



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • FEBRUARY 8, 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
2. Mandatory Training

VII. Approval of Minutes

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

VIII. Old Business

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

IX. New Business

1. PB2021-09- Galvao Investments, LLC
73 Monmouth Blvd.
Block 13, Lot 24
Variances requested:
Driveway setback of 5' from property line required, 0' setback exists
Maximum Impervious Coverage - 37% permitted, 63% proposed
DFD 2/23/22
2. PB2021-22 DeGiglio, Kyrsten
Block 14, Lot 110
45 Main Street
Certificate of non-conformity, Alternative Bulk Variance relief

X. Petitions from the Public

XI. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • JANUARY 11, 2022****Reorganization****Clement V. Sommers Municipal Building****7:00 PM****910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Mr. Whitson called the meeting to order at 7:00 PM
- II. **Flag Salute:** Mr. Whitson led attendees and members of the Board in the flag salute.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on December 16, 2021 of this virtual/remote 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:** Mr. 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. **Statement of Mayor's Appointments and Administer Oaths of Office:** Ms. Smith announced the Mayor's appointments for this year and administered the Oaths of Office to the following persons:
- Patricia Cooper, Class I (Mayor's Designee), 1 year term
 - Thomas J. Tvrdek, Class III (Council Liaison), 1 year term
 - James Whitson, Class IV, 4 year term
 - Michael Dailey, Class IV, 4 year term
 - Leslie B. Widdis, Alternate #1 (unexpired term, 12/31/22)

VI. Roll Call:

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

- VII. **Election of Chairman:** Mr. Kahle nominated Mr. Whitson to serve as Chairman for 2022 which was seconded by Ms. Cooper and unanimously approved by the Board with Mr. Whitson abstaining.
- VIII. **Election of Vice-Chairman:** Mr. Kleiberg nominated Mr. Kahle to serve as Vice Chairman for 2022 which was seconded by Mr. Davis and unanimously approved by the Board with Mr. Kahle abstaining.
- IX. **Appointment of Board Secretary:** Mr. Whitson made a motion to appoint Jeanne Smith as Board Secretary, which was seconded by Mr. Kahle and unanimously approved by the Board.
- X. **Board Business:**
1. **PR-22-01 RESOLUTION APPROVING ANNUAL MEETING SCHEDULE FOR 2022**

RESULT: ADOPTED [UNANIMOUS]
MOVER: Patty Cooper, Mayor's Designee
SECONDER: John (Jack) Kahle, Vice Chairman
AYES: Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey, Widdis
ABSENT: Foster, Widdis, Savarese

2. **PR-22-02** RESOLUTION APPOINTMENT OF BOARD ATTORNEY FOR CY2022

RESULT: ADOPTED [UNANIMOUS]
MOVER: James Whitson, Chairman
SECONDER: Thomas Tvrdik, Class III
AYES: Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey, Widdis L.
ABSENT: Foster, Widdis C, Savarese

3. **PR-22-03** RESOLUTION APPOINTMENT OF BOARD ENGINEER/PLANNER FOR CY2022

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

XI. Minutes:

1. Planning/Zoning Board - Reorganization - Jan 12, 2021 7:00 PM

RESULT: ACCEPTED [7 TO 0]
MOVER: John (Jack) Kahle, Vice Chairman
SECONDER: Robert Kleiberg, Class IV
AYES: Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey
ABSENT: Foster, Widdis C, Savarese
INELIGIBLE: Widdis L.

2. Planning/Zoning Board - Regular - Dec 14, 2021 7:00 PM

RESULT: ACCEPTED [6 TO 0]
MOVER: Darren Davis, Class IV
SECONDER: Michael Dailey, Class IV
AYES: Whitson, Kahle, Cooper, Kleiberg, Davis, Dailey
ABSTAIN: Tvrdik
ABSENT: Foster, Widdis C, Savarese
INELIGIBLE: Widdis L

XII. New Business:

1. PB2021-21 Villapiano, Philip & Laura

523 Port Au Peck Ave
 Block 31, Lot 10
 Construction of 2-story addition

EXHIBITS:

- A-1 Land Development Application
- A-2 Survey of Property, 1 Sheet, prepared by Charles Surmonte P.E. & P.L.S., dated April 27, 2020.
- A-3 Architectural Plans, "Alteration/Addition", 5 Sheets, prepared by Keith Mazurek AIA, dated August 1, 2021.

A-4 Colliers Engineering Review Letter dated October 25, 2021

A-5 Architect's Diagram of Area Totals, undated

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. While waiting for the public to respond, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

Philip Villapiano, Applicant/Owner, was sworn in and testified that he was the owner of the subject property for about 1 ½ years and described the application to build a 2-story addition in place of the existing deck at the back of the house. The additional space is needed for growing family and needs to work from home.

Mr. White advised the Board that the Application requires variance relief for impervious coverage seeking 40.4% where 37% permitted. Councilman Tvrdik asked questions about gutters and leaders and plans to capture additional water and direct drainage.

Mr. Villapiano responded that there's an existing downspout that directs the drainage towards Oneida and the addition will tie into the same.

Mr. Davis asked what was the existing impervious coverage. Mr. Villapiano responded that in response to the Engineer's comments his architect prepared a diagram that shows the break out of the what each piece covers which shows the addition as 468 s.f. The Architect's Diagram of Area Totals was marked as Exhibit A-5.

Discussion ensued concerning the conflicting numbers of the addition's total area which were shown differently on the architect's plan (485 s.f.) and Exhibit A-5 (468 s.f.).

Mr. Davis asked questions about the floor elevation of the storage area, the furnace location in the crawl space.

Mr. White clarified for the Board that the existing impervious coverage is 37.6% and the proposed is 41.6% based on Exhibit A-5 (slightly higher than the application's request for 40.4%).

After discussion, Mr. Villapiano requested that his application be amended to seek the 41.6%. Mr. Kennedy responded that the notice was for 40.4% and the increase to 41.6% was miniscule and would be acceptable with the notice if the Board accepts.

Mr. Davis asked that the gutters be at the front of the house and suggested a sump pump.

PUBLIC: Chairman Whitson opened the meeting to questions from the public. As there was no one from the public, Chairman Whitson closed that portion of the meeting.

Mr. Davis made a motion to approve the application based on it's a corner lot for the hardship subject to correcting the calculations to match the applicant's needs and that the drainage will be from the gutters and the pump system all be directed towards the street which was seconded by Mr. Kahle and received the following roll call:

Motion to Approve with Conditions

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

XIII. Old Business:

1. Resolution of Approval - 75 Comanche Dr/McGeddy

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution which had no conditions other than compliance with Mr. White's review letter. Ms. Cooper made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

RESULT:	ADOPTED [6 TO 0]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Kleiberg, Davis, Dailey
ABSENT:	Foster, Widdis, Savarese
INELIGIBLE:	Tvrdik, Widdis

2. Resolution of Approval - 101 Smith St/Schmidt

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

RESULT:	ADOPTED [6 TO 0]
MOVER:	Robert Kleiberg, Class IV
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Cooper, Kleiberg, Davis, Dailey
ABSENT:	Foster, Widdis, Savarese
INELIGIBLE:	Tvrdik, Widdis

3. PB2020-29.1 Oport Partners, Phase II

Mr. Kennedy advised the Board that he had spoken with the Applicant's Attorney, Mr. Giunco regarding concerns with some of the conditions – mostly hours of operation and the nature and extent of some traffic calming and weight limitations and the Board's direction that the resolution reflect 100% the testimony from the hearing. Mr. Giunco in turn ordered transcripts of the hearing dates which had just been received earlier today. Without sufficient time to review the transcripts, the Board will be provided same for review and action at the next meeting.

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

XV. Adjournment: As there was no further business, the meeting was adjourned at 7:36 pm on a motion by Mr. Kahle which was seconded by Councilman Tvrdik 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 # 2326)

8.1

Meeting: 02/08/22 07:00 PM
Department: Administration
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2326

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

**Planning/Zoning Combined Board**

PO Box 370
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 2051)**

Meeting: 02/08/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2051

PB2021-09- Galvao Investments, LLC

73 Monmouth Blvd.

Block 13, Lot 24

Variances requested:

Driveway setback of 5' from property line required, 0' setback exists

Maximum Impervious Coverage - 37% permitted, 63% proposed

DFD 2/23/22

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



October 26, 2021

VIA EMAIL

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

73 Monmouth Boulevard – Bulk Variance
Block 13, Lot 24
Application No. PB2021-09.1
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0309

Dear Board Members,

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

- Plan entitled "Survey of Property," prepared by Charles Surmonte P.E. & P.L.S., dated April 23, 2021, consisting of one (1) sheet.
- Plan entitled "Alterations to: 73 Monmouth Boulevard," prepared by Parallel Architectural Group, last revised May 4, 2021, consisting of four (4) sheets.

The subject property is a 7,500 SF (0.0172-acre) parcel on the north side of Monmouth Boulevard approximately 450 feet east of the intersection with Port au Peck Avenue. The subject is in the R-3 Residential Zone. The Applicant proposes to renovate the existing structure and install a front porch.

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.

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

A. Variances/Design Waivers

1. Ordinance 390-26A requires driveways to provide a 5-foot setback from the side property lines, existing driveway provided 0' setback, thereby requiring a bulk variance.
2. Maximum Impervious Coverage – 37% permitted; 63% proposed. A Bulk Variance is required.

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

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

B. General Comments

1. The Applicant shall be required to provide a signed and sealed copy of survey to the Board Secretary.
2. Based on historical photos, the driveway was expanded into the rear yard. The Applicant shall clarify what measures will be taken to assure that this will not occur in the future.

Project No. OPP-0309
October 26, 2021
Page 3 | 3



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

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

Sincerely,

Colliers Engineering & Design

A handwritten signature in blue ink, appearing to read "W.H. White, III".

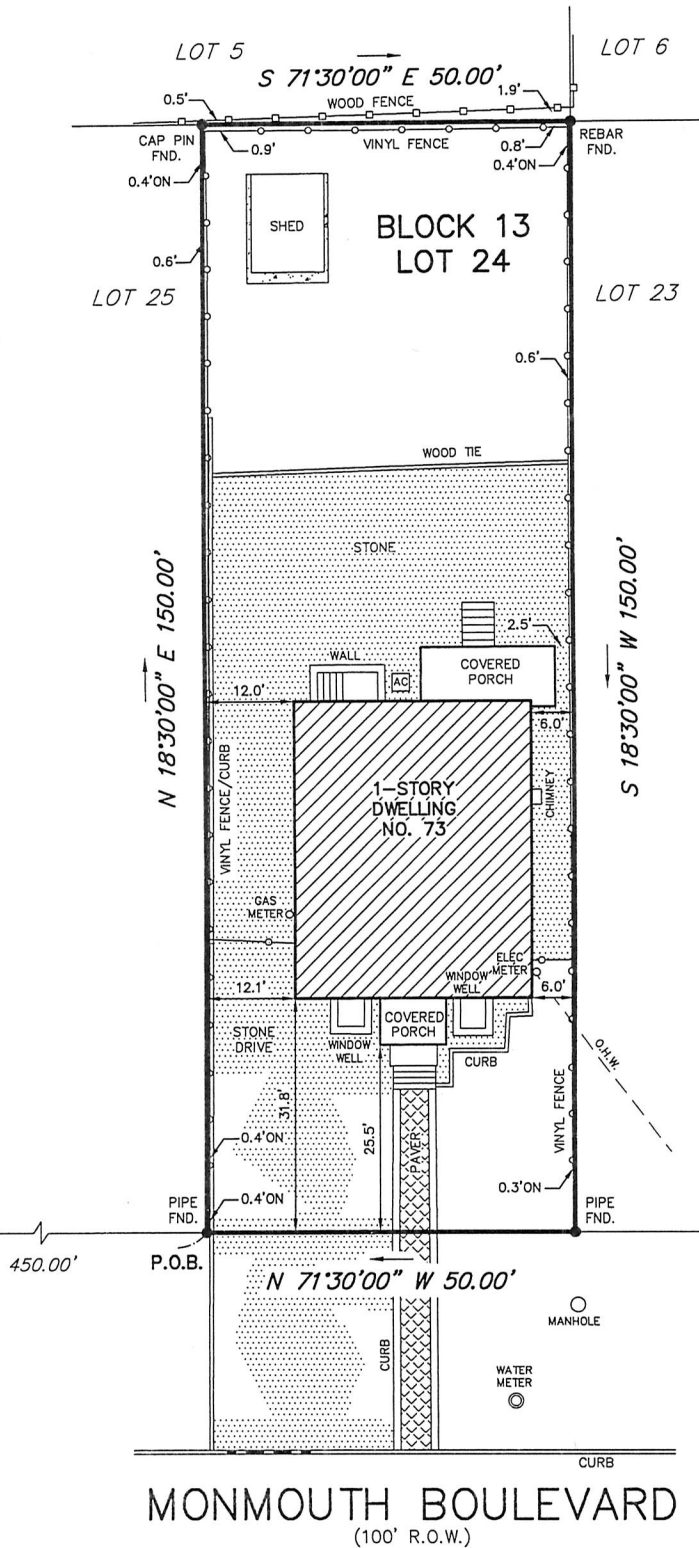
William H.R. White, III, PE, PP, CME, CFM, CPWM
Planning Board Engineer and Planner

WHW/dmm

cc: Paul Edinger Esq. (via email edingerlaw@msn.com)

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



SURVEY OF PROPERTY

73 MONMOUTH BOULEVARD
LOT 24 BLOCK 13

BOROUGH OF OCEANPORT

MONMOUTH COUNTY

NEW JERSEY

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

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

NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS, ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.

THIS SURVEY IS SUBJECT TO CONDITIONS WHICH MIGHT BE DISCLOSED BY AN ACCURATE TITLE SEARCH.

OFFSETS AS SHOWN HEREON ARE NOT TO BE USED TO ESTABLISH PROPERTY LINES.

PROJECT No.

20-034

DATE

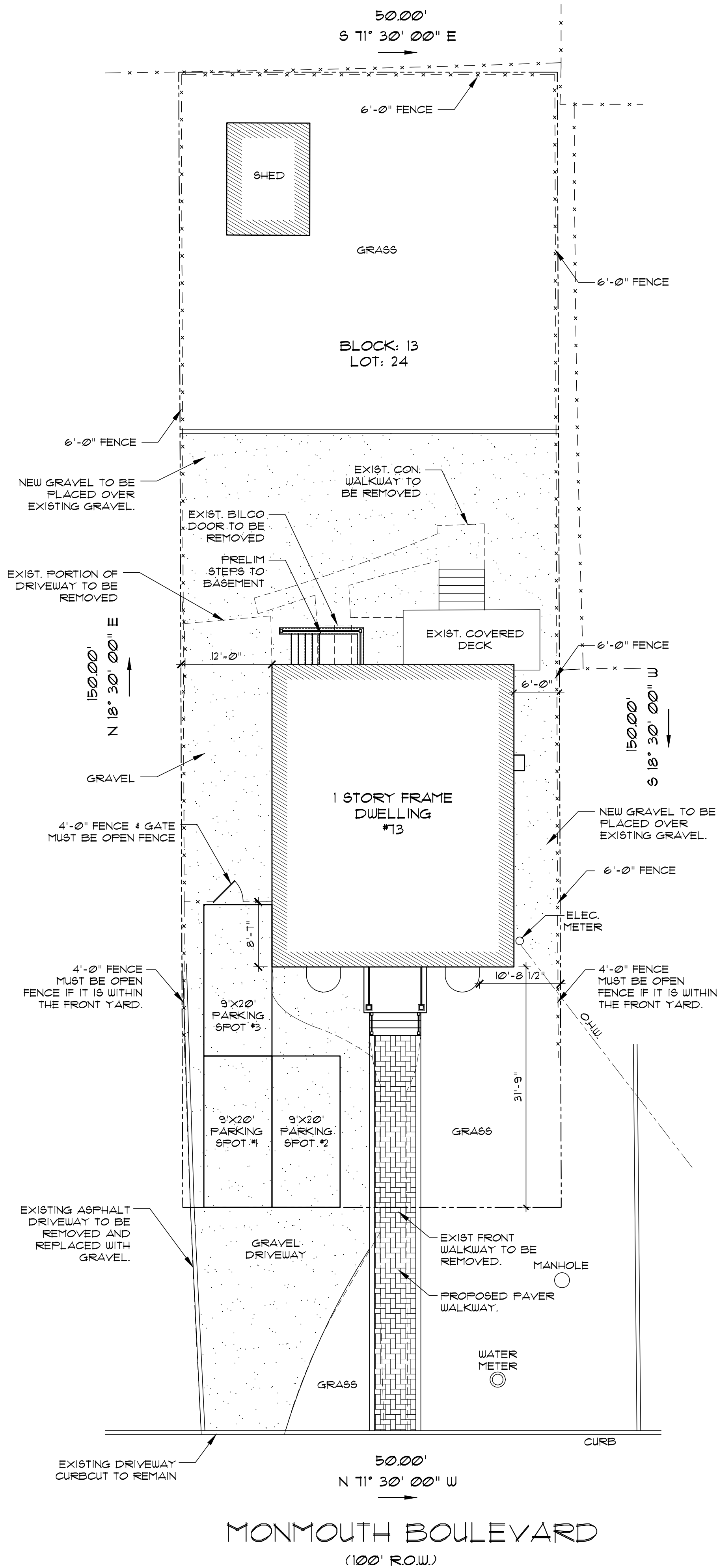
04-23-21

SCALE:

1"=20'

Packet Pg. 12

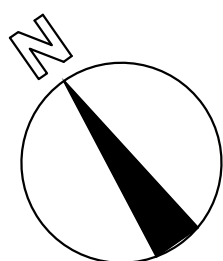
PORT-AU-PECK AVENUE
(75' ROW)



SCOPE OF WORK:
EXTERIOR IMPROVEMENTS.

MONMOUTH BOULEVARD
(100' ROW.)

1 SITE PLAN
SCALE: 1"=10'-0"



NOTE:
SITE PLAN BASED ON SURVEY BY:
CHARLES SURMONTE P.E. & P.L.S.
CHARLES SURMONTE
N.J. PROFESSIONAL LAND SURVEYOR
LICENSE #35885
301 MAIN STREET, 2ND FLOOR
ALLENHURST, NEW JERSEY, 07711
DATED: JANUARY 1, 2020
PROJECT No. 20-034

SITE PLAN LEGEND	
---	PROPERTY LINE
---	WALL ABOVE
---	DEMO
---	OVERHEAD WIRE
---	SETBACK LINE
- x - x - x -	FENCE LINE
---	DRIVE/WALKS
---	BUILDING FOOTPRINT
---	CONCRETE

ZONING REQUIREMENTS : R-3		BLOCK: 13		LOT: 24	
	REQUIRED	EXISTING	PROPOSED	CODE COMPLIANCE	
				Y	N
MIN. LOT AREA	12,000 S.F.	7,500 S.F.	NO CHANGE	●	EXISTING
MIN. LOT WIDTH	120'	50'	NO CHANGE	●	EXISTING
MIN. LOT DEPTH	100'	150'	NO CHANGE	●	EXISTING
MIN. PRINCIPAL FRONT YARD	30'	31'-9"	NO CHANGE	●	EXISTING
MIN. PRINCIPAL SIDE YARD	10' (ONE) 25' (BOTH)	6'-0"/12'-0" 18'-0" (BOTH)	NO CHANGE	●	EXISTING
MIN. PRINCIPAL REAR YARD	25'	78'-3"	NO CHANGE	●	EXISTING
PRINCIPAL BUILDING HT.	35'	N/A	NO CHANGE		
MAX. IMPERVIOUS COVERAGE	31%	42%	35%	●	PROPOSED
MAX. BUILDING COVERAGE	25%	23%	63%	●	PROPOSED
AREAS		EXISTING	PROPOSED	TOTALS	
DWELLING FOOTPRINT		1,278 S.F.		1,278 S.F.	
FRONT COVERED PORCH		70 S.F.		70 S.F.	
WINDOW WELLS			26 S.F.	26 S.F.	
FRONT WALKWAY		79 S.F.	DEMO	154 S.F.	
DRIVEWAY		1,226 S.F.	DEMO	852 S.F.	
REAR WALKWAY		150 S.F.	DEMO		
REAR COVERED DECK		166 S.F.		166 S.F.	
BILCO DOOR		23 S.F.	DEMO		
BASEMENT STAIRS			48 S.F.	48 S.F.	
CHIMNEY		3 S.F.		3 S.F.	
SHED		163 S.F.		163 S.F.	
REAR & SIDE GRAVEL			1,323 S.F.	1,323 S.F.	
TOTALS		3,158 S.F.		4,689 S.F.	

Parallel
architectural group

494 Broadway, Suite 3
Long Branch, NJ 07740

V: 732.229.4400
F: 732.229.4488

www.ParallelGrp.com

ALTERATIONS TO:
73 MONMOUTH BLVD.
73 Monmouth Blvd.
Oceanport, NJ 07703
Block: - Lots: -

Antony Scilise, AIA
NJ 010133
NY 031733-1
PA RA403935
Certificate of Authorization
#AC000553

Title:
SITE PLAN
ZONING
SCHEDULE

Comm. No. 1349.20.0026
Date: APRIL 16, 2021
Drawn By: NS
Checked By: AS
Scale: As Shown

Revisions		
No.	Date	Description

73 MONMOUTH BLVD.
OCEANPORT, NJ

A = 002
1 OF 1

© 2021 Parallel Architectural Group LLC

Ownership Disclosure Certification for Business Entity

☒ I certify that the list below contains the names and home addresses of all owners of the issued and outstanding stock of the undersigned. ☐

Check the box that represents the type of business entity:

- ☐ Partnership ☐ Subchapter S Corporation ☐ Limited Partnership
☐ Corporation ☒ Limited Liability Corporation
☐ Sole Proprietorship ☐ Limited Liability Partnership

Name of Stock or Shareholder	Home Address
GERALDO DA SILVA	461 HIGH STREET, LONG BRANCH, NJ 07740

Signature and Attestation:

The undersigned is fully aware that if I have misrepresented in whole or part this affirmation and certification, I and/or the business entity, will be liable for any penalty permitted under law.

Name of Business Entity: Galvao Investments, LLC

Print Name: _____ Date: _____

Signed: ✓ Geraldo da Silva Title: Member

Subscribed and sworn before me this 18 day of MAY, 2021.
 State of NT Daniella P dos Santos
 County of Monmouth (Notary)

My Commission Expires:

(SEAL)

DANIELLA P DOS SANTOS
 NOTARY PUBLIC
 STATE OF NEW JERSEY
 ID # 2418783

8

MY COMMISSION EXPIRES MAR. 21, 2022



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2183)

9.2

Meeting: 02/08/22 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2183

PB2021-22 DeGiglio, Kyrsten

Block 14, Lot 110
45 Main Street
Certificate of non conformity, Alternative Bulk Variance relief

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



October 26, 2021

VIA EMAIL

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

45 Main Street – Use Variance
Block 110, Lot 14
Application No. PB2021-22
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0308

Dear Board Members,

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

- Plan entitled "Survey of Property" prepared by Morgan Engineering & Surveying, dated May 6, 2021, consisting of one (1) sheet.

The subject property is a 11,020 SF (0.253-acre) parcel on the north side of Main Street approximately 225 feet east of the intersection with Center Street. The subject is in the R-5 Residential Zone. The Applicant indicates that the property currently contains a two-family dwelling and a separate single-family dwelling to the rear of the property.

The Applicant is requesting a certificate of non-conformity for the three units in two principle structures. If the certificate is denied by the Board, the Applicant simultaneously applied for the use variance for two single family dwellings on the property

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.

We offer the following comments for the Board's consideration regarding the requested Use Variance only:

A. Variances/Design Waivers

1. A d(5) use variance is required for the proposed second single family structure as the density is 7.9 units/acre and the permitted is 4.5 units.

The Municipal Land Use Law (MLUL) requires an Applicant requesting a use variance to demonstrate that both the positive and negative criteria are satisfied. As to the positive criteria, the Applicant must provide testimony establishing "special reasons" for the Board to grant the requested use variance such as the promotion of one or more purposes of the MLUL found in NJSA 40:55D-2. In addition, the Applicant must demonstrate that the variance requested will promote the general welfare because the site is particularly suited for the proposed use.

As to the negative criteria, the Applicant must provide affirmative testimony addressing two areas. The first is to demonstrate that the requested variance can be granted without substantial detriment to the public good, referring specifically to the impact of the proposed variance on surrounding properties.

The second area of testimony is a demonstration that the requested variance can be granted without substantial impairment to the zone plan and zoning ordinance. Here the Applicant must offer an enhanced quality of proof that the variance sought is not inconsistent with the intent and purpose of the zone plan and zoning ordinance.

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

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

Sincerely,

Colliers Engineering & Design



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

WHW/dmm

cc: John Sarto, Esq. (via email)
 Kevin Kennedy, Esq., Board Attorney (via email)

r:\projects\m-p\opp\opp0308\correspondence\out\211026_whw_45_main_street_review#1.docx

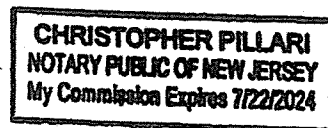
To Whom it may concern,

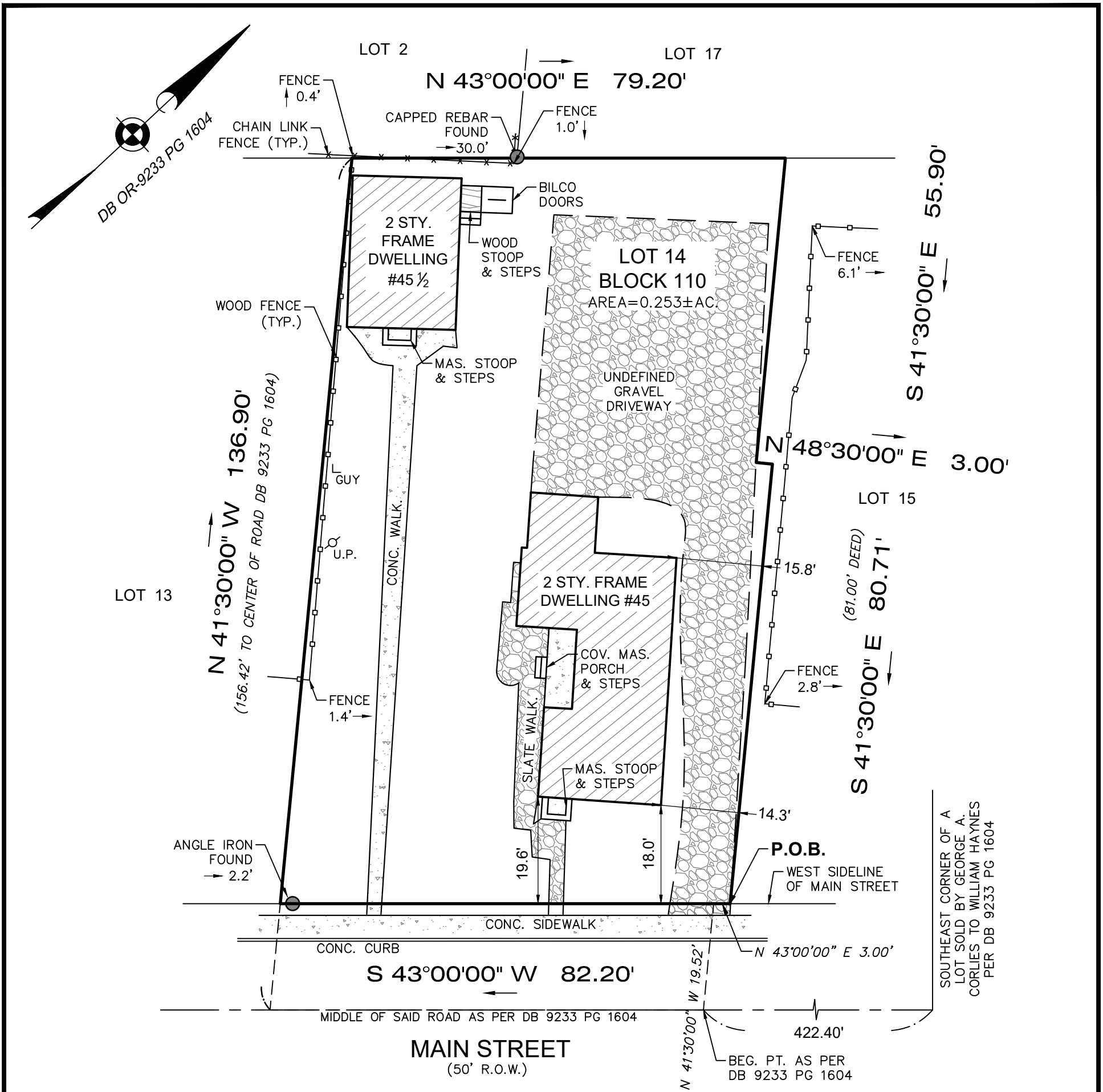
My name is Frank Bebout and I'm the current owner of 45 and 45.5 Main Street in Oceanport. I am selling this property to Krysten DeGiglio. I inherited the property in 2017 and upon doing so, it was a multi-family. The tenants were already in place, 2 different tenants in the front house and a 3rd tenant residing in the detached back house. All tenants paid their own utilities, separate gas and electric. It consists of two units in the front house and one unit in the back house. My grandfather who purchased the property back in 1984 used it as a multi-family until his passing in 2017. My father who is retired Oceanport Police Chief, Kip Bebout lived there in the early 1990s and can confirm that it was in fact used as a multi-family as well. It has always been occupied and used as a 3 unit multifamily during my ownership as well as my grandfather, who owned it prior to me.

Sincerely,



Frank Bebout





PREPARED FOR: *KRYSTEN DeGIGLIO*

TITLE INSURER: *ALL AHEAD TITLE AGENCY, LLC (AAT-2120034)*
CHICAGO TITLE INSURANCE COMPANY

CLOSING ATTORNEY: *KIM M. FLOTTERON, Esquire*
FALK & FLOTTERON, LLC

IMPORTANT NOTES, PLEASE REVIEW:

- I DECLARE THAT, TO THE BEST OF MY PROFESSIONAL KNOWLEDGE AND BELIEF, THIS MAP OR PLAN MADE ON 5/6/21 BY ME OR UNDER MY DIRECT SUPERVISION IS IN ACCORDANCE WITH THE RULES AND REGULATIONS PROMULGATED BY THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS.
- THIS SURVEY DOES NOT PURPORT TO IDENTIFY BELOW GROUND ENCROACHMENTS, UTILITIES, SERVICES LINES OR STRUCTURES, WETLANDS, OR RIPARIAN RIGHTS. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THE PROPERTY IS CLAIMED BY THE STATE OF NEW JERSEY AS TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS, IF ANY ARE NOT LOCATED BY THIS SURVEY.
- OFFSET DIMENSIONS FROM STRUCTURES TO PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED TO REESTABLISH PROPERTY LINES.
- THIS SURVEY IS SUBJECT TO RESTRICTIONS AND EASEMENTS RECORDED AND/OR UNRECORDED.
- PROPERTY CORNERS HAVE NOT BEEN SET AS PER CONTRACTUAL AGREEMENT. (N.J.A.C. 13:40-5.1(D))

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N.J. LIC. No. 34500

SURVEY OF PROPERTY

LOT 14 **BLOCK 110**

BOROUGH OF OCEAN PORT

COUNTY OF MONMOUTH **NEW JERSEY**

Scale: 1"=20'	Drawn By: JCS	Date: 5/6/2021	JOB #: 21-05046	CAD File #: 21-05046JCS	Sheet #: 1 OF 1
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