



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JANUARY 26, 2021

Regular

REMOTE/VIRTUAL

7:00 PM

Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. 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.

III. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 22, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. This meeting is also being broadcast on the Borough's Local Public Access Channel, Verizon FiOS Channel 28.

Members of the general public can register for meetings from the Borough website at www.oceanportboro.com by scrolling to the bottom of the homepage and clicking "REGISTER for Planning Board Virtual Meetings". Registering allows the general public to view and participate in meetings on their computers, smart phones and tablets. Once registered, members of the general public will be muted upon entry to a meeting. Registration allows a member of the general public to participate during the public portions of a meeting by using one of the following options:

(a) Use the Raise Your Hand Feature in the Go-to-Webinar toolbox to be acknowledged for an opportunity to speak. Once recognized and advised to speak, members of the general public may need to unmute themselves to participate in the meeting.

(b) call the Borough's Public Comments Line at (732)-272-8337. The Public Comments Line is only answered during the livestream broadcast of a meeting when the Chairman has opened the meeting to the public. A caller to the Public Comments Line must provide his or her name and address in order to participate in a meeting. Once this information is provided, callers will either be admitted to speak at the meeting immediately or they will be called back by the Board Secretary at the appropriate or designated time so that they can speak. Speakers participating through the Public Comments Line will be placed on speaker and all comments made will be part of the digital record of the meeting.

The instructions for Public Participation in the Borough's meetings are also available on the Borough's website at www.oceanportboro.com.

IV. Flag Salute

V. Roll Call

VI. Board Business

1. Acceptance of Resignation - Jacob Rue
2. Planning/Zoning Board - Regular - Aug 11, 2020 7:30 PM
3. Report of Pending Applications

VII. Old Business

1. Resolution of Approval - 111 Hiawatha Ave, Stetter, Kevin
2. Resolution of Approval - 177 Comanche Drive; Jake Beim
3. PB2020-27 Arce, Rosetta
49 Sagamore Ave

Block 11, Lot 25

Bulk variances for construction of inground pool

- Minimum Pool Setbacks: outdoor private swimming pool shall be located no less than 10 feet from the side or rear of the residence on a building lot, nor shall such pool be located less than 10 feet from any property line." The proposed pool is located 7.66 feet from the dwelling and 5 feet from the rear and side property lines.
- Maximum Impervious Coverage: 37% permitted, 50.54% existing and 57.84% proposed.
- Side Yard Setback: 10 feet required, 6.25 feet proposed for pool equipment.
- Accessory Building Side Yard Setback: 10 feet required, 0.7 feet for existing framed shed and 8 feet for existing vinyl shed.
- Accessory Building Rear Yard Setback: 5 feet required, 2 feet for existing framed shed.

4. PB2020-32 Rosenbloom, Matthew

47 Tecumseh Ave

Block 8, Lot 26

Variance relief for impervious coverage for deck, outdoor grill and associated improvements

5. PB2020-21 Somerset Development

CARRIED from January 12, 2021

Block 110, P/O Lot 1

Commonly Known as Fort Monmouth Lodging Parcel

Signal Avenue

Preliminary & Major Site Plan with variance(s) for Construction of 180 residential units

DFD01.30.2021

VIII. Petitions from the Public

IX. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • AUGUST 11, 2020****Regular****Maple Place School****7:30 PM****2 Maple Place, Oceanport, NJ 07757**

- I. **Call to Order:** Mr. Kennedy called the meeting to order at 7:30 PM
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 5, 2020 of this virtual/remote meeting, its location, date and time, and URL address at which to participate in the meeting to the Asbury Park Press, Star Ledger and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site. Mr. Kennedy then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.
- III. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.
- IV. **Roll Call:**

Attendee Name	Title	Status	Arrived	Departed
Christopher Widdis	Chairman	Remote		
James Whitson	Vice Chairman	Remote		
Patty Cooper	Mayor's Designee	Remote		07:50 PM
Thomas Tvrdik	Class III	Absent		
Joseph Foster	Environmental Committee Liaison	Remote		
John (Jack) Kahle	Class IV	Remote		
Michael Savarese	Class IV	Remote		07:50 PM
Robert Kleiberg	Class IV	Remote		
Darren Davis	Class IV	Remote		
Michael Dailey	Alternate I	Remote		
Jacob Rue	Alternate II	Remote	7:45 PM	
Jeanne Smith	Board Secretary	Remote		
Kevin Kennedy	Board Attorney	Remote		
William White	Board Engineer/Planner	Remote		

V. **Board Business:**

1. Approval of Minutes, May 12, 2020

Minutes of May 12, 2020 were put off until the next meeting at the request of the Secretary with no objections.

2. Report of Pending Applications

Ms. Smith advised of upcoming matters for the September 8, 2020 meeting including the two carried from tonight's meeting, a new home construction on Comanche Drive and a site plan for parking lot at Triumphant Life Church on the former fort. Additionally, under review were several residential applications and two major applications from the former Fort including Alison Hall and 180 residential unit lodging area development.

VI. **Old Business:**

1. Resolution of Approval - 10 Hiawatha Ave, Walsh, Kevin

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

Motion to Approve PR-20-25

RESULT:	ADOPTED [9 TO 0]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Michael Savarese, Class IV
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Savarese, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik
INELIGIBLE:	Rue

Board Member Jacob Rue entered the meeting at 7:45 PM

2. Resolution of Approval - 8 Burnt Mill Circle, Cregle, Mark

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

Motion to Approve PR-20-26

RESULT:	ADOPTED [7 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Darren Davis, Class IV
AYES:	Widdis, Whitson, Cooper, Foster, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik
INELIGIBLE:	Kahle, Savarese, Rue

Mr. Savarese and Ms. Cooper recused from the next matter and exited the meeting at 7:50 PM.

3. PB2020-08 MSA at 64 Main Street LLC

64 Main Street

Block 116, Lot 25

CARRIED from June 23, 2020

EXHIBITS:

A-15	Site Plan, prepared by Michael Savarese Associates, dated July 25, 2019, last revised July 20, 2020, consisting of 1 sheet
A-16	<i>Not Used</i>
A-17	Survey of Property, prepared by Thomas Santry, P.A. last revised July 23, 2020
A-18	Grading Plan, prepared by East Point Engineering, LLC, dated July 19, 2020
A-19	Maser Consulting Review Letter dated July 29, 2020

Mr. Kennedy described and marked for the record Exhibits A-15, A-16, A-17, A-18, A-19 and A-20. (Subsequently the exhibits were not numbered in order and resulted in A-16 not being used).

William White, Board Engineer and Planner, was sworn in. There was discussion concerning eligible members with a full (7-member) zoning board present and eligible.

Rick Brodsky, Attorney for the Applicant, provided a summary of the previous testimony, relief being sought and feedback from the Board. The Applicant has submitted revised plans in response to the Board's comments which now propose two units, each with one bedroom; clarification to the plans concerning the driveway, its width and the encroachment.

Michelle Del Vecchio, Architect for the Applicant, having previously been sworn and accepted as an expert in architecture, provided testimony highlighting the revisions to the plans including plan of existing conditions, proposed changes to 2nd floor layouts for both units with one bedroom (reduced from two bedrooms each), grading and drainage plan and survey. Ms. Del Vecchio also testified as to revisions in order to provide for a 4th parking space (2 spaces for each unit) to address concerns by the Board; provided details of the parking space, 9x18, 24' turnaround, 5' setback to the gravel parking area.

Chairman Widdis asked Mr. Brodsky to address Mr. White's review comments. Mr. Brodsky reviewed the variances being sought including existing lot area, existing lot width, impervious coverage driven by the driveway and new parking area, existing building coverage (no change to footprint), driveway setback and habitable floor areas which are existing non-conformities all of which their planner, Christine Coffone, had testified to previously, opining in her opinion that the relief being sought was justified and more so with the reduction in the number of bedrooms proposed.

Chairman Widdis asked if an easement would be sought from the neighbor or if they would reduce to the 9.8' width and remove the encroachment. Mr. Brodsky referred to the neighbor's letter requesting that the existing conditions remain.

Chairman Widdis asked Mr. White if the proposed parking worked with the turnaround. Mr. White answered it would be tight but could be done with a k-turn.

Chairman Widdis asked Mr. White if he had any other comments. Mr. White stated that the perc test of the soil showed that the Applicant would need to penetrate through the clay soil which would need to be made a condition of any approval if granted.

Chairman Widdis asked for questions from the Board:

Mr. Kleiberg asked questions about the floor plan for unit 1 which showed a sitting room which he asserts is another bedroom making the unit a 2-bedroom. The architect responded that the Applicant would open up the wall to a half wall and remove the closet. Mr. Kleiberg responded that could be easily converted to a bedroom down the road. Mr. Brodsky offered to have what ever needed to be done to keep the unit as a 1-bedroom.

Chairman Widdis commented that if the relief sought was granted he would want the resolution recorded at the County level.

Mr. Kahle asked for confirmation – a "d" variance and 5 bulk variances were being sought which Mr. Brodsky confirmed yes, 3 of which were existing conditions. Mr. Kahle expressed concern that granting that number of variances would set a precedent for other single-family homes coming in to change to 2-family needing the same relief. There was discussion on the zone allowing 2-family, existing conditions and the merits of each application have to be weighed.

Mr. Foster asked in compliment to Mr. Kahle's questions, how does the granting of the variances advance planning in the Oceanport community related to positive and negative criteria. Mr. Brodsky advised that the Planner had provided testimony concerning that at the last hearing but was present and could review again.

Chairman Widdis stated he wanted to complete the architect first.

PUBLIC: Chairman Widdis opened the meeting to the public for questions of the architect only. Mr. Kennedy provided the participation information. As no one from the public appeared, that portion of the meeting was closed.

Mr. Kleiberg asked if each unit would have its own utilities.

Mr. Brodsky recalled Ms. Cofone, Planner, to address additional questions by the Board. Ms. Cofone acknowledged that she remained under oath from the last hearing. Ms. Cofone provided additional testimony to address the Board's concerns regarding the use of the property and future applications and explained the law's requirements for applications to stand on its own merits, the facts for each particular case have to be applied. Ms. Cofone furthered that the Applicant had performed additional research through OPRA requests, documented the historical use, similar uses on surrounding lots, the existing conditions were being bettered by the application, and that there is something to be said about having a variety of housing options in a community. Two-family are permitted in the zone and the proposed 2-family would be allowed were it not for the existing conditions.

Chairman Widdis asked for questions from the Board for Ms. Cofone.

Mr. Davis commented that ordinances and requirements are put in place it's to protect the zone from undersized lots. Discussion ensued with Ms. Cofone stating her opinion as to when it was acceptable to permit undersized lots to be used outside of the zoning criteria, existing conditions versus newly created, proofs of negative and positive criteria.

Chairman Widdis commented that the exiting conditions are a single family with 3 bedrooms with 1 illegal bedroom.

PUBLIC: Chairman Widdis opened the meeting to the public for questions of the planner only. Mr. Kennedy provided the participation information. As no one from the public appeared, that portion of the meeting was closed.

Mr. Brodsky called Michael Savarese, II, Applicant who appeared, acknowledged he remained under oath from the previous hearing. Mr. Savarese gave a statement concerning the details of the application, the relief being sought being based on existing conditions, their efforts to address the Board's concerns and comments, the need for this type of housing and hopes that the Board has heard and accepted the testimony from his professionals.

PUBLIC: Chairman Widdis opened the meeting to the public for questions of the owner only. Mr. Kennedy provided the participation information. As no one from the public appeared, that portion of the meeting was closed.

Mr. Kennedy requested of the Board the opportunity to comment after Mr. Brodsky's summation.

Mr. Brodsky gave his summation of the applications, efforts to provide a plan that addresses the Board's concerns and provides a better planning alternative to a large single family home, the overall positive impacts to the neighborhood and the community at large and based on the factual testimony, urged the Board to look favorably on the applications.

PUBLIC: Chairman Widdis opened the meeting to the public for comments on the application. Mr. Kennedy provided the participation information. As no one from the public appeared, that portion of the meeting was closed.

Mr. Kennedy addressed the Board regarding legal issues from the hearing, first, if approved, what could be done to minimize the possibility of the site being converted in the future illegally or improperly utilized – record resolution, impose deed restriction, require leases to state 1-bedroom only, were types of steps that could be made to address that concern. Secondly, the variances being sought had different standards – one being can the site accommodate the proposed density – which was up to the Board to determine the pros and cons balance. Thirdly, the question if approved, does it set a precedent for other application – the answer is no – the application rises and falls on its own merits and provided examples. Additionally, one of the standards the Board needs to think about is what is a better overall zoning alternative and what is the overall impact of the application. Also to be considered is not necessarily focus on the number of the variances but the impact of the variances. Lastly, the decision on the application should not be based on the relationship with Mr. Savarese. Five affirmative votes are necessary for approval.

Mr. Kahle asked additional questions regarding approvals and the impact on future applications. There was discussion on this issue at length, various scenarios, and the emphasis being on specifics to each application.

Motion to Approve Application with Conditions

Mr. Foster made a motion to approve the amended application with several conditions. As there was no second to the motion, the motion failed.

Motion to Deny Application

Chairman Widdis made a motion to deny the application which was seconded by Mr. Kahle. Mr. Whitson expressed his vote was based on the density, Mr. Kahle's concerns were density and severely undersized lot, Mr. Davis felt it was just not a good application, Mr. Dailey's concerns were density and potential misuse and Chairman Widdis' concerns were for density and the site was likely a 1-unit for many years.

RESULT:	ADOPTED [6 TO 1]
MOVER:	Christopher Widdis, Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Kahle, Kleiberg, Davis, Dailey
NAYS:	Foster
INELIGIBLE:	Rue
RECUSED:	Cooper, Tvrdek, Savarese

VII. New Business:

1. PB2020-01 Sempkowski, Anthony

Mr. Kennedy advised that the Applicant's Attorney, Mr. Toto, had submitted a request to adjourn the hearing to the September 8, 2020 meeting as additional time was necessary to prepare amended mapping. As jurisdiction had been previously accepted and a written waiver extending the time period for a decision by the Board through September 30, 2020, a motion was made by Mr. Whitson and seconded by Mr. Kleiberg.

Motion to Carry Application to the September 8, 2020 Meeting with No Additional Notice Required

RESULT:	ADOPTED [9 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Savarese, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik
INELIGIBLE:	Rue

2. PB2020-09 MPCC II

Motion to Accept Jurisdiction and Carry the Application to the September 8, 2020 meeting with no additional notice required.

RESULT:	ADOPTED [9 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Savarese, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik
INELIGIBLE:	Rue

VIII. 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.

IX. Adjournment: As there was no further business, the meeting was adjourned at 9:45 pm on a motion by Mr. Davis which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**Planning/Zoning Combined Board**

910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB 21-5**

Meeting: 01/26/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1949

Resolution of Approval - 111 Hiawatha Ave, Stetter, Kevin

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF KEVIN STETTER
111 HIAWATHA AVENUE, BLOCK 16, LOT 13.01
APPROVED DECEMBER 16, 2020
MEMORIALIZED JANUARY 12, 2021**

INTRODUCTION

WHEREAS, Kevin Stetter has made Application to the Oceanport Planning Board for the property designated as Block 16, Lot 13.01, commonly known as 111 Hiawatha Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variances associated with a request to effectuate the following:

- Retroactive legitimization of the installation of a porch (currently under construction);
- Retroactive approval to legitimize an existing (approximately 4 ft. X 6 ft.) shed;

PUBLIC HEARING

WHEREAS, the Board held a remote Public Hearing on December 16, 2020, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Oceanport Planning Board Development Application, introduced into Evidence as A-1;*
- *Survey of property, with hand-written modification, prepared by unidentified introduced into Evidence as A-2;*
- *Survey of property, prepared by Charles Widdis Associates, last revised August 19, 1993, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Maser Consulting Review Memorandum, dated November 9, 2020, introduced into Evidence as A-4;*
- *Affidavit of Service;*

- Affidavit of Publication.

WITNESSES

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

- Kevin Stetter, Applicant, appearing Pro Se;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property since approximately June of 2014.
- There is an existing single-family home at the site.
- The Applicant lives at the site.
- The Applicant and his son previously commenced the construction of a porch on the property.
- However, no permits / approvals for the same were issued and, as a result, a Stop Work Order was recently issued.
- The Applicant is now seeking approval to obtain the necessary approvals for the construction of such a porch.
- The Applicant was unaware that formal permits / approvals were required for the installation of the porch and, essentially, apologized for the confusion.
- Details pertaining to the proposed porch include the following:

Size:	Per Plans
Location:	Front of property (per Plans)
Shape:	Rectangular porch, with octagon-shaped gazebo structure.
Covered?:	While the rectangular portion of the porch will not be covered, there will be a roof over the gazebo portion of the structure.

Enclosure?:	Neither the porch nor the gazebo-like portion of the porch will be enclosed.
Materials:	Pressure-treated lumber / plywood.
Lighting details:	There is already in-ground lighting for the porch. The gazebo-shaped portion of the porch will not be illuminated.

- There is an existing shed at the site.
- The existing shed was located on the property when the Applicant purchased the same.
- Although there was no warning or Stop Work Order associated with the existing shed, during the Public Hearing process, concerns were raised as to whether the existing shed needed formal approval.
- As such, the Application was, essentially, modified to request approval to retroactively legitimize the existing shed.
- Details pertaining to the existing shed include the following:

Location:	Northeastern portion of the property (per Plans)
Size:	Approximately 4 ft. X 6 ft.

VARIANCES

WHEREAS, the Application as submitted, and amended requires approval for the following

Variances:

SIDE YARD SETBACK FOR A PRINCIPAL STRUCTURE: 10 ft. required; whereas 9.3 ft. proposed.

SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE (SHED): 10 ft. required; whereas 5 ft. proposed.

FRONT PORCH ENCROACHMENT: 6 ft. allowed; whereas 6.83 ft. proposed.

PUBLIC COMMENTS

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

Application;

FINDINGS OF FACT

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 111 Hiawatha Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.
3. The subject property contains 11,250 SF
4. The subject property is located on the north side of Hiawatha Avenue, approximately 105 ft. east of Bay View Place.
5. The Applicant proposes to effectuate the following:
 - Retroactive approval to legitimize of the installation of a front porch; and
 - Approval to legitimize an existing shed.
6. Such proposal requires Bulk Variance Approval.
7. The Oceanport Planning Board is statutorily authorized to grant the requested relief, and therefore, the matter is properly before the said entity.
8. With regard to the Application, and the requested relief, the Board notes the following:
 - The front porch setback / encroachment, as approved herein, is not inconsistent with the setbacks / encroachments of other similarly sized porches in the immediate area.
 - The porch has been designed to architecturally / aesthetically match the existing home.
 - The gazebo-like portion of the porch will add a nice architectural feature for the home.
 - The existence of the porch / shed at the site will not change the pattern of existing development in the area.
 - The existence of the porch / shed at the site will not change the residential nature of the property.

- The proposed porch requires a Side Yard Setback Variance (10 ft. required; whereas 9.3 ft. proposed). Board representatives questioned as to whether the proposed porch structure could be located approximately 7/10ths of a foot, so that the same would have a conforming Side Yard Setback.
- In response thereto, the Applicant advised that any such relocation would interfere with the location of the existing stored firewood at the site. The Board accepts the Applicant's testimony / arguments in the said regard.
- The 7/10ths of a foot deviation approved herein is, under the circumstances, de-minimus in nature.
- The porch encroachment approved herein will not extend beyond the existing house line.
- Per the testimony and evidence presented, the shed approved herein will not be utilized as living space.
- The 4 ft. X 6 ft. shed approved herein will not have water / sewer / bathroom service, and thus, occupancy of the same is not a viable option.
- The proposed shed is a permitted accessory use in the Zone.
- Additionally, notwithstanding the Variance, the Board notes that the location of the proposed shed is practical, appropriate, and aesthetically pleasing.
- The proposed shed will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- The Board notes that there were no public objections in connection with the subject Application.
- Approval of the within Application will enhance / improve the quality of life for the Applicant.
- Approval of the within Application will not materially intensify the existing, and to-be-continued, single-family nature of the home / site.
- The subject lot is an appropriate site for a single-family home, porch, and shed.
- Continued single-family and porch / shed use at the site is consistent with the Borough's Master Plan.
- Continued single-family and porch / shed use at the site is consistent with the character of the neighborhood.
- Approval of the within Application will allow brand new / upgraded accessory structure (porch) to be built at the site.
- To the extent necessary, the porch / shed approved herein will satisfy all prevailing / updated Building Code Regulations, Construction Code Regulations, and Flood regulations.

- There are essentially no other practical / viable locations (on the site) for the porch / shed to be located, but for that which is proposed by the Applicant.
- The porch / shed approved herein will not overpower or overwhelm the site or the neighborhood.
- Per the testimony and evidence presented, other development options were reviewed and considered, but the same were not practical / feasible.
- The Plans approved herein are reasonable, given the site constraints, and given the Applicant's need for a shed / porch.
- The proposed location for the Applicant's porch / shed is logical and practical.
- Subject to the conditions contained herein, the porch / shed approved herein will not have any significant detrimental impact on adjoining property owners.
- Approval of the subject Application will not appreciably intensify the historic single-family use at the Site. Consequently, the Board is of the collective opinion that the requested relief can be granted without impairing the intent or purposes of the Borough Zoning Plan / scheme.
- Subject to the conditions contained herein, approval of the within Application will improve the overall appearance of the area.
- Additionally, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Bulk Zoning Standards.
- The architectural design of the porch / shed will not be inconsistent with the architectural character of other porches/ sheds in the area.
- Sufficiently detailed Plans were submitted (subject to the conditions contained herein).
- Subject to the conditions contained herein, the location of the proposed shed will minimize, to the greatest extent possible, any disturbance to the neighboring properties.
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.

- The Application as presented satisfied the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance).

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

CONDITIONS

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

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. There shall be no utility service associated with the gazebo portion of the project.
- c. The Applicant shall submit an updated Survey showing the location and dimensions (approximately 4 ft. X 6 ft.) of the existing shed.
- d. The Applicant shall comply with all prevailing Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency with jurisdiction over the matter.
- e. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit
- f. The Applicant shall comply with the terms and conditions of the Maser Consulting Review Memorandum, dated November 9, 2020 (A-4).
- g. The Applicant shall comply with all Prevailing / applicable FEMA / Flood Regulations.
- h. The shed approved herein shall not be utilized as living space.
- i. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties
- j. The construction / installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length.

Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.

- k. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer, Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.
- l. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicants shall be required to return to the Board for further review / relief.
- m. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or his agents shall be deemed conditions of the approval granted 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 within approval.

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

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

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

SUMMARY OF VARIANCES GRANTED

SIDE YARD SETBACK FOR A PRINCIPAL STRUCTURE: 10 ft. required; whereas 9.3 ft. proposed.

SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE (SHED): 10 ft. required; whereas 5 ft. proposed.

FRONT PORCH ENCROACHMENT: 6 ft. allowed; whereas 6.83 ft. proposed.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on December 16, 2020 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Rue (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
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Rue (Alt. 2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of December 16, 2020.

Jeanne Smith, Secretary

**Planning/Zoning Combined Board**

910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB 21-6**

Meeting: 01/26/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1950

Resolution of Approval - 177 Comanche Drive; Jake Beim



Planning/Zoning Combined Board

910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 1861)

Meeting: 01/26/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1861

PB2020-27 Arce, Rosetta

49 Sagamore Ave

Block 11, Lot 25

Bulk variances for construction of inground pool

- Minimum Pool Setbacks: outdoor private swimming pool shall be located no less than 10 feet from the side or rear of the residence on a building lot, nor shall such pool be located less than 10 feet from any property line." The proposed pool is located 7.66 feet from the dwelling and 5 feet from the rear and side property lines.
- Maximum Impervious Coverage: 37% permitted, 50.54% existing and 57.84% proposed.
- Side Yard Setback: 10 feet required, 6.25 feet proposed for pool equipment.
- Accessory Building Side Yard Setback: 10 feet required, 0.7 feet for existing framed shed and 8 feet for existing vinyl shed.
- Accessory Building Rear Yard Setback: 5 feet required, 2 feet for existing framed shed.

HISTORY:

12/16/20 Planning/Zoning Board

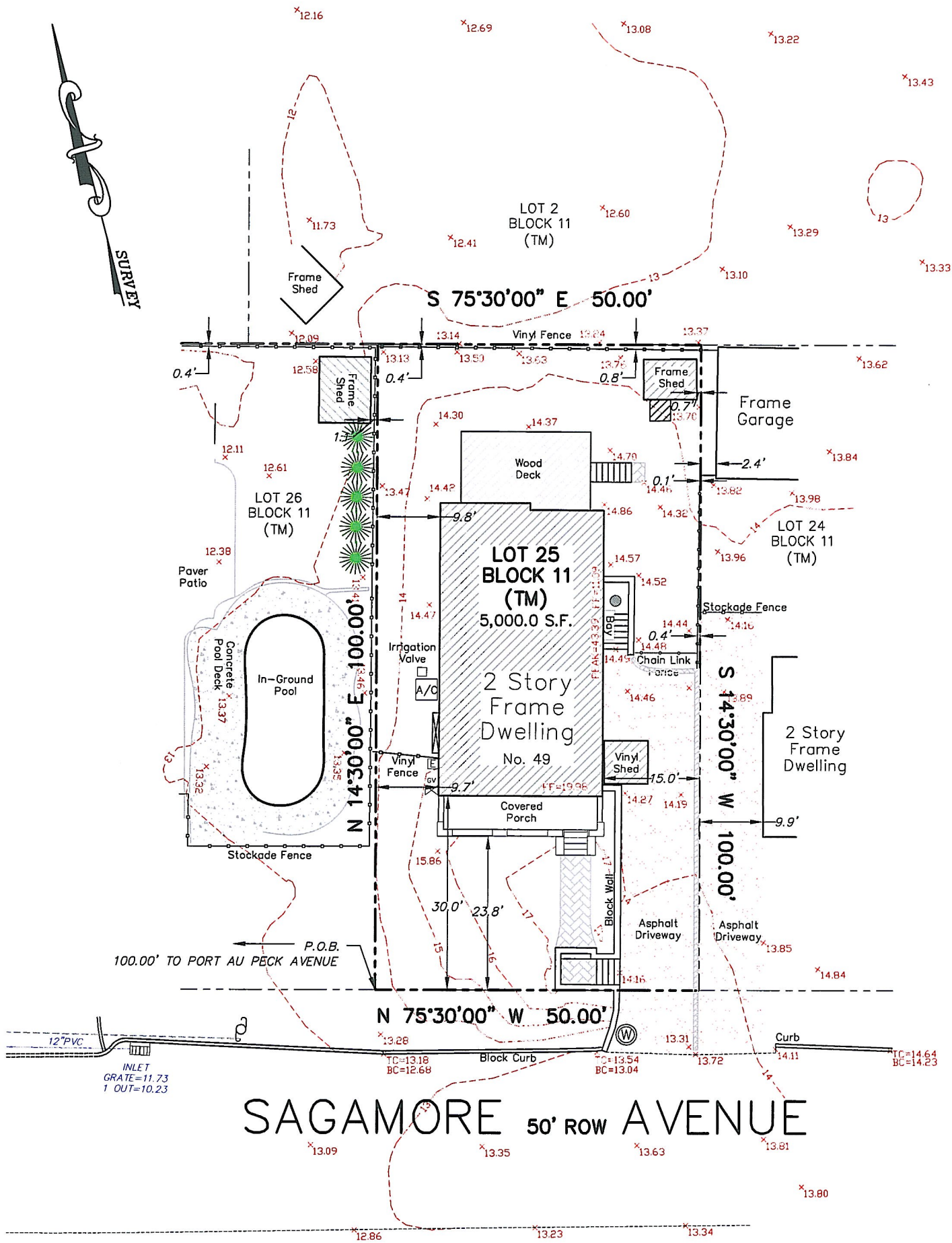
49 Sagamore Ave

Block 11, Lot 25

EXHIBITS:

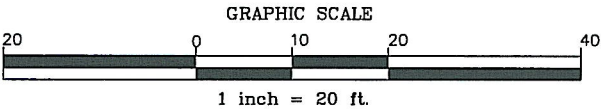
- A-1 Land Development Application
- A-2 Zoning Denial Letter dated July 30, 2020
- A-3 Topographic Survey of Property prepared by Lakeland Surveying, dated June 23, 2020
- A-4 Maser Consulting Review Letter dated November 2, 2020
- A-5 Grading Plan prepared by R.C. Associates Consulting, Inc. dated July 22, 2020

This survey certified to:
Jose Arce and Rosetta Caruso Arce



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

A written Waiver and Direction Not to Set Corner Markers has been obtained from the ultimate user pursuant to P.L. 2003, c.14 (C458-36.3) and N.J.A.C. 13:40-5.1 (d).

R.C Associates Consulting Inc
2517 Rte 35 Building J Suite 102, Manasquan NJ 08736

SOIL BORING DESCRIPTION			
PROJECT	Amc	PROJ. #	2000108
LOT	25	BLOCK	11
ADDRESS	49 Sepamore Avenue		
MUNICIPALITY	Oceanport		
PREPARED BY	RCA	DATE	1/5/02
BORING NO.	59-1		
BORING DESC.	see 3rd and 15.25)		



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

Corporate Headquarters
331 Newman Springs Road, Suite 203
Red Bank, NJ 07701
T: 732.383.1950
F: 732.383.1984
www.maserconsulting.com

November 2, 2020

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
315 East Main Street
Oceanport, NJ 07757

Re: 49 Sagamore Avenue - Pool
Block 11, Lot 25
Borough of Oceanport, Monmouth County, New Jersey
Application No. PB2020-27
MC Project No. OPP-284

Dear Board Members:

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

- Plan entitled “Arce Grading Plan” prepared by R.C. Associates Consulting, Inc., dated July 22, 2020 consisting of one (1) sheet;
- Plan Entitled Topographic Survey of Property” prepared by Lakeland Surveying, dated June 23, 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 install a pool.

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. Ordinance 390-30 H requires that “An outdoor private swimming pool shall be located no less than 10 feet from the side or rear of the residence on a building lot, nor shall



such pool be located less than 10 feet from any property line.” The proposed pool is located 7.66 feet from the dwelling and 5 feet from the rear and side property lines.

- b. Maximum Impervious Coverage: 37% permitted, 50.54% existing and 57.84% proposed.
- c. Side Yard Setback: 10 feet required, 6.25 feet proposed for pool equipment.
- d. Accessory Building Side Yard Setback: 10 feet required, 0.7 feet for existing framed shed and 8 feet for existing vinyl shed.
- e. Accessory Building Rear Yard Setback: 5 feet required, 2 feet for existing framed shed.

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. The proposed grading plan does not provide sufficient spot grades to demonstrate the flow patterns between the dwelling and pool. The Applicant should provide addition spot grade and flow arrows. Addition topographic grades are needed for the properties to the north and west to assure that this grading pattern is being maintained.



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-284
November 2, 2020
Page 3 of 3

2. The proposed infiltration trench does not provide sufficient information on the soils, namely depth to seasonal high groundwater table and percolation test results.
3. 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.

Very truly yours,

MASER CONSULTING INC.

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

William H.R. White, III, P.E., P.P., C.M.E.
Planning Board Engineer and Planner

WHW/dmm

cc: Rosetta Arce (via email rosettaarce06@gmail.com)

r:\general\projects\opp\opp-284\correspondence\out\201102_white_review#1.docx



Oceanport Borough
ZONING DEPARTMENT
315 EAST MAIN STREET
OCEANPORT, NJ 07757
(732) 222-0641

Application Date: 7/30/2020
Application Number: ZA-20-0149
Permit Number: _____
Project Number: _____
Fee: \$45

Denial of Application

Date: 8/4/2020

To: ROSETTA ARCE
49 SAGAMORE AVE
OCEANPORT, NJ

CC: APP EMAIL [REDACTED]

RE: 49 SAGAMORE AVE
BLOCK: 11 LOT: 25 QUAL: ZONE: R-3

DEAR ROSETTA ARCE,

Your request is hereby denied based upon the following requirements:

Proposed pool does not meet the required side, rear or dwelling setbacks of 10'. Proposed impervious coverage of 57.84% exceeds the allowed 37%. Proposed pool equipment does not meet the required 10' set back. Proposed pool exceeds the maximum allowed accessory coverage of 5%.

Existing sheds to remain do not meet required setbacks no proof of ever receiving zoning approval.

denial text

Sincerely,

JOHN JOHNSON, ZONING OFFICER



Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 1866)

Meeting: 01/26/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1866 A

PB2020-32 Rosenbloom, Matthew

47 Tecumseh Ave

Block 8, Lot 26

Variance relief for impervious coverage for deck, outdoor grill and associated improvements

HISTORY:

12/16/20 Planning/Zoning Board

47 Tecumseh Ave

Block 8, Lot 26

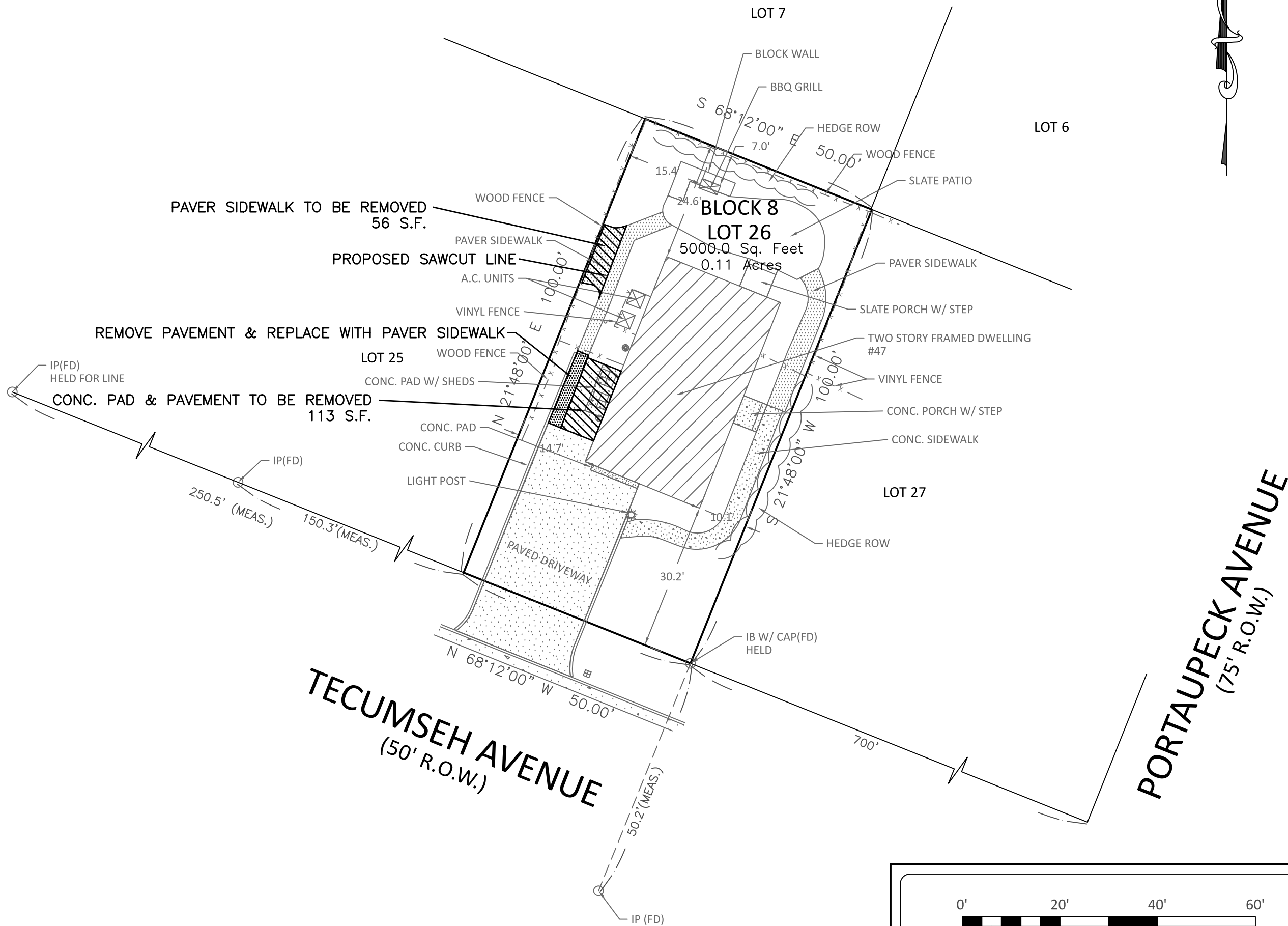
EXHIBITS

- A-1 Land Development Application
- A-2 Zoning Denial Letter dated June 22, 2020
- A-3 Survey prepared by Thomas P. Santry, P.A., dated September 19, 2014
- A-4 Plan of Survey prepared by KEE Engineering Enterprises, dated September 19, 2020

DESCRIPTION	REQUIRED	EXISTING	PROPOSED
MIN LOT AREA	12000 SF	5000.0 SF	5000.0 SF
MIN LOT WIDTH	120 FT	50.0 FT	50.0 FT
MIN LOT DEPTH	100 FT	100.0 FT	100.0 FT
MAX LOT COVERAGE			
PRINCIPAL BUILDING	25 PERCENT	22.8 PERCENT	22.8 PERCENT
ACCESSORY BUILDING	5 PERCENT	NA	NA
MAX DWELLING PER ACRE	3.7	0.11	0.11
MIN YARDS			
PRINCIPAL			
FRONT	30 FT	30.2 FT	30.2 FT
ONE SIDE	10 FT	10.1 FT	10.1 FT
BOTH SIDES	25 FT	24.8 FT	24.8 FT
REAR	25 FT	24.6 FT	24.6 FT
ACCESSORY			
SIDE	10 FT	15.4 FT (BBQ)	15.4 FT (BBQ)
REAR	5 FT	7.0 FT (BBQ)	7.0 FT (BBQ)
IMPERVIOUS COVERAGE	37 PERCENT	58.3 PERCENT	54.9 PERCENT

R-3 ZONING SCHEDULE

THERE ARE NO PROPOSED IMPROVEMENT, ALL EXISTING.



THIS PLAN WAS PREPARED USING THE FOLLOWING INFORMATION:

1. SURVEY OF LOT 26 IN BLOCK 8 PREPARED THOMAS P. SANTRY, PA ON 9/19/2014.
2. FILED MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUPECK, MONMOUTH CO., N.J." PREPARED BY GEORGE D. COOPER, CE ON SEPTEMBER 3, 1907 AND FILED WITH THE CLERK OF MONMOUTH COUNTY ON 11/11/1920 AS CASE NO. 23-6.
3. THE OFFICIAL TAX MAPS FOR THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, N.J.
4. FIELD SURVEY BY KEE ENGINEERING ENTERPRISES, INC. ON 9/19/2020.
5. SITE VISIT BY KEE ENGINEERING ENTERPRISES, INC. ON 12/22/2020.

NOTES:

1. ALL CONSTRUCTION IS TO BE PERFORMED IN STRICT CONFORMANCE WITH ALL APPLICABLE MUNICIPAL, COUNTY, STATE AND ANY OTHER GOVERNING BODIES STANDARDS. ANY CHANGES OR MODIFICATIONS FROM THIS PLAN MUST BE APPROVED BY THE REVIEWING AGENCIES PRIOR TO CONSTRUCTION.
2. THIS PLAN INDICATES THE APPROXIMATE LOCATION OF EXISTING SUBSURFACE UTILITIES IN THE VICINITY OF THE PROJECT AND ARE NOT GUARANTEED FOR ACCURACY AND/OR COMPLETENESS. CONTRACTOR TO VERIFY DEPTH AND LOCATION OF ALL EXISTING UTILITIES PRIOR TO CONSTRUCTION. ANY CONFLICTS WITH PROPOSED CONSTRUCTION ARE TO BE BROUGHT TO THE IMMEDIATE ATTENTION OF THE ENGINEER. ALL EXISTING UTILITIES THAT ARE TO BE RELOCATED OR ALTERED IN ANY MANNER ARE TO BE DONE IN ACCORDANCE WITH THE RESPECTIVE UTILITY COMPANIES STANDARDS. ALL EXISTING UTILITIES EXPOSED DURING CONSTRUCTION ARE TO BE SUPPORTED UNTIL BACK FILL IS IN PLACE ANY CROSSING LESS THEN ONE FOOT CLEAR TO BE SUPPORTED WITH A SADDLE (CONCRETE OR SAND AS NOTED).
3. ALL EXISTING OR PROJECT GENERATED DEBRIS IS TO BE REMOVED AND PROPERLY DISPOSED ACCORDING TO ALL APPLICABLE REGULATIONS.
4. THIS PLAN IS NOT TO BE USED AS A PLAN OF SURVEY, AND DOES NOT CONFORM WITH N.J.A.C. 13:40-5.1
5. THIS PLAN WAS PREPARED ONLY USING THE ABOVE REFERENCED DOCUMENTS AND NO FURTHER RESEARCH WAS PERFORMED ON THIS PROPERTY. THIS OFFICE IS NOT RESPONSIBLE FOR ANY EASEMENTS, RESTRICTIONS OR COVENANTS THAT ARE NOT PROVIDED BY THE CLIENT. FURTHER, NO DETERMINATION OF THE EXISTING OR LACK OF FRESHWATER WETLANDS OR ANY ENVIRONMENTAL CONDITIONS HAS BEEN PERFORMED, UNLESS OTHERWISE NOTED ABOVE.
6. PROPOSED BUILDING DIMENSIONS ARE TO BE TAKEN FROM THE ABOVE REFERENCED ARCHITECTURAL PLANS.
7. PROPERTY IS LOCATED IN THE R-3 ZONE, AND IS SUBJECT TO ALL MUNICIPAL ZONING REGULATIONS.
8. APPLICANT SHALL COMPLY WITH ALL ON-SITE CONSTRUCTION REGULATIONS AS REQUIRED BY THE BOROUGH OF OCEANPORT AND OTHER AGENCIES HAVING JURISDICTION OVER THE MATTER.

PLOT PLAN

FOR #47 TECUMSEH AVENUE

BLOCK 8

LOT 26

BOROUGH OF OCEANPORT

MONMOUTH COUNTY

NEW JERSEY



Engineers Surveyors Planners
Since 1977
51 Gerard Avenue, Matawan, New Jersey 07747
(732)290-9600
Certificate of Authorization No. 24GA28050100

Date 12/22/2020	File No. K020-020	CAD File 020020PLOT	Field Book K-77
Surveyed By TF	Drawn By RTKIII	Ckd. By RTK JR.	Sheet No. 1 of 1

DRAFT

ROBERT T. KEE, JR.
Professional Engineer & Land Surveyor
New Jersey License No. 23206



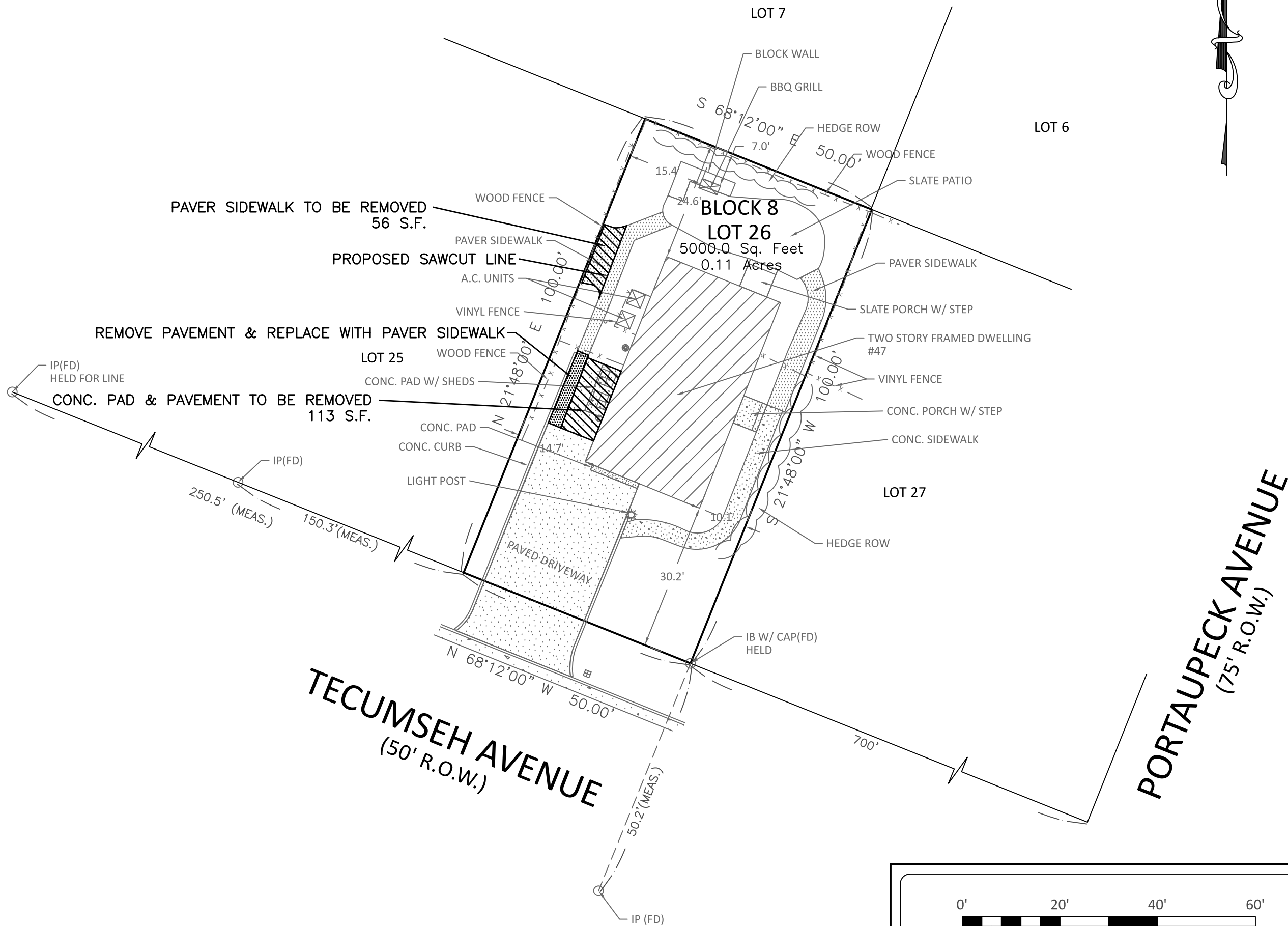
Scale
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No.	Revisions	Date

DESCRIPTION	REQUIRED	EXISTING	PROPOSED	Condition Upon Purchase (With Deck before Stone Patio)
MIN LOT AREA	12000 SF	5000.0 SF	5000.0 SF	5000 SF
MIN LOT WIDTH	120 FT	50.0 FT	50.0 FT	50 FT
MIN LOT DEPTH	100 FT	100.0 FT	100.0 FT	100 FT
MAX LOT COVERAGE				
PRINCIPAL BUILDING	25 PERCENT	22.8 PERCENT	22.8 PERCENT	29.9% (with Deck)
ACCESSORY BUILDING	5 PERCENT	NA	NA	NA
MAX DWELLING PER ACRE	3.7	0.11	0.11	0.11
MIN YARDS				
PRINCIPAL				
FRONT	30 FT	30.2 FT	30.2 FT	30.2 FT
ONE SIDE	10 FT	10.1 FT	10.1 FT	10.1 FT
BOTH SIDES	25 FT	24.8 FT	24.8 FT	24.8 FT
REAR	25 FT	24.6 FT	24.6 FT	9.7 FT
ACCESSORY				
SIDE	10 FT	15.4 FT (BBQ)	15.4 FT (BBQ)	NA
REAR	5 FT	7.0 FT (BBQ)	7.0 FT (BBQ)	NA
IMPERVIOUS COVERAGE	37 PERCENT	58.3 PERCENT	54.9 PERCENT	50.3%

R-3 ZONING SCHEDULE

THERE ARE NO PROPOSED IMPROVEMENT, ALL EXISTING.

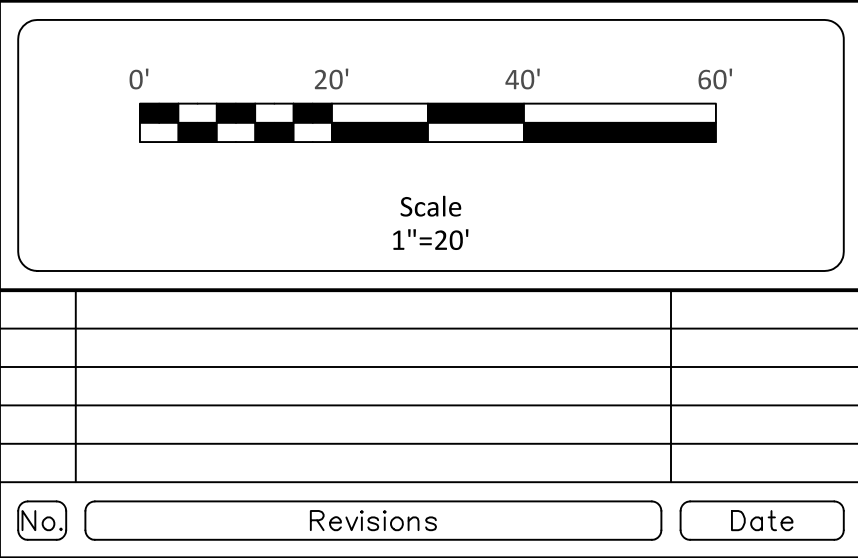


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- PROPOSED BUILDING DIMENSIONS ARE TO BE TAKEN FROM THE ABOVE REFERENCED ARCHITECTURAL PLANS.
- PROPERTY IS LOCATED IN THE R-3 ZONE, AND IS SUBJECT TO ALL MUNICIPAL ZONING REGULATIONS.
- APPLICANT SHALL COMPLY WITH ALL ON-SITE CONSTRUCTION REGULATIONS AS REQUIRED BY THE BOROUGH OF OCEANPORT AND OTHER AGENCIES HAVING JURISDICTION OVER THE MATTER.



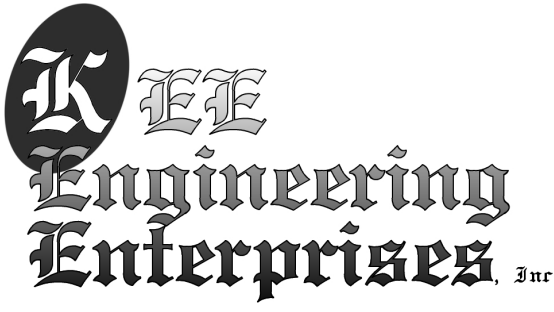
PLOT PLAN

FOR #47 TECUMSEH AVENUE

BLOCK 8LOT 26

BOROUGH OF OCEANPORT

MONMOUTH COUNTYNEW JERSEY



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51 Gerard Avenue, Matawan, New Jersey 07747
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Surveyed By
TF

Drawn By
RTKIII

Ckd. By
RTK JR.

Sheet No.
1 of 1

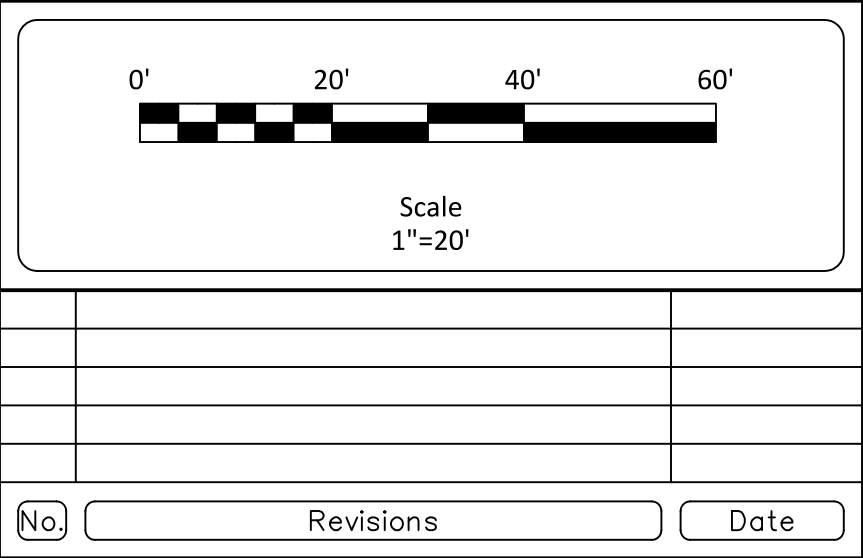
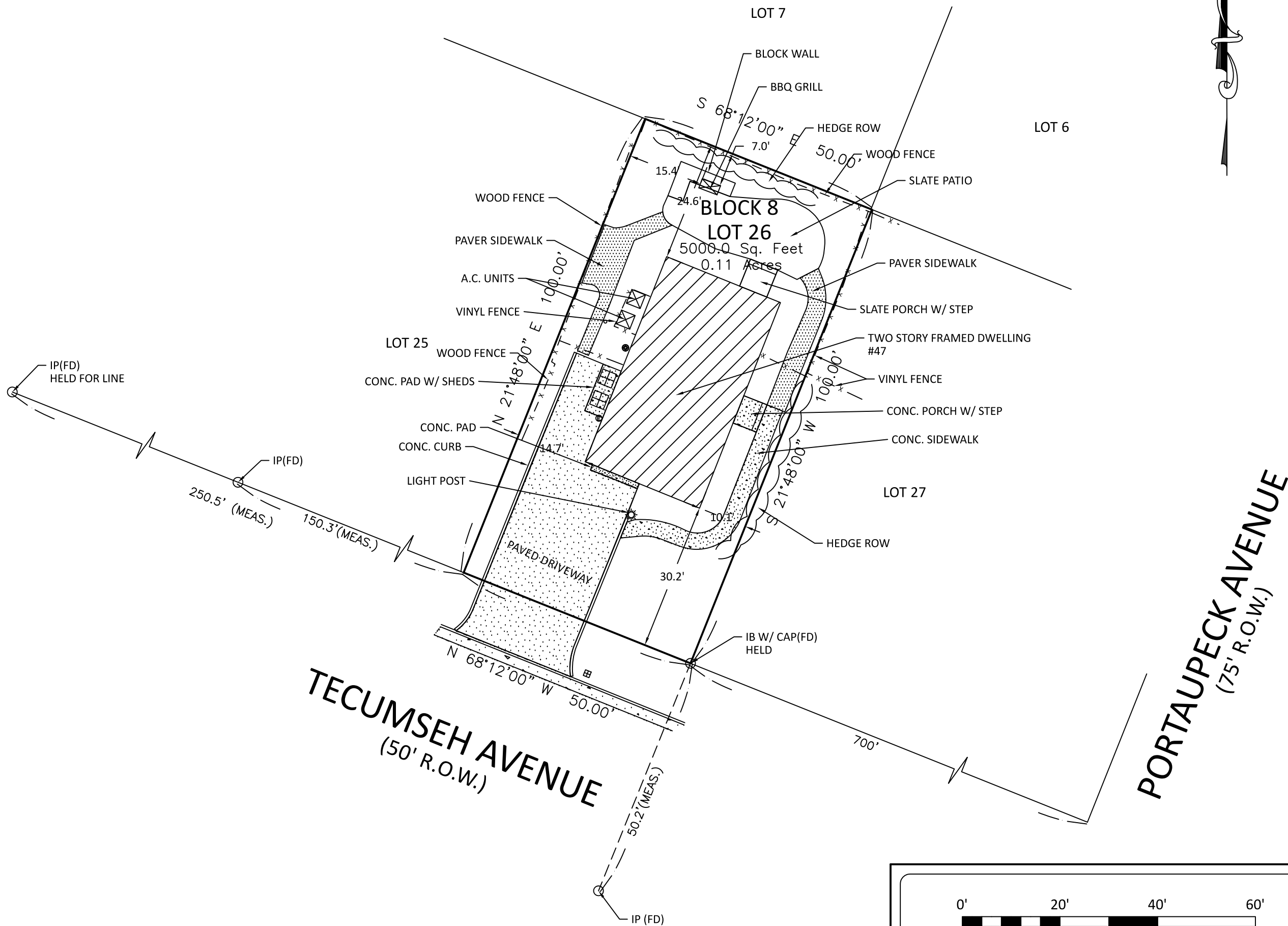
DRAFT

ROBERT T. KEE, JR.

Professional Engineer & Land Surveyor
New Jersey License No. 23206

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PRINCIPAL		
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ONE SIDE	10 FT	10.1 FT
BOTH SIDES	25 FT	24.8 FT
REAR	25 FT	24.6 FT
ACCESSORY		
SIDE	10 FT	15.4 FT (BBQ)
REAR	5 FT	7.0 FT (BBQ)
IMPERVIOUS COVERAGE	37 PERCENT	58.3 PERCENT

R-3 ZONING SCHEDULE
THERE ARE NO PROPOSED IMPROVEMENT, ALL EXISTING.



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 - THE OFFICIAL TAX MAPS FOR THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, N.J.
 - FIELD SURVEY BY KEE ENGINEERING ENTERPRISES, INC. ON 9/19/2020.
- NOTES:
- ONLY COPIES FROM ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID COPIES.
 - SIGNATURE AND EMBOSSED SEAL SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE ADOPTED BY THE NEW JERSEY BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS. CERTIFICATIONS INDICATED HEREON SHALL RUN ONLY TO THE PERSON FOR WHOM THIS SURVEY IS PREPARED AND ON HIS BEHALF TO THE TITLE COMPANY LISTED HEREON AND THE ASSIGNEES OF THE LENDING INSTITUTION. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
 - THE SURVEYOR IS NOT QUALIFIED TO MAKE ANY DETERMINATION AS TO THE EXISTENCE OR NONEXISTENCE OF WETLANDS AND/OR HAZARDOUS MATERIALS. THEREFORE, NO STATEMENT IS BEING MADE OR IMPLIED HEREON, NOR SHOULD IT BE ASSUMED OR CONSTRUED THAT ANY STATEMENT IS BEING MADE BY THE FACT THAT THERE IS NO WETLANDS AND/OR HAZARDOUS MATERIALS SHOWN HEREON.
 - UNDERGROUND IMPROVEMENTS, UTILITIES OR ENCROACHMENTS, IF ANY, ARE NOT SHOWN.
 - UNAUTHORIZED ALTERATIONS OR ADDITIONS TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS ILLEGAL AND PUNISHABLE BY LAW.
 - THE ACCURACY OF THIS SURVEY IS BASED ON THE ABOVE REFERENCED DOCUMENTS THAT HAVE BEEN PROVIDED BY THE CLIENT.
 - ALL BLOCK AND LOT NUMBERS, SHOWN HEREON, ARE TAKEN FROM THE OFFICIAL MUNICIPAL TAX MAPS. (UNLESS OTHERWISE SHOWN.)
 - PROPERTY SUBJECT TO DOCUMENTS, EASEMENTS AND RESTRICTIONS OF RECORD CONTAINED IN THE ABOVE REFERENCED TITLE REPORT.
 - THIS PLAN IS NOT TO BE USED FOR PROPERTY TRANSFER.
 - THIS PLAN WAS PREPARED ONLY USING THE ABOVE REFERENCED DOCUMENTS AND NO FURTHER RESEARCH WAS PERFORMED ON THIS PROPERTY. THIS OFFICE IS NOT RESPONSIBLE FOR ANY EASEMENTS, RESTRICTIONS OR COVENANTS THAT ARE NOT PROVIDED BY THE CLIENT. FURTHER, NO DETERMINATION OF THE EXISTING OR LACK OF FRESHWATER WETLANDS OR ANY ENVIRONMENTAL CONDITIONS HAS BEEN PERFORMED, UNLESS OTHERWISE NOTED ABOVE.

BEING KNOWN AND DESIGNATED AS LOT 57 & 59 IN BLOCK 9 AS SHOWN A FILED MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUPECK, MONMOUTH CO., N.J." PREPARED BY GEORGE D. COOPER, CE ON SEPTEMBER 3, 1907 AND FILED WITH THE CLERK OF MONMOUTH COUNTY ON 11/11/1920 AS CASE NO. 23-6. ALSO BEING KNOWN AND DESIGNATED AS LOT 27 IN BLOCK 8 AS SHOWN ON THE OFFICIAL TAX MAPS FOR THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY.

PLAN OF SURVEY

BLOCK 8

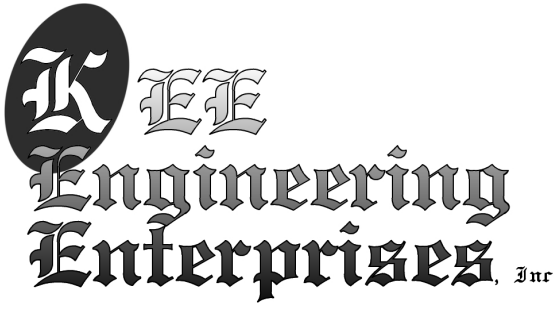
LOT 26

#47 TECUMSEH AVENUE

BOROUGH OF OCEANPORT

MONMOUTH COUNTY

NEW JERSEY



Engineers Surveyors Planners
Since 1977
51 Gerard Avenue, Matawan, New Jersey 07747
(732)290-9600
Certificate of Authorization No. 24GA28050100

Date
9/19/2020

File No.
K020-020

CAD File
020020SURV

Field Book
K-77

Surveyed By
TF

Drawn By
RTKIII

Ckd. By
RTK JR.

Sheet No.
1 of 1

DATE: 9/22/2020

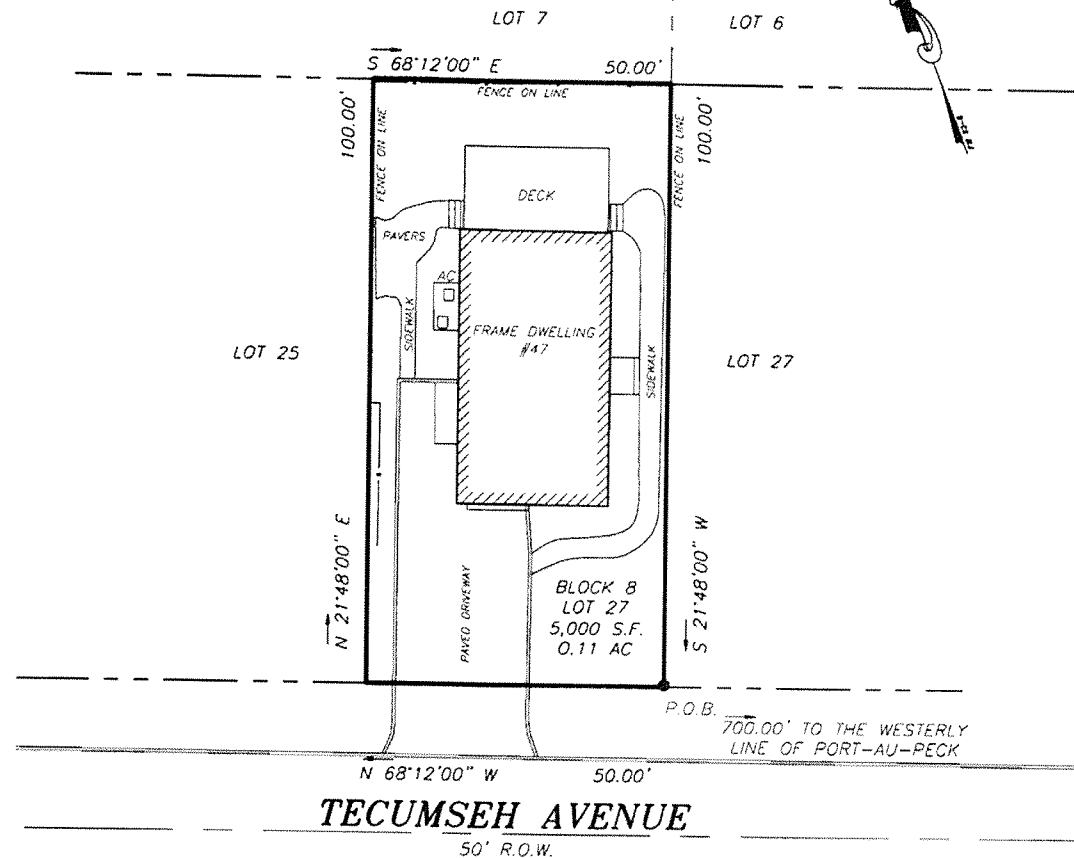
ROBERT T. KEE, JR.
Professional Engineer & Land Surveyor
New Jersey License No. 23206

Packet Pg. 30

NOTE: A WRITTEN "WAIVER AND DIRECTION NOT TO SET CORNER MARKERS" HAS BEEN OBTAINED FROM THE ULTIMATE USER PURSUANT TO N.J.A.C. 13:40-5.1(d)

THE INFORMATION SHOWN HEREIN CORRECTLY REPRESENTS THE CONDITIONS FOUND AT, AND AS OF THE DATE OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE AND NOT VISIBLE

THIS SURVEY IS SUBJECT TO CHANGE ACCORDING TO THE FACTS THAT A CURRENT TITLE REPORT MAY DISCLOSE



THIS SURVEY CERTIFIED TO:

MATTHEW ROSENBLOOM

TWO RIVERS TITLE COMPANY, TR7192

OLD REPUBLIC NATIONAL TITLE INSURANCE COMPANY

GUARDHILL FINANCIAL CORP., ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR

ZAGER FUCHS, P.C.
KEVIN I. ASADI, ESQUIRE

NO DETERMINATION HAS BEEN MADE AS TO THE PRESENCE OR ABSENCE OF WETLANDS ON THIS PROPERTY. NO STATEMENT IS BEING MADE OR IMPLIED HEREIN, NOR SHOULD IT BE CONSTRUED THAT ANY STATEMENT IS BEING MADE BY THE FACT THAT NO EVIDENCE OF THE SAME IS PORTRAYED HEREIN.

I HEREBY CERTIFY THAT THIS IS A TRUE AND ACCURATE SURVEY MADE ON THE GROUND. THERE ARE NO ENCROACHMENTS EITHER WAY ACROSS PROPERTY LINES EXCEPT AS SHOWN

IF THIS DOCUMENT DOES NOT CONTAIN A RAISED IMPRESSION SEAL OF THE PROFESSIONAL IT IS NOT AN ORIGINAL

LOT KNOWN AS LOT 26 IN BLOCK 8 ON THE TAX MAP OF THE BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY.

LOT ALSO KNOWN AS LOTS 57 & 59 IN BLOCK 9 ON A MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUECK, MONMOUTH COUNTY, NJ" FILED IN THE MONMOUTH COUNTY CLERK'S OFFICE ON NOVEMBER 11, 1920 AS MAP NUMBER 23-6.

GRAPHIC SCALE



(IN FEET)
1 inch = 20 ft.

SURVEY OF
LOT 26 ~ BLOCK 8
47 Tecumseh Avenue
Borough of Oceanport
Monmouth County, New Jersey

THOMAS P. SANTRY, P.A.

ENGINEERS AND SURVEYORS
ONE HUNDRED TWENTY EIGHT EAST RIVER ROAD
RUMSON, NEW JERSEY 07760
PHONE (732) 741-4800 FAX (732) 741-0084

PROJ. NO.	14-185
SCALE	1" = 20'
DATE	09/19/14
DRAWN BY	BEJ
TAX MAP SHEET #	10
SHEET	1 OF 1
DRAWING NO.	OP348

Thomas P. Santry
RESPONSIBLE PROFESSIONAL'S SIGNATURE DATE:
THOMAS P. SANTRY, JR., P.L.S.
PROFESSIONAL LAND SURVEYOR
P.L.S. LIC. No. GS35400

X. Description of present use of the premises. Single Family House

XI. Purpose of application and detailed description of proposed improvements, development, change in use, etc. Attach Rider if additional space is necessary. Replace existing rotting deck (with concrete footings) with dry laid blue stone patio and outdoor grill area. New coverage area will be no larger than existing. All setback requirements for accessory structures (grill area) are met. Old deck was rotting with rotting lining beneath deck ~~created~~ Created a health & safety hazard. New patio dry laid on 4" dust base for allow for porous coverage and stone dust gaps wide enough to allow water to percolate through.

XII. List the specific zoning regulations for which appeal or variance relief is sought, and the nature and extent of the specific variances. (Ex. Side yard setback of 9', where 10' permitted)

The prior deck and stairs and paved coverage ~~was~~ resulted in a total lot/impervious coverage of 57.8%. The new patio ^{results in} ~~is~~ approximately 58.3% lot coverage. Although 37% is allowed, according to ordinance 597, a variance shall not be required for the construction of a deck/patio which does not further encroach upon the existing non-conformity. The zoning official claims that the decks that was in place when I bought the house was not approved, however, I received a COB when I purchased the house. I have not increased the

XIII. If the application seeks use variance relief, state the "special reasons" as that term is defined ^{non-conformity. I asked} under the Municipal Land Use Law, to justify the granting of use variance relief pursuant to N.J.S.A. ^{I improved the water} 40:55D-70d. Attach Rider if additional space is necessary. ^{management and fixed a health & safety concern.}

N/A

Impervious coverage of 58% where 37% is allowed, Explanation above.

XIV. State whether the applicant owns or has under contract for purchase, an adjoining property. If so, set forth the block and lot number and street address of the property.

N/A

XV. State what efforts have been made to obtain the result you wish to accomplish without violating the Zoning Ordinance (i.e., relocation of planned construction, purchase of additional land, etc.)

~~Nothing~~ I thought I was compliant as per ordinance 597. No other efforts are possible without a significant financial hardship.

XVI. The location of the property is approximately 700 feet from the intersection of
Jecumsen Ave and Port-Au-Park.

XVII. Is the subject property located on a:

_____ County Rd _____ State Rd OR _____ within 200' of a Municipal boundary NO

XVIII. Are there any existing or proposed deed restrictions, easements, rights-of-way or other dedications? ✓ No _____ Yes (If yes, attach a copy)

FOR SITE PLAN REVIEW ONLY:

1. Acreage of the entire site is:

~~0.115~~ 0.115

2. Type of Proposal is:

_____ New structure

_____ Expanded Area

_____ Improved Parking Area

_____ Alteration to Structure

_____ Expansion of Structure

_____ Change of Use

_____ Sign

3. The name of the business or activity (if any): _____

IMPROVEMENTS: List all proposed on site utilities and off-tract improvements:

PLAT SUBMISSION: List maps and other exhibits accompanying this application

AUTHORIZATION AND VERIFICATION

I certify that the foregoing statement(s), materials submitted and information contained in this application are true. I further certify that I am (a) the individual applicant, or (b) that I am an Officer of the Corporate applicant and that I am authorized to sign the application for the Corporation or (c) that I am a general partner of the partnership applicant. (If the applicant is a corporation this must be signed by an authorized corporate officer. If applicant is a partnership, this must be signed by a general partner).

9/30/2020
Date

[Signature]
Applicant

Date

Applicant

Sworn and subscribed to before me this

30th day of September, 20 20.

[Signature]
Notary Public of New Jersey
(Affix stamp and seal)

Zachary D. Wimmer
Notary Public of New Jersey
My Commission Expires May 21, 2025

STATEMENT OF LANDOWNER WHERE APPLICANT IS NOT LANDOWNER

I certify that I am the Owner of the property which is the subject of this application, that I have authorized the Applicant to make this application and that I agree to be bound by the application, the representations made and the decision in the same manner as if I were the applicant. (If the owner is a corporation this must be signed by an authorized corporate officer. If owner is a partnership, this must be signed by a general partner).

9/30/2020
Date

[Signature]
Property Owner's Signature

[Signature]
Notary Public of New Jersey

John O'Shaughnessy
Print Name of Property Owner

Sworn and subscribed to before me this

30th day of September, 20 20.

Notary Public of New Jersey
(Affix stamp and seal)

Zachary D. Wimmer
Notary Public of New Jersey
My Commission Expires May 21, 2025



Planning/Zoning Combined Board

910 Oceanport Way
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 1893)

Meeting: 01/26/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1893

PB2020-21 Somerset Development

CARRIED from January 12, 2021

CARRIED from December 22, 2020

Block 110, P/O Lot 1

Commonly Known as Fort Monmouth Lodging Parcel

Signal Avenue

Preliminary & Major Site Plan with variance(s) for Construction of 180 residential units

DFD01.30.2021

HISTORY:

12/22/20 Planning/Zoning Board

Block 110, P/O Lot 1

Fort Monmouth Lodging Area Parcel

Signal Avenue

EXHIBITS:

A-1 Land Development Application

A-2 Preliminary & Final Major Site Plan, 31 Sheets, prepared by Dewberry Engineering, Inc., dated November 15, 2019, last revised July 9, 2020

A-3 Architectural Plans "Work for: Proposed Townhouse," prepared by Gravino & Gillis Architects and Planners, LLC, dated December 3, 2019, 28 sheets

A-4 Stormwater Management Report," prepared by Dewberry Engineers, Inc., dated November 15, 2019, last revised July 9, 2020

A-5 Operations & Maintenance Manual for Stormwater Management Facilities," prepared by Dewberry Engineers, Inc., dated November 20, 2019, last revised July 9, 2020

A-6 Fort Monmouth Lodging Tract Environmental Impact Statement," prepared by Dewberry Engineers, Inc., dated July 2020

A-7 Fort Monmouth Economic Revitalization Authority (FMERA), Mandatory Conceptual Review letter dated March 25, 2020

A-8 Traffic Impact Study, prepared by Langan Engineering and Environmental Services, Inc., dated March 3, 2020, last revised July 15, 2020

A-9 Rear Elevations, Sheet 28 of 28, prepared by Gravino & Gillis Architects and Planners, LLC, dated December 2, 2020

A-10 Illustrated Site Plan, prepared by Marianne Cusato Design, LLC, dated December 22, 2020

A-11

B-1 Maser Consulting Review Letter dated November 25, 2020

B-2 Borough Planner Kendra Lelie Review Letter dated December 22, 2020**01/12/21 Planning/Zoning Board**

CARRIED from December 22, 2020

Fort Monmouth Lodging Parcel

Signal Avenue

Block 110, P/O Lot 1

EXHIBITS:

A -11 Photo/Rendering of the Applicant's Westmont Home, 2 Sheets

A-12 Elevation/conceptual architectural rendering , prepared by Graviano, dated 12-2-20 (this exhibit is slightly different from what was prev. submitted)

A-13 HVAC Plan with Unit Example of Location

A-14 Photographs of Siding Treatment Products, 3 Sheets, January 12, 2021, prepared by Ken Gold of Somerset Development

A-15 Applicant Exhibit "E" - Existing Aerial, 1 Sheet; Exhibit "F" - Proposed Aerial, 1 Sheet; Exhibit "G" - Rendered Landscape Exhibit, 1 Sheet; prepared by Dewberry Associates

B-3 Fire Official Memo dated January 9, 2021