for landscaping. Mr. Kociuba responded that the Applicant would agree to place low-lying landscaping where the pool is exposed under the deck. Mr. Goldfine asked if pool equipment could be moved away from his property. Chairman Widdis answered no variance was requested for that. Mr. Kociuba responded that they would put landscape screening around the pool equipment.

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

Mr. Rivellini stated he had no other witnesses but the planning testimony by Mr. Kociuba.

Mr. Kociuba provided planning testimony concerning the variance being sought for impervious coverage and outlined the lots characteristics, the existing coverage and rear yard make improvement difficult and that due to same a c(1) variance was appropriate; reviewed the positive and negative criteria, impervious coverage limitations were typically enforceable light intensity in this case; the gravel driveway provides calm water benefit, the whole rear yard drains directly to creek lessening impacts and the pool itself does

capture runoff and the pool surround would be pervious and it was his opinion that there would be no detriment to the zoning plan as the site was otherwise compliant.

PUBLIC: Chairman Widdis opened the hearing to comments from the public on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Mr. Davis made a motion to approve the application as amended to veneer the patio and the new extensions on the house with a cultured stone, west side of pool will have a buffer for the exposed portion under deck, buffer and sound screen pool equipment, adjust grades for the pool and patio to not be elevated more than 30" to eliminate the need for railings and that all lighting would be directed downward away from the neighbors and complaint fencing for pool code with an impervious coverage variance for 28.8 and the pool will not be an infinite pool

Motion to Approve Application with Amendments and Conditions

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

3. PB2021-10 Terry, Gregory & Debra

80 Gooseneck Point Road

Block 74, Lot 11

Variance Relief from Flood Prevention Ordinance Section 229-17A(1) which requires two additional feet above base flood elevation

EXHIBITS:

A-1 Land Development Application

A-2 Proposed Raised Foundation Plan, 1 Sheet, prepared by Paul A. Damiano Architects, LLC, dated 01/31/2013

A-3 Elevation Certificate prepared by Thomas P. Santry, Jr., dated 10/03/2016

A-4 Colliers Engineering Review Letter, June 9, 2021

Councilman Tvrdik stated for the record that prior to the renovations he did the hardwood floors, he is not working for them now and does not feel there's any conflict to hear the application.

Mr. Davis stated for the record that his company installed the driveway for the property about 8 years ago but did not feel there was any conflict.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice provided the public with options to participate. While waiting for the public to call in, Mr. White was sworn in as the Board Engineer/Planner and the Borough's Flood Plain Administrator. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice acceptable for the Board to accept jurisdiction.

Gregg Terry, Owner/Applicant, was sworn in and testified that he was seeking relief from the Borough's flood prevention ordinance as the finished floor had been constructed at 11.4' instead of the required 12.4' and the air conditioner at 10.7'. Mr. Terry provided history of the site, elevation of the dwelling after the impacts of Sandy; plans were prepared and designed for 12.4' by professionals but it was brought to their attention at close out of the permits in order to sell the property that the elevation certificate indicated the structure built lower than the plans indicated.

Mr. White asked Mr. Terry concerning an inquiry by the buyer's attorney that the structure had sunken room – step down and whether that was reflected on the elevation certificate. Mr. Terry responded that to his knowledge there was a room slightly lower was at the 11.4. Mr. White expressed concern that it be verified in order for the correct variance to be given and the owner not have to return.

Board members commented that the applicant should verify the accuracy of the certificate and that the 11.4 reflects the lowest floor, the attorney to check if the actual number was lower did it affect the notice, and Board members expressed the desire to see the utility raised to comply and eliminate the need for that variance. There was discussion about the question on the next highest floor and what it meant for the Applicant, possible risks if the Applicant proceeds without the verification and next steps including considering having the engineer attend next meeting to testify. The Applicant requested that the Board carry the application to July 13, 2021 meeting with no new notice required unless circumstances change depending on the nature of relief. The public was advised that they would be able to view the meeting online but to check the Borough website as meetings would likely be returning to in-person and attendance required to participate.

Motion to Carry Application to July 13, 2021

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

- X. **Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public presented, Chairman Widdis closed that portion of the meeting.
- XI. **Adjournment:** As there was no further business, the meeting was adjourned at 9:01 pm on a motion by Mr. Whitson which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2095)

8.1

Meeting: 07/13/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2095

PR-21-21 Resolution of Approval - Marttine, James

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF
JAMES MARTTINE
4 BLUE POINT COVE
OCEANPORT, NJ
BLOCK 72, LOT 4.02
APPROVED: JUNE 22, 2021
MEMORIALIZED: JULY 13, 2021**

Introduction

WHEREAS, James Marttine has made Application to the Oceanport Planning Board for the property designated as Block 72, Lot 4.02, commonly known as 4 Blue Point Cove, Oceanport, New Jersey, within the Borough's R-1 Zone, for the following approval: Bulk Variance Relief associated with a request to install a pool at the site.

Public Hearing

WHEREAS, the Board held a remote Public Hearing on June 22, 2021, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

Evidence / Exhibits

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

- *Oceanport Planning Board Development Application, introduced into Evidence as A-1;*
- *Topographic Survey of the property, prepared by Lakeland Surveying, last revised October 9, 2019, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Plot Plan, prepared by KBA Engineering Services, LLC, dated January 21, 2021, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Review Memorandum from Colliers Engineering and Design, dated May 12, 2021, introduced into Evidence as A-4;*

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

Witnesses

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

- James Martine, Applicant;
- Joseph Bruno, Architect;
- Joseph Kociuba, Engineer / Planner;
- Frank Rivellini, Esq, appearing;

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

Testimony and Other Evidence Presented on Behalf of the Applicant

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

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 2 years.
- There is an existing single-family home at the site. (There is an addition which is currently under construction, which is not related to the within application.)
- The Applicant lives at the site.
- The Applicant proposes to install a pool at the site.
- Details pertaining to the proposed pool include the following:

Type of Pool:	Inground Pool, with concrete coping.
Size of Pool:	Approximately 40 ft. x approximately 25 ft.
Location:	The pool will be located in the rear/northwestern portion of the property, per Plans.

Pool Equipment:	Standard pool equipment, including a pump, filter, and heater.
Pool Equipment Location:	The pool equipment will be located next to the addition (currently under construction) in a zoning-compliant location.
Deck Details:	The pool will be surrounded by a deck, ranging between 4 ft and 10.5 ft in width.

- The proposed pool will not be an infinity pool.
- The Applicant anticipates having the pool installed in the very near future.

Variance Relief

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

IMPERVIOUS COVERAGE: Maximum 25% allowed; whereas 28.8% proposed.

Public Comments

WHEREAS, public comments, questions, statements, or objections associated with the subject Application were presented by the following:

- Matthew Goldfine

Findings of Fact

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

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

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

2. The subject property is located at 4 Blue Point Cove, Oceanport, New Jersey, within the Borough's R-1 Zone.

3. The site contains an existing single-family dwelling, which is a permitted use in the zone.

4. The Applicant is proposing to install a pool at the site.

5. Such a proposal requires Bulk Variance Approval.

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

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

- The existing single-family home is a permitted use in the subject Zone.
- The proposed pool is a permitted accessory use in the subject Zone.
- The Applicant considered a number of potential host locations for the pool and deck, and the proposed location is most appropriate / desirable.
- The proposed host location of the pool is near the existing home and near the utility hook-ups, etc., further justifying the appropriateness of the proposed location.
- The Application as submitted initially requested relief for an Impervious Coverage Variance of 30.84%. Upon further review, the Applicant's representatives testified as to the type of construction and materials to be utilized with respect to the proposed pool deck. The Applicant's representatives testified that the deck will be constructed with a type of material which permits the rainfall to pass through to the soil below and, as such, there is no impervious material beneath the deck. Because of the same, under the Borough's Prevailing Zoning Regulations / Definitions, the proposed impervious coverage is actually reduced to a non-conforming 28.8%.
- The Application as presented and modified requires approval for an Impervious Coverage Variance. The relevant calculations in the said regard include the following:

Maximum allowable impervious coverage	25%
Existing impervious coverage:	21.68%
Proposed impervious coverage:	28.8%

- The Applicant essentially testified that the existing drainage system / pattern at the site works quite well – thereby providing further justification for the required Variance relief.
- Subject to the conditions contained herein, the grading and drainage testimony/plans presented satisfy the technical concerns of the Board Engineer.
- Per the testimony and evidence presented, there will be no adverse drainage impacts associated with the within approval.
- The Board notes that the subject property is not shaped like a traditional square or traditional rectangle. Rather, per the Plot Plan (A-3), the subject Lot is somewhat irregularly angled, being located on the north side of the roadway, adjacent to a cul-de-sac. Likewise, per the testimony and evidence presented, the existing structure on the site is somewhat askew.
- The somewhat irregular shape of the property, combined with the somewhat skewed nature of the existing structure, further complicate the ability of the Applicant to satisfy all Prevailing Bulk Requirements.
- The somewhat irregular shape of the property, combined with the skewed / angled nature of the existing structure on the Lot, essentially constitutes somewhat of a hardship within the meaning of New Jersey Municipal Land Use Law – and the said hardship helps justify the need for the requested Bulk Variance relief.
- The Applicant's site can accommodate the Applicant's proposal.
- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the pool approved herein.
- Per the testimony and evidence presented, the installation of the pool approved herein will not compromise the health and safety of the occupants.
- There will be no adverse lighting associated with the placement of the pool in the desired location.
- The pool will be shielded by low-lying shrubbery and/or fencing, further ensuring that the proposed installation will not have an adverse impact on adjacent property owners.
- The pool will be appropriately shielded with low-lying landscaping / fencing.

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

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

Conditions

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

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming that the pool shall have a self-closing and self-latching gate, in accordance with Prevailing Building / Construction Requirements;
 - The inclusion of a note confirming that the impervious coverage shall be reduced to 28.8%, per the Borough's Prevailing Calculation Methodology;
 - The inclusion of a note confirming that additional landscaping shall be placed on the property, which shall be reviewed and approved by the Board Engineer;
 - The inclusion of a note confirming that any lighting shall be low wattage / downward lighting, customary for residential setting;
 - The inclusion of a note confirming that the pool equipment shall be relocated next to the new addition (in a Zoning Compliant location);
 - The inclusion of a note confirming that the pool equipment shall be placed on a raised deck (as opposed to a concrete surface);
 - The inclusion of a note confirming that the grading difference at the edge of the pool deck shall be 30" or less, around the entire perimeter of the pool deck (i.e. the Applicant shall build-up the grade 3 ft. out from the pool);

- The inclusion of a note confirming that the grading at the pool shall be effectuated so as to avoid the need for any type of railing;
 - The inclusion of a note confirming that the retaining wall shall be terraced, if deemed necessary by the Board Engineer;
 - The inclusion of a note confirming that additional low-lying landscaping shall be placed in the area where the pool is exposed under the deck (on the west side of the deck);
 - The inclusion of a note confirming that the pool shall not have an additional trough for a spill-over;
 - The inclusion of a note confirming that the Applicant shall place a small screening fence or landscaping on the site so as to shield the pool equipment;
 - The inclusion of a note confirming that the Applicant shall veneer the exterior walls of the deck (with culture stone); and
 - The inclusion of a note confirming that the landscaping at the site shall be perpetually maintained / replaced / replanted, as necessary, so as to permanently minimize any potential adverse impact associated with the within approval.
- c. The Applicant shall submit three sets of revised Plans to the Board Secretary, as part of the Resolution compliance process.
- d. The Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
- Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- e. The Applicant shall comply with the terms and conditions of the Colliers Engineering Review Memorandum, dated 5/12/21 (A-4).
- f. There shall be no adverse drainage impact on the adjoining properties.
- g. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.

- h. The Applicant shall arrange for the pool to be fenced in accordance with prevailing Building/Construction Code requirements (including, but not limited to, gate modifications, fence location, etc.)
- i. The Applicant shall ensure that the location / elevation of the pool equipment shall comply with prevailing construction department regulations (regarding base flood elevation).
- j. The Applicant shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties.
- k. The installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with Prevailing Provisions of the Uniform Construction Code.
- l. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- m. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- n. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

Summary of Variance Relief Granted

*IMPERVIOUS COVERAGE: Maximum 25% allowed; whereas
28.8% approved.*

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

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

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

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

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on June 22, 2021 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)	()	()	()	()	()

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)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of July 13, 2021.

Jeanne Smith, Secretary

KEK/dmp
Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Martine (pool)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2094)

8.2

Meeting: 07/13/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2094

PR-21-22 Resolution of Approval - Zanghi, Joseph

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF JOSEPH ZANGHI
14 BALMER COURT, BLOCK 65.01, LOT 1.04
APPROVED JUNE 22, 2021
MEMORIALIZED JULY 23, 2021**

INTRODUCTION

WHEREAS, Joseph Zanghi has made Application to the Oceanport Planning Board for the property designated as Block 65.01, Lot 1.04, commonly known as 14 Balmer Court, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to install a shed at the site; and

PUBLIC HEARING

WHEREAS, the Board held a remote Public Hearing on June 22, 2021, Applicant's representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Development Application, introduced into Evidence as A-1;*
- *Plot Plan, prepared by InSite Engineering, LLC, last revised May 14, 2021 consisting of 1 sheet, introduced into Evidence as A-2;*
- *Review Memorandum from Colliers Engineering and Design, dated May 25, 2021, introduced into Evidence as A-3;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Joseph Zanghi, Applicant, appearing pro se;
- Maeve Desmond, Professional Planner;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant herein Is the Contract Purchaser of the subject property.
- There is an existing single-family home on the site (which is currently under construction).
- The Applicant proposes to install a shed on the property.
- Details pertaining to the proposed shed include the following:

Size:	12 ft. X 20 ft.
Number of stories:	1
Location:	Per plans
Mounting details:	The shed will be mounted/fastened In accordance with prevailing building/construction code regulations.
Utilities ?:	Electricity ? – Yes Gas ? – No Water ? – No Sewer ? – No Plumbing ? - no
Items to be stored in the shed:	Lawn equipment / furniture, etc.

- The Applicant also proposes to install a 6 ft. solid white vinyl fence on the site, per the plans.
- The Applicant has no plans to install a pool on the property. (The reference to a “pool fence” on the Plans was just an oversight / error.)
- The Applicant anticipates having the shed installed in the very near future.

VARIANCES

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

ACCESSORY STRUCTURE LOCATION: The Prevailing Zoning Ordinance does not permit an accessory structure (shed) to be located in a front yard area; whereas, the shed proposed herein will, in fact, be located in a technical front yard area;

FRONT YARD SETBACK: The Prevailing Ordinance requires a Front Yard Setback of 34.16 ft.; whereas in the within situation, the proposed shed will have a 10 ft. front setback from the Right-Of-Way;

FENCE HEIGHT / STYLE: The Prevailing Zoning Regulations allow a maximum fence height (in the front yard area) of 4 ft. (which is 50% open). In the within situation, the Applicant proposes a 6 ft. high solid PVC fence.

PUBLIC COMMENTS

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

FINDINGS OF FACT

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 14 Balmer Court, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The site contains a single-family home, which is currently under construction.

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

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

6. The said Subdivision has been perfected.

7. One of the Lots created under the aforesaid Subdivision was Lot 1.04, which is the subject of the within Application.

8. New Lot 1.04 contains 17,892 SF (0.4108 acres).

9. The Applicant herein is requesting permission to install a shed at the site.

10. Such a proposal requires Bulk Variance Approval.

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

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

- New Lot 1.04 (the subject of the within Application) was created as part of a recently approved Subdivision.
- The subject Lot (i.e. new Lot 1.04) is the southwestern-most Lot on the exterior of the Looping Right-Of-Way (Balmer Court).
- The subject Lot is a unique property within the Borough of Oceanport, as the same is surrounded by a Right-Of-Way on 2 sides (i.e. the subject Lot is one of the Lots on the Looping Right-Of-Way)
- The subject lot is not shaped liked a traditional square or a traditional rectangle. Rather, the lot is somewhat irregularly shaped, per the Plot Plan which was introduced into evidence as A-2. .
- Additionally, , the subject Lot has frontage on 2 streets (i.e. Balmer Court and Myrtle Avenue).
- The said situation results in the property having 2 technical front yard areas.
- The fact that the property has 2 front yard areas (as well as an irregular shape) compromises the ability of the Applicant to satisfy all of the Borough's Prevailing shed Location Requirements.

- The fact that the subject Lot is surrounded by a Right-Of-Way on 2 sides, and irregularly shaped, constitutes a hardship within the meaning of the New Jersey Municipal Land Use Law.
- The unique features of the land compromise the ability of the Applicant to reasonably satisfy all of the Prevailing Bulk Zoning Regulations.
- There was a discussion as to whether the size of the shed (12 ft by 20 ft) was excessive, and / or whether the size of the shed should be reduced. There was also a discussion as to whether the walkway leading to the shed was excessively long/ wide as well, thereby leading to the possibility that the same could be utilized to potentially accommodate vehicles, etc. In response, the Applicant's representatives testified that the proposed shed would not be utilized as a cabana or a garage. Upon further review, and based upon the testimony and evidence presented, all Board Members present were ultimately satisfied that the size of the shed was appropriate.
- A significant portion of the proposed fence will comply with the prevailing regulations. The Board recognizes that the only portion of the fence which will not comply with the prevailing zoning regulations is the portion to be located in the second front yard area at the site.
- Though all aspects of the proposed fence do not comply with the prevailing height/openness requirements, the Board recognizes that the non-complying portion of the fence will surround the Applicant's functional back yard area, where privacy and security is a concern. As such, the Board has determined that the requested fence relief can be granted without causing substantial detriment to the public good.
- The non-complying fence approved herein is appropriate for a functional back yard area, such as what exists herein.
- The Prevailing Municipal Zoning Regulations do not permit a shed to be located in a front yard area – whereas, in the within situation, the proposed shed is located in a technical front yard area.
- Presumably, the Municipal Regulations do not permit a shed to be located in a front yard area, as there is a legitimate municipal interest in attempting, when appropriate, to shield sheds from public view.
- The Prevailing Front Yard Setback in the within situation would require a Front Yard Setback of 34.16 ft.; whereas, the Applicant herein proposes a shed to be located in a technical front yard area, which is only 10 ft. from the Right-Of-Way.
- If the subject Lot were a traditional Lot, with 1 front yard area, 1 rear yard area, and 2 side yard areas, Variance relief would not be necessary herein.

- Given the unique nature of the Lot, and the fact that the same is surrounded by a Right-Of-Way on 2 sides, there is a need for Variance relief.
- The location of the shed as proposed, is in a technical front yard area, but, in reality, the same will be placed in the functional / practical/more private area of the property.
- The location of the shed as proposed, is offset so that the homeowner can still have a functional and useable yard area.
- As indicated, an accessory structure in a front yard area should be appropriately shielded so as to minimize any adverse visual, noise, or functional impacts.
- In the within situation, the Applicant's representatives have agreed to place 5-6 arborvitae along the front property line (where the shed will be located). The said landscaping / trees shall serve as a visual / noise / aesthetic buffer. The said plantings shall further minimize any potentially adverse impact associated with the within approval.
- In conjunction with the above point, as a condition of the within approval, the said landscaping shall be perpetually maintained / replaced / planted, as necessary, so that the visual / noise / aesthetic buffer always exists.
- The Board recognizes that there is also a vegetated berm along Myrtle Avenue, which should further shield the proposed shed.
- The proposed single-family home (which is currently under construction) is a permitted use in the Zone.
- The proposed shed is a permitted accessory use in the Zone.
- The Applicant considered a number of potential host locations for the shed, and the proposed location is most appropriate / desirable.
- The Applicant's Planner provided extensive and compelling testimony in support of the Application and the requested relief.
- Subject to the conditions set forth herein, the grading and drainage testimony / plans presented satisfied the technical concerns of the Board Engineer.
- Per the testimony and evidence presented, there will be no adverse drainage impacts associated with the within approval.
- Subject to the conditions contained herein, the Applicant's site can accommodate the Applicants' proposal.

- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the shed setbacks / location approved herein.
- Per the testimony and evidence presented, the installation of the shed approved herein will not compromise the health and safety of the occupants.
- There will be no adverse lighting associated with the placement of the shed in the desired location.
- The shed will be shielded by shrubbery and/or fencing, further ensuring that the proposed installation will not have an adverse impact on adjacent property owners.
- The shed will be appropriately shielded with landscaping / fencing.
- Subject to conditions contained herein, the location of the shed and associated landscaping will minimize, to the greatest extent possible, any potential disturbance to the neighboring property owners.
- Additionally, notwithstanding the Variance relief, the Board notes that the location of the proposed shed is practical, appropriate, and aesthetically pleasing.
- The Board notes that given the screening / buffering, the proposed shed will not be readily seen from the public road/Right-of-Way.
- The Board finds that the subject Lot can, in fact, physically accommodate the Applicant's proposal.
- The Board notes that there were no public objections in connection with the subject Application.
- Approval of the within Application will enhance/improve the quality of life for the Applicant.
- The to-be installed shed is specifically designed for residential use.
- Approval of the within Application will not intensify the permitted single-family nature of the home/site.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the shed will minimize, to the greatest extent possible, any disturbance to the neighboring properties.

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

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

CONDITIONS

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

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall revise the Plans, so as to portray and confirm that 5-6 buffering plantings shall be placed along the front property line (where the shed is to be located).
- c. The shed shall not be utilized as a garage or a cabana.
- d. The shed approved herein shall no be utilized as a pool shed.
- e. The Applicant shall revise the Plans to reduce the walkway to the shed to 4'.
- f. In conjunction with the above point, the Plans shall furthermore be revised so as to include a note confirming that the said landscaping/ arborvitae trees shall be perpetually maintained / replaced / replanted, as necessary, so as to perpetually ensure that the shed area is sufficiently shielded from adjacent neighbors / public.
- g. The shed shall not be utilized as living space.

- h. There shall be no light spillover onto the adjacent properties.
- i. The Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- j. The Applicant shall comply with the terms and conditions of the Collier Engineering Review Memorandum, dated May 25, 2021 (A-3).
- k. There shall be no adverse drainage impact on the adjoining properties.
- l. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- m. The Applicant shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties.
- n. The construction / installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with Prevailing Provisions of the Uniform Construction Code.
- o. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and / or other agents of the Borough.
- p. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- q. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

SUMMARY OF VARIANCE RELIEF GRANTED

ACCESSORY STRUCTURE LOCATION: The Prevailing Zoning Ordinance does not permit an accessory structure (shed) to be located in a front yard area; whereas, the shed proposed herein will, in fact, be located in a technical front yard area;

FRONT YARD SETBACK: The Prevailing Ordinance requires a Front Yard Setback of 34.16 ft.; whereas in the within situation, the proposed shed will have a 10 ft front. setback from the Right-Of-Way;

FENCE HEIGHT / STYLE: The Prevailing Zoning Regulations allow a maximum fence height (in the front yard area) of 4 ft. (which is 50% open). In the within situation, the Applicant proposes a 6 ft. high solid PVC fence.

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

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

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

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

PR-21-22

07-13-21

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on June 22, 2021 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)	()	()	()	()	()

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)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of July 13, 2021.

Jeanne Smith, Secretary

KEK/dmp
Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Zanghi (Shed)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2109)

Meeting: 07/13/21 07:00 PM
Department: Administration
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2109

8.3

PB2021-10 Terry, Gregory & Debra

80 Gooseneck Point Road

Block 74, Lot 11

Variance Relief from Flood Prevention Ordinance Section 229-17A(1) which requires two additional feet above base flood elevation

COMMENTS - Current Meeting:

CARRIED from June 22, 2021

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



June 9, 2021

VIA EMAIL

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

80 Gooseneck Point Road
Block 74, Lot 11
Application No. PB2021-10
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0296

Dear Board Members,

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

- Plan entitled "Proposed Raised Foundation the Terry Residence," prepared by Paul A. Damiano, Architects, LLC, dated January 31, 2013, consisting of one (1) sheet.
- Elevation certificate prepared by Thomas P. Santry, Jr., dated October 3, 2016.

The subject property is a 0.77-acre parcel located in the R-1 Residential Zone. The property is the south side of the roadway approximately 260' east of the eastern leg of Shore Road. The Applicant elevated the dwelling after being impacted by Super Storm Sandy. While closing out the construction permits, it was discovered that the dwelling was one foot lower than required/proposed.

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

A. Variances/Design Waivers

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

1. The property is located in the AE10 flood hazard zone which requires minimum design flood elevation (DFE) of 12.4 feet. Flood Prevention Ordinance Section 229-17A(1) 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 building was inadvertently only elevated to 11.40. The foundation plan proposed a finished floor elevation of 12.46, in compliance with the ordinance. In addition, the AC condenser unit is at 10.7 and is not compliant. Therefore, the Applicant must elevate the dwelling and condenser unit or obtain a variance from the requirement. Ordinance Section 229-15 (copy attached) provides a procedure for the Planning Board to hear a variance request. The Board is referred to section 229-15B(5) (b). The Applicant has claimed that in order to make the dwelling conform, it would result in exceptional hardship. The Applicant should address the remaining Conditions for Variances outlined in sub-chapter 229-15B.

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 variance being requested and/or identified.

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

Sincerely,

Colliers Engineering & Design



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

WHW/dmm
Attachment

cc: Gregg Terry (via email)
Kevin Kennedy, Esq. (via email)

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*Borough of Oceanport, NJ
Tuesday, June 8, 2021*

Chapter 229. Flood Damage Prevention

Article IV. Administration

§ 229-15. Variance procedure.

A. Appeal Board.

- (1) The Planning Board as established by the Mayor and Council shall hear and decide appeals and requests for variances from the requirements of this chapter.
- (2) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Borough Engineer in the enforcement or administration of this chapter.
[Amended 6-7-2018 by Ord. No. 989]
- (3) Those aggrieved by the decision of the Planning Board or any taxpayer may appeal such decision to the Superior Court, as provided by law.
- (4) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:
 - (a) The danger that materials may be swept onto other lands to the injury of others;
 - (b) The danger to life and property due to flooding or erosion damage;
 - (c) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

- (d) The importance of the services provided by the proposed facility to the community;
 - (e) The necessity to the facility of a waterfront location, where applicable;
 - (f) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (g) The compatibility of the proposed use with existing and anticipated development;
 - (h) The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (i) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (j) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (k) The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of § **229-15A(4)** and the purposes of this chapter, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.
- (6) The Borough Engineer shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.
[Amended 6-7-2018 by Ord. No. 989]

B. Conditions for variances.

- (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of 1/2 acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items in § **229-15A(4)(a)** through **(k)** have been fully considered. As the lot size increases beyond the 1/2 acre, the technical justification required for issuing the variance increases.
- (2)

Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

- (3) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (5) Variances shall only be issued upon:
 - (a) A showing of good and sufficient cause;
 - (b) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (c) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in § **229-15A(4)**, or conflict with existing local laws or ordinances.
- (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

ELEVATION CERTIFICATE

Important: Follow the instructions on pages 1–9.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

SECTION A – PROPERTY INFORMATION				FOR INSURANCE COMPANY USE	
A1. Building Owner's Name GREGORY & DEBRA TERRY				Policy Number:	
A2. Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 80 GOOSENECK POINT ROAD				Company NAIC Number:	
City OCEANPORT		State NEW JERSEY		ZIP Code 07757	
A3. Property Description (Lot and Block Numbers, Tax Parcel Number, Legal Description, etc.) BLOCK 74 - LOT 11					
A4. Building Use (e.g., Residential, Non-Residential, Addition, Accessory, etc.) RESIDENTIAL					
A5. Latitude/Longitude: Lat. 40-19-38.64457 N Long. 74-00-46.33799 W Horizontal Datum: ☒ NAD 1927 ☐ NAD 1983					
A6. Attach at least 2 photographs of the building if the Certificate is being used to obtain flood insurance.					
A7. Building Diagram Number 8					
A8. For a building with a crawlspace or enclosure(s):					
a) Square footage of crawlspace or enclosure(s) 2,046 sq ft					
b) Number of permanent flood openings in the crawlspace or enclosure(s) within 1.0 foot above adjacent grade 7					
c) Total net area of flood openings in A8.b 1,400 sq in					
d) Engineered flood openings? ☒ Yes ☐ No					
A9. For a building with an attached garage:					
a) Square footage of attached garage 796 sq ft					
b) Number of permanent flood openings in the attached garage within 1.0 foot above adjacent grade 4					
c) Total net area of flood openings in A9.b 800 sq in					
d) Engineered flood openings? ☒ Yes ☐ No					
SECTION B – FLOOD INSURANCE RATE MAP (FIRM) INFORMATION					
B1. NFIP Community Name & Community Number BOROUGH OF OCEANPORT / 340320			B2. County Name MONMOUTH		B3. State NEW JERSEY
B4. Map/Panel Number 34025C0184G	B5. Suffix G	B6. FIRM Index Date 03-20-2018	B7. FIRM Panel Effective/ Revised Date 03-20-2018	B8. Flood Zone(s) AE	B9. Base Flood Elevation(s) (Zone AO, use Base Flood Depth) 10'
B10. Indicate the source of the Base Flood Elevation (BFE) data or base flood depth entered in Item B9: ☐ FIS Profile ☒ FIRM ☐ Community Determined ☐ Other/Source: _____					
B11. Indicate elevation datum used for BFE in Item B9: ☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____					
B12. Is the building located in a Coastal Barrier Resources System (CBRS) area or Otherwise Protected Area (OPA)? ☐ Yes ☒ No Designation Date: _____ ☐ CBRS ☐ OPA					

ELEVATION CERTIFICATE

OMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 80 GOOSENECK POINT ROAD			Policy Number:
City OCEANPORT	State NEW JERSEY	ZIP Code 07757	Company NAIC Number

SECTION C – BUILDING ELEVATION INFORMATION (SURVEY REQUIRED)C1. Building elevations are based on: ☐ Construction Drawings* ☐ Building Under Construction* ☒ Finished Construction

*A new Elevation Certificate will be required when construction of the building is complete.

C2. Elevations – Zones A1–A30, AE, AH, A (with BFE), VE, V1–V30, V (with BFE), AR, AR/A, AR/AE, AR/A1–A30, AR/AH, AR/AO. Complete Items C2.a–h below according to the building diagram specified in Item A7. In Puerto Rico only, enter meters.

Benchmark Utilized: **DR5349** Vertical Datum: **NAVD 1988 (GEOID 18)**

Indicate elevation datum used for the elevations in items a) through h) below.

☐ NGVD 1929 ☒ NAVD 1988 ☐ Other/Source: _____

Datum used for building elevations must be the same as that used for the BFE.

Check the measurement used.

- | | | | |
|---|-------------|--|---------------------------------|
| a) Top of bottom floor (including basement, crawlspace, or enclosure floor) | <u>5.6</u> | ☒ feet | ☐ meters |
| b) Top of the next higher floor | <u>10.8</u> | ☒ feet | ☐ meters |
| c) Bottom of the lowest horizontal structural member (V Zones only) | <u>N/A</u> | ☐ feet | ☐ meters |
| d) Attached garage (top of slab) | <u>6.9</u> | ☒ feet | ☐ meters |
| e) Lowest elevation of machinery or equipment servicing the building
(Describe type of equipment and location in Comments) | <u>10.9</u> | ☒ feet | ☐ meters |
| f) Lowest adjacent (finished) grade next to building (LAG) | <u>5.1</u> | ☒ feet | ☐ meters |
| g) Highest adjacent (finished) grade next to building (HAG) | <u>6.9</u> | ☒ feet | ☐ meters |
| h) Lowest adjacent grade at lowest elevation of deck or stairs, including structural support | <u>5.2</u> | ☒ feet | ☐ meters |

SECTION D – SURVEYOR, ENGINEER, OR ARCHITECT CERTIFICATION

This certification is to be signed and sealed by a land surveyor, engineer, or architect authorized by law to certify elevation information. I certify that the information on this Certificate represents my best efforts to interpret the data available. I understand that any false statement may be punishable by fine or imprisonment under 18 U.S. Code, Section 1001.

Were latitude and longitude in Section A provided by a licensed land surveyor? ☒ Yes ☐ No ☐ Check here if attachments.Certifier's Name
STEVEN M. EDWARDS, PLSLicense Number
24GS04323700Title
PROFESSIONAL LAND SURVEYORCompany Name
EDWARDS SURVEYINGAddress
4 FOREST AVENUECity
MANASQUANState
NEW JERSEYZIP Code
08736

Signature

Date
06-25-2021Telephone
(732) 223-0735

Ext.

Copy all pages of this Elevation Certificate and all attachments for (1) community official, (2) insurance agent/company, and (3) building owner.

Comments (including type of equipment and location, per C2(e), if applicable)

A8c) & A9c) ALL VENTS ARE "SMARTVENT" AND ARE RATED FOR 200 SQUARE INCHES.**C2b) THE NEXT HIGHER FLOOR IS A 15'x18' (270 SF) SUNKEN ROOM AT THE FRONT OF THE HOUSE. THE REMAINDER OF THE FLOOR AND AT ALL OPENINGS / DOORWAYS TO THAT FLOOR IS AT 11.4' NAVD 1988.****C2e) LOWEST EQUIPMENT ARE A/C UNITS ON AN ELEVATED PLATFORM.**

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 80 GOOSENECK POINT ROAD			Policy Number:
City OCEANPORT	State NEW JERSEY	ZIP Code 07757	Company NAIC Number

**SECTION E – BUILDING ELEVATION INFORMATION (SURVEY NOT REQUIRED)
FOR ZONE AO AND ZONE A (WITHOUT BFE)**

For Zones AO and A (without BFE), complete Items E1–E5. If the Certificate is intended to support a LOMA or LOMR-F request, complete Sections A, B, and C. For Items E1–E4, use natural grade, if available. Check the measurement used. In Puerto Rico only, enter meters.

- E1. Provide elevation information for the following and check the appropriate boxes to show whether the elevation is above or below the highest adjacent grade (HAG) and the lowest adjacent grade (LAG).
- a) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- b) Top of bottom floor (including basement, crawlspace, or enclosure) is _____ ☐ feet ☐ meters ☐ above or ☐ below the LAG.
- E2. For Building Diagrams 6–9 with permanent flood openings provided in Section A Items 8 and/or 9 (see pages 1–2 of Instructions), the next higher floor (elevation C2.b in the diagrams) of the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E3. Attached garage (top of slab) is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E4. Top of platform of machinery and/or equipment servicing the building is _____ ☐ feet ☐ meters ☐ above or ☐ below the HAG.
- E5. Zone AO only: If no flood depth number is available, is the top of the bottom floor elevated in accordance with the community's floodplain management ordinance? ☐ Yes ☐ No ☐ Unknown. The local official must certify this information in Section G.

SECTION F – PROPERTY OWNER (OR OWNER'S REPRESENTATIVE) CERTIFICATION

The property owner or owner's authorized representative who completes Sections A, B, and E for Zone A (without a FEMA-issued or community-issued BFE) or Zone AO must sign here. The statements in Sections A, B, and E are correct to the best of my knowledge.

Property Owner or Owner's Authorized Representative's Name

Address City State ZIP Code

Signature Date Telephone

Comments

☐ Check here if attachments.

ELEVATION CERTIFICATEOMB No. 1660-0008
Expiration Date: November 30, 2022

IMPORTANT: In these spaces, copy the corresponding information from Section A.			FOR INSURANCE COMPANY USE
Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No. 80 GOOSENECK POINT ROAD			Policy Number:
City OCEANPORT	State NJ	ZIP Code 07757	Company NAIC Number

SECTION G – COMMUNITY INFORMATION (OPTIONAL)

The local official who is authorized by law or ordinance to administer the community's floodplain management ordinance can complete Sections A, B, C (or E), and G of this Elevation Certificate. Complete the applicable item(s) and sign below. Check the measurement used in Items G8–G10. In Puerto Rico only, enter meters.

- G1. ☐ The information in Section C was taken from other documentation that has been signed and sealed by a licensed surveyor, engineer, or architect who is authorized by law to certify elevation information. (Indicate the source and date of the elevation data in the Comments area below.)
- G2. ☐ A community official completed Section E for a building located in Zone A (without a FEMA-issued or community-issued BFE) or Zone AO.
- G3. ☐ The following information (Items G4–G10) is provided for community floodplain management purposes.

G4. Permit Number	G5. Date Permit Issued	G6. Date Certificate of Compliance/Occupancy Issued
-------------------	------------------------	---

- G7. This permit has been issued for: ☐ New Construction ☐ Substantial Improvement
- G8. Elevation of as-built lowest floor (including basement) of the building: _____ ☐ feet ☐ meters Datum _____
- G9. BFE or (in Zone AO) depth of flooding at the building site: _____ ☐ feet ☐ meters Datum _____
- G10. Community's design flood elevation: _____ ☐ feet ☐ meters Datum _____

Local Official's Name	Title
-----------------------	-------

Community Name	Telephone
----------------	-----------

Signature	Date
-----------	------

Comments (including type of equipment and location, per C2(e), if applicable)

☐ Check here if attachments.

BUILDING PHOTOGRAPHS

See Instructions for Item A6.

OMB No. 1660-0008

Expiration Date: November 30, 2022

ELEVATION CERTIFICATE**IMPORTANT:** In these spaces, copy the corresponding information from Section A.**FOR INSURANCE COMPANY USE**

Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.

80 GOOSENECK POINT ROAD

Policy Number:

City

OCEANPORT

State

NJ

ZIP Code

07757

Company NAIC Number

If using the Elevation Certificate to obtain NFIP flood insurance, affix at least 2 building photographs below according to the instructions for Item A6. Identify all photographs with date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8. If submitting more photographs than will fit on this page, use the Continuation Page.



Photo One

Photo One Caption **FRONT VIEW: 80 GOOSENECK POINT ROAD, OCEANPORT, NJ 07757 (MAY 25, 2021)**

Clear Photo One



Photo Two

Photo Two Caption **REAR VIEW: 80 GOOSENECK POINT ROAD, OCEANPORT, NJ 07757 (MAY 25, 2021)**

Clear Photo Two

BUILDING PHOTOGRAPHS

Continuation Page

OMB No. 1660-0008

Expiration Date: November 30, 2022

ELEVATION CERTIFICATE

IMPORTANT: In these spaces, copy the corresponding information from Section A.**FOR INSURANCE COMPANY USE**Building Street Address (including Apt., Unit, Suite, and/or Bldg. No.) or P.O. Route and Box No.
80 GOOSENECK POINT ROAD

Policy Number:

City
OCEANPORTState
New JerseyZIP Code
07757

Company NAIC Number

If submitting more photographs than will fit on the preceding page, affix the additional photographs below. Identify all photographs with: date taken; "Front View" and "Rear View"; and, if required, "Right Side View" and "Left Side View." When applicable, photographs must show the foundation with representative examples of the flood openings or vents, as indicated in Section A8.

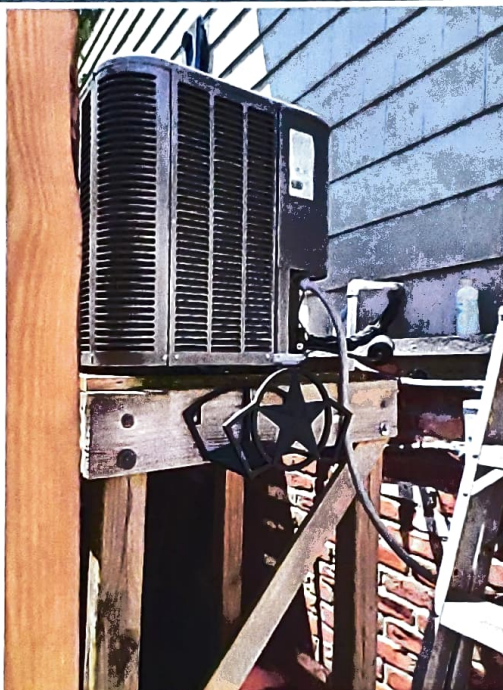


Photo Three

Photo Three Caption **A/C UNITS: 80 GOOSENECK POINT ROAD, OCEANPORT, NJ 07757 (MAY 25, 2021)**

Clear Photo Three

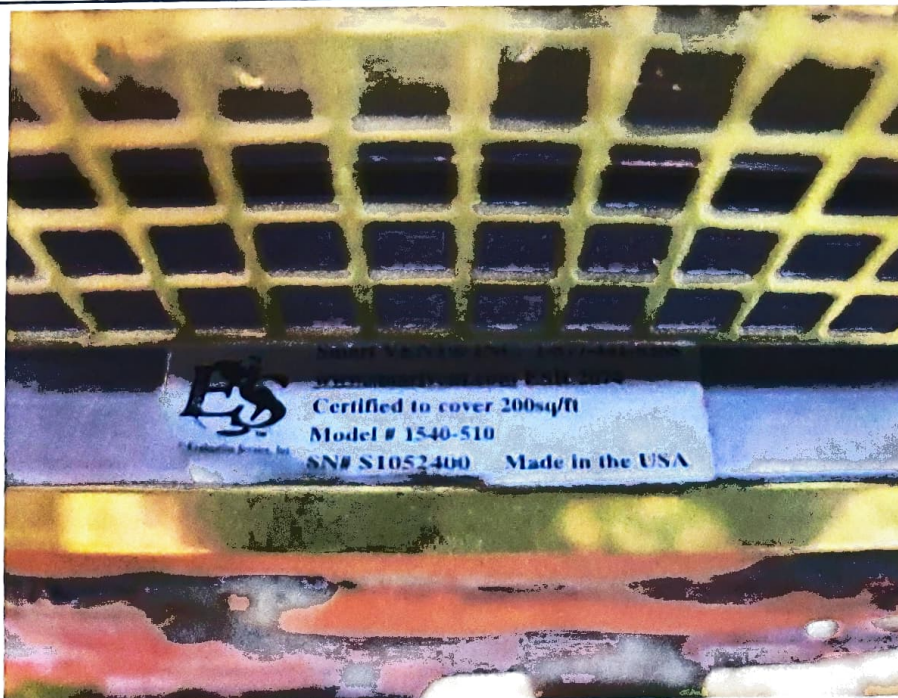


Photo Four

Photo Four Caption **VENT DETAILS: 80 GOOSENECK POINT ROAD, OCEANPORT, NJ 07757 (MAY 25, 2021)**

Clear Photo Four

From: [Gregg Terry](#)
To: [Jeanne Smith](#)
Subject: Revised EC and AC lift
Date: Tuesday, July 6, 2021 11:08:25 AM

Jeanne,

I have previously submitted, under sperate cover the revised Elevation Certificate per the request of the Board from our Variance review meeting held on June 23rd.

Please be advised we have contracted for the AC condenser units to be raised on their platform in order to be compliant with Oceanport Boro required mechanicals minimum height. This work should be completed within the next week or so. Once completed we will have a new EC survey to show the compliant height of the AC units. Our intention is to have this work completed prior to the board meeting on July 13th.

Best Regards,
Gregg Terry



EDUCATIONAL RESOURCE SYSTEMS, INC.
A MEDICAL EDUCATION AND COMMUNICATIONS COMPANY

GREGG J. TERRY
President
tel: 732.842.0202
fax: 732.842.1707
email: gterry@educationalresource.com

2 Bridge Avenue
Building Six, Second Floor
Red Bank, NJ 07701

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Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2022)

9.1

Meeting: 07/13/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2022

PB2021-05 Cameron, Beth

43 Manitto Place
Block 56, Lot 11
Variance relief for construction an addition to single family dwelling

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



June 18, 2021

VIA EMAIL

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

43 Manitto Place
Block 56, Lot 11
Application No. PB2021-05
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0295

Dear Board Members,

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

- Plans entitled "Survey of Property", prepared by Charles Surmonte P.E., & P.L.S. dated January 6, 2021, consisting of one (1) sheet.
- Plans entitled "Proposed Alteration/Addition for Cameron Residence", prepared by Brian Fitzgerald AIA, last revised June 17, 2021, consisting of ten (10) sheets.

The subject property is a 10,000 SF (0.229-acre) parcel located on the northern side of Manitto Place approximately 200 feet from the intersection with Itaska Place, located in the R-3 Residential Zone. The Applicant proposes to expand the first and second floors as well as add a shed to the rear yard.

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

A. Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Maximum Building Coverage: 25% permitted, 22.4% existing, 28% proposed.
 - b. Maximum Impervious Coverage: 37% permitted, 30.2% existing, 35% proposed.
 - c. Accessory Structure Sideyard Setback: 10 feet required, 5 feet proposed.

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

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

B. General Comments

1. A signed and sealed survey shall be provided to the Board Secretary.

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

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

Sincerely,

Colliers Engineering & Design



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

WHW/dmm

cc: Beth Cameron (via email)

r:\projects\m-p\opp\opp-0295\correspondence\out\210618_white_review#1.docx

Proposed Alteration/Addition For:
Cameron Residence



Building Information

INTERPRETATION OF 2018 INTERNATIONAL RESIDENTIAL
CODE, NEW JERSEY ADDITION

PROJECT DATA:

USE GROUP:	R-5
PROPOSED CONSTRUCTION TYPE:	V-B
FEMA FLOOD ZONE DESIGNATION:	AE
FEMA BASE FLOOD ELEVATION:	9.0'
EXISTING 1ST FLOOR ELEVATION	12.74'
PROPOSED SQUARE FOOTAGE:	3,022 S.F.
PROPOSED BUILDING VOLUME:	24,176 C.F.
PROPOSED HEIGHT OF STRUCTURE:	33' - 3"
MIN. SIMULTANEOUS DESIGN LOADS	
WAVE ACTION LOAD:	20.0 PSF
117 MPH WIND LOAD:	70.0 PSF

Governing Building Codes:

N.J. Uniform Building Codes including:

New Jersey Administrative Code 5:23-6 Rehabilitation Code
International Building Code -NJ ed., 2018
National Standard Plumbing Code, 2018
National Electrical Code (NFPA70), 2017
International Fuel Gas Code, 2018
International Energy Conservation Code, 2018
ASHRAE 90.1-2016
International Mechanical Code 2018

ASCE 7-05
ASCE 7-20
FEMA Technical Bulletin 9
NFIP 60.3

TYPE OF REHABILITATION:

Work is an ALTERATION to the existing building in accordance with NJAC 5:23-6.3 and NJAC 5:23-6.6.

Scope of work involves construction of new partitions, and doors, the extension or rearrangement of system, the installation of additional equipment or fixtures. No work will reduce the load bearing capacity or imposes additional loads on a primary structural component.

These drawings and specifications are issued as instruments of the architect's service for use solely with respect to this project. These drawings and specifications shall not be used by the owner or by others on other projects, for additions to this project, or for completion of this project by others, without the agreement of the architect.

[illegible]

Drawing List

G-001	Cover Sheet
SP-101	Site Plans
RA-100	Exist. 1st Fl. Plan/ 2nd Fl. Plan
RA-201	Exist. Elevations
AD-101	Prop. Demolition Plans
S-100	Foundation Plan
A-101	First Floor Plan
A-102	Second Floor Plan
A-200	Front & Rear Elevations
A-201	Side Elevations

National Flood Hazard Layer FIRMette

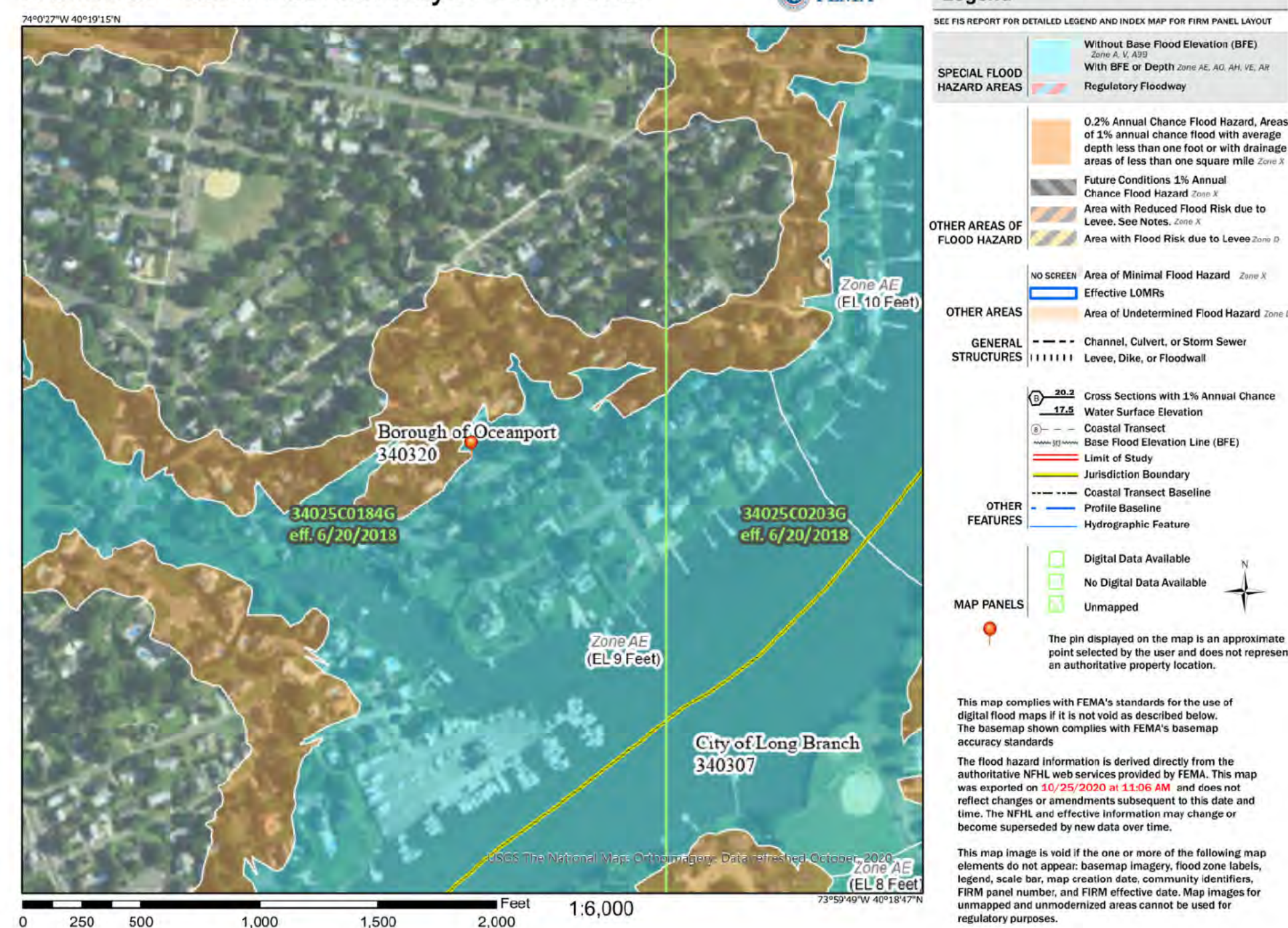


Table R301.5
Minimum Uniformly Distributed Live Loads
(In Pounds Per Square Foot)

Use	Live Load
Attics Without Storage ^b	10
Attics With Limited Storage ^{b, g}	20
Decks ^e	40
Exterior Balconies	60
Habitable Attics And Attics With Fixed Stairs	30
Fire Escapes	40
Guardrails And Handrails ^f	200 ^h
Guardrail In-Fill Components ^f	50 ^h
Passenger Vehicle Garages ^a	50 ^a
Rooms Other Than Sleeping Room	40
Sleeping Rooms	30
Stairs	40 ^c

For SI: 1 pound per square foot = 0.0479 kPa, 1 square inch = 645 mm squared, 1 pound = 4.45 N.

a. Elevated garage floors shall be capable of supporting a 2,000-pound load applied over a 20-square-inch area.

b. Attics without storage are those where the maximum clear height between joist and rafter is less than 42 inches, or where there are not two or more adjacent trusses with the same web configuration capable of containing a rectangle 42 inches high by 2 feet wide, or greater, located within the plane of the truss. For attics without storage, this live load need not be assumed to act concurrently with any other live load requirements.

c. Individual stair treads shall be designed for the uniformly distributed live load or a 300-pound concentrated load acting over an area of 4 square inches, whichever produces the greater stresses.

d. A single concentrated load applied in any direction at any point along the top.

e. See Section R502.2.2 for decks attached to exterior walls.

f. Guard in-fill components (all those except the handrail), balusters and panel fillers shall be designed to withstand a horizontally applied normal load of 50 pounds on an area equal to 1 square foot. This load need not be assumed to act concurrently with any other live load requirement.

g. For attics with limited storage and constructed with trusses, this live load need be applied only to those portions of the bottom chord where there are two or more adjacent busses with the same web configuration capable of containing a rectangle 42 inches high or greater by 2 feet wide or greater, located within the plane of the riss. The rectangle shall fit between the top of the bottom chord and the bottom of any other truss member, provided that each of the following criteria is met.

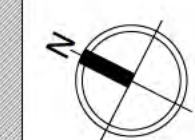
1. The attic area is accessible by a pull-down stairway or framed in accordance with Section R1107.1.
2. The truss has a bottom chord pitch less than 2:12.
3. Required insulation depth is less than the bottom chord member depth.

The bottom chords of trusses meeting the above criteria for limited storage shall be designed for the greater of the actual imposed dead load or 10 psf, uniformly distributed over the entire span.

h. Glazing used in handrail assemblies and guards shall be designed with a safety factor of 4. The safety factor shall be applied to each of the concentrated loads applied to the top of the rail, and to the load on the in-fill components. These loads shall be determined independent of one another, and loads are assumed not to occur with any other live load.

Cover Sheet

Project number	2020-49
Submission Date	02/02/21
Sheet Issue Date	06/17/21
Drawn by	BPF
Checked by	BPF



G-001

Scale	$1/4" = 1'-0"$
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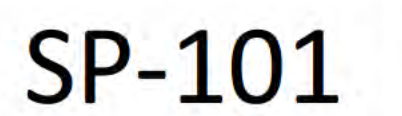
Brian Fitzgerald R.A., NCARB, A.I.A., LEED AP
NJ Lic. # 21A10205680041
NCARB Cert. # 88189
East Main Street
Oceanport, NJ 07757
P: (732) 859-4968
Brian@bfarchdesign.com

Cameron Residence

These drawings and specifications are issued as instruments of the architect's service for use solely with respect to this project. These drawings and specifications shall not be used by the owner or by others on other projects, for additions to this project, or for completion of this project by others, without the agreement of the architect.

[illegible]

Project number	2020-49
Submission Date	02/02/21
Sheet Issue Date	06/17/21
Drawn by	BPF
Checked by	BPF



Packet Pg. 49



MANITTO PLACE
(50' R.O.W.)

Proposed Site Plan
1" = 10'-0"

SITE PLAN DATA:							
ZONE R-3 RESIDENTIAL ZONE REQUIREMENTS		REQUIRED:		EXISTING:		PROPOSED:	
a. MINIMUM LOT AREA	12,000 SQ. FT.	10,000 SQ. FT.	E	10,000 SQ. FT.	CENC		
b. MINIMUM LOT WIDTH (FRONTAGE)	120'	100'	E	100'	CENC		
c. MINIMUM LOT DEPTH	100'	100'		100'			
d. MINIMUM FRONT YARD SETBACK (principal building)	30'	29.3'	E	29.3'	CENC		
e. MINIMUM SIDE YARD SETBACK (principal building)	10'	10'		10'			
f. MINIMUM BOTH SIDE YARDS SETBACK (principal building)	25'	32.8'		32.8'			
g. MINIMUM REAR YARD SETBACK (principal building)	25'	22.0'		22.0'	V		
h. MAXIMUM BUILDING HEIGHT	35' / 2.5 STORIES	+/- 26'-0" / 2 STORY		23'-3" / 2 STORY			
i. MAXIMUM LOT COVERAGE (% of buildable lot area)							
PRINCIPAL BUILDING	25%	22.4% (2,247 SQ. FT.)		28.0% (2,802 SQ. FT.)	V		
j. MAXIMUM IMPERVIOUS COVERAGE (% of buildable lot area)	37%	30.2% (3,021 SQ. FT.)		35.0% (3,502 SQ. FT.)			

E - EXISTING NON-CONFORMING
CENC - CONTINUED EXISTING NON-CONFORMING
V - VARIANCE REQUIRED



Existing Front Elevation
3/16" = 1'-0"



Existing Left Side Elevation
3/16" = 1'-0"

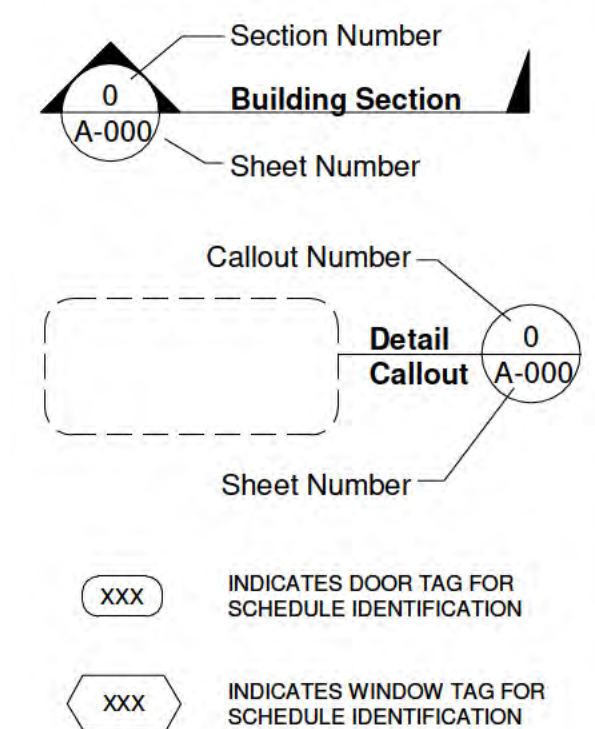


Existing Right Side Elevation
3/16" = 1'-0"



Existing Rear Elevation
3/16" = 1'-0"

LEGEND



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Proposed Alteration/Addition For:

Cameron Residence

43 Manitto Place
Oceanport, NJ 07757

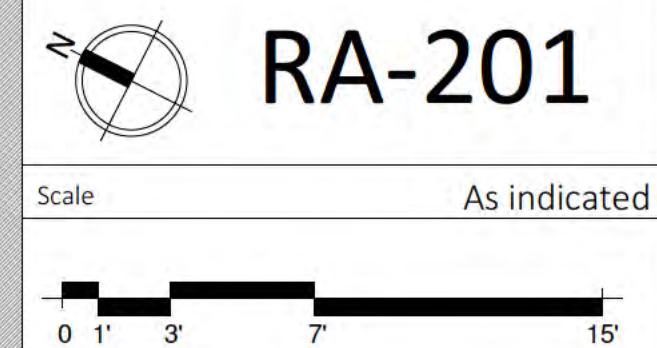
Block: 56
Lot: 11

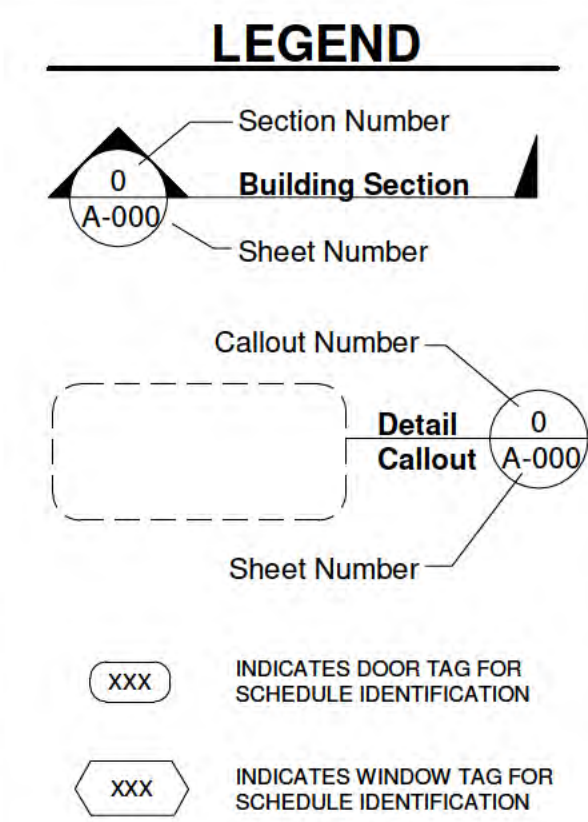
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[illegible]

Exist. Elevations

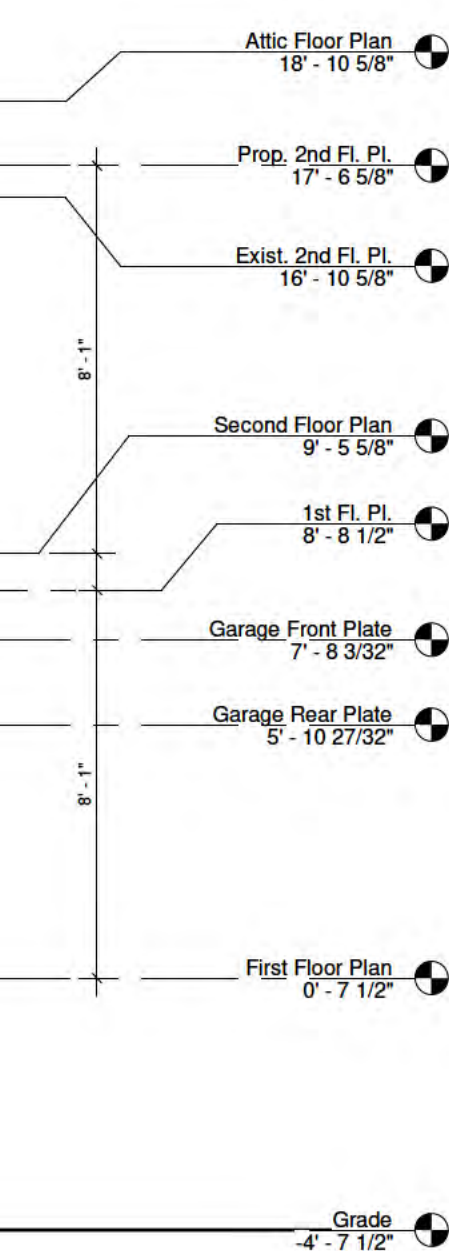
Project number	2020-49
Submission Date	02/02/21
Sheet Issue Date	06/17/21
Drawn by	AR
Checked by	BPF





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Front & Rear Elevations



Packet Pg. 56



The diagram illustrates the format for Building Section and Detail Callout tags. It shows two examples of how these tags are used in architectural drawings.

Building Section: A triangle symbol is shown with the number '0' inside. A line points from the text 'Section Number' to the '0'. Below the triangle is a circle containing 'A-000'. A line points from the text 'Sheet Number' to this circle. To the right of the triangle is the text 'Building Section'.

Detail Callout: A dashed rectangle symbol is shown. A line points from the text 'Callout Number' to the rectangle. To the right of the rectangle is a circle containing '0' and 'A-000'. A line points from the text 'Detail Callout' to the '0'. Another line points from the text 'Sheet Number' to the 'A-000'.


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[illegible]

Side Elevations

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