



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • APRIL 12, 2022

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 20, 2022 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. Capital Presentation

1. PB2022-06 Monmouth Park-Sportsbook
Block 122, Lot 30
175 Oceanport Avenue
Presentation related to an upcoming Capital Improvement Project taking place at Monmouth Park.

VII. Board Business

1. Report of Pending Applications
2. Fort Monmouth Plan Amendment #18

VIII. Approval of Minutes

1. Planning/Zoning Board - Regular - Feb 8, 2022 7:00 PM
2. Planning/Zoning Board – Regular - Feb 22, 2022 7:00 PM

IX. Old Business

1. PR-22-13 Resolution of Denial - 9 Pocano Ave
2. PR-22-14 Resolution of Approval - 38 Oneida Ave
3. PB2022-03 Dalton, Edward
23 Ithaca Avenue
Block 29, Lot 12
Proposed installation of in-ground pool seeking relief for:
Maximum Impervious Coverage - 37% permitted; 42.0% existing; 51.5% proposed
CARRIED from March 22, 2022

X. New Business

1. PB2022-01 199 Comanche, LLC
199 Comanche Drive
Block 40, Lot 13
Construction of single family dwelling seeking relief for:
Average Front yard setback: 200.3' required, 70' proposed
Accessory Side yard setback: 10' minimum, 1.66' proposed.

XI. Petitions from the Public

XII. Adjournment

**Planning/Zoning Combined Board**

PO Box 370
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 2364)**

Meeting: 04/12/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2364

PB2022-06 Monmouth Park-Sportsbook

Block 122, Lot 30

175 Oceanport Avenue

Presentation related to an upcoming Capital Improvement Project taking place at Monmouth Park.



CAESARS SPORTSBOOK AT MONMOUTH PARK
EXTERIOR RENDERING
03.11.2022



3333 K STREET NW SUITE 60 | WASHINGTON, DC 20007
[T] 202.350.4244 [F] 202.350.4245 [W] WWW.3877.DESIGN

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • FEBRUARY 8, 2022****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 PM
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 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 the public of the below Board policies: - It is Board Policy that no application will be opened after 10:00 P.M. - No new testimony will be taken after 10:30 P.M., except at the discretion of the Board
- V. **Roll Call:**

Attendee Name	Title	Status	DEPARTED
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	8:16 PM
Thomas Tvrdik	Class III	Present	7:32 PM
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Absent	
Michael Dailey	Class IV	Present	
Leslie B. Widdis	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. Board Business:

- Report of Pending Applications - Ms. Smith advised the next meeting would be Feb. 22 with the 9A Pocano Avenue application continuing and 16 Balmer Court scheduled.
- Mandatory Training - Ms. Smith advised that many members needed to comply with the statutory and mandatory training for Board members. Arrangements have been made to host the class in Oceanport in May with more details to follow. She asked that members set aside that date in their calendars.

VII. Approval of Minutes:

- Planning/Zoning Board - Reorganization - Jan 11, 2022 7:00 PM

RESULT:	ACCEPTED [5 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Dailey
ABSTAIN:	Foster, Widdis L
ABSENT:	Widdis C, Kleiberg, Davis

VIII. Old Business:

- PR-21-33 Resolution of Approval - Oport Partners, Phase II

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

Mr. Tvrdik excused himself from the next matter and exited the meeting at 7:32 PM

IX. New Business:

1. PB2021-09- Galvao Investments, LLC
73 Monmouth Blvd
Block 13, Lot 24
Variances for driveway setback and maximum impervious coverage

EXHIBITS:

- A-1 Land Development Application
- A-2 Survey of Property," prepared by Charles Surmonte P.E. & P.L.S., dated April 23, 2021
- A-3 Alterations to: 73 Monmouth Boulevard," 1 Sheet, prepared by Parallel Architectural Group, last revised July 26, 2021.
- A-4 Colliers Engineering Review Letter, dated October 26, 2021

Mr. Tvrdik excused himself from the meeting at 7:32 PM

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4.

The following persons were sworn in: William White, Board Engineer/Planner; Geraldo Silva Owner/Applicant and Ms. Franco Court approved translator.

Mr. Edinger, Applicant's attorney described the property. There is a gravel driveway that is too close to the side lot so they will need a variance for that. They believe this is a preexisting condition, one that has existed for a long period of time prior to Da Silva purchase of the property. The gravel continues throughout the property, including front driveway, running beside the house, and going to the back there is an area of gravel the extends a third of the area in the backyard. They were notified by code enforcement that the gravel exceeds the lot coverage. Mr. Da Silva testified that he added the gravel in the front to help with getting out of the driveway because of how busy the street is, this allows them to turn around and not have to back out. Mr. Da Silva believed it was a safety issue for himself and his tenants. The backyard has 25' of stone going across the lot which Mr. Da Silva said was there at time of purchase, he added more to the stones. Mr. Edinger asked if Mr. Da Silva removed any of the preexisting structures when purchased? Mr. Da Silva said he removed the back walkway that went through the driveway it was all concrete and now is gravel. Mr. Da Silva has also removed a Bilco, left the stairs. On the Eastern side of the dwelling Mr. Da Silva added gravel because no grass grows there. The zoning official has said that Mr. Da Silva has too much coverage on the property. He needs to modify some of the gravel area to make the property more compliant with the zoning code. Mr. Edinger asked his client Mr. Da Silva if he was willing to reduce the area behind the house which is 25' to 50' of gravel in half to make the property compliant? Mr. Da Silva agreed. Mr. Edinger asked if Mr. Da Silva would be willing to remove the gravel on the eastern border adjacent to the rear of the house? Mr. Da Silva is willing to comply with that.

Chairman Whitson invited questions from Mr. White and Board members

Mrs. Widdis asked if there was insufficient room in the driveway for a car to turn around without having the gravel?

Mr. Da Silva said if there was grass, no gravel there would not be room to turn around.

Mrs. Widdis asked Mr. Da Silva if he has a tenant in place and how many cars do, they have?

Mr. Da Silva said there are tenants and 4 cars.

Mrs. Widdis asked how many cars can fit in the driveway?

Mr. Da Silva said 3.

Mr. Dailey asked if the entire back yard was covered in stone? What was the reasoning for putting stones in the whole backyard?

Mr. Da Silva told Mr. Dailey the stones were already there when he bought the property, he just filled it in with more. The whole yard is not covered in the stone.

Mr. Kahle asked questions about permits for the stone, and had they considered putting a K turn in the front of the property?

Mr. Da Siva said he had no permits for the stone.

Mrs. Cooper suggested reducing the size of the front walkway to make room for a K-turn in the driveway.

Mr. Edinger asked that they return back in front of the Board with some more ideas from their architect for a better way to use the driveway.

Mr. Kennedy said they could come back on March 8th with revised plans with no additional notice required which the Applicant agreed to.

Motion to Carry Application to March 8, 2022 with no additional notice required.

RESULT:	ADOPTED [6 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Cooper, Foster, Dailey, Widdis L
ABSENT:	Widdis C, Kleiberg, Davis
RECUSED:	Tvrdik

Mrs. Cooper recused herself from the next matter and exited the meeting at 8:16 PM

2. PB2021-22 DeGiglio, Kyrsten

45 Main Street
Block 110, Lot 14
Certificate of Non-Conformity, Alternative Variance Relief

EXHIBITS:

- A-1 Land Development Application
- A-2 Survey of Property" prepared by Morgan Engineering & Surveying, dated May 6, 2021.
- A-3 Colliers Engineering Review Letter dated October 26, 2021
- A-4 Planner's Testimony Exhibits, 12 Sheets

The following persons were sworn in: William White, Board Engineer/Planner.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. Mr. Kennedy described why the applicant was before the Board seeking a certificate of pre-existing nonconforming use.

Barbara Ehlen, Applicant's Professional Planner was sworn in, presented her qualifications and was accepted an expert in planning.

Mrs. Ehlen reviewed the ordinances that were available. She did a review of historic tax data that's available on the county website and visited the property. Also researched other historic and tax maps.

Mrs. Ehlen walked the Board through Exhibit A-4 a packet that she assembled of documentation that she researched and put together to go through this property's history. The first page is an aerial obtained from the Monmouth County Property Viewer application and it's a 2020 Aerial. There are clearly two structures. There is parking in the Northern corner. She wanted to point out the sidewalk leading to the rear structure that's a detail that's visible in all their aerials. You will need to refer to this aerial when we look to an aerial that's from the 1940s. The structure was there in those aerials. The next document is most recent tax card which dates the structure to 1932. The property cards denote two structures. There is a total of three units on the property, which date back to 1932 which would predate the 1833 ordinance.

Mr. Sardo, Applicant's attorney, commented it was an important point to make that the information we had from the prior owner, and that we can see physically by the way the house is laid out that there is two units in the main home structure. The back structure is one unit. We have evidence that there are existing units. The applicant only wants to only wants to use these as one unit each.

Mrs. Ehlen continued with the 1940 aerial, a tax card from 1930.

Mr. Sardo said the tax card was important because it's going back to the measuring date of 1933 that we must show prior to the zoning ordinance that made the structure non-conforming.

Mrs. Ehlen said previously the lot was the parcels identified as block 89, lot 15. Under value of improvements on this parcel is 3,100 which is much higher than its neighbors which would indicate there was more improvements on the property which would increase its value. Mrs. Ehlen showed photos of the property you can see that the structure in the rear was not a converted building it was clearly a separate dwelling. The photos showed utility meters, meters for each structure. Photos of the front two family dwelling there are three meters. There are four gas meters located on the side of the front building.

Chairman Whitson invited questions from Mr. White and Board members

Mrs. Widdis asked if they will only have 2 units and will the third kitchen be removed if so.

Mr. Sardo said it will only be two units and the applicant said she will be removing third kitchen.

Mr. Kahle asked if they need any grantor, for making two single family homes such as driveway setbacks or setbacks for rear home.

Mr. White said they're grandfathered in.

Mrs. Smith said she would add that the exhibit that was submitted is what will be in the with the certificate and accepted as non-conforming anything there existing at the time.

Mr. Kahle asked since this is a shared driveway between the front home and rear home is the any paperwork that needs to be done, will the rear home always be able to use the driveway?

Mr. Kennedy said because its all one property with one owner there does not need to be an easement drawn but if they subdivided and there were two different owners' paperwork would have to be drawn up.

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

John Johnson, Zoning officer/construction official for the Borough of Oceanport stated that none of the site plans have been submitted.

Mr. Sardo responded that there are no site plans right now and if there is to come, they will submit all proper documents.

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

Mr. Kennedy stated for the record that the applicant has two single family homes on the property and an approval of the Board will direct the issuance of the certificate of pre-existing non-conforming use for two principal structures on one site and each structure will only be utilized as single-family homes.

Motion to Approve Certificate of Non-Conformity

RESULT:	ADOPTED [5 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Foster, Dailey, Widdis L
ABSENT:	Widdis C, Kleiberg, Davis
RECUSED:	Cooper, Tvrdik

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

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:52 pm on a motion by Mr. Foster which was seconded by Mr. Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 22-13

9.1

Meeting: 04/12/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2381

Resolution of Denial - 9 Pocano Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
DENIAL OF THE APPLICATION OF RICHARD VELTRI
9 POCONO AVENUE / 9A POCONO AVENUE, BLOCK 39, LOTS 6 & 7
DENIED MARCH 22, 2022
MEMORIALIZED APRIL 12, 2022**

INTRODUCTION

WHEREAS, Richard Veltri has made Application to the Oceanport Planning Board for the property designated as Block 39, Lots 6 and 7, commonly known as 9 Pocono Avenue / 9A Pocono Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variances associated with a request to effectuate a Lot Line Adjustment / Minor Subdivision; and

PUBLIC HEARINGS

WHEREAS, the Board held Public Hearings on December 14, 2021 and March 22, 2022, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Oceanport Planning Board Development Application, introduced into Evidence as A-1;*
- *Location Survey, prepared by Land Control Services, LLC, dated March 1, 2016, introduced into Evidence as A-2;*
- *Minor Subdivision (Lot Line Adjustment) Plan, prepared by Land Control Services, LLC, dated April 1, 2021, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Colliers Engineering & Design Review Letter, dated October 11, 2021, introduced into Evidence as A-4;*
- *Location Survey (Block 39, Lot 6), prepared by Land Control Services, LLC, dated February 20, 2021, consisting of 1 sheet, introduced into Evidence as A-5;*
- *Location Survey (Block 39, Lot 7), prepared by Land Control Services, LLC, dated February 20, 2021, consisting of 1 sheet, introduced into Evidence as A-6;*

- *Minor Subdivision (Lot Line Adjustment) Plan, prepared by Land Control Services, LLC, last revised February 15, 2022, consisting of 1 sheet, introduced into Evidence as A-7;*
- *Colliers Engineering & Design Review Memorandum, dated March 22, 2022, introduced into Evidence as A-8;*
- *Report from the Applicant's Attorney, relative to Title / Ownership / potential merger issues associated with Block 39, Lots 5, 6, and 7, undated, introduced into Evidence as A-9 (with respect of Easements associated therewith);*
- *Architectural Plans, prepared by Piro, dated February 3, 2022, consisting of 2 sheets, introduced into Evidence as A-10;*
- *Illustrated Rendering, prepared by Piro, dated March 22, 2022, introduced into Evidence as A-11;*
- *Minor Subdivision Plan, prepared by Land Control Services, LLC, last revised February 15, 2022 (which was initially introduced into Evidence as A-7), with highlighted notes set forth thereon, introduced into Evidence as A-12;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

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

- Richard Veltri, Applicant;
- Pietro Rosato, Architect;
- Christine Nazzaro-Cofone, Professional Planner;
- Salvatore Alfieri, Esq, appearing;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant herein is Richard Veltri.
- Richard Veltri, or an Agent thereof, is the Owner of 3 adjacent parcels within the Borough of Oceanport – including Block 39 Lot 5, Block 39 Lot 6, and Block 39 Lot 7.

- The within Application only involves Block 39 Lot 6 and Block 39 Lot 7.
- Details pertaining to existing Lot 6 and 7 include the following:

Existing Lot 6

Street address: 9 Pocono Avenue
 Lot size: 5,714 SF
 Current use: Vacant
 Prior use: Single-family home
 Proposed use: Single-family home
 Street frontage: Pocono Avenue
 Accessory structure: There is an existing garage which straddles the property line of existing Lot 6 and existing Lot 7. That is, half of the garage is located on existing Lot 6 and the other half of the garage is located on existing Lot 7.

Existing Lot 7

Street address: 9A Pocono Avenue
 Lot size: 7,934 SF
 Current use: Single-family home
 Proposed use: Existing single-family home to remain
 Street frontage: There is no street frontage for existing Lot 7. Rather, access from existing Lot 7 to Pocono Avenue is through the use of an Easement which travels over a portion of existing Lot 6.
 Rear property details: The rear of the subject property fronts along the Shrewsbury River.
 Accessory structure: There is an existing garage which straddles the property line of existing Lot 6 and existing Lot 7. That is, half of the garage is located on existing Lot 6 and the other half of the garage is located on existing Lot 7.

- The Applicant herein proposes to effectuate a Lot Line Adjustment (through a Minor Subdivision).
- In conjunction with the above, the Applicant is proposing to transfer 714 SF from existing Lot 6 to what is currently identified as existing Lot 7.
- The 2 new Lots will be identified as new Lot 6.01 and new Lot 6.02.
- If the Subdivision / Lot Line Adjustment is approved, details pertaining to the proposed new Lots will include the following:

Proposed Lot 6.01

Existing Lot designation:	Existing Lot 6
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Proposed Lot designation:	Proposed Lot 6.01
Street address:	9 Pocono Avenue
Size:	5,000 SF
Proposed use:	Single-family home with garage underneath.
Street frontage:	Pocono Avenue
Accessory structure:	The existing garage (which currently straddles the property line between existing Lot 6 and Lot 7) will be located entirely within the bounds of new Lot 6.02.

Proposed Lot 6.02

Existing Lot designation:	Existing Lot 7
Proposed Lot designation:	Proposed Lot 6.02
Street address:	9A Pocono Avenue
Size / Lot Area:	8,649 SF
Proposed use:	Existing single-family home to remain.
Street frontage:	There is no street frontage for Lot 6.02. Rather, access from proposed Lot 6.02 to Pocono Avenue will be through the use of an Access Easement which travels over a portion of existing Lot 6 / proposed Lot 6.01.
Accessory structure:	The existing garage (which currently straddles existing Lot 6 and Lot 7) will be located entirely within the new boundary lines of proposed Lot 6.02.

- As referenced, the Applicant is proposing to construct a new single-family home on new proposed Lot 6.01.
- The details pertaining to the proposed new home on new Lot 6.01 include the following:

First Floor

Garage
Living Room
Powder Room
Foyer

Second Floor

Main Bedroom
Bathroom
Laundry Room
Bathroom
Bedroom #2

Bedroom #3

Attic

Bedroom Suite
Balcony
Bathroom
Closet
Attic Access Panel

- It is anticipated that the Lot Line Adjustment / Subdivision will be perfected via Deed (although no firm commitments were made in the said regard).

VARIANCES

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

Variances:

PROPOSED NEW LOT 6.01:

LOT AREA: 12,000 SF required; whereas 5,000 SF proposed;

LOT WIDTH: 120 ft. required; whereas 50 ft. exists, which is an existing condition;

PROPOSED NEW LOT 6.02:

LOT AREA: 12,000 SF required; whereas 8,649 SF proposed;

LOT WIDTH: 120 ft. required; whereas 50 ft. exists, which is an existing condition;

SIDE YARD SETBACK (FOR THE PRINCIPAL STRUCTURE): 10 ft. required; whereas 6.30 ft. exists, which is an existing condition;

LOT COVERAGE: 37% allowed; whereas 41% proposed;

ACCESSORY STRUCTURE SIDE YARD SETBACK: 10 ft. required; whereas 1.67 ft. exists, which is an existing condition;

ACCESSORY STRUCTURE (GARAGE) REAR YARD SETBACK: 5 ft. required; whereas 3.59 ft. exists, which is an existing condition;

ACCESSORY BUILDING COVERAGE: Maximum 5% allowed; whereas 6.1% proposed;

PUBLIC COMMENTS

WHEREAS, sworn public comments, questions, and / or concerns regarding the Application were presented by the following individuals:

- Bryan Keeshen
- Michael O'Brien

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 **denied**.

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 properties are identified as follows:
 - Block 39, existing Lot 6
9 Pocono Avenue
Oceanport, NJ
 - Block 39, existing Lot 7
9A Pocono Avenue
Oceanport, NJ
3. The aforesaid properties are located in the Borough's R-3 Residential Zone.
4. The 2 subject properties are contiguous to each other.
5. Existing Lot 6 contains 5,714 SF (whereas 12,000 SF is the otherwise required minimum Lot Area in the Zone).
6. Existing Lot 7 contains 7,934 SF (whereas the minimum required Lot size in the Zone is 12,000 SF).

7. Existing Lot 6 has frontage on the northern side of Pocono Avenue, approximately 250 east of the intersection with Comanche Drive.

8. Existing Lot 7 is directly north of existing Lot 6, and Lot 7 does not have frontage on an improved street. Rather, access to Pocono Avenue (for / from existing Lot 7) is through an Access Easement which crosses existing Lot 6.

9. The Applicant herein proposes to effectuate a Lot Line Adjustment, through a Minor Subdivision.

10. The details of the proposed Minor Subdivision are set forth on the submitted Plans, discussed at length during the Public Hearing process, and are otherwise set forth herein.

11. Such a proposal requires Subdivision Approval and Bulk Variance Approval.

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

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

Doctrine of Merger

- There is a rather unusual set-up / layout associated with existing Lot 5, existing Lot 6, and existing Lot 7 (all of which are owned by the Applicants and / or Agents thereof).
- Although existing Lot 5 is not part of the within Application, existing Lot 5 is owned by the Applicant, or an Agent thereof. As such, the relationship between the 3 commonly owned Lots is worthy of review and discussion.
- Pursuant to the on-the-record discussion during the Public Hearing process, and evidence / exhibits associated therewith, details pertaining to the existing Lots include the following:

Existing Lot 6

Owner:	9 Pocono, LLC
Street address:	9 Pocono Avenue
Lot size:	5,714 SF
Current use:	Vacant
Prior use:	Single-family home
Proposed use:	Single-family home
Street frontage:	Pocono Avenue
Accessory structure:	There is an existing garage which straddles the property line of existing Lot 6 and existing Lot 7. That is, half of the garage is located

on existing Lot 6 and the other half of the garage is located on existing Lot 7.

Existing Lot 7

Owner: Richard & Lisa Veltri
 Street address: 9A Pocono Avenue
 Lot size: 7,934 SF
 Current use: Single-family home
 Proposed use: Existing single-family home to remain
 Street frontage: There is no street frontage for existing Lot 7. Rather, access from existing Lot 7 to Pocono Avenue is through the use of an Easement which travels over a portion of existing Lot 6.
 Rear property details: The rear subject property fronts along the Shrewsbury River.
 Accessory structure: There is an existing garage which straddles the property line of existing Lot 6 and existing Lot 7. That is, half of the garage is located on existing Lot 6 and the other half of the garage is located on existing Lot 7.

Existing Lot 5

Owner: Richard & Lisa Veltri
 Size: Per testimony and plans
 Location: To the left of existing Lot 6 and existing Lot 7
 Existing use: Per testimony and plans

- As referenced, during the December 14, 2021 Public Hearing, the Applicant's representatives advised that the Applicant, and / or Agents thereof, are the Owners of Lot 5, adjacent Lot 6, and adjacent Lot 7.
- The ownership of Lot 5 was not previously disclosed during the Application process. (There was no intent to deceive, but the said information was not readily disclosed / known.)
- As a result of the aforesaid ownership issues, and the sizes of the various Lot / parcels, a question arose as to whether or not any of the referenced Lots were combined under the Doctrine of Merger.
- During the December 14, 2021 Public Hearing, the Applicant's representatives did not appear to have detailed factual information pertaining to all the Lots – including, ownership references, title history references, prior potential mergers of some of the Lots, etc.
- Given the factual and legal sensitivities associated with the Doctrine of Merger, and related Case Law, Board Members / Representatives did not necessarily feel

comfortable proceeding with the substantive aspect of the Application until such time as the merger issues were fully reviewed / vetted.

- Given the factual and legal sensitivities associated with the Doctrine of Merger, and related Case Law, Board Members did not feel comfortable adjudicating the Subdivision Application until such time as the merger issues were more fully reviewed, understood, and vetted.
- Any adjudication of the Subdivision Application without a simultaneous review of the potential merger issues would / could compromise any ultimate decision of the Planning Board.
- Given the nature of the Lots, the undersized nature of some of the Lots, and recent demolition which occurred on some of the specified Lots, it was appropriate for the merger issues to be more fully reviewed, understood, and vetted.
- Adjudication of the Subdivision Application without a full understanding of the applicability / non-applicability of the Doctrine of Merger would potentially jeopardize and / or compromise the integrity of any ultimate decision of the Planning Board.
- Adjudicating a Subdivision Application without fully reviewing / vetting the potential merger issues would not be appropriate under the circumstances.
- With the consent of the Applicant, and the Applicant's representatives, the Public Hearing was adjourned so that the Applicant could further review and consult with Title Company Representatives so as to obtain more definitive / detailed information as to whether any of the subject Lots had previously merged by operation of law.
- As a result, the Application was adjourned.
- The Applicant's representatives further reviewed the title history of the Lots so as to determine whether any merger had occurred.
- The Applicant's Attorney comprised a memorandum detailing the title history of the Lots, and other factors, so as to determine if any merger had occurred (amongst any of the referenced 3 Lots).
- The referenced Legal Memorandum was market into the Record as A-9.
- The aforesaid documentation was extensively reviewed and discussed at the March 22, 2022 Public Hearing.
- Per the testimony and evidence presented, relevant information revealed the following title information:
 - Lot 5 is currently owned by Richard and Lisa Veltri.
 - Lot 6 is currently owned by 9 Pocono, LLC.
 - Lot 7 is currently owned by Richard and Lisa Veltri.

PR-22-13

04-12-22

- Generally speaking, and subject to many potential exceptions, the Board is aware that undersized Lots, without any improvements located thereon, generally merge with adjacent Lots, by operation of law, if the said Lots are owned by the same individual / entity. (The theory is that, with the Doctrine of Merger, municipalities would prefer to have contiguous undersized Lots merge so that the combined / merged Lots can comply with Prevailing Minimum Lot Area Requirements, or at least more closely comply with Prevailing Lot Area Requirements.
- Per the testimony and documentation submitted, it appears clear that existing Lot 6 (owned by 9 Pocono, LLC) and existing Lot 7 (owned by Richard and Lisa Veltri) are not owned by the same individual / entity.
- Per the testimony and documentation presented, Lot 6 and Lot 7 were not owned by the same individual / entity.
- Given the fact that the said 2 Lots are owned by different individuals / entities, notwithstanding that existing Lot 6 is currently vacant and undersized), existing Lot 6 and existing Lot 7 do not appear to have merged.
- Per the testimony and evidence presented, it also appears that existing Lot 6 and existing Lot 7 are independently taxed / assessed by the Borough of Oceanport (which, although the said issue is not completely dispositive of the matter, the same is a contributing factor in the belief that the said 2 Lots have not merged).
- Per the testimony and information presented, it appears that existing Lot 6 and existing Lot 7 were never functionally utilized as a single / merged / combined property.
- Though existing Lot 7 and existing Lot 5 are both owned by Richard and Lisa Veltri, each of the Lots contain a single-family home. Thus, based upon the evidence presented, it does not appear that there has been any merger of existing Lot 5 and existing Lot 7.
- Per the testimony and evidence presented, existing Lot 5 and existing Lot 6 are independently taxed / assessed by the Borough of Oceanport, which, as referenced above, is one factor in the overall merger analysis.
- Based upon the information reviewed, and based upon the information known to date, no evidence suggests that there has been any merger between existing Lot 5, existing Lot 6, and / or existing Lot 7.

Undersized Lots

- As referenced, there is a challenging Lot-layout pertaining to existing Lot 6 and existing Lot 7 which are owned by the same Applicant, and / or Agents thereof.
- As referenced, relevant details pertaining to the existing subject Lots include the following:

Existing Lot 6

Street address: 9 Pocono Avenue

Lot size: 5,714 SF
 Current use: Vacant
 Prior use: Single-family home
 Proposed use: Single-family home
 Street frontage: Pocono Avenue
 Accessory structure: There is an existing garage which straddles the property line of existing Lot 6 and existing Lot 7. That is, half of the garage is located on existing Lot 6 and the other half of the garage is located on existing Lot 7.

Existing Lot 7

Street address: 9A Pocono Avenue
 Lot size: 7,934 SF
 Current use: Single-family home
 Proposed use: Existing single-family home to remain
 Street frontage: There is no street frontage for existing Lot 7. Rather, access from existing Lot 7 to Pocono Avenue is through the use of an Easement which travels over a portion of existing Lot 6.
 Rear property details: The rear of the subject property fronts along the Shrewsbury River.
 Accessory structure: There is an existing garage which straddles the property line of existing Lot 6 and existing Lot 7. That is, half of the garage is located on existing Lot 6 and the other half of the garage is located on existing Lot 7.

- As referenced, existing Lot 6 is undersized (in that a 12,000 SF Minimum Lot Area is required in the R-3 Zone – and existing Lot 6 only contains 5,714 SF).
- As referenced, existing Lot 7 is also undersized (in that a 12,000 SF Minimum Lot Area is required; whereas only 7,934 SF exists).
- Additionally, contrary to modern / Prevailing Provisions of New Jersey Law, existing Lot 7 does not front on a public street. Rather, existing Lot 7 only has access to Pocono Avenue (by virtue of a recorded Access Easement across existing Lot 6).
- Existing Lot 6 and existing Lot 7 also both have a non-conforming width of 50 ft. (whereas 120 ft. is otherwise required).
- It is safe to assume that if, magically, the Borough of Oceanport had an opportunity to recreate / re-design / re-orient all existing Lots within the confines of the Municipality, the subject Lot layout (for existing Lot 6 and existing Lot 7) would not be replicated. Rather, if magically provided with an opportunity, the Borough of Oceanport would likely re-create / re-design / re-orient the 2 Lots into a conforming, or more conforming, arrangement (as opposed to what currently exists).

- Obviously, the Oceanport Planning Board recognizes that the Borough of Oceanport does not unilaterally have the lawful / magical ability to re-create / re-design / re-orientate the existing Lots.
- Based upon the information known to date, the Oceanport Planning Board recognizes that the existing Lots are lawfully created pre-existing non-conforming Lots – and, as such, the same have the right to continue to exist.
- Throughout the Public Hearing process, the Applicant's representatives had continuously advanced that the said Lots (i.e. existing Lot 6 and existing Lot 7) are existing Lots – and the Applicant's representatives are correct in such an argument.
- Respectfully, the Applicant's legal analysis essentially seems to conclude that because the existing Lots are existing undersized Lots, and no new Lots are being created per se, then, in that event, the within Application should be automatically approved, absent any further analysis. Respectfully, the Oceanport Planning Board finds that such a proposed analysis is flawed, inaccurate, overly simplistic, short-sighted, and unpersuasive.
- The mere fact that the existing Lots are undersized does not, in and of itself, justify the Lot Line Adjustment proposed by the Applicant.
- The mere fact that the existing Lots are undersized, and will continue to remain undersized, does not, in and of itself, justify the Lot Line Adjustment proposed by the Applicant.
- As referenced, existing Lot 6 is undersized (i.e. 5,714 SF exists; whereas a 12,000 SF Minimum Lot Area is otherwise required). Moreover, as referenced, existing Lot 7 is undersized as well (7,934 SF exists, whereas a 12,000 SF Minimum Lot Area is otherwise required). With the within proposal, the Applicant is proposing to add 714 SF to existing Lot 7 (and simultaneously subtract 714 SF from existing Lot 6). As a result, if approved, newly increased Lot 7 (to be identified as new Lot 6.02) will contain 8,649 SF, and newly decreased Lot 6 (to be identified as new Lot 6.01) will only contain 5,000 SF.
- The existence of undersized Lots, and the attempt to further reduce the size of an already existing undersized Lot, can adversely implicate many potential quality of life concerns.
- Quality of life concerns are important – and the Applicant's proposal to further reduce the size of an already significantly undersized Lot 6 will materially restrict the ability for such a Lot to host other potential standard amenities – such as, a shed, a deck, a walkway, a pool, a garden, a patio, functional yard areas, and the like.
- While one or even more the above-referenced amenities could potentially be placed on the to-be-further reduced and already undersized existing Lot 6 (proposed new Lot 6.01), lack of available space will seriously compromise the ability of the Lot to comfortably accommodate typical / customary / standard amenities, etc.

- The Prevailing Zoning Standards (including the Prevailing Lot Area Requirements) have been designed to allow all types of residents, on all different sizes of appropriately created Lots, to have sufficient space to comfortably and reasonably accommodate basic / standard quality of life concerns / needs / desires.
- The need / desire to create / maintain appropriately sized Lots (which can accommodate basic / standard amenities), applies to all residential Lots within the Borough, and applies to all households in the Borough, both large and small.
- The aforesaid concept (requiring sufficient space for all Lots) has become more important in the midst of the Coronavirus Pandemic, the Emergency Restrictions associated therewith, the recommendation to engage in social distancing, the need / recommendation to avoid large gatherings, and the need / desire / recommendation to spend more time within the confines of one's own house / property.
- Once purpose of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-2) references the goal of providing appropriate population densities which will contribute to the well-being of persons, neighborhoods, and communities. Respectfully, reducing the size of an already significantly undersized Lot from 5,714 SF to 5,000 SF (whereas 12,000 SF is otherwise required in the Zone) will not contribute to the well-being of persons, neighborhoods, and / or communities.
- One purpose of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-2) references the goal of providing sufficient space in appropriate locations for a variety of uses – including residential uses. Towards that end, the Board finds that reducing the size of an already significantly undersized Lot (from 5,714 SF to 5,000 SF) will not promote the goal of providing sufficient space for single-family residential use.
- In evaluating every single Zoning Application, the Board Members are called to consider the impact each Application will have on traditional zoning goals of providing sufficient air, space, and light. Respectfully, further reducing the size of an already undersized Lot (from 5,714 SF to 5,000 SF) (where 12,000 SF is otherwise required in the Zone) will not advance the traditional zoning goals of providing sufficient air, space, and light for a particular parcel.
- The Applicant's representatives essentially testified, or otherwise suggested, that there would be sufficient space associated with the new Lot 6.01 because occupants of the newly reduced Lot would have the ability to freely utilize or otherwise avail themselves to the adjacent Lots (because they are owned by the Applicant, and / or Agents thereof). The said argument is interesting and noteworthy but, respectfully, the same is not persuasive or compelling. Certainly, at some point in time, the Veltri Family, (or the Agents / Representatives thereof) will not necessarily own all of the adjacent parcels and, as such, the Applicant's subject reasoning, as aforesaid, cannot withstand zoning scrutiny (for, at some point in time, the Applicant, or agents thereof, may not necessarily own all 3 lots).
- The Board is aware that any approvals / Variance relief granted herein will be permanent and will run with the land, regardless of any change of ownership with respect to the subject Lot, or any of the surrounding Lots.

- As a forward-thinking entity, the Planning Board must consider the long-term and permanent nature of any approval, and the impact the same will have, or can have, in the coming years / decades.
- Reducing the size of an already significantly undersized Lot, as proposed herein (from 5,714 SF to 5,000 SF) does not seem productive, fruitful, sound, or beneficial.
- Reducing the size of an already significantly undersized Lot, as proposed herein (from 5,714 SF to 5,000 SF) does not advance principles of modern zoning.
- Reducing the size of an already significantly undersized Lot, as proposed herein (from 5,714 SF to 5,000 SF) does not seem beneficial for the site, the neighborhood, or the Borough of Oceanport as a whole.
- Reducing the size of an already significantly undersized Lot, as proposed herein (from 5,714 SF to 5,000 SF) would seem to promote the interests of new Lot 6.02 at the significant expense / detriment of proposed Lot 6.01 (and at the expense / detriment of the Borough).
- Reducing the size of an already significantly undersized Lot, as proposed herein (from 5,714 SF to 5,000 SF) will not advance the interests of the Borough of Oceanport, or the residents thereof.
- Approval of the within Application would significantly exacerbate the already deficient Lot Area associated with existing Lot 6.
- As indicated, the non-conforming Lot Area (which was going to become even 714 SF smaller) was a tremendous concern for many of the Board Members.
- The idea of converting a significantly undersized Lot 6 from a non-conforming 5,714 SF lot to an even more non-conforming 5,000 SF does not advance the interests of the subject property, the neighborhood, the community, or the Borough as a whole.
- There was no sufficiently compelling testimony presented regarding the impact a newly reduced 5,000 SF Lot would have on the surrounding community.
- There was no sufficiently compelling testimony presented, as to the existence of other 5,000 SF non-conforming Lot areas within the surrounding area.
- The concerns associated with a proposal to create a further reduced Lot size are concerns which, in the opinion of the Board Members, the Applicant did not sufficiently overcome.
- The Applicant's representatives testified that, at its heart, the within Application merely represents a simple request to transfer 714 SF from existing Lot 6 to existing Lot 7.
- Respectfully, the Board does not see the Application as simply as the Applicant's representatives see the Application.

- Rather, to the Board, the within Application represents an attempt to significantly reduce the size of an already significantly undersized Lot (by 714 SF). (That is, with the within proposal, the Applicant is proposing to reduce the size of existing Lot 6 from a non-conforming 5,714 SF to an even more non-conforming 5,000 SF.)
- Respectfully, the Applicant's representatives never seemed to fully grasp or appreciate the Board's concerns in the said regard (relative to an already significantly undersized Lot being further reduced in size).
- The Lot Area Variance, and the impact of the same, was very troubling for some Board Members, and a significant reason as to why the Application was denied.
- At the heart of the matter, the Board Members were required to determine if, based upon the testimony and evidence presented, the Applicant satisfied the Legal Standards associated with the requested Variance relief. For the reasons set forth on the record, and the reason set forth herein, the members of the Planning Board determined that the Applicant failed to satisfy the Prevailing Legal Standards associated with the requested Variance relief. As a result, the Board Members determined that approval of the subject Application was not warranted.
- In the context of the requested Variance relief, among other things, the Board Members determined that the within proposal does not represent a better overall design alternative for the Borough of Oceanport.
- The "better overall design alternative" argument was and is an important reason as to why the Board Members did not approve the Application.
- Clearly, from a design standpoint, the Planning Board would prefer that all Lots within the Borough of Oceanport satisfy the Prevailing Minimum Lot Area threshold, which, with respect to the R-3 Zone, is 12,000 SF.
- Notwithstanding the above, the Board Members recognize that the non-conforming Lot Area associated with existing Lot 6 and existing Lot 7 are pre-existing conditions. The Board recognizes the same and clearly recognizes that, as a matter of law, the existing conditions are allowed to continue to exist.
- While the Board recognizes that the non-conforming size of existing Lot 7 will be increased from 7,934 SF to 8,649 SF, the Board is also aware that the within Application will simultaneously reduce the size of already undersized existing Lot 6 from 5,714 SF to 5,000 SF.
- Solely improving the size of 1 undersized Lot (existing Lot 7) while simultaneously reducing the size of the already significantly undersized Lot 6 is not justified under the circumstances.
- Solely improving the size of 1 undersized Lot (existing Lot 7) while simultaneously reducing the size of the already significantly undersized Lot 6 is problematic.
- On more than one occasion during the Public Hearing process, Board Members expressed the basic concern about "making the larger Lot bigger while simultaneously making the smaller Lot smaller."

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- The aforesaid analysis (making the “larger Lot bigger and the smaller Lot smaller”) was troubling, and all voting Board Members expressed concern with regard to the same.
- The Applicant’s representatives testified, at length, about the fact that although newly reduced Lot 6 (proposed Lot 6.01) would be even more undersized than currently exists, the new home to be constructed on currently vacant Lot 6 (i.e. proposed Lot 6.01) will comply with all Prevailing Bulk Setback Requirements. Per the Plans, the said fact is true, and the same represents one positive reason in support of approval of the Application.
- However, the mere fact that the new home to be constructed on new Lot 6.01 will comply with the Prevailing Setback Requirements does not, in and of itself, justify approval of the requested Variance relief.
- It is agreed that the ability of the Applicant to comply with the Prevailing Bulk Setback Requirements (for the proposed new home) for new proposed Lot 6.01 is important and beneficial.
- The Prevailing Municipal Zoning Regulations do not speak to just the need for a structure to comply with Prevailing Bulk Setback Requirements.
- Compliance with the Bulk Setback Requirements for a new single-family home is important – but compliance with the Lot Area Requirement is important, the need for there to be sufficient space on the Lot is important, the ability of the Lot to accommodate basic / standard amenities is important, and the need to address / fulfill basic / standard quality of life concerns is important as well.
- Board Members recognize that in this modern day world, in the context of a single-family home, it would be typical for a homeowner to want / need such traditional / basic amenities as a garage, a shed, a deck, a walkway, functional yards, a pool, a garden, a patio, etc. and / or a combination of the same – and the same would not necessarily be reasonably possible on the existing 5,714 SF Lot, let alone on the proposed 5,000 SF Lot.
- The above-referenced space concerns are further exacerbated as a result of the non-conforming Lot Area (for both existing Lot 6 and existing Lot 7) as well as the non-conforming Lot Width and non-conforming Building Coverage.
- The above-referenced issues / concerns (regarding the nature of the existing and significantly undersized Lot), which is to be further reduced, caused an intense amount of concern for all Board Members.
- The concerns regarding the 714 SF reduction in the already undersized Lot 6 (proposed Lot 6.01) and the Applicant’s failure to address / over-come the said concerns, is where the Applicant’s legal arguments failed.
- The aforesaid Lot Area concerns, (and the Applicant’s inability to satisfy Prevailing Legal Standards associated therewith), compromise the viability of the Applicant’s overall proposal.

- The Applicant's arguments in support of reducing the size of an already undersized Lot are, respectfully, flawed.
- The Applicant's arguments in support of a request to further reduce the size of an already existing undersized Lot did not resonate with any of the voting Board Members.
- The Applicant's arguments in support of further reducing the size of an already existing undersized Lot is something which the Board Members could not agree / accept.
- The Applicant's arguments in support of further reducing the size of an already existing undersized Lot is something which the Planning Board Members could not endorse.
- The Applicant's arguments in support of further reducing the size of an already existing undersized Lot is something which is problematic for the Planning Board Members.
- As indicated, the minimum required Lot size in the R-3 Zone is 12,000 SF; and existing Lot 6 currently contains only 5,714 SF, which is less than 50% of the required minimum Lot Area. The Applicant herein is proposing to further reduce the size of existing Lot 6 (proposed Lot 6.01) to 5,000 SF, which is approximately 42% of the required minimum area. Such a reduction does not represent sound planning.
- A further reduction of an already significantly undersized Lot does not justify approval.
- As a result of the aforesaid concerns, and the Applicant's inability to satisfy Legal Standards associated therewith, the Board has determined that the Applicant has failed to meet his burden of proof.

The existing Lot straddling Garage

- Per the testimony and evidence presented, there is an existing detached garage on the site, which currently straddles the property line between existing Lot 6 and existing Lot 7. That is, the existing detached garage is partially located on existing Lot 6 and partially located on existing Lot 7.
- The Applicant's representatives testified that the Subdivision, as proposed, would allow the Lot Line to be adjusted so that the existing garage would be located entirely within the boundaries of new Lot 6.02 (existing Lot 7, as expanded).
- The Board recognizes the somewhat odd and unusual situation of an existing garage structure which straddles the lot line between 2 parcels, including special liability issues, special maintenance issues, special insurance issues, special aesthetic issues, special repair issues, etc.
- The Board furthermore recognizes that the existing garage location (which straddles both existing Lot 6 and existing Lot 7) is a pre-existing condition.

- The Applicant's representatives testified that approval of the subject Lot Line Adjustment Application will allow the existing garage structure to be located entirely within the boundaries of new Lot 6.02 (existing Lot 7, as extended).
- The Board Members can understand and appreciate the Applicant's concerns / preferences with reference to the existing Lot-straddling garage.
- However, the Applicant's concerns / preferences, as referenced above (with respect to the existing lot-straddling garage) though understandable, do not justify significantly reducing the size of the already non-compliant Lot 6 (from 5,714 SF to 5,000 SF).
- The Board finds that the benefits of having the lot lines readjusted so that the existing lot-straddling garage can be located entirely within the boundaries of new Lot 6.02 (existing Lot 7) do not outweigh the detriments otherwise associated with the proposal.
- While adjusting the lot lines (so that the existing lot-straddling garage can be located entirely on one Lot) is beneficial for the property owner / Applicant, there is no corresponding public benefit associated with such a proposal.
- The detrimental impact of reducing the size of already significantly undersized Lot 6 (by 714 SF) far outweighs any benefits associated with the proposal.
- The Board notes, parenthetically, that the Applicant is not entitled to have the existing home / garage / property utilized in the most profitable, convenient, or preferred fashion.
- Some Board Members also have some concerns with regard the Applicant's relatively recent actions relative to the existing garage structure. Specifically, there was testimony suggesting that the Applicant fairly recently performed renovation work on the garage without having obtained any permits / approvals in connection therewith.
- The Board notes that no work should be performed on any building / structure on the site or any site, without first having obtained any necessary permits in connection therewith.
- If permits should have been obtained for the work performed on the garage, and such permits were not obtained, the Applicant will need to deal with any potentially adverse consequences associated therewith, if any.
- The Oceanport Planning Board is not a penal entity, and any potential enforcement action, if any, will need to be handled by the Municipal Code Enforcement Office, or any other Agent thereof.
- As referenced, the Oceanport Planning Board has no explicit enforcement authority and, the Applicant and the Borough will need to process any potential issues / disputes associated therewith, if any.
- The existence of any potential garage permitting issues is not related to the Board's decision to deny the within Subdivision Application.

- That notwithstanding, some Board Members did, parenthetically, question why the Applicant would arrange for work to be completed on the Lot-straddling garage before the subject Subdivision Application was adjudicated (for such an approach did not seem to make logical, financial, practical, or economic sense).
- Some Board Members also questioned why the Applicant wouldn't just consider relocating the existing garage so that the same was entirely within the boundary of existing Lot 7. The Applicant's representatives did not appear to have a sufficient response to such a concern.
- The Board also notes that the Applicant is not required / obligated to relocate the garage. Rather, the Applicant is absolutely entitled to submit any Land Use Board Application which the Applicant so desires – and, as such, the Applicant is authorized to prosecute / pursue / process any such Application (although clearly, there is no obligation for the Planning Board to approve any submitted Application).
- The potential relocation of the existing Lot-straddling garage is not, under the circumstances, a sufficiently recognized basis to justify the significant reduction in the size of an already significantly undersized Lot.
- The potential relocation of the existing Lot-straddling garage on the site, is not, under the circumstances, a reason to significantly reduce the size of the already existing undersized Lot.

Development Alternatives / Options

- The Public Hearing and the within Resolution recite many reasons as to why the Board determined that the Applicant was not entitled to the relief sought.
- At the conclusion of the Public Hearing process, some Board representatives politely advised / recounted as to the nature of some of the Board concerns associated with the extraordinary Variance relief requested herein. Some Board Members suggested that there were other potential development options / alternatives which likely existed which could help make the Applicant's proposal more conforming, more capable of addressing Board concerns, and more capable of obtaining approval. The Applicant's representatives emphatically rejected such suggestions (relative to a request for potentially less intense relief) – and, in turn, emphatically advised that the Applicant was only interested in pursuing, and obtaining approval for, the Application which was submitted.
- There is no requirement / obligation for the Board Members to attempt to suggest the submission of a less intense Application – and the same was only submitted / offered in the spirit of good-faith.
- Likewise, there is no obligation for the Applicant's representatives to consider, submit, prosecute, process, or pursue any other development options / alternatives. That is, the Applicant is well within his rights to only pursue the Application as specifically chosen / preferred by the Applicant.

- In the within situation, there is no issue that the Applicant did not accept the Board's subtle suggestion to consider a less intense / more conforming proposal.
- That notwithstanding, regardless of the nature of any particular Application which is pursued, as is always the case, the Applicant has the burden of proving his case. Moreover, the failure of the Applicant to satisfy the burden of proof associated with any submitted Application will typically result in a denial of the Application, and such is the case herein.
- For all the reasons set forth herein, the Board finds that the Applicant did not satisfy the rigorous Legal Standards associated with the extraordinary relief requested and, as a result, the Board has decided to deny the subject Application.

Airbnb

- During the Public Hearing process, some questions arose as to whether the existing or former homes at the site were previously utilized / occupied on a short term rental basis pursuant to some type of Airbnb or other similar program (in presumed violation of Prevailing Zoning Regulations).
- The Applicant's representatives testified that the existing / formerly existing homes were not so occupied; rather, the Applicant testified that the subject homes were only occupied by family members and friends.
- Respectfully, there seem to be some conflicting testimony in the said regard, and perhaps even some testimony which may have been less than forthcoming.
- That notwithstanding, the Oceanport Planning Board has no authority over any prior, existing, or future zoning violations at the site.
- If the Applicant is using / renting the property in violation of the Borough's Prevailing Zoning / Use Regulations, then, in that event, the same will be an issue for the Applicant and the Borough of Oceanport, but the said issue is not material to the Applicant's within request for Subdivision and associated Variance relief.
- The potential issues / questions / concerns about the short-term rental use at the Applicant's various properties are not a reason as to why the within Application was denied. Rather, as extensively referenced herein, the Application was denied because of the Lot Area Variance concerns (and other Variance concerns) associated with the Applicant's inability to satisfy Prevailing Zoning Standards.

Garage Setback

- As indicated, there is an existing detached garage located on the site, which straddles the property line of existing Lot 6 and existing Lot 7.
- The said garage has a non-conforming Side Yard Setback of only 1.67 ft.
- The existing garage also has a non-conforming Rear Setback of only 3.59 ft.
- The relocation of the Lot Line, as proposed herein, would necessitate Variance relief (for the Side Yard and the Rear Yard).

- The Board recognizes that the existing detached garage exists, (and that the same currently straddles the Lot Line between existing Lot 6 and existing Lot 7).
- The Board recognizes that the garage will not be relocated if the Application were approved – rather, the Board recognizes that the subject Lot Lines would merely be readjusted so that the existing garage would be exclusively confined to the boundaries of new Lot 6.02.
- The Board recognizes that the non-conforming setbacks associated with the garage are, essentially, existing conditions, which are not really being exacerbated herein.
- While the non-compliant 1.67 and non-compliant 3.59 garage setbacks are not ideal, the Board recognizes that approval of the within Application would not otherwise exacerbate the essentially existing conditions. Thus, the existence of the non-conforming Garage Side Yard Setback and non-conforming Garage Rear Yard Setback are not, in and of themselves, reasons as to why the subject Application has been denied. Rather, as extensively indicated herein, the Board Members have decided to deny the Application as a result of the adverse zoning and planning consequences associated with the further reduction in the size of an already existing undersized Lot.
- Additionally, as presented, if approved, the garage for existing Lot 7 (proposed Lot 6.02) would be located in a functional front yard area.
- Likewise, if approved, the proposed Lot 6.01 would have a garage accessory structure right along the property line – which does not necessarily represent sound planning.
- The juxtaposition of the existing Lots, and the nature / existence of the Lot straddling the garage complicate the within Application.

Easement

- As referenced, existing Lot 6 and existing Lot 7 are contiguous to each other. Additionally, as referenced, existing Lot 7 does not have frontage along the public street. Rather, access from existing Lot 7 (to Pocono Avenue) is through the use of an Easement over a portion of existing Lot 6.
- The existence of Lot 7 (with no frontage on a public street), in addition to the significantly undersized nature of the existing Lots, further complicates the ability of the Applicant to satisfy the requisite legal standards / burdens.
- During the first Public Hearing, there appeared to be some potential inconsistencies between the testimony / plans / evidence presented in connection with the Easement arrangement. Specifically, there were questions as to whether the existing Easement was to be discharged / cancelled, widened, reduced, or replaced. Moreover, respectfully, there was no clear testimony as to what the proposed Easement modifications would be, nor was there reasons justifying as to why there needed to be any modification to the existing Easement arrangements.

- Some Board Members were concerned about the proposed Easement change, the need for the same, the reasons for the same, the bases for the same, and the practical effect / impact of the same.
- Given the uncertainties associated with the Easement, as aforesaid, the Applicant agreed to adjourn the Application so that additional Easement information could be obtained and presented.
- Prior to the next Hearing, the Applicant submitted additional information relative to the Easements.
- The information presented at the 2nd Public Hearing suggested that the existing Easement would be replaced with a new Easement. The Board Engineer, and other Board representatives, expressed potential concern, in that the existing Easement is not just an access Easement for existing Lot 7 to access Pocono Avenue, but also an Easement by which existing Lot 6 can access the river. Respectfully, the Applicant's representatives did not sufficiently address the Board questions / concerns in the said regard.

Bulk Variance Relief

- The Application as submitted, and amended, required approval for several Bulk Variances, including, the following:

PROPOSED NEW LOT 6.01:

LOT AREA: 12,000 SF required; whereas 5,000 SF proposed;

LOT WIDTH: 120 ft. required; whereas 50 ft. exists, which is an existing condition;

PROPOSED NEW LOT 6.02:

LOT AREA: 12,000 SF required; whereas 8,649 SF proposed;

LOT WIDTH: 120 ft. required; whereas 50 ft. exists, which is an existing condition;

SIDE YARD SETBACK (FOR THE PRINCIPAL STRUCTURE):
10 ft. required; whereas 6.30 ft. exists, which is an existing condition;

LOT COVERAGE: 37% allowed; whereas 41% proposed;

ACCESSORY STRUCTURE SIDE YARD SETBACK: 10 ft. required;
whereas 1.67 ft. exists, which is an existing condition;

ACCESSORY STRUCTURE (GARAGE) REAR YARD SETBACK: 5 ft.
required; whereas 3.59 ft. exists, which is an existing condition;

ACCESSORY BUILDING COVERAGE: Maximum 5% allowed;
whereas 6.1% proposed;

- Respectfully, the Applicant's representatives did not provide sufficient testimony justifying deviation from the Prevailing Zoning Standards.

Miscellaneous

- Respectfully, the Applicant's representatives submitted as strong and as compelling an argument as they could possibly make (with respect to the further reduction of an already significantly undersized Lot).
- The arguments of the Applicant's professional representatives were clear, cogent, and appropriately articulated. However, based upon the circumstances, the reasons set forth herein, and set forth during the Public Hearing process, the concept of further reducing the size of an already significantly undersized Lot did not resonate with any Board Members.
- The Applicant's professionals were appropriately qualified, and their qualifications / credentials were announced into the Record, and accepted. The credibility and qualifications of the Applicant's professional witnesses are beyond reproach.
- In many, but not necessarily all respects, the Applicant's team offered organized arguments as to why they thought the Applicant was entitled to the relief sought. The within denial is not a criticism of the qualifications of the Applicant's professional representatives. Nor is the within denial based upon the inability of the Board to clearly understand the Applicant's arguments. The Applicant's arguments, and reasons in support of the Application were presented, understood, and analyzed. However, quite simply, the Board Members did not buy into the Applicant's arguments. Respectfully, contrary to the arguments of the Applicant's professional team, in the within situation, Board Members did not view the significant reduction of an already undersized Lot as a better overall zoning alternative for the Borough of Oceanport.
- Prevailing New Jersey Case Law is quite clear that, when appropriate, a Board can reject all or a portion of the professional testimony of the Applicant's representatives. Respectfully, in the within situation, the Board has chosen to reject a portion of the arguments of the Applicant's professional development team (particularly as the same relates to the alleged benefits associated with the further reduction in the size of an already significantly undersized Lot).
- Despite the 2 Public Hearings, and the quality of the Applicant's professional witnesses, the Applicant's development team was not able to convince even 1 Board Member as to the overall merits of the within Application. (The Application was unanimously denied by all Board Members.)
- The Board is aware that Prevailing New Jersey Case Law recognizes the significance of situations where not even 1 Board Member votes to approve an Application.

- The Board's unanimous denial of the within Application is further proof as to the clear detrimental impact associated with the requested Variance relief.
- For all the reasons set forth herein, the Board finds that the Applicant did not satisfy the Prevailing Subdivision / Variance Standards.
- The Board respectfully submits that the subject site could also be renovated / upgraded / improved in a fashion which conforms, or more closely conforms, with the Prevailing Zoning Regulations.
- Approval of the proposed Lot sizes will impair the intent and purposes of the Borough's Master Plan.
- Given the nature of the surrounding uses, and the impact of the proposal, the proposed to-be-reduced Lot Size is not appropriate for the development site.
- The subject site cannot sufficiently accommodate the Lot Line Adjustment proposed herein.
- Approval of the within Application will impair the character of the existing area.
- The non-conforming Lot Area will have a negative impact on adjoining properties.
- Development of the site as proposed herein, with a significantly reduced and non-conforming Lot Area will compromise the spirit, intent, and integrity of the Borough's Master Plan / Zoning Ordinances.
- There is nothing sufficiently unique about the subject properties which would justify a further reduction in the size of the already existing undersized Lot, and the adverse by-products associated therewith.
- The Board Members recognize the resources the Applicant's representatives have contributed towards the Application over the last year. Unfortunately, however, the Board cannot consider such economic factors as a basis for approving an Application which requires such extraordinary relief.
- The Application as presented does not represent a better overall Zoning alternative for the Borough of Oceanport and / or the residents thereof.
- Among other things, the Applicant's representatives did not provide sufficient testimony / information as to the nature / existence of similar non-conforming Lot Areas in the vicinity of the development site – and, in the absence of the same, the Board Members were not inclined to approve the Application.
- The Applicant's representatives did not provide sufficient testimony / evidence to justify the significant Lot Area relief requested herein.
- The Lot Area deficiency proposed herein (for Lot 6.01) will have a detrimental impact on the quality of life for the residents of the subject Lot and for the residents of the Borough of Oceanport.

- Compliance with Prevailing / existing Lot Area Requirements is one way in which a Municipality can ensure that a particular development site does not overpower or over-burden a particular neighborhood. With respect to the significantly undersized Lot Areas proposed herein, the Board is of the opinion that the Applicant's proposal will, in fact, overpower and adversely change the neighborhood.
- Over the course of the Hearing process, the Board Members engaged in a civil and good faith debate as to the merits and detriments of the Applicant's overall proposal. After weighing the positive and negative factors referenced above, and after analyzing / weighing all of the testimony and evidence presented during the public hearing process, the Board Members were not persuaded / convinced to approve the Application.
- The Board finds that the subject site cannot reasonably or comfortably accommodate the Applicant's proposal.
- The Board is aware that good sound planning should be consistent with, and stem from, the Prevailing Zoning Regulations.
- The Board recognizes that, in the absence of compelling circumstances, Zoning should occur by Ordinance, and not by Variance.
- For the reasons set forth herein, approval of the within Application is not consistent with the Borough's Master Plan.
- One of the purposes of the New Jersey Municipal Land Use Law (N.J.S.A. 40:55D-2) is to promote the establishment of appropriate population densities which will contribute to the well-being persons, neighborhoods, and communities. For the reasons set forth herein, and because of the significant reduction in the size of an already undersized Lot, the Board is of the opinion that approval of the within Application will not advance or promote such a purpose.
- One of the purposes of the N.J. Municipal Land Use Law is "to promote sufficient space in appropriate locations for a variety of uses...", including residential uses. The Board notes that the within Application does not advance such a purpose, as there is not sufficient space proposed for Lot 6.01.
- For all of the reasons set forth herein, and during the public hearing process, the Applicant's proposal is not fundamentally sound from a planning perspective.
- As indicated in New Jersey Law, there is a strong Legislative Policy favoring Land Use Planning by Zoning Ordinance rather than by Variance. As a result, the granting of Variance relief must always be the exception rather than the rule. In the within matter, the Applicant's representatives did not provide sufficient testimony justifying the grant of the extraordinary relief requested herein.
- Under New Jersey Law, it is the Applicant's burden to demonstrate sufficient reasons justifying the Variance relief - and in the within case, the Applicant has failed to meet his burden.

- The Applicant is not automatically entitled to have his property utilized for the most profitable / convenient use – particularly when the proposed use does not comply with the Prevailing Zoning Regulations.
- The development site does not contain exceptional topographic conditions or physical features which would warrant granting the extraordinary relief requested herein.
- There are no extraordinary or exceptional situations uniquely affecting the development site which would warrant the relief requested herein.
- The Applicant did not prove that the purposes of the Municipal Land Use Law would be advanced by approving the within Application; rather, the within Application (representing a request to significantly reduce the size of an already non-conforming parcel) specifically detracts from the purposes of the Municipal Land Use Law in that such development would not promote the general welfare, would not provide sufficient area for residential uses, and would not provide a desirable visual environment through creative development techniques.
- Some members of the Board were of the opinion that approval of the within application would have, or could have, a significant and detrimental impact on adjoining properties.

Based upon the above, and for other reasons set forth during the Public Hearing Process, the Board is of the unanimous opinion that the subject Application is hereby **denied**.

NOTE: The aforesaid section headings are for informational purposes only and have no legal significance. That is, the same do not represent the only issues advanced / discussed / reviewed by the Applicant, the Public, or the Board – and are only submitted to facilitate the review process associated with the within Resolution.

PR-22-13

04-12-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on March 22, 2022 on roll call that evening by the following vote for DENIAL of the application:

Offered by: _____

Seconded by: _____

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 _____, 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.	()	()	()	()	()
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 April 12, 2022.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 22-14

9.2

Meeting: 04/12/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2383

Resolution of Approval - 38 Oneida Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF JOSEPH DE LUCA
38 ONEIDA AVENUE, BLOCK 34, LOT 2
APPROVED MARCH 22, 2022
MEMORIALIZED APRIL 12, 2022**

Introduction

WHEREAS, Joseph DeLuca has made Application to the Oceanport Planning Board for the property designated as Block 34, Lot 2, commonly known as 38 Oneida Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to install a pool at the site.

Public Hearing

WHEREAS, the Board held a Public Hearing on March 22, 2022, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

Evidence / Exhibits

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

- *Planning Board Application, introduced into Evidence as A-1;*
- *Pool Permit Plot Plan, prepared by Morgan Engineering and Surveying, LLC, last revised March 9, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Boundary and partial Topographic Survey, prepared by Morgan Engineering and Surveying, LLC, dated December 6, 2021, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Colliers Engineering & Design Review Memorandum, dated March 11, 2022, introduced into Evidence A-4;*
- *Affidavit of Service;*

- *Affidavit of Publication.*

Witnesses

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

- Joseph DeLuca, Applicant, appearing pro se;
- Melissa DeLuca, the Applicant's spouse;

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

Testimony and Other Evidence Presented on Behalf of the Applicant

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

- The Applicants is the owner of the subject property.
- The Applicant has owned the subject property for approximately 2 years.
- There is an existing single-family home on the site.
- The Applicant lives at the site.
- The Applicant proposes to install a pool at the site.
- Details pertaining to the proposed pool include the following:

Type of Pool:	In-ground Pool
Size of Pool:	Approximately 16.5 ft. x approximately 25 ft. (@413 SF)
Location:	Southeast portion of property (per plans)
Pool Equipment:	Standard pool equipment, including a pump, filter, and heater.
Pool Equipment Location:	The pool equipment will be located adjacent to the pool (behind the home) (per Plans).
Patio surrounding pool details:	There will be a patio with a 4 ft. apron on 3 sides of the pool. The northern side of the pool will have a 10 ft. patio apron.

- The Applicant anticipates having the pool installed in the very near future.

Variance Relief

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

*IMPERVIOUS COVERAGE: Maximum 37% allowed:
whereas 49.5% proposed.*

Public Comments

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

- Dr. Barton Halpern

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 38 Oneida Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The site contains an existing single-family dwelling, which is a permitted use in the zone.
4. The Applicant is proposing to install a pool at the site.
5. Such a proposal requires Bulk Variance Approval.
6. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.

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

- The existing single-family home is a permitted use in the Zone.
- The proposed pool is a permitted accessory use in the zone.
- As indicated, the Application requires approval for an Impervious Coverage Variance.
- The Board is sensitive to Impervious Coverage relief, and the rigorous Variance standards associated therewith. Moreover, the Board has reviewed the requested relief in accordance with Prevailing Variance Standards.
- A neighboring property owner attended the Hearing and expressed concerns regarding the existing drainage issues at the site, and potential exacerbation of drainage issues if the pool application were approved.
- The Board Members understood, appreciated, and respected the neighboring owner's drainage-related questions / concerns.
- The aforesaid drainage-related questions and concerns constitute a valid concern for the affected neighbor, and all residents of the Borough of Oceanport.
- The Board Members and the Board Representatives carefully reviewed the matter so as to have a better understanding of the nature of the existing and proposed drainage patterns at the site.
- The Board Members also extensively reviewed the matter so that they could confirm that if the Application were approved, there would be a positive drainage impact associated with the same
- Based upon the testimony and information presented, and after extensive review, the Board finds that, subject to the conditions set forth herein, the within Application (Lot Coverage Variance) can be granted without having an adverse drainage impact on the adjacent property owner.
- Initially, the Board notes that the subject area of town is subject to tidally influenced flooding, which will not be impacted by the amount of pervious / impervious coverage on the subject property.
- The Board Members recognize that although drainage is a very important consideration, the Applicant herein, like any other Applicant, is not responsible for improving drainage within the entire Borough of Oceanport. However, the Board Members do recognize that the Applicant herein, like all Applicants, cannot effectuate development at the site which will detrimentally affect drainage on another property.

- The Board Members went to great lengths to extensively review the matter so as to determine what conditions would need to be imposed, or could be imposed, if any, so as to prevent any adverse drainage impacts associated with the within approval.
- After extensive review and discussion, the Board Members decided to impose the following conditions related to the grading and drainage concerns:
 - The inclusion of a pop-out surface drain / bubbler system, to be located in the front portion of the Applicant's property contained entirely within the Applicant's yard (and not within the Municipal Right-Of-Way). Moreover, the Applicant shall use solid pipes as opposed to perforated pipes so as to further ensure that the water at the site drains from the backyard to the front.
 - Confirmation that the trench shall be extended.
 - The inclusion of downspouts in the front of the property.
 - The planting of landscaping across the front yard.
 - The inclusion of a solid fence along the Port-Au-Peck Avenue property line.
- The Applicant agreed, on the record, to the imposition of the aforesaid conditions.
- The Board finds that compliance with the aforesaid conditions will further ensure that there is no adverse drainage impact associated with the Applicant's proposal.
- Per the testimony and evidence presented, there are other existing pools in the neighborhood and thus, the installation of a pool at the site will be consistent with the character of development in the area.
- The Applicant considered a number of potential host locations for the pool, and the proposed location is the most appropriate / desirable.
- The pool complies with all Prevailing Setback Requirements.
- The Application as presented requires approval for an Impervious Coverage Variance. The relevant calculations in the said regard include the following:

Maximum allowable impervious coverage	37%
Existing impervious coverage:	40.7%
Proposed impervious coverage:	49.5%

- The Applicant testified that the existing drainage system / pattern at the site works quite well – thereby providing further justification for the required Variance relief (in conjunction with the conditions set forth herein).
- The Applicant provided sufficient testimony in support of the Application, and the requested relief.
- Subject to the conditions set forth herein, the grading and drainage testimony / plans / information presented satisfied the technical concerns of the Board Engineer.
- Per the testimony and evidence presented, and subject to the conditions contained herein, there will be no adverse drainage impacts associated with the within approval.
- Subject to the conditions set forth herein, the subject site can accommodate the Applicant's proposal.
- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the pool setbacks/location approved herein.
- Per the testimony and evidence presented, the installation of the pool approved herein will not compromise the health and safety of the occupants.
- There will be no adverse lighting associated with the placement of the pool in the desired location.
- The pool will be shielded by shrubbery and / or fencing, further ensuring that the proposed installation will not have an adverse impact on adjacent property owners.
- The pool will be appropriately shielded with landscaping/fencing.
- Additionally, notwithstanding the Impervious Variance relief, the Board notes that the location of the proposed pool/patio is practical, appropriate, and aesthetically pleasing.
- The proposed pool will be attractive, aesthetically pleasing, and upscale, in accordance with prevailing community standards.
- The Board notes that the proposed pool will not be readily seen from the public road.
- Approval of the within Application will enhance/improve the quality of life for the Applicant.
- The to-be installed pool is specifically designed for residential use.

- Approval of the within Application will not intensify the existing and to-be-continued single-family nature of the home/site.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the pool will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfied the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance).

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

Conditions

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

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit

- c. The grading and drainage details shall be submitted to, reviewed by, and approved by the Board Engineer.
- d. The Applicant shall comply with the Prevailing Pool Lighting Requirements as set forth in the Municipal Ordinance.
- e. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - Per the on-the-record discussion during the Public Hearing process, and per the agreement between the Applicant and a neighboring property owner, the Applicant shall arrange for seagrass to be planted (along the Port-Au-Peck Avenue property line). The said seagrass shall be planted every 2 ft. along the said property line. Additionally, the said seagrass shall be replaced and replanted, as necessary so that the same permanently minimizes any adverse impacts otherwise associated with the within approval.
 - The inclusion of low wattage-downward lighting in the pool area.
 - The inclusion of a pop-out surface drain / bubbler system, to be located in the front portion of the Applicant's property, contained entirely within the Applicant's yard (and not within the Municipal Right-Of-Way). The details shall be reviewed and approved by the Board Engineer. Moreover, the Applicant shall use solid pipes as opposed to perforated pipes so as to further ensure that the water at the site drains from the backyard to the front.
 - Confirmation that the trench shall be extended.
 - The inclusion of downspouts in the front of the property, to be connected to the system, (the details of which shall be reviewed and approved by the Board Engineer).
 - The planting of landscaping across the front yard (the details of which shall be reviewed and approved by the Board Engineer).
 - The inclusion of a solid fence along the Port-Au-Peck Avenue property line.
- f. The Applicant shall perpetually maintain, replace, and replant the landscaping as necessary, so as to perpetually minimize any adverse impacts otherwise associated with the non-conforming Lot Coverage.
- g. The Applicant shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated 3/11/22 (A-4).

- h. There shall be no adverse drainage impact on the adjoining properties.
- i. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- j. The Applicant shall arrange for the pool to be fenced in accordance with Prevailing Building / Construction Code Requirements (including, but not limited to, gate modifications, fence location, etc.)
- k. The Applicant shall ensure that the location / elevation of the pool equipment shall comply with prevailing construction department regulations (regarding base flood elevation).
- l. The Applicant shall ensure that lighting associated with the proposed improvement does not adversely spill over on to adjacent properties.
- m. The installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with Prevailing Provisions of the Uniform Construction Code.
- n. 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.
- o. 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.
- p. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

Summary of Variance Relief Granted

The Board herein has granted an Impervious Coverage Variance:

Maximum 37% allowed; whereas 49.5% approved.

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

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

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

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

PR-22-14

04-12-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on March 22, 2022 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

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 _____, 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.	()	()	()	()	()
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 April 12, 2022.

Jeanne Smith, Secretary

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



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2314)

Meeting: 04/12/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2314

PB2022-03 Dalton, Edward

23 Ithaca Avenue
Block 29, Lot 12

Proposed installation of in-ground pool seeking relief for:
Maximum Impervious Coverage - 37% permitted; 42.0% existing; 51.5% proposed
CARRIED from March 22, 2022

HISTORY:

03/08/22 Planning/Zoning Board

Chairman Whitson stated for the record that the notice was found deficient and the application was re-scheduled for the March 22, 2022 meeting with new notices to be served.

03/22/22 Planning/Zoning Board

23 Ithaca Avenue
Block 29, Lot 12

Proposed installation of in-ground pool seeking relief for:
Maximum Impervious Coverage - 37% permitted; 42.0% existing; 51.5% proposed

EXHIBITS:

- A-1 Land Development Application
- A-2 "Survey of Property," prepared by Charles Surmonte P.E. & P.L.S., dated June 23, 2021,
- A-3 "Pool Variance Plan," prepared by R.C. Burdick, P.E., P.P., P.C. dated November 16, 2021
- A-4 Colliers Engineering Review Letter dated February 22, 2022

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



April 8, 2022

VIA EMAIL

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

23 Ithaca Avenue – Bulk Variance
Block 29, Lot 12
Application No. PB2022-03
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0316

Dear Board Members,

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

- Plan entitled "Survey of Property," prepared by Charles Surmonte P.E. & P.L.S., dated June 23, 2021, consisting of one (1) sheet.
- Plan entitled "Pool Variance Plan," prepared by R.C. Burdick, P.E., P.P., P.C. last revised March 24, 2022, consisting of one (1) sheet.

The subject property is a 15,000 SF (0.344-acre) parcel on the north side of Ithaca Avenue approximately 270 feet east of the intersection with Port au Peck Avenue. The subject is in the R-3 Residential Zone. The Applicant proposes to install a pool in the rear yard.

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

A. Variances/Design Waivers

1. Maximum Impervious Coverage – 37% permitted; 41.0% existing; 49.8% proposed. A Bulk Variance is required.

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

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

B. General Comments

1. The pool equipment shall be at or above elevation 12.4.
2. Pool fencing shall comply with the requirements of 390-30H.

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

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

Sincerely,

Colliers Engineering & Design



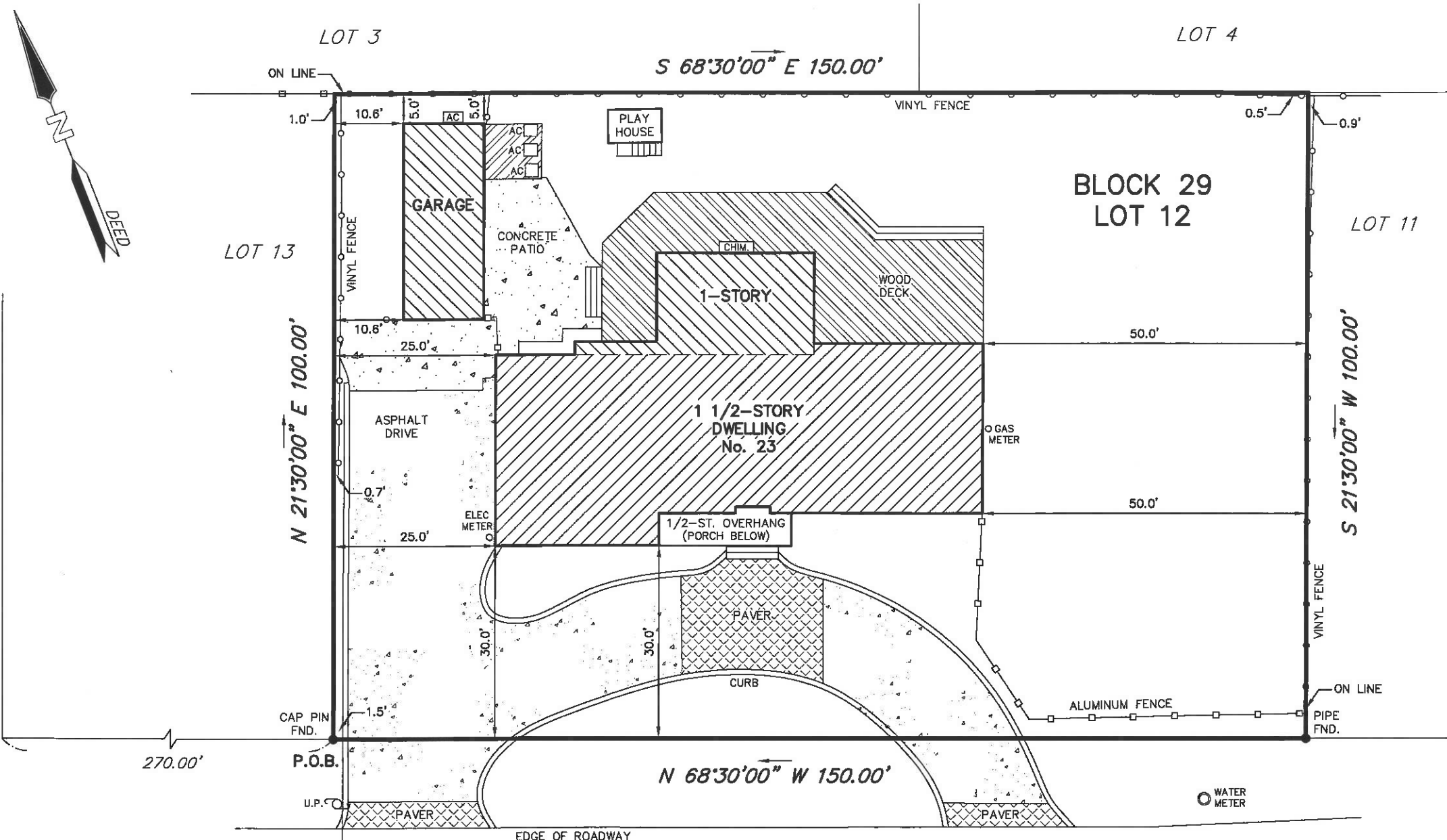
William H.R. White, III, PE, PP, CME, CFM, CPWM
 Planning Board Engineer and Planner

WHW/dmm

cc: Edward Dalton (via email)
 Kevin Kennedy, Esq. (via email)

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PORT-AU-PECK AVENUE
(75' R.O.W.)



THIS SURVEY IS CERTIFIED TO:

- LUCIA BANDUCI and EDWARD DALTON
- FIDELITY NATIONAL TITLE INSURANCE COMPANY
- FOUNDATION TITLE, LLC - EATONTOWN (315-175474)
- WELLS FARGO BANK N.A., Its Successors And/Or Assigns
- GELSON, D'APOLITO and CURTIS, LLC
- PAUL N., D'APOLITO, ESQUIRE

DEED DESCRIPTION:

KNOWN AND DESIGNATED AS LOTS 19, 21, 23, 25 & 27 IN BLOCK 29 AS SHOWN ON A MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS - PORTAUPECK - MONMOUTH CO., N.J." WHICH MAP WAS FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON NOVEMBER 11, 1920 AS CASE No. 23-6.

NOTES:

1. ALSO KNOWN AS LOT 12 IN BLOCK 29 AS SHOWN ON THE OFFICIAL TAX MAPS OF THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY, SHEET No. 6.
2. UNDERGROUND UTILITIES NOT LOCATED BY THIS SURVEY.
3. A WRITTEN WAIVER AND DIRECTION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO P.L. 2003, c.14 (N.J.S.A. 45:8-36.3) AND N.J.A.C. 13:40-5.1(d).

NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY. THIS SURVEY IS SUBJECT TO CONDITIONS WHICH MIGHT BE DISCLOSED BY AN ACCURATE TITLE SEARCH. OFFSETS AS SHOWN HEREON ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES.

ITHACA AVENUE
(50' R.O.W.)

SURVEY OF PROPERTY

23 ITHACA AVENUE
LOT 12 BLOCK 29

BOROUGH OF OCEANPORT

MONMOUTH COUNTY

NEW JERSEY

Charles Surmonte P.E. & P.L.S.
New Jersey Professional Engineer and Land Surveyor
License No. 35885

301 Main Street, 2nd Floor
Allenhurst, New Jersey, 07711
Phone 732-660-0606
Fax 732-660-0404

PROJECT No.

21-725

DATE:

06-23-21

SCALE:

1"=20'

SHEET:

1 OF 1



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2309)

10.1

Meeting: 04/12/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2309

PB2022-01 199 Comanche, LLC

199 Comanche Drive

Block 40, Lot 13

Construction of single family dwelling seeking relief for:

Average Front yard setback: 200.3' required, 70' proposed

Accessory Side yard setback: 10' minimum, 1.66' proposed.

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



February 16, 2022

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
910 Oceanport Way
Oceanport, New Jersey 07757

199 Comanche Drive
Block 40, Lot 13
PB2022-01
Bulk Variances
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0314

Dear Board Members,

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

- Plans entitled "Variance Plans", prepared by Winters Design LLC, last revised November 16, 2021 and consisting of one (1) sheet;
- Plan entitled "Boundary and Topographic Survey", prepared by Insite Surveying, last revised August 12, 2021 and consisting of one (1) sheet.
- Plan entitled "Plot Plan", prepared by Insite Engineering and Surveying, last revised November 1, 2021 and consisting of one (1) sheet.

The subject property is situated in the R-3 – Residential Single-Family Zone District and contains 18,450 SF (0.424 acres) on the east side for Comanche Drive opposite of the intersection with Ithaca Avenue. The Applicant proposes to demolish an existing garage and construct a pool and detached three-car garage with storage area.

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

Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Maximum Impervious Coverage: 37% permitted, 40.6% existing, 39.96% proposed.
 - b. In accordance with Ordinance Section 390-17.C., no accessory structures are permitted in the front yard. The Applicant is proposing to construct a three-car, one-story garage in the front yard of the property with a setback 70' from Comanche Drive. The existing dwelling is 266.1 from the right of way.
 - c. Minimum Side Yard Setback, Accessory Structure: 10 feet required, 1.66 feet proposed from northern side yard.

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

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

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

General Comments

1. The Applicant shall clarify what utilities will be provided for the garage and the proposed use of the storage bay. No habitable area is permitted in the garage. It can only be used for storage and parking. The Board should consider requiring a deed restriction.

2. The pool equipment location shall be shown on the plans.
3. The Base Flood Elevation is 10.0; all pool equipment shall be at this elevation or higher.
4. The Applicant shall clarify the surface treatment between the pool and driveway.

Additional Agency Approvals

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

1. Freehold Soil Conservation District

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

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

Sincerely,

Colliers Engineering & Design, Inc.
(DBA Maser Consulting)

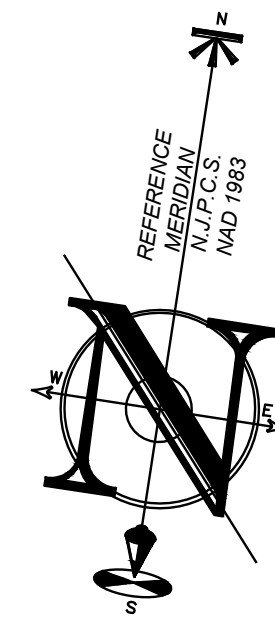


William H.R. White, III, PE, PP, CME, CFM, CPWM
Planning Board Engineer and Planner

WHW/dmm

cc: Kevin Kennedy, Esq. (via email)
Jennifer Krimko, Esq. (via email)
Douglas Clelland, PE (via email)

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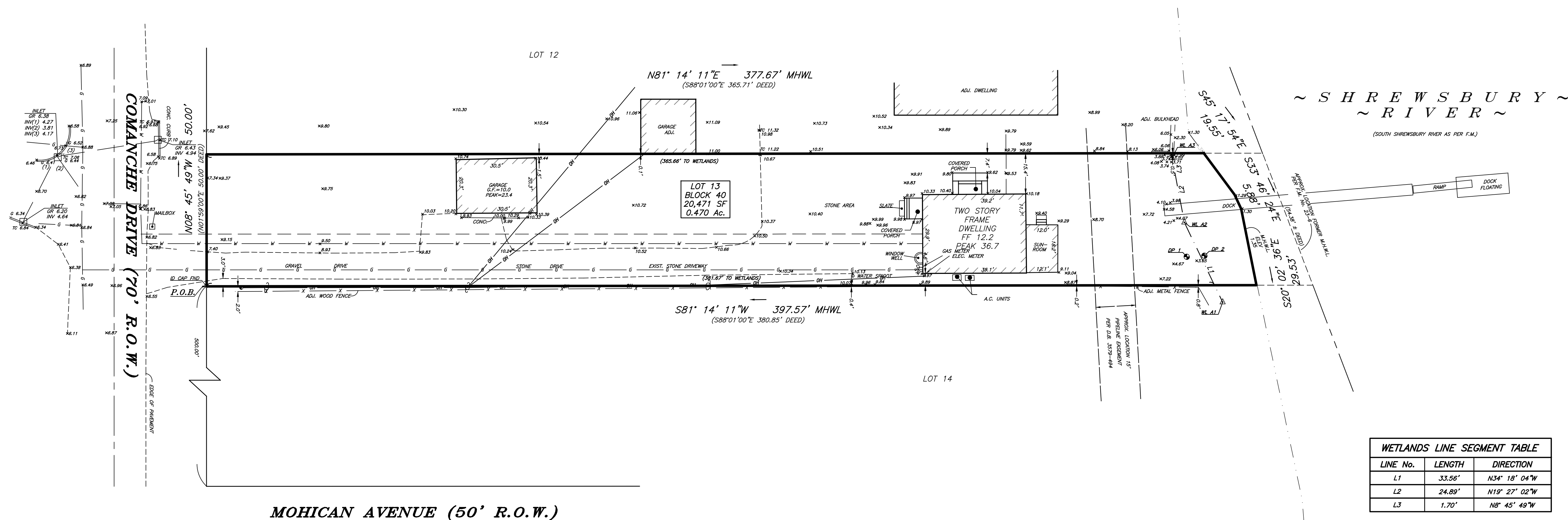
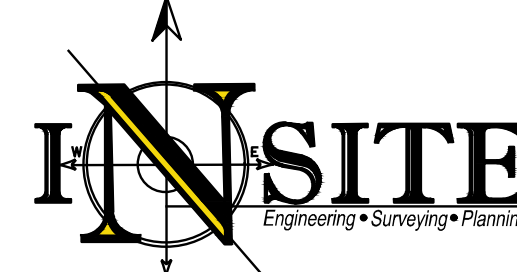


PROJECT NAME
**BOUNDARY
&
TOPOGRAPHIC
SURVEY**
OF
BLOCK 40, LOT 13
199 COMANCHE DRIVE

SITUATED IN

BOROUGH OF OCEANPORT
MONMOUTH COUNTY
NEW JERSEY

PREPARED FOR



WETLANDS LINE SEGMENT TABLE		
LINE No.	LENGTH	DIRECTION
L1	33.56'	N34° 18' 04"W
L2	24.89'	N19° 27' 02"W
L3	1.70'	N8° 45' 49"W

AVERAGE FRONT SETBACKS				
LOT	BLOCK	ADDRESS	HOUSE	DECK/PORCH STEP
9	40	209 COMANCHE DRIVE	179.4'	186.5'
10	40	205 COMANCHE DRIVE	167.0'	N/A
11	40	203 COMANCHE DRIVE	228.2'	223.8'
12	40	201 COMANCHE DRIVE	259.2'	253.2'
13	40	199 COMANCHE DRIVE	271.1'	266.1'
14	40	195 COMANCHE DRIVE	273.1'	267.4'
15	40	193 COMANCHE DRIVE	245.3'	262.4'
16	40	191 COMANCHE DRIVE	167.8'	N/A
AVERAGE			223.8'	205.3'

AVERAGE REAR SETBACKS				
LOT	BLOCK	ADDRESS	HOUSE	DECK/PORCH STEP
9	40	209 COMANCHE DRIVE	72.0'	65.5'
10	40	205 COMANCHE DRIVE	99.2'	84.7'
11	40	203 COMANCHE DRIVE	104.4'	82.2'
12	40	201 COMANCHE DRIVE	62.0'	46.5'
13	40	199 COMANCHE DRIVE	78.9'	69.1'
14	40	195 COMANCHE DRIVE	76.3'	58.6'
15	40	193 COMANCHE DRIVE	80.7'	N/A
16	40	191 COMANCHE DRIVE	126.1'	109.5'
AVERAGE			87.5'	75.2'

SURVEY NOTES:

THIS IS TO CERTIFY THAT THIS SURVEY IS ACCURATE AND THAT THIS DRAWING IS A TRUE REPRESENTATION OF ACTUAL CONDITIONS EXISTING ON THE PROPERTY, EXCEPT SUCH EASEMENTS, IF ANY, THAT MAY BE LOCATED BELOW THE SURFACE OF THE LANDS, OR ON THE SURFACE OF THE LANDS AND NOT VISIBLE.

A WRITTEN WAIVER AND DECLARATION NOT TO SET CORNER MARKERS HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO PL 2003-24, CHS 8-8.3 AND N.J.A.C. 17:27-1.1(d).

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT TO ANY EASEMENTS AND RESTRICTIONS CONTAINED THEREIN.

ALL EXISTING UTILITIES ARE APPROXIMATE PER MARKOUT AND VISIBLE FIELD EVIDENCE. ALL UTILITIES SHALL BE FIELD VERIFIED PRIOR TO EXCAVATION.

WETLANDS DEPICTED ON SITE WERE DELINEATED BY INSITE ENGINEERING LLC ON 8/9/2021.

SUBJECT PROPERTY IS LOCATED IN FEMA EFFECTIVE FLOOD ZONE AS ELEVATION 10.0 PER FLOOD HAZARD DATA DATED 8-30-2018.

SURVEY MAP REFERENCES:
A MAP ENTITLED, "SKETCH OF SURVEY FOR 199 COMANCHE DRIVE LOT 13 & 13.01 IN BLOCK 40, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY," BY G. BURDOK, F.E., P.P., P.C., DATED 1/12/2021.

FILED MAP REFERENCES:
A MAP ENTITLED, "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORT AUPECK MONMOUTH CO., N.J.," FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE, DATED 11-11-1920 AS CASE NO. 23-6.

A MAP ENTITLED, "MAP OF PROPERTY KNOWN AS PORT AUPECK MONMOUTH CO., N.J.," FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE, DATED 9-16-1987 AS CASE NO. 23-6.

DEED REFERENCES:
DB 8493 PG 37
DB 9210 PG 3068
DB 8243 PG 7871

ALL ELEVATIONS ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1983 (NAD83).

CALL BEFORE YOU DIG!
N.J. ONE CALL: 800-772-1900
(or local 2 days prior to excavation)

UTILITY	PROVIDE
DECK	DECK
CONCRETE	CONCRETE
PAVING	PAVING
SEWER	SEWER
WATER	WATER
STORM	STORM
WETLANDS	WETLANDS
PROPOSED EXCAVATION	PROPOSED EXCAVATION



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

REVISIONS

Rev.#	Date	Comment
0	08/03/21	INITIAL RELEASE
1	08/10/21	SETBACKS
2	08/10/21	SCALE: 1"=20'
3	07/29/21	DRAWN BY: BMW
4	07/29/21	CHECKED BY: JS
5	07/29/21	JOB # 21-S001-493

CERTIFICATION

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

JUSTIN J. HEDGES, P.L.S.
PROFESSIONAL LAND SURVEYOR
N.J. LIC. NO. GS43362

SHEET NO. 1 of 1

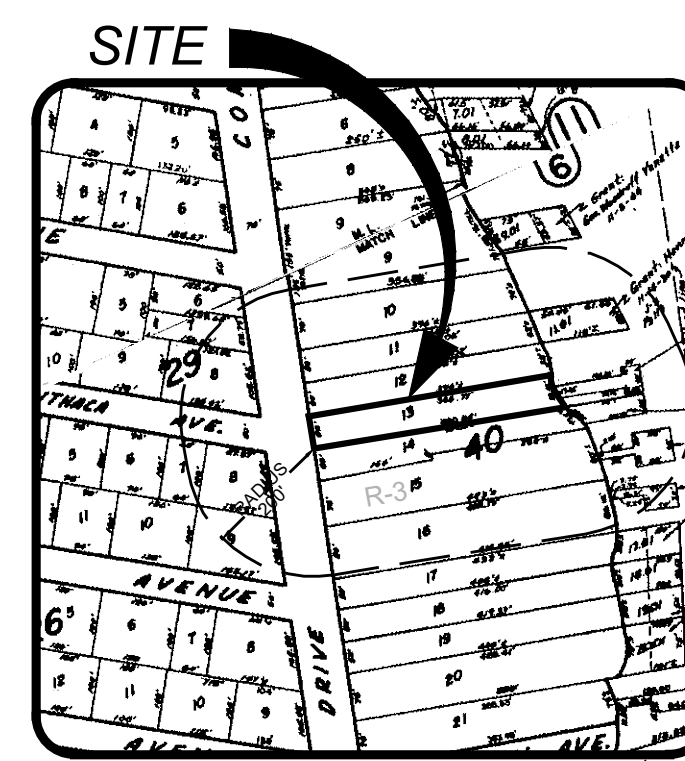
ZONING COMPLIANCE CHART					
R-3 (SINGLE-FAMILY) ZONE					
SINGLE-FAMILY DETACHED DWELLING: PERMITTED					
ORD. SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED	COMPLIES
SCHED. II	MIN. LOT AREA (SF)	12,000	18,450 (0.424 C)	NO CHANGE	YES
SCHED. II	MIN. LOT WIDTH (FT)	120	50.0 (N)	NO CHANGE	NO (N)
SCHED. II	MIN. LOT DEPTH (FT)	100	365.5	NO CHANGE	YES
SCHED. II	PRINCIPAL BUILDING				
SCHED. II	MIN. FRONT YARD SETBACK (FT)	223.8 (1)	271.2	NO CHANGE	YES
SCHED. II	MIN. REAR YARD SETBACK (FT)	87.5 (2)	64.1 (N)	NO CHANGE	NO (N)
SCHED. II	MIN. SIDE YARD SETBACK				
SCHED. II	ONE SIDE (FT)	10	4.6 (N)	NO CHANGE	NO (N)
SCHED. II	BOTH SIDES (FT)	25	19.9 (N)	NO CHANGE	NO (N)
SCHED. II	MAX. BUILDING HEIGHT (FT) (FLAT ROOFS)	30	N/A	N/A	YES
SCHED. II	MAX. BUILDING HEIGHT (STORIES) (FLAT ROOFS)	2	N/A	N/A	YES
SCHED. II	MAX. BUILDING HEIGHT (FT) (ALL OTHER ROOFS)	35	29.62	NO CHANGE	YES
SCHED. II	MAX. BUILDING HEIGHT (STORIES) (ALL OTHER ROOFS)	2.5	2	NO CHANGE	YES
390-17C (2)	MAX. DWELLINGS PER ACRE	3.7	1.6	NO CHANGE	YES
SCHED. II	ACCESSORY BUILDING (GARAGE)				
SCHED. II	ALLOWABLE YARD LOCATION	SIDE/REAR (3)	FRONT (N)	FRONT (V)	NO (V)
SCHED. II	MIN. REAR YARD SETBACK (FT)	5	240.5	263.75	YES
SCHED. II	MIN. SIDE YARD SETBACK (FT)	10	1.5 (N)	1.66 (V) (I)	NO (I) (V)
SCHED. II	MAX. BUILDING HEIGHT (FT)	15/1	13.4/1	15.00	YES
390-31E	ACCESSORY STRUCTURE (POOL)				
390-31E	ALLOWABLE YARD LOCATION	SIDE/REAR	N/A	SIDE	YES
390-31E	MIN. REAR YARD SETBACK (FT)	10	N/A	201.99	YES
390-31E	MIN. SIDE YARD SETBACK (FT)	10	N/A	10.00	YES
SCHED. II	LOT COVERAGE				
SCHED. II	MAX. IMPERVIOUS COVERAGE (%)	37 (4)	40.6 (N)	39.96 (I)	NO (I)
SCHED. II	MAX. ACCESSORY BUILDING COVERAGE (%)	5	3.4	5.00	YES
SCHED. II	MAX. PRINCIPAL BUILDING COVERAGE (%)	25	8.1	NO CHANGE	YES

(N) EXISTING NON-CONFORMITY (I) IMPROVED CONDITION
 (E) EXISTING VARIANCE (X) VARIANCE / NON-CONFORMITY ELIMINATED
 (V) PROPOSED VARIANCE (W) PROPOSED WAIVER
 (a) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE
 (1) IN RESIDENCE DISTRICTS, NO PRINCIPAL BUILDING SHALL BE NEARER TO THE STREET LINE OF ANY STREET THAN THE AVERAGE ALIGNMENT OF THE EXISTING PRINCIPAL BUILDINGS WITHIN 200 FEET OF EACH SIDE OF THE LOT WITHIN THE SAME BLOCK.
 (2) PER §590-14.D, NO PRINCIPAL BUILDING SHALL BE NEARER TO NATURAL WATERLINE THAN THE AVG. ALIGNMENT OF EXIST. BUILDINGS WITHIN 200' OF EACH SIDE OF THE LOT WITHIN THE SAME BLOCK.
 (3) WATERFRONT PROPERTIES: SHEDS NO GREATER THAN 10 FEET BY 12 FEET AND 10 FEET IN HEIGHT THAT MEET THE REQUIRED SIDE YARD SETBACKS FOR AN ACCESSORY STRUCTURE CAN BE LOCATED IN THE FRONT YARD.
 (4) AN AREA EQUAL TO 350 SQUARE FEET FOR USE OF A VEHICLE TURNAROUND AREA ON A RESIDENTIAL LOT SHALL NOT BE CONSIDERED IMPERVIOUS COVERAGE AND IN ACCORDANCE WITH § 390-26D OF THIS CHAPTER.

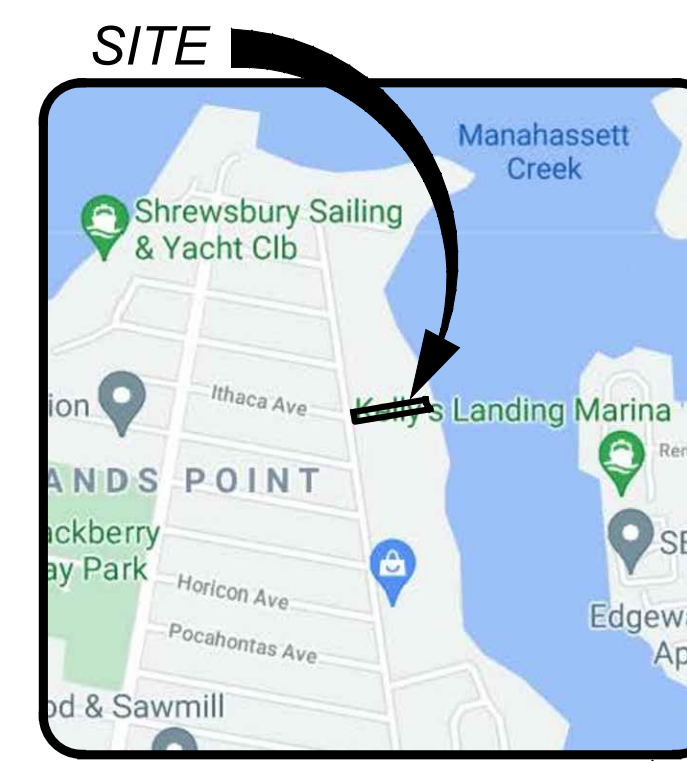
LOT COVERAGE CALCULATIONS		
ITEM	EXISTING (SF)	PROPOSED (SF)
DWELLING	1,386.7	1,386.7
PORCHES & STEPS	167.6	167.6
DRIVEWAY	5,229.7	3,588.34
GARAGE	625.2	922.3
CONC. AREAS	63.1	61.17
WINDOW WELL	4.0	4.0
A/C PLATFORMS	13.5	13.5
WALK	N/A	N/A
POOL & SPA	N/A	424.00
POOL PATIO	N/A	806.0
TOTAL	7,489.8	7,373.61



FLOOD INSURANCE RATE MAP
Scale: 1"=400'



TAX MAP
Scale: 1"=300'



LOCATION MAP
Scale: 1"=1000'

PROJECT INFORMATION

PROJECT NAME:

199 COMANCHE DRIVE

PROJECT LOCATION:

BLOCK 40, LOT 13
199 COMANCHE DRIVE
BOROUGH OF OCEANPORT,
MONMOUTH COUNTY, NJ

OWNER:

199 COMANCHE, LLC
199 COMANCHE DRIVE
OCEANPORT, NJ 07757

APPLICANT:

199 COMANCHE, LLC
199 COMANCHE DRIVE
OCEANPORT, NJ 07757

APPLICANT'S PROFESSIONALS

ARCHITECT:

JOANN P. MONTERO
7 HUNTINGTON ROAD
EAST BRUNSWICK, NJ 08816

ATTORNEY:

JENNIFER S. KRIMKO, ESQ.
ANSELL GRIMM & AARON, PC
1500 LAWRENCE AVENUE-CN 7807
OCEAN, NJ 07712

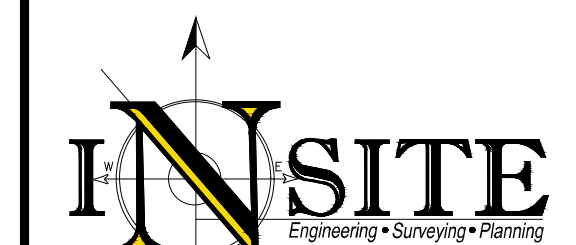
SURVEYOR:

INSITE SURVEYING, LLC
1955 ROUTE 34, SUITE 1A
WALL, NJ 07719



CALL BEFORE YOU DIG!
NJ ONE CALL... 800-272-1000
(NJ One Call 1 Day prior to excavation)

ELECTRIC	RED
GAS LINE	YELLOW
COMMUNICATION, TV	ORANGE
WATER	BLUE
SEWER	GREEN
TEMP. SURVEY MARKING	MAGENTA
PROPOSED EXCAVATION	WHITE



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

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

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 AND SEALED SEAL OF THE PROFESSIONAL, IT IS NOT AN ORIGINAL
 AND MAY HAVE BEEN ALTERED

Douglas D. Clelland
DOUGLAS D. CLELLAND, PE
 PROFESSIONAL ENGINEER
 NJ PE 24GE05331000

REVISIONS

Rev. #	Date	Comment
1	11/01/21	REV. PER CLIENT
0	09/17/21	INITIAL RELEASE

SCALE: 1"=20'	DESIGNED BY: DDC
DATE: 09/17/21	DRAWN BY: AMC
JOB #: 21-1697-01	CHECKED BY: DDC
CAD ID: 21-1697-01/1	

NOT FOR CONSTRUCTION
 APPROVED BY:

FOR CONSTRUCTION
 PLAN INFORMATION

DRAWING TITLE:
PLOT PLAN

SHEET TITLE:
PLAN

SHEET NO.:
1 OF 4

PROJECT INFORMATION

PROJECT NAME:

199
COMANCHE
DRIVE

PROJECT LOCATION:

BLOCK 40, LOT 13
199 COMANCHE DRIVE
BOROUGH OF OCEANPORT,
MONMOUTH COUNTY, NJ

OWNER:

199 COMANCHE, LLC
199 COMANCHE DRIVE
OCEANPORT, NJ 07757

APPLICANT:

199 COMANCHE, LLC
199 COMANCHE DRIVE
OCEANPORT, NJ 07757

APPLICANT'S PROFESSIONALS

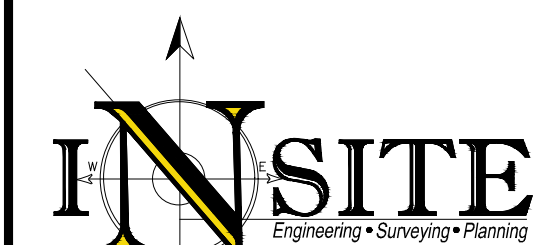
ARCHITECT:

JOANN P. MONTERO
7 HUNTINGTON ROAD
EAST BRUNSWICK, NJ 08816

ATTORNEY:

JENNIFER S. KRIMKO, ESQ.
ANSELL GRIMM & AARON, PC
1500 LAWRENCE AVENUE-CN 7807
OCEAN, NJ 07712

SURVEYOR:

INSITE SURVEYING, LLC
1955 ROUTE 34, SUITE 1A
WALL, NJ 07719CALL BEFORE YOU DIG!
NJ ONE CALL... 800-272-1000
(Not a Dig Stop & Locate)ELECTRICAL: RED
GAS: YELLOW
COMMUNICATION: TV: ORANGE
WATER: BLUE
SEWER: GREEN
TEMP. SURVEY MARKING: MAGENTA
PROPOSED EXCAVATION: WHITEInSite Engineering, LLC
CERTIFICATE OF AUTHORIZATION: 24GA28083200
1955 ROUTE 34, SUITE 1A, WALL, NJ 07719
732-531-7100 (PH) 732-531-7344 (FAX)
InSite@InSiteEng.net www.InSiteEng.netLICENSED IN: NEW JERSEY, NEW YORK, PENNSYLVANIA,
DELAWARE, CONNECTICUT, NORTH CAROLINA,
COLORADO, & DISTRICT OF COLUMBIACAUTION: IF THIS DOCUMENT DOES NOT CONTAIN THE SIGNATURE
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AND MAY HAVE BEEN ALTERED

DOUGLAS D. CLELLAND, PE
PROFESSIONAL ENGINEER
NJ PE 24GE0531000

REVISIONS

Rev. #	Date	Comment
1	11/01/21	REV. PER CLIENT
0	09/17/21	INITIAL RELEASE
SCALE: 1"=20'		
DATE: 09/17/21		
JOB #: 21-1697-01		
CAD ID: 21-1697-01/1		
DESIGNED BY: DDC		
DRAWN BY: AMC		
CHECKED BY: DDC		
NOT FOR CONSTRUCTION		
APPROVED BY:		

PLAN INFORMATION

DRAWING TITLE:

PLOT PLAN

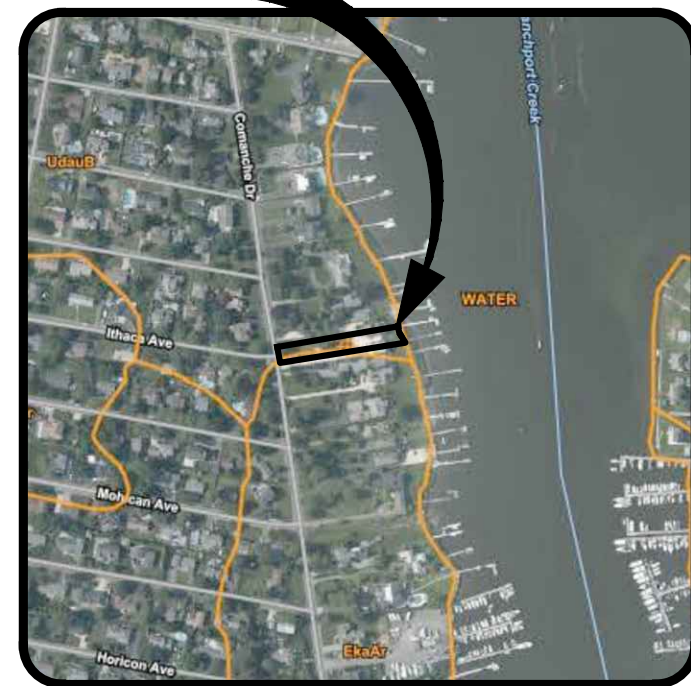
SHEET TITLE:

SESC PLAN

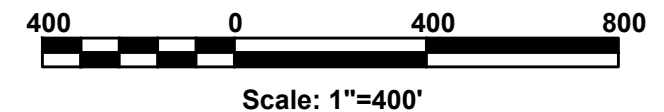
SHEET NO.:

3 OF 4

SITE

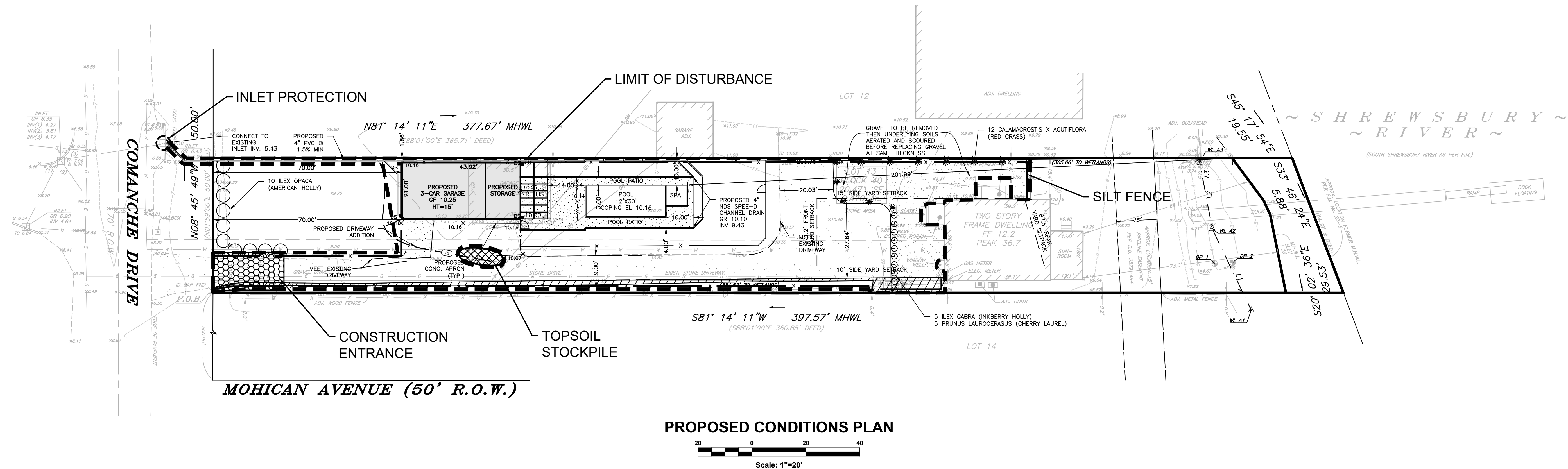


SOILS MAP



WETLANDS LINE SEGMENT TABLE		
LINE No.	LENGTH	DIRECTION
L1	33.56'	N34° 18' 04"W
L2	24.89'	N19° 27' 02"W
L3	1.70'	N8° 45' 49"W

SOIL DESIGNATION LEGEND		
MAP UNIT SYMBOL	MAP UNIT NAME	RATING
UdauB	UDORTENTS-URBAN LAND COMPLEX 0 TO 8 PERCENT SLOPES	D
EkaAr	ELKTON LOAM 0 TO 2 PERCENT SLOPES, RARELY FLOODED	C/D



SOIL EROSION LEGEND

	STABILIZED CONSTRUCTION ENTRANCE
	INLET PROTECTION
	PROPOSED TREE PROTECTION
	SOIL COMPACTION TEST LOCATION
	RIP-RAP APRON, SCOUR HOLE
	SOIL RESTORATION AREA

CONSTRUCTION / SPPP NOTE

THIS PLAN WAS PREPARED TO ADDRESS THE SOIL EROSION AND SEDIMENT CONTROL COMPONENT OF THE STORMWATER POLLUTION PREVENTION PLAN (SPPP) AT THE TIME OF DESIGN ONLY. ALL OTHER COMPONENTS OF THE SPPP AND GENERAL STORMWATER PERMIT ARE TO BE THE RESPONSIBILITY OF THE DEVELOPER AND/OR THE SITE CONTRACTOR.

PLEASE NOTE - THIS PLAN IS NOT TO BE USED FOR SITE CONSTRUCTION.

TOTAL LIMIT OF DISTURBANCE = 0.26 AC.

SOIL RESTORATION EXEMPTION

AS DETERMINED BY THE STATE POLICY MAP, THE PROJECT AREA FALLS WITHIN AN AREA OF "URBAN REDEVELOPMENT" AND IS CONSIDERED "PREVIOUSLY DEVELOPED" AS DEFINED BY THE NJDEP. IN ACCORDANCE WITH NEW JERSEY STANDARD FOR LAND REGRADING (REVISED 2017), THE SITE IS EXEMPT FROM SOIL RESTORATION REQUIREMENTS.

SOIL EROSION AND SEDIMENT CONTROL NOTES

1. THE FREEHOLD SOIL CONSERVATION DISTRICT SHALL BE NOTIFIED FORTY-EIGHT (48) HOURS IN ADVANCE OF ANY SOIL DISTURBING ACTIVITY.
2. ALL SOIL EROSION AND SEDIMENT CONTROL PRACTICES ARE TO BE INSTALLED PRIOR TO SOIL DISTURBANCE, OR IN THEIR PROPER SEQUENCE, AND MAINTAINED UNTIL PERMANENT PROTECTION IS ESTABLISHED.
3. ANY CHANGES TO THE CERTIFIED SOIL EROSION AND SEDIMENT CONTROL PLANS WILL REQUIRE THE SUBMISSION OF REVISED SOIL EROSION AND SEDIMENT CONTROL PLANS TO THE DISTRICT FOR RE-CERTIFICATION. THE REVISED PLANS MUST MEET ALL CURRENT STATE SOIL EROSION AND SEDIMENT CONTROL STANDARDS.
4. N.J.S.A. 4:24-39 ET. SEC. REQUIRES THAT NO CERTIFICATION OF OCCUPANCY BE ISSUED BEFORE THE DISTRICT DETERMINES THAT A PROJECT OR PORTION THEREOF IS IN FULL COMPLIANCE WITH THE CERTIFIED PLAN AND STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL. IN NEW JERSEY AND A REPORT OF COMPLIANCE HAS BEEN ISSUED, UPON WRITTEN REQUEST FROM THE APPLICANT, THE DISTRICT MAY ISSUE A REPORT OF COMPLIANCE WITH CONDITIONS ON A LOT-BY-LOT OR SECTION-BY-SECTION BASIS, PROVIDED THAT THE PROJECT OR PORTION THEREOF IS IN SATISFACTORY COMPLIANCE WITH THE SEQUENCE OF DEVELOPMENT AND TEMPORARY MEASURES FOR SOIL EROSION AND SEDIMENT CONTROL HAVE BEEN IMPLEMENTED, INCLUDING PROVISIONS FOR STABILIZATION AND SITE WORK.
5. ANY DISTURBED AREAS WILL BE LEFT EXPOSED MORE THAN SIXTY (60) DAYS, AND NOT SUBJECT TO CONSTRUCTION TRAFFIC. WILL IMMEDIATELY RECEIVE A TEMPORARY SEEDING OR THE SEASON PREVENTS THE ESTABLISHMENT OF TEMPORARY COVER. THE DISTURBED AREAS WILL BE MULCHED WITH STRAW, OR EQUIVALENT MATERIAL, AT A RATE OF 2 TO 2 1/2 TONS PER ACRE, ACCORDING TO STATE STANDARD FOR STABILIZATION WITH MULCH ONLY.
6. IMMEDIATELY FOLLOWING INITIAL DISTURBANCE OR ROUGH GRADING, ALL CRITICAL AREAS SUBJECT TO EROSION (I.E. STOCKPILES, STEEP SLOPES AND ROADWAY EMBANKMENTS) WILL RECEIVE TEMPORARY SEEDING IN COMBINATION WITH STRAW MULCH OR A SUITABLE EQUIVALENT, AND A MULCH ANCHOR, IN ACCORDANCE WITH STATE STANDARDS.
7. A SUB-BASE COURSE WILL BE APPLIED IMMEDIATELY FOLLOWING ROUGH GRADING AND INSTALLATION OF IMPROVEMENTS TO STABILIZE STREETS, ROADS, DRIVEWAYS, AND PARKING AREAS. IN AREAS WHERE NO UTILITIES ARE PRESENT, THE SUB-BASE SHALL BE INSTALLED WITHIN FIFTEEN (15) DAYS OF THE PRELIMINARY GRADING.
8. THE STANDARD FOR STABILIZED CONSTRUCTION ACCESS REQUIRES THE INSTALLATION OF A PAD OF CLEAN CRUSHED STONE AT POINTS WHERE TRAFFIC WILL BE ACCESSING THE CONSTRUCTION SITE. AFTER INTERIOR ROADWAYS ARE PAVED, INDIVIDUAL LOTS REQUIRE A STABILIZED CONSTRUCTION ENTRANCE CONSISTING OF ONE INCH TO TWO INCH (1" - 2") STONE FOR A MINIMUM LENGTH OF TEN FEET (10') EQUAL TO THE LOT ENTRANCE WIDTH. ALL OTHER ACCESS LIMITS SHALL BE BLOCKED OFF.
9. ALL SOIL WASHED, DROPPED, SPILLED, OR TRACKED OUTSIDE THE LIMIT OF DISTURBANCE OR ONTO PUBLIC RIGHT-OF-WAYS WILL BE REMOVED IMMEDIATELY.
10. PERMANENT VEGETATION IS TO BE SEED OR SOODED ON ALL EXPOSED AREAS WITHIN TEN (10) DAYS AFTER FINAL GRADING.
11. AT THE TIME THAT SITE PREPARATION FOR PERMANENT VEGETATIVE STABILIZATION IS GOING TO BE ACCOMPLISHED, ANY SOIL THAT WILL NOT PROVIDE A SUITABLE ENVIRONMENT TO SUPPORT ADEQUATE VEGETATIVE GROUND COVER SHALL BE REMOVED OR TREATED IN SUCH A WAY THAT IT WILL PERMANENTLY ADJUST THE SOIL CONDITIONS AND RENDER IT SUITABLE FOR VEGETATIVE GROUND COVER. IF THE REMOVAL OR TREATMENT OF THE SOIL WILL NOT PROVIDE SUITABLE CONDITIONS, NONVEGETATIVE MEANS OF PERMANENT GROUND STABILIZATION WILL HAVE TO BE EMPLOYED.
12. IN ACCORDANCE WITH THE STANDARD FOR MANAGEMENT OF HIGH ACID PRODUCING SOILS, A SOIL HAVING A PH OF 4 OR LESS OR CONTAINING IRON SULFIDES SHALL BE ULTIMATELY PLACED OR BURIED WITH LIMESTONE APPLIED AT THE RATE OF 10 TONS/ACRE, (OR 450 LBS/1,000 SQ FT OF SURFACE AREA) AND COVERED WITH A MINIMUM OF 12" OF SETTLED SOIL, WITH A PH OF 5 OR MORE, OR 24" WHERE TREES OR SHRUBS ARE TO BE PLANTED.
13. CONDUIT OUTLET PROTECTION MUST BE INSTALLED AT ALL REQUIRED OUTFALLS PRIOR TO THE DRAINAGE SYSTEM BECOMING OPERATIONAL.
14. UNFILTERED DETERGERS IS NOT PERMITTED. NECESSARY PRECAUTIONS MUST BE TAKEN DURING ALL DEWATERING OPERATIONS TO MINIMIZE SEDIMENT TRANSFER. ANY DEWATERING METHODS USED MUST BE IN ACCORDANCE WITH THE STANDARD FOR DEWATERING.
15. SHOULD THE CONTROL OF DUST AT THE SITE BE NECESSARY, THE SITE WILL BE SPRINKLED UNTIL THE SURFACE IS WET. TEMPORARY VEGETATIVE COVER SHALL BE ESTABLISHED OR MULCH SHALL BE APPLIED AS REQUIRED BY THE STANDARD FOR DUST CONTROL.
16. STOCKPILE AND STAGING LOCATIONS ESTABLISHED IN THE FIELD SHALL BE PLACED WITHIN THE LIMIT OF DISTURBANCE ACCORDING TO THE CERTIFIED PLAN. STAGING AND STORAGE NOT LOCATED WITHIN THE LIMIT OF DISTURBANCE WILL REQUIRE CERTIFICATION OF A REVISED SOIL EROSION AND SEDIMENT CONTROL PLAN. CERTIFICATION OF A NEW SOIL EROSION AND SEDIMENT CONTROL PLAN MAY BE REQUIRED FOR THESE ACTIVITIES IF AN AREA GREATER THAN 5,000 SQUARE FEET IS DISTURBED.
17. ALL SOIL STOCKPILES ARE TO BE TEMPORARILY STABILIZED IN ACCORDANCE WITH SOIL EROSION AND SEDIMENT CONTROL NOTE #6.
18. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR ANY EROSION OR SEDIMENTATION THAT MAY OCCUR BELOW STORMWATER OUTFALLS OR OFFSITE AS A RESULT OF CONSTRUCTION OF THE PROJECT.

TEMPORARY VEGETATIVE COVER FOR SOIL STABILIZATION**1. SITE PREPARATION**

A. GRADE AS NEEDED AND FEASIBLE TO PERMIT THE USE OF CONVENTIONAL EQUIPMENT FOR SEEDBED PREPARATION, SEEDING, MULCH APPLICATION, AND MULCH ANCHORING. ALL GRADING SHOULD BE DONE IN ACCORDANCE WITH STANDARDS FOR LAND GRADING, PG. 19-1.

B. INSTALL NEEDED EROSION CONTROL PRACTICES OR FACILITIES SUCH AS DIVERSIONS, GRADE STABILIZATION STRUCTURES, CHANNEL STABILIZATION MEASURES, SEDIMENT BASINS, AND WATERWAYS. SEE STANDARDS 11 THROUGH 42.

C. IMMEDIATELY PRIOR TO SEEDING, THE SURFACE SHOULD BE SCARIFIED 0" TO 12" WHERE THERE HAS BEEN SOIL COMPACTION. THIS PRACTICE IS DESIRABLE ONLY WHERE THERE IS NO DANGER TO UNDERGROUND UTILITIES (CABLES, IRRIGATION SYSTEMS, ETC.).

2. SEEDBED PREPARATION

A. APPLY GROUND LIMESTONE AND FERTILIZER ACCORDING TO SOIL TEST RECOMMENDATIONS SUCH AS OFFERED BY RUTGERS CO-OPERATIVE EXTENSION. SOIL SAMPLE MAILERS ARE AVAILABLE FROM THE LOCAL RUTGERS CO-OPERATIVE EXTENSION OFFICES. FERTILIZER SHALL BE APPLIED AT THE RATE OF 500 POUNDS PER ACRE OR 11 POUNDS PER 1,000 SQUARE FEET OF 10-20-10 OR EQUIVALENT WITH 50% WATER INSOLUBLE NITROGEN UNLESS A SOIL TEST INDICATES OTHERWISE. LIMEING RATES SHALL BE ESTABLISHED VIA SOIL TESTING. CALCIUM CARBONATE IS THE EQUIVALENT AND STANDARD FOR MEASURING THE ABILITY OF LIMEING MATERIALS TO NEUTRALIZE SOIL ACIDITY AND SUPPLY CALCIUM AND MAGNESIUM TO GRASSES AND LEGUMES.

B. WORK LIME AND FERTILIZER INTO THE SOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH A DISC, SPRINGTOOTH HARROW, OR OTHER SUITABLE EQUIPMENT. THE FINAL HARROWING OR DISKING OPERATION SHOULD BE ON THE GENERAL CONTOUR. CONTINUE TILLAGE UNTIL A REASONABLE UNIFORM SEEDBED IS PREPARED.

C. INSPECT SEEDBED JUST BEFORE SEEDING. IF TRAFFIC HAS LEFT THE SOIL COMPACTED, THE AREA MUST BE RETILLED IN ACCORDANCE WITH THE ABOVE.

D. SOILS HIGH IN SULFIDES OR HAVING A PH OF 4 OR LESS REFER TO STANDARD FOR MANAGEMENT OF HIGH ACID PRODUCING SOILS, PG. 1-1.

3. SEEDING

A. TEMPORARY VEGETATIVE SEEDING COVER SHALL CONSIST OF PERENNIAL RYEGRASS APPLIED UNIFORMLY AT A RATE OF 1 POUND PER 1,000 SF (100 LBS/AC) WITH AN OPTIMUM SEED DEPTH OF 0.5" (TWICE THE DEPTH IF SANDY SOILS), IN ACCORDANCE WITH TABLE 7.2, PAGE 7.2.

*SEEDING DATES: 2/15-5/1 AND 8/15-10/15

B. CONVENTIONAL SEEDING. APPLY SEED UNIFORMLY BY HAND, CYCLONE (CENTRIFUGAL) SEEDER, DROP SEEDER, DRILL OR CULTIPACKER SEEDER. EXCEPT FOR DRILLED, HYDROSEEDED OR CULTIPACKER SEEDING, SEED SHALL BE INCORPORATED INTO THE SOIL TO A DEPTH OF 1/4 TO 1/2 INCH, BY RAKING OR DRAGGING. DEPTH OF SEED PLACEMENT MAY BE 1/4 INCH DEEPER ON COARSE TEXTURED SOIL.

C. HYDROSEEDING IS A BROADCAST SEEDING METHOD USUALLY INVOLVING A TRUCK OR TRAILER MOUNTED TANK, WITH AN AGITATION SYSTEM AND HYDRAULIC PUMP FOR MIXING SEED, WATER AND FERTILIZER AND SPRAYING THE MIX ONTO THE PREPARED SEEDBED. MULCH SHALL NOT BE INCLUDED IN THE TANK WITH SEED. SHORT FIBERED MULCH MAY BE APPLIED WITH A HYDROSEEDER FOLLOWING SEEDING. (ALSO SEE SECTION 4 MULCHING) HYDROSEEDING IS NOT A PREFERRED SEEDING METHOD BECAUSE SEED AND FERTILIZER ARE APPLIED TO THE SURFACE AND NOT INCORPORATED INTO THE SOIL. POOR SEED TO SOIL CONTACT OCCURS REDUCING SEED GERMINATION AND GROWTH. HYDROSEEDING MAY BE USED FOR AREAS TOO STEEP FOR CONVENTIONAL EQUIPMENT TO TRAVERSE OR TOO OBSTRUCTED WITH ROCKS, STUMPS, ETC.

D. AFTER SEEDING, FIRING THE SOIL WITH A CORRUGATED ROLLER WILL ASSURE GOOD SEED-TO-SOIL CONTACT, RESTORE CAPILLARITY, AND IMPROVE SEEDS. THIS IS THE PREFERRED METHOD. WHEN PERFORMED ON THE CONTOUR, SHEET EROSION WILL BE MINIMIZED AND WATER CONSERVATION ON SITE WILL BE MAXIMIZED.

4. MULCHING

MULCHING IS REQUIRED ON ALL SEEDING. MULCH WILL INSURE AGAINST EROSION BEFORE GRASS IS ESTABLISHED AND WILL PROMOTE FASTER AND EARLIER ESTABLISHMENT. THE EXISTENCE OF VEGETATION SUFFICIENT TO CONTROL SOIL EROSION SHALL BE DEEMED COMPLIANCE WITH THIS MULCHING REQUIREMENT.

A. STRAW OR HAY, UNHOTTED SMALL GRASS STRAW, HAY FREE OF SEEDS, APPLIED AT THE RATE OF 1-1/2 TO 2 TONS PER ACRE (70 TO 90 POUNDS PER 1,000 SQUARE FEET), EXCEPT THAT WHERE A CRIMPER IS USED INSTEAD OF A LIQUID MULCH-BINDER (TACKIFYING OR ADHESIVE AGENT), THE RATE OF APPLICATION IS 3 TONS PER ACRE. MULCH CHOPPER-BLOWERS MUST NOT GRIND THE MULCH. HAY MULCH IS NOT RECOMMENDED FOR ESTABLISHING FINE TURF OR LAWNS DUE TO THE PRESENCE OF WEED SEED.

APPLICATION: SPREAD MULCH UNIFORMLY BY HAND OR MECHANICALLY SO THAT APPROXIMATELY 95% OF THE SOIL SURFACE WILL BE COVERED. FOR UNIFORM DISTRIBUTION OF HAND-SPREAD MULCH, DIVIDE AREA INTO APPROXIMATELY 1,000 SQUARE FEET SECTIONS AND DISTRIBUTE 70 TO 90 POUNDS WITH EACH SECTION.

ANCHORING SHALL BE ACCOMPLISHED IMMEDIATELY AFTER PLACEMENT TO MINIMIZE LOSS BY WIND OR WATER. THIS MAY BE DONE BY ONE OF THE FOLLOWING METHODS, DEPENDING UPON THE SIZE OF THE AREA, STEEPNESS OF SLOPES, AND COSTS.

1. PEG AND TWINE. DRIVE 8 TO 10 INCH WOODEN PEGS TO WITHIN 2 TO 3 INCHES OF THE SOIL SURFACE EVERY 4 FEET IN ALL DIRECTIONS. STAKES MAY BE DRIVEN BEFORE OR AFTER APPLYING MULCH. SECURE MULCH TO SOIL SURFACE BY STRETCHING TWINE BETWEEN PEGS IN A CRIS-CROSS AND A SQUARE PATTERN. SECURE TWINE AROUND EACH PEG WITH TWO OR MORE ROUND TURNS.

2. MULCH NETTINGS. STAPLE PAPER, LUTE, COTTON, OR PLASTIC NETTINGS TO THE SOIL SURFACE. USE A DEGRADABLE NETTING IN AREAS TO BE MOVED.

3. CRIMPER (MULCH ANCHORING TOOL). A TRACTOR-DRAWN IMPLEMENT, SOMEWHAT LIKE A DISC HARROW, ESPECIALLY DESIGNED TO PUSH OR CUT SOME OF THE BROADCAST LONG FIBER MULCH 3 TO 4 INCHES INTO THE SOIL SO AS TO ANCHOR IT AND LEAVE PART STANDING UPRIGHT. THIS TECHNIQUE IS LIMITED TO AREAS TRAVERSABLE BY A TRACTOR, WHICH MUST OPERATE ON THE CONTOUR OF SLOPES. STRAW MULCH RATE MUST BE 3 TONS PER ACRE. NO TACKIFYING OR ADHESIVE AGENT IS REQUIRED.

4. LIQUID MULCH-BINDERS - MAY BE USED TO ANCHOR HAY OR STRAW MULCH.

a. APPLICATIONS SHOULD BE HEAVIER AT EDGES WHERE WIND MAY CATCH THE MULCH, IN VALLEYS, AND AT CRESTS OF BANKS. THE REMAINDER OF THE AREA SHOULD BE UNIFORM IN APPEARANCE.

b. USE ONE OF THE FOLLOWING:

(1) ORGANIC AND VEGETABLE BASED BINDERS - NATURALLY OCCURRING, POWDER BASED, HYDROPHILIC MATERIALS WHEN MIXED WITH WATER FORMULATES A GEL AND WHEN APPLIED TO MULCH UNDER SATISFACTORY CURING CONDITIONS WILL FORM MEMBRANED NETWORKS OF INSOLUBLE POLYMERS. THE VEGETABLE GEL SHALL BE PHYSIOLOGICALLY HARMLESS AND NOT RESULT IN A PHYTOTOXIC EFFECT OR IMPROVE GROWTH OF TURFGRASSES. USE AT RATES AND WEATHER CONDITIONS AS RECOMMENDED BY THE MANUFACTURER TO ANCHOR MULCH MATERIALS. MANY NEW PRODUCTS ARE AVAILABLE, SOME OF WHICH MAY NEED FURTHER EVALUATION FOR USE IN THIS STATE.

(2) SYNTHETIC BINDERS - HIGH POLYMER SYNTHETIC EMULSION, MISCIBLE WITH WATER WHEN DILUTED AND FOLLOWING APPLICATION TO MULCH, DRYING AND CURING SHALL NO LONGER BE SOLUBLE OR DISPERSIBLE IN WATER. IT SHALL BE APPLIED AT RATES RECOMMENDED BY THE MANUFACTURER AND REMAIN TACKY UNTIL GERMINATION OF GRASS.

NOTE: ALL NAMES GIVE ABOVE ARE REGISTERED TRADE NAMES. THIS DOES NOT CONSTITUTE A COMMENDATION OF THESE PRODUCTS TO THE EXCLUSION OF OTHER PRODUCTS.

B. WOOD-FIBER OR PAPER-FIBER MULCH - SHALL BE MADE FROM WOOD, PLANT FIBERS OR PAPER CONTAINING NO GROWTH OR GERMINATION INHIBITING MATERIALS. USED AT THE RATE OF 1,500 POUNDS PER ACRE (OR AS RECOMMENDED BY THE PRODUCT MANUFACTURER) AND MAY BE APPLIED BY A HYDROSEEDER. THIS MULCH SHALL NOT BE MIXED IN THE TANK WITH SEED. USE IS LIMITED TO FLATTER SLOPES AND DURING OPTIMUM SEEDING PERIODS IN SPRING AND FALL.

C. PELLETED MULCH - COMPRESSED AND EXTRUDED PAPER AND/OR WOOD FIBER PRODUCT, WHICH MAY CONTAIN CO-POLYMERS, TACKIFIERS, FERTILIZERS AND COLORING AGENTS. THE DRY PELLETS, WHEN APPLIED TO A SEEDBED AREA AND WATERED, FORM A MULCH MAT. PELLETED MULCH SHALL BE APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MULCH MAY BE APPLIED BY HAND OR MECHANICALLY SPREAD AT THE RATE OF 60-75 LBS./1,000 SQUARE FEET AND ACTIVATED WITH 0.2 TO 0.4 INCHES OF WATER. THIS MATERIAL HAS BEEN FOUND TO BE BENEFICIAL FOR USE ON SMALL LAWN OR RENOVATION AREAS. SEEDBED AREAS WHERE WEED-SEED FREE MULCH IS DESIRED OR ON SITES WHERE STRAW MULCH AND TACKIFIER AGENT ARE NOT PRACTICAL, OR DESIRABLE.

APPLYING THE FULL 0.2 TO 0.4 INCHES OF WATER AFTER SPREADING PELLETED MULCH ON THE SEED BED IS EXTREMELY IMPORTANT FOR SUFFICIENT ACTIVATION AND EXPANSION OF THE MULCH TO PROVIDE SOIL COVERAGE.

PERMANENT VEGETATIVE COVER FOR SOIL STABILIZATION**1. SITE PREPARATION**

A. GRADE AS NEEDED AND FEASIBLE TO PERMIT THE USE OF CONVENTIONAL EQUIPMENT FOR SEEDBED PREPARATION, SEEDING, MULCH APPLICATION, AND MULCH ANCHORING. ALL GRADING SHOULD BE DONE IN ACCORDANCE WITH STANDARD FOR LAND GRADING.

B. IMMEDIATELY PRIOR TO SEEDING AND TOPSOIL APPLICATION, THE SUBSOIL SHALL BE EVALUATED FOR COMPACTION IN ACCORDANCE WITH THE STANDARD FOR LAND GRADING.

C. TOPSOIL SHOULD BE HANDLED ONLY WHEN IT IS DRY ENOUGH TO WORK WITHOUT DAMAGING THE SOIL STRUCTURE. A UNIFORM APPLICATION TO A DEPTH OF 5 INCHES (UNSETTLED) IS REQUIRED ON ALL SITES. TOPSOIL SHALL BE AMENDED WITH ORGANIC MATTER, AS NEEDED, IN ACCORDANCE WITH THE STANDARD FOR TOPSOILING.

D. INSTALL NEEDED EROSION CONTROL PRACTICES OR FACILITIES SUCH AS DIVERSIONS, GRADE-STABILIZATION STRUCTURES, CHANNEL STABILIZATION MEASURES, SEDIMENT BASINS, AND WATERWAYS.

2. SEEDBED PREPARATION

A. UNIFORMLY APPLY GROUND LIMESTONE AND FERTILIZER TO TOPSOIL WHICH HAS BEEN SPREAD AND FIRMED, ACCORDING TO SOIL TEST RECOMMENDATIONS SUCH AS OFFERED BY RUTGERS CO-OPERATIVE EXTENSION. SOIL SAMPLE MAILERS ARE AVAILABLE FROM THE LOCAL RUTGERS CO-OPERATIVE EXTENSION OFFICES (HTTP://NJAES.RUTGERS.EDU/COUNTY/). FERTILIZER SHALL BE APPLIED AT THE RATE OF 500 POUNDS PER ACRE OR 11 POUNDS PER 1,000 SQUARE FEET OF 10-10-10 OR EQUIVALENT WITH 50% WATER INSOLUBLE NITROGEN UNLESS A SOIL TEST INDICATES OTHERWISE AND INCORPORATED INTO THE SURFACE 4 INCHES. IF FERTILIZER IS NOT INCORPORATED, APPLY ONE-HALF THE RATE DESCRIBED ABOVE DURING SEEDBED PREPARATION AND REPEAT ANOTHER ONE-HALF RATE APPLICATION OF THE SAME FERTILIZER WITHIN 3 TO 5 WEEKS AFTER SEEDING.

B. WORK LIME AND FERTILIZER INTO THE TOPSOIL AS NEARLY AS PRACTICAL TO A DEPTH OF 4 INCHES WITH A DISC, SPRING-TOOTH HARROW, OR OTHER SUITABLE EQUIPMENT. THE FINAL HARROWING OR DISKING OPERATION SHOULD BE ON THE GENERAL CONTOUR. CONTINUE TILLAGE UNTIL A REASONABLE UNIFORM SEEDBED IS PREPARED.

C. HIGH ACID PRODUCING SOILS HAVING A PH OF 4 OR LESS OR CONTAINING IRON SULFIDE SHALL BE COVERED WITH A MINIMUM OF 12 INCHES OF SOIL HAVING A PH OF 5 OR MORE BEFORE INITIATING SEEDBED PREPARATION. SEE STANDARD FOR MANAGEMENT OF HIGH ACID PRODUCING SOILS FOR SPECIFIC REQUIREMENTS.

3. SEEDING

A. SEED GERMINATION SHALL HAVE BEEN TESTED WITHIN 12 MONTHS OF THE PLANTING DATE. NO SEED SHALL BE ACCEPTED WITH A GERMINATION TEST DATE MORE THAN 12 MONTHS OLD UNLESS RETESTED.

SEED MIXTURE

	PLANTING RATE LBS/1,000 (LBS/ACRE)
HARD FESCUE AND/OR STRONG CREEPING RED FESCUE	4 (175)
PERENNIAL RYEGRASS	1 (40)
KENTUCKY BLUEGRASS	1 (40)

*ACCEPTABLE SEEDING DATES: 2/1-4/30 AND 5/1-8/14**

*OPTIMAL SEEDING DATES: 8/15-10/30

**SUMMER SEEDING SHALL ONLY BE CONDUCTED WHEN SITE IS IRRIGATED

1. SEEDING RATES SPECIFIED ARE REQUIRED WHEN A REPORT OF COMPLIANCE IS REQUESTED PRIOR TO ACTUAL ESTABLISHMENT OF PERMANENT VEGETATION. UP TO 50% REDUCTION IN RATES MAY BE USED WHEN PERMANENT VEGETATION IS ESTABLISHED PRIOR TO A REPORT OF COMPLIANCE. INSPECTION OF THESE RATES APPLY TO ALL METHODS OF SEEDING. ESTABLISHING PERMANENT VEGETATION MEANS 80% VEGETATIVE COVERAGE WITH THE SPECIFIED SEED MIXTURE FOR THE SEEDBED AREA AND MOVED ONE.

2. WARM-SEASON MIXTURES ARE GRASSES AND LEGUMES WHICH MAXIMIZE GROWTH AT HIGH TEMPERATURES. GENERALLY 80°F AND ABOVE. SEE TABLE 4.3 MIXTURES 1 TO 7. PLANTING RATES FOR WARM-SEASON GRASSES SHALL BE THE AMOUNT OF PURE LIVE SEED (PLS) AS DETERMINED BY GERMINATION TESTING RESULTS.

3. COOL-SEASON MIXTURES ARE GRASSES AND LEGUMES WHICH MAXIMIZE GROWTH AT TEMPERATURES BELOW 80°F. MANY GRASSES BECOME ACTIVE AT 65°F. SEE TABLE 4.3, MIXTURES 8-20. ADJUSTMENT OF PLANTING RATES TO COMPENSATE FOR THE AMOUNT OF PLS IS NOT REQUIRED FOR COOL SEASON GRASSES.

B. CONVENTIONAL SEEDING IS PERFORMED BY APPLYING SEED UNIFORMLY BY HAND, CYCLONE (CENTRIFUGAL) SEEDER, DROP SEEDER, DRILL OR CULTIPACKER SEEDER. EXCEPT FOR DRILLED, HYDROSEEDED OR CULTIPACKER SEEDING, SEED SHALL BE INCORPORATED INTO THE SOIL WITHIN 24 HOURS OF SEEDBED PREPARATION TO A DEPTH OF 1/4 TO 1/2 INCH, BY RAKING OR DRAGGING. DEPTH OF SEED PLACEMENT MAY BE 1/4 INCH DEEPER ON COARSE-TEXTURED SOIL.

C. AFTER SEEDING, FIRING THE SOIL WITH A CORRUGATED ROLLER WILL ASSURE GOOD SEED-TO-SOIL CONTACT, RESTORE CAPILLARITY, AND IMPROVE SEEDS. THIS IS THE PREFERRED METHOD. WHEN PERFORMED ON THE CONTOUR, SHEET EROSION WILL BE MINIMIZED AND WATER CONSERVATION ON SITE WILL BE MAXIMIZED.

D. HYDROSEEDING IS A BROADCAST SEEDING METHOD USUALLY INVOLVING A TRUCK OR TRAILER MOUNTED TANK, WITH AN AGITATION SYSTEM AND HYDRAULIC PUMP FOR MIXING SEED, WATER AND FERTILIZER AND SPRAYING THE MIX ONTO THE PREPARED SEEDBED. MULCH SHALL NOT BE INCLUDED IN THE TANK WITH SEED. SHORT FIBERED MULCH MAY BE APPLIED WITH A HYDROSEEDER FOLLOWING SEEDING. (ALSO SEE SECTION 4 MULCHING) HYDROSEEDING IS NOT A PREFERRED SEEDING METHOD BECAUSE SEED AND FERTILIZER ARE APPLIED TO THE SURFACE AND NOT INCORPORATED INTO THE SOIL. WHEN POOR SEED TO SOIL CONTACT OCCURS, THERE IS A REDUCED SEED GERMINATION AND GROWTH.

4. MULCHING

MULCHING IS REQUIRED ON ALL SEEDING. MULCH WILL PROTECT AGAINST EROSION BEFORE GRASS IS ESTABLISHED AND WILL PROMOTE FASTER AND EARLIER ESTABLISHMENT. THE EXISTENCE OF VEGETATION SUFFICIENT TO CONTROL SOIL EROSION SHALL BE DEEMED COMPLIANCE WITH THIS MULCHING REQUIREMENT.

A. STRAW OR HAY, UNHOTTED SMALL GRASS STRAW, HAY FREE OF SEEDS, TO BE APPLIED AT THE RATE OF 1-1/2 TO 2 TONS PER ACRE (70 TO 90 POUNDS PER 1,000 SQUARE FEET), EXCEPT THAT WHERE A CRIMPER IS USED INSTEAD OF A LIQUID MULCH-BINDER (TACKIFYING OR ADHESIVE AGENT), THE RATE OF APPLICATION IS 3 TONS PER ACRE. MULCH CHOPPER-BLOWERS MUST NOT GRIND THE MULCH. HAY MULCH IS NOT RECOMMENDED FOR ESTABLISHING FINE TURF OR LAWNS DUE TO THE PRESENCE OF WEED SEED.

APPLICATION: SPREAD MULCH UNIFORMLY BY HAND OR MECHANICALLY SO THAT AT LEAST 85% OF THE SOIL SURFACE IS COVERED. FOR UNIFORM DISTRIBUTION OF HAND-SPREAD MULCH, DIVIDE AREA INTO APPROXIMATELY 1,000 SQUARE FEET SECTIONS AND DISTRIBUTE 70 TO 90 POUNDS WITH EACH SECTION.

ANCHORING SHALL BE ACCOMPLISHED IMMEDIATELY AFTER PLACEMENT TO MINIMIZE LOSS BY WIND OR WATER. THIS MAY BE DONE BY ONE OF THE FOLLOWING METHODS, DEPENDING UPON THE SIZE OF THE AREA, STEEPNESS OF SLOPES, AND COSTS.

1. PEG AND TWINE. DRIVE 8 TO 10 INCH WOODEN PEGS TO WITHIN 2 TO 3 INCHES OF THE SOIL SURFACE EVERY 4 FEET IN ALL DIRECTIONS. STAKES MAY BE DRIVEN BEFORE OR AFTER APPLYING MULCH. SECURE MULCH TO SOIL SURFACE BY STRETCHING TWINE BETWEEN PEGS IN A CRIS-CROSS AND A SQUARE PATTERN. SECURE TWINE AROUND EACH PEG WITH TWO OR MORE ROUND TURNS.

2. MULCH NETTINGS. STAPLE PAPER, LUTE, COTTON, OR PLASTIC NETTINGS TO THE SOIL SURFACE. USE A DEGRADABLE NETTING IN AREAS TO BE MOVED.

3. CRIMPER (MULCH ANCHORING TOOL). A TRACTOR-DRAWN IMPLEMENT, SOMEWHAT LIKE A DISC HARROW, ESPECIALLY DESIGNED TO PUSH OR CUT SOME OF THE BROADCAST LONG FIBER MULCH 3 TO 4 INCHES INTO THE SOIL SO AS TO ANCHOR IT AND LEAVE PART STANDING UPRIGHT. THIS TECHNIQUE IS LIMITED TO AREAS TRAVERSABLE BY A TRACTOR, WHICH MUST OPERATE ON THE CONTOUR OF SLOPES. STRAW MULCH RATE MUST BE 3 TONS PER ACRE. NO TACKIFYING OR ADHESIVE AGENT IS REQUIRED.

4. LIQUID MULCH-BINDERS - MAY BE USED TO ANCHOR SALT HAY, HAY OR STRAW MULCH.

a. APPLICATIONS SHOULD BE HEAVIER AT EDGES WHERE WIND MAY CATCH THE MULCH, IN VALLEYS, AND AT CRESTS OF BANKS. THE REMAINDER OF THE AREA SHOULD BE UNIFORM IN APPEARANCE.

b. USE ONE OF THE FOLLOWING:

(1) ORGANIC AND VEGETABLE BASED BINDERS - NATURALLY OCCURRING, POWDER-BASED, HYDROPHILIC MATERIALS WHEN MIXED WITH WATER FORMULATES A GEL AND WHEN APPLIED TO MULCH UNDER SATISFACTORY CURING CONDITIONS WILL FORM MEMBRANED NETWORKS OF INSOLUBLE POLYMERS. THE VEGETABLE GEL SHALL BE PHYSIOLOGICALLY HARMLESS AND NOT RESULT IN A PHYTOTOXIC EFFECT OR IMPROVE GROWTH OF TURFGRASSES. USE AT RATES AND WEATHER CONDITIONS AS RECOMMENDED BY THE MANUFACTURER TO ANCHOR MULCH MATERIALS. MANY NEW PRODUCTS ARE AVAILABLE, SOME OF WHICH MAY NEED FURTHER EVALUATION FOR USE IN THIS STATE.

(2) SYNTHETIC BINDERS - HIGH POLYMER SYNTHETIC EMULSION, MISCIBLE WITH WATER WHEN DILUTED AND FOLLOWING APPLICATION TO MULCH, DRYING AND CURING, SHALL NO LONGER BE SOLUBLE OR DISPERSIBLE IN WATER. BINDER SHALL BE APPLIED AT RATES RECOMMENDED BY THE MANUFACTURER AND REMAIN TACKY UNTIL GERMINATION OF GRASS.

NOTE: ALL NAMES GIVEN ABOVE ARE REGISTERED TRADE NAMES. THIS DOES NOT CONSTITUTE A RECOMMENDATION OF THESE PRODUCTS TO THE EXCLUSION OF OTHER PRODUCTS.

B. WOOD-FIBER OR PAPER-FIBER MULCH - SHALL BE MADE FROM WOOD, PLANT FIBERS OR PAPER CONTAINING NO STANDARDS FOR SOIL EROSION AND SEDIMENT CONTROL. IN NEW JERSEY JANUARY 2014 GROWTH OR GERMINATION INHIBITING MATERIALS, USED AT THE RATE OF 1,500 POUNDS PER ACRE (OR AS RECOMMENDED BY THE PRODUCT MANUFACTURER) AND MAY BE APPLIED BY A HYDROSEEDER. THIS MULCH SHALL NOT BE MIXED IN THE TANK WITH SEED. USE IS LIMITED TO FLATTER SLOPES AND DURING OPTIMUM SEEDING PERIODS IN SPRING AND FALL.

C. PELLETED MULCH - COMPRESSED AND EXTRUDED PAPER AND/OR WOOD FIBER PRODUCT, WHICH MAY CONTAIN CO-POLYMERS, TACKIFIERS, FERTILIZERS AND COLORING AGENTS. THE DRY PELLETS, WHEN APPLIED TO A SEEDBED AREA AND WATERED, FORM A MULCH MAT. PELLETED MULCH SHALL BE APPLIED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS. MULCH MAY BE APPLIED BY HAND OR MECHANICAL SPREADER AT THE RATE OF 60-75 LBS./1,000 SQUARE FEET AND ACTIVATED WITH 0.2 TO 0.4 INCHES OF WATER. THIS MATERIAL HAS BEEN FOUND TO BE BENEFICIAL FOR USE ON SMALL LAWN OR RENOVATION AREAS. SEEDBED AREAS WHERE WEED-SEED FREE MULCH IS DESIRED, OR ON SITES WHERE STRAW MULCH AND TACKIFIER AGENT ARE NOT PRACTICAL OR DESIRABLE. APPLYING THE FULL 0.2 TO 0.4 INCHES OF WATER AFTER SPREADING PELLETED MULCH ON THE SEEDBED IS EXTREMELY IMPORTANT FOR SUFFICIENT ACTIVATION AND EXPANSION OF THE MULCH TO PROVIDE SOIL COVERAGE.

5. IRRIGATION (WHERE FEASIBLE)

IF SOIL MOISTURE IS DEFICIENT SUPPLY NEW SEEDING WITH ADEQUATE WATER (A MINIMUM OF 1/4 INCH APPLIED UP TO TWICE A DAY UNTIL VEGETATION IS ESTABLISHED). THIS IS ESPECIALLY TRUE WHEN SEEDINGS ARE MADE IN ABNORMALLY DRY OR HOT WEATHER OR ON DROUGHTY SITES.

6. TOP DRESSING

SINCE SOIL ORGANIC MATTER CONTENT AND SLOW RELEASE NITROGEN FERTILIZER (WATER INSOLUBLE) ARE PRESCRIBED IN SECTION 2A-SEEDBED PREPARATION IN THIS STANDARD, NO FOLLOW-UP OF TOP DRESSING IS MANDATORY, AN EXCEPTION MAYBE MADE WHERE GROSS NITROGEN DEFICIENCY EXISTS IN THE SOIL TO THE EXTENT THAT TURF FAILURE MAY DEVELOP. IN THAT INSTANCE, TOP DRESS WITH 10-10-10 OR EQUIVALENT AT 300 POUNDS PER ACRE OR 7 POUNDS PER 1,000 SQUARE FEET EVERY 3 TO 5 WEEKS UNTIL THE GROSS NITROGEN DEFICIENCY IN THE TURF IS AMELIORATED.

7. ESTABLISHING PERMANENT VEGETATIVE STABILIZATION

THE QUALITY OF PERMANENT VEGETATION RESTS WITH THE CONTRACTOR. THE TIMING OF SEEDING, PREPARING THE SEEDBED, APPLYING NUTRIENTS, MULCH AND OTHER MANAGEMENT ARE ESSENTIAL. THE SEED APPLICATION RATES IN TABLE 4.3 ARE REQUIRED WHEN A REPORT OF COMPLIANCE IS REQUESTED PRIOR TO ACTUAL ESTABLISHMENT OF PERMANENT VEGETATION. UP TO 50% REDUCTION IN APPLICATION RATES MAY BE USED WHEN PERMANENT VEGETATION IS ESTABLISHED PRIOR TO REQUESTING A REPORT OF COMPLIANCE FROM THE DISTRICT. THESE RATES APPLY TO ALL METHODS OF SEEDING. ESTABLISHING PERMANENT VEGETATION MEANS 80% VEGETATIVE COVER (OF THE SEEDBED SECTIONS) AND MOVED ONE. NOTE THIS DESIGNATION OF MOVED ONE DOES NOT MEAN QUANTITATIVE. THE PERMANENCY OF THE TURF SHOULD OTHER MAINTENANCE FACTORS BE NEGLECTED OR OTHERWISE MISMANAGED.

CONSTRUCTION SEQUENCE

EXACT TIMING FOR DEVELOPMENT OF THIS PROJECT IS NOT KNOWN AT THIS TIME. HOWEVER, IT IS ANTICIPATED THAT CONSTRUCTION WILL COMMENCE IN THE WINTER OF 2021 AND WILL PROCEED IMMEDIATELY AND CONTINUOUSLY ONCE THE REQUIRED APPROVALS ARE SECURED. ITEMS AND DURATIONS OF CONSTRUCTION WILL OCCUR APPROXIMATELY AS FOLLOWS:

	CONTINUOUSLY
1. TEMPORARY SOIL EROSION FACILITIES	1 WEEK
2. ROUGH CLEARING AND GRADING	1 DAY
3. TEMPORARY SEEDING	1 WEEK
4. UTILITY INSTALLATION	1 WEEK
5. CURB CONSTRUCTION	1 WEEK
6. CONSTRUCTION OF BUILDINGS	6 MONTHS
7. MAINTENANCE OF TEMPORARY EROSION CONTROL MEASURES	CONTINUOUSLY
8. PRELIMINARY INSTALLATION OF LANDSCAPE	1 WEEK
9. FINAL CONSTRUCTION/STABILIZATION OF SITE	1 WEEK

*TEMPORARY SEEDING SHALL ALSO BE PERFORMED WHEN NECESSARY IN ACCORDANCE WITH NOTE NO. 1 OF THE SOIL EROSION AND SEDIMENT CONTROL NOTES.

NOTES:

CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL PERMANENT SOIL EROSION AND SEDIMENT CONTROL MEASURES DURING CONSTRUCTION. THE PROPERTY OWNERS SHALL ASSUME THIS RESPONSIBILITY AFTER CONSTRUCTION IS COMPLETED AND CERTIFICATES OF OCCUPANCY ARE ISSUED.

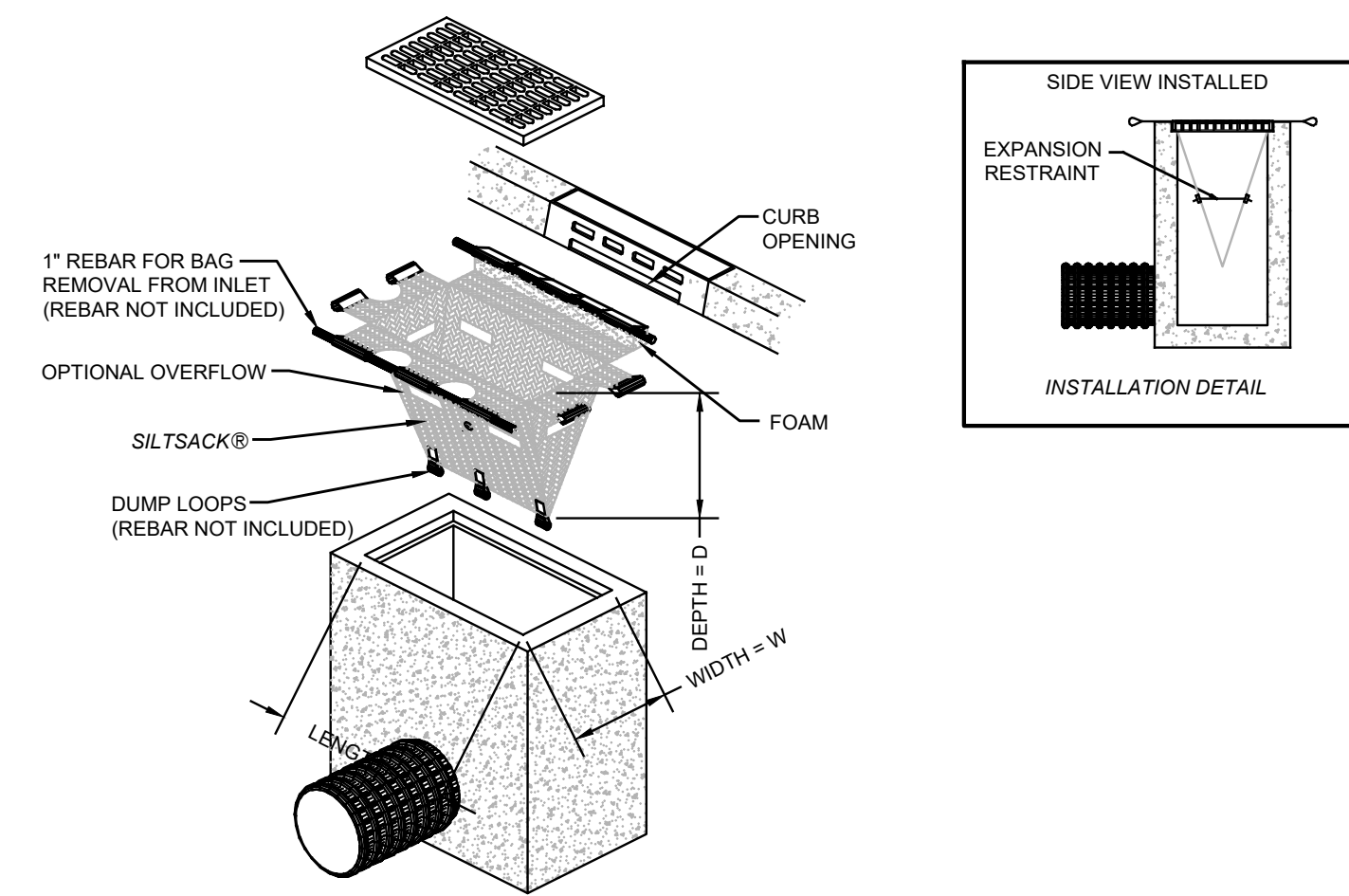
THE SOIL EROSION INSPECTOR MAY REQUIRE ADDITIONAL SOIL EROSION MEASURES TO BE INSTALLED, AS DIRECTED BY THE DISTRICT INSPECTOR.

THE CONTRACTOR IS RESPONSIBLE FOR KEEPING THE ROADWAYS CLEAN AT ALL TIMES. ANY SEDIMENT SPILLED OR TRACKED ON THE ROADWAY WILL BE CLEANED UP IMMEDIATELY, OR AT MINIMUM, BY THE END OF EACH WORK DAY.

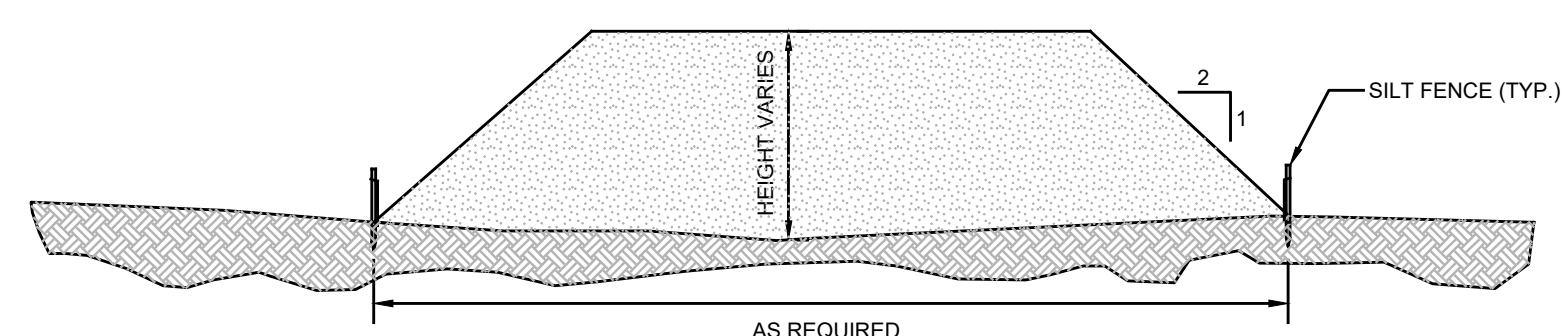
DUST GENERATION SHALL BE CONTROLLED ON A CONSTANT BASIS BY WETTING THE SURFACE AND/OR APPLICATION OF CALCIUM CHLORIDE.

STEEP SLOPES SHALL RECEIVE A TEMPORARY SEEDING IN COMBINATION WITH STRAW MULCH OR SUITABLE EQUAL. (SEE ANCHORING NOTES & NOTE NO. 6 OF SOIL EROSION & SEDIMENT CONTROL NOTES.)

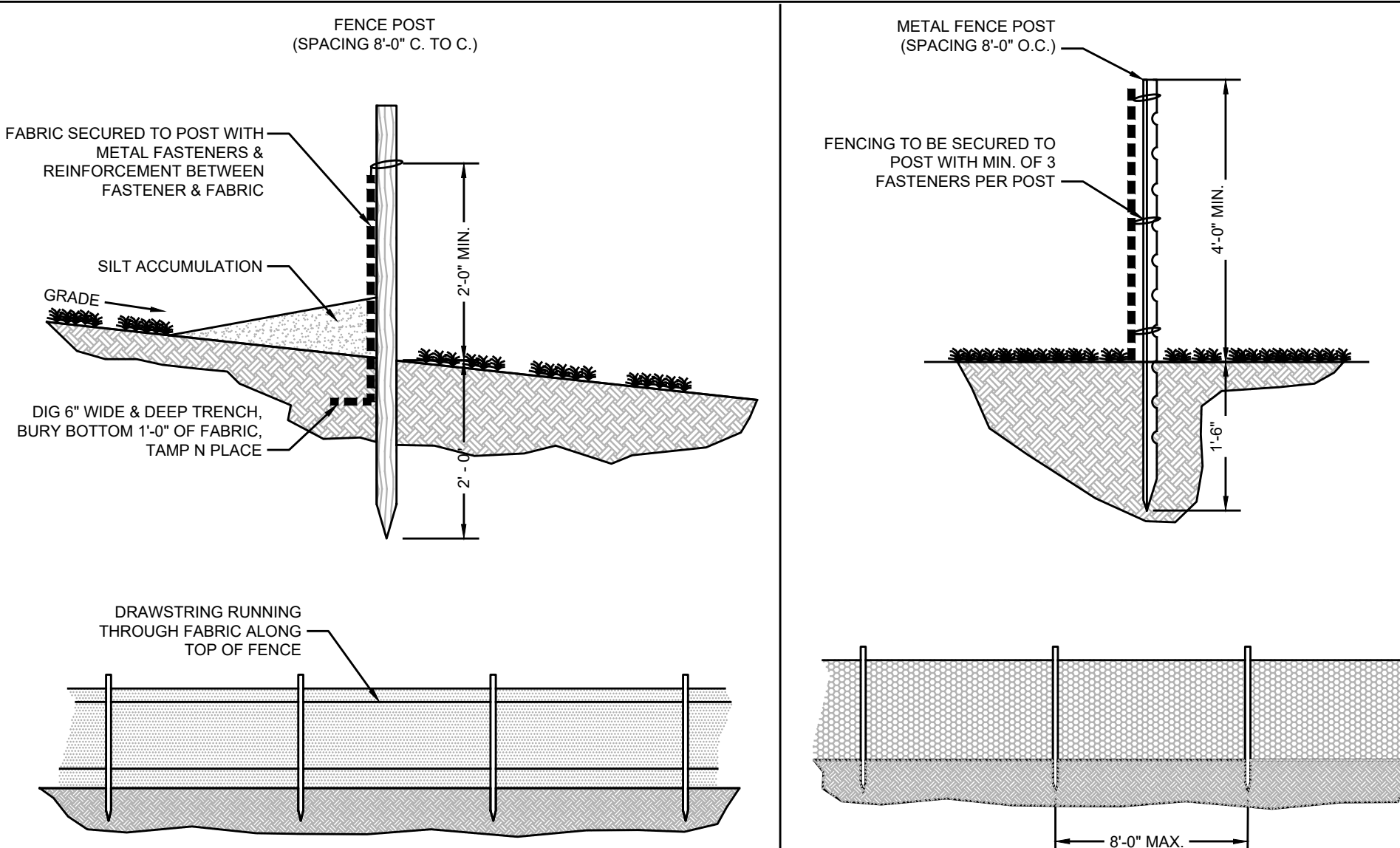
ALL SOIL EROSION AND SEDIMENT CONTROL PRACTICES ON INDIVIDUAL SITES SHALL APPLY TO ANY SUBSEQUENT OWNERS.

**INLET PROTECTION DETAIL**

NTS

**SECTION THROUGH SOIL STOCKPILE (TYP.)**

NTS



ARCHITECT OF RECORD :

JoAnn P Montero
7 Huntington Road
East Brunswick, New Jersey 08816
tel (908) 337-7339
email - joannmont@comcast.net

PLANS PREPARED FOR VARIANCE APPROVAL
PROPOSED 4 – CAR GARAGE
199 COMMANCHE DRIVE
OCEANPORT, NEW JERSEY 07757
BLOCK – 40 LOT – 13

BUILDING DATA

GARAGE FLOOR AREA = 922.25 SQ. FT.
GARAGE FOOTPRINT = 922.25 SQ. FT.
VOLUME = 10670 CU. FT.
USE GROUP CLASSIFICATION = R-5
CONSTRUCTION TYPE = VB

PROPRIETARY INFORMATION
NON-DISCLOSURE AGREEMENT
The acceptance of these drawings by vendors, bidders or fabricators and their agents constitutes agreement to the following conditions:
All ideas, designs, arrangements, and plans indicated or represented by this drawing are owned by and the property of the architect, and were created, evolved, and developed for use on and in connection with the specified project. None of such ideas, designs, arrangements, or plans shall be used by or disclosed to any person, firm, or corporation for any purpose whatsoever without the written permission of the architect. Any and all inquiries in this regard by outside parties should be referred to JoAnn P Montero Architect.

NOTE: Written dimensions on these drawings shall have precedence over scaled dimensions. Contractors shall verify and be responsible for all dimensions and conditions on the job, and this office must be notified of any variations. Also, this office must be notified of any variations from the dimensions and conditions shown by these drawings. Shop details must be submitted to this office for approval before proceeding with fabrication.

OWNER :

PROJECT:

PROPOSED 4 - CAR GARAGE
199 COMMANCHE DRIVE
OCEANPORT, N.J. 07757

DESIGN CONSULTANT

WINTERS DESIGN LLC.
JEFFREY WINTERS
196 MAIN STREET
MATAWAN, N.J. 07747
PHONE: 732.289-6678
EMAIL: JWINDESIGN@HOTMAIL.COM

ISSUE:
7/29/21 - patio/pool revision, increase size
11/1/21 - decrease garage 7" in length - decrease hardscape
11/16/21 - remove pool and patio

ARCHITECT

JoAnn Montero

LIC. NO.
AI 01841300

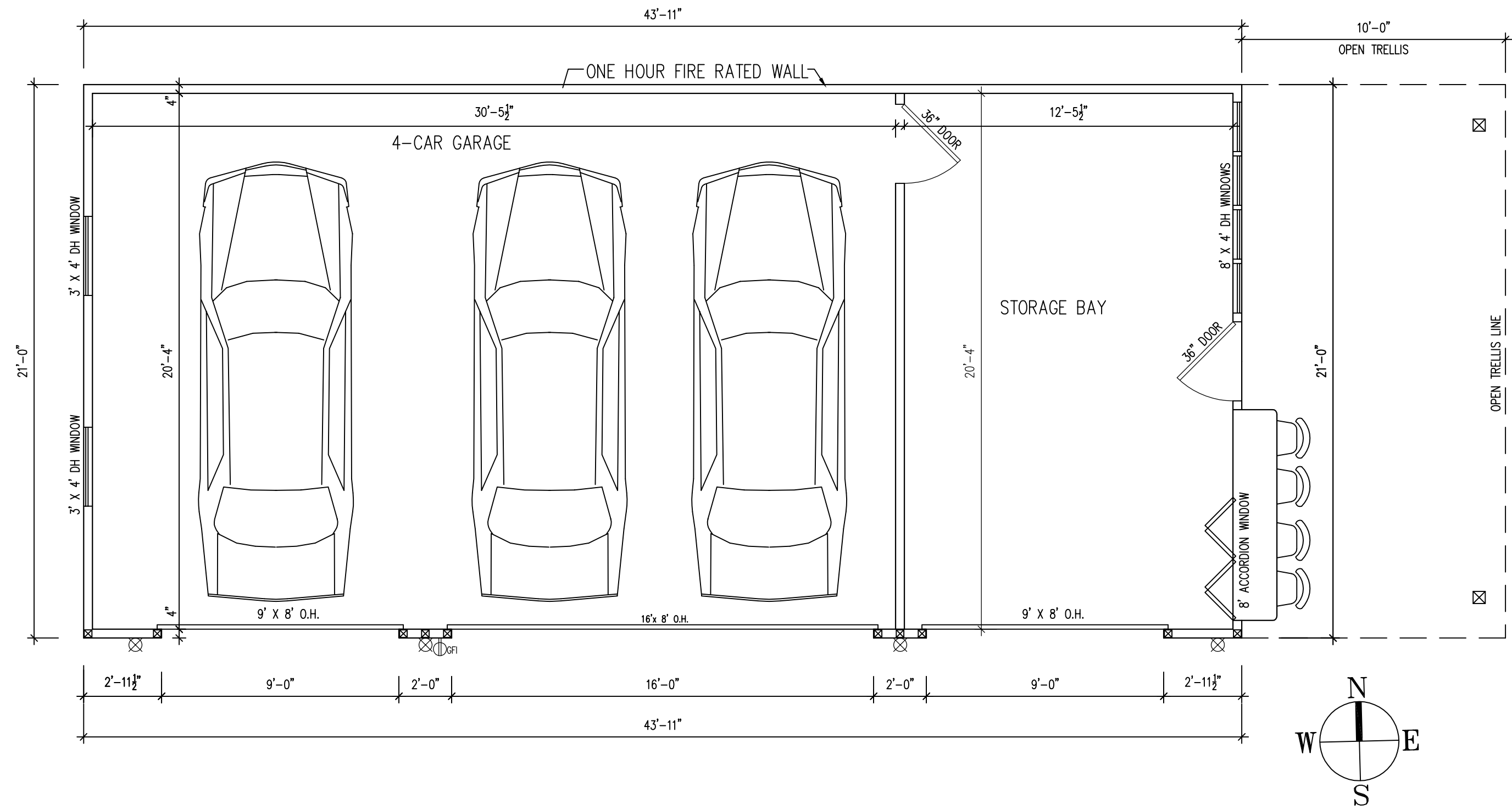
DRAWING TITLE:

VARIANCE PLANS

JOB No: 1946 REF. No: 1946/AR1.DWG DATE: 3/18/21
SCALE: AS NOTED DWG. BY: JDW CHKD. BY: JPM

DWG NO.:

V-1



DETACHED GARAGE PLAN

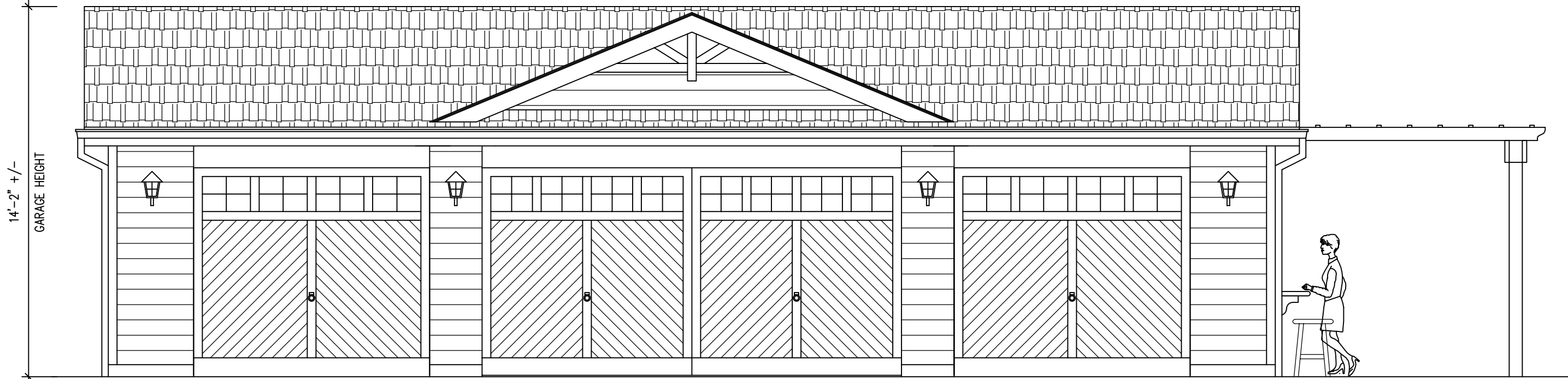
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LEFT SIDE ELEVATION

WEST (STREET ELEVATION)

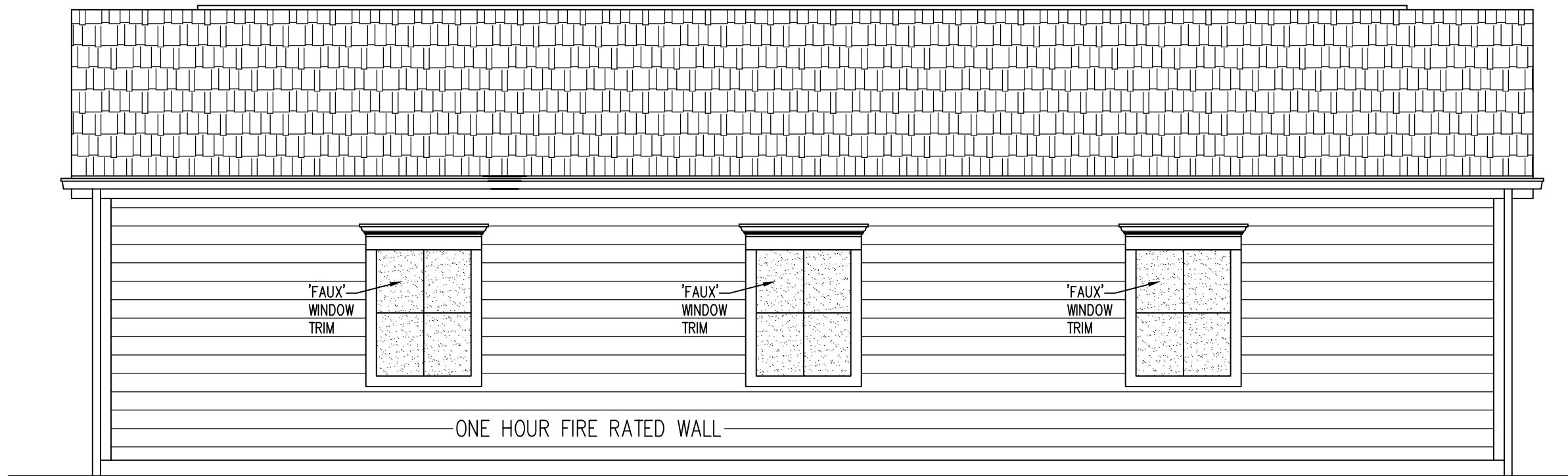
SCALE: 1/4"=1'-0"



FRONT ELEVATION

SOUTH

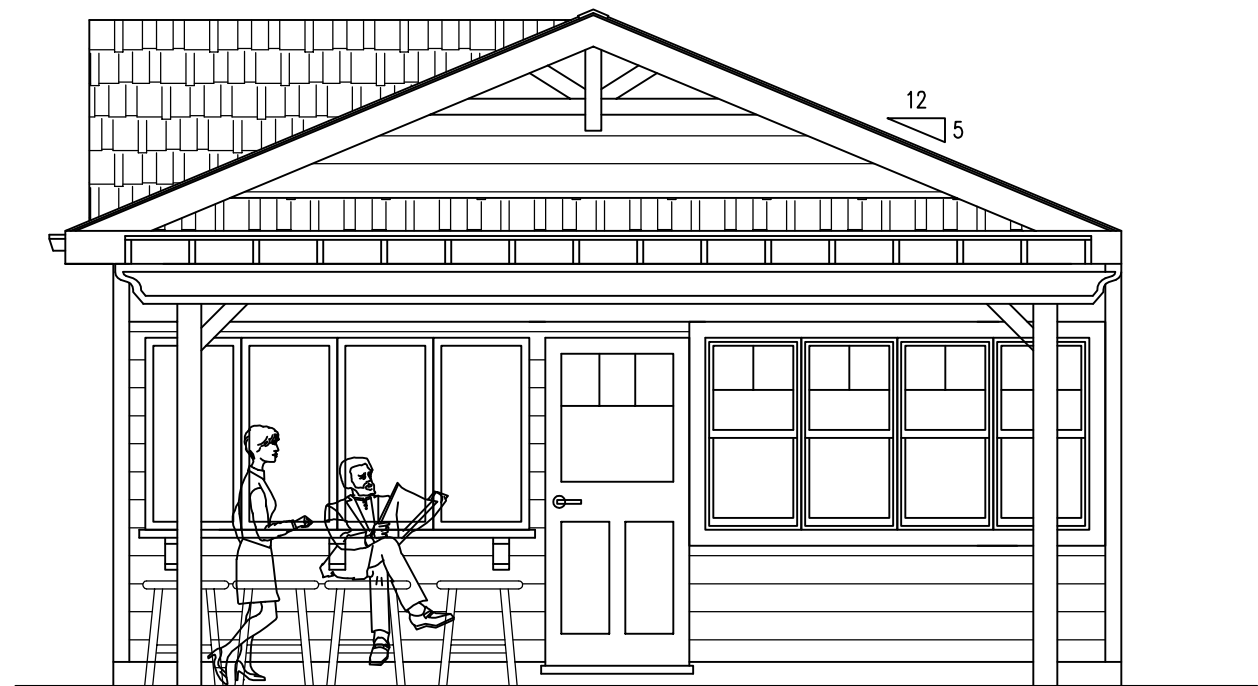
SCALE: 1/4"=1'-0"



REAR ELEVATION

NORTH

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



RIGHT SIDE ELEVATION

EAST

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