



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • MAY 25, 2021

Regular

REMOTE/VIRTUAL

7:00 PM

Clement V. Sommers Municipal Building, 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 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. This meeting is also being broadcast on the Borough's Local Public Access Channel, Verizon FiOS Channel 28. Members of the general public can register for meetings from the Borough website at www.oceanportboro.com by scrolling to the bottom of the homepage and clicking "REGISTER for Planning Board Virtual Meetings". Registering allows the general public to view and participate in meetings on their computers, smart phones and tablets. Once registered, members of the general public will be muted upon entry to a meeting. Registration allows a member of the general public to participate during the public portions of a meeting by using one of the following options:

(a) Use the Raise Your Hand Feature in the Go-to-Webinar toolbox to be acknowledged for an opportunity to speak. Once recognized and advised to speak, members of the general public may need to unmute themselves to participate in the meeting.

(b) call the Borough's Public Comments Line at (732)-272-8337. The Public Comments Line is only answered during the livestream broadcast of a meeting when the Chairman has opened the meeting to the public. A caller to the Public Comments Line must provide his or her name and address in order to participate in a meeting. Once this information is provided, callers will either be admitted to speak at the meeting immediately or they will be called back by the Board Secretary at the appropriate or designated time so that they can speak. Speakers participating through the Public Comments Line will be placed on speaker and all comments made will be part of the digital record of the meeting.

The instructions for Public Participation in the Borough's meetings are also available on the Borough's website at www.oceanportboro.com.

IV. Flag Salute

V. Roll Call

VI. Board Business

1. Referral from Governing Body - Zoning Ordinance Amendment
Proposed ordinance to prohibit any class of cannabis business
2. Report of Pending Applications

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - May 11, 2021 7:00 PM
2. Planning/Zoning Board - Regular - Sep 22, 2020 7:30 PM

VIII. Old Business

1. PR-21-16 Resolution of Approval - Sanchez, Diana

IX. New Business

1. PB2021-01 Rovinsky
5 Balmer court
Block 65.01, Lot 1.11
Bulk variance for proposed pool

- Accessory Structure location: Ordinance 390:31E does not permit pool, pool fence or pool accessory to be located in a front yard. The proposed pool is ten (10) feet from the Right of Way whereas the front yard would require a setback of 30.14'.
- Ordinance 390:31E requires pools to be setback a minimum of ten (10) feet from a structure. The pool is located seven (7) feet from the front of the dwelling and eight (8) feet from the rear.
- Maximum Impervious Coverage: 37% permitted, 40% proposed.

2. PB2021-04 Motzenbecker, Eric

43 Elizabeth Dr

Block 139, Lot 24

Bulk Variance for single family addition

- Maximum Impervious Coverage: 32% permitted, 42.7% proposed.
- Maximum Principle Building Coverage; 25% permitted, 26.1% proposed.

3. PB2021-07 Sommers, Dawn

33 Trinity Place

Block 115, Lot 10

Variances for Side Yard Setback of 9.22' provided where 10' minimum required

X. Petitions from the Public

XI. Adjournment



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

CORRESPONDENCE (ID # 2054)

6.1

Meeting: 05/25/21 07:00 PM
Department: Planning/Zoning Board
Category: Referral to Planning Board
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2054

Referral from Governing Body - Zoning Ordinance Amendment

Proposed ordinance to prohibit any class of cannabis business

ORDINANCE

AN ORDINANCE BY BOROUGH OF OCEANPORT IN COUNTY OF MONMOUTH, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 390 OF THE BOROUGH OF OCEANPORT

WHEREAS, in 2020 New Jersey voters approved Public Question No. 1, which amended the New Jersey Constitution to allow for the legalization of a controlled form of marijuana called “cannabis” for adults at least 21 years of age; and

WHEREAS, on February 22, 2021, Governor Murphy signed into law P.L. 2021, c. 16, known as the “New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act” (the “Act”), which legalizes the recreational use of marijuana by adults 21 years of age or older, and establishes a comprehensive regulatory and licensing scheme for commercial recreational (adult use) cannabis operations, use and possession; and

WHEREAS, the Act establishes six marketplace classes of licensed businesses, including:

- Class 1 Cannabis Cultivator license, for facilities involved in growing and cultivating cannabis;
- Class 2 Cannabis Manufacturer license, for facilities involved in the manufacturing, preparation, and packaging of cannabis item
- Class 3 Cannabis Wholesaler license, for facilities involved in obtaining and selling cannabis items for later resale by other licensees;
- Class 4 Cannabis Distributer license, for businesses involved in transporting cannabis plants in bulk from on licensed cultivator to another licensed cultivator, or cannabis items in bulk from any type of licensed cannabis business to another;
- Class 5 Cannabis Retailer license for locations at which cannabis items and related supplies are sold to consumers; and
- Class 6 Cannabis Delivery license, for businesses providing courier services for consumer purchases that are fulfilled by a licensed cannabis retailer in order to make deliveries of the purchases items to a consumer, and which service would include the ability of a consumer to make a purchase directly through the cannabis delivery service which would be presented by the delivery service for fulfillment by a retailer and then delivered to a consumer.

WHEREAS, section 31a of the Act authorizes municipalities by ordinance to adopt regulations governing the number of cannabis establishments (defined in section 3 of the Act as “a cannabis cultivator, a cannabis manufacturer, a cannabis wholesaler, or a cannabis retailer”), cannabis distributors or cannabis delivery services allowed to operate within their boundaries, as well as the location manner and times operation of such establishments, distributors or delivery services, and establishing civil penalties for the violation of any such regulations; and

WHEREAS, section 31b of the Act authorizes municipalities by ordinance to prohibit the operation of any one or more classes of cannabis establishments, distributors, or delivery services anywhere in the municipality; and

WHEREAS, section 31b of the Act also stipulates, however, that any municipal regulation or prohibition must be adopted within 180 days of the effective date of the Act (*i.e.*, by August 22, 2021); and

WHEREAS, pursuant to section 31b of the Act, the failure to do so shall mean that for a period of five years thereafter, the growing, cultivating, manufacturing, selling and reselling of cannabis and cannabis items shall be permitted uses in all industrial zones, and the retail selling of cannabis items to consumers shall be a conditional use in all commercial and retail zones; and

WHEREAS, at the conclusion of the initial and any subsequent five-year period following a failure to enact local regulations or prohibitions, the municipality shall again have 180 days to adopt an ordinance regulating or prohibiting cannabis

businesses, but any such ordinance would be prospective only and would not apply to any cannabis business already operating within the municipality; and

WHEREAS, the Governing Body of the Borough of Oceanport has determined that, due to present uncertainties regarding the potential future impacts that allowing one or more classes of cannabis business might have on New Jersey municipalities in general, and on the Borough of Oceanport in particular, it is at this time necessary and appropriate, and in the best interest of the health, safety and welfare of the Borough of Oceanport's residents and members of the public who visit, travel, or conduct business in the Borough of Oceanport to amend the Borough of Oceanport's zoning regulations to prohibit all manner of marijuana-related land use and development within the geographic boundaries of the Borough of Oceanport; and

WHEREAS, officials from two prominent non-profit organizations that have been established for the purpose of advising New Jersey municipalities on legal matters such as have been presented by the Act (those organizations being the New Jersey State League of Municipalities and the New Jersey Institute of Local Government Attorneys) have strongly urged that, due to the complexity and novelty of the Act; the many areas of municipal law that are or may be implicated in decisions as to whether or to what extent cannabis or medical cannabis should be permitted for land use purposes or otherwise regulated in any particular municipality; and the relatively short duration in which the Act would allow such decisions to be made before imposing an automatic authorization of such uses in specified zoning districts subject to unspecified conditions, the most prudent course of action for all municipalities, whether or not generally in favor of cannabis or medical cannabis land development and uses, would be to prohibit all such uses within the Act's 180-day period in order to ensure sufficient time to carefully review all aspects of the Act and its impacts;

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth, State of New Jersey, as follows:

1. Pursuant to section 31b of the New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (P.L. 2021, c. 16), all cannabis establishments, cannabis distributors or cannabis delivery services are hereby prohibited from operating anywhere in the Borough of Oceanport, except for the delivery of cannabis items and related supplies by a delivery service. *[IF APPLICABLE: This prohibition shall also apply in those parts of the Borough of Oceanport under the jurisdiction and authority of the Fort Monmouth Economic Revitalization Authority, New Jersey Sports and Exposition Authority and the New Jersey Economic Development Authority, notwithstanding any State law to the contrary.]*

2. Chapter 390 of the Code of the Borough of Oceanport is hereby amended by adding to the list of prohibited uses, the following: "All classes of cannabis establishments or cannabis distributors or cannabis delivery services as said terms are defined in section 3 of P.L. 2021, c. 16, but not the delivery of cannabis items and related supplies by a delivery service."

3. Any article, section, paragraph, subsection, clause, or other provision of the Code of the Borough of Oceanport inconsistent with the provisions of this ordinance is hereby repealed to the extent of such inconsistency.

4. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

5. This ordinance shall take effect upon its passage and publication and filing with the Monmouth County Planning Board, and as otherwise provided for by law.

APPROVED ON FIRST READING

DATED: May 20, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

ADOPTED ON SECOND READING

DATED: June 22, 2021

JEANNE SMITH
Clerk of the Borough of Oceanport

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____.

JOHN F. COFFEY, II
Mayor

**RESOLUTION OF THE BOROUGH OF OCEANPORT PLANNING BOARD
DETERMINATION OF CONSISTENCY WITH MASTER PLAN
GOVERNING BODY REFERRAL – ORDINANCE #1039
AMENDING CHAPTER 390 “ZONING”,
PROHIBITING ANY CLASS OF CANNABIS BUSINESS**

WHEREAS, the Governing Body has referred to the Planning Board an ordinance amending Chapter 390 “Zoning” entitled “ **AN ORDINANCE BY BOROUGH OF OCEANPORT IN COUNTY OF MONMOUTH, STATE OF NEW JERSEY PROHIBITING THE OPERATION OF ANY CLASS OF CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 390 OF THE CODE OF THE BOROUGH OF OCEANPORT**” which has been introduced in response to recent legislation superseding and voiding any previous municipal ordinance concerning cannabis regulations and thereby requiring adoption of new cannabis regulations; and

WHEREAS, the Planning Board has reviewed the Ordinance and finds that same is consistent with the Master Plan as amended February 10, 2020,

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport submits to the Governing Body a determination of consistency with the Master Plan for Ordinance #1039 pursuant with N.J.S.A. 40:55D-64.

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)	()	()	()	()	()
Vacant (Alt. 2)	()	()	()	()	()

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

Jeanne Smith, Secretary

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • MAY 11, 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. Chairman 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	Remote	
Thomas Tvrdik	Class III	Remote	
Joseph Foster	Environmental Committee Liaison	Absent	
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. Approval of Minutes - Apr 13, 2021

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

2. Report of Pending Applications

Ms. Smith advised of upcoming applications for the May 25th meeting and additional applications under review. Ms. Smith advised that the June 8th meeting was Primary Election and would need to be cancelled with no objections from the Board members.

3. Interpretation for Pools - *Added*

Discussion held on whether pools were to be considered an accessory structure. Previous meeting was discussed that patios and pool aprons were not an accessory structure. Zoning Officer has now questioned whether pools should be required to meet the 5% maximum coverage for accessory structure. Points of discussion were definition of structure, above grade, pools have to meet impervious coverage requirements. Mr. Davis commented that he thought it unfair to make residents go to the Board when they can achieve the square footage and setbacks and not fair to make them conform to 5%. Chairman Widdis commented he agreed, there are small lots and it makes it very difficult based on current zoning.

Mr. Kleiberg made a motion that pools and patios are not to be considered an accessory structure which was seconded by Mr. Davis. The Secretary was directed to notify the Zoning Officer of same.

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

VII. Old Business:

1. Resolution of Approval - 15 Ticonderoga Ave; Meyer

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

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

2. PB2020-01 Sempkowski, Anthony

Ms. Smith advised of correspondence earlier that day received from Walter Toto, Attorney for the Sempkowski application which requested to adjourn the hearing to a date certain depending on agenda availability. The request was sought for additional time to prepare revisions pursuant with the previous hearing and concerns expressed by the Board. There was discussion by the Board as to whether to grant the request to carry. After which Mr. Kahle made a motion to carry to August 10th 2021 subject to posting of additional escrow funds within 14 days.

Motion to Carry with New Notice Required to August 10, 2021

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

VIII. New Business:

1. PB2021-03 Sanchez, Diana 26 Oneida Ave Block 30, Lot 1

EXHIBITS:

A-1 Land Development Application

A-2 Pool Variance Plan, 1 Sheet, prepared by RC Burdick, P.E., P.P, P.C., dated February 25, 2021

A-3 Survey of Property, prepared by Morgan Engineering & Surveying, dated July 12, 2018

A-4 Colliers Engineering & Design Review Letter dated April 23, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Ms. Sanchez 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 people were sworn in: William White, Board Engineer/Planner and Diana Sanchez, Applicant/Owner. Ms. Sanchez described the application seeking variances for a pool and six foot fence to be installed at her property location 26 Oneida Avenue. Ms. Sanchez has a corner property on Oneida and Port Au Peck Ave which is considered two front yards which means that her pool and six foot fence must meet the front yard requirements. Variances are sought for front yard setback and impervious coverage. Pool equipment will be on a platform to comply with AE flood zone.

Mr. White clarified that the pool is proposed 16' from right of way and fence is proposed as solid 6' where 4' and 50% open is permitted thereby requiring two variances.

Chairman Widdis asked for questions from Board members.

Mr. Kahle wanted to make sure if any damage was done to curb homeowner is responsible. Mr. White confirmed yes.

Mr. Kleiberg was in favor of the 6' fence as the pool was an attractable nuisance and 6' would be better than 4'.

Chairman Widdis expressed concern that lighting be downward facing so not to shine in neighbors' yards. Ms. Sanchez was agreeable to having proper lighting. Chairman Widdis asked about the pool equipment; Ms. Sanchez responded that the plan shows a raised platform for the equipment given the flood zone.

Councilman Tvrdik requested that the 6' fence and platform have some type of landscape buffer for visibility from the street. He also requested that the plan be corrected to reflect AE flood zone and not "X". Applicant stated she would comply.

Mr. Davis commented he would like to see all of fence along Port Au Peck main road buffered with landscaping.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Mr. Whitson asked Mr. White if there were any concerns for water runoff to neighbors. Mr. White stated he reviewed grading plan and it crosses corner of property and maintains same pattern.

PUBLIC:

Chairman Widdis opened the meeting to comments from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application with Conditions for Landscaping Pool Equipment and Fence along Port Au Peck Ave

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

IX. 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.

X. Adjournment: As there was no further business, the meeting was adjourned at 7:56 pm on a motion by Mr. Davis which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • SEPTEMBER 22, 2020****Regular****REMOTE/VIRTUAL****7:30 PM****Municipal Building, 315 E. Main Street, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:30 PM
- II. **Open Public Meetings Statement:** This meeting further complies with the Open Public Meetings Act by notification on September 5, 2020 of this virtual/remote meeting, its location, date and time, and URL address at which to participate in the meeting to the Asbury Park Press, Star Ledger and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site. Chairman 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.
- III. **Flag Salute:** Chairman Widdis led attendees and the Board in the flag salute.
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Remote	
James Whitson	Vice Chairman	Remote	
Patty Cooper	Mayor's Designee	Remote	
Thomas Tvrdik	Class III	Late	7:42 PM
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	
Jacob Rue	Alternate II	Remote	
Jeanne Smith	Board Secretary	Remote	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	

V. **Board Business:**

1. Report of Pending Applications

Ms. Smith advised that it had just been determined that the first meeting in October would be held remotely so no applications had been scheduled. However, any applications tonight that may carry with the addition of two residential applications were planned. Also upcoming were the Allison Hall and Lodging parcels on the former Fort possible at the end of October. Please contact Ms. Smith to arrange a package of plans to review in advance.

VI. **Old Business:**

1. PB2020-09 MPCC II

Carl Gross, Owner/Applicant, acknowledged having been previously sworn in at the September 8, 2020 meeting, provided additional testimony concerning....

Motion to Approve as Amended

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Whitson, Vice Chairman
SECONDER: Joseph Foster, Environmental Commission Liaison
AYES: Widdis, Whitson, Tvrdek, Foster, Kahle, Kleiberg, Davis, Rue
ABSENT: Cooper, Savarese, Dailey

2. PB2019-15 Triumphant Life Church

Due to the lateness of the hour, this matter received a:

Motion to Carry Application to October 13, 2020 with no additional notice required

RESULT: ADOPTED [UNANIMOUS]
MOVER: Jacob Rue, Alternate II
SECONDER: Robert Kleiberg, Class IV
AYES: Widdis, Whitson, Tvrdek, Foster, Kahle, Kleiberg, Davis, Rue
ABSENT: Cooper, Savarese, Dailey

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

INFORMAL

Salvatore Alfieri, Attorney for property owner's of Block 121, Lot 1.01 and 2 presented an Informal Conceptual Plan for Board input prior to submitting formal application. Discussion ensued whether the project entailed a use variance which would prohibit an informal. Mr. Kennedy stated for the both the Board and the Applicant that discussion would be limited and would be non-binding. Because of the uncertainty that the application may seek a height variance that was potentially a (d) variance, Chairman Widdis asked that additional research be provided for the Board's information and they return for another informal or file an application.

- VIII. Adjournment:** As there was no further business, the meeting was adjourned at 10:34 pm on a motion by Mr. Foster was seconded by Mr. Davis 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 # 2050)

8.1

Meeting: 05/25/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2050

PR-21-16 Resolution of Approval - Sanchez, Diana

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF DIANA SANCHEZ
26 ONEIDA AVENUE, BLOCK 30, LOT 1
APPLICATION NO.: PB2021-03
APPROVED: MAY 11, 2021
MEMORIALIZED: MAY 25, 2021**

Introduction

WHEREAS, Diana Sanchez has made Application to the Oceanport Planning Board for the property designated as Block 30, Lot 1, commonly known as 26 Oneida Avenue, Oceanport, New Jersey, within the Borough's R-3 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 May 11, 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;*
- *Pool Variance Plan, prepared by R. C. Burdick, PE, PP, PC, dated February 25, 2021, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Survey of property, prepared by Morgan Engineering and Surveying, dated July 12, 2018, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Colliers Engineering and Design Review Memorandum, dated April 23, 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:

- Diana Sanchez, Applicant, appearing Pro Se;

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 since approximately August of 2018.
- There is an existing single-family home at the site.
- 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
Size of Pool:	Approximately 14 ft. x approximately 28 ft.
Location:	Southwest side of property, off of Port-Au-Peck Avenue.
Pool Equipment:	Standard pool equipment, including a pump, filter, and heater.
Pool Equipment Location:	The pool equipment will be located on a platform, in a conforming location.
Deck Details:	There will be a 3 ft. wide concrete deck area surrounding the pool.

- The Applicant anticipates having the pool installed in the very near future.
- The Applicant also proposes to install a 6 ft. high solid fence.

Variance Relief

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

ACCESSORY STRUCTURE LOCATION: Per the Prevailing Zoning Regulations, an accessory structure is not permitted in a front yard area; whereas in the within situation, the pool is located in a front yard area;

ACCESSORY STRUCTURE LOCATION: A Setback of 30.5 ft. is required; whereas, the Applicant is proposing the pool to be located 16 ft. from the Port-Au-Peck Avenue Right-of-Way;

FENCE DETAILS: The Prevailing Ordinance requires that fences in front yard areas not exceed 4 ft., and the regulations also require that the fence be 50% open. In the within situation, the Applicant is proposing a 6 ft. high solid fence which encroaches into the Right-of-Way;

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 26 Oneida Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The site contains an existing single-family dwelling, which is a permitted use in the zone.

4. The Applicant 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 Zone.
- The proposed pool is a permitted accessory use in the zone.
- The Applicant considered a number of potential host locations for the pool, 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 subject property is a corner lot.
- As a corner lot, the subject property has two frontages; namely, Oneida Avenue and Port-Au-Peck Avenue.
- The two front yards, as aforesaid, complicate the ability of the Applicant to satisfy all Prevailing Bulk Requirements.
- Though the host location is a technical front yard area (given the corner nature of the Lot), the pool is located in the Applicant's functional backyard area.
- In conjunction with the above point, the Board notes that the existing house faces Oneida Avenue, further justifying the notion that the proposed pool will be located in the Applicant's functional backyard area.
- The existence of the 2 front yard areas, and the limitations / restrictions associated therewith, help justify the necessary Variance relief.
- The existence of the 2 frontages, as well as the other factors set forth herein, essentially constitute a hardship within the meaning of the New Jersey Municipal Land Use Law – and the said hardship also helps justify the need for the requested Bulk Variance relief.
- Though the Ordinance requires a fence not to exceed 4 ft. in height (in a front yard area), given the fact that the subject property is a corner

Lot, given the fact that there really are 2 frontages, and given the fact that a fence is required to surround a pool, the 6 ft. high solid fence is appropriate under the within circumstances.

- A 6 ft. high fence, as approved herein, will promote the public health and safety.
- The Board recognizes that a 4 ft. fence, serving as a barrier to a pool, could, under certain circumstances, constitute an attractive nuisance, and not necessarily keep trespassers out.
- The Board recognizes that a 6 ft. fence would more appropriately screen/shield the pool from public view.
- The 6 foot high fence approved herein will more appropriately provide privacy for those enjoying the pool area.
- The 6 ft. fence approved herein will not violate any Sight Triangle Easements.
- The 6 ft. height fence approved herein will not compromise the ability of drivers or pedestrians to safely maneuver the streets / sidewalks.
- 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 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.
- 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 non-compliant pool location 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 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 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, 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.
- 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 installation of the pool in the specified location, represents sound planning.
- 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 Plans shall be revised, if necessary, so as to portray and confirm that the pool gate shall have a self-closing and self-latching feature.
- c. In the event there is any damage to the curb or sidewalk during the pool installation process, the Applicant shall arrange for the same to be appropriately repaired/replaced.
- d. The Applicant shall only have downward lighting associated with the proposed pool (so as to avoid any light spillover).
- e. The Plans shall be revised so as to confirm that the pool equipment shall be located on a platform, in a zoning-compliant location.
- f. The Plans shall be revised so as to include additional landscaping surrounding the fence, and the said details shall be reviewed and approved by the Zoning Officer / Board Engineer.
- g. The Plans shall be revised so as to portray and confirm that the fence shall be buffered / shielded around the entire site, including the west side vinyl fence.
- h. The Plans shall be revised so as to clarify that the property is located in an AE Flood Zone.
- i. The Applicant shall submit three sets of revised Plans to the Board Secretary, as part of the Resolution compliance process.

- j. 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
- k. The Applicant shall comply with the terms and conditions of the Colliers Engineering and Design Review Memorandum, dated April 23, 2021 (A-4).
- l. There shall be no adverse drainage impact on the adjoining properties.
- m. 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.
- n. 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.)
- o. The Applicant shall ensure that the location / elevation of the pool equipment shall comply with prevailing construction department regulations (regarding base flood elevation).
- p. The Applicant shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties.
- q. 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.
- r. 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.
- s. 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.
- t. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

SUMMARY OF GRANTED VARIANCE RELIEF

ACCESSORY STRUCTURE LOCATION: Prevailing Regulations do not allow a pool to be located in a front yard area, whereas, the Board herein has granted relief so that the Applicant's pool can, in fact, be located in a technical front yard area.

ACCESSORY STRUCTURE (POOL) LOCATION: 30' 5" setback required; whereas 16 ft. approved;

FENCE DETAILS: Maximum 4 ft. fence allowed; whereas 6 ft. solid fence approved.

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

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

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

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

PR-21-16

05-25-21

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on May 11, 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)	()	()	()	()	()
Vacant (Alt. 2)	()	()	()	()	()

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

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

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

Jeanne Smith, Secretary

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



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2002)

Meeting: 05/25/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2002

PB2021-01 Rovinsky

5 Balmer court

Block 65.01, Lot 1.11

Bulk variance for proposed pool

- Accessory Structure location: Ordinance 390:31E does not permit pool, pool fence or pool accessory to be located in a front yard. The proposed pool is ten (10) feet from the Right of Way whereas the front yard would require a setback of 30.14'.
- Ordinance 390:31E requires pools to be setback a minimum of ten (10) feet from a structure. The pool is located seven (7) feet from the front of the dwelling and eight (8) feet from the rear.
- Maximum Impervious Coverage: 37% permitted, 40% proposed.

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



April 29, 2021

VIA EMAIL

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

5 Balmer Court – Pool
Block 65.01, Lot 1.11
Application No. PB2021-01
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-289

Dear Board Members,

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

- Plans entitled “Pool Plan,” prepared by Insite Engineering, LLC, dated February 9, 2021, consisting of one (1) sheet.

The subject property is a 12,739.1 SF (0.2924-acre) parcel which was formerly a portion of the old Borough Hall site located in the R-3 Residential Zone. The property is the northernmost lot on the interior of the loop road. The Applicant proposes to install a pool.

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. Accessory Structure location: Ordinance 390:31E does not permit pool, pool fence or pool accessory to be located in a front yard. The proposed pool is ten (10) feet from the Right of Way whereas the front yard would require a setback of 30.14'.
 - b. Ordinance 390:31E requires pools to be setback a minimum of ten (10) feet from a structure. The pool is located seven (7) feet from the front of the dwelling and eight (8) feet from the rear.
 - c. Maximum Impervious Coverage: 37% permitted, 40% proposed.

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

Maser Consulting is now Colliers Engineering & Design

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

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

B. General Comments

1. The Applicant shall clarify if any outdoor lighting will be provided.

C. Additional Agency Approvals

This Application is subject but not limited to the following outside agency approvals or letter of no jurisdiction:

1. NJDEP – CAFRA

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

Sincerely,

Colliers Engineering & Design

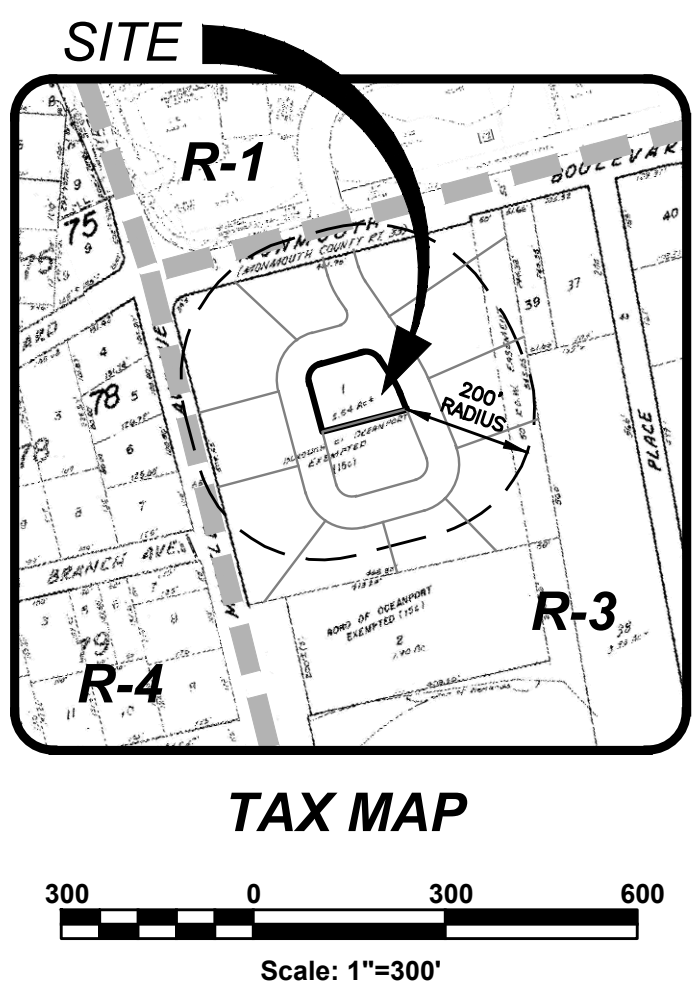


William H.R. White, III, PE, PP, CME, CFM, CPWM
 Planning Board Engineer and Planner

WHW/dmm

cc: Todd Rovinsky (via email)
 Patrick Ward, P.E. (via email)

r:\general\projects\opp\opp-289\correspondence\out\210429_whw_5balmer_review#1.docx



SUBJECT PROPERTY
TAX MAP #10: BLOCK 65.01, LOT 1.11, 5 BALMER COURT, MONMOUTH COUNTY, NEW JERSEY

2. **OWNER / APPLICANT**
MARTELLI@OCEANPORT LLC
716 NEWMAN SPRINGS ROAD, SUITE 367
LINGROFT, NJ 07798

3. **PURPOSE OF THIS PLAN SET**
THIS PLAN SET HAS BEEN PREPARED TO SUPPORT AN APPLICATION TO THE BOROUGH (FOR BULK VARIANCE RELIEF FOR THE PROPOSED POOL).

4. **SURVEY DATA**
SURVEY INFORMATION CONTAINED HEREON IS BASED ON A FIELD SURVEY PERFORMED BY KP27 PROFESSIONAL LAND SURVEYORS, ENTITLED "BOUNDARY & TOPOGRAPHIC SURVEY", BEING DATED 09/18/18, WITH REVISIONS THROUGH 03/24/20.
HORIZONTAL DATUM: NAD83 VERTICAL DATUM: NAVD88
CONVERSION FROM NAVD88 TO NGVD29 IS +1.06' PER NGS DATA SHEET FOR PID KJ 0897 DESIGNATION-TIDAL 2 STA 26 IN OUR SITE AREA.

5. **PRELIMINARY & FINAL MAJOR SUBDIVISION**
THE SUBJECT PROPERTY WAS CREATED AS PART OF A MAJOR SUBDIVISION APPROVED BY THE BOROUGH PER RESOLUTION MEMORIALIZED ON 05/14/19. PROPOSED GRADING HEREON WILL ULTIMATELY TIE INTO THE FUTURE GRADING OF ADJACENT LOT 1.12 PER THE LATEST APPROVED SUBDIVISION PLAN AND THE FUTURE GRADING OF LOT 1.12 PLOT PLAN, BALMER COURT IMPROVEMENTS AND CROFTON, PUBLIC UTILITIES, AND CONSTRUCTION DETAILS AND SPECIFICATIONS SHALL BE CONSTRUCTED AND/OR PERFORMED IN ACCORDANCE WITH THE APPROVED SUBDIVISION PLAN.

6. **ARCHITECTURAL INFORMATION**
ARCHITECTURAL INFORMATION CONTAINED HEREON IS BASED ON PLANS PREPARED BY MICHAEL JAMES MONROE ARCHITECTURE, ENTITLED "PROPOSED NEW RESIDENCE FOR MARTELLI SIGNATURE HOMES", WITH THE LATEST REVISION BEING DATED 02/20/20

7. **BASE FLOOD ELEVATION**
ACCORDING TO FEMA'S EFFECTIVE FIRM ENTITLED "FIRM - FLOOD INSURANCE RATE MAP (FIRM), MONMOUTH COUNTY, NEW JERSEY (ALL JURISDICTIONS)", COMMUNITY PANEL #34025C01846, DATED 9/25/09, THE ENTIRE SITE IS LOCATED IN ZONE AE, WITH A BASE FLOOD ELEVATION OF 10. THE FEMA MAP REFERENCES THE NAVD88 VERTICAL DATUM. THE FLOOD HAZARD AREA WAS ESTABLISHED ON SITE USING METHOD 2 (FEMA TIDAL).

8. **CONSTRUCTION STAKEOUT**
SPECIAL CARE SHALL BE TAKEN DURING STAKEOUT AND CONSTRUCTION TO ADHERE TO THE LOCATION OF THE PROPOSED STRUCTURE AND SITE IMPROVEMENTS. THE BUILDING TIES ARE TO THE FOUNDATION.

9. **UNDERGROUND UTILITIES NOTIFICATION**
FOR ANY EXCAVATION IN NEW JERSEY, THE CONTRACTOR SHALL CALL PLANT LOCATION SERVICE AT 1-800-272-1000 FOR A MARKOUT REQUEST NO LESS THAN THREE (3) WORKING DAYS PRIOR TO STARTING ANY EXCAVATION.

10. **SPECIFICATIONS**
UNLESS OTHERWISE NOTED HEREON, ALL SITE WORK SHALL BE CARRIED OUT IN CONFORMANCE WITH THE PROVISIONS OF THE "NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", LATEST EDITION.

11. **LIMIT OF DISTURBANCE**
PRIOR TO THE START OF SITE WORK, THE LIMIT OF DISTURBANCE SHALL BE DELINEATED WITH SNOW FENCING OR OTHER APPROPRIATE MARKERS.

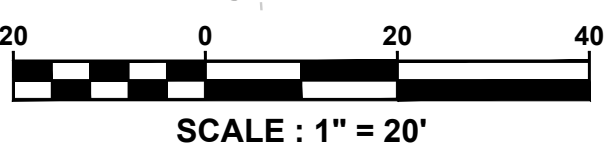
12. **SOIL EROSION & SEDIMENT CONTROL**
THE PROPOSED DEVELOPMENT WILL RESULT IN GREATER THAN 5.000 SF DISTURBANCE. THE APPLICANT HAS RECEIVED PLAN APPROVAL FROM THE FREEHOLD SOIL CONSERVATION DISTRICT (FSCD), REFERENCE #2019-0272, DATED 10/08/19.

13. **NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION (NJDEP)**
ALL NJDEP CONSTRAINTS AND REGULATED ACTIVITIES SHOWN HEREON WERE APPROVED BY THE NJDEP AS FOLLOWS:
- FRESHWATER WETLANDS LETTER OF INTERPRETATION (FILE NO. 1338-04-0016.1) BEING DATED 08/01/19
- FRESHWATER WETLANDS GENERAL PERMIT (FILE NO. 1338-04-0016.1 LUP 190001) BEING DATED 03/20/20
- FRESHWATER WETLANDS TRANSITION AREA WAIVER PERMIT (FILE NO. 1338-04-0016.1 LUP 190001) BEING DATED 03/20/20
- FLOOD HAZARD AREA INDIVIDUAL PERMIT AND FLOOD HAZARD VERIFICATION (FILE NO. 1338-04-0016.1 LUP190002) BEING DATED 01/31/20.

14. **FLOOD PROOFING**
NINE (9) SMART VENTS (1540-510) TO BE INSTALLED IN AT LEAST 2 WALLS OF THE CRAWL SPACE ENCLOSURE (1,790 SF / 200 = 9). BOTTOM OF ROUGH OPENING SHALL BE NO MORE THAN 12" ABOVE FINISHED GRADE.

15. **FLOOD RESISTANT MATERIALS**
ALL CONSTRUCTION MATERIALS AND UTILITIES LOCATED BELOW THE TWO-FOOT (2') REQUIRED FREEBOARD (EL. 12.4) BY THE BOROUGH OF OCEANPORT SHALL BE FLOOD RESISTANT MATERIALS.

16. **POOL COMPLIANT FENCE**
THE APPLICANT SHALL PROVIDE A COMPLIANT POOL FENCE IN ACCORDANCE WITH THE BOROUGH ORDINANCE AND ALL APPLICABLE CODES



PROPOSED LOT COVERAGE CALCULATIONS	
ITEM	PROPOSED (SF)
DWELLING	2,178
FRONT PORCH	117
REAR PORCH	171
DRIVEWAY	603
WALKWAYS/STEPS	392
AC/POOL EQUIPMENT	42
POOL	481
POOL PATIO	1,111
TOTAL	5,095

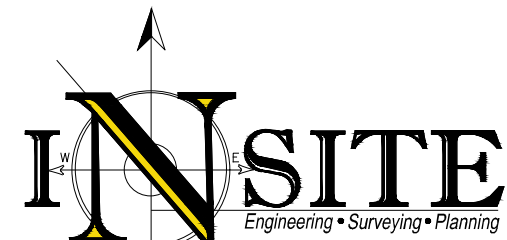
ZONING COMPLIANCE CHART						
R-3 (RESIDENTIAL SINGLE FAMILY) ZONE						
SINGLE FAMILY DWELLING: PERMITTED						
ORD. SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED	COMPLIES	
SCHED II	MIN. LOT AREA (SF)	12,000	12,739.1 (0.2924 AC)	NO CHANGE	YES	
SCHED II	MIN. LOT WIDTH (FT)	120	120.0	NO CHANGE	YES	
SCHED II	MIN. LOT DEPTH (FT)	100	103.06	NO CHANGE	YES	
PRINCIPAL BUILDING						
SCHED II	MIN. FRONT YARD SETBACK (FT)	30	N/A	32.74	YES	
SCHED II	MIN. REAR YARD SETBACK (FT)	25	N/A	25.28	YES	
SCHED II	MIN. SIDE YARD SETBACK					
	ONE SIDE (FT)	10	N/A	30.14	YES	
	BOTH SIDES (FT)	25	N/A	60.31	YES	
SCHED II	MAX. BUILDING HEIGHT (FT)	35	(1)	29.72	YES	
SCHED II	MAX. BUILDING HEIGHT (STORIES)	2.5	N/A	2.5	YES	
SWIMMING POOL						
390-30.H	ALLOWABLE YARD LOCATION	SIDE/REAR	N/A	REAR/FRONT (V)	NO	
390-30.H	MIN. SETBACK TO ANY PROPERTY LINE (FT)	10	N/A	10.00	YES	
390-30.H	MIN. SETBACK TO DWELLING (FT)	10	N/A	7.00 (V)	NO	
LOT COVERAGE						
SCHED II	MAX. PRINCIPAL BUILDING COVERAGE (%)	25	N/A	19.35	YES	
SCHED II	MAX. IMPERVIOUS COVERAGE (%)	37	N/A	40.0	YES	
SCHED II	MAX. DWELLINGS PER ACRE	3.7	N/A	3.4	YES	

(a) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE

(1) HEIGHT OF BUILDING - THE VERTICAL DISTANCE AS MEASURED BY THE CROWN OF THE ROAD OF THE IMPROVED STREET ON WHICH IT FRONTS AT THE MIDPOINT OF THE LOT TO THE HIGHEST POINT OF THE STRUCTURE, EXCLUDING SUCH APPURTENANCES AS OUTLINED IN § 390-13. ON A CORNER LOT, THE BUILDING HEIGHT SHALL BE MEASURED FROM THAT STREET WHICH IS TO BE REGARDED AS THE FRONT OF THE BUILDING.

PROJECT INFORMATION	
<u>PROJECT NAME:</u>	
<i>Martelli</i> SIGNATURE HOMES 5 BALMER COURT	
<u>PROJECT LOCATION:</u>	
BLOCK 65.01, LOT 1.11 5 BALMER COURT BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NJ	
<u>OWNER:</u>	
MARTELLI@OCEANPORT LLC 716 NEWMAN SPRINGS ROAD, SUITE 367 LINCOLT, NJ 07738	
<u>APPLICANT:</u>	
MARTELLI@OCEANPORT LLC 716 NEWMAN SPRINGS ROAD, SUITE 367 LINCOLT, NJ 07738	
APPLICANT'S PROFESSIONALS	
<u>ARCHITECT:</u> MICHAEL JAMES MONROE ARCHITECTURE 2000 LOWTHER DRIVE EATONTOWN, NJ 07724	
<u>SURVEYOR:</u> KFT2 PROFESSIONAL LAND SURVEYORS PO BOX 521 COLTS NECK, NJ 07722	
	

ELECTRIC	RED
GAS / OIL	YELLOW
COMMUNICATION / TV	ORANGE
WATER	BLUE
SEWER	GREEN
TEMP. SURVEY MARKINGS	MAGENTA
PROPOSED EXCAVATION	WHITE



InSite Engineering, LLC
 CERTIFICATE OF AUTHORIZATION: 24GA28083200
 1955 ROUTE 34, SUITE 1A, WALL, NJ 07719
 732-531-7100 (Ph) 732-531-7344 (Fax)
 InSite@InSiteEng.net www.InSiteEng.net

LICENSED IN: NEW JERSEY, NEW YORK, PENNSYLVANIA,
DELAWARE, CONNECTICUT, NORTH CAROLINA
COLORADO, & DISTRICT OF COLUMBIA

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


PATRICK R. WARD, PE, PP
NJPE 24GE05079000 NJPP 33LI00626800

REVISIONS

[illegible]

<u>DRAWING TITLE:</u>
POOL PLAN
<u>SHEET TITLE:</u>
PLAN
<u>SHEET NO:</u>
1 OF 1



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2019)

9.2

Meeting: 05/25/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2019

PB2021-04 Motzenbecker, Eric

43 Elizabeth Dr

Block 139, Lot 24

Bulk Variance for single family addition

- Maximum Impervious Coverage: 32% permitted, 42.7% proposed.
- Maximum Principle Building Coverage; 25% permitted, 26.1% proposed.

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



May 5, 2021

VIA EMAIL

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

43 Elizabeth Drive – Bulk Variances
Block 139, Lot 24
Application No. PB2021-04
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0291

Dear Board Members,

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

- Plans entitled “Plot Plan,” prepared by Insite Engineering, dated March 25, 2021, consisting of one (1) sheet.
- Plans entitled “Additions and Alterations to 43 Elizabeth Drive,” prepared by Mathew Cronin, AIA, last revised April 13, 2021, consisting of two (2) sheets.
- Plan entitled “Survey of Property,” prepared by Charles C Widdis, dated February 9, 2001, consisting of one (1) sheet.

The subject property is a 10,830 SF (0.249-acre) parcel located on the west side of Elizabeth Drive approximately 200 feet from the end of the cul-de-sac and located in the R-2 Residential Zone. The Applicant proposes to add a series of small additions on the existing dwelling.

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 Impervious Coverage: 32% permitted, 42.7% proposed.
 - b. Maximum Principle Building Coverage; 25% permitted, 26.1% 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.

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

B. General Comments

1. If the Board chooses to approve the Application, a condition of approval should be the provision of an acceptable grading plan.
2. A signed and sealed Plot Plan shall be provided.
3. The Applicant shall clarify if any outdoor lighting will be provided.

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

Sincerely,

Colliers Engineering & Design

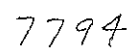


William H.R. White, III, PE, PP, CME, CFM, CPWM
Planning Board Engineer and Planner

WHW/dmm

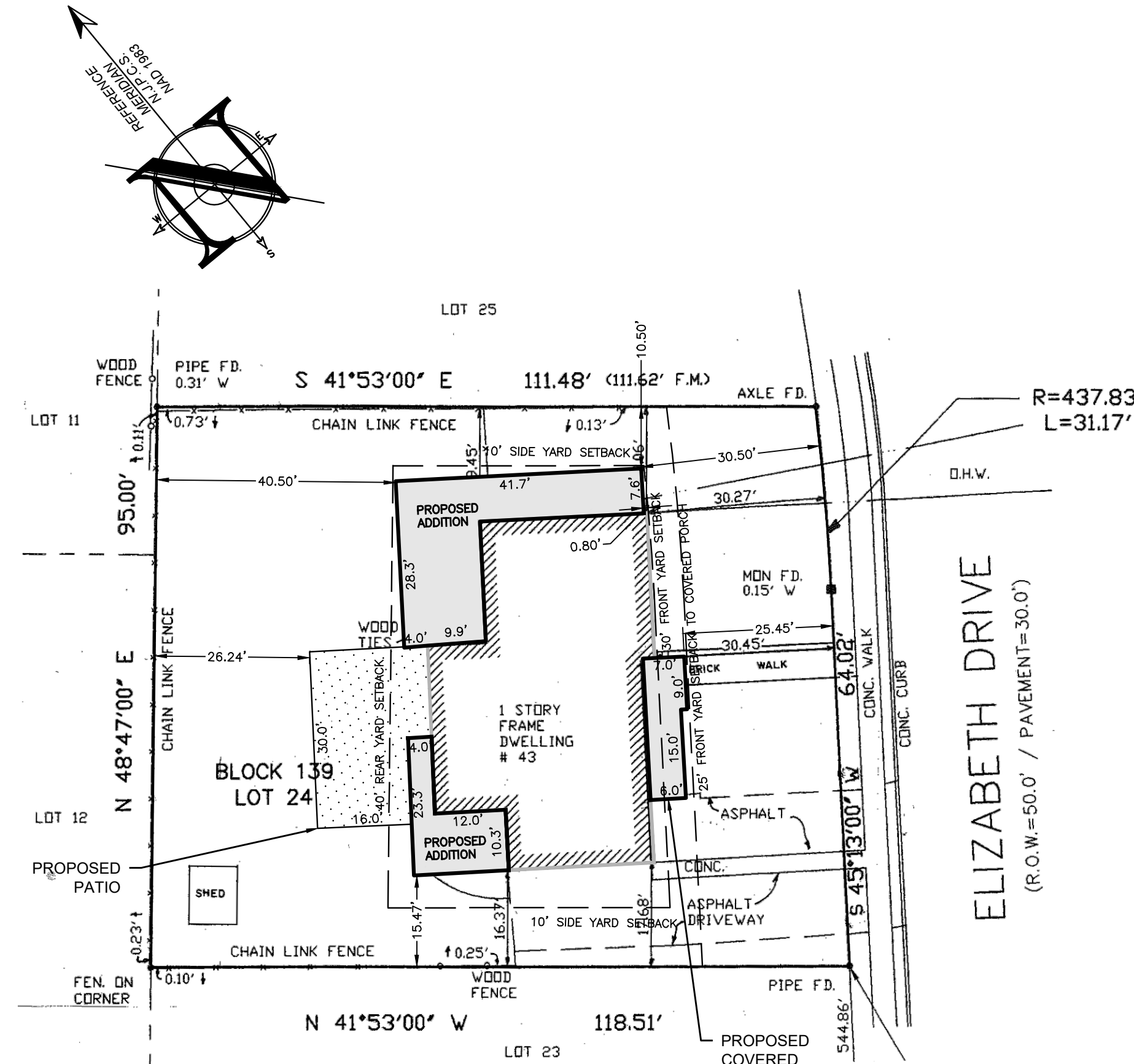
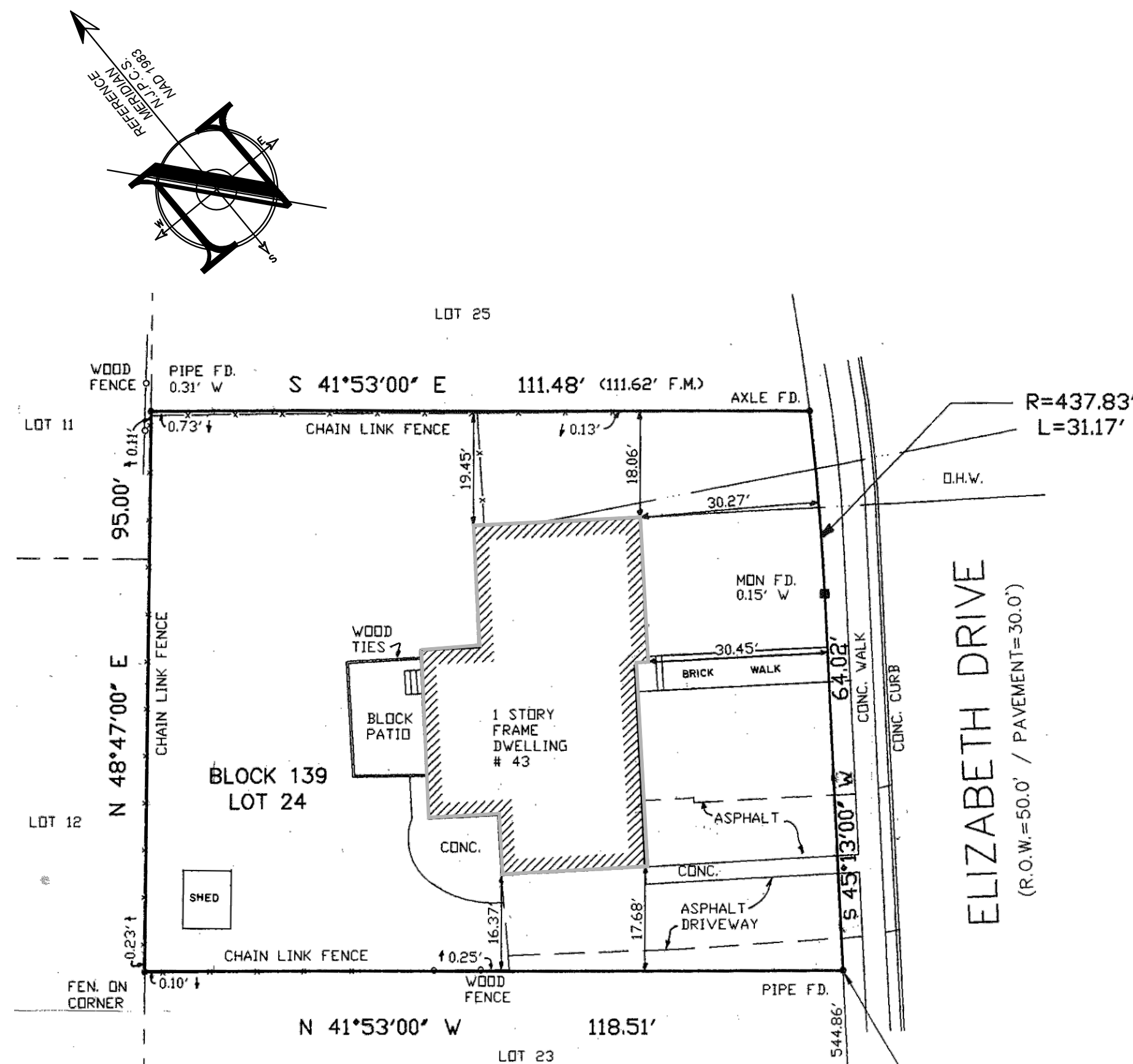
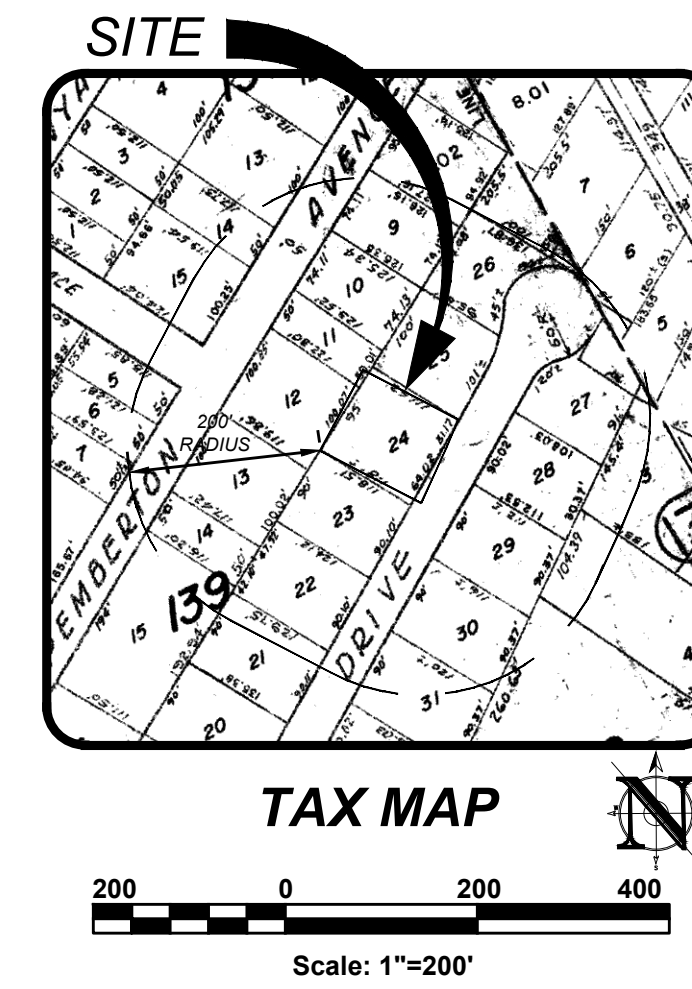
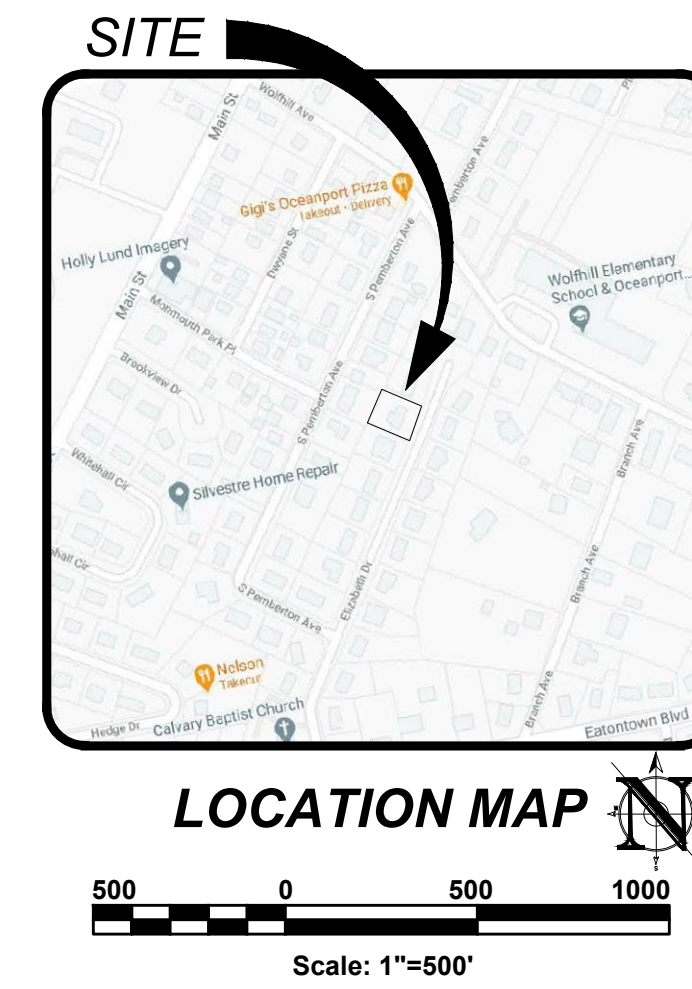
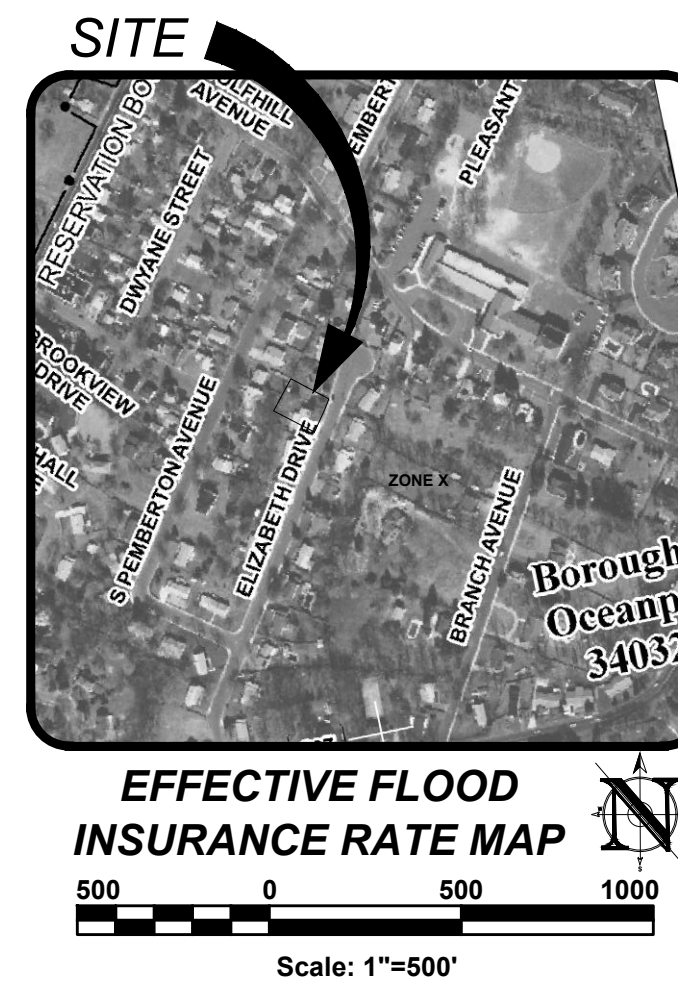
cc: Eric Motzenbecker (via email)
Stephen Musto (via email)

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BUILDING HEIGHT COMPLIANCE PER MUNICIPAL ORDINANCE



GENERAL NOTES

1. **SUBJECT PROPERTY**
TAX MAP 12: BLOCK 139, LOT 24; 43 ELIZABETH DRIVE, OCEANPORT, MONMOUTH COUNTY, NEW JERSEY
2. **PURPOSE OF THIS PLAN SET**
THIS PLAN SET HAS BEEN PREPARED TO SUPPORT AN APPLICATION TO THE BOROUGH ZONING APPROVAL.
3. **SURVEY DATA**
SURVEY INFORMATION CONTAINED HEREON IS BASED ON A FIELD SURVEY PERFORMED BY CHARLES C. WIDDIS, ENTITLED "SURVEY OF PROPERTY", WITH THE LATEST REVISION BEING DATED 10/27/03. A SIGNED AND SEALED COPY OF THIS SURVEY SHALL ALWAYS ACCOMPANY THIS SITE PLAN AS AN INDEPENDENT SHEET. TOPOGRAPHIC INFORMATION ON THE SURVEY REFERENCES THE NAVD88 VERTICAL DATUM.
4. **ARCHITECTURAL INFORMATION**
ARCHITECTURAL INFORMATION CONTAINED HEREON IS BASED ON PLANS PREPARED BY MATTHEW T. CRONIN, AIA ARCHITECT, ENTITLED "ADDITION AND ALTERATIONS TO: 43 ELIZABETH DRIVE", WITH THE LATEST REVISION BEING DATED 01/31/21.
5. **CONSTRUCTION STAKEOUT**
SPECIAL CARE SHALL BE TAKEN DURING STAKEOUT AND CONSTRUCTION TO ADHERE TO THE LOCATION OF THE PROPOSED STRUCTURE AND SITE IMPROVEMENTS. THE BUILDING TIES ARE TO THE FOUNDATION.
6. **UNDERGROUND UTILITIES NOTIFICATION**
FOR ANY EXCAVATION IN NEW JERSEY, THE CONTRACTOR SHALL CALL PLANT LOCATION SERVICE AT 1-800-272-1000 FOR A MARKOUT REQUEST NO LESS THAN THREE (3) WORKING DAYS PRIOR TO STARTING ANY EXCAVATION.
7. **VERIFICATION OF UTILITIES**
EXISTING UTILITIES SHOWN ON THIS SITE PLAN ARE APPROXIMATE PER THE REFERENCED SURVEY. THE CONTRACTOR SHALL PERFORM SAMPLE TEST PITS TO DETERMINE EXACT LOCATIONS. ALL EXISTING UTILITIES TO REMAIN AND BE UTILIZED. THE CONTRACTOR SHALL CONFIRM ADEQUACY AND CONDITION OF ALL EXISTING UTILITIES.
8. **SPECIFICATIONS**
UNLESS OTHERWISE NOTED HEREON, ALL SITE WORK SHALL BE CARRIED OUT IN CONFORMANCE WITH THE PROVISIONS OF THE "NEW JERSEY DEPARTMENT OF TRANSPORTATION (NJDOT) STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION", LATEST EDITION.
9. **LIMIT OF DISTURBANCE**
PRIOR TO THE START OF SITE WORK, THE LIMIT OF DISTURBANCE SHALL BE DELINEATED WITH SNOW FENCING OR OTHER APPROPRIATE MARKERS. SOIL DISTURBANCE IS LESS THAN 5,000 SF, THEREFORE PLAN CERTIFICATION IS FROM THE SOIL CONSERVATION DISTRICT IS NOT REQUIRED.
10. **RESTORATION**
ALL AREAS DISTURBED DURING THE COURSE OF CONSTRUCTION SHALL BE RESTORED "IN-KIND" AS NEARLY AS PRACTICAL TO THEIR ORIGINAL STATE. AREAS WHERE SOIL IS LEFT EXPOSED SHALL BE GRADED, RAKED SMOOTH AND SEEDED IMMEDIATELY UPON COMPLETION OF SOIL DISTURBANCE.
11. **SCALE**
DO NOT SCALE DRAWINGS AS THEY PERTAIN TO ADJACENT AND SURROUNDING PHYSICAL CONDITIONS, BUILDINGS, STRUCTURES, ETC. THEY ARE SCHEMATIC ONLY, WHERE DIMENSIONS ARE SHOWN THERE TO.



CALL BEFORE YOU DIG!
NJ ONE CALL.....800-272-1000

ELECTRIC	RED
GAS / OIL	YELLOW
COMMUNICATION / TV	ORANGE
WATER	BLUE
SEWER	GREEN
TEMP. SURVEY MARKINGS	MAGENTA
PROPOSED EXCAVATION	WHITE



InSite Engineering, LLC
 CERTIFICATE OF AUTHORIZATION: 24GA28083200
 1955 ROUTE 34, SUITE 1A, WALL, NJ 07719
 732-531-7100 (Ph) 732-531-7344 (Fax)
 InSite@InSiteEng.net www.InSiteEng.net

LICENSED IN: NEW JERSEY, NEW YORK, PENNSYLVANIA
DELAWARE, CONNECTICUT, NORTH CAROLINA
COLORADO, & DISTRICT OF COLUMBIA

PRELIMINARY

REVISIONS

[illegible]

0	03/25/21	INITIAL RELEASE
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SCALE: <i>AS SHOWN</i>	DESIGNED BY: <i>SGM</i>
------------------------	-------------------------

DATE: 03/25/21	DRAWN BY: ONS
----------------	---------------

JOB #: 21-1628-01	CHECKED BY: JLF
-------------------	-----------------

CAD ID: 21-1628-01r0

 NOT FOR CONSTRUCTION

APPROVED BY:			

FOR CONSTRUCTION		
TRANSMISSION		

PLAN INFORMATION	
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DRAWING TITLE:

PLOT PLAN

DOI: 10.1002/for

SHEET TITLE

PLOT PLAN

--	-------

SHEET NO: 1051

1 OF 1

ZONING COMPLIANCE CHART						
R-2 (RESIDENTIAL) DISTRICT						
SINGLE FAMILY DWELLING: PERMITTED						
ORD SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED	COMPL	
SCHED II	MIN. LOT AREA (SF)	15,000	10,830	NO CHANGE	YES	
SCHED II	MIN. LOT WIDTH (FT)	125	95	NO CHANGE	YES	
SCHED II	MIN. LOT DEPTH (FT)	120	114	NO CHANGE	YES	
PRINCIPAL BUILDING						
SCHED II	MIN. FLOOR AREA (SF)	1,500	1,667	2,469	YES	
SCHED II	MIN. FRONT YARD SETBACK TO PRINCIPAL BLDG (FT)	30	30.45	NO CHANGE	YES	
SCHED II	MIN. FRONT YARD SETBACK TO COVERED PORCH (FT)	25	N/A	25	YES	
SCHED II	MIN. REAR YARD SETBACK (FT)	40	46	39.7	YES	
SCHED II	MIN. SIDE YARD SETBACK (FT)					
	SIDE - ONE		16.4 / 18.1	16.4 / 10.5	YES	
	SIDE - BOTH	25	34.5	26.9	YES	
SCHED II	MAX. BUILDING HEIGHT (FT)	35	(9)	21.8	YES	
SCHED II	MAX. BUILDING HEIGHT (STORIES)	2.5	1	NO CHANGE	YES	
LOT COVERAGE						
SCHED A	MAX. IMPERVIOUS COVERAGE (%)	32	31.5	42.7	(V)	NO
SCHED A	MAX. PRINCIPAL BUILDING COVERAGE (%)	25	17.9	26.1	(V)	NO
SCHED A	MAX. ACCESSORY BUILDING COVERAGE (%)	5	1	NO CHANGE	YES	
(a) EXISTING NON-COMFORMITY		(i) IMPROVED CONDITION		N/A - NOT APPLICABLE		
(e) EXISTING VARIANCE		(x) VARIANCE / NON-COMFORMITY ELIMINATED		N/S - NOT SPECIFIED		
(v) PROPOSED VARIANCE		(w) PROPOSED WAIVER				
(a) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE						

R-2 (RESIDENTIAL) DISTRICT

SINGLE FAMILY DWELLING: PERMITS

	REQUIRED	
	15,000	

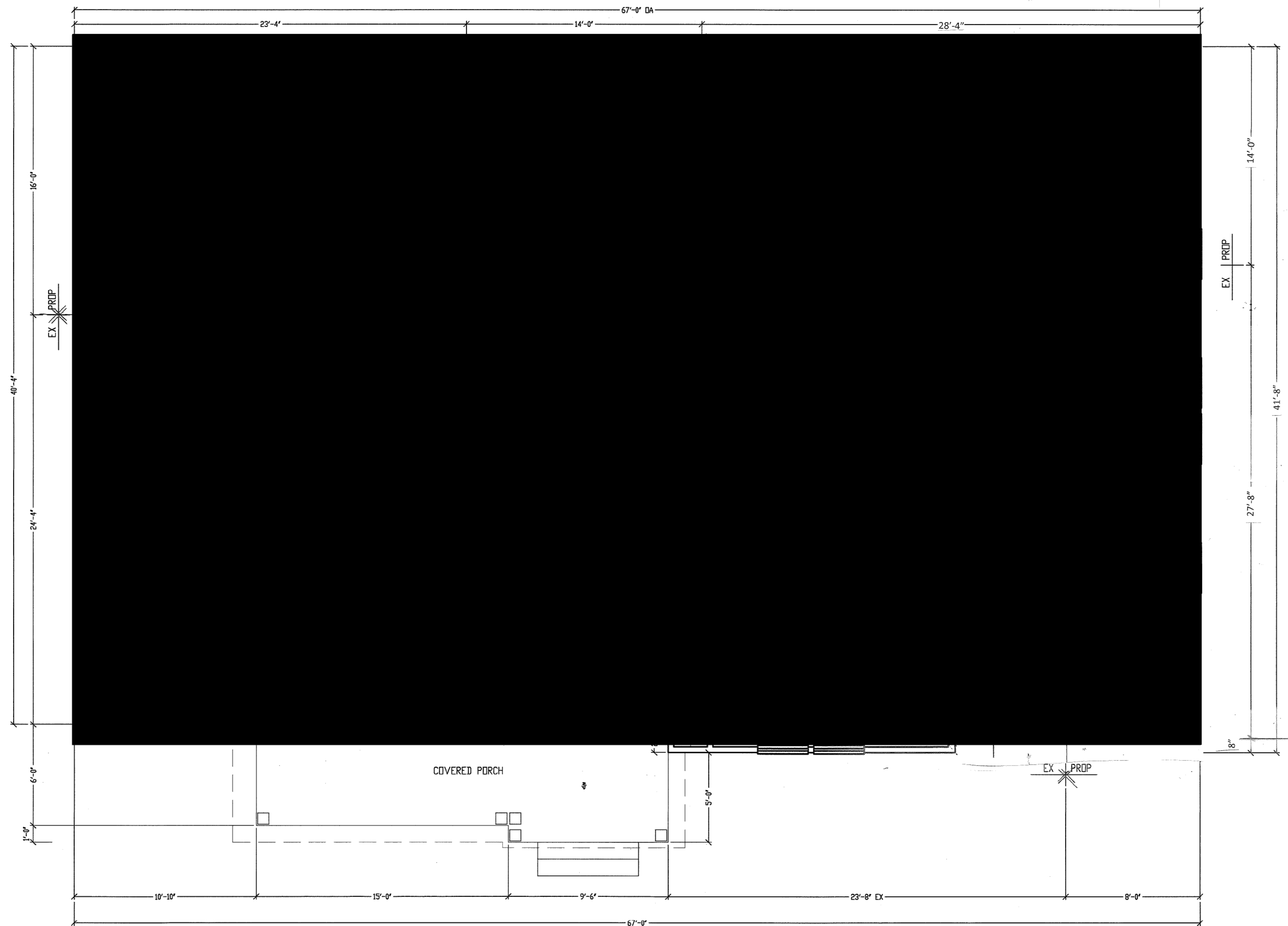
SCHED II	MIN. LOT WIDTH (FT)	125	95	NO CHANGE	YES
SCHED II	MIN. LOT DEPTH (FT)	120	114	NO CHANGE	YES
	PRINCIPAL BUILDING				
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SCHED II	MIN. FRONT YARD SETBACK TO PRINCIPAL BLDG (FT)	30	30.45	NO CHANGE	YES
SCHED II	MIN. FRONT YARD SETBACK TO COVERED PORCH (FT)	25	N/A	25	YES
SCHED II	MIN. REAR YARD SETBACK (FT)	40	46	39.7	YES
SCHED II	MIN. SIDE YARD SETBACK (FT)	10			YES
	SIDE - ONE	10	16.4 / 18.1	16.4 / 10.5	YES
	SIDE - BOTH	25	34.5	26.9	YES
SCHED II	MAX. BUILDING HEIGHT (FT)	35	(a)	21.8	YES
SCHED II	MAX. BUILDING HEIGHT (STORIES)	2.5	1	NO CHANGE	YES
	LOT COVERAGE				
SCHED A	MAX. IMPERVIOUS COVERAGE (%)	32	31.5	42.7 (V)	NO
SCHED A	MAX. PRINCIPAL BUILDING COVERAGE (%)	25	17.9	26.1 (V)	NO
SCHED A	MAX. ACCESSORY BUILDING COVERAGE (%)	5	1	NO CHANGE	YES

(N) EXISTING NON-CONFORMITY	(I) IMPROVED CONDITION	N/A - NOT APPLICABLE
(E) EXISTING VARIANCE	(X) VARIANCE / NON-CONFORMITY ELIMINATED	N/S - NOT SPECIFIED
(V) PROPOSED VARIANCE	(W) PROPOSED WAIVER	
(a) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE		

PLOT PLAN

PLOT PLAN

1 OF 1



FLOOR PLAN
SCALE: 1/4" = 1'-0"

MATTHEW T. CRONIN, AIA
ARCHITECT
P.O. BOX 225 RED BANK, NEW JERSEY 07701
PHONE: 732-747-6363 mattcroninarch@gmail.com FAX: 732-747-6966

ADDITION & ALTERATIONS TO:
43 ELIZABETH DRIVE
LOT: 224 BLOCK: 139
BOROUGH OF OCEANPORT
MONMOUTH COUNTY, NEW JERSEY

MATTHEW T. CRONIN AIA
NJ LICENSE No. AI 12367

REVISION	DATE
REV 1) 1/28/21	
REV 2) 1/31/21	
REV 3) 4-13-21	

DATE 1/13/21

SHEET TITLE

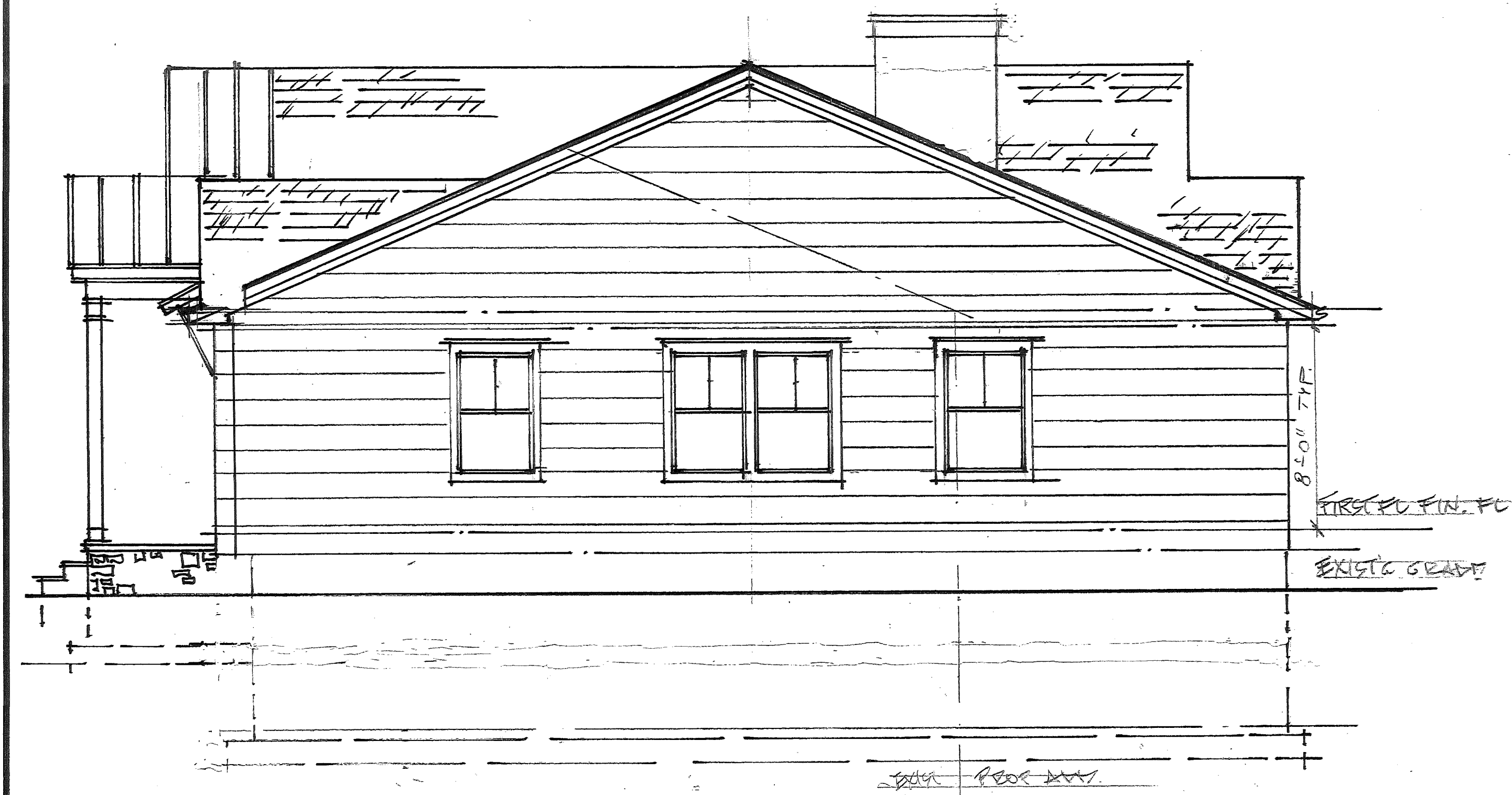
COMM No
SHEET No.
1 of 2



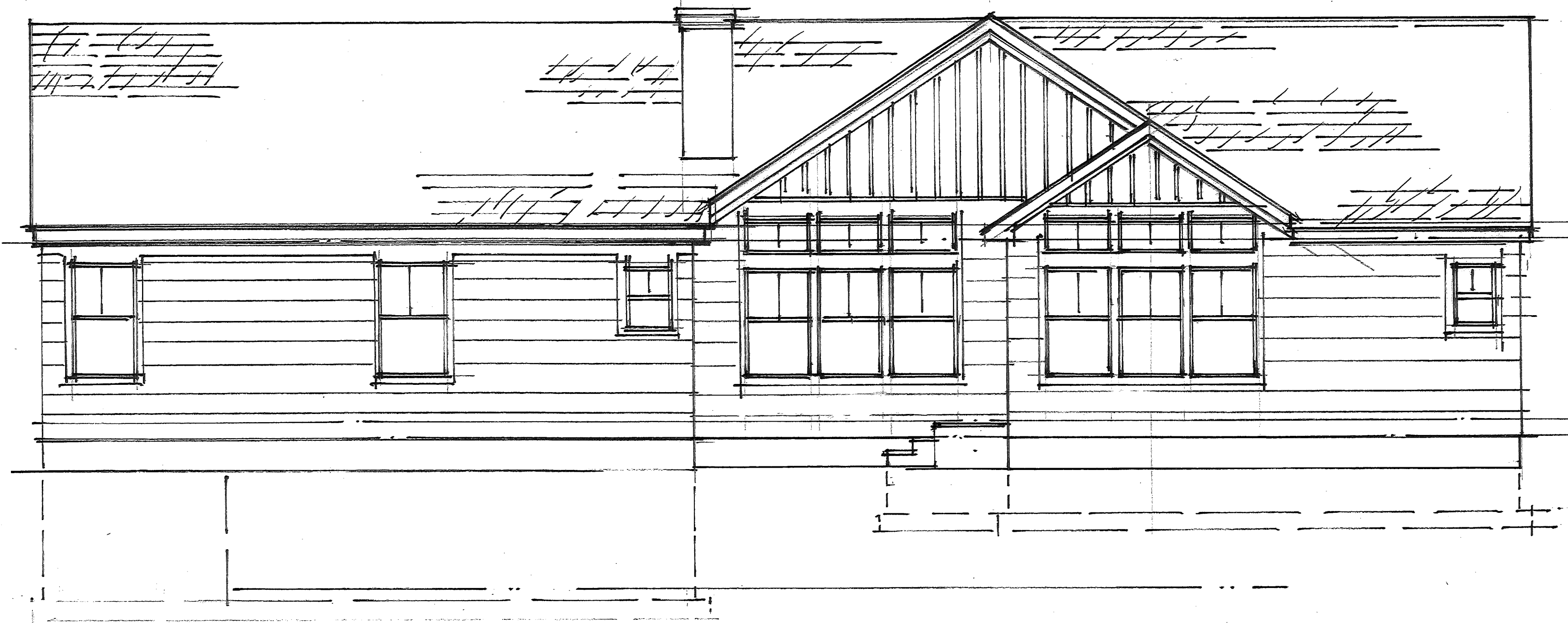
SOUTH SIDE ELEVATION
SCALE: 1/4" = 1' - 0"



EAST (FRONT) ELEVATION
SCALE: 1/4" = 1' - 0"



NORTH SIDE ELEVATION
SCALE: 1/4" = 1' - 0"



WEST (REAR) ELEVATION
SCALE: 1/4" = 1' - 0"

MATTHEW T. CRONIN, AIA
ARCHITECT
P.O. BOX 225 RED BANK, NEW JERSEY 07701
PHONE: 732-747-6363 matt.croninarch@gmail.com FAX: 732-747-6966

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REVISION

REV 1) 1/28/21
REV 2) 1/31/21
REV 3) 4-13-21

DATE

1/13/21

SHEET TITLE

COMM No

SHEET No.

2 of 2



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2039)

9.3

Meeting: 05/25/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2039

PB2021-07 Sommers, Dawn

33 Trinity Place

Block 115, Lot 10

Variances for Side Yard Setback of 9.22' provided where 10' minimum required

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



May 20, 2021

VIA EMAIL

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

33 Trinity Place
Block 115, Lot 10
Application No. PB2021-07
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0293

Dear Board Members,

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

- Plans entitled "Boundary and Topographic Survey", prepared by American Layout and Land Surveying dated February 15, 2021, consisting of one (1) sheet.

The subject property is a 12,285 SF (0.282-acre) parcel located on the northern side of Trinity Place approximately 131 feet from the intersection with Arcana Avenue, located in the R-5 Residential Zone. The Applicant previously constructed what was to be a conforming attached garage. After construction it was discovered that it encroached into the required side 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. Side Yard Setback: 10 feet required; 9.22 feet provided.

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

1. **Hardship c(1) - Physical Constraints** – Hardship variances may be granted if the strict application of the ordinance would impose peculiar and exceptional practical difficulties to,

or exceptional and undue hardship upon the developer based upon the existence of the following conditions:

- a. Exceptional narrowness, shallowness or shape of a specific piece of property;
 - b. Exceptional topographic conditions or physical features uniquely affecting a piece of property; and,
 - c. An extraordinary and exceptional situation uniquely affecting a specific piece of property of the structures lawfully existing thereon.
2. **Flexible "c" or c(2) - Benefits Outweighing Detriments** - A variance may be granted where the purpose of the Municipal Land Use Law would be advanced by the proposed deviation and the benefits of the deviation would substantially outweigh any detriment.

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

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

Sincerely,

Colliers Engineering & Design

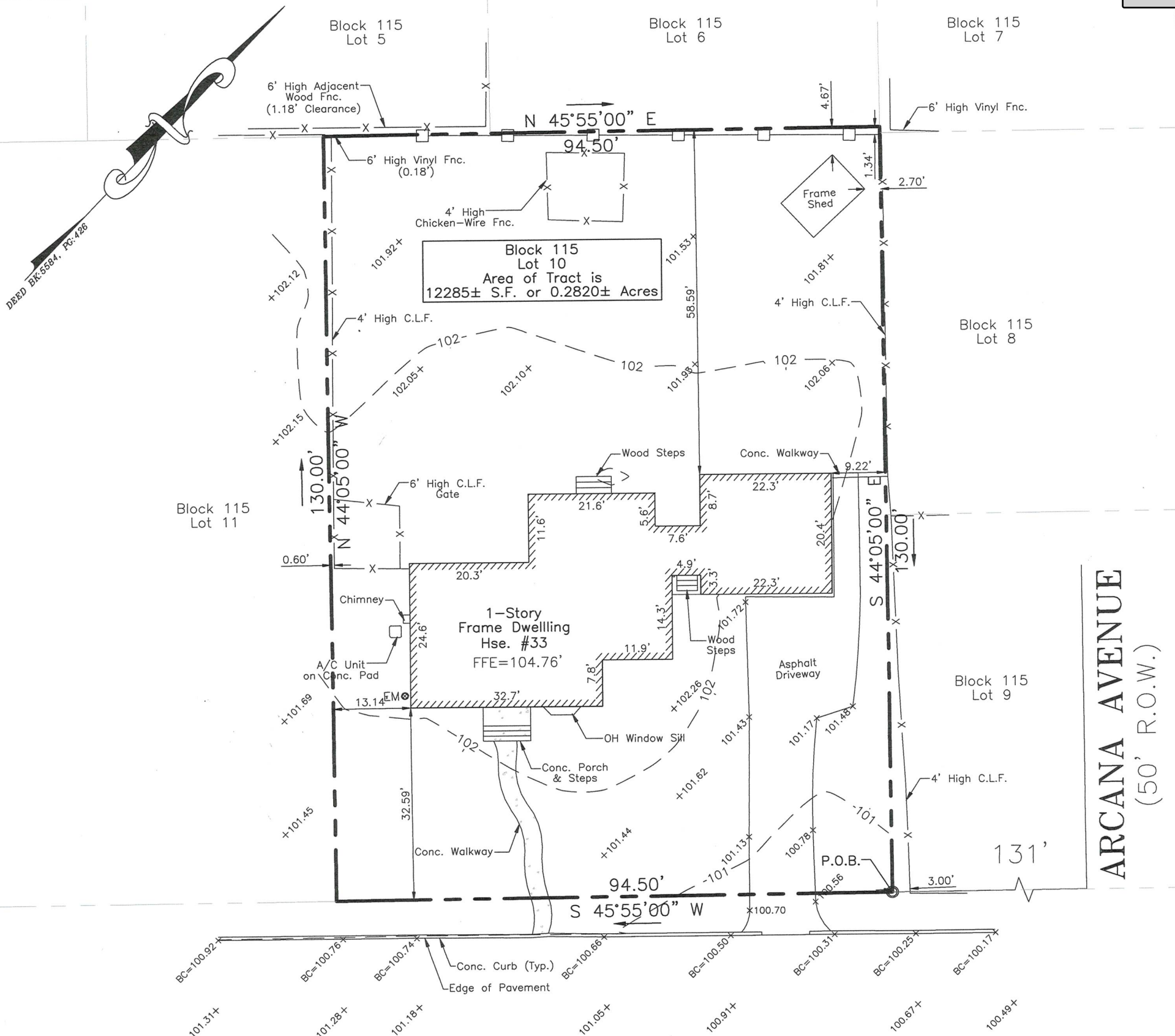


William H.R. White, III, PE, PP, CME, CFM, CPWM
Planning Board Engineer and Planner

WHW/dmm

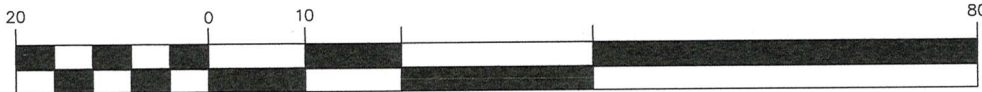
cc: Dawn Sommers (via email)

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TRINITY PLACE
(40' R.O.W.)

GRAPHIC SCALE



(IN FEET)

1 inch = 20 ft.

GENERAL NOTES

- ALL DIMENSIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.
- ELEVATIONS IF ANY ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988.
- EVIDENCE OF ANY COVENANTS AND/OR DEED RESTRICTIONS HAVE NOT BEEN FOUND OR SUPPLIED.
- THIS PROPERTY IS SUBJECT TO ANY DOCUMENTS OF RECORD.
- PROPERTY SUBJECT TO CHANGES ACCORDING TO THE FACTS A CURRENT TITLE REPORT MAY DISCLOSE.
- NO WETLANDS HAVE BEEN DELINEATED AND/OR LOCATED ON THIS PROPERTY.
- OFFSETS SHOWN HEREIN ARE NOT TO BE USED AS A BASIS FOR THE CONSTRUCTION OF FENCES, PERMANENT STRUCTURES, AND/OR HARDSCAPES OF ANY KIND.
- UNDERGROUND IMPROVEMENT AND/OR ENCROACHMENTS IF ANY, ARE NOT SHOWN HEREIN UNLESS INDICATED.
- NO RESPONSIBILITY OR LIABILITY IS ASSUMED BY THE SURVEYOR FOR THE USE OF THIS SURVEY FOR ANY OTHER PURPOSE INCLUDING, BUT NOT LIMITED TO, THE USE OF THE SURVEY FOR AN AFFIDAVIT OF SURVEY, RESALE OF THE PROPERTY, OR TO ANY OTHER PERSON NOT LISTED IN THE ORIGINAL CERTIFICATION, EITHER DIRECTLY OR INDIRECTLY.
- ONLY COPIES OF THE ORIGINAL OF THE SURVEY MARKED WITH THE SURVEYORS SIGNATURE AND THE SURVEYORS EMBOSSED SEAL SHALL BE CONSIDERED TO BE AN ORIGINAL.
- FIELD WORK DEPICTED HEREIN WAS PERFORMED ON 02/03/2021. THIS PLAN DOES NOT ATTEST TO ANY FIELD ADDITIONS, SUBTRACTIONS, OR ANY OTHER CHANGE AFTER OUR FIELD WORK HAS BEEN PERFORMED.
- DUE TO COUNTY RECORDER'S OFFICE CLOSURES AND LIMITED ACCESS RELATED TO COVID-19 WE MAY BE TEMPORARILY UNABLE TO RECORD DOCUMENTS IN THE NORMAL COURSE OF BUSINESS.

ALL DOCUMENTS PREPARED BY AMERICAN LAYOUT ARE INSTRUMENTS OF SERVICE IN RESPECT OF THE PROJECT. THEY ARE NOT INTENDED OR REPRESENTED TO BE SUITABLE FOR REUSE BY OWNER OR OTHERS ON EXTENSIONS OF THE PROJECT OR ON ANY OTHER PROJECT. ANY REUSE WITHOUT WRITTEN VERIFICATION OR ADAPTATION BY AMERICAN LAYOUT FOR THE SPECIFIC PURPOSE INTENDED WILL BE AT OWNER'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO AMERICAN LAYOUT AND OWNER SHALL INDEMNIFY AND HOLD HARMLESS AMERICAN LAYOUT FROM ALL CLAIMS, DAMAGES, LOSSES, AND EXPENSES ARISING OUT OF OR RESULTING THEREFROM.

I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 02/15/2021 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW OR ABOVE GROUND ENCROACHMENTS, UTILITIES, SERVICE LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES. THIS SURVEY IS SUBJECT TO A FULL AND ACCURATE TITLE SEARCH, SUBJECT TO RESTRICTIONS AND EASEMENT RECORD AND/OR UNRECORDED. PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT (N.J.A.C. 13:40-51(d)).

LEGEND

- ⊗ EM Electric Meter
- P.O.B. Point of Beginning
- R.O.W. Right-of-Way
- Fnd. Found
- Typ. Typical
- Conc. Concrete
- Hse. House
- OH Overhang
- C.L.F. Chain-Link Fence
- Fnc. Fence
- B.C. Bottom of Curb

DESCRIPTION:

BEING KNOWN AS LOT 10 BLOCK 115 AS SHOWN ON SHEET NUMBER 10 OF THE OFFICIAL TAX MAP OF TOWNSHIP OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY.

BOUNDARY TOPOGRAPHIC SURVEY	
PREPARED FOR	
BLOCK 115 - LOT 10	
33 TRINITY PLACE	
SITUATED IN	
TOWNSHIP OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY	
REVISION	DATE



AMERICAN LAYOUT & LAND SURVEYING

922 NJ-33,
SUITE 3
FREEHOLD, NJ 07728
TEL: (844) 787-8399

AMERICAN LAYOUT

WWW.AMERICANSURVEYORS.US

ANTHONY MALTESE, P.E., P.L.S., P.S.M., P.P., C.M.E.

PROFESSIONAL LAND SURVEYOR
PROFESSIONAL SURVEYOR AND MAPPER
NJ LICENSE No. 42579 - PA LICENSE SU-075530 - FL LICENSE LS7020

LAND SURVEYING CONSTRUCTION SURVEYING		
CERTIFICATE OF AUTHORIZATION #24GA2815330 CERTIFICATE OF AUTHORIZATION #LB8131		
DATE	02/15/2021	
SCALE	1" = 20'	
SHEET NO.	1 OF 1	
JN	AM	AM
DRAWN	CHECKED	RELEASED
CADD FILE	2651 Bound Topo.dwg	
PROJECT FILE NO.	2651	