



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • APRIL 11, 2023

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

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

III. Flag Salute

IV. Board Policy

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

V. Roll Call

VI. Board Business

1. Report of Pending Applications

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Mar 14, 2023 7:00 PM
2. Planning/Zoning Board - Regular - Mar 28, 2023 7:00 PM

VIII. Old Business

1. Resolution of Approval - 76 Tecumseh Ave
2. Resolution of Approval - 42 Hiawatha Ave

IX. New Business - None

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • MARCH 14, 2023****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. Call to Order:** Chairman Whitson called the meeting to order at 7:00 PM
- II. Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- III. Flag Salute:** Chairman Whitson led attendees and members of the Board in the flag salute.
- IV. Board Policy:** Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 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	Arrived
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Present	
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Absent	
Leslie B Widdis L	Class IV	Present	
Darren Davis	Class IV	Absent	
Michael Dailey	Class IV	Absent	
Kevin Calver	Alternate I	Absent	
Robert Kleiberg	Alternate II	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 was scheduled for March 28, 2023 and described applications for 76 Tecumseh Ave and status of Signal Point LLC not yet deemed complete.
- Ordinance Committee Appointments - This item was tabled until next meeting due to the number of absent Board members.
- Development Review Committee Appointments - This item was tabled until next meeting due to the number of absent Board members.

VII. Approval of Minutes:

- Planning/Zoning Board - Regular - Feb 15, 2023 7:00 PM

RESULT:	ACCEPTED [3 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Widdis L
ABSTAIN:	Cooper, Tvrdik, Foster, Kleiberg
ABSENT:	Widdis C, Davis, Dailey, Calver

VIII. Old Business:

1. Resolution of Approval, 38 Doreen Drive - As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and conditions which was moved for approval by Ms. Barham-Widdis, seconded by Mr. Whitson.

RESULT:	ADOPTED [3 TO 0]
MOVER:	Leslie B Widdis L, Class IV
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Kahle, Widdis L
ABSENT:	Widdis C, Davis, Dailey, Calver
INELIGIBLE:	Cooper, Tvrdik, Foster, Kleiberg

IX. New Business:

1. PB2023-01 Skeen, Paul & Belinda
Block 140, Lot 8
21 Hedge Dr.
Proposed addition and deck in rear yard seeking variance relief for:
- Rear yard setback required 40', existing 30.9', proposed 19.0'
DFD 06/08/23

EXHIBITS

- A-1 Land Development Application
- A-2 "Site Plan & Elevations", 3 Sheets, prepared by Michael Savarese Associates, dated January 12, 2023
- A-3 "Survey of Lot 8 Block 140," prepared by Thomas P. Santry, P.A., dated November 28, 2022
- A-4 Collier's Engineering Review Letter dated February 28, 2023
- A-5 Photographs of Rear Yard taken by MSA Architects

The following person(s) were sworn in: William White, Board Engineer/Planner.

Mr. Kennedy described and marked **Exhibits A-1, A-2, A-3, A-4**.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. As there were no objections to the notice, stated that he and Ms. Smith had reviewed the notice and found it to be in order.

Belinda Skeen, Applicant/Owner, was sworn in and testified that she was the owner for roughly 19 years and advised that they had previously obtained a variance a number of years ago to do the small addition and they're looking to move ahead with the project to construct an addition and new deck. They only have 1 full bath and a half bath that they would like to convert to a full bath, described additional improvements for first floor layout and construction of a replacement deck.

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

Mr. White stated that the variance being sought was for rear yard setback where 40' required, existing is 30.9' and proposed is 19.0'

Mr. Kleiberg asked questions about adjusting deck size to reduce the setback non-conformity.

Michael Savarese, Applicant's Professional Architect, was sworn and having been before the Board previously was accepted as an expert witness. Mr. Savarese responded to questions related to the plan, the proposed rear yard setback and his concern that the deck would be smaller and rather than impact the side yard opted for the rear yard. Mr. Savarese continued that the lot shape and configuration created a hardship and pointed out that a variance had been granted previously for the same exact project.

Mr. Kahle asked questions about the dimensions of the existing deck. Mr. Savarese responded with introduction of Exhibit A-5 – Photographs of the rear yard area. Mr. Kahle addressed the existing shed that was in a non-conforming setback and recommended the Applicant request a variance for that.

Mr. Foster asked questions about the type of fencing – Ms. Skeen responded white vinyl, 6'.

Ms. Cooper asked if there was any buffer of the deck such as trees lining the back line. Ms. Skeen responded there was an existing fence and they plan to place the addition's windows up higher for privacy concerns.

Councilman Tvrdik asked that the Applicant when ready to do a new shed, submit for a zoning permit and also asked that if the application were approved there should be no obtrusive lighting on this corner.

Mr. Kahle asked questions about the rear entry from the living room and that the steps should be shown on plan – applicant agreed.

Mr. Foster also commented that the project should be dark skies compliant.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Kahle made a motion to approve the application which was seconded by Mr. Tvrdik.

Motion to Approve Application

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

2. PB2023-02 Caccamise, Kevin & Laura

Block 31, Lot 4

6 Ticonderoga Ave.

Construction of swimming pool and associated improvements seeking relief for:

- Maximum impervious coverage of 45.21% proposed, where 37% permitted and 38% existing

DFD 06/07/23

EXHIBITS

A-1 Land Development Application

A-2 "Pool Plan," prepared by InSite Engineering, LLC, last revised January 18, 2023

A-3 Collier's Engineering Review Letter dated February 7, 2023

A-4 Site Layout Rendering, prepared by InSite Engineering, LLC, dated March 14, 2023.

The following person(s) were sworn in: William White, Board Engineer/Planner.

Mr. Kennedy described and marked **Exhibits A-1, A-2, A-3**.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. As there were no objections to the notice, stated that he and Ms. Smith had reviewed the notice and found it to be in order.

Laura Caccamise, Applicant/Owner, was sworn in and testified that she was the owner of the property for 14 years and described her application to add a pool to the backyard and because of the existing lot coverage, they wanted to retain as much pavers as possible for the dining area.

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

Mr. White stated variance being sought was impervious coverage where 37% permitted, existing is 38% and proposed is 45.21%

Mr. Tvrdik asked if the property had any water pooling or drainage issues. Ms. Caccamise responded that no, nothing that drained onto adjacent neighbors. There was at times water after a rainfall but dissipates quickly.

Ms. Cooper asked questions about the existing patio, the size of the new area of pavers and dimensions.

Maeve Desmond, Professional Planner for the Applicant, was sworn in and presented qualifications and having previously been before the Board was accepted as an expert. Ms. Desmond described the characteristics of the lot including a 6' white vinyl fence that encloses the entire property, outlined the impervious coverages existing and proposed, mitigation for drainage is proposed in the form of channel drains at perimeter of pool that will collect and direct stormwater to an overflow inlet to be constructed in the front yard as well as proposal of a dry well in the rear yard. She further testified the location of the pool as shown on the plans would likely impact a large cherry tree and its root system and proposed to shift the pool 10' to the east in order not to harm the tree during construction. The pool shifting would still be compliant with all setbacks and the proposed coverage would not change. Ms. Desmond testified that the variance could be justified as a category 1 hardship variance because of the undersized nature of the lot makes it impractical to meet the coverage requirements. If the lot was conforming, the coverage would be at 33.9% and referenced case law of Lang, Kauffman and Davis Enterprises cases. The unique conditions of the property inhibit the extent to which the property can be developed. Ms. Desmond summarized the positive impacts of the site including no impacts to light, air and open space and would improve the visual impacts, pool will be screened by the existing vinyl fence so there are no detrimental impacts from the pool. Adjacent neighbors have trees and bamboo extensively that buffer the site. Ms. Desmond also addressed the Engineer's general comments with the Applicant agreeing to comply.

Councilman Tvrdik requested an as-built survey to show the before and after impervious coverages as a condition of any approval.

Ms. Cooper asked about the buffering of the pool and pool equipment and the elevation of the pool equipment would the buffering sufficiently buffer the neighbors. Ms. Caccamise responded that they are willing to install any buffering the Board would request, described the vinyl lattice fencing that provides screening but was willing to plant trees as well.

Mr. Foster expressed concerns for the impervious coverage and asked questions about the drainage.

Doug McLelland, Professional Engineer for the Applicant, was sworn in and accepted as an expert having been before the Board previously. Mr. McLelland testified as to the plans for the drainage, locations of the channel drains, dry well and overflow inlet to address the drainage and direct to the street, took additional steps to address downspouts, recharge and the outflow for the event of a larger storm.

Mr. Kahle asked questions about the overflow pipe to the dry well and to the street and if soil borings were done. Mr. McLelland

responded that they intend to do soil borings which are needed for the design. Mr. Kahle asked Mr. White if it would be better to send all drainage to the street. Mr. White responded that he had concerns about the amount going to the street and with the back half of the roof directing to the rear yard thus his request for the overflow. Historically, the rear yards of the lots on the peninsula had swales along the backyards that directed water out but that has changed over the years with development and his recommendation is to direct it to the front. Mr. Kahle asked if shifting the pool to the east would affect the dry well location. Mr. McLelland testified that likely yes, and they would shift that possible also to the front yard. Mr. Kahle asked questions about the area around the pool and if the coverage was granted did it mean they could put it anymore. He would like to have the plan show more specifically where the additional concrete would be located. Mr. McLelland pointed out the areas on the plan and that it would shift over. Mr. Kahle asked if there was a pool compliant fence and was told yes, already existing and it does return to the house.

Mr. Kleiberg asked questions about the pool type, the need for a 3' apron, did the fence have self-latching gates and was told they would. Mr. Kleiberg asked about the leaders from the roof and that they be directed away from pool, asked if they would consider a drain around the pool. Mr. McLelland responded the plan does show a channel drain.

Ms. Barham-Widdis asked questions about the shifting of the patio and wouldn't it reduce the coverage with removal of patio area to the left.

Mr. McLelland described a Site Layout Rendering exhibit that was marked as **Exhibit A-4**. Referring to same, indicated where the shift would occur. Ms. Barham-Widdis asked if they would cut out anything from the top.

Chairman Whitson asked what was the existing patio area and the proposed patio area. Mr. McLelland responded existing 625 s.f. and 940 s.f. proposed. Chairman Whitson commented that was a significant increase.

Ms. Barham-Widdis continued with questions about the patio and what areas could be eliminated to reduce the coverage. Applicant will look at adjustments to reduce the patio area. Ms. Barham-Widdis asked if there would be a diving board – no, its only 6'; did the Applicant consider a smaller pool. Ms. Caccamise responded that they originally looked at larger and different shapes but resorted to the smaller pool proposed.

Mr. Kahle asked if the leader by the pool equipment could tie into the drain pipe. Mr. McLelland stated that they would move the drywell to the front yard.

Councilman Tvrdik commented that the area was so low, wouldn't it be better to move everything to the front. Needs a test pit.

Mr. Foster offered comments about environmental concerns and lawn treatments and if the water is all pumped to the street it will end up in the river. The State has been pushing towards recharge versus street for those concerns. He would ask that recharge be the first consideration.

Mr. Kleiberg commented and asked questions about the runoff and concerns for where the street drains to.

Ms. Cooper asked if they are shifting pool 10' to the east, wouldn't that eliminate 10' to the east and would they consider removal of that area of patio so that the patio lines with the pool and reduces the impervious coverage to which the Applicant agreed.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Ms. Caccamise commented that they are trying to save the cherry tree, but even with shifting the pool, it will depend on the root system but there may be a case where they don't move the pool 10' if the tree can't be saved. After discussion, the Applicant committed to shifting the pool 10'

Mr. Kahle made a motion to approve the application as amended with the pool location being shifted 10' to the east and eliminating 10' of patio so the patio aligns with the new pool location with a maximum impervious coverage not to exceed 44%, relocation of drywell to the front yard which was seconded by Mr. Kleiberg.

Motion to Approve Application as Amended

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

3. PB2023-03 Bodnar
Block 88, Lot 15
6 Relwof Ave.
Proposed expansion of front foyer and replace existing front porch, rear addition with elevated deck seeking relief for:
 - Front yard setback: 24.53' proposed, 30' permitted
 - Front porch encroachment of front yard setback: 18.20' proposed, 24' permitted
 DFD 06/14/2023

EXHIBITS

A-1 Land Development Application

A-2 "Alteration Addition Bodnar Residence", 2 Sheets, prepared by Jeremiah J Regan, AIA, dated December 4, 2022,

A-3 Photographs of Site, 3 Sheets, taken by Applicant

A-4 Collier's Engineering Review Letter dated February 7, 2023

The following person(s) were sworn in: William White, Board Engineer/Planner.

Mr. Kennedy described and marked **Exhibits A-1, A-2, A-3, A-4.**

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. As there were no objections to the notice, stated that he and Ms. Smith had reviewed the notice and found it to be in order.

Barbara Bodnar, Applicant/Owner, was sworn in and testified that she was the owner for roughly 20 years of the single family home.

Jeremiah J. Regan, Professional Architect, was sworn in and having appeared before the Board previously was accepted as an expert.

Mrs. Bodnar described the application for an addition to the front entry in order to provide additional space for turning movements due to the narrowness of the entry for the split level house in order to make it safe, also proposed is replacement of the patio with a covered patio. She testified that in order to mitigate the front yard setback they propose changing the staircase to a parallel entry rather than perpendicular to the street.

Chairman Whitson asked for questions from Mr. White and Board members.

Mr. White summarized the two variances for minimum front yard setback of 24.53' where 30 required and front porch setback proposed at 18.2' where 24' permitted.

Councilman Tvrdik asked how wide was the right of way from curb to property line – about 8'. Councilman Tvrdik commented with that additional area, the porch would still have the appearance of 30' after the addition. He also pointed out the existing front yard shed – would need to comply if replacing, and noted the planters in front yard – if they plan on putting a fence around the garden to keep out deer, see the Zoning Officer first.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Ms. Cooper made a motion to approve the application which was seconded by Mr. Foster.

Motion to Approve Application

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis L, Kleiberg
ABSENT:	Widdis C, Davis, Dailey, Calver

- X. Petitions from the Public:** Chairman Whitson opened the meeting for petitions from the public. As there was no one from the public present, Chairman Whitson closed that portion of the meeting.

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:19 pm on a motion by Mr. Foster and seconded by Councilman Tvrdik and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • MARCH 28, 2023

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

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

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

- VI. **Board Business:**
1. Report of Pending Applications - Ms. Smith advised that the only pending applications to be scheduled were the Nurses' Quarters and the Marina at Oceanport Partners which was before them that evening for waiver requests.
- VII. **Approval of Minutes:**
1. Minutes of Mar 14, 2023 7:00 PM - Minutes were tabled until the April 11, 2023 meeting on a motion by Mr. Whitson, seconded by Mr. Davis and approved by the Board.
- VIII. **Old Business:**
1. Resolution of Approval - 21 Hedge Drive - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Kahle made a motion to approve the Resolution, which was seconded by Ms. Barham-Widdis and received the below roll call:

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

2. Resolution of Approval - 6 Ticonderoga Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. There was discussion on the conditions with modifications to reflect the conditions for an as-built survey before a CO issued. Mr. Kahle made a motion to approve the Resolution as Amended, which was seconded by Ms. Barham-Widdis and received the below roll call:

RESULT: **ADOPTED AS AMENDED [5 TO 0]**
MOVER: John (Jack) Kahle, Vice Chairman
SECONDER: Joseph Foster, Environmental Commission Liaison
AYES: Whitson, Kahle, Tvrdik, Foster, Widdis L
ABSENT: Cooper, Widdis C, Calver, Kleiberg
INELIGIBLE: Davis, Dailey

3. Resolution of Approval - 6 Relwof Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. There was discussion on the conditions with modifications to reflect the conditions concerning planter boxes in front yard. Councilman Tvrdik made a motion to approve the Resolution as Amended, which was seconded by Ms. Barham-Widdis and received the below roll call:

RESULT: **ADOPTED [5 TO 0]**
MOVER: Thomas Tvrdik, Class III
SECONDER: Leslie B Widdis L, Class IV
AYES: Whitson, Kahle, Tvrdik, Foster, Widdis L
ABSENT: Cooper, Widdis C, Calver, Kleiberg
INELIGIBLE: Davis, Dailey

IX. New Business:

1. PB2023-04 Norwicke, Debbie
 Block 7, Lot 14
 76 Tecumseh Ave.
 Proposed rear pergola, fireplace, outdoor bar and patio in second front yard seeking relief for:
 - Accessory structures not permitted in front yards

EXHIBITS

A-1 Land Development Application

A-2 "Exterior Alterations: Norwicke Residence," 2 Sheets, prepared by Parallel Architectural Group, dated January 13, 2023

A-3 Plan of Survey, prepared by Harris Surveying, dated December 8, 2022

A-4 Colliers Engineering Review Letter dated February 22, 2023

Motion to Approve Application

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas Tvrdik, Class III
SECONDER: Joseph Foster, Environmental Commission Liaison
AYES: Whitson, Kahle, Tvrdik, Foster, Widdis L, Davis, Dailey
ABSENT: Cooper, Widdis C, Calver, Kleiberg

2. PB2023-05 Scarpulla, Noelle
 Block 13, Lot 5
 42 Hiawatha Ave
 Proposed installation of in ground swimming pool and paver patio seeking relief for:
 - Maximum impervious coverage of 46.6% proposed, where 37% permitted

EXHIBITS

A-1 Land Development Application
 A-2 Swimming Pool Plan, prepared by MGC Associates, dated October 1, 2022
 A-3 Land Title & Topographic Survey," prepared by Casey & Keller Inc, dated February 9, 2023
 A-4 Colliers Engineering Review Letter dated February 28, 2023
 A-5 Swimming Pool Plan, prepared by MGC Associates, last revised March 20, 2023.

Motion to Approve Application with Conditions

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

3. PB2023-06 Marina at Oceanport Partners, LLC
 10 Riverside Avenue
 Block 104, Lot 1
 Request for Waiver of Checklist Items

Mr. White reviewed the procedures for Fort Monmouth properties, site plans and the submission of checklist items required by Ordinance but requested by the Applicant to be waived. Board members discussed the following Checklist waiver requests as follows:

The request for Waiver of Site Plan Checklist Item #20 was DENIED on a motion by Councilman Tvrdik, seconded by Mr. Foster with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
 NO: None

The request for Waiver of Site Plan Checklist Item #26 was GRANTED on a motion by Councilman Tvrdik, seconded by Mr. Dailey with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle
 NO: Whitson

The request for Waiver of Site Plan Checklist Items #36, #37, #38 and #39 were DENIED on a motion by Mr. Dailey, seconded by Mr. Davis with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
 NO: None

The request for Waiver of Site Plan Checklist Item #40 was GRANTED on a motion by Ms. Barham-Widdis, seconded by Mr. Davis with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle

NO: Whitson

The request for Waiver of Site Plan Checklist Item #43 was DENIED on a motion by Councilman Tvrdik, seconded by Mr. Kahle with the following Roll Call:

YES: Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: Foster

The request for Waiver of Site Plan Checklist Items #44 and #45 were GRANTED on a motion by Ms. Barham-Widdis, seconded by Mr. Foster with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle

NO: Whitson

The request for Waiver of Site Plan Checklist Item #46 was GRANTED on a motion by Councilman Tvrdik, seconded by Ms. Barham-Widdis with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: None

The request for Waiver of Site Plan Checklist Item #48 was DENIED on a motion by Mr. Foster, seconded by Mr. Whitson with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: None

The request for Waiver of Site Plan Checklist Item #51 was DENIED on a motion by Ms. Barham-Widdis, seconded by Mr. Foster with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: None

The request for Waiver of Site Plan Checklist Item #52 was DENIED on a motion by Mr. Foster, seconded by Ms. Barham-Widdis with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: None

The request for Waiver of Site Plan Checklist Item #53 was GRANTED on a motion by Councilman Tvrdik, seconded by Ms. Barham-Widdis with the following Roll Call:

YES: Tvrdik, Barham-Widdis, Davis, Kahle

NO: Foster, Dailey, Whitson

The request for Waiver of Site Plan Checklist Item #54 was DENIED on a motion by Councilman Tvrdik, seconded by Mr. Davis with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: None

The request for Waiver of Site Plan Checklist Item #55 was DENIED on a motion by Mr. Davis, seconded by Mr. Dailey with the following Roll Call:

YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: None

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

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:11 pm on a motion by Councilman Tvrdik 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 (ID # 2768)

8.1

Meeting: 04/11/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2768

Resolution of Approval - 76 Tecumseh Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF DEBBIE NORWICKE
76 TECUMSEH AVENUE, BLOCK 7, LOT 14
APPROVED MARCH 28, 2023
MEMORIALIZED APRIL 11, 2023**

Introduction

WHEREAS, Debbie Norwicke has made Application to the Oceanport Planning Board for the property designated as Block 7, Lot 14, commonly known as 76 Tecumseh Avenue, Oceanport, NJ, within the Borough's R-3 Zone, for the following approval: Bulk Variance associated with a request to install a covered patio, outdoor bar, and fireplace on a Lot hosting a single-family home; and

Public Hearing

WHEREAS, the Board held Public a Hearing on March 28, 2023, 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:

- *Development Application, introduced into Evidence as A-1;*
- *Plans, prepared by Parallel Architectural Group, dated January 13, 2023, consisting of 2 sheets, introduced into Evidence as A-2;*
- *Survey, prepared by Harris Surveying, dated December 8, 2022, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Collier Engineering & Design Review Letter, dated February 22, 2023, introduced into Evidence as A-4;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

Witnesses

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

- Debbie Norwicke, Applicant, appearing pro se;
- Cliff Bebout, the Applicant's Contractor;

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

Testimony and Other Evidence Presented on Behalf of the Applicant

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property for approximately 15 years.
- There is an existing 2-story single-family home at the site.
- The Applicant lives at the site.
- The Applicant desires to effectuate the following:
 - Installation of a covered patio;
 - Installation of an outdoor bar; and
 - Installation of an outdoor fireplace.
- Details pertaining to the proposed improvements include the following:

Patio

Size:	Approximately 32' 9 1/2" deep by approximately 38' 9.5" wide
Location:	Rear of home (per Plans)
Materials:	Pavers
Covered?:	Yes, a portion of the patio will be covered (per Plans)

Outdoor Bar

Location:	East side of pavilion (per Plans)
Sink?:	There will be no sink associated with the outdoor bar.
Ice machine?:	There will be no ice machine associated with the outdoor bar.

Fireplace

Location:	West side of pavilion (per Plans)
Fuel source:	Gas fireplace

- The Applicant anticipates having the improvements installed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the installation process.

Variance

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

ACCESSORY STRUCTURE LOCATION: The Prevailing Zoning Regulations provide that accessory structures (such as those improvements referenced herein) cannot be located in a front yard area; whereas, the Applicant herein proposes to install such improvements in a secondary front yard area;

Public Comments

WHEREAS, there were no public comments / questions / statements / concerns submitted by any members of the public;

Findings of Fact

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport, 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 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 76 Tecumseh Avenue, Oceanport, NJ, within the Borough's R-3 Zone.
3. The subject property is a 13,269 SF parcel of land, with frontages on Tecumseh Avenue and Shrewsbury Avenue.
4. The subject property contains a single-family home.
5. The Applicant herein proposes to effectuate the following:
 - Installation of a covered patio;
 - Installation of an outdoor bar; and
 - Installation of a fireplace.
6. Details pertaining to the proposed improvements are set forth elsewhere herein, are set forth on the submitted Plans, and were discussed, at length, during the Public Hearing process.
7. The Application requires Bulk Variance Approval.
8. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
9. With regard to the Application, and the requested relief, the Board notes the following:
 - Single-family use is a permitted use in the Borough's R-3 Zone.
 - The subject property has 2 frontages. That is, the primary frontage for the subject property is located off of Tecumseh Avenue, and the secondary frontage is located off of Shrewsbury Avenue.
 - Because the property has 2 frontages, there are 2 front yard areas (and there is no technical rear yard area at the site).
 - The existence of the aforesaid 2 front yard areas compromises the ability of the Applicant to satisfy all Prevailing Zoning Regulations (relative to the location of the proposed accessory improvements).

- Per the testimony and evidence presented, the proposed improvements will be located in the area of the property which serves as a functional rear yard area.
- Per the testimony and evidence presented, and per the location of the existing structure on the lot, the existing side yard areas at the site cannot comfortably accommodate the proposed improvements.
- Though the proposed accessory structure improvements are located in a secondary front yard area, the proposed improvements are and / or will be sufficiently shielded by fencing and / or landscaping.
- The landscaping and fencing as aforesaid, will perpetually shield the non-conforming accessory structure improvements (from adjacent property owners, and from public view).
- The proposal complies with the prevailing building / lot coverage.
- The subject lot is an oversized lot (12,000 SF required; whereas, 13,270 SF exists).
- The Board notes that there were no public objections associated with the subject Application.
- The improvements approved herein will architecturally / aesthetically match the existing structure.
- The Board finds that the architectural / aesthetic / functional benefits associated with the within Application outweigh any detriments associated therewith.
- Per the testimony and evidence presented, there is a need for the proposed improvements at the site.
- The non-conforming location of the accessory structures, as approved herein, will not compromise the aesthetic view of any affected neighbors.
- The non-conforming location of the proposed improvements, as approved herein, will not compromise the privacy rights of any adjacent occupants.
- Per the testimony and evidence presented, and subject to conditions contained herein, there will be no invasive outward light associated with the improvements authorized herein, and there will be no adverse light spillover associated with the within Application.
- The Applicant submitted detailed plans of the proposed improvements which sufficiently described the appearance of the same. Additionally, subject to the conditions set forth herein, the proposed improvements will comply with the Prevailing Building Code Requirements.

- Based upon the testimony / evidence presented, construction of the proposed improvements will continue the pattern of existing development in the area.
- The subject Lot is an appropriate host site for the improvements approved herein.
- Given the lay-out of the Lot and the existing home, the location of the proposed improvements is appropriate and practical.
- Subject to the conditions contained herein, the proposed improvements approved herein will not overpower / overwhelm the subject Lot.
- Per the testimony and evidence presented, under the Borough's Prevailing Regulations the site is required to have a sufficient number of off-street parking spaces – and sufficient / compliant spaces exist. Thus, no Parking Variance is required in connection with the Application.
- The existence of sufficient and appropriate parking at the Site is an important consideration – and but for the same, the within application may not have been approved.
- The Board finds that the proposed improvements have been efficiently designed.
- The installation of the subject improvements will aesthetically improve the overall site / structure.
- The Board finds that sufficient testimony has been presented for the Application to be adjudicated – and the Board furthermore finds that, subject to the conditions contained herein, there is no need to elicit additional information to supplement the record.
- The architectural / aesthetic benefits associated with the proposal outweigh any detriments associated with the Applicant's inability to comply with the Specified Bulk Standards.
- The architectural design of the proposed improvements will not be inconsistent with the architectural design of other similar improvements on other single-family homes in the area (on similarly sized lots).
- 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.
- The improvements to be constructed / installed herein will not be inconsistent with other improvements located within the Borough.

- 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 satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

For the above reasons, and for the other reasons set forth in the public hearing process, 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 process, the Board Members requested, and the Applicant has agreed, to comply with the following conditions:

- a. The Applicant shall comply with all terms, conditions, promises, commitments and representations made at or during the Public Hearing Process.
- b. The Applicant shall work with the Borough Engineer so as to appropriately control / manage storm-water management at the site.
- c. The Applicant shall comply with the terms and conditions of the Board Engineer's Review Memorandum, dated February 22, 2023 (A-4).
- d. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming the overall width of the patio will be 38' 9.5";
 - Confirmation that the gutters and downspouts shall be directed half to the home and half to the front of the property (the details of which shall be review and approved by the Board Engineer);
 - Confirmation that there shall be no adverse lighting spillover associated with the subject proposal; and
 - The inclusion of a note confirming that the fencing / landscaping at the site shall be perpetually maintained so as to appropriately shield the approved improvements.
- e. Prior to receiving any Permits, the Applicant shall submit an as-built Survey.

- f. Prior to receiving any Permits, the Applicant's Engineer shall submit a Certification / Affidavit confirming that the improvements have been installed in accordance with the terms / conditions set forth on the approved Plans, as set forth in the within Resolution, and as otherwise set forth in the Public Hearing process.
- g. The Applicant shall secure any necessary Permits for the gas fireplace.
- h. The testimony at the Public Hearing indicated that there is an existing non-conforming 6' fence at the site, in a front yard area. (The testimony indicated that the said fence was present when the Applicant herein purchased the subject property.) The Board has authorized the continuation of the said fence, although no Variance relief is granted therein. When the said existing fence is removed / replaced / destroyed, the Applicant shall comply with Prevailing Zoning Regulations relative to the fence, absent further / formal relief from the Planning Board.
- i. The Applicant shall submit a Grading Plan to the Board Engineer, for his approval.
- j. There shall be no adverse light spillover associated with the within approval.
- k. The Applicant shall submit 3 revised Plans to the Board Secretary, as part of the Resolution compliance process.
- l. The Applicant shall comply with all Prevailing Building / Construction Code Requirements.
- m. The Applicant shall comply with all on-site construction regulations as required by the Borough of Oceanport and any other Agency having jurisdiction over the matter.
- n. 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
- o. If applicable, the proposed structure shall comply with applicable provisions of the Americans with Disabilities Act.
- p. Prior to the issuance of Permits, grading / drainage plans shall be submitted to the Board Engineer (for his review and approval) so as to confirm that any drainage/run-off does not go onto or otherwise adversely affect adjoining properties.
- q. The construction shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the

construction shall comply with prevailing provisions of the Uniform Construction Code and Applicable provisions of the Building Code.

- r. The Applicant shall comply with all terms and conditions of the review memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- s. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
- t. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- u. If required by the Board/Borough Engineer, and / or the NJMLUL, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.
- v. Unless otherwise formally extended by the Planning Board, the within approval shall be abandoned unless the Applicant obtains a Building Permit for the referenced improvements within 24 months of the adoption of the within Resolution.

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

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

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

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or

their agents / representatives accept any responsibility for the structural design of the proposed improvements or for any damage which may be caused by the installation.

SUMMARY OF APPROVED VARIANCE

ACCESSORY STRUCTURE LOCATION: Accessory structures are not permitted to be located in a front yard area; whereas the Board herein has granted Variance relief so that the specified accessory structures can be located in a secondary front yard area;

PR-23-11

04-11-23

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on March 28, 2023 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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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 11, 2023.

Jeanne Smith, Secretary

KEK/dmp
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Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2769)

8.2

Meeting: 04/11/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2769

Resolution of Approval - 42 Hiawatha Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF NOELLE SCARPULLA
42 HIAWATHA AVENUE, BLOCK 13, LOT 5
APPROVED MARCH 28, 2023
MEMORIALIZED APRIL 11, 2023**

INTRODUCTION

WHEREAS, Noelle Scarpulla has made Application to the Oceanport Planning Board for the property designated as Block 13, Lot 5, commonly known as 42 Hiawatha 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, patio, walkways, and shed at the site.

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on March 28, 2023, 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:

- *Development Application, introduced into Evidence as A-1;*
- *Swimming Pool Plan, prepared by MGC Associates, dated October 1, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Survey, prepared by Casey & Keller, Inc., dated February 9, 2023, introduced into Evidence as A-3;*
- *Review Memorandum, from Colliers Engineering & Designs, dated February 28, 2023, introduced into Evidence as A-4;*
- *Revised Plans, prepared by MGC Associates, last revised March 20, 2023, introduced into Evidence as A-5;*
- *Affidavit of Service; and*

- *Affidavit of Publication.*

WITNESSES

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

- Noelle Scarpulla, Applicant, appearing pro se;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 19 months.
- There is an existing single-family home at the site.
- The Applicant lives at the site.
- The Applicant has expressed a desire to install a pool, patio, walkways, and shed at the site.
- Details pertaining to the proposed pool include the following:

Type of Pool:	In-ground Pool
Size of Pool:	16 ft. X 10 ft.
Location:	Rear South-eastern portion of property (per Plans)
Pool Depth:	Per Plans
Pool surroundings:	The pool will be surrounded by a paver patio.
Pool Equipment:	Standard pool equipment, including a pump, filter, and heater.
Pool Equipment Location:	The pool equipment, will be located to the east of the home

	(per the Plans), in a Zoning-compliant location.
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- There is an existing shed at the site.
- Details pertaining to the existing shed include the following:

Size:	11 ft. X 11 ft.
Location:	Southeast corner of the property (per Plans).

- The Applicant proposes to remove the existing shed and to install a new shed at the site.
- Details pertaining to the new shed include the following:

Size:	6 ft. X 11 ft.
Location:	Per Plans

- The Applicant herein also proposes to install additional walkways at the site, as more specifically identified on the Plans.
- The Applicant herein also proposes to install a patio at the site.
- Details pertaining to the proposed patio include the following:

Materials:	Paver
Location:	Surrounding the pool (per Plans)

- The Applicant anticipates having the improvements effectuated in the near future.
- The Applicant will be utilizing licensed contractors in connection with the construction / installation process.

VARIANCE

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

IMPERVIOUS COVERAGE: Maximum 37% allowed, whereas not to exceed 45% proposed;

PUBLIC COMMENTS

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

FINDINGS OF FACT

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 42 Hiawatha Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The subject property is a 10,000 SF parcel, located on the Southside of Hiawatha Avenue, approximately 400 ft. east of Port-au-Peck Avenue.
4. The site contains a single-family home.
5. The Applicant herein is requesting permission to install a pool, patio, walkway and shed at the site.
6. Such a proposal requires Bulk Variance Approval.
7. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.
8. With regard to the Application, and the requested relief, the Board notes the following:
 - Single-family use is a permitted use in the subject Zone.
 - The Application requires a Variance for Impervious Coverage (37% allowed; whereas not to exceed 45% ultimately proposed).
 - The relevant Impervious Coverage calculations include the following:

Maximum Allowed Impervious Coverage.....	37%
Existing Impervious Coverage.....	39.7%

Proposed Impervious Coverage..... not to exceed 45%

- As initially submitted, the Applicant requested approval for an Impervious Coverage Variance of 46.6%.
- Some of the Board Members were concerned with such an elevated Impervious Coverage amount (whereas only 37% is allowed and whereas 39.7% already exists).
- Some Board Members were of the opinion that certain plan amendments could be effectuated, and/or should be effectuated, so as to reduce the overall Impervious Coverage.
- In conjunction with the above point, during the Public Hearing process, Board Members encouraged the Applicant to effectuate Plan revisions to reduce the overall Impervious Coverage.
- During the Public Hearing process, the Applicant agreed to remove some existing stepping stones, which had the overall effect of reducing the overall Impervious Coverage at the site.
- The aforesaid revisions would reduce the overall Impervious Coverage to an amount not to exceed 45%.
- In conjunction with the other conditions set forth herein, the Board Members were pleased with such a reduction in the overall Impervious Coverage.
- Additionally, as part of the proposal, the Applicant's representatives indicated that they would be installing significant drainage improvements, including the installation of a re-charge system, surface drains, and / or a bubbler system.
- Subject to the conditions set forth herein, and per the testimony and evidence presented, the aforesaid drainage improvements will significantly mitigate and reduce overall water runoff associated with the subject site.
- Additionally, the Applicant essentially testified that there are no existing drainage issues at the site, which was comforting to the Board Members as well.
- Based upon the above, and subject to the conditions set forth herein, the Board Members are of the belief that the aforesaid Variance can be granted without causing substantial detriment to the public good.
- In the within situation, testimony indicated there is, and will be, sufficient landscaping at the site. The said landscaping / trees shall serve as a visual / noise / aesthetic buffer. The said plantings shall further minimize any adverse impact otherwise associated with the within approval.

- In conjunction with the above point, as a condition of the within approval, the said landscaping shall be perpetually maintained / replaced / planted, as necessary, so that the visual / noise / aesthetic buffer always exists.
- The existing single-family home is a permitted use in the Zone.
- The proposed pool is a permitted accessory use in the Zone.
- The Applicant considered a number of potential host locations for the pool, patio, walkways and shed, and the proposed locations are the most appropriate / desirable.
- The proposed host location of the pool is near the existing home and near the utility hook-ups, etc., further justifying the appropriateness of the proposed pool location.
- The pool complies with all Prevailing Setback Requirements.
- The Applicant provided extensive and compelling testimony in support of the Application, and the requested relief.
- Subject to the conditions set forth herein, the grading and drainage testimony / plans presented satisfied the technical concerns of the Board Engineer.
- Per the testimony and evidence presented, and subject to the conditions contained herein, there will be no adverse drainage impacts associated with the within approval.
- Subject to the conditions contained herein, the Applicant's site can physically accommodate the Applicant's proposal.
- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the compliant pool location approved herein.
- Per the testimony and evidence presented, the installation of the pool approved herein will not compromise the health and safety of the occupants.
- Subject to the conditions contained herein, there will be no adverse lighting associated with the placement of the pool in the approved location.
- Subject to the conditions contained herein, the location of the pool and landscaping will minimize, to the greatest extent possible, any disturbance to the neighboring property owners.
- Additionally, the Board notes that the location of the proposed pool (and the location of the other improvements) is practical, appropriate, and aesthetically pleasing.

- The proposed pool (and other improvements) will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- The Board notes that given the screening / buffering, the proposed pool will not be readily seen from the public street.
- The Board notes that there were no public objections in connection with the subject Application.
- Approval of the within Application will enhance/improve the quality of life for the homeowner.
- 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 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 promises, commitments, and representations made at or during the Public Hearing process.
- b. The Plans shall be revised so as to include a note confirming that the landscaping shall be perpetually maintained / replaced / replanted, as necessary, so as to perpetually ensure that the pool area is sufficiently shielded from adjacent neighbors / public.
- c. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - Confirmation that the pool equipment shall be permanently buffered by a fence and / or shrubs;
 - Confirmation that additional screening / trees / landscaping shall, if necessary, be planted at the site so as to hide / shield the pool equipment (so that the same is not visible from the public right-of-way, or from the neighboring properties). (The details for the same shall be reviewed and approved by the Zoning Officer);
 - Confirmation that the impervious coverage at the site shall not exceed 45%;
 - Confirmation that pool compliant fencing shall be installed at the site, which shall contain a self-latching gate, which swings away from the pool;
 - The inclusion of a note confirming that the existing shed shall be completely removed (and the said area shall be re-grassed);
 - Confirmation that the scale on the Floor Plans has been corrected, per the Review Memorandum from the Board Engineer;
 - The inclusion of additional topographic information on the Plans (so as to confirm the absence of any adverse grading / drainage impact on the neighboring properties);
 - The inclusion of drainage details on the Plans (the details of which shall be approved by the board Engineer);
 - Confirmation that all stepping stones on the site shall be removed / eliminated;
 - Confirmation that a re-charge system / surface drains / bubbler system shall be included on the Grading Plan (and that the same shall be located in the front portion of the property, unless the Board Engineer determines otherwise);

- Confirmation that Code-compliant pool details shall be included on the Plans;
 - The inclusion of a note confirming that the landscaping shall be perpetually replaced / replanted, as necessary;
 - The inclusion of a note confirming that there shall be no adverse light spillover onto adjacent properties;
 - The inclusion of a note confirming that the lighting shall be downward, dark-sky compliant, and low-impact;
 - The inclusion of a note confirming that the existing pavers (located to the left of the pool, walking towards the shed) shall be removed / eliminated;
 - The inclusion of the replacement shed location details (in a Zoning-compliant fashion); and
 - Confirmation that the Survey date (general note #2) has been corrected, per the Review Memorandum from the Board Engineer.
- d. Prior to the receipt of any Construction final approvals, the Applicant shall submit a signed / sealed As-Built Survey (which shall, among other things, confirm the impervious coverage amount approved herein).
- e. Prior to receiving Construction final approvals, the Applicant's Engineer shall submit a written Certification / Affidavit of Completion, confirming that the improvements have been constructed / installed in accordance with the approved Plans, in accordance with the terms of the within Resolution, and in accordance with the testimony presented during the Public Hearing process.
- f. The Applicant shall submit Grading Plans, which shall be reviewed and approved by the Board Engineer.
- g. The Applicant shall provide the Board Secretary with written confirmation that the utility companies have received notice of the Application.
- h. The Applicant shall utilize good faith efforts to preserve trees on the site.
- i. The Applicant shall comply with any / all Prevailing applicable Flood / FEMA Regulations.
- j. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
- Building Permit
 - Plumbing Permit

- Electric Permit
 - Fire Permit
- k. The Applicant shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated February 28, 2023 (A-4).
 - l. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
 - m. The Applicant shall ensure that the location / elevation of the pool equipment shall comply with Prevailing Construction Department Regulations (regarding base flood elevation).
 - n. The construction / installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with the Prevailing Provisions of the Uniform Construction Code.
 - o. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and / or other agents of the Borough.
 - p. The Applicant shall obtain any and all applicable approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District.
 - q. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

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

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

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules,

Regulations, and/or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

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

SUMMARY OF VARIANCE RELIEF GRANTED

Impervious Coverage: maximum 37% allowed; whereas not to exceed 45% approved.

PR-23-11

04-11-23

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on March 13, 2023 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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (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 11, 2023.

Jeanne Smith, Secretary

KEK/dmp
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