



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • MAY 14, 2024

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 January 10, 2024 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Board Policy

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

V. Roll Call

VI. Board Business

1. Report of Pending Applications
2. Mandatory SWM Training

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Oct 11, 2022 7:00 PM
2. Planning/Zoning Board - Regular - Jun 27, 2023 7:00 PM
3. Planning/Zoning Board - Regular - Apr 9, 2024 7:00 PM

VIII. Old Business

1. PR-24-14 Resolution of Approval, JCP&L Substation
2. Manvan LLC
Block 65, Lots 40 & 41
190-192 Monmouth Blvd.
Request for Second Extension of Approval
3. Extension of Approval for PR-22-32

IX. New Business

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • APRIL 9, 2024****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Whitson called the meeting to order at 7:00 PM
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 10, 2024 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- 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
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Christopher Widdis C	Mayor's Designee	Present
Patty Cooper	Class III Council Liaison	Present
Joseph Foster	Environmental Commission Liaison	Present
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Class IV	Absent
David Gruskos	Alternate I	Absent
Louis J. Padula	Alternate II	Present
Jeanne Smith	Board Secretary	Present
Robert Cosgrove for Kevin Kennedy	Board Attorney	Present
William White	Board Engineer/Planner	Present

- VI. **Board Business:**
- Report of Pending Applications: Ms. Smith advised that next meeting was scheduled for April 23, 2024, however, no items presently complete for hearing to be scheduled and the Board unanimously agreed to cancel the meeting.

VII. **Approval of Minutes:**

- Planning/Zoning Board - Regular - Mar 26, 2024 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Patty Cooper, Class III Council Liaison
AYES:	Whitson, Kahle, Widdis C, Cooper, Foster, Widdis L, Davis, Dailey, Padula
ABSENT:	Calver, Gruskos

- Minutes of Oct 11, 2022 7:00 PM – Tabled

At 7:06 PM, Leslie Widdis and Christopher Widdis left the dais due to conflict with the next matter.

VIII. **Old Business:**

- Resolution of Approval - 27 Werah Place – As the Resolution had been previously provided to the Board, Mr. Cosgrove summarized the resolution and its conditions. Ms. Cooper made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

RESULT:	ADOPTED [6 TO 0]	ABSENT:	Calver, Gruskos
MOVER:	Patty Cooper, Class III Council Liaison	INELIGIBLE:	Foster
SECONDER:	Darren Davis, Class IV	RECUSED:	Widdis C, Widdis L
AYES:	Whitson, Kahle, Cooper, Davis, Dailey, Padula		

2. PB2024-02 JCP&L
Block 110, Lot 4
Main St. and Wolfhill Avenue
Construction of electrical substations seeking waivers and Minor Site Plan approval

EXHIBITS:**03/26/2024 Meeting**

- A-1 Land Development Application
A-2 "Alta/NSPS (2016) Land Title Survey, Portion of Lot 4 In Block 110" prepared by T&M Associates, dated January 2, 2019, last revised January 18, 2024
A-3 "Site Plan for Jersey Central Power and Light MOD Substation at FMERA," prepared by Boswell Engineering, LLC., last revised February 26, 2024, consisting of seven (7) sheets.
A-4 Colliers Engineering Review Letter, dated March 25, 2024

04/09/2024 Meeting

- A-5 Report entitled "Stormwater Management Report, Fort Monmouth Mod Substation" prepared by MasTec Professional Services, dated December 2023.
A-6 Plan entitled "JCP&L - Fort Monmouth MOD Substation, Existing Conditions Plan" prepared by MasTec Professional Services, dated January 2, 2019, last revised December 27, 2023, consisting of one (1) sheet.
A-7 Plans entitled "Jersey Central Power and Light, Fort Monmouth MOD Substation" prepared by MasTec Professional Services., last revised December 27, 2023, consisting of nine (9) sheets.
A-8 Plan entitled "Alta/NSPS (2016) Land Title Survey, Portion of Lot 4 In Block 110" prepared by T&M Associates, dated January 2, 2019, last revised March 1, 2024, consisting of one (1) sheet.
A-9 Plans entitled "Site Plan for Jersey Central Power and Light MOD Substation at FMERA," prepared by Boswell Engineering, LLC., last revised March 27, 2024, consisting of eight (8) sheets.
A-10 Colliers Engineering Review Letter dated April 9, 2024
A-11 Google Aerial Photograph of Site Location

Mr. Cosgrove stated that this was a continuation of a hearing on March 26, 2024 with all professionals having been previously sworn in. He further advised that two members not present at the last meeting had read and watched the March 26, 2024 meeting and certified to same – members Mr. Foster and Mr. Widdis.

Ms. Smith then described and marked **Exhibits A-5, A-6, A-7, A-8, A-9, A-10**

Mr. Wisniewski, Applicant's Attorney, summarized the application stressing that the application was for minor site plan and *not a use application* – the substation proposed is an approved use as determined by the FMERA Redevelopment Plan.

Jeffrey Morris of Boswell Engineering, Applicant's Engineer, further testified concerning why the site location was determined to be best as it is located adjacent to where 6 transmission circuits already operate and one could easily be made to feed the proposed substations that will provide redundancy and resilience; described existing grades; project complies with FMERA requirements concerning zoning as well as all Federal requirements for the lines; referring to Exhibit A9 summarized the lots location and setbacks from Main Street, Razor Avenue and Stephenson Ave; a proposed gravel driveway and will comply with the Board Engineer's request for a concrete apron; described proposed landscape buffering in the form of more than 100 plants, with 6-8' double staggered green giant deer-resistant arborvitae at 5' intervals as well as double boxwoods surrounding the entire perimeter of the site – there was discussion on the type of tree to be used which was eventually agreed upon that they will use a number 5 boxwood instead of number 2 placed at intervals to be approved by the Board Engineer; described proposed 8' high chain link fencing with barbed wire atop – discussed and agreed that color of fence would be green; testified concerning stormwater runoff – complying with all major development requirements; site is unmanned and will have no lights; signage would include one identification sign, size 17"x36", located on fence and the others were required warning signs.

Chairman Whitson invited questions from Mr. White and Board members.

Mr. White commented on items including confirmation of the street name if it was Stephenson Ave - Ms. Smith advised that the street had been renamed to Oceanport Way – plans will be updated to reflect the correction; reviewed for the Board the 3 waivers being sought: (1) fence height of 8 feet; (2) barbed wire atop fence – needed to keep people out of this high voltage facility; (3) stone driveway where paved required – finds it would be acceptable as it is a low traffic site but requested concrete apron to minimize stone spillover into street; two sets of site plans provided with differing information as one set submitted to DEP for CAFRA, the set submitted to the town will revise the drainage design to be consistent with set submitted to DEP.

Board members asked questions related to lighting – any motion sensor lighting – no, in dark vehicle headlights would be used;

confirmation of the landscaped to be used; recognized that a substation is already at the location; will have the lowest transmission voltage; health impacts have not been found by studies; purpose of the substations will to serve the southern portion of the Fort Monmouth redevelopment area and provide redundancy and resilience; noise will be in the form of a buzzing sound that would not be heard beyond the property lines; site was located away from Main Street and closer to Oceanport Way; proximity to residents – nearest home being 200+feet away which is the only residence on the same side of Main Street; entry gate would be automatic; existing wires are 60-70' and would need to be brought down to the site; potential for non-conventional ways to hide the site with a structure that looks like a house such as the one done in Fair Haven – that was located directly in a residential neighborhood; no impacts to services being provided with the exception of a brief interruption when connected; one substation nearest Todd Avenue would support mostly Netflix; would larger substations need to be added or expanded with future development; environmental concerns and are wires regularly inspected for leakage of the RFI or EFIs; designed for double containment for all fluids to reduce any impacts to groundwater; emergencies would be handled by JCP&L – not the fire department and there will be an emergency number on the sign;

PUBLIC: Chairman Whitson opened the meeting to the public for questions of this witness.

Don Solecki, 1 Russel Ave, was sworn in, asked questions about the potential for system to accept residential solar systems; will any of the existing transformers be replaced that serve the residential portions of the fort; any concerns with taking distribution from the new substation

Kathy Crotzer, 80 Main St, was sworn in, asked questions concerning impacts to her property as there are two sets of new poles installed to bring wiring into the Fort and now a substation directly across the street – boxwoods are you kidding me – she wants to see 80' trees and has concerns for her property value.

Thomas Tvrdik, 11 Wyandotte Ave, was sworn in, and asked questions about the site plan and asked if the parcel between Main Street and the substation would be owned by JCP&L and was advised no, it would belong to FMERA. Mr. Tvrdik recommended reaching out to FMERA for permission to fill that area with oak trees, pines, etc. in order to fill in that area. Mr. Wisniewski advised he would consult with his client and reach out. Mr. Tvrdik also commented that consideration should be made that at some point FMERA would "sunset" and would like to see that lot remain buffer for the substation.

Pamela Waybright, 82 Main St, was sworn in, and stated she can hear the buzzing at night from the existing and questioned how much more would it be with the additional substation; also expressed concern for her property values.

As no one else from the public appeared that portion of the meeting was closed.

Mr. Foster asked additional questions on potential ways to increase the buffering of the lines and the station. Regulations require that plants have to be located at not less than 10' from the fence. Mr. Wisniewski reiterated that they would contact FMERA about planting additional trees on their property. There was additional discussion on the types of trees, survival rates better for 6-8' trees than taller trees, additional trees, concern that tree heights don't impact wires.

PUBLIC: Chairman Whitson opened the meeting to the public for comments on the application.

Kathy Crotzer, 80 Main St, asked how Fair Haven was able to get a beautiful building around their substation – did someone complain enough – and she wants the Board to consider requiring it. Mr. Foster responded that the Fair Haven site is in the middle of a residential area. This site is not surrounded by residential zone.

Pete Brown, 93 Main St., was sworn in, apologized for late arrival and asked questions about the setback distances from Main St. and asked the Applicant's team and the Board if it were their property would they be comfortable with this. Applicants representative declined to respond. Mr. Cosgrove stated the question was asked but noted that an answer was not required or forthcoming. Mr. Brown also asked if other sites had been considered further away from the residential neighborhood. Mr. Cosgrove responded that this hearing tonight was for a permitted use and the Board did not have the authority to move the location – use is set and determined by FMERA. Mr. Brown stated he would like to see the barbed wire on the fence near his property be replaced as it was falling down.

Tony Denucci, 17 Wolf Hill Ave, commented that he understands it's a "done deal" but expressed concerns for health, contradictions, and property values.

Mr. Davis made a motion to approve the application subject to the slats in the fence, enlargement of the trees from 6' to 8', fill in the connection at the back corner where the trees finish and start and seek permission from FMERA to plant additional trees on their property which was seconded by Mr. Foster.

Motion to Approve Application with Conditions

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Mr. Davis, Regular Member
SECONDER:	Mr. Foster, Class II Environmental Liaison
AYES:	Whitson, Kahle, Widdis C, Cooper, Foster, Widdis L, Davis, Dailey, Padula
ABSENT:	Calver, Gruskos

IX. New Business - None

- X. **Public Comments:** Chairman Whitson opened the meeting to public comments. As no one else from the public appeared, that portion of the meeting was closed.
- XI. **Adjournment:** As there was no further business, the meeting was adjourned at 8:11 pm on a motion by Councilwoman Cooper, seconded by Mr. Dailey with all in favor.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 3186)

Meeting: 05/14/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3186

8.1

PR-24-14 Resolution of Approval, JCP&L Substation

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF JERSEY CENTRAL POWER & LIGHT
FORT MONMOUTH EDUCATION / MIXED USE NEIGHBORHOOD DISTRICT
OCEANPORT, NEW JERSEY
BLOCK 104, PO LOT 1 (PORTION THEREOF)
APPLICATION NO.: PB2024-02
APPROVAL DATE: APRIL 9, 2024
MEMORIALIZATION DATE: MAY 14, 2024**

INTRODUCTION

WHEREAS, Agents of Jersey Central Power & Light have made Application to the Oceanport Planning Board for the property designated as Block 104, part of Lot 1, Fort Monmouth Campus, Oceanport, New Jersey, within the Borough's Fort Monmouth Education / Mixed Use Neighborhood District Zone, for the following approval: Preliminary and Final Site Plan Approval, and Design Waiver Approval to arrange for the construction of a JCP&L Electrical substation at the site;

PUBLIC HEARINGS

WHEREAS, the Board held Public Hearings on March 26, 2024 and April 9, 2024, Applicant's representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Oceanport Planning Board Development Application, introduced into Evidence as A-1;*
- *Survey, prepared by T&M Associates, dated January 2, 2019, last revised January 18, 2024, introduced into Evidence as A-2;*
- *Site Plan, prepared by Boswell Engineering, LLC, last revised February 26, 2024, consisting of 7 sheets, introduced into Evidence as A-3;*
- *Review Letter, prepared by Colliers Engineering & Design, dated April 9, 2024, introduced into Evidence as A-4;*

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- *Stormwater Management Report, prepared by MasTec Professional Services, dated December 2023, introduced into Evidence as A-5;*
- *Existing Conditions Plan, prepared by MasTec Professional Services, dated January 2, 2019, last revised December 27, 2023, consisting of 1 sheet, introduced into Evidence as A-6;*
- *Plans, prepared by MasTec Professional Services, last revised December 27, 2023, consisting of 9 sheets, introduced into Evidence as A-7;*
- *Survey, prepared by T&M Associates, dated January 2, 2019, last revised March 1, 2024, consisting of 1 sheet, introduced into Evidence as A-8;*
- *Plans, prepared by Boswell Engineering, LLC, last revised March 27, 2024, consisting of 8 sheets, introduced into Evidence as A-9;*
- *Review Memorandum from Colliers Engineering & Design, dated April 9, 2024, introduced into Evidence as A-10;*
- *Google Aerial Photograph of the subject site location, introduced into Evidence as A-11;*
- *Review Letter, prepared by Colliers Engineering & Design, dated March 25, 2024;*
- *Certification from Board Member Joseph Foster that he reviewed the tape / transcript of the March 26, 2024 meeting;*
- *Certification of Board Member Chris Widdis that he reviewed the tape / transcript of the March 26, 2024 Oceanport Planning Board meeting;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Jeffrey Morris, Professional Engineer;
- John Wisniewski, Esq. appearing;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT'S**REPRESENTATIVES**

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

- The Applicant herein is Jersey Central Power & Light Company, a Licensed Utility Company of the State of New Jersey.
- The subject Utility Company is Licensed to operate in the State of New Jersey.
- The Utility Company has the consent of the Owner to submit the within Application.
- The former Fort Monmouth site is currently in the process of being developed in accordance with guidelines established by the FMERA entity, and associated Site Plan Approvals granted by the Oceanport Planning Board, the Eatontown Planning Board, and /or the Tinton Falls Planning Board.
- Significant development has already taken place in conjunction with the development of the former Fort Monmouth Complex.
- Significant development projects are currently under construction in the former Fort Monmouth Complex.
- It is anticipated in the future, that significant development projects will be undertaken in the former Fort Monmouth Complex as well.
- There is an existing electrical substation on the former Fort Monmouth site.
- The existing electrical substation does not have the capacity to serve the existing / anticipated electrical power needs of the former Fort Monmouth Complex, particularly with the ongoing and anticipated development associated therewith.
- There is a need for a new electrical substation at the site.
- As such, the Applicant proposes to install a new electrical substation at the site.
- The new electrical substation will supplement the power generated by the existing electrical substation.
- The Applicant's representatives testified as to the "redundant and resilient" electrical service to be provided by the proposed second electrical substation at the site.
- The two electrical substations will serve different / distinct areas of the former Fort Monmouth Complex.
- The "redundant and resilient" philosophy will result in two electrical substations on the former Fort Monmouth Complex, thereby minimizing the likelihood of any partial / total power disruption, and further minimizing any downtime associated with any future power outage.

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- Under the “Redundancy and resiliency” philosophy, In the event there is an issue with one electrical substation, it is anticipated that the other substation will be able to temporarily / solely satisfy the electrical needs of the entire former Fort Monmouth Complex.
- Against such a backdrop, as referenced, JCP&L representatives propose to construct a new electrical substation at the site.
- Details pertaining to the proposed electrical Substation include the following:

Type of Structure Proposed:	Electrical Substation
Location:	The proposed electrical substation will located in the center of the subject lot. The substation will be approximately 200 feet away from the nearest home. The proposed substation will be approximately 275 feet away from the next closest residential dwelling. The proposed electrical substation has been placed, by design, as far away from Main Street as possible.
Number of Stories:	1
Size of Proposed Electrical Substation:	Per plans
Height:	The electrical substation building will be 35 feet in height. The wires associated with the electrical substation will be located 60-70 feet above the ground.
Materials:	Per plans
Voltage:	The voltage associated with the electrical substation will be the lowest possible transmission voltage. Additionally, the voltage associated with the new electrical substation will be generally the same as the existing substation in the former Fort Monmouth Complex (although the new substation will have 1/3 to 1/2 less intense voltage because of the single current nature of the proposed facility.
Manned or Unmanned?	The electrical substation will be an unmanned facility.
Entrance:	One can enter the substation through a secured electric gate, located off of Oceanport Way.
Public Access?	There is no public access to the proposed electrical substation.
Maintenance:	A trained utility company employee will perform routine inspection / maintenance at the facility 1 time per month.

Security:	There will be an 8 foot high chain link fence, with barbed wire on top surrounding the proposed facility. Additionally, there will be an electrical gate preventing unauthorized access. Moreover, only authorized utility company employees will have access to the site.
Noise:	There will be a “slight buzz” associated with the new electrical substation and wires associated therewith. The aforesaid slight buzz will be similar to the slight buzz emanating from the other electrical substation in the former Ft. Monmouth Complex. The slight buzz will not exceed 50 decibels and noise levels at the site shall comply with all prevailing decibel requirements / resolutions.
Lighting:	There will be 1 small light on the door of the electrical substation – and the said light will only be turned on when an individual is inside the proposed facility. The said light will not be on at night (unless someone is in the facility for a maintenance or service issue).
Fencing:	The entire electrical substation will be surrounded by an 8 foot high chain link fence, with barbed wire atop of the same.
Odor:	There is no odor anticipated with the installation of the new substation.
Landscaping:	Per plans. Additionally, there will be more than 100 plants / trees / bushes planted at the site. The electrical substation will be surrounded by 6-8 foot double-staggered green giant deer-resistant arborvitae (at 5 foot intervals). The electrical substation will also be surrounded by Double Boxwoods (#5 Boxwoods), at intervals to be approved by the Board Engineer.

Emergency Provisions:	As referenced, a utility company employee will inspect the site 1 time per month so as to confirm that the facility is operating in accordance with prevailing / standard procedures. In the event of a power outage or other issue, utility company representatives shall be directed to the site to investigate / resolve the issue. In the event of any type of service problem, the issue will be addressed in accordance with Federal Regulatory Commission / BPU Regulations.
Environmental Safeguards:	The substation will have a concrete foundation. The electrical station will also have an underground double containment vault, so that in the event of any type of water leak, the environmentally sensitive material will be captured / stored in the leak proof double containment vault. The facility will also be equipped with other environmental safeguards as required per the prevailing regulations.
Identification Sign:	There will be 1 identification sign, measuring 17 inches tall x 36 inches wide.
Other Signs:	There will be a number of other warning signs at the site. The said warning signs will advise as to "Danger", "High Voltage", "Private Property – Keep Out" and the phone number for the utility company and other emergency contacts. The said signs will be located behind a chain link fence, so as to be clearly visible.
Timeframe for Construction:	It is anticipated that the electrical substation will be constructed in the near future.
Power Disruption Associated with the Construction of the New Substation:	There will be no power disruption (to other area residents) during the construction process associated with the new electrical substation. When the new electrical substation is completely constructed and ready to go "online", there will be a very minimal / temporary power disruption (several seconds or minutes), and surrounding residents will receive notice of the anticipated brief interruption in service (in accordance with prevailing regulations).

Health / Public Safety Concerns:	The new modern power lines are better insulated than older power lines. Moreover, there are no known health safety issues associated with the installation of the electrical substation. The utility company shall comply with, and satisfy, all prevailing federal / state health / safety standards.
Circuit Expansion:	There is room for 1 more circuit to be installed in the proposed substation – and, if necessary, the Applicant's representatives shall return for to the Planning Board for further / amended relief.

- The Applicant's representatives will be utilizing Licensed Contractors in connection with the construction process.

VARIANCES

WHEREAS, the Application as presented does not require approval for any Variances;

DESIGN WAIVERS / EXCEPTIONS

WHEREAS, the Application as presented and modified requires approval for the following Design

Waivers / Exceptions:

***FENCE HEIGHT:** The Applicant herein proposes to secure the facility with an 8 ft. high chain link fence; whereas the maximum permitted fence height is 6 ft. As such, a Design Waiver is required;*

***BARBED WIRE:** The proposed 8 ft. high fence will have 3 strands of barbed wire at the top of the same. Pursuant to the Prevailing Regulations, use of barbed wire is prohibited and, as such, a Design Waiver is required;*

***DRIVEWAY SURFACE MATERIAL:** The Prevailing Regulation require the use of "durable, dust-free, all weatherproof surface, such as concrete, asphalt, or closed cell pavers." In the within situation, a stone access drive is proposed and thus, a Design Waiver is required;*

PUBLIC COMMENTS

WHEREAS, public comments, questions, statements, concerns, and / or objections were submitted by the following Members of the public:

Robert Denucci

Robert Schmidt

Don Selki

Kathy Crotz

Mayor Thomas Tvrdik

Pamela Wainright

Lee Brown

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, as set forth herein**.

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 identified as Block 104, part of Lot 1, Oceanport, New Jersey, within the Borough's Fort Monmouth Education / Mixed Use Residential District.
3. The subject property contains 60,824 SF (1.396 acres).
4. The subject parcel is located on the East side of Oceanport Way, approximately 90 ft. South of Razor Avenue.
5. The subject property is located within the Oceanport portion of the former Fort Monmouth complex.

6. Pursuant to Prevailing Regulations, the property is subject to the Fort Monmouth Economic Revitalization Authority (FMERA) guidelines.

7. The FMERA regulations have been designed with the intention of providing comprehensive, cohesive, and consistent development of the various portions of the Fort Monmouth Complex, regardless of whether the particular development site is located in the Borough of Oceanport, the Borough of Eatontown, or the Borough of Tinton Falls.

8. Generally speaking, the FMERA regulations govern the uses at the former Fort Monmouth site, and the various host communities (including the Borough of Oceanport, and the Oceanport Planning Board) govern Site Plan, Bulk Variance – related issues / concerns, and Design Waivers / exceptions.

9. The Applicant herein is proposing the following:

- Construction of a new Electrical Substation.

10. Details pertaining to a proposal are set forth on the submitted Plans, are set forth elsewhere herein, and were discussed, at length, during the public hearing process.

11. Such a proposal requires Preliminary and Final Site Plan Approval and Design Waiver Approval.

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

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

PERMITTED USE

- The Board Members are aware that under the prevailing FMERA Regulations, a utility substation is a specifically permitted use at the site.
- Given the very unique legal nuances associated with the creation of the FMERA entity, per New Jersey Law, the FMERA entity has the sole and exclusive power to zone properties within the former Fort Monmouth Complex, notwithstanding the fact that the former Fort Monmouth Complex is located within the geographical boundaries of Oceanport, Eatontown, and / or Tinton Falls.
- Under the prevailing FMERA Regulations, the jurisdiction of the Oceanport Planning Board is limited to the adjudication of Site Plan / Bulk Variance / Design Waiver Applications.

- In the within situation, Site Plan approval is required.
- In the within situation, no Bulk Variance relief is required.
- In the within situation, approval is required for 3 Design Waivers – and the same are referenced and identified elsewhere herein.
- In the within situation, and based upon the testimony presented, there are not many reasons to deny a variance-free Site Plan Application.

EXISTING ELECTRICAL SUBSTATION AT SITE

- As referenced, there is an existing electrical substation in the former Ft. Monmouth Complex.
- The existing electrical substation in the former Ft. Monmouth Complex does not have the capacity to satisfy the electrical needs of the existing / anticipated development in of the former Ft. Monmouth site.
- As a result, representatives of JCP&L are proposing to construct a new / second electrical substation at the site.
- The above represents the essential reason why the within Application (for a new electrical substation) has been submitted.
- The Board notes that the existing electrical substation is located approximately ¼ of a mile away from the new proposed electrical substation.
- The testimony indicated that the voltage for the proposed electrical substation will be generally the same as the existing electrical substation (but for a potential reduction / adjustment given the single circuit nature of the within proposal).
- The testimony indicated that the noise (a “slight buzz”) associated with the new electrical station will be the same as exists with the currently existing electrical substation at the site.

IMPORTANCE OF RELIABLE / CONTINUOUS ELECTRICAL SERVICE

- The Board Members are aware that under the prevailing FMERA Regulations, a utility substation is a specifically permitted use at the site.
- Jersey Central Power & Light is a public utility company, providing electrical service to individuals and businesses in the greater Monmouth County area.
- As referenced, the Electric Company is a public utility company providing life affirming / sustaining electrical services for designated geographic segments of the New Jersey population, including the former Fort Monmouth Complex.
- Providing such continuous and reliable electrical services benefits all New Jersey residents who are serviced by the Utility Company.

- Modern US society mandates the need for electricity to be appropriately / safely / reliably distributed to the general population.
- There is a legitimate municipal interest in helping to ensure that the people / businesses of the former Fort Monmouth Complex have proper, appropriate, safe, continuous, reliable, and uninterrupted electrical service.
- Any disruption / interruption (intentional or unintentional / natural or unnatural) in electrical services can have a profound and potentially devastating impact on the individuals / communities who / which are served by the utility company.
- Continuous, safe, reliable, and uninterrupted electrical service is necessary / essential.
- Continuous, safe, reliable, and uninterrupted electrical service is appropriate.
- Continuous, safe, reliable, and uninterrupted electrical service is beneficial for society.
- The absence of safe / sufficient / continuous / reliable / uninterrupted electrical service will be problematic for society at large.
- The absence of safe / sufficient / continuous / reliable / uninterrupted electrical service will cause damage to the overall public good.
- The absence of safe / sufficient / continuous / reliable / uninterrupted electrical service could likely instill panic and cause inconvenience amongst the population served by JCP&L.
- As one can imagine, the concern about disruption in electrical service is very problematic for a number of reasons, including, but not limited to, the following:
 - a. Health and safety reasons;
 - b. Public safety;
 - c. Public and Private inconvenience.
- There are societal benefits in approving utility company Applications which will minimize the likelihood of a power disruption at the site and / or otherwise minimize the downtime / inconvenience otherwise associated with any potential power outage.
- The addition of the new electrical substation at the site will likely augment the existing / anticipated electrical needs associated with existing / future residential uses and commercial uses in the former Fort Monmouth Complex.
- The testimony indicated that the two electrical substations will be better able to service the existing and future electrical needs of the former Fort Monmouth Complex, and, by extension, those who will live in, work at, or otherwise visit the same.

- Two electrical substations will help fulfill the utility company's desire to provide "redundant and resilient" electrical service to the former Fort Monmouth Complex.
- The two electrical substations at the site will jointly serve the former Fort Monmouth Complex.
- In the event of an issue with one of the electrical substations at the site, the second substation will be able to temporarily / solely service the electrical needs for the entire former Fort Monmouth Complex (while the other electrical substation is being serviced / repaired).
- The two electrical substations at the site will minimize the likelihood of a total power outage at the site (in the absence of extraordinary issues / storms).
- The installation of a new electrical substation at the site (in conjunction with the existing Electrical Substation at the site) will minimize the so-called down-time otherwise associated with any potential power outage.
- The installation of a new electrical substation at the site (in conjunction with the existing Electrical Substation at the site) will significantly minimize the possibility of overall disruption of electrical service, and/or the length of time associated with any potential power outage.
- Unfortunately, modern experience suggests that the public utility companies are sometimes targeted, or otherwise viewed, as a vulnerable soft spot wherein individuals, with bad intentions, can attempt to disrupt electrical service, so as to cause overall public alarm / damage / inconvenience. As a result, and within reason, the Land Use Board is inclined to approve Applications which maximize the ability of the Utility Company to provide safe, continuous, reliable, and uninterrupted electrical service.
- While it is assumed that most power outages will be generated by adverse weather conditions, or other similar / related issues, the Board is aware that there could obviously be more nefarious reasons causing a power outage – thus reinforcing the need for a new, supplemental, secure, modern electrical substation (which can likely minimize any disturbance / interference with electrical services being provided in a safe / continuous / reliable / uninterrupted fashion).
- The installation of a new, modern / secure electrical substation at the site (in conjunction with the existing electrical substation at the site) will better enable the Utility Company to defend against any inconveniences / interruptions in service resulting from the unintentional / intentional / natural / unnatural loss of power.
- The Board notes, appreciates, and respects the important and life affirming / life sustaining services provided by the Applicant.

- The Board recognizes that one purpose of the New Jersey Municipal Land Use Law encourages the approval of applications which can help protect the public from manmade and/or natural disasters. For obvious reasons, the Board finds that the installation of a new, supplemental, modern and reliable electrical substation on the site (in conjunction with the existing Electrical Substation at the site), will advance such a goal.
- Any interruption / disruption of electrical services will prove problematic for the community - and the Board looks favorably upon zoning compliant Applications which can minimize the possibility of power outages and / or the overall downtime associated with any power outage.
- As a result of the information set forth herein, the Applicant's representatives have an understandable need / desire for the installation of a new, supplemental, secure, modern electrical substation at the site.
- The proposed substation will be appropriately sized for its intended use.

LOCATION

- The Applicant and its representatives considered a number of locations on the site to serve as a host for the new electrical substation. The proposed host location is appropriate for a number of reasons – including, the following:
 - The proposed substation can be and will be appropriately shielded at the proposed location.
 - There are no known safety concerns associated with the Applicant's proposed substation location.
 - The proposed host location is safe, convenient, and appropriate.
 - The proposed host location complies with applicable Building Code and Construction Code setbacks.
 - The said substation will be appropriately shielded for any nearby neighbors (and the public).
 - The location for the proposed substation is physically located near the existing utility mains / lines.
 - The FMERA zoning allows for such a utility use.
- As a result of the above, the proposed host location for the new substation is appropriate.
- The new substation will be appropriately shielded with shrubbery / fencing / landscaping, and supplemented per the dictates of the Oceanport Planning Board.

- Subject to the conditions contained herein, the location of the new substation will minimize, to the greatest extent possible, any disturbance to the neighboring properties / uses.
- The proposed substation will be physically located in a zoning-compliant location (as established by FMERA).

GENERAL

- Some neighbors expressed concern regarding the height of the proposed wires, and the visual impact the same can cause. In response, Board Members inquired as to whether the power lines could be placed underground at the site. In response, the Applicant's representatives indicated that underground placement of wires was not a possibility.
- The testimony indicated that there will be only 1 small light on the door of the proposed electrical substation. The testimony further indicated that the said light will only be turned on when an individual is inside of the proposed substation. The also indicated that the light will not be on each night (unless an individual is inside the unmanned facility for a maintenance or service issue). In that the facility is an unmanned facility, the testimony indicated that the light will rarely be turned on / activated. As a result, there are no adverse lighting impacts associated with the within approval.
- The signage will comply with prevailing regulations.
- In terms of signage, there is 1 identification sign proposed and several warning signs proposed as well.
- The warning signs are clearly designed to advise the public of the dangers and risks associated with unauthorized access to the proposed electrical substation.
- 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 allow the Applicant's representatives to more safely, efficiently, continuously, and reliably provide electrical services to the residents / occupants / employees/ guests in the former Fort Monmouth Complex.
- No site improvements are proposed in connection with the subject Application.
- No off-site or off-track improvements are proposed in connection with the subject Application.
- No grading or drainage improvements are proposed in connection with the subject Application.

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- There are no material lighting improvements proposed in connection with the subject Application.
- Per the testimony and evidence presented, the Electrical Substation will be constructed in a safe and appropriate fashion, and in accordance with governmental standards.
- The new electrical substation will be appropriately secured, and the same will not be accessible by the public.
- No offensive noise will emanate from the new electrical substation, and to the extent any noise does emanate from the site, the same will comply with Prevailing State Decibel Limitations.
- Per the representations of the Applicant's witnesses, there are no known adverse health effects associated with the Applicant's proposal herein.
- The Applicant herein is a Licensed Utility Company, and its operation at the Oceanport site shall be conditioned upon continued and complete compliance with Prevailing Board of Public Utility Regulations, and Federal Regulatory

WAIVERS

- The Application as presented and modified requires approval for several Design Waivers / Exceptions. Specifically, the Applicant's representatives requested approval to be waived from the following requirements:

FENCE HEIGHT: The Applicant herein proposes to secure the facility with an 8 ft. high chain link fence; whereas the maximum permitted fence height is 6 ft. As such, Design Waiver relief is required;

BARBED WIRE: The proposed 8 ft. high fence will have 3 strands of barbed wire at the top of the same. Pursuant to the Prevailing Regulations, use of barbed wire is prohibited and, as such, a Design Waiver is required;

DRIVEWAY SURFACE MATERIAL: The Prevailing Regulations require the use of "durable, dust-free, all weatherproof surface, such as concrete, asphalt, or closed cell pavers." In the within situation, a stone access drive is proposed and thus, a Design Waiver is required;

- Per prevailing regulations, the Design Waivers / Exceptions can be issued in the following cases:
 - A. If the literal enforcement of 1 or more of the rules is impractical; or
 - B. The literal enforcement of 1 or more of the rules will exact undue hardship because of peculiar conditions pertaining to the land in question.

- The Board has reviewed the requested design waivers / exceptions in accordance with the subject standards, as aforesaid.
- Due to the nature and limited scope of the subject Application, and based upon recommendations from the Board Engineer, the Board finds that there is no known basis to deny the aforesaid Waiver requests.
- As referenced, the Application as presented requires certain design waivers.
- The first waiver relates to the fence height. Specifically, a maximum 6 foot tall fence is permitted; whereas the Applicant herein proposes an 8 foot high chain link fence.
- The second waiver involves the Applicant's request to place 3 strands of barbed wire on top of the chain link fence – whereas barbed wiring is not specifically permitted.
- The proposed electrical substation, by its very nature, is dangerous and must be secured so that members of the public cannot intentionally or unintentionally wander into the same, and so that others are not encouraged to wander into the same.
- There is no public access associated with the proposed electrical substation.
- Members of the public should not be entering (or otherwise approaching) the proposed electrical substation.
- Given the voltage and power lines associated with the proposed electrical substation, trespassers who enter the substation will be exposed to the potential for severe damage / injury.
- Individuals with bad intentions who attempt to breach the electrical substation can cause extensive damage / injury / inconvenience to the general public.
- There is a need for the proposed electrical substation to be appropriately fortified / secured.
- There is an obvious and great public interest in preventing unauthorized individuals from accessing the proposed electrical substation.
- Given the nature of an electrical substation, the security needs associated with the same are much greater than the security needs associated with a typical home / business.
- In the within situation, given the voltage and power lines, and the potential for damage / injury / risk associated with unauthorized access, there is a need for increased / enhanced security associated with the proposed electrical substation.
- Under the circumstances, a 6 foot high fence, in and of itself, is not sufficient to deter individuals from gaining access to the facility.

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- Under the circumstances, an 8 foot high chain link fence will serve as an appropriately enhanced security measure so as to prevent unauthorized access to the electrical substation.
- An 8 foot high chain link fence, in and of itself, would not necessarily deter a motivated individual from attempting to gain unauthorized access to the proposed electrical substation.
- As a result, the electrical substation approved herein will have 3 strands of barbed wire on top of the 8 foot high chain link fence.
- The proposed 8 foot high chain link fence, with barbed wire on top thereof, will certainly serve as a formidable deterrent to prevent unauthorized individuals from attempting to access the proposed electrical substation.
- Under the circumstances, the proposed 8 foot high chain link fence with barbed wire on top, will constitute an appropriately enhanced security feature.
- The potential for damage / injury / risk / inconvenience associated with unauthorized access to the facility clearly mandates the need for enhanced security.
- Under the circumstances, the benefit of having an 8 foot high fence, with barbed wire on top, outweighs any detriments associated therewith.
- The Application as presented also requires a waiver for driveway material. Specifically, the prevailing design regulations require a paved driveway; whereas, in the within situation, the Applicant proposes a stone driveway.
- Among other things, generally speaking, the required paved driveway prevents the displacement of stones / pebbles (in the stone driveway) from being thrust, or otherwise migrating, into a public sidewalk, the street, or the public right-of-way.
- In the within situation, there is not expected to be many vehicular trips to the site – as the testimony indicated that, in the absence of a maintenance issues, or other problems, inspectors will only access the site approximately 1 time per month.
- Additionally, as referenced, the new electrical substation will be unmanned – further reducing the number of times an authorized individual is expected to be on the site (in the absence of a power outage, problem, or some type of maintenance issue).
- As such, the Board has no concerns with the granting of the driveway material waiver, subject to one exception / condition. Specifically, in order to prevent the unnecessary / undesired displacement of driveway stone into the public right-of-way, the Board Engineer requested, and the Applicant's representatives agreed, that the Applicant pave the driveway apron.
- The pavement of the driveway apron, which is an expressed condition of the within approval, will further minimize / prevent stone / pebble migration / displacement into the public right-of-way.

- For the reasons set forth herein, and as otherwise set forth during the public hearing process, the Board has determined that the requested submission Design Waivers / Exceptions can be granted without causing substantial detriment to the public good.
- For the reasons set forth herein, and as otherwise set forth during the public hearing process, there is good cause to grant / approve the requested Design Waivers.
- The Board has reviewed the requested design waivers / exceptions in accordance with the prevailing standards.
- Given the nature of the proposal, and the various issues associated therewith, the Board finds that literal enforcement of the specifically referenced design regulations is impractical and would otherwise constitute a hardship, thus reinforcing the need to approve the requested waivers.

LANDSCAPING

- The Board Members and the members of the public were very concerned about how the proposed electrical substation could be shielded so as to better minimize any adverse aesthetic effects associated with the Application.
- The concerns of the Board Members, and the public, as aforesaid, represent legitimate, valid, and important concerns.
- Board Members certainly understand the overall visual impact a utility substation can have on nearby / area residential uses.
- As initially presented, the Applicant's representatives proposed landscaping to minimize any potentially adverse visual impact associated with the proposal. Specifically, the Applicant's representatives initially proposed a number of trees, a certain variety / specimen of trees, and a certain location for the proposed trees. Respectfully, the Board Members were not inclined to approve the Applicant's initial landscaping aspect of the proposal. Board Members were concerned about such things which included, but not necessarily limited to, the following:
 - A. The number of trees initially proposed;
 - B. The types of trees initially proposed;
 - C. The growth rate of the initially proposed trees;
 - D. The likelihood of deer damage to the initially proposed trees;
 - E. The likelihood of disease affecting the types of initially proposed trees;
 - F. The initial planting height of the proposed trees;
 - G. The ultimate planting height (upon maturity) of the proposed trees;

- H. The nature / extent / amount of the initially proposed trees;
- I. The height of the proposed trees (at planting and at maturity) vis a vis the height of the proposed electrical substation; and
- J. The height of the proposed power lines compared to the height of the proposed trees;
- After further review and discussion, the Board Members requested, and the Applicant's representatives agreed, to modify / supplement the landscaping aspect of the proposal as follows:
 - A. The electrical substation will be surrounded by 6 – 8 ft. double-staggered green giant deer-resistant arborvitae (at 5 ft. intervals); and
 - B. The electrical substation will be surrounded by double boxwoods (#5 boxwoods, as opposed to the initially proposed #2 boxwoods), at intervals approved by the Board Engineer.
- As indicated, the Applicant's representatives agreed to modify the landscaping aspect of the plans accordingly.
- The Applicant's representatives further agreed, as a condition of the within approval, to perpetually maintain / replace / replant the subject landscaping, as necessary.
- The new and modified landscaping aspect of the proposal, and the Applicant's commitment to perpetually maintain / replace / replant the landscaping represent continuous and important conditions associated with the within approval.
- The Board finds that the modified landscaping aspects of the proposal, as referenced herein, advance the overall interest of the Borough of Oceanport, and the affected residents because of the following:
 - A. The green giant tree specimens are more deer-resistant than other specimens;
 - B. The green giant specimens are less likely to be adversely impacted / damaged from snow / cold;
 - C. The green giant specimens are less likely to be subject to mold / disease;
 - D. The green giant specimens are typically a very stable, hardy, and good quality tree;
 - E. The green giant specimen trees will likely grow to approximately 30 ft. in height;
 - F. The green giant specimen trees have a relatively fast growth rate;

- G. The green giant specimen trees with the 6 – 8 ft. planting height, have a higher / better survival rate than other trees;
 - H. The branches of the #5 boxwood trees will not be as prone to branch snaps;
 - I. There will be a double-staggered row of the #5 Boxwoods;
 - J. As modified, there will be over 100 trees associated with and / or otherwise surrounding the proposed electrical substation; and
 - K. Though the landscaping / tree impact may not result in an instant visual improvement / buffer, over the long run, the amended landscaping details will result in a better and more maintainable buffer.
- Additionally, in conjunction with some public questions / comments / complaints, Mayor Thomas J. Tvrdek, speaking from the public, and as a member of the public, requested that the Applicant's representatives consult with FMERA representatives so as to inquire whether FMERA would authorize the planting of additional landscaping / trees in the parcel to the immediate south of the substation, on Main Street.
 - In conjunction with the above, there was a thought that the said area (owned by FMERA) is rather sparse and, the planting of additional trees in the said area will beautify the site, and the same will simultaneously serve as a better shield / buffer to some of the nearby residents.
 - The Applicant's representatives agreed to petition FMERA representatives, in good faith, so as to attempt to obtain permission for the planting of such additional trees / landscaping on the parcel to the immediate south of the proposed substation.
 - The aforesaid landscaping improvements definitely improve the overall screening and buffering for the project / proposal.
 - The aforesaid landscaping improvements clearly promote the long time interests of the Borough of Oceanport, and the nearby residential uses.
 - The aforesaid landscaping improvements will certainly minimize the overall visual impact associated with the proposed installation of the new electrical substation.
 - Notwithstanding the above, Board Members and the public expressed additional questions / comments / concerns about the possibility of planting even more trees and even larger trees at the site so as to further minimize any potentially adverse visual impact associated with the proposal. In response, the Board members were advised as to certain restrictions associated with the planting of trees near an electrical substation – including, but not limited to, the following:
 - A. Trees planted too close to power lines will ultimately grow into and touch the power lines – causing potential power service interruption, potential pruning issues, and certain maintenance / liability issues;

- B. If trees are too physically close to powerline substations and / or the associated power lines, if the subject trees, or branches thereof, fall into / on / over the electrical wires, power service can be extensively interrupted, and the electrical substation can be damaged; and
- C. There are Federal and State Regulations governing the proximity between power lines and trees.
- The Board Members appreciate, understand, and respect the aforesaid practical and functional reasons associated with the limitations on the size / proximity of trees (relative to the new electrical substation).
- The Board has determined that the amended landscaping details, as referenced herein, represent a significant improvement over what was initially submitted by the Applicant's representatives.

POTENTIAL ENCLOSURE OF SUBSTATION

- During the Public Hearing process, a number of questions were raised by Board Members, and the public, about the possibility of enclosing the proposed substation in some type of building or home-like structure, so as to further minimize the overall visual impact of the proposal.
- Some members of the public seemed to suggest that if such a request were more rigorously pursued, the said request would be / could be granted.
- The said questions / comments / concerns represented a fair and legitimate topic of discussion.
- In response, the Applicant's representatives testified that there are only two known such home-like structures enclosing an electrical substation in the Garden State; namely, one in Fair Haven, New Jersey and one in Stone Harbor, New Jersey.
- The Applicant's representatives testified that the said fully enclosed electrical substations (in Fair Haven and Stone Harbor) are "very rare" and are located in very residential neighborhoods, with the homes being located in very close proximity to the electrical substations.
- When presented with questions about the general residential nature of the within Oceanport site, the Applicant's representatives again advised that the aforesaid electrical substation enclosed structures are located in much more intensely residential neighborhoods, with single-family homes being located in very close proximity to the electrical substations.
- Additionally, the Board noted that in the within Oceanport situation, an electrical substation is a specifically permitted use at the subject Oceanport location (per the prevailing FMERA guidelines).
- Perhaps in the other out-of-town locations, the fully enclosed utility substations may not be a specifically permitted use.

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- The Board also notes that in this modern world, in which there is a persistent awareness / concern of potential terrorism, though a fully enclosed substation building may result in some aesthetic improvements, the same could simultaneously hide / shield bad actors from attempting to inflict damage / inconvenience. That is, the Board is aware that a fully enclosed utility substation might unnecessary prevent individuals from witnessing / reporting any suspicious activity.

CONCLUSION

- Approval of the within Application (in conjunction with the conditions noted herein) will not impair the intent or purposes of the Borough's Master Plan.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law. Specifically, the same will provide a relatively desirable visual environment through Creative Development Techniques.
- Subject to the conditions contained herein, approval of the within Application will not compromise the character of the existing area.
- The Board is aware that the proposed utility use approved herein is permitted under the Prevailing FMERA Land Use Regulations.
- Subject to the conditions set forth herein, approval of the within Application will not impair the character of the existing area.
- Subject to the conditions contained herein, the Application as presented and modified satisfies the Preliminary and Final Site Plan Requirements of the Borough of Oceanport (in conjunction with the requested Waivers / Exceptions).

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.

CONDITIONS

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

- NOTE:** Unless otherwise indicated herein, all Plan revisions shall be acceptable to the Board Engineer.
- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
 - b. The Applicant shall comply with all terms and conditions of the Review Memorandum from Colliers Engineering & Design, dated March 25, 2024 (A-4) and April 9, 2024 (A-10).
 - c. The Applicant's representatives, shall perpetually maintain, replace, and replant landscaping at the site (per the approved plans), as necessary so as to forever maintain the landscaping aesthetics for the property, as contemplated by the approved Plan.
 - d. The approval granted herein shall comply with all applicable Prevailing FMERA Regulations and the FMERA Mandatory Conceptual Review approval.
 - e. The Applicant's representatives shall cause the Plans to be revised so as to portray and confirm the following:

- Confirmation that the substation shall be an unmanned / un-occupied / structure;
- Confirmation that the Applicant shall perpetually maintain, replace, and replant landscaping at and around the site, as necessary, and in accordance with the modified/approved landscaping details;
- Confirmation that the stents in the proposed fence shall be grounded;
- Confirmation that the site shall comply with all prevailing decibel limitations;
- Confirmation that all signs shall comply with prevailing sign regulations;
- Confirmation that landscaping and screening details shall be included on the Plans;
- Confirmation that slats shall be inserted in the fences surrounding the proposed electrical substation;
- Confirmation that the fences surrounding the proposed electrical substation shall be green fences;
- Confirmation that the electrical substation approved herein shall be an unmanned and unlighted facility (with the exterior light only turning on when an individual is inside the facility);
- Confirmation that the sign shall be changed to reference the street address as "Oceanport Way" as opposed to "Stephenson Way".
- Confirmation that the conflicting detention basin / drainage details (on the two submitted plans) shall be eliminated;
- Confirmation that the Applicant's representatives shall arrange for limited curb replacement along Oceanport Way;
- Confirmation that the electrical substation shall be surrounded by 6 -8 ft double-staggered green giant deer-resistant arborvitaes (at 5 ft. intervals), in a manner approved by the Board Engineer;
- Confirmation that the proposed electrical substation shall be surrounded by double boxwoods (#5 boxwoods, as opposed to #2 boxwoods), at intervals and details as approved by the Board Engineer;
- Confirmation that the driveway apron shall be paved;
- Confirmation that when the utility substation has been constructed, and the power will be temporarily knocked out so that the new facility can go "on-line", the Applicant's representatives shall provide notice to the affected public, in accordance with prevailing regulations;

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- Confirmation that a knox box shall be placed on the electrical substation should the Oceanport Police Department and / or Oceanport Fire Department so require;
 - Confirmation that the sign shall delete any reference to "FMERA" as the Owner, as it is anticipated that at some time, FMERA will no longer be the owner of the subject property and thus, the inclusion of any such name on the sign could potentially cause confusion;
 - Confirmation that no lights shall be turned on at night, unless an individual is inside the electrical substation to perform maintenance or address any other type of issue;
 - Confirmation that the stents in the fence shall be grounded;
 - Confirmation that the two swales shall be connected (in a manner approved by the Board Engineer), and in a further manner which does not disrupt the plant / landscaping lines;
 - Confirmation that the landscaping details shall be reviewed and approved by the Board Engineer; and
- f. The Applicant shall submit appropriate performance and maintenance guarantees in accordance with the requirements of the Board Engineer and the New Jersey Municipal Land Use Law.
- g. The Applicant's representatives shall, in good faith, consult with the Oceanport Police Department and Oceanport Fire Department so as to determine if the Police Department / Fire Department officially wants keyed / remote access to the electrical substation (in the event of emergency). The Applicant's representatives shall comply with Police / Fire Departments requests in the said regard. Additionally, the Applicant's representatives shall provide the Board Secretary with a written communication detailing the result of such conversations / communications.
- h. The Applicant shall obtain any necessary CAFRA approval as may be required.
- i. Upon construction of the electrical substation, the Applicant's Engineer shall provide a written certification confirming that the construction has been completed in accordance with the approved plans, in accordance with the testimony presented to the Planning Board, and in accordance with the within Resolution.
- j. The Applicant's representatives shall, in good faith, petition FMERA representatives to have FMERA plant 8-12 foot oak trees / pine trees on the parcel immediately to the south of the substation, on Main Street (on property currently owned by FMERA). The said additional landscaping, if planted, will provide a better and more substantial buffer to minimize any adverse visual impact associated with the proposal. The Applicant's representatives shall, within 120 days of the adoption of the within Resolution, or any agreed upon extension, provide the Board secretary with a written response detailing the FMERA response in the said regard.

- k. The Applicant shall only operate the electrical substation in accordance with the operational parameters as set forth herein, and as otherwise testified during the public hearing process.
- l. The Applicant shall obtain any applicable approvals / permits from the Borough's Fire Official, Building Department, and any other governmental agency having jurisdiction over the matter.
- m. The construction / installation of the Electrical Substation shall be strictly limited to the Plans referenced herein, and which are incorporated herein at length.
- n. The Applicant shall, at all times, comply with the Zoning Regulations and conditions as established by New Jersey Board of Public Utilities, and any other Agencies having jurisdiction over the matter.
- o. In the event the Substation becomes obsolete or otherwise non-functioning, then, in that event, the substation shall be promptly removed (by the Owner, the Applicant, or its successors / assigns) in a timely and appropriate manner.
- p. The Applicant shall comply with all Prevailing UCC / Building Code / Construction Code Guidelines.
- q. The Applicant and any successor operator shall obtain and maintain (in good standing) any necessary Licenses as required by any Agency having jurisdiction over the matter.
- r. The conditions and restrictions set forth herein shall apply to the within Applicant, as well as any other successor owner / operator / applicant.
- s. The Applicant shall obtain any necessary CAFRA Approval as may be required.
- t. The Applicant shall comply with all prevailing/applicable Affordable Housing Rules, Regulations, Directives, Contributions and Payments, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency having jurisdiction over the matter.
- u. The Applicants shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permits
 - Plumbing Permits
 - Electric Permits
 - Fire Permits
- v. The Applicant shall comply with all Prevailing FEMA / Flood Regulations.
- w. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties.

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- x. The construction shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction / renovation shall comply with Prevailing Provisions of the Uniform Construction Code.
- y. 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.
- z. The Applicant shall obtain any and all approvals from applicable outside agencies - including, but not limited to, the Federal Government, the Federal Regulatory Commission, the State of New Jersey, the Board of Public Utilities, the Department of Environmental Protection, the Monmouth County Planning Board, the Oceanport Fire Marshall and the Freehold Soil Conservation District, etc. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicant shall be required to return to the Board for further review / relief.
- aa. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and charges.

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

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

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

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

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on April 9, 2024 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

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

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

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of May 14, 2024.

Jeanne Smith, Secretary

**Planning/Zoning Combined Board**

PO Box 370
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 3226)**

Meeting: 05/14/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3226

Manvan LLC

Block 65, Lots 40 & 41
190-192 Monmouth Blvd.
Request for Second Extension of Approval

APPLICATION ADDENDUM

MANVAN LLC
190-192 MONMOUTH BOULEVARD
BLOCK 65, LOTS 40 & 41
REQUEST FOR EXTENSION OF APPROVAL

The Applicant, Manvan LLC, obtained Minor Subdivision Approval with related variances in relation to the above property on October 11, 2022 with a resolution adopted on October 25, 2022. A copy of the Resolution of Approval is attached hereto as Exhibit A. The Applicant has been diligently pursuing all other agency approvals and encountered unforeseen difficulties and delays from the existing tenants in the property that caused unnecessary delays. The Applicant, on November 16, 2023 finally obtained the Conditional Final Approval from the Monmouth County Planning Board. Attached is a copy of the Approval Letter and Bond Estimate from the Monmouth County Planning Board.

Pursuant to N.J.S.A. 40A:55D-47(f), the Applicant respectfully requests that the Oceanport Planning Board grant a one (1) year extension to the Applicant to finalize the approval and record a Subdivision Deed. We do not expect to take that long but simply want to ensure no further extension is necessary in the future. The Applicant is prepared to proceed immediately to secure all final approvals.

Applicant respectfully requests that the Planning Board grant the requested extension of the approval it granted.

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF MANVAN, LLC
190-192 MONMOUTH BOULEVARD, BLOCK 65, LOTS 40 AND 41
APPROVED OCTOBER 11, 2022
MEMORIALIZED OCTOBER 25, 2022**

INTRODUCTION

WHEREAS, Agents of Manvan, LLC have made Application to the Oceanport Planning Board for the property designated as Block 65, Lots 40 and 41, commonly known as 190-192 Monmouth Boulevard, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following: Minor Subdivision approval (lot line adjustment) and Bulk Variance approval; and

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on October 11, 2022, Applicant's representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Development Application, introduced into Evidence as A-1;*
- *Minor Subdivision Plan, prepared by Shore Point Engineering, dated June 4, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Boundary and Topographic Survey, prepared by DPK Consulting, LLC, dated April 5, 2022, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Review Memorandum from Colliers Engineering & Design, dated September 7, 2022, 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:

- Paul Van Dyke, Member of Manvan, LLC;
- Kevin Shelby, Engineer;
- Nicholas Grabiano, Professional Planner;
- Mark R. Aikins, Esq. appearing

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

**TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT'S
REPRESENTATIVES**

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

- The Applicant is the Owner of the subject property.
- The subject involves two separate/adjacent lots.
- As indicated, the subject Application involves 2 Lots; namely, Block 65 existing Lot 40 and existing Lot 41. (Per the testimony presented, the two existing lots have not merged.)
- Details pertaining to the 2 existing Lots include the following:

	Existing Lot 40	Existing Lot 41
Size of Lot:	15,568 SF	7,775 SF
Lot features:	Corner Lot	Interior Lot
Existing structures:	Single-family home, detached garage, and sunroom.	Single-family home, and pool house.
Pool details:	There is an existing pool at the site, which straddles the boundary line of Lot 40 and Lot 41.	There is an existing pool at the site, which straddles the boundary line of Lot 40 and Lot 41.

- The Applicant's representatives propose to effectuate the following:
 - Demolition of the existing structures on the 2 sites;
 - Lot Line Adjustment between the 2 existing lots; and

- Construction of a single family home on each newly configured lot.
- Single-family use is a permitted use in the subject Zone.
- As indicated, the Applicant's representatives are proposing to reconfigure the existing lots through a minor subdivision. With the proposed reconfiguration there will be two new lots; namely, proposed Lot 40.01 and proposed Lot 40.02.
- Details pertaining to the proposed newly configured Lots include the following:

PROPOSED LOT 40.01

Minimum required Lot Area: 12,000 SF
Proposed Lot Area: 11,422 SF

PROPOSED LOT 40.02

Minimum required Lot Area: 12,000 SF
Proposed Lot Area: 11,318 SF

- The Applicant's representatives anticipate perfecting the Subdivision via plat filing.
- The Subdivision will be perfected in accordance with New Jersey Law.

VARIANCES

WHEREAS, the Application as presented requires approval for the following Variances;

and

LOT AREA: 12,000 SF required; whereas 11,422 SF proposed for Lot 40.01 and 11,318 SF proposed for Lot 40.02;

LOT WIDTH: Minimum 120 Ft required; whereas 75.8 ft proposed for proposed lot 40.01 and 75 ft proposed for proposed lot 40.02.

PUBLIC COMMENTS

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

- Michael MacStudy

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 190-192 Monmouth Boulevard, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The two subject properties contain 15,568 SF and 7,775 SF respectively.
4. Existing Lot 40 is a corner lot located at the southeast corner of Foggia Way and Monmouth Boulevard. Existing Lot 41 is immediately adjacent to Lot 40 (to the east).
5. As indicated, the subject site (i.e. both existing lots combined) currently contains 23,343 SF.
6. The Applicant's representatives propose to demolish the existing structures and to subdivide the property (i.e. a Lot Line Adjustment) into 2 newly configured Lots; namely, proposed Lot 40.01 and proposed Lot 40.02. (It is anticipated that a new single family home will be constructed on each lot.)
7. Such a proposal requires Minor Subdivision Approval and bulk Variance Approval.
8. The Oceanport Planning Board has the lawful authority and jurisdiction to grant the requested relief.
9. With regard to the application and the requested relief, the Board notes and finds the following:
 - Currently, one lot measures 15,568 SF and the other lot measures 7,775 SF (whereas 12,000 SF is otherwise required in the zone).

- In conjunction with the above point, one lot exceeds the 12,000 SF minimum, while the other lot is significantly undersized.
- As a result of the within approval, one lot will measure 11,422 SF and the other lot will measure 11,318 SF.
- As referenced, one of the existing lots is quite substandard, from a lot area standpoint.
- As a result of the within approval, the very undersized lot will become significantly more conforming.
- Though the Board would prefer to have two lots which both satisfy the prevailing lot area requirements, the Board recognizes that the said two lots already exist and are allowed to continue to exist.
- Currently, there are two existing lots, and with the within approval, there will continue to be two lots (although the lots will be more appropriately balanced).
- The lot line adjustment approved herein (with the new lot areas as referenced above) constitutes a better overall design layout/alternative than that which currently exists.
- The reconfigured lot sizes approved herein will allow each new single family home to have an appropriate amount of adequate light, air, and open space.
- In 2022, modern design principles recognize the value of having new homes which have a sufficient amount of air, space, and light.
- Under the circumstances, the newly configured lot arrangement approved herein (with a new single family home to be constructed on each lot) will result in a more aesthetically pleasing appearance.

- The improved aesthetics associated with the within approval will be beneficial for the site, the neighborhood, and the Borough as a whole.
- Under the circumstances, the newly configured lot arrangement approved herein is better than that which currently exists.
- Under the circumstances, the newly configured lot arrangement approved herein is more appropriate than that which currently exists
- Under the circumstances, the newly configured lot arrangement approved herein is more practical and functional than that which currently exists
- There are a number of existing non-conformities which exist; and approval will eliminate many of the same.
- Approval of the within application will result in the currently encroaching green house (on/over the boundary line with existing lot 38) to be removed/eliminated.
- Currently, there is an existing pool which straddles the boundary line of the two lots. Approval of the within application will result in the removal of the said pool, and thereby the elimination of the existing pool encroachment.
- There is significant municipal benefits associated with the elimination of existing boundary encroachments.
- The homes to be constructed in accordance with the within approval will meet all prevailing building setback requirements.
- As a condition of the within approval, sidewalks and curbs will be installed, and such installation shall promote the interests of the neighborhood and the entire municipality.
- The new curbing and sidewalks required hereunder will improve the overall safety at and around the site.

- The lot widths, though non-conforming, are directly related to the size of the existing lots.
- There does not appear to be any immediate available/adjacent land which would allow the proposed lot widths to be increased.
- Though non-conforming, the lot widths approved herein are more appropriate than that which currently exists.
- There was, essentially, no known public opposition associated with the within approval.
- Subject to the conditions contained herein, and subject to any necessary submission waivers, the Application as presented and modified satisfies the minor subdivision requirements of the Borough of Oceanport.
- The requested variance relief can be granted without causing substantial detriment to the public good.

10. Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the Application 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 promises, commitments, and representations made at or during the Public Hearing process.
- b. The Applicant's representatives shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated September 7, 2022 (A-4).
- c. The Applicant's representatives shall obtain any necessary Demolition Permits as the Borough of Oceanport may require.
- d. The Subdivision shall not be perfected until such time as the existing structures on the site have been demolished / removed (including the existing greenhouse which encroaches on adjacent Lot 38).

- e. In the event the Subdivision is to be perfected via Deed, the Subdivision Deed (including the Legal Descriptions) shall be reviewed and approved by the Board Attorney and Board Engineer.
- f. The Applicant shall attempt, in good faith to negotiate and record a temporary construction/access easement with the owner of adjacent lot 42 (so that Lot 42 representatives shall have reasonable access to lot 42 for necessary construction/repairs, etc. on Lot 42). The Applicant shall not charge Lot 42 representatives for such an easement. The said easement may also provide that once the existing structure on Lot 42 no longer exists, the said easement may terminate. The Planning Board shall have no involvement in the negotiation of such an easement, or the terms and conditions associated therewith. Moreover, the Applicant and the affected owner are encouraged to have all aspects of the arrangement reviewed and approved by their own legal and engineering representatives. Out of an abundance of caution, the Applicant shall release, defend, indemnify, and hold the Borough of Oceanport, the Oceanport Planning Board, and their respective agents, representatives, employees, and professionals harmless from and against any and all losses/damages/judgements (including reasonable attorney fees) associated with the said easement/arrangement. The within obligation shall be a continuing obligation, but, unless otherwise agreed by the Planning Board, if the Applicant's representatives have demonstrated and documented good faith efforts in the said regard, and the Applicant and neighbor are not able to come to mutually acceptable terms, then, in that event, the failure of the said condition to be satisfied shall not prevent the issuance of zoning, building, or construction permits.
- g. The Foggia Way Right of Way is only 43 ft wide. Per the discussion at the Public Hearing, the Plans shall be revised so as to portray and confirm a 4 ft. right-of-way dedication to the Borough of Oceanport, which shall be acceptable to and officially accepted by the Borough of Oceanport.
- h. The Plans shall be revised so as to portray and confirm that there shall be a 50 ft. wide right-of-way for Foggia Way.
- i. The Plans shall be revised so as to portray and confirm that Foggia Way shall be a 24 ft. wide road, with sufficient buffering for plantings (the details of which shall be acceptable to the board engineer.)
- j. The Plans shall be revised so as to portray and confirm that curbing shall be placed along Foggia Way.
- k. The Applicant shall contribute its fair share for necessary utility connections/extensions/improvements.
- l. The Applicant shall obtain any necessary Road Opening Permits.
- m. The Applicant shall comply with the Prevailing Provisions of the Borough's Shade Tree Ordinance along Foggia Way and Monmouth Boulevard.

- n. In light of the property dedication, the Applicant's representatives shall revise the Plans so as to reflect that Lot 40.01 shall have a Lot area of 11,422 SF and Lot 40.02 shall have a Lot area of 11,318 SF.
- o. The Plans shall be revised so as to portray and confirm that the Applicant shall arrange for the sidewalks to be extended along Monmouth Boulevard (in front of proposed Lot 40.01 and proposed Lot 40.02). The said sidewalk can be placed on one side of the street or the other, subject to the ultimate review and approval of the Board Engineer.
- p. The Plans shall be revised so as to portray and confirm that the Applicant shall install black Jerith 54" fencing, which is 50% open (or the equivalent).
- q. The Plans shall be revised so as to portray and confirm the installation of a recharge system (in a manner approved by the Board Engineer).
- r. The Plans shall be revised so as to portray and confirm that there shall be a 2nd frontage/2nd entrance for the house on the corner lot (on Monmouth Boulevard).
- s. The Applicant shall arrange for all plans and maps to be updated so as to portray the correct name of 'Foggia Way" (i.e. Maple Place has been changed to Foggia Way.)
- t. The Plans shall be modified so as to portray that the air conditioner(s) and generator shall be located in a zoning compliant location.
- u. The Plans shall be revised so as to confirm that the subject road shall be wide enough to comfortably and safely accommodate the municipal fire trucks.
- v. The Applicant shall be required to repair the existing roadways, in accordance with the terms and conditions of the board engineer review memorandum (A-4).
- w. The Applicant shall confirm that the linear road openings shall be coordinated, in a manner approved by the board engineer.
- x. The Applicant shall obtain any necessary approval from the County of Monmouth, and any agency thereof.
- y. The Plans shall be revised so as to include the installation of a dry-well system (the details of which shall be reviewed and approved by the board engineer.) Additionally, the to-be installed dry well shall be installed and maintained in accordance with prevailing manufacturing standards, as well as other best practice procedures.
- z. Grading and drainage details shall be reviewed and approved by the board engineer.

- aa. The Applicant shall comply with Prevailing FEMA Regulations.
- bb. The Applicant shall revise the Plans so as to portray and confirm the installation of sidewalks along Monmouth Boulevard.
- cc. The Applicant shall cause the Plans to be revised so as to portray and confirm that the runoff shall be directed to Monmouth Boulevard and towards Foggia Way (i.e. the Plans shall be revised so as to confirm the absence of any runoff onto the adjacent properties).
- dd. The within approval shall be subject to the review and approval of the Municipal Fire Official.
- ee. Prior to the issuance of any Building / Construction Permits, the Applicant (or successor Applicants / Owners) shall submit grading, drainage, plot, and utility plans (and drainage calculations) to the Board Engineer, for his review and approval.
- ff. The Applicant, or any successor Applicant / Owner, shall comply with all Prevailing Rules, Regulations, Installation and Hook-Up Requirements of the Municipal Utility Authorities.
- gg. Prior to the issuance of any Building Permit, the Applicant, or any successor Applicant / Owner, shall submit detailed Plans / Elevations / Grading & Drainage Details – and the said documents shall be reviewed / approved by the Board Engineer / Zoning Officer (as well as any other applicable municipal officials).
- hh. The subdivision shall be perfected in accordance with Requirements of New Jersey Law (and within the timeframe set forth in New Jersey Law.)
- ii. The Applicant shall review the proposed Block / Lot designations with the Municipal Tax Assessor so as to confirm the acceptability of the same.
- jj. The Applicant (or any successor Applicants) shall comply with all applicable Affordable Housing Rules / Regulations / Ordinances / Contributions / Directives as may be required by the Borough of Oceanport, the State of New Jersey, C.O.A.H., the Court System, or any other Agency having jurisdiction over the matter.
- kk. 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.
- ll. 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.

mm. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

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

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

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

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or its agents / representatives accept any responsibility for the perfection of the Minor Subdivision Approval.

SUMMARY OF VARIANCES GRANTED

LOT AREA: 12,000 SF required; whereas 11,422 SF approved for Lot 40.01 and 11,318 SF approved for Lot 40.02;

LOT WIDTH: 120 ft required; whereas 75.8 ft approved for Proposed Lot 40.01 and 75 ft approved for Proposed Lot 40.02

PR-22-32
10-25-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 11, 2022 on roll call that evening by the following vote:

Offered by: Ms. Cooper

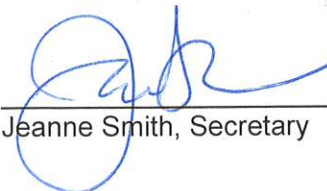
Seconded by: Mr. Tvrdik

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	(☒)	()	()	()	()
Kahle	(☒)	()	()	()	()
Cooper	(☒)	()	()	()	()
Foster	()	()	()	(☒)	()
Tvrdik	(☒)	()	()	()	()
Widdis, C.	(☒)	()	()	()	()
Kleiberg	()	()	()	(☒)	()
Davis	(☒)	()	()	()	()
Dailey	(☒)	()	()	()	()
Widdis, L. (Alt. #1)	(☒)	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (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 October 25, 2022.


Jeanne Smith, Secretary

KEK/dmp
Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Manvan, LLC (minor subdivision - bulk variance)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 3225)

Meeting: 05/14/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3225

8.3

Extension of Approval for PR-22-32

PR-24-06

01-23-24

**RESOLUTION GRANTING SECOND EXTENSION OF APPROVAL PERIOD FOR PR-22-32
OCEANPORT PLANNING BOARD
MONMOUTH COUNTY
MANVAN, LLC
190-192 MONMOUTH BLVD
BLOCK 65, LOTS 40 & 41**

SECOND EXTENSION OF RESOLUTION FOR MINOR SUBDIVISION AND BULK VARIANCE

WHEREAS, the applicant, ManVan, LLC had received Minor Subdivision – Lot Line Adjustment with Bulk Variance Relief for Lot Area and Lot Width by the Planning Board of the Borough of Oceanport for the property set forth above; and,

WHEREAS, the Board adopted a Resolution of Approval on October 25, 2022; and,

WHEREAS, pursuant to N.J.S.A. 40A:55-D-47(f), said approval expired on May 3, 2023; and

WHEREAS, the applicant was granted an extension of the approval period for PR-22-32 pursuant with PR-24-05 which expired on May 3, 2024; and

WHEREAS, the applicant, through no lack of diligence on its part, has not been able to complete the conditions of the approval, more specifically as indicated by Applicant's application for an Extension/Re-Approval received on May 7, 2024, and has not been able to complete resolution compliance requiring demolition of all existing structures; and,

WHEREAS, the zoning requirements in the area which is the subject of the approvals have not been altered or changed and the Master Plan of the Borough has not changed since the grant of the approvals herein;

NOW, THEREFORE, BE IT RESOLVED by the PLANNING BOARD of the BOROUGH OF OCEANPORT that the applicant's request for an extension of the Resolution to enable the applicant to complete the conditions of the approval, perfect the subdivision by deed and commence construction is extended from the original expiration date through to _____.

Offered by: _____

Seconded by: _____

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of May 14, 2024.

Jeanne Smith, Secretary

**RESOLUTION EXTENDING APPROVAL PERIOD FOR PR-22-32
OCEANPORT PLANNING BOARD
MONMOUTH COUNTY
MANVAN, LLC
190-192 MONMOUTH BLVD
BLOCK 65, LOTS 40 & 41**

EXTENSION OF RESOLUTION FOR MINOR SUBDIVISION AND BULK VARIANCE

WHEREAS, the applicant, ManVan, LLC had received Minor Subdivision – Lot Line Adjustment with Bulk Variance Relief for Lot Area and Lot Width by the Planning Board of the Borough of Oceanport for the property set forth above; and,

WHEREAS, the Board adopted a Resolution of Approval on October 25, 2022; and,

WHEREAS, pursuant to N.J.S.A. 40A:55-D-47(f), said approval expired on May 3, 2023; and

WHEREAS, the applicant, through no lack of diligence on its part, has not been able to complete the conditions of the approval, more specifically as indicated by written letter of the Applicant's representative dated December 5, 2023, and has not been able to commence the implementation of the approvals; and,

WHEREAS, the zoning requirements in the area which is the subject of the approvals have not been altered or changed and the Master Plan of the Borough has not changed since the grant of the approvals herein;

NOW, THEREFORE, BE IT RESOLVED by the PLANNING BOARD of the BOROUGH OF OCEANPORT that the applicant's request for an extension of the Resolution to enable the applicant to complete the conditions of the approval, perfect the subdivision by deed and commence construction is extended for a period of one year from the original expiration date through to May 3, 2024.

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

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of January 9, 2024.

Jeanne Smith, Secretary