



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • FEBRUARY 22, 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. Board Business

1. Report of Pending Applications

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Nov 16, 2021 7:00 PM

VIII. Old Business

1. Resolution of Approval - 45 Main St/DeGiglio
2. PB2021-11 Richard Veltri
9 Pocano Avenue
Block 39 Lots 6,7
Minor Subdivision with Variances (Lot Line Adjustment)
DFD 3/31/2022

Applicant is seeking to adjourn hearing to March 22, 2022 as additional time is needed to submit revised plans and comply with requirement for public inspection 10-days prior to the hearing.

IX. New Business

1. PB2021-25 Datre, Andrew
16 Balmer Court
Block 65.01, Lot 1.03
Variances for proposed swimming pool:

2. PB2021-23 Arce, Rosetta
49 Sagamore Avenue
Block 11, Lot 25

Proposed impervious coverage of 51.8% does not meet 37% maximum allowed. Proposed shed rear setback of 0.7' does not meet required 10', side setback of 2.2' does not meet required 5'

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • NOVEMBER 16, 2021****Regular****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 p.m.
- II. **Flag Salute:** Chairman Widdis led attendees and Board members in the flag salute.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 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.
- IV. **Board Policy:** Chairman Widdis advised the public of the below Board policies: •It is Board Policy that no application will be opened after 9:30 P.M. •No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. Roll Call:

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

VI. Board Business:

- Report of Pending Applications - Ms. Smith advised of upcoming applications for the Dec. 14th meeting including 101 Smith St continuance, 9 Pocano Ave and 75 Comanche Drive.

VII. Approval of Minutes:

- Planning/Zoning Board - Regular - Nov 10, 2020 7:30 PM

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

VIII. Old Business:

- PR-21-33 Resolution of Approval - Oport Partners, Phase II – Rescheduled for December 14, 2021
- Resolution of Approval - 27 Burnt Mill Circle/Corsi - As the Resolution had been previously provided to the Board, Ms. Smith summarized the resolution and conditions.

RESULT:	ADOPTED [8 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Widdis, Whitson, Cooper, Tvrdik, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese
INELIGIBLE:	Foster

3. Resolution of Approval - 22 Asbury Ave/Keller - As the Resolution had been previously provided to the Board, Ms. Smith summarized the resolution and conditions.

RESULT:	ADOPTED [8 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese
INELIGIBLE:	Foster

IX. New Business:

1. PB2021-16 Barker's Circle

Block 110, Portion of Lot 1

New Block 110.20, Lot 1 - 2000 Avenue of Memories

New Block 110.21, Lot 1 - 2200 Avenue of Memories

New Block 110.22, Lot 1 - 100 Barker's Circle

New Block 110.23, Lot 1 - 200 - 500 Barker's Circle

Major Site Plan Approval with variances

EXHIBITS:

A-1 Land Development Application

A-2 Boundary and Topographic Survey", prepared by Morgan Engineering & Surveying, last revised May 13, 2020, consisting of two (2) sheets.

A-3 Preliminary & Final Major Site & Subdivision Plan, prepared by Morgan Engineering & Surveying, last revised July 20, 2021, 19 sheets.

A-4 Architectural Plans "Fort Monmouth Barker Circle," prepared by Monmouth Ocean Design Experts, LLC, last revised July 19, 2021, 27 sheets.

A-5 Stormwater Management Report, prepared by Morgan Engineering & Surveying and dated June 22, 2021.

A-6 Stormwater Management Operations and Maintenance Manual, prepared by Morgan Engineering & Surveying and dated June 22, 2021.

A-7 Report entitled "Environmental Impact Statement" prepared Environmental Management Group, Inc. and dated October 2021.

A-8 Traffic Letter Report dated October 19, 2020, prepped by McDonough & Rea Associates.

A-9 Mandatory Conceptual Review letter dated June 25, 2021

A-10 Aerial Exhibit of Site, prepared by Trip Brooks

A-11 Colored Renderings of Buildings, 7 Sheets, prepared by MODE Architects, dated November 16, 2021

B-1 Board Engineer Letter, Colliers Engineering & Design, dated October 22, 2021

B-2 Borough Planner's Review for Affordable Housing, prepared by Kendra Lelie, PP, AICP, LLA, dated October 25, 2021

William White, Board Engineer/Planner and Kendra Lelie, Borough Planner were sworn in.

Mr. Leckstein described and marked Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-9; B-1, B-2. Mr. Leckstein advised that notice was reviewed and found the notice to be in order.

Carlton Kromer, Attorney for Applicant, stated that they were there to talk about the properties four uses, residential, office, restaurant, and arts use. FMERA subdivided the property based on those four uses and sold them to us. The towns assessor was part of the subdivision process, the assessor assigned individual blocks, lots and addresses to each of the four blocks. The properties have several buildings on them, and we are proposing to renovate the buildings. We have been working on this project for many months and presented it to FMERA in their MCR process. They like the idea and approved it so now we are in front of the Board asking for site plan approval. We are looking to preserve all the building's historical elements.

Fuller H. Brooks, goes by Trip, Principal Owner of Applicant, was sworn in. Mr. Brooks also stated under FMERA rules he is the controlling interest of the entity the LLC. Mr. Brooks explains the properties, complex and buildings to Board. He explains exhibit A10 which is an aerial of the property and buildings. Our property runs all the way from the Creek to Oceanport Avenue entrance to the building. Approximately 1,100' of distance from the Creek to that entrance on Oceanport Avenue. As you turn in the first building on the left is the old fire house which is envisioned to be a restaurant. Continuing the left is building 206 that will be an office building. The next building is 275 that's Kaplan Hall which was a movie theater the plan is having a mixed use of art activities such as art studios, a gallery a flex space in the back that could have a small café or seating for a movie. The whole building will be arts related. The building is approximately 7,500 sq ft. The next building number 205 is residential. The residential buildings are on the edges. One will face the Creek, two face Oceanport Avenue and one faces a center Courtyard. Building 205 will have 21 residential units, six units are affordable housing. Building 207 is 21 residential with three affordable units. Building 208 is 18 residential units with two affordable units in it. Building 287 has 15 residential units and 4 affordable. Mr. Brooks told the Board that they are closed and own the property bought from FMERA. Chairman Widdis asked for a breakdown of bedrooms? Mr. Brooks told him that all the affordable units are all 2 bedrooms. The Board asked how they would all be 2 bedrooms. Mr. Brooks told them they were directed to do that.

Kendra Lelie, Borough Planner, appeared and **stated that she was the Borough Planner** and she did the affordable housing plans for the Borough. They worked out details and plans with FMERA and Fair Share Housing. This part of the negotiation and particular project will only be 2 bedrooms. It's all in a court settlement agreement and the Fair Share Plan. The entire project was dealt with in totality meaning that all affordable housing for Fort Monmouth parcels - not just this project.

Chairman Widdis asked for questions from the Board.

Mr. Dailey asked if the firehouse is becoming a restaurant and if the art gallery is going to have a restaurant as well. Mr. Brooks said yes to the firehouse, they are not sure yet about the art gallery.

Mr. Tvrdiv asked if there was a letter of intent for the gallery/café and was told no, there had been some interest but the business closed due to COVID. Mr. Widdis asked if there was a brewery planned for the site. Mr. Brooks answered that it is permitted in the zoning but he doesn't have a tenant for that – the plan is for a restaurant. Mr. Widdis asked about discussion for a childcare facility. Mr. Brooks answered that it had been talked about and was in the MCR but it was only for the case when a large tenant took all the space and provided it for staff but is completely removed now from the project.

PUBLIC: Chairman Widdis opened for questions from the public. As there were no questions from the public, Chairman Widdis closed that portion of the meeting.

Mr. Kromer clarified part of Mr. Brooks' testimony. He handled the purchase of the property which took title to fee simple interest in the office building and the residential lot. There is a long-term lease with FMERA on Kaplan Hall and the firehouse with option to buy the property. They own the buildings/structures not the land underneath, so they are in a 99-year lease plan.

Mr. Tvrdiv asked why FMERA gave a 99-year lease versus straight out?

Mr. Brooks said if you take a lease with FMERA than there's an option for you to get a concessionaire's license through the state for alcohol.

Anthony Condatore, Applicant's Architect, was sworn in and presented his qualifications and accepted as an expert in architecture.

Mr. Condatore, referring to Exhibit A11, provided testimony related to the proposed repair and patch of the existing concrete as it is that's what they are allowed to do and give it fresh paint and sealer. All the colors selected were approved by the Historic preservation. The windows are being replaced and creating new windows in existing openings that are more like what was there originally. The stair towers will be refinished, clean up precast and the windows. Replace the asphalt shingles that are there now with a color that goes back to the original slate color. Mr. Condatore described the entrance for the buildings. There is a center staircase that goes into a double door entry for all the residential buildings. The changes to the back of the building are adding an elevator. The 3rd floor units were able to add a loft space.

Chairman Widdis asked Mr. Condatore to describe building 205.

Mr. Condatore referring to Sheet A001 of the plans for building 205, described the building which faces out looking at Russel Hall. There are 21 units, 3-1-bedroom units, 6-2-bedroom units on the 3rd floor. Sheet A002 shows 6 affordable 2-bedroom units and 6-3 bedrooms. Main entrance has a center staircase than a balcony across each unit has a door that leads directly to balcony. There will be areas provided for outdoor space. Sheet A002 shows the third and loft level. There will be a staircase in the living room area that goes up to an open loft area that can be used as extra living space which faces the courtyard. Sheet A003 shows the existing basement which can be used as storage.

Chairman Widdis asked if there were questions at this time from the board.

Mr. Tvrdiv asked about the loft height space and how do they enforce that the loft area doesn't get converted into an extra bedroom in those units. Mr. Condatore said it would be the responsibility of the leasing agent and landlord to make sure that's not done. Mr. Tvrdiv asked about the balconies if there is separate space for each unit. Mr. Condatore said the balcony is used as a point of egress but there will be individual seating areas. There will be pavement markings to indicate tenants' areas.

Mr. Brooks addressed the Board's concern about the loft area having closets. He said they will not put them in that area. Mr. Brooks testified they will find some storage for the tenants so as they won't be using their balconies as a storage place. They will do cages in the basement for tenant storage and submit a revised drawing under resolution compliance.

Mr. Foster suggested enclosing the patio areas, so tenants' belongings don't intrude into the walkway. Mr. Condatore said they will have to investigate that. It would have to be approved by the State Historic Preservation. Mr. Foster asked additional questions about the room sizes and are the rooms apartments? Mr. Condatore responded the bedrooms are 10x12, living rooms are 15' wide, 2-bedroom units are 1100 to 1200 sq ft 1-bedroom units are 900-1000 sq ft and 3 bedrooms 1500 to 1600 sq ft.

Mr. Kleiberg asked if there are handicap ramps. Mr. Condatore said yes there will be ramps they are on the civil engineering plans.

Mr. Davis asked where they will be putting air conditioning units? Mr. Condatore said the site plan is going to propose locations that we're coordinating with or condensing units. We are going to do individual units then we're going to have small areas on the inside facing the courtyard where the parking lot is on pads where we're going to place that condensing units for each one. We are not using a centralized system for the entire building this is more of a split type of system, where each unit will have a unit within itself and then duct it throughout the unit that connects to a condensing unit. Mr. Davis asked about the architecture. Will they break the dormers or match it with the rest of the windows? Will they keep it flat paneled like it already is? Mr. Condatore we are keeping it flat paneled that's what the State Historic Preservation wants it to be.

Mr. Dailey asked if there is a 5 to 6ft front walkway in front of the units how much are you leaving for egress? Mr. Condatore said its 48 inches.

Mr. Davis asked questions regarding security – is there access to front and back building so you can enter the patios. How can you keep them secure?

Mr. Condatore the stairwell doors are exit only so you can't come inside them. Upper floors you exit in to go down and on the lower floors you exit out.

Chairman Widdis asked if the property is a flood zone? Mr. White said yes. It's called a D zone.

Mrs. Cooper asked questions about affordable housing units, size requirements. Mr. Kromer responded that the state requires that a 2-bedroom affordable must be 850 sq ft minimum which Ms. Lelie confirmed and asked for a full detail of the room layouts. Mrs. Cooper commented that she didn't like that the affordable units were the smallest.

PUBLIC: Chairman Widdis opened for questions from the public.

Matt Zienniewicz, 1215 Turf Drive, was sworn in, commented that this was the first he had heard that the units would be rentals and asked why they did not use all the buildings for office space or have the units as condos rather than apartments? Mr. Condatore said these buildings were only zoned for residential use according to FMERA rules. Mr. Zienniewicz rebutted that the units had been used as residential for more than 50 years from personal knowledge. Mr. Kromer commented that the selection of condos over apartments was an owner choice but the restrictions would apply whether it was a rental or owned.

As there were no additional questions from the public, Chairman Widdis closed that portion of the meeting.

Mr. Condatore referring to Sheet A001 described the details of building 287 consisting of 15 units, 3-1 bedroom, 8-2 bedroom and 4 affordable 2-bedroom units. Going South there is one of the larger buildings, 207 has 21 units. 1-1 bedroom, 11- 2 bedroom, 3-2 bedroom affordable and 6-3

bedroom units. Final building is 208 D faces south towards the creek has 1-1 bedroom, 12-2 bedroom, 2-2 bedroom affordable and 3-3 bedroom units. The office building exhibit A401 is in good shape needs some minor upgrades like finishes and code updates. The last building is the Fire Station which is Sheet A601 nothing is proposed yet for it until we get a tenant.

Chairman Widdis asked the board if they had any questions for this portion of the meeting. There were no questions.

PUBLIC: Chairman Widdis opened for questions from the public. As there were no questions from the public, Chairman Widdis closed that portion of the meeting.

Matthew Wilder, Applicant's Engineer, was sworn in as a licensed professional engineer and having appeared before the Board previously was accepted as an expert in engineering. Mr. Wilder provided testimony concerning the location of the property in a flood zone. The property is partially impacted by a 100-year flood plan. The elevation is AE8, 8' above sea level. The Design Flood Elevation is one foot above base flood elevation nine. He referred to the grading and drainage plan to show all of the buildings are elevated above that elevation 9 habitable space, the majority are elevated to elevation 15.

Mr. Davis asked Mr. Wilder to go over all the air conditioning units. Mr. Wilder answered they have not decided where the units will be yet. They will be added to site plans once they have decided on locations.

Mr. Wilder addressed garbage concerns. He said there are concrete pads located throughout the development that will house trash enclosures some will be larger to accommodate trash and recycling.

Mr. Wilder advised they are putting together a revised plan that shows access into each building through a compliant and kept accessible route. They will have combination switchback ramps. There will be a separate plan submitted dealing with just handicap accessibility.

Mr. Wilder addressed the Board Engineers letter. Mr. White in his letter said the property was subdivided and the presence of access easements. Cross parking arrangement will be enacted with cross access. The way these properties are developed and the requirements that FMERA had with respect to the subdivision, they would not allow any of the proposed lot line to cross the main thoroughfare. That had to be located on one individual lot. There were questions about existing fence along Oceanport Avenue, that fencing will be removed.

Mr. White asked if they will be providing sidewalk and curbing along Oceanport Avenue? Mr. Wilder confirmed removed but not replaced.

Mr. Wilder addressed comment #3 – they are coordinating with DEP concerning the green trail and they are looking to keep disturbance at a minimum, with construction at-grade and further detail will be provided on revised plans. Mr. Wilder further addressed buffering of building number 5. On the western side, we wanted to maintain the available views from the outdoor porch. We can add additional plantings, but we didn't want to create full, solid screen. The shade trees that we proposed at 40 feet on center, in-between the shade trees we have some bushes. If you'd like us to add some additional planting, we take no exception. The intent really was not to create a full solid visual screen with landscaping just because from an esthetic standpoint these are historic buildings. On the green trail they will be providing some low-level lights bollard in nature possibly solar powered. The intent is to provide some low-level lighting for both security and for people to enjoy outdoor space. Regarding parking we have more parking than is required by code, for both Kaplan Hall and the residential element. They will be using a shared parking arrangement. FMERA requires them to use shared parking is that the parking spaces have to be within 400 feet of the individual uses. Our shared parking arrangement will take the deficit for both the firehouse and the office and they will not have a deficit - they will have the necessary parking within 400 feet, either through easements in the case of the firehouse on Kaplan Hall or easement, in the case of the office, from the residential.

Chairman Widdis stated he was confused as they variance needed indicates 126 spaces and a shortfall of 52 spaces. Mr. Wilder responded that his plan depicts 107 as required by office which he needs to confirm. Mr. Wilder also a licensed Planner, commented that they were requested to seek variances for parking but he does not believe variances were needed.

Mr. White commented that he looked at each lot individually as they would have individual ownership that could be sold off independently. There was no shared parking spaces. FMERA's plans provide for shared parking plan with easements but no easements and no agreement were provided so he had to review under worst case scenario and what it was within its own boundaries.

Mr. Wilder responded that they have come up with a Shared Parking Plan which they are prepared to present to the Board.

Mr. Leckstein commented that the Plan had not been reviewed by Engineering and the Board would prefer for it to be submitted, reviewed by engineering before presented to the Board.

Mr. Kromer responded that they will prepare a revised plan and submit.

Mr. Wilder continued with testimony concerning stormwater management and will provide requested map, submitted plan does provide existing and proposed impervious coverage break down and they are not proposing to increase but will provide quantities of take off.

Mr. Whitson asked shouldn't they be addressing each one of Mr. White's comments and not cherry picking the ones he wants to share?

Mr. Wilder testified that his last comment was going to be that anything he has not specifically addressed they agree to comply with and provide.

Chairman Widdis asked about traffic and circulation and the ingress/egress on Oceanport Ave but was deferred to the traffic engineer's testimony.

Chairman Widdis asked if the roads would be private and was advised yes, the roadways on-site would be private.

Mr. Wilder testified that they were not proposing any signage other than what was consistent with the Borough's requirements..

Chairman Widdis requested that the plans be noted to show the roads were private which was agreed to.

Mr. White asked questions about the landscape plan around the parking areas which FMERA's MCR recommends to provide 10% landscape area and it appears to be none on the plan. There was discussion regarding what areas were considered interior and the Applicant has no issue with vegetating it but deferred to the traffic expert, Mr. Rea.

Mr. Kromer asked if it would be appropriate to hold off on Mr. Rea's testimony until the parking plan was provided. It was discussed at length the challenges with the shared parking, sale of lots in the future, restrictions by deed and that it was best to reserve for the next meeting.

Ms. Lelie commented that the on the architectural plans, they need to show the income distribution.

Board members were given opportunity to comment on the testimony presented in order to address any issues with revised plans.

Mr. Davis commented that he didn't like the lofts with egress issues and security issues and believes there should be some sort of security fence to buffer from the main road at the rear, security on the lobby and elevator should also be addressed, trash enclosure locations don't seem big enough and need a landscape buffer, also concern with size of units and address backup utility services. Also, address parking and public parking, drainage, security lighting and fencing down to the bridge to deter public from using gazebos at night.

Mr. Kleiberg commented that the plan should provide better details for the handicap parking and the switchbacks.

Mr. Davis also requested a parking calculation for the firehouse restaurant.

Ms. Cooper asked questions about the stairs to the lofts but was deferred until the next meeting with the architect's testimony but it is UCC code that addresses the egress requirements.

There was a lengthy discussion about the doorways, access to the side staircases, security, limits of the existing building and historic preservation requirements.

PUBLIC: Chairman Widdis opened the hearing to comments from the public.

Lewis Fernandes, 42 Riverside Ave, commented that he was under the impression that the site would be upscale condos, concerns for kids and impacts to exiting Riverside Ave across the street. Board members commented that the plan for the site has always been 75 rental units. Mr. Fernandez expressed concerns for impacts to quality of life in the surrounding area from rentals compared with owner occupied units.

Matthew Zienewicz, 1215 Turf Drive, remaining under oath, agreed with the previous comments and those of the Board – particularly the fencing issue, rental units versus owner occupied, a dog park and a large parking lot across the street which invites unwanted people using the site without a fence all the way to the bridge. Traffic issues, pedestrian issues crossing street, security with balconies are all concerns and his opinion that plan should have been amended to provide for a broader mixed use to reduce residential intensity.

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

Motion to Carry Application to December 14, 2021 with no further notice

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

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

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 9:47 pm on a motion by Mr. Davis which was seconded by Mr. Dailey 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 # 2339)

8.1

Meeting: 02/22/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2339

Resolution of Approval - 45 Main St/DeGiglio

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF KRYSTEN DEGIGLIO
45 MAIN STREET, BLOCK 110, LOT 14
APPROVED FEBRUARY 8, 2022
MEMORIALIZED FEBRUARY 22, 2022**

INTRODUCTION

WHEREAS, representatives of Krysten DeGiglio submitted an Application to the Borough of Oceanport relative to the property located 45 Main Street, Oceanport, New Jersey, more formally identified as Block 110, Lot 14, within the Borough's R-5 Zone; and

WHEREAS, the said Application essentially sought approval to lawfully purchase the subject property as a lot containing two principal structures; and

WHEREAS, the Borough's Zoning Officer officially denied the said request; and

WHEREAS, in the said Denial, the Borough's Zoning Officer essentially indicated that the R-5 Zone did not permit 2 principal structures to be located on 1 Lot and, as such, the Applicant would need to obtain a Certificate of Pre-Existing Non-Conforming Use or, in the alternative, Use Variance relief; and

WHEREAS, in response to the same, the Applicant's representatives petitioned the Oceanport Planning Board for the following:

- Certificate of Pre-Existing Non-Conforming Use (relative to two principal structures being located on the Lot) and / or, in the alternative;
- Use Variance relief to continue to utilize the property as one lot containing two separate detached principal structures.

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on February 8, 2022, Applicant's representatives having filed proper proof of service and publication in accordance with Statutory and Ordinance requirements;

EVIDENCE / EXHIBITS

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

- *Development Application, introduced into Evidence as A-1;*
- *Survey, prepared by Morgan Engineering and Surveying, dated May 6, 2021, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Colliers Engineering and Design Review Memorandum, dated October 26, 2021, introduced into Evidence as A-3;*
- *A package of information, containing a 2020 aerial photograph, tax ledger cards / sketches, a 1940 aerial photograph, a 1930 tax ledger card; a copy of the 1956 tax map, and various pictures of the subject property (taken on or about February 8, 2022), collectively introduced into Evidence as A-4;*
- *Affidavit of Service;*
- *Affidavit of Publication; and*

WITNESSES

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

- Barbara Ehlen, Professional Planner;
- John Sarto, Esq., appearing;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE

APPLICANT'S REPRESENTATIVES

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

- The Applicant is the owner of the subject property.
- The Applicant only became the owner of the property in the very recent past.
- The Applicant purchased the subject property from Frank Bebout, or an Agent / family member thereof.
- The subject property was in the Bebout Family since approximately 1974.
- There are two existing principal structures on the site; namely, a front structure and a rear structure.
- Details pertaining to the two structures include the following:

	Front Structure	Rear Structure
Use:	2-Family Use	Single-Family Use
Construction date:	1932	1932
Location of structure:	Front of property, per Survey	Rear of property, per Survey

- As indicated, the existing front structure has historically been utilized as a 2-family home.
- As referenced above, the existing rear structure has historically been occupied as a single-family home.
- As a result of the above, there are currently 3 overall dwelling units on the property (i.e. 2 dwelling units in the front structure and 1 dwelling unit in the rear structure).
- Per the testimony and evidence presented, the 2 existing principal structures were built in or about 1932 (which was before the adoption of the 1933 Ordinance which prohibited 1 Lot from contained 2 principal structures).
- The Applicant herein is only seeking permission to legitimize the 2 principal structures being located on one Lot, with the express understanding that each structure will only be utilized as a single-family home. That is, although the front structure was previously utilized as a 2-family home, the Applicant herein only seeks approval to a) utilize the front structure as a single-family home and b) utilize the rear structure as a single-family home.
- In conjunction with the above point, the Applicant's representatives have, on the record, knowingly, perpetually, and officially abandoned the 2-family use associated with the front structure.
- In conjunction with the above, the kitchen will be removed from one of the units in the front structure.

PR-22-07

02-22-22

- The property has historically hosted the above-referenced two principal structures (containing 3 overall dwelling units).
- The property has historically had at least two separate utility meters.
- The property has continuously been maintained as a lot containing two principal structures.
- The property has historically been occupied as a lot containing two principal structures.
- The property has continuously been taxed / assessed as a lot containing two principal structures.

PUBLIC COMMENTS

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

- John Johnson, Municipal Zoning Officer / Construction Official;

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, testimony, and documentation that the Planning Board hereby authorizes the issuance of a Certificate of Pre-Existing Non-Conforming Use for the Site (for a Lot containing 2 principal structures, with each structure being occupied as a single-family home)..

In support of the said 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 45 Main Street, Oceanport, New Jersey, within the Borough's R-5 Zone.

3. The subject property is an 11,020 SF parcel on the north side of Main Street, approximately 225 ft. east of the intersection with Center Street.

4. Currently, there are 2 separate / detached principal structures on the site, with a total of 3 overall dwelling units.

5. The Applicant's representatives maintain that the property has historically / continuously been utilized / occupied as a lot containing 2 principal structures.

6. The Applicant recently purchased the subject property.

7. In conjunction with the purchase (and even prior to the actual purchase), the Applicant (or Agent thereof) submitted a Development Application so as to lawfully purchase the property as a lot containing 2 principal structures.

8. The Borough's Zoning Officer denied the said request, indicating that such a use was not specifically permitted in the subject Zone, and further advising that there was no known approval for multiple principal structures being located on the one Lot. The Borough's Zoning Officer also essentially indicated that the before such multiple structures at the site could be officially allowed / confirmed, the Applicant would need to obtain a Certificate of Pre-Existing Non-Conforming Use, or, in the alternative, obtain Use Variance approval.

9. In furtherance thereof, the Applicant's representatives submitted the within request seeking the following:

- A Certificate of Pre-Existing Non-Conforming Use; and / or
- In the alternative, Use Variance approval to utilize the site as a property hosting 2 separate detached principal structures.

10. The Oceanport Planning Board, a duly organized combined Land Use Board, is statutorily authorized to grant either aspect of the requested relief and therefore, the matter is properly before the said entity.

PR-22-07

02-22-22

11. The 2021 Edition of the New Jersey Zoning and Land Use Administration Book, prepared by William M. Cox (and others), provides the following relative to Certificates of Non-Conforming Uses:

Often, it was provided in a local Ordinance that upon Application to the Board of Adjustment, the Owner of a Non-Conforming Use could obtain a Zoning Permit showing the Non-Conforming character of the Use. The obvious advantage to obtaining such a Zoning Permit was, of course, to facilitate sale of the property to a Purchaser who desires to continue the use and avoid any possible future prosecution for a violation of the Ordinance, or litigation concerning the Use permitted on the tract.

...(N.J.S.A. 40:55D-68) provides the following:

The prospective Purchaser, prospective Mortgagee, or any other person interested in land upon which a Non-Conforming Use or Structure exists may apply in writing for the issuance of a Certificate certifying that the Use for Structure existed before the adoption of the Ordinance which rendered the Use or Structure Non-Conforming. The Applicant shall have the burden of proof. Application pursuant hereto may be made to the Administrative Officer within one (1) year of the adoption of the Ordinance which rendered the Use for Structure Non-Conforming, or at any time to the Board of Adjustment...

Cox, Section 27-2 (Page 594).

Consequently, any analysis of the within Application must be effectuated in accordance with the above.

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

- The testimony and other documentation from the Applicant's representatives indicated that the 2 existing principal structures on the site were built in or about 1932. Moreover, the testimony and other documentation provided from the Applicant's representatives indicated that in 1933, the Borough of Oceanport adopted an Ordinance prohibiting multiple principal structures being located on 1 Lot.
- The Applicant's representatives submitted sufficiently detailed and reliable testimony that the multiple principal structures existed at the site prior to the establishment of Zoning Regulations prohibiting the same.

PR-22-07

02-22-22

- The Applicant's representatives submitted sufficiently detailed and reliable documentation confirming that the multiple principal structures existed at the site since approximately 1932 (at least).
- During the Public Hearing Process, the Applicant's representatives provided sufficient testimony, evidence, and documentation indicating the lawful and continuous nature of the multiple principal structures on the 1 Lot. Examples of such proofs offered in the said regard include the following:
 - The testimony and documentation indicated that the 2 existing principal structures on the lot were built in or about 1932; whereas, the Municipal Ordinance prohibiting such multiple principal structures being located on 1 Lot was adopted in 1933. That is, the controlling Ordinance became effective after the construction of the 2 existing principal structures.
 - The Ordinance prohibiting multiple principal structures on one Lot came into effect in 1933, after the 2 principal structures on the site were already constructed.
 - The 1930 tax ledger card (submitted as part of A-4) suggested that the value of the multiple improvements on the 1 Lot (\$3,100.00) were much higher than the comparable values of other single-family homes in the area – which further suggested that the subject Lot contained the 2 principal structures.
 - Prior tax ledger cards reflected multiple kitchens at the site, further indicative of multiple principal structures being located on the 1 Lot.
 - Pictures of the site (submitted as part of A-4) reflected multiple gas meters for the property – again indicative of multiple principal structures being historically located on the 1 Lot.
 - Written statements were presented by prior owners (or family members of prior owners), which further confirmed the multiple principal structures being located on the site, from at least 1974 forward.
 - Testimony indicated that Certificates of Occupancy have historically been issued for the multiple principal structures located at the site.
 - Old aerial maps (submitted as part of the A-4 application package) evidenced the multiple principal structures being located on the site in earlier times.
 - The testimony and evidence presented indicated that the 2 principal structures were, in fact, constructed as lawful and legitimate residential homes (as opposed to garage type structures which were haphazardly / unlawfully converted to residential units at some point in time).

PR-22-07

02-22-22

- Per the testimony and evidence presented, the multiple principal structure use at the site was and has been continuous.
- Per the testimony and evidence presented, the Applicant, or prior owners, never intended to abandon or otherwise abandoned the multiple principal structures at the site.
- The Applicant desires to receive legal confirmation (from the Oceanport Planning Board) that the property can, essentially, be utilized in the same fashion as has been utilized since approximately 1932 (except for the fact, as indicated, that the front structure will only be utilized / occupied as a single-family home and the rear structure will also only be utilized / occupied as a single-family home).
- Per the testimony and evidence presented, the presence of the multiple principal structures at the site has been continuous for approximately 9 decades.
- The continued presence of the multiple principal structures on the property will not result in any physical expansion of the existing structures.
- Continued use of the property to host multiple principal structures, as proposed / affirmed herein, will not intensify the historic use of the site. Rather, with the official abandonment of the 2-family use of the front structure, (in favor of 1-family use for the front structure), the overall intensity of the site will be reduced.
- The continued presence of multiple principal structures at the site (containing only 2 overall dwelling units), as proposed / affirmed herein, will not appreciably increase the number of overall potential occupants / guests at the site.
- The continued presence of multiple principal structures at the site (with only 2 overall dwelling units), as proposed / affirmed herein, will not appreciably increase overall parking demands associated with the site. To the contrary, in conjunction with the abandonment of the 2-family use in the front structure, (in favor of single-family use in the front structure), the overall parking demands for the site will, in fact, be reduced.
- Per the testimony and evidence presented, the existence of multiple principal structures at the site has existed for 9 plus decades, and the same appears to have been lawful at the time the said use commenced.
- The Board is aware that the adoption of the within Resolution will not change the footprint of any of the existing principal structures at the site.
- Adoption of the within Resolution will not increase the existing building coverage or the existing lot coverage at the site.

PR-22-07

02-22-22

- Adoption of the within Resolution, and the associated issuance of the Certificate, as authorized herein, will not change the height of any existing principal structure at the site.
- Based upon the above factors, based upon the testimony and other evidence presented, and based upon the totality of the circumstances, the Oceanport Planning Board is convinced that the 2 principal structures which have existed at the site since at least 1932 are, in fact, valid pre-existing non-conforming uses.

13. In light of the above, the Oceanport Planning Board respectfully authorizes the appropriate Borough of Oceanport Officials to issue the referenced Certificate of Pre-Existing Non-Conforming Use (for 2 principal structures on the Lot, with each structure being only utilized as a Single-Family Home).

14. The Oceanport Planning Board also hereby authorizes the appropriate Municipal Zoning Officials to issue any other Notices / Certificates consistent with the Findings expressed herein.

CONDITIONS

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

- a. The Applicant shall comply with all promises, commitments, representations made at or during the public hearing process.
- b. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Contributions / Directives as established by the Borough of Oceanport, the County of Monmouth, the State of New Jersey, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- c. The Applicant herein shall knowingly, perpetually, and officially abandon 2-family use for the front structure, in favor of single-family use (for the front structure). That is, in conjunction with the testimony and evidence presented at the Public Hearing, the existing front structure at the site shall only be used / occupied / maintained as a single-family home. Likewise, the existing rear structure at the site shall also only be utilized / occupied / maintained as a single-family home.

PR-22-07

02-22-22

- d. The Certificate authorized herein shall allow 2 principal structures to be maintained at the site – with the explicit understanding that each structure shall only be utilized to host a single-family home.
- e. In light of the Board's decision to authorize the issuance of a Certificate of Pre-Existing Non-Conforming Use, the Applicant's request for Use Variance relief is hereby withdrawn / dismissed, without prejudice.
- f. The authority for the issuance of the within Certificate of Pre-Existing Non-Conforming Use shall not authorize the expansion of any use / structure at the site.
- g. The Applicant shall be required (if necessary) to obtain necessary Certificates of Occupancy before either structure can be occupied.
- h. Unless otherwise waived by the Board Engineer, the Applicant shall obtain any and all applicable / necessary approvals (or Letters of No Interest) from any applicable outside agencies – including, but not limited to, the Monmouth County Planning Board, the Borough's Fire Official, the Borough's Building Department, Department of Water and Sewer, and any other Agency having jurisdiction over the matter.
- i. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.
- j. If required by the Board Engineer, and / or otherwise required by the N.J. Municipal Land Use Law, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.

BE IT FURTHER RESOLVED, that the decision to direct the issuance of the within Certificate is issued only in conjunction with the conditions noted above - and but for the existence of the same, the subject Certificate would not have been issued.

BE IT FURTHER RESOLVED, that the decision to direct the issuance of the within Certificate 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 all representations made under oath by the Applicant and / or her agents shall be deemed conditions of the Certificate authorized herein, and any mis-representations or actions by the Applicant contrary to the

representations made before the Board shall be deemed a violation of the issuance of the Certificate.

BE IT FURTHER RESOLVED, that the action of the Board in directing the issuance of the withing Certificate 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 use / development.

PR-22-07

02-22-22

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on February 8, 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 February 22, 2022.

Jeanne Smith, Secretary

KEK/dmp

Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\DeGiglio (certificate of pre-existing non-conforming use)\Resolution.doc



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2089)

Meeting: 02/22/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2089

PB2021-11 Richard Veltri

9 Pocano Avenue
Block 39 Lots 6,7
Minor Subdivision with Variances (Lot Line Adjustment)
DFD 3/31/2022

HISTORY:

12/14/21 Planning/Zoning Board

9 Pocano Ave
Block 39, Lots 6 & 7
Minor Subdivision with Variances (Lot Line Adjustment)
CARRIED from December 14, 2021
DFD 03/31/22

EXHIBITS

- A-1 Land Development Application
- A-2 Location Survey" prepared by Land Control Services, LLC dated March 1, 2016
- A-3 Minor Subdivision (Lot Line Adjustment)," prepared by Land Control Services, LLC., dated April 1, 2021, consisting of one (1) sheet
- A-4 Colliers Engineering Review Letter dated October 11, 2021

Applicant is seeking to adjourn hearing to March 22, 2022 as additional time is needed to submit revised plans and comply with requirement for public inspection 10-days prior to the hearing.

**Planning/Zoning Combined Board**

PO Box 370
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 2299)**

Meeting: 02/22/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2299

PB2021-25 Datre, Andrew

16 Balmer Court
Block 65.01, Lot 1.03
Variances for proposed swimming pool:

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



January 14, 2022

VIA EMAIL

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

16 Balmer Court – Bulk Variances
Block 65, Lot 1.03
Application No. PB2021-25
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0312

Dear Board Members,

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

- Plans entitled "Pool Grading Plan," prepared by Midstate Engineering Inc., last revised December 7, 2021, consisting of one (1) sheet.
- Plans entitled "Final As-built Survey" prepared by Insite Engineering, LLC, dated July 14, 2021, consisting of one (1) sheet.

The subject property is a 13,200 SF (0.30-acre) parcel which was formerly a portion of the old Borough Hall site located in the R-3 Residential Zone. The property is on the exterior of the loop road approximately 170 feet from the intersection of Myrtle Avenue and Monmouth Boulevard. The Applicant proposes to install a pool and fence. The lot has frontage on Balmer Court and Myrtle Avenue and technically has two (2) front yards.

Based on our review, we recommend that the Application be deemed complete and scheduled for the next available public hearing. The Applicant shall provide proof of public notification as required for this Application. A planning and engineering review of the Application is included below.

A. Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Front yard setback: R-3 Zone requires a minimum Front Yard Setback of 30 feet. The proposed deck is approximately 27 feet from the Myrtle Avenue Right of Way. The Applicant shall clarify the exact dimension for the Board prior to the hearing.
 - b. Impervious Coverage: The Applicant proposes 40.67% impervious coverage where only 37% is permitted in the R-3 Zone.
 - c. Pools are not permitted in front yards. The proposed pool is between the dwelling and Myrtle Avenue, which is technically a second front yard.
 - d. Accessory Structure location: Accessory structures are not permitted in the front yard. The existing Air Conditioner is located between the building and Myrtle Avenue.
 - e. Maximum height of fence: the maximum fence height in the front yard is 4-foot-high and 50% open. The Applicant proposes a 6' high solid PVC fence. A fence detail shall be provided to the Board prior to the hearing.

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

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

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

B. General Comments

1. The rear yard currently drains to Myrtle Avenue. The fencing should be installed so that it does not block the runoff pattern. A construction detail of the fence should be provided to the Board, prior to the hearing.
2. Additional spots grades are needed between the pool and dwelling to demonstrate positive drainage.

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

Sincerely,

Colliers Engineering & Design



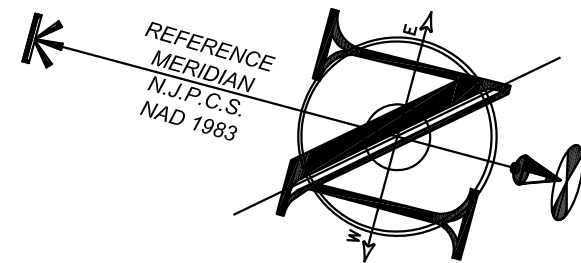
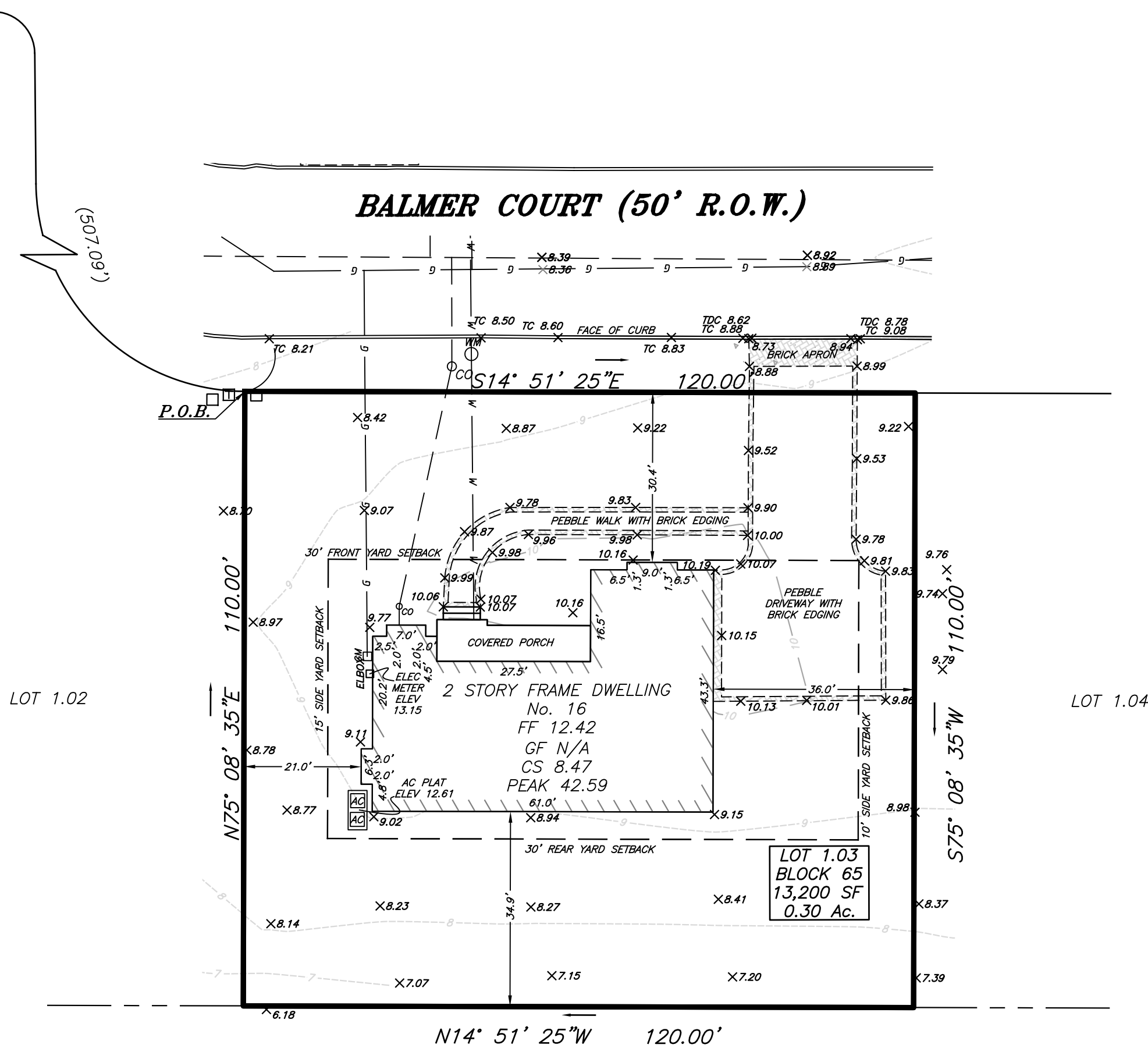
William H.R. White, III, PE, PP, CME, CFM, CPWM
Planning Board Engineer and Planner

WHW/dmm

cc: Jared M. Pape, Esq, (via email)

r:\projects\m-p\opp\opp0312\correspondence\out\220114_whw_16_balmer_review#1.docx

MONMOUTH BOULEVARD
(70' R.O.W.)(CR-33)(40 MPH)



SCALE : 1" = 20'

LEGEND

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

MYRTLE AVENUE (55' R.O.W.)
(CR-29A)(40 MPH)

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.

THIS SURVEY HAS NOT DETERMINED THE PRESENCE OF WETLANDS AT THE SITE.

SUBJECT PROPERTY IS LOCATED IN FEMA EFFECTIVE FLOOD ZONE AE ELEVATION 10.0 PER FLOOD HAZARD DATA DATED 09/25/09.

SURVEY MAP REFERENCES:
A MAP ENTITLED, "PLOT PLAN - 16 BALMER COURT, BLOCK 65, LOT 1.03 184 BALMER COURT BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NJ", BY INSITE ENGINEERING LLC, DATED 10/14/20 LAST REVISED 11/03/20.

A MAP ENTITLED, "ENTITLED 'PROPOSED NEW RESIDENCE FOR MARTELLI SIGNATURE HOMES', BY MICHAEL JAMES MONROE ARCHITECTURE, WITH THE LATEST REVISION BEING DATED 01/17/20.

FILED MAP REFERENCES:
A MAP ENTITLED, "PRELIMINARY & FINAL MAJOR SUBDIVISION PLAN, MARTELLI SIGNATURE HOMES OCEANPORT BOROUGH HALL SUBDIVISION, TMM10, BLOCK 65, LOT 1 MYRTLE AVENUE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY", FILED IN THE MONMOUTH COUNTY CLERKS OFFICE ON JUNE 3, 2020 AS CASE NUMBER 321-27.

ALL ELEVATIONS ARE RELATIVE TO THE NORTH AMERICAN DATUM OF 1988 (NAVD88).

PROJECT NAME:
**FINAL AS-BUILT
SURVEY**
OF
BLOCK 65 , LOT 1.03
16 BALMER COURT

SITUATED IN:
**BOROUGH OF OCEANPORT,
MONMOUTH COUNTY,
NEW JERSEY**

PREPARED FOR:
**Martelli
SIGNATURE HOMES**



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

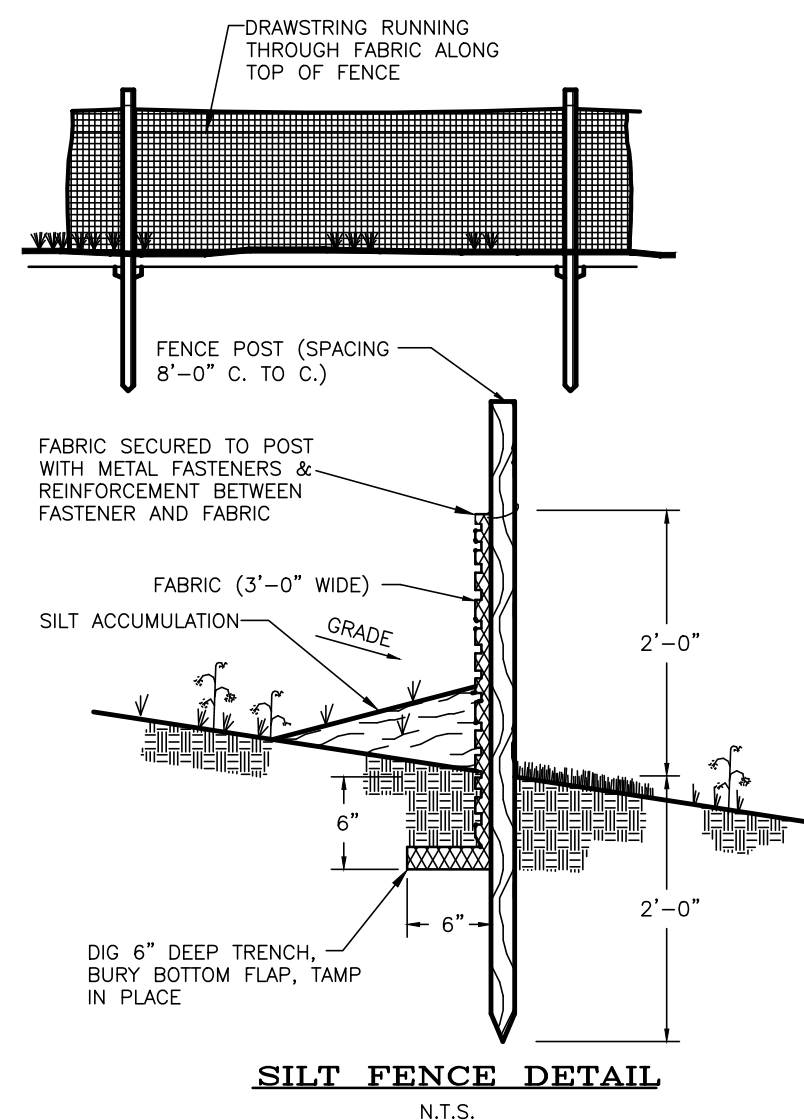
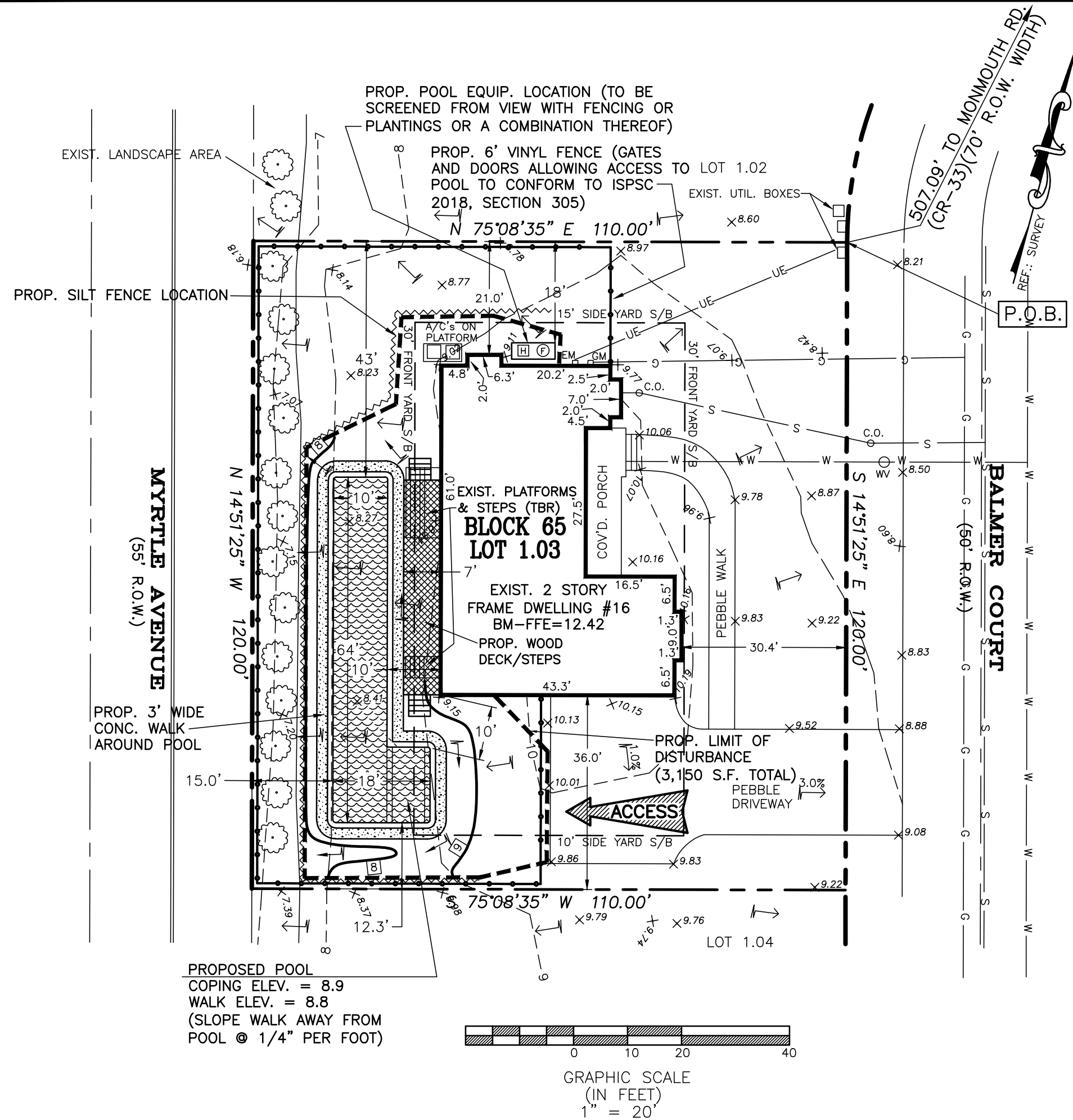
Rev #	Date	Comment
0	07/16/21	INITIAL RELEASE
SCALE: 1"=20'		
DATE: 07/14/21		DRAWN BY: BMW
JOB #: 20-S330-01		CHECKED BY: JJH

CERTIFICATION

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

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

SHEET NO:
1 of 1



ZONING ANALYSIS (R-3 DISTRICT)

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	12,000 SF	13,200 SF	13,200 SF
MIN. LOT WIDTH	120 FT	120.00 FT	120.00 FT
MIN. LOT DEPTH	100 FT	110.00 FT	110.00 FT
MIN. FRONT SETBACK	30 FT	30.4 FT	30.4 FT
MIN. SIDE SETBACK—ONE SIDE	10 FT	21.0 FT	21.0 FT
MIN. SIDE SETBACK—BOTH SIDES	25 FT	57.0 FT	57.0 FT
MIN. REAR SETBACK	25 FT	34.9 FT	34.9 FT
MAX. BUILDING COVERAGE	25%	17.24%	17.24%
MAX. LOT COVERAGE	37%	30.89%	40.67% *
MAX. BLDG. HEIGHT	35 FT OR 2.5 STY.	<35 FT	<35 FT

* INDICATES THAT A VARIANCE IS REQUIRED FOR A PROPOSED CONDITION

VARIANCES ALSO REQUIRED FOR POOL AND 6' FENCE IN FRONT YARD (SECT. 390-31E)

GENERAL NOTES

- DO NOT SCALE DRAWINGS, AS ADJACENT AND SURROUNDING PHYSICAL CONDITIONS, BUILDINGS (STRUCTURES, ETC.) ARE SCHEMATIC ONLY AND ARE PROVIDED TO GIVE THE REVIEWER A CLEARER OVERALL PICTURE OF THE SITE AND THE SURROUNDING TOPOGRAPHY AND PHYSICAL FEATURES.
- THIS IS A POOL GRADING PLAN, AND UNLESS SPECIFICALLY NOTED ELSEWHERE HEREON IS NOT A SURVEY.
- THIS PLAN HAS BEEN PREPARED FOR PURPOSES OF MUNICIPAL AND AGENCY REVIEW AND APPROVAL. THIS SET OF PLANS SHALL NOT BE UTILIZED AS CONSTRUCTION DOCUMENTS UNTIL ALL CONDITIONS OF APPROVAL HAVE BEEN SATISFIED ON THE DRAWINGS.
- EXISTING UTILITY INFORMATION SHOWN HEREON HAS BEEN COLLECTED FROM VARIOUS SOURCES AND IS NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS. THE CONTRACTOR SHALL VERIFY ALL INFORMATION TO HIS SATISFACTION PRIOR TO EXCAVATION. WHERE EXISTING UTILITIES ARE TO BE CROSSED BY PROPOSED CONSTRUCTION, TEST PITS SHALL BE DUG BY THE CONTRACTOR PRIOR TO CONSTRUCTION TO ASCERTAIN EXISTING INVERTS, MATERIALS AND SIZES. TEST PIT INFORMATION SHALL BE GIVEN TO THE ENGINEER PRIOR TO CONSTRUCTION TO PERMIT ADJUSTMENT AS REQUIRED TO AVOID CONFLICTS.
- ALL MATERIALS, WORKMANSHIP AND CONSTRUCTION FOR SITE IMPROVEMENTS SHOWN HEREON SHALL BE IN ACCORDANCE WITH INTERNATIONAL RESIDENTIAL CODE (IRC), NJ EDITION, LATEST REVISION (2018), AS WELL AS ISPC 2018.
- OUTBOUND INFORMATION BASED ON A SURVEY PREPARED BY INSITE SURVEYING, DATED 07/14/21. TOPOGRAPHIC INFORMATION BASED ON FIELD MEASUREMENTS BY MIDSTATE ENGINEERING INC. ON 09/22/21.
- PROPERTY SHOWN ON A MAP ENTITLED "MARTELLI SIGNATURE HOMES", FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON 06/03/2020 AS CASE NO. 321-27.
- THIS PLAN IS SUBJECT TO CONDITIONS WHICH AN ACCURATE TITLE SEARCH MIGHT DISCLOSE.
- NO ATTEMPT WAS MADE OR LIABILITY IS ASSUMED TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS ARE NOT LOCATED BY THIS SURVEY.
- PROPERTY KNOWN AND DESIGNATED AS LOT 1.03 OF BLOCK 65, SITUATED IN THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED FOR ESTABLISHING PROPERTY LINES.
- UTILITY LOCATIONS TO BE VERIFIED PRIOR TO CONSTRUCTION. SUMP PUMP DISCHARGE LOCATION, IF ANY, IS UNKNOWN.
- POOL COMPANY TO INSTALL A CARTRIDGE TYPE FILTER, THEREFOR NO BACKWASHING IS REQUIRED.
- THE PUBLIC SIDEWALK AT THE STREET, IF DAMAGED BY POOL CONSTRUCTION ACTIVITY, MUST BE REPLACED USING 4,500 PSI CONCRETE.

<u>EXISTING:</u>		<u>LOT COVERAGE</u>
DWELLING	2,276 S.F.	LOT AREA = 13,200 S.F.
DRIVEWAY	1,351 S.F.	
STEPS/WALKS	340 S.F.	
DECK	110 S.F.	
SUBTOTAL	4,077 S.F.	
		<u>EXIST. BLDG. COVERAGE</u>
		2,276 S.F. = 17.24%
		13,200 S.F.
<u>PROPOSED:</u>		<u>EXIST. LOT COVERAGE</u>
POOL	751 S.F.	4,077 S.F. = 30.89%
PATIO/COPING	516 S.F.	
DECK/STEPS	—0 S.F.	
EQUIPMENT PAD	24 S.F.	
SUBTOTAL	1,291 S.F.	
		<u>PROP. LOT COVERAGE</u>
		5,368 S.F. = 40.67%
		13,200 S.F.

1	ADDED NOTES, ZONING SCHEDULE	12/07/21	CWM	CDL
NO.	REVISIONS	DATE	DRAWN	CHECKED
POOL GRADING PLAN PREPARED FOR "DATRE" 16 BALMER COURT (POOL WORLD) LOT 1.03 OF BLOCK 65 TAX MAP SHEET NO. 7 SITUATED IN BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY				
MIDSTATE ENGINEERING INC. ENGINEERS, SURVEYORS & PLANNERS 82 WALNUT HILL LANE FREEHOLD, NEW JERSEY 07728 (732) 308-4226 (FAX) 732-308-4190 CERT. OF AUTHORIZATION NO. GA277692		DATE	09/23/21	
		SCALE	1" = 20'	
		DRAWN	JC	
		CHECKED	CDL	
		FILE NO.	13073	
		SHEET	1 OF 1	
CHESTER D. LORENZO P.E., L.S., P.P. P.E. & L.S. LICENSE NO. 28966 P.P. LICENSE NO. 2871				



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2216)

9.2

Meeting: 02/22/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2216

PB2021-23 Arce, Rosetta

49 Sagamore Avenue

Block 11, Lot 25

Proposed impervious coverage of 51.8% does not meet 37% maximum allowed. Proposed shed rear setback of 0.7' does not meet required 10', side setback of 2.2' does not meet required 5'

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



December 1, 2021

VIA EMAIL

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

49 Sagamore Avenue
Block 11, Lot 25
Application No. PB2021-23
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0310

Dear Board Members,

Our office is in receipt of the following information regarding the above-referenced Application:

- Plan entitled "Proposed Alterations Arce Residence" prepared by Shore Point Architecture, Inc., dated October 7, 2021, consisting of one (1) sheet;
- Plan Entitled Topographic Survey of Property" prepared by Lakeland Surveying, dated June 23, 2020, last revised December 30, 2020 consisting of one (1) sheet.

The subject property is a 5,000 SF (0.115-acre) parcel located in the R-3 Residential Zone. The property is located on the north side of Sagamore Avenue approximately 100 feet west of Port Au Peck Avenue. The Applicant is proposing to remove an existing deck and install an at grade patio at the rear of the dwelling.

Based on our review, we recommend that the Application be deemed complete and scheduled for the next available public hearing. The Applicant shall provide proof of public notification as required for this Application. A planning and engineering review of the Application is included below.

A. Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Maximum Impervious Coverage: 37% permitted, 50.4% existing and 51.8% proposed.
 - b. Accessory Building Side Yard Setback: 10 feet required, 0.7 feet for existing framed shed and 8 feet for existing vinyl shed.
 - c. Accessory Building Rear Yard Setback: 5 feet required, 2 feet for existing framed shed.

Maser Consulting is now Colliers Engineering & Design

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

- **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.
- **Flexible “c” or c(2) - Benefits Outweighing Detriments** - A variance may be granted where the purpose of the Municipal Land Use Law would be advanced by the proposed deviation and the benefits of the deviation would substantially outweigh any detriment.

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

B. General Comments

1. A signed and sealed survey shall be provided to the Planning Board Secretary for her files.

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

Sincerely,

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

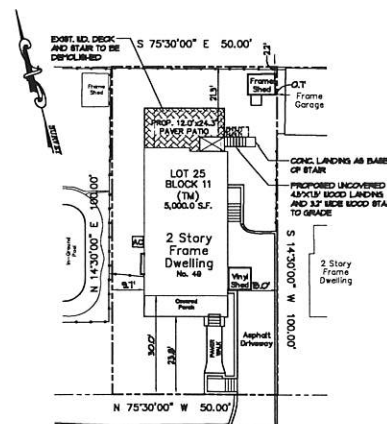
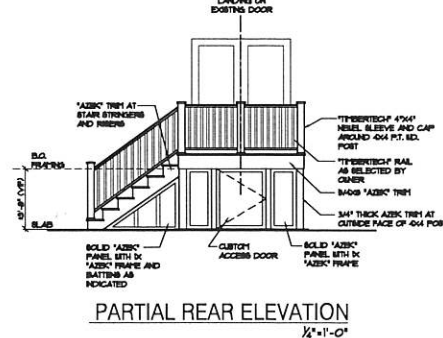
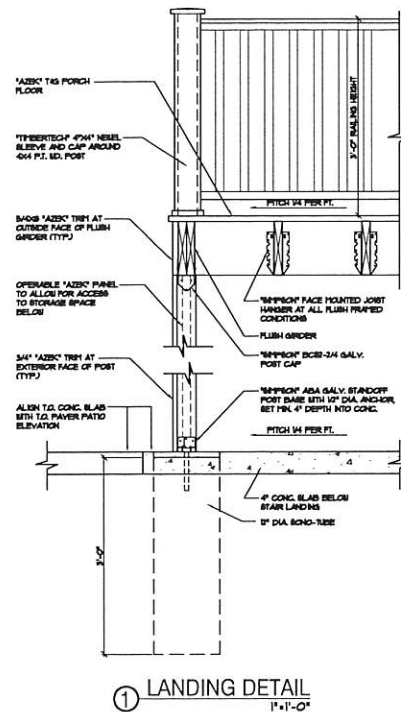
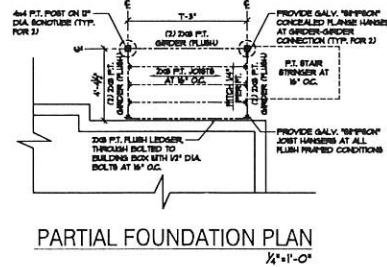
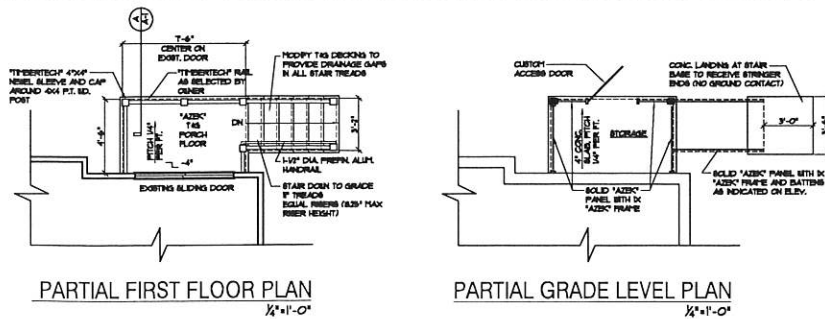
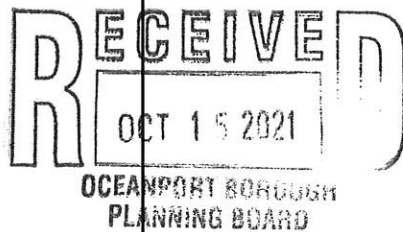


William H.R. White, III, PE, PP, CME, CFM, CPWM
 Oceanport Borough Engineer

WHW/dmm

cc: Rosetta Arce (via email)

r:\projects\m-p\opp\opp0310\correspondence\out\211201_smith_white_review#1.docx



SITE INFORMATION TAKEN FROM SURVEY PREPARED BY HARC J. GIBSON, PLS. LIC. NO. 2466045700 OF LAKELAND SURVEYING, ROCKAWAY NJ, DATED 06/23/2020

PROPOSED ALTERATIONS:
ARCE RESIDENCE
49 Sagamore Avenue
Oceanport, NJ 07757
Block: 11 Lot: 25

PROJECT INFORMATION

BUILDING CODES:
INTERNATIONAL RESIDENTIAL CODE - 2018 (N.J. EDITION)

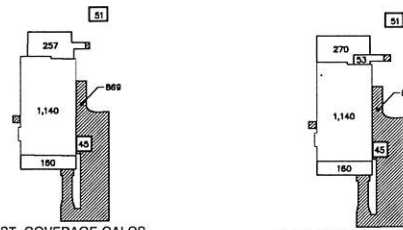
BUILDING STATISTICS:
USE: RESID. R-3 (SINGLE FAMILY RESIDENCE)
CONSTRUCTION CLASS: 10 (UNPROTECTED WOOD FRAMED)
NUMBER OF STORIES: 2
FLOOD ZONE: THIS PROJECT IS NOT LOCATED IN A FLOOD ZONE

DESIGN LOADS:
FLOOR LOADS: DEAD LOAD: 10 PSF
LIVE LOAD LIVING: 40 PSF
LIVE LOAD SLEEPING: 30 PSF
LIVING LOAD HABITABLE ATTIC: 30 PSF
LIVE LOAD 1ST FLOOR DECK: 40 PSF
LIVE LOAD BALCONY: 60 PSF
ROOF LOADS: DEAD LOAD: 10 PSF
LIVE LOAD (GRAVEL SNOW): 30 PSF

WIND SPEED SHALL BE 114 MPH (NOTE: THIS PROJECT IS NOT LOCATED IN A WINDBORNE DANGER REGION AS THE VAIL DOES NOT EXCEED 10 MPH)

BUILDING AREA: UNCHANGED

ZONING INFORMATION			
R-3 SINGLE-FAMILY RESIDENTIAL ZONE			
	REQD/ALLOWED	EXISTING	PROPOSED
MINIMUM LOT AREA	8,000 SQ. FT.	8,000 SQ. FT.	8,000 SQ. FT.
MINIMUM LOT WIDTH	100 FT.	100 FT.	100 FT.
MINIMUM LOT DEPTH	100 FT.	100 FT.	100 FT.
FRONT BUILDING SETBACK	30 FT.	30 FT.	30 FT.
FRONT PORCH SETBACK	24 FT.	23.8 FT.	23.8 FT.
SIDE YARD SETBACK (EACH) (CONFINED)	10 FT.	9.1 FT. / 15 FT.	9.1 FT. / 15 FT.
REAR YARD SETBACK	20 FT.	13.5 FT. (DECK)	21.3 FT. (NEW LANDING)
BUILDING HEIGHT	35 FT. / 3 STORIES	COFFLED (UNCHANGED)	COFFLED (UNCHANGED)
ACCESSORY SIDE YARD	10 FT.	0.1 FT.	0.1 FT.
ACCESSORY REAR YARD	5 FT.	2.2 FT.	2.2 FT.
MAXIMUM BUILDING COVERAGE	25%	26.0%	26.0%
ACCESSORY REAR YARD	15%	15%	15%
MAXIMUM PERVIOUS COVERAGE	37%	30.4%	31.8%



EXIST. COVERAGE CALCS			
LOT AREA = 8,000 SQ. FT.			
BUILDING	HOUSE	HOUSE	HOUSE
PORCH	150	PORCH	150
TOTAL	150	TOTAL	150
PERCENTAGE	1.88%	PERCENTAGE	1.88%
ACCESSORY BUILDING	HOUSE	HOUSE	HOUSE
HOUSE	40	HOUSE	40
TOTAL	40	TOTAL	40
PERCENTAGE	0.50%	PERCENTAGE	0.50%

PROP. COVERAGE CALCS			
LOT AREA = 8,000 SQ. FT.			
BUILDING	HOUSE	HOUSE	HOUSE
PORCH	150	PORCH	150
TOTAL	150	TOTAL	150
PERCENTAGE	1.88%	PERCENTAGE	1.88%
ACCESSORY BUILDING	HOUSE	HOUSE	HOUSE
HOUSE	40	HOUSE	40
TOTAL	40	TOTAL	40
PERCENTAGE	0.50%	PERCENTAGE	0.50%

PROPOSED ALTERATIONS:
ARCE RESIDENCE
49 Sagamore Avenue
Oceanport, NJ 07757
Block: 11 Lot: 25

SEAL: [Signature]
Superior Civil & Surveying
N.J.C. # 100000000

SHORE POINT ARCHITECTURE, PA
108 South Main Street, Ocean Grove, New Jersey 07756
P: 732.774.6800 F: 732.774.7250 www.shorepointarch.com

SITE PLAN, PROJECT INFORMATION, PARTIAL PLANS, DETAIL
SCALE: AS SHOWN
DRAWN: ABF

DATE	10/07/21
REVISION SUBMISSION	
DATE	10/07/21
REVISION	
DATE	10/07/21
REVISION	

JOB NUMBER
2021-XX

A-1
ARCE

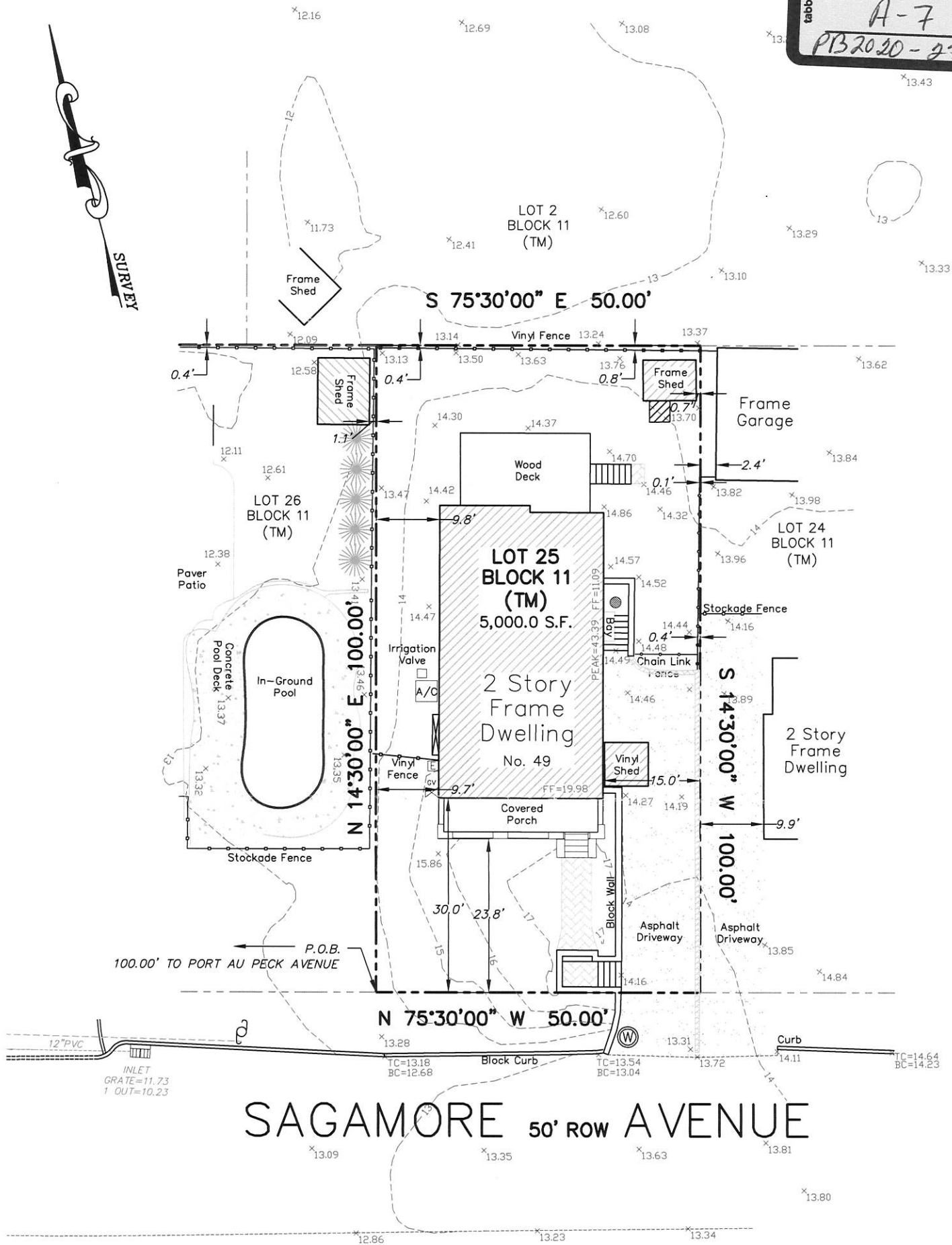
This survey certified to:
Jose Arce and Rosetta Caruso Arce

EXHIBIT

A-7

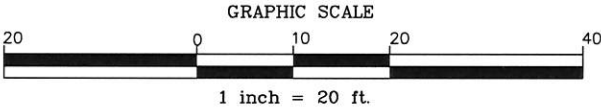
PB2020-27

1.26-21



This survey references:
Deed Book 9066 Page 1898
Survey Prepared by Azimuth Land Surveying Co., Inc.

Notes:
Field Survey Performed on 06/19/2020
Vertical Datum NAVD88
Subject to an accurate title search
Subject to documents of record
Survey performed without the benefit of a complete title search and
subject to municipal restrictions, easements of record and other facts
that a title search may disclose.



I declare that this plan is based on actual field survey performed by Lakeland Surveying, Inc., under my direct supervision, in accordance with N.J.A.C. 13:40-5.1 and to the best of my professional knowledge, information and belief, correctly represents the conditions found on the date of the field survey, except such easements, if any, below the surface of the lands not visible. This declaration is given solely to the above named parties for this transaction only and is not transferrable. Survey is valid only if print has original raised seal of the undersigned professional.

REVISED 12/30/2020 JRS-JES: ADDITIONAL TOPO POINTS ADDED

Lakeland Surveying

4 West Main Street | Rockaway | NJ
Ph: (973) 625-5670 | Fx: (973) 625-4121
www.LakelandSurveying.com
Certificate of Authorization #24GA28090000

PROJECT NUMBER 201525 REFERENCE NUMBER		
SCALE 1"=20'	DATE 06/23/20	
FIELD: JRS	DWN BY: JES	CHECKED: JSG

TOPOGRAPHIC SURVEY OF PROPERTY

Tax Lot 25 - Block 11

49 Sagamore Avenue, Borough of Oceanport
Monmouth County, New Jersey

MARC J. CLONE, Professional Land Surveyor N.J. Lic. No 24GS04132900
JEFFREY S. GRUNN, Professional Land Surveyor N.J. Lic. No 24GS04339900