



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JUNE 13, 2023

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

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

III. Flag Salute

IV. Board Policy

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

V. Roll Call

VI. Board Business

1. Report of Pending Applications

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Apr 11, 2023 7:00 PM

VIII. Old Business - None

IX. New Business

1. PB2023-07 GILL, BRIAN

Block 109, Lot 10

85 Horseneck Point Road

Applicant seeks variance from flood damage prevention ordinance for lowest floor grade of 5.61' where 8.87' was permitted.

DFD 5/6/23

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • APRIL 11, 2023****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Whitson called the meeting to order at 7:05 PM.
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. **Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute.
- IV. **Board Policy:** Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Absent	
Thomas Tvrdik	Class III	Present	7:05 PM
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Absent	
Leslie B Widdis L	Class IV	Absent	
Darren Davis	Class IV	Absent	
Michael Dailey	Class IV	Present	
Kevin Calver	Alternate I	Absent	
Robert Kleiberg	Alternate II	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Absent	

- VI. **Board Business:**
- Report of Pending Applications: Ms. Smith advised the next meeting was scheduled for April 25, 2023 and described upcoming application for Nurse's Quarter pending Applicant's availability, otherwise will be scheduled for May 9, 2023.
- VII. **Approval of Minutes:**
- Planning/Zoning Board - Regular - Mar 14, 2023 7:00 PM

RESULT: **ACCEPTED [4 TO 0]**
MOVER: John (Jack) Kahle, Vice Chairman
SECONDER: Joseph Foster, Environmental Commission Liaison
AYES: Whitson, Kahle, Tvrdik, Foster
ABSTAIN: Dailey
ABSENT: Cooper, Widdis C, Widdis L, Davis, Calver, Kleiberg

- Planning/Zoning Board - Regular - Mar 28, 2023 7:00 PM

RESULT: **ACCEPTED [UNANIMOUS]**
MOVER: John (Jack) Kahle, Vice Chairman
SECONDER: Joseph Foster, Environmental Commission Liaison
AYES: Whitson, Kahle, Tvrdik, Foster, Dailey
ABSENT: Cooper, Widdis C, Widdis L, Davis, Calver, Kleiberg

VIII. Old Business:

1. Resolution of Approval - 76 Tecumseh Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Councilman Tvrdik made a motion to approve the Resolution, which was seconded by Mr. Kahle and received the below roll call:

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

2. Resolution of Approval - 42 Hiawatha Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Foster made a motion to approve the Resolution, which was seconded by Chairman Whitson and receiving the below roll call:

RESULT:	ADOPTED [4 TO 0]
MOVER:	Joseph Foster, Environmental Commission Liaison
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Kahle, Foster, Dailey
ABSENT:	Cooper, Widdis C, Widdis L, Davis, Calver, Kleiberg
RECUSED:	Tvrdik

IX. New Business - None

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

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 7:13 pm on a motion by Councilman Tvrdik which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2771)

Meeting: 06/13/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2771

9.1

PB2023-07 GILL, BRIAN

Block 109, Lot 10

85 Horseneck Point Road

Applicant seeks variance from flood damage prevention ordinance for lowest floor grade of 5.61' where 8.87' was permitted.

DFD 5/6/23

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



May 1, 2023

VIA EMAIL

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

85 Horseneck Point Road – Bulk Variance
Block 109, Lot 10
Application No. PB2023-07
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0346

Dear Board Members,

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

- Plans entitled "Plot Plan" prepared by InSite Engineering, LLC, dated February 24, 2023, consisting of one (1) sheet.
- Plans entitled "Final As-built Survey" prepared by InSite Engineering, LLC, last revised October 22, 2022, consisting of one (1) sheet
- Plans entitled "Foundation Plan Notes" prepared by Michael Savarese Associates, last revised March 15, 2023, consisting of one (1) sheet
- Elevation Certificate prepared by InSite Surveying Inc., dated August 8, 2022.

The subject property is on the north side of Horseneck Point Road, approximately 760 feet west of Park Street, situated in the R-3 – Residential Single Family Zone District.

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

Variances/Design Waivers

The property is located in the AE8 flood hazard zone which requires a minimum finish floor elevation of 10.4. The project received engineering approval with the elevation of the crawl at 9.47, which was at the same elevation as the lowest adjacent grade. The home was constructed and an elevation certificate submitted as required by the Certificate of Occupancy procedures. It was then

discovered that the crawl was built at elevation 5.61, thereby creating a below grade crawlspace. Ordinance 229-77Z(5)(a) does not permit below grade crawlspaces/basements in the Flood Zone.

Ordinance Section 229-Article VII (copy attached) provides a procedure for the Planning Board to hear a variance request. I would refer the Board to section 229-47. 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 229-46.

If the Board so chooses to grant the variance, the resolution should include the notice "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 lowest adjacent grade and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation."

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

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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)



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

WHW/dmm

cc: Brian Gill, Applicant (via email)
Tammy Caron, Michael Savarese Associates (via email)

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§ 229-42 General.

The Planning Board shall hear and decide requests for variances. The Planning Board shall base its determination on technical justifications submitted by applicants, the considerations for issuance in § 229-46, the conditions of issuance set forth in Section § 229-47, and the comments and recommendations of the Floodplain Administrator and, as applicable, the Construction Official. The Planning Board has the right to attach such conditions to variances as it deems necessary to further the purposes and objectives of these regulations.

§ 229-43 Historic structures.

A variance to the substantial improvement requirements of this chapter is authorized, provided that the repair or rehabilitation of a historic structure is completed according to N.J.A.C. 5:23-6.33, Section 1612 of the International Building Code and R322 of the International Residential Code, the repair or rehabilitation will not preclude the structure's continued designation as an historic structure, the structure meets the definition of the historic structure as described by this chapter, and the variance is the minimum necessary to preserve the historic character and design of the structure.

§ 229-44 Functionally dependent uses.

A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, provided the variance is the minimum necessary to allow the construction or substantial improvement, and that all due consideration has been given to use of methods and materials that minimize flood damage during the base flood and create no additional threats to public safety.

§ 229-45 Restrictions in floodways.

A variance shall not be issued for any proposed development in a floodway when any increase in flood levels would result during the base flood discharge, as evidenced by the applicable analysis and certification required in § 229-36A of these regulations.

§ 229-46 Considerations.

In reviewing requests for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

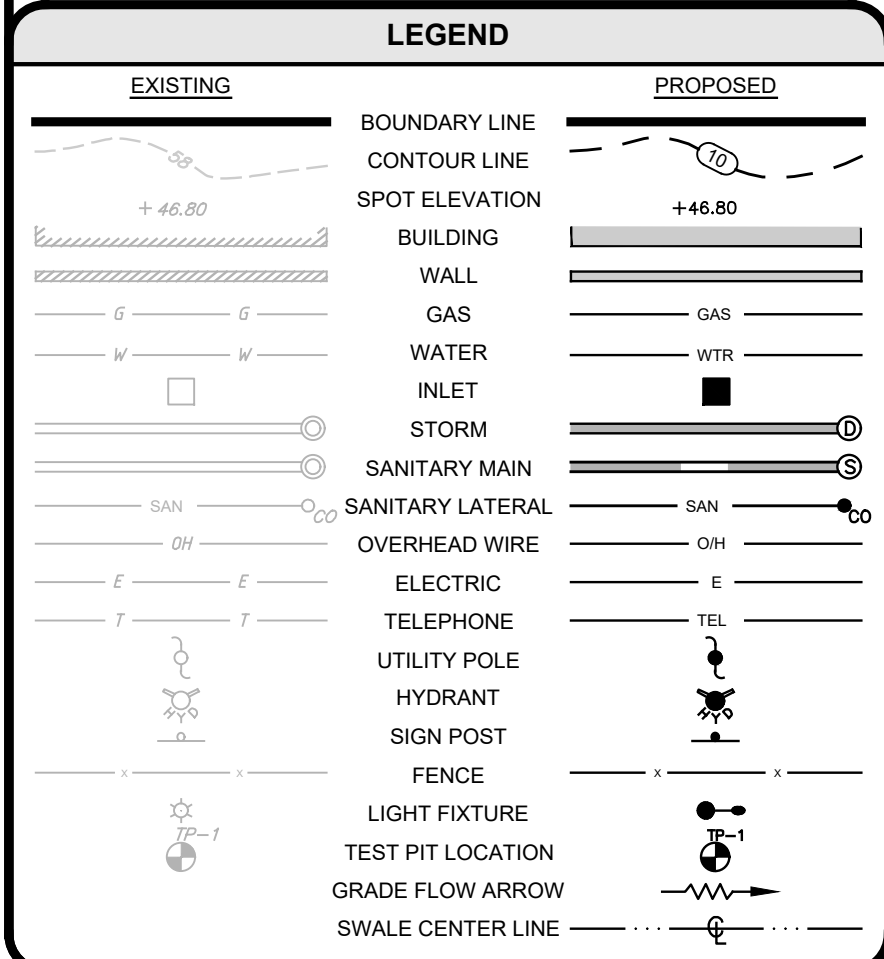
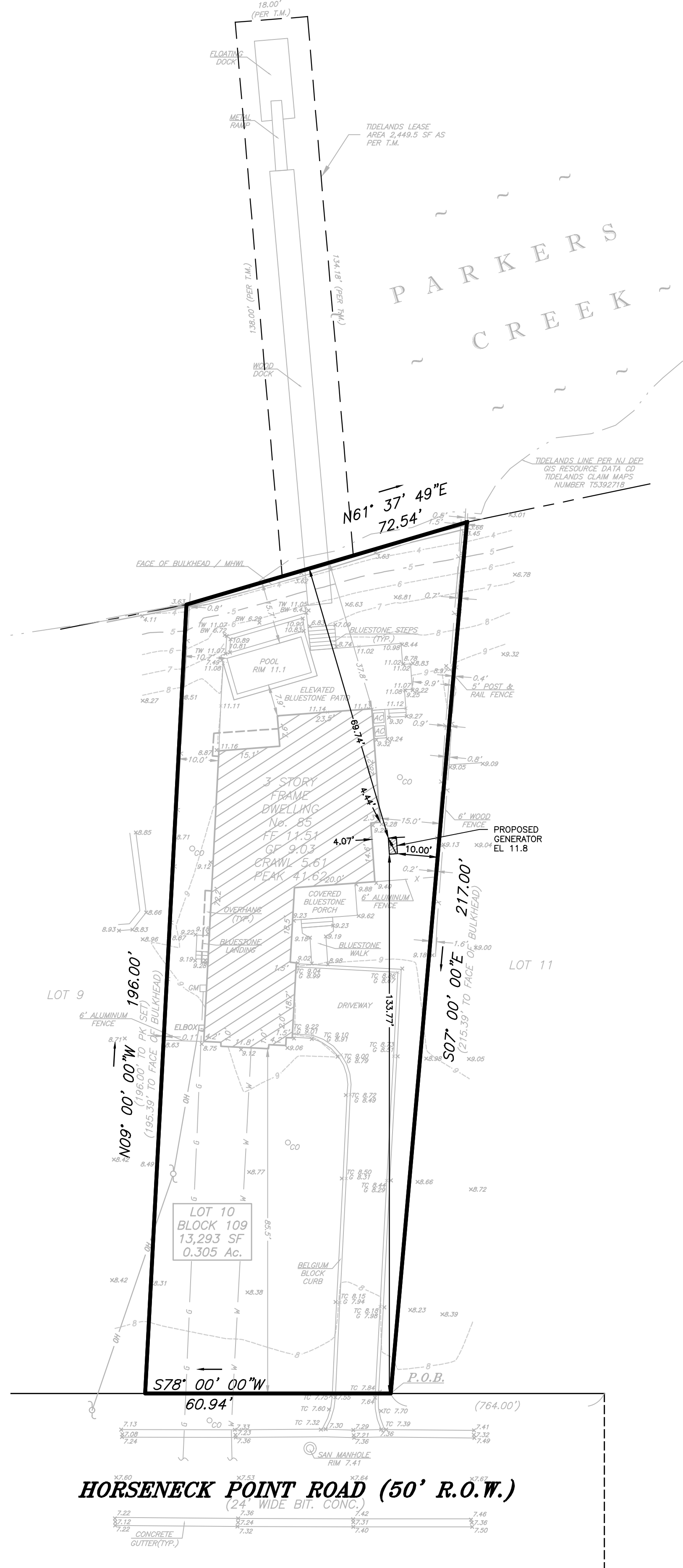
- A. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
- B. The danger to life and property due to flooding or erosion damage.
- C. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
- D. The importance of the services provided by the proposed development to the community.
- E. The availability of alternate locations for the proposed development that are not subject to flooding or erosion and the necessity of a waterfront location, where applicable.
- F. The compatibility of the proposed development with existing and anticipated development.
- G. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
- H. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- I. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwater and the effects of wave action, where applicable, expected at the site.
- J. 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, streets, and bridges.

§ 229-47 Conditions for issuance.

Variances shall only be issued upon:

- A. Submission by the applicant of a showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site limit compliance with any provision of these regulations or renders the elevation standards of the building code inappropriate.
- B. A determination that failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable.
- C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. A determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

- E. Notification to the applicant, in writing, over the signature of the Floodplain Administrator that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and that such construction below the base flood level increases risks to life and property.



ZONING COMPLIANCE CHART						
R-3 (SINGLE-FAMILY) ZONE						
SINGLE-FAMILY DETACHED DWELLING: PERMITTED						
ORD. SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED	COMPLIES	
SCHED II	MIN. LOT AREA (SF)	12,000	13,293 (0.305 AC)	NO CHANGE	YES	
SCHED II	MIN. LOT WIDTH (FT)	120	62.0	NO CHANGE (N)	NO	
SCHED II	MIN. LOT DEPTH (FT)	100	196.0	NO CHANGE	YES	
PRINCIPAL BUILDING						
390-14.B	MIN. FRONT YARD SETBACK (FT)	78.69	(1)	85.5	NO CHANGE	YES
SCHED II	MIN. SIDE YARD SETBACK					
	ONE SIDE (FT)	10	10.0	NO CHANGE	YES	
	BOTH SIDES (FT)	25	25.0	NO CHANGE	YES	
SCHED II	MIN. REAR YARD SETBACK (FT)	46.73	(2)	37.8	NO CHANGE	YES
SCHED II	MAX. BUILDING HEIGHT (FT)	35	34.1	NO CHANGE	YES	
SCHED II	MAX. BUILDING HEIGHT (STORIES)	2.5	3	(N)	NO CHANGE (N)	NO
SWIMMING POOL						
390-31.E	ALLOWABLE YARD LOCATION	SIDE/REAR	REAR	NO CHANGE	YES	
390-31.E	MIN. REAR YARD SETBACK (FT)	10	15.7	NO CHANGE	YES	
390-31.E	MIN. SIDE YARD SETBACK	10	10.7	NO CHANGE	YES	
390-31.E	MIN. SETBACK TO DWELLING (FT)	10	7.9	(N)	NO CHANGE (N)	NO
GENERATOR						
390-19.G(4)	MIN. FRONT YARD SETBACK (FT)	78.69	N/A	133.77	YES	
390-19.G(4)	MIN. SIDE YARD SETBACK	10	N/A	10.00	YES	
390-19.G(4)	MIN. REAR YARD SETBACK (FT)	46.73	N/A	69.74	YES	
LOT COVERAGE						
SCHED II	MAX. BUILDING COVERAGE (%)	25	19.0	NO CHANGE	YES	
SCHED II	MAX. IMPERVIOUS COVERAGE (%)	37	39.8	(N)	39.0	(V) NO
(N) EXISTING NON-CONFORMITY						
(E) EXISTING VARIANCE						
(V) PROPOSED VARIANCE						
(A) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE						
(1) PER PREVIOUSLY APPROVED PLAN DATED 08/11/15 AND LETTER FROM MICHAEL SAVARESE DATED 08/03/15, THE AVERAGE FRONT YARD SETBACK IS 78.69 FEET.						
(2) PER PREVIOUSLY APPROVED PLAN DATED 08/11/15 AND LETTER FROM MICHAEL SAVARESE DATED 08/03/15, THE AVERAGE WATERSIDE SETBACK IS 46.73 FEET.						

IMPERVIOUS COVERAGE		
ITEM	EXISTING (SF)	PROPOSED (SF)
DWELLING	2,396	2,396
COVERED PORCH	125	125
DRIVEWAY W/CURB	1,522	1,522
FRONT WALKWAY	46	46
POOL	177	177
POOL COPING	71	71
POOL PATIO	642	642
STEPS/LANDINGS	80	80
BULKHEAD	63	63
WALL	31	31
AC UNITS	22	22
GENERATOR	N/A	8
TOTAL	5,175	5,183

SHEET NO: 1054

FINAL
AS-BUILT
SURVEY
OF
BLOCK 109, LOT 10
85 HORSENECK POINT ROAD

SITUATED IN:

BOROUGH OF OCEANPORT
MONMOUTH COUNTY
NEW JERSEY

PREPARED FOR:

BRIAN GILL

CALL BEFORE YOU DIG!	
NJ ONE CALL.....800-272-1000	
(at least 3 days prior to excavation)	
ELECTRIC	RED
GAS / OIL	YELLOW
COMMUNICATION / TV	ORANGE
WATER	BLUE
SEWER	GREEN
TEMP. SURVEY MARKINGS	MAGENTA
PROPOSED EXCAVATION	WHITE



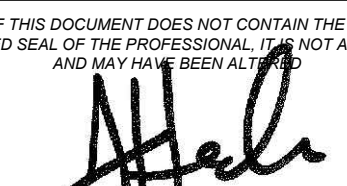
InSite Surveying, LLC
CERTIFICATE OF AUTHORIZATION:
24GA28290100
1955 ROUTE 34, SUITE 1A, WALL, NJ 07719
732-531-7100 (PH) 732-531-7344 (FAX)
InSite@InSiteSurveying.net
www.InSiteSurveying.net

REVISIONS

Rev. #	Date	Comment
2	01/18/23	CERTIFICATION
1	10/12/22	COMMENTS
0	08/24/22	INITIAL RELEASE
SCALE: 1"=20'		DRAWN BY: BMW
DATE: 08/02/22		CHECKED BY: JJH
JOB #: 21-S738-01		

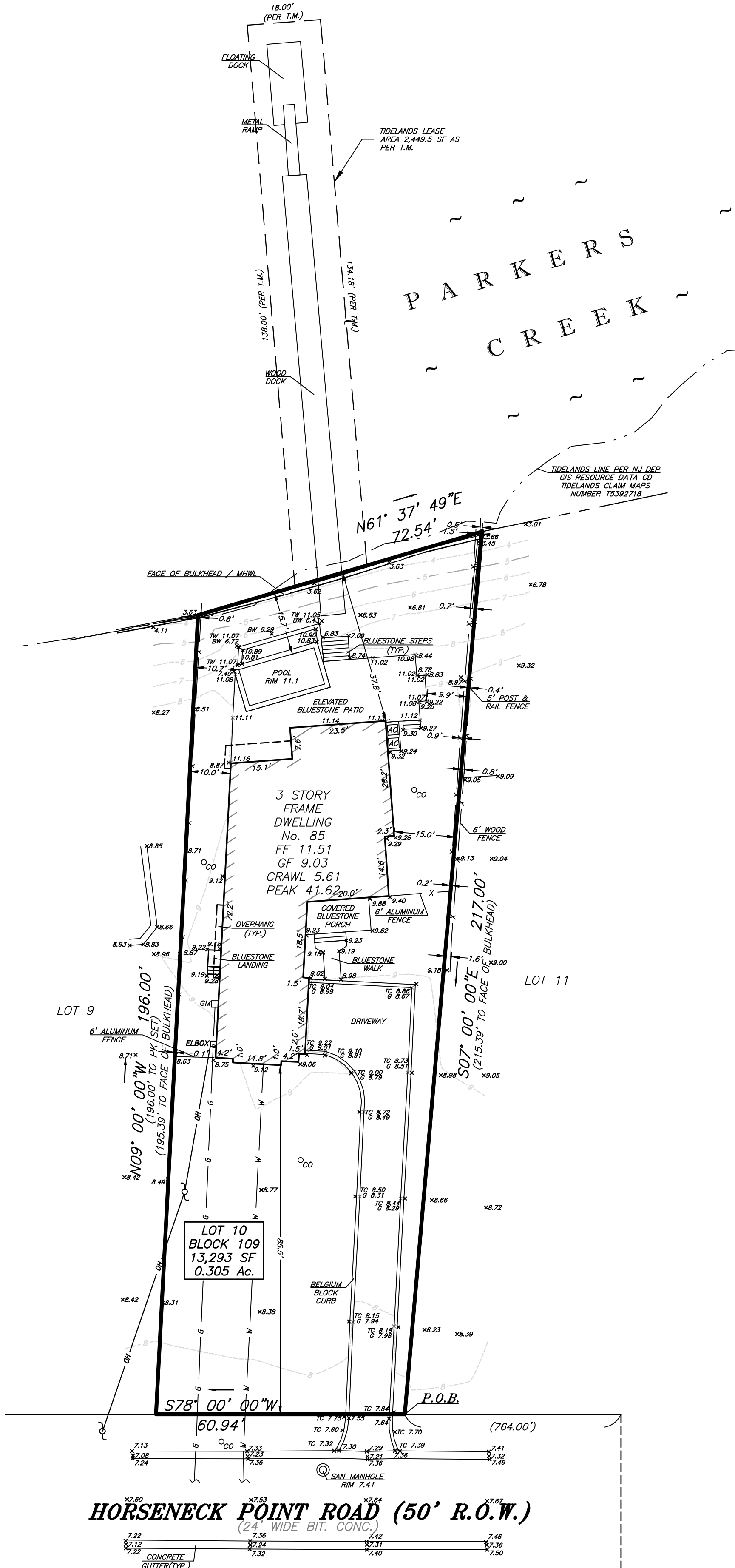
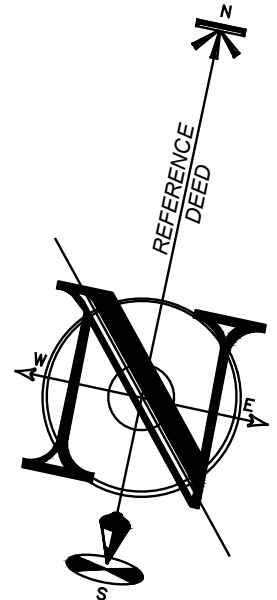
CERTIFICATION

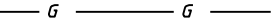
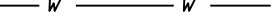
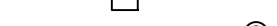
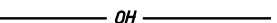
CAUTION: IF THIS DOCUMENT DOES NOT CONTAIN THE SIGNATURE AND RAISED SEAL OF THE PROFESSIONAL, IT IS NOT AN ORIGINAL AND MAY HAVE BEEN ALTERED.



JUSTIN J. WEDGES, P.L.S., C.F.S.
PROFESSIONAL LAND SURVEYOR
NJ LIC. NO. GS43362
CERTIFIED FLOODPLAIN
SURVEYOR NJ LIC. NO. NJ-044

SHEET NO.: 1 of 1



LEGEND	
	BOUNDARY LINE
	CONTOUR LINE
	SPOT ELEVATION
	BUILDING
	WALL
	GAS
	WATER
	INLET
	STORM
	SANITARY MAIN
	OVERHEAD WIRE
	ELECTRIC
	TELEPHONE
	UTILITY POLE
	HYDRANT
	SIGN POST
	FENCE
	LIGHT FIXTURE
	TEST PIT LOCATION
	GRADE FLOW ARROW
	SWALE CENTER LINE



MICHAEL SAVARESE ASSOCIATES
ARCHITECTS
34 SYCAMORE AVENUE, UNIT 1E
LITTLE SILVER, N.J. 07739
P: (732) 530-1424
F: (732) 530-1340
email: msassoc@msassoc.com

114 WEST 26TH STREET, 6TH FLOOR
NEW YORK, NY 10001
P: (646) 957-6031
F: (732) 443-4220

email: msassoc@msassoc.com

ISSUES

DATE:	DESCRIPTION
03/15/23	VARIANCE APPLICATION

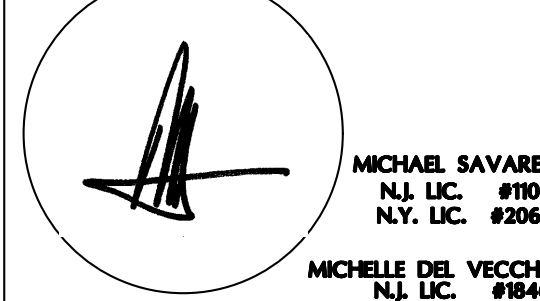
PROJECT

VARIANCE APPLICATION:
85 HORSENECK POINT ROAD
OCEANPORT, NEW JERSEY
07757

KEY PLAN

BLOCK: 109
LOT: 10
ZONE: R-3
FLOOD: AEB

SEAL



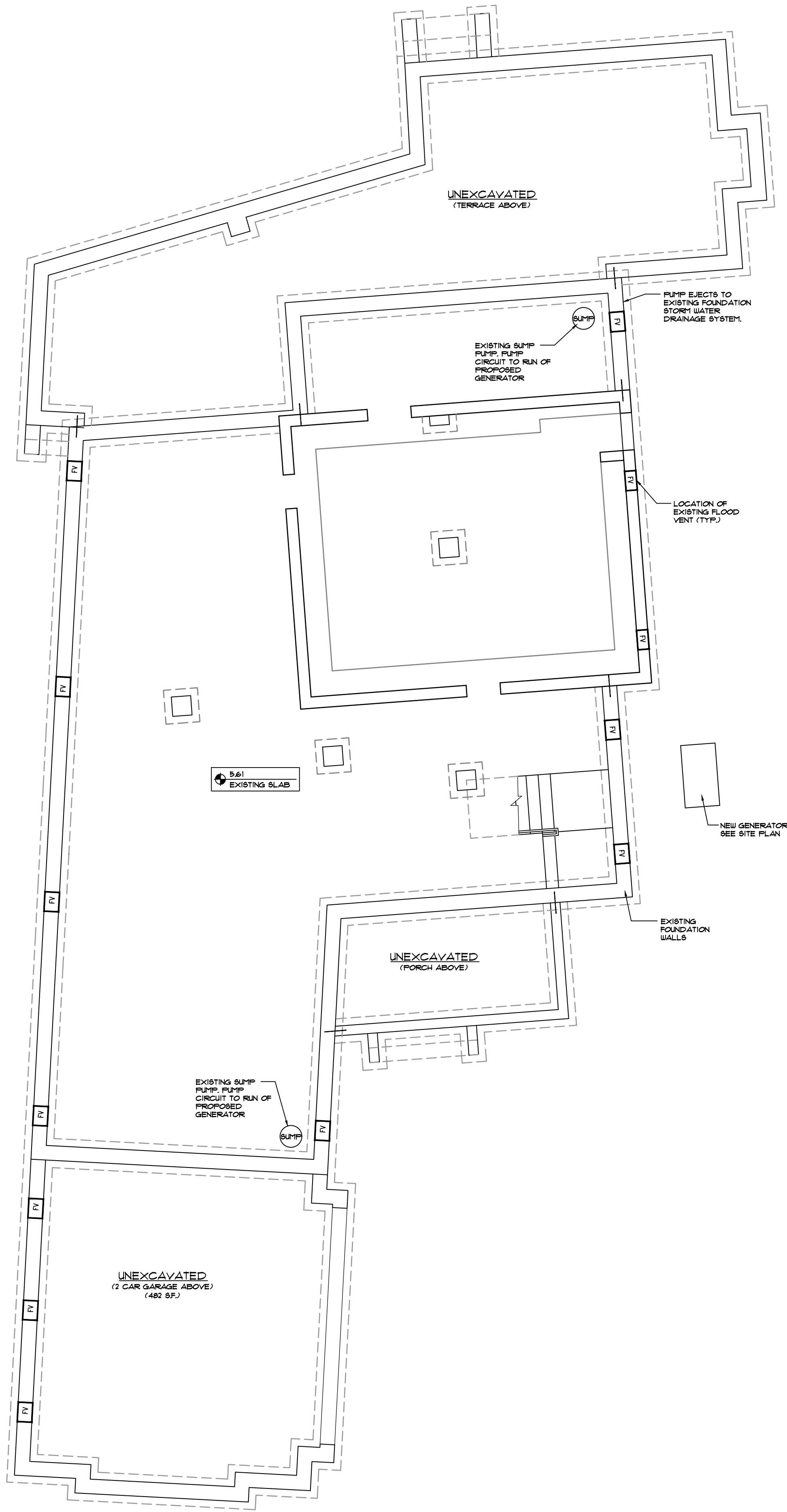
SHEET TITLE:

FOUNDATION PLAN
NOTES

JOB NO.: 800-1582	DRAWN BY: JTC
SCALE: AS NOTED	DATE: 5/7/2018

BSCAN/ APPLICATION NO.:

SHEET NO. A-1	PAGE 1 OF 1
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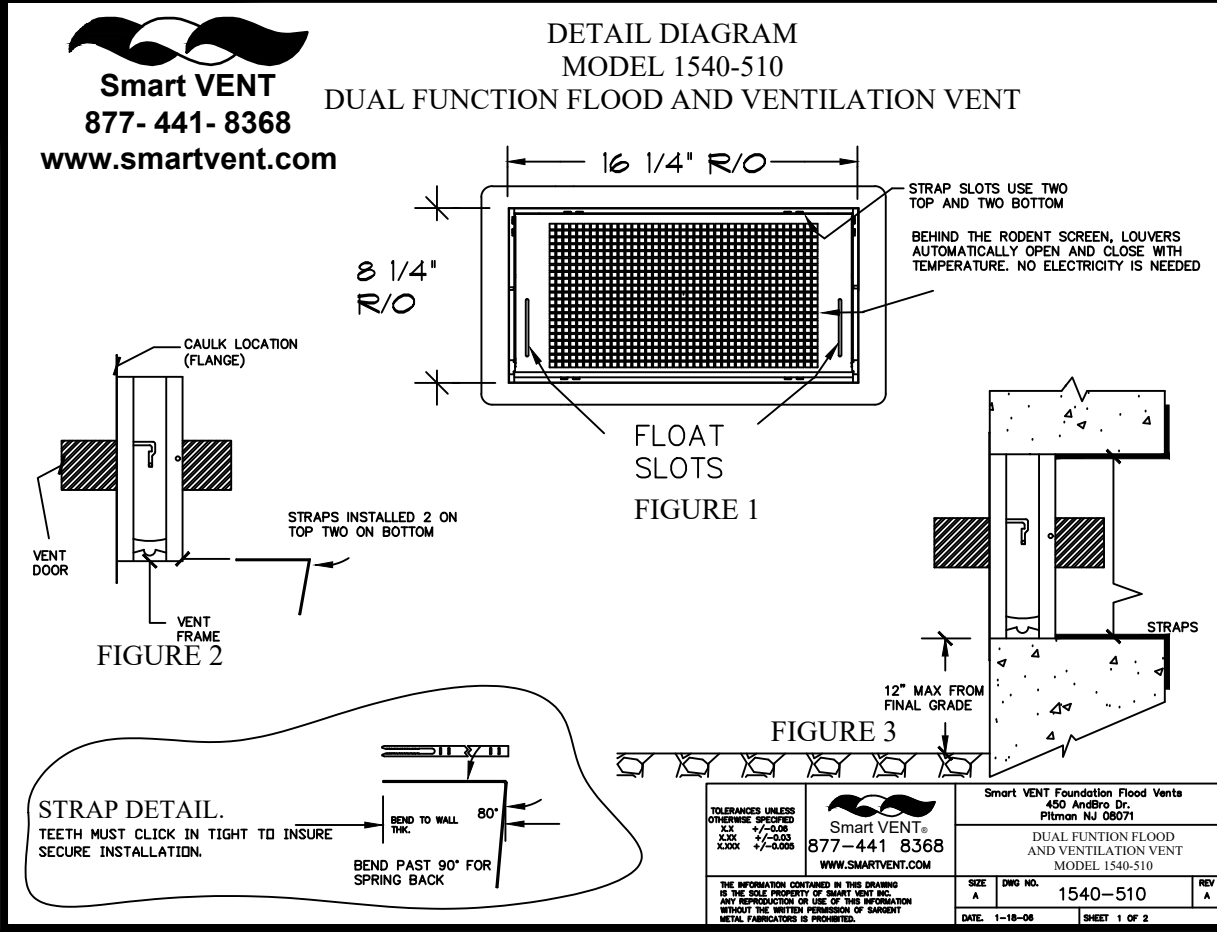


HYDROSTATIC OPENING (H.O.) CALC.

AREA OF CRAWL SPACE : 1791 S.F.
NUMBER OF HYDROSTATIC OPENINGS PROVIDED: 9
EFFECTIVE H.O. AREA PER OPENING: 200 S.F.
HYDROSTATIC OPENING AREA PROVIDED: 1800 S.F.

AREA OF GARAGE: 581 S.F.
NUMBER OF HYDROSTATIC OPENINGS PROVIDED: 3
EFFECTIVE H.O. AREA PER OPENING: 200 S.F.
HYDROSTATIC OPENING AREA PROVIDED: 600 S.F.

HYDROSTATIC OPENING SHALL BE 'SMART VENT'
MODEL NO. 1540-510 (VENTING MODEL) CRAWL SPACE
OPENINGS SHALL BE LOCATED NO MORE THAN ONE
COURSE ABOVE GRADE.



Smart VENT
877-441-8368
www.smartvent.com

INSTALLATION INSTRUCTIONS
& DETAILS
MODEL 1540-510
DUAL FUNCTION FLOOD AND VENTILATION VENT

INSTALLATION INSTRUCTIONS

- Remove vent door from vent frame. (Turn upside down, rotate bottom of door outward and slide out)
- Prepare a CLEAN 16.25" wide by 8.25" high rough opening (approx. 1 block wide X 1 block high) for each vent. Ensure the bottom of the rough opening is no more than 12" above the finished grade.
- Apply a bead of polyurethane caulk around the back of the flange on the vent frame. (FIG. 2)
- Insert the 4 steel straps to the thickness of the wall measuring from the end with the teeth see STRAP DETAIL.
- Insert the top straps into the top two strap slots about two clicks.
- Insert the vent frame in the cut opening. The best strap ends go in then up behind the inside of the wall.
- Push the frame tight against the face of the wall. Ensure the frame is flush and square in the opening. (FIG. 3)
- Reach through the vent opening and click the two straps in while holding the front of the vent against the wall face. The sharp point of the straps should not extend past the front of the vent face. Install the two remaining bottom straps.
- Re-check that frame is square and door is clear of debris and caulk.
- Install the door into frame by grasping the bottom of door (with float pins down) and front (small screens in front). Slide door into frame and rotate until it is latched.
- To open the door insert two credit cards into the float slots as shown in the diagram. This will unlatch the door for removal and cleaning.

DETAILED SPECIFICATIONS:

MATERIAL: TYPE 316 STAINLESS STEEL
OPERATION: FLOOD: AUTOMATIC NON-Powered ACTUATION AND OPERATION
VENT REMAINS CLOSED AND LOCKED UNTIL ACTIVATED
OPERATION: AIR: AUTOMATIC LOUVERS FULLY OPEN AT 75 DEG. FULLY CLOSED AT 35 DEG. NO POWER REQUIRED

INSTALLATION:

SECURED W/ 4 STAINLESS STEEL STRAPS SUPPLIED
HYDROSTATIC: RELIEF: 200 SQ. FT. PER VENT
VENTILATION: 51 SQ. FT. PER VENT NOTE: WIND BARRIER ALLOWED FOR REDUCED VENTILATION
REQUIREMENTS: FLOOD: MINIMUM OF 2 VENTS PER ENCLOSED AREA MOUNTED ON AT LEAST TWO DIFFERENT WALLS
COLORS: STAINLESS (STANDARD)
EXTERIOR FINISHES: COLORED WHITE, TAN, GRAY, AND RUST (AVAILABLE)

MEETS THE REQUIREMENTS FOR ENGINEERED OPENINGS AS SET FORTH BY:
FEMA, NFIP, ICC, & ASCE
SUPPORTIVE DOCUMENTS: TB 1-93, 44CFR 60.3(C)(5), ASCE 24-98
ICC EVALUATION E-108-024

1 FOUNDATION PLAN
SCALE: 3/16"=1'-0"