



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JANUARY 23, 2024

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 10, 2024 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. Administer Oaths of Office to New Appointments
2. Report of Pending Applications
3. Review - Rules and Regulations

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Nov 28, 2023 7:00 PM - *To Be Provided*
2. Planning/Zoning Board - Regular - Jan 9, 2024 7:00 PM - *To Be Provided*

VIII. Old Business

1. Resolution of Approval - 44 Springfield Ave
2. PB2020-21.1 Somerst/Parkers Creek
Block 110.15, Lot 1
Proposed changes to approved roof-top terrace floor plan on the 22 town homes.
Block 110.15, Lot 1
Proposed changes to elevations/architectural features for waterfront units

IX. 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.

X. Adjournment

As there was no further business, the meeting was adjourned at 8:23 pm on a motion by _____ which was seconded by _____ and _____ approved by _____ the _____ Board.

Respectfully

submitted,

Jeanne
Board Secretary

Smith



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 3085)

Meeting: 01/23/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3085

6.3

Review - Rules and Regulations

RULES AND REGULATIONS ADOPTED BY
THE PLANNING BOARD OF THE BOROUGH OF OCEANPORT
RESOLUTION #PR-09-005 ADOPTED APRIL 22, 2009

Rule 1:1 Officers, Employees, Annual Meeting

1:1-1. Officers. At the Board's first meeting following January 1st of each year, the Board shall elect from its six (6) Class IV members, a Chair and a Vice Chair. These Officers shall serve for the calendar year and until their successors have been duly elected.

1:1-2. Secretary. At the first meeting of the Board for each year, the Board shall also appoint a Secretary who shall also function as the administrative officer and recording secretary for the Board. Such Secretary shall receive remuneration in accordance with the ordinances of the Borough of Oceanport and such person shall serve for the calendar year until a successor has been appointed.

1:1-3. Board Attorney. At the first meeting of each year, the Board shall also appoint a member of the New Jersey Bar, who is familiar with zoning and planning matters as attorney for the Board and shall pay such attorney such remuneration as agreed upon by the Board, Borough Administrator, Borough Council and such person in accordance with a written agreement. The attorney shall serve for the calendar year and until a successor has been appointed. Said appointment shall be in compliance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law and any applicable Pay to Play Ordinances of the Borough.

1:1-4. Employees and Other Professionals. The Board may also appoint such other officers and employ such experts or staff as it may deem necessary, including but not limited to, an engineer, a planner, and such other experts as it may deem necessary. The Board and shall pay such employees and professionals such remuneration as agreed upon by the Board, Borough Administrator, Borough Council and such person in accordance with a written agreement. These individuals shall serve for the calendar year and until a successor has been appointed. Said appointment shall be in compliance with N.J.S.A. 40A:11-5 of the Local Public Contracts Law and any applicable Pay to Play Ordinances of the Borough.

Rule 1:2 Duties

1:2-1. Duties of Chair. The Chair shall preside at all meetings and hearings of the Board, decide all points of order and matters of procedure governing said meetings or hearings and perform all of the duties normally performed by the office. The Attorney for the Board or in the absence thereof, the Chair or designee of the Chair shall have all Board professionals sworn at the beginning of each meeting and all witnesses sworn before giving testimony before the Board.

1:2-2. Duties of Vice Chair. The Vice-Chair shall preside at all Board meetings and hearings in the absence or disqualification of the Chair.

1:2-3. Duties of Secretary. The Secretary shall take roll call votes and the secretary shall be responsible for the signing of all maps and deeds of subdivision or any other documents necessary to be signed pursuant to resolutions adopted by this Board. The Secretary shall additionally generally perform the administrative and clerical

work of the Board, including but not limited to the following:

(a) Conduct all official correspondence, compile the required records, keep and maintain necessary files, give all notices of meetings required to be given by the Open Public meetings Act, N.J.S.A. 10:1-1 et seq. the Municipal Land Use Law, N.J.S.A. 40:55D-1.1 et seq. and any and all other applicable ordinances.

(b) Track the dates by which decisions must be rendered and request and procure extensions as needed.

(c) Set the agendas for Board meetings with input from the Chair and Board professionals.

(d) Keep minutes of the proceedings of each meeting and hearings held by the Board.

(e) Cause to be distributed to each member of the Board and to the Board's professionals a true copy of the minutes' of each meeting.

(f) Perform such other duties as usually pertain to this office.

Rule 1:3 Meetings

1:3-1. Meetings. The regular meetings of the Board shall be held as set by the Board at its first meeting of each year by resolution. The first regular meeting after January 1 of each month shall constitute the annual organization meeting of the Board. The Chair may cancel a meeting by notifying each member of the Board and its staff at least forty-eight (48) hours in advance of the time set

for such meeting and by giving notice in accordance with the Open Public Meetings Act.

1:3-2. Special Meetings. Special meetings may be called only upon a majority vote at a prior meeting or by the Chair at any time or in the absence of the Chair by the Vice-Chair if it is determined that an emergency exists warranting the need for a special meeting as determined by the Chair or in the absence of the Chair by the Vice-Chair upon written notice provided that notice thereof be mailed or given to each member of the Board and its professional staff at least forty-eight (48) hours prior thereto and to the public as required by law, subject to requisite notice and consistent with all rules and procedures of an regular meeting.

1:3-3. Quorum. At all meetings of the Board a quorum for conducting any hearing shall consist of five (5) members. In the absence of a quorum, the members present may adjourn the meeting and the hearing on any application to another date. No hearing may proceed without a qualified quorum of the Board for that particular hearing.

1:3-4. Voting. When voting on any matters following number of the votes are required:

(a) In all matters other than those in referred to in matters subparagraph (b) below, any action may be authorized by a majority vote of the members present at the meeting.

(b) When voting on an application for a use or "d" variance or to permit a building or structure in the bed of the any street, public drainage way, flood control basin or public area reserved in any official way, at least a majority of the fully authorized

members of the Board must vote in favor of the relief sought.

(c) All matters to be determined by the Board shall be commenced by a motion. All motions require a second. The Chair shall allow discussion on any motion duly seconded. All votes shall be taken by roll call except the approval of minutes of prior Board meetings and motions for adjournment and the vote and the name of the member casting the vote shall be recorded in the minutes.

(d) If a motion to approve an application for development does not receive the number of required votes such failure shall be deemed an action denying the application.

(e) All eligible Board members shall vote on each motion unless a member feels it necessary to abstain from voting although abstentions are disfavored except for good cause. An abstention shall be regarded as an assent to the vote of the majority. If the majority of those voting affirm a measure, an abstention shall be counted towards affirmance and if the majority defeats a motion, abstentions shall be counted towards the defeat. If the Board is evenly split, the abstaining member shall be assigned to neither bloc and an abstention shall not be construed to approve an application nor can an abstention be used to create a tie. A tie vote shall defeat an application.

1:3-5. Listening to Tapes or Reading Transcripts of Missed Meetings. When any hearing before the Board shall carry over to a further meeting, any member of the Board who did not attend a meeting shall be eligible to vote on the matter upon which the hearing is conducted, notwithstanding his absence, provided that said Board member certifies in writing to the Board that he or she has read the transcript or listened to the recording of the entire

meeting for which he or she was absent. If the Board member for any reason was unable to read the transcript or listen to the recording of the entire meeting for which he or she was absent, the Board member shall be eligible to vote on a matter upon which a hearing was conducted, notwithstanding his or her absence, provided that said Board member certifies in writing to the Board that the Board member has read the transcript or listened to the recording of the entire matter at said meeting which is the subject of vote in question. This rule shall not be construed as authorizing any hearing to be held whenever less than a quorum of the Board is present.

1:3-6. Order of Business. Except as modified in the sole discretion of the Chair or Vice Chair conducting the meeting, the order of business of all regular meetings of the Board shall be as follows:

- (a) Call to Order
- (b) Salute to the Flag
- (c) Statement of Compliance with the Open Public Meetings Act
- (d) Roll Call
- (e) Action on any other business and correspondence
- (f) Approval of minutes of previous meetings
- (g) Swearing in of Professionals

(h) Old Business

(i) New Business

(j) Approval of resolutions

(k) Petitions from the Public

(l) Adjournment

1:3-7. Open Public Meetings Act. All meetings, hearings or any other action by the Board, except executive sessions pursuant to the Open Public Meetings Act, shall be open to the public.

1:3-8. Alternate Members. The two alternate members of the Board appointed by the Mayor shall be designated by the Mayor as "Alternate No. 1" and "Alternate No. 2" respectively and each alternate shall retain said designation during the term for which he was appointed. Such alternate members shall participate in Board affairs subject to the following provisions:

(a) An alternate member may sit with the Board and participate in discussions of any Board business or hearings being held by the Board, but may not vote except as designated by the Chair to serve in the place of a regular member who is absent or disqualified or has a conflict by either directly or indirectly having a personal or financial interest in the application.

(b) A vote on any matter shall not be delayed by the Planning Board so that a regular member may vote instead of an alternate member, provided that where the alternate member is designated to serve in place of a regular member who is disqualified from

participating in the hearing of a particular case or cannot participate due to a conflict by either directly or indirectly having a personal or financial interest in the application, the alternate member shall be designated to serve only with respect to such case.

(c) In the event that a choice must be made as to which alternate is to vote, alternate No. 1 shall vote.

(d) Any alternate member who has been designated to serve in the place of an absent or disqualified regular member shall, during the period of his service, enjoy all of the rights and privileges and shall be subject to all of the duties and disabilities pertaining to regular members, but no alternate member shall be eligible to serve as Chair, Vice Chair or Secretary of the Board.

1:3-9. Time at Meeting. The Board shall be under no obligation to consider new matters after 10:00 p.m., and will take no new testimony beyond 10:30 p.m. This rule may be waived by the Chair or by an affirmative vote by a majority of the Board members present and qualified.

1:3-10. Time Limit for Presentation. The presentation of any Applicant shall be limited to one (1) hour at each meeting. This rule may be waived by the Chair or by an affirmative vote by a majority of the Board members present and qualified.

Rule 2:1 Commencement of Application

2:1-1. Informal Review. Prior to the filing of an application, at the request of the applicant, the Planning Board shall grant to the applicant an informal review of a conceptual plan for

development. The applicant shall be required to submit fees for such an informal review by the Board and its professionals as determined by the Board. Neither party shall be bound by the results or comments made during such a review. The Board shall be under no obligation to provide recommendations to the applicant and shall not entertain or comment on possible variance relief except to indicate the possible existence of a general negative position on a type of variance should one exist as a trend the Board has followed in prior circumstances involving a particular type of variance.

2:1-2. Commencement of Application. An application for subdivision approval, site plan review, conditional use approval or any other relief over which the Planning Board has jurisdiction, shall be commenced by filing an original and required copies of an application with the administrative assistant. The applicant shall file his application in accordance with the checklist requirements of the ordinance. The failure of the applicant to follow the instructions and the checklist requirements of the appropriate ordinance will result in the application being deemed incomplete and will delay the hearing of same. All statutory time periods for action by the Planning Board commence to run only upon the filing of a complete application as required for the relief sought by the applicant. A checklist of required submissions shall be furnished to each applicant. All applications shall be filed on the forms provided by the Board.

2:1-3. Filing of Application and Completeness Review. Upon receipt of an application, required fees and escrow by the Board Secretary, the application shall be assigned a file identifier, which shall thereafter appear on all subsequent papers filed in the application. The original copy of that application, together with a copy of all other documents filed with the application, shall be

filed in a permanent file to be kept in the Board offices. The Planning Board Engineer shall then review the application for completeness in accordance with the definition of a complete application as contained in N.J.S.A. 40:55D-10.3. If the application is found to be incomplete, the Board Secretary shall notify the applicant within forty-five (45) days of the filing of such application. Such notification shall be in writing and shall set forth the reasons that the application has been found to be incomplete. Upon the submission by an applicant of additional information in order to comply with checklist requirements of the ordinance, the Planning Board Engineer shall review the additional information for completeness within forty-five (45) days of the filing of that additional information. Upon failure to notify the applicant in writing that the application is incomplete within a 45-day period, the application shall be deemed complete in accordance with N.J.S.A. 40:55D-10.3.

2:1-4. Waiver of Checklist Items. An applicant may request in writing that a checklist item be waived. The Board shall consider such requests for waivers of checklist items at a Board meeting within forty-five (45) days of the request. If the applicant requests a waiver related to the submission of an environmental impact statement, the Board Secretary shall refer that request to the Environmental Commission for comment. The discussion by the Board on a waiver request shall be limited to the Board members and the Board professionals and shall not be open to the applicant or to the public with respect to input and comments. The Board's decision on whether a waiver of a checklist item shall be granted must be made within forty-five (45) days of the submission of the applicant's application. The Board Secretary shall advise the applicant in writing of the Board's decision on the waiver request.

2:1-5. Application Deemed Complete. When an application is deemed complete, the application shall be distributed by the Administrative Assistant to the Board professionals, and to appropriate township departments and agencies for review. The applicant may request a meeting with the Board's professional staff to review technical issues and the Board or the Board's professionals may grant such requests in their discretion as long as all applicable fees are current and the cost of the applicable professional's fees are available in the applicable escrow account for the reasonable payment of same. Thereafter, at the Board's discretion, the application shall be assigned a hearing date with adequate public notice if required. The administrative assistant shall endeavor to provide the applicant with copies of all written review reports prior to any public hearings. If the public notice is deemed inadequate at the time hearing, the application may be denied without prejudice or the application may be considered to be incomplete, notwithstanding any earlier certification of completeness, until the applicant has given proper statutory notice. The Board shall be deemed to have no jurisdiction to hear an application unless proper statutory notice has been given by the applicant.

2:1-6. Time to Provide Maps and Reports. When a hearing date has been assigned, it shall be the applicant's obligation insure that all maps, reports and documents to be considered by the Board at the hearing on the application must be on file in the office of the Board not less than twenty-one (21) days prior to the hearing it is to be considered at to provide adequate time for the Board professionals to review the documents and report to the Board.

Rule 2:2 Procedure for Hearing Applications

2:2-1. Appearance by Applicant. At the time of the hearing on the application, the applicant shall appear in person or such person may be represented by an attorney at law admitted to practice in the State of New Jersey. Every corporation shall be represented by an attorney at law admitted to the practice of law in the State of New Jersey.

An applicant shall be any developer presenting a development application with the term developer to be defined to mean any legal or beneficial owner or owners of a lot or any land proposed to be included in a proposed development including the holder of an option or contract to purchase, contract purchaser or any other person having an enforceable proprietary or legal interest in such land. N.J.S.A. 40:55D-3 et. seq. If the applicant is anyone except the owner of the property the applicant shall present as part of the application a certified statement from the owner or owners of record indicating that the owner or owners are aware of its content and consent to the application.

2:2-2. Testimony Under Oath. All persons giving testimony at the hearing shall be duly sworn by the Board Attorney, or in the absence of the Board Attorney, by the Chair, or his or her designee, before giving any testimony.

2:2-3. Order of Presentation. When a case is called by the Chair, the following shall be the order of presentation, unless the Board wishes to change the order of presentation for this one application.

(a) The applicant shall identify himself, enter an appearance on the record and be sworn. The applicant shall then indicate the relief the applicant is seeking from the Planning Board. If the

applicant is represented by an attorney, the attorney shall identify themselves and the office which they represent, identify their client and then proceed with their opening remarks.

(b) The applicant or the applicant's attorney shall then present their testimony and the testimony of their witnesses. They shall also submit such documentary evidence or exhibits upon which they intend to rely in order to establish the right to the relief sought in the application.

(c) At the end of the testimony of each witness in support of the applicant, the Chair shall allow Board members, and then other interested parties, including the public, to ask questions of the witness having just testified and permit reasonable cross-examination by an objector. An attorney representing a group of objectors or interested parties shall submit to the Board a written list of the persons represented by such attorney and shall submit a copy of same to the applicant or the applicant's attorney. Such persons shall participate in the proceedings only through their attorney.

(d) The Board shall submit all reports from its professionals and other governmental agencies as part of the record. The Planning Board Engineer and Planning Board Consultant shall comment and report their findings at the public hearing.

(e) At the time the applicant has submitted all of his evidence in support of his application, an objector may then put in his case, calling any witnesses and introducing any documentary evidence or exhibits upon which he will rely in his objection. Each such witness may be subject to reasonable cross-examination by the applicant or his attorney, and the Chair shall allow any members of the public to

ask relevant questions of such witnesses.

(f) After all the evidence has been presented to the Board in support of or in opposition to the relief sought by the applicant, the Chair shall then open the meeting to the public, to allow any member of the public to make a statement relative to the application before the Board. Such a member of the public shall be first sworn after identifying himself.

(g) Rebuttal testimony or evidence shall then be admitted in such order as the Chair shall designate. Only relevant objections shall be considered by the Board and the Board shall not consider unreasonable, repetitive or disorderly objections. The Chair shall have the authority to limit objections to those expressed by interested parties. An interested party shall be defined as any person, whether residing within or without the municipality, whose rights to use, acquire or enjoy property is or may be effected by any action by the Board under the Municipal Land Use Law or who rights to use, acquire or enjoy property under said act or any other law of New Jersey or the United States have been denied, violated or infringed by an action or failure to act under said act or action of the Board and as the term is more fully defined in the Municipal Land Use Law N.J.S.A. 40:55D-4.

(h) All witnesses may be cross-examined by any member of the Board, Board professionals, Board attorney, or any interested person as defined aforesaid.

(i) Any member of the Board may place evidence before the Board as to any relevant matter of which he has personal or official knowledge, for purpose of amplifying the record, including but not limited to facts ascertained from viewing of the premises in

question or the general area.

2:2-5. Closing of Hearing. When the applicant and all interested persons have had an opportunity to be heard, the Chair shall determine if the hearing shall be closed. The applicant, or another interested person, may request from the Board a continuance of the hearing for the purpose of presenting further relevant evidence. The Board, acting in its own discretion, may either grant or deny such a request. In cases where the Board feels that testimony or other evidence should be received in the public interest from any municipal, county, or state official or from any other persons, in order to assist the Board in rendering a just decision, the Board may, on its own motion, continue the hearing to another date certain for such purposes. In the absence of any request to continue the hearing, the Chair shall declare the hearing to be closed and, thereafter, no further evidence will be received in the action, unless the matter is re-opened by a motion granted by the Board where good cause is shown. In considering a request to continue or re-open any hearings, the Chair should consider the effect of the time limits for decision as set forth in Rule 3:3-1.

2:2-6. Rules of Evidence. The formal rules of evidence are not enforced before Planning Boards. The "residuum rule" or less restrictive informal rules of evidence for administrative hearings shall apply. However, no decision shall be based upon any facts not proved or on matters which are not in the record, unless they be such items of which the Board is entitled to take judicial notice. When any documents or exhibits are admitted into evidence during a hearing, they shall be marked and shall be retained by the Board as a part of the permanent file. After the Board has rendered its decision and the time for the filing of any appeal has expired, the Board's Secretary may return any such exhibits or documents to the

person who offered them upon their request. No petitions or letters of objection shall be accepted and admitted in evidence though the writer or signer of the letter may appear and testify at the hearing.

2:2-7. Burden of Proof By Applicant. The burden of proof is on the applicant, and it is the applicant's responsibility to supply competent and credible evidence in order that the Board might determine the nature and degree of relief sought by the applicant. The applicant must establish, to the Board's satisfaction that the applicant is, pursuant to statutory provisions, entitled to the relief being sought. When an applicant has taken a substantial time to present their case and then refuses to consent to a continuance so objectors can be heard or the Board has insufficient opportunity to consider the matter, such refusal by the applicant may be deemed arbitrary and unreasonable by the Board. Should the applicant move to decide the matter without affording such opportunity, the applicant shall be at risk of a denial of the application for failure to sustain the burden of proof and failure to afford the Board an opportunity to reach an informed decision.

2:2-8. Dismissal of Actions. The Board on its own motion may dismiss any action without prejudice, if neither the applicant, nor anyone on his behalf, appears at the time set for the hearing of said application. Further, the Board on its own motion may dismiss without prejudice any application for failure to comply with the provisions of the appropriate ordinance, these rules or for failure to comply with the instructions of the Planning Board. Any applicant may, at any time before the commencement of the hearing, voluntarily withdraw their application without prejudice.

2:2-9. Report By Board Expert. The Board on its own motion may at any time receive a written report on any particular matter from any governmental officer or agency or outside professional in connection with the pending case. A copy of any such report shall be made available to the applicant, who shall, if he so requests, have an opportunity to question the person(s) generating such report as to any fact or conclusion contained therein. Otherwise, such report shall be admitted as part of the record. The Board may also refer any application to any appropriate agency for its review and report.

2:2-10. Approval By Borough Committees and Agencies. The applicant must promptly contact as soon as practicable after the applicant's application has been deemed complete such agencies and committees of the Borough of Oceanport including but not limited to the Borough of Oceanport Environmental Commission, Shade Tree Committee, Board of Health, Police Department and Fire Bureau, and make such required submissions and schedule and make such presentations and appearances as are required to procure such reports, findings and approvals as are required from said committees or agencies. Unless specifically waived by the Board, the failure to obtain an approval from these Boards or Committees and Commissions may result in a denial of the application.

Rule 3:1 Post Hearing Procedures

3:1-1. Decisions By Board. Decisions rendered by the Board shall be in the form of a resolution, as required by N.J.S.A. 40:55D-10 (g), including occasions where an application is denied because of a motion to approve the application did not receive the required number of votes. The written decision may be provided at the meeting at which the Board takes its action or by a resolution of memorialization. The Board may direct by a vote of a majority of

the Board members present the preparation of either a Resolution of Approval or a Resolution of Denial by the Board Attorney to be voted on at a future meeting. This direction is nothing more than an instruction of preference to the Board Attorney and in no way is to be considered a vote on the merits of the Application. The resolution of memorialization shall be adopted within forty-five (45) days of the action being taken by the Board. Such resolution of memorialization shall be adopted by a majority vote of the members of the Board who voted in favor of the action previously taken and who are present at the time the resolution of memorialization is being voted on. No other member shall vote thereon. Action is deemed to have taken place at the original meeting and not the date at which the resolution of memorialization is adopted, except that the date of the adoption shall constitute the date of decision for the required mailing of a copy of the decision to the applicant and or the placing of a publication of the Board's decision in the official newspaper of the municipality as required by subsection (h) and (i) of N.J.S.A. 40:55D-10. The decisions of the Board, after the determination of a complete application, shall be made as follows pursuant to N.J.S.A. 40:55-D-46, et seq. and related Statute sections:

(a) For preliminary site plan approval per N.J.S.A. 40:5D-61:

(1) For a minor site plan, or for a site plan involving ten (10) acres of land or less, or ten (10) dwelling units or less, forty-five (45) days.

(2) For more than ten (10) acres, for more than ten (10) dwelling units, ninety-five (95) days.

(b) For preliminary major subdivisions

- (1) For ten (10) lots or fewer, forty-five (45) days.
- (2) For more than ten (10) lots, ninety-five (95) days.
- (c) For final approval or site plan and major subdivisions, forty-five (45) days.
- (d) For minor subdivision or minor site plan approval, forty-five (45) days.
- (e) For conditional use permits, ninety-five (95) days.
- (f) For variances, one hundred and twenty (120) days.
- (g) For a permit for a structure in the bed of a street or other reserved public area (N.J.S.A.40:55D-34) or for a structure not related to a street (N.J.S.A.40:55D-35), one hundred and twenty (120) days.
- (h) For a combined application, the longest time period applicable.
- (i) These time periods may be extended by the applicant.

3:1-2. Resolutions of the Board. A copy of the Board's resolution shall be furnished to the applicant or the applicant's attorney within ten (10) days from the date of the Board's action. Said action shall be published once in an official newspaper of the municipality in accordance with the provisions of the Municipal Land Use Law. Notices of Approval shall be published by the applicant at the Applicant's expense. Notices of Denial shall be published by the Board unless publication is directed to be by the Applicant at the applicant's expense in the Resolution of Denial. The resolution of

the Board shall contain:

(a) A statement of the Board's findings of fact and its conclusions of law, the Board's decision, and any conditions imposed upon the relief granted or other provision as the Board may deem appropriate and necessary.

(b) Where the Board has determined to impose conditions on the relief granted, such conditions shall be clearly set forth in the resolution. The Board may, when it is deemed necessary to protect the public interest, specifically provide in its resolution for the retention of jurisdiction over the matter before the Board for a reasonable time. Such time may be specifically set forth or may be conditioned on the happening of a certain event.

(c) The resolution shall set forth with specificity the relief granted to the applicant. The Board may grant such relief as it deems appropriate in keeping with the intent and purpose of the appropriate ordinance, as the case may be, although the relief granted may be different in kind or degree from that requested in the appeal or application.

3:1-3. Board Failure to Act in Timely Manner. The failure of the Board to render a decision within the time period set forth in Rule 3:1-1, or within such other time as may be consented to, either in writing, or on the record at the hearing of the Board, by the applicant, shall constitute a favorable action and the applicant shall request an appropriate certificate, pursuant to statutory provision.

3:1-4. Board Decision to Be Public. The Board's decision must be made public at a public meeting and the Board's vote on the making of its decision and the adoption of its resolution must be taken at a public meeting validly held.

3:1-5 Decision at Meeting. The Board may decide to vote to either approve or deny an application after the conclusion of the matter and after deliberation by the Board. The decision of the Board will then be memorialized in a Resolution of Approval or Denial and voted on by as to whether it properly memorializes the action taken by the Board and the Boards findings of fact by those members qualified to vote at a subsequent valid public meeting.

3:1-5. Decision Reserved by Board. The Board may decide to reserve decision on a matter after the hearing is completed and may make its decision at the next meeting provided that the period within which to decide the application will not expire prior to the next succeeding meeting. The Board may also authorize the Board Attorney to prepare a resolution for consideration at the next meeting provided that the period within which to decide the application will not expire prior to such meeting. The making of a resolution prepared for consideration shall not be construed as the making of a decision, but shall be only an indication of an intention to act upon an application in a certain manner and the Board shall not be bound by such measure.

3:1-6. Resolution Filed with County Clerk. The resolution of approval shall be filed by the applicant with the County Clerk in the Book of Deeds at the applicant's expense and proof of said recording shall be provided to the Secretary of the Board as a condition of Approval.

Rule 4:1 Fees, Record of Proceeding and Miscellaneous Matters

4:1-1. Escrow Fees. The applicant shall pay application and escrow fees for the purpose of defraying expenses incidental to the proceedings described in these rules and regulations. The fees applicable to each application shall be determined by reference to the appropriate ordinances. The Board may refuse to take any action or any further action on any application which has either an escrow deficiency or which a sufficient escrow exists to reasonably meet the requisite costs for the action which is being requested or required by the applicant.

4:1-2. Recording of Hearings. In accordance with the provisions of Municipal Land Use Law, the Board shall provide a verbatim recording of all hearings by mechanical or electronic means. A duplicate recording shall be furnished to any interested party at the requesting party's expense. The Board may elect to furnish a duplicate recording so as to permit any interested party to have a transcript prepared from such tape.

4:1-3. Fees for Special Meetings. Should an applicant request that the Planning Board consider his application at other than a regular meeting of the Board, the applicant shall, in addition to the fees provided, pay any and all costs incurred by the Board in connection with the holding of such special meeting. The Board is under no obligation to grant a request for a special meeting.

4:1-4. Board Subpoenas. The Chair of the Board or the Chair's designee may issue subpoenas, to compel the attendance of witnesses and the production of relevant evidence. Upon failure of a person under such subpoena to comply with its requirements, the Board may apply to the Superior Court for an order to compel cooperation.

4:1-5. Mistake, Misrepresentation or Fraud. The Board may presume that all material statements of fact are true. The Board may also presume that all exhibits, maps and other documents submitted are true and accurate representations of all the facts which such materials have been introduced to substantiate. In the event that it later appears to the Board on reasonable grounds that an applicant or witness has not been truthful, or that a mistake has been made, and such circumstances bear on the facts which are essential in the granting of the relief sought by the applicant and were relied upon by the Board in taking such action, then upon the discovery of such misrepresentation, fraud or mistake, the Board may rehear the matter upon the application of an interested party or on its own motion when unusual circumstances so require in the interest of justice. In such event, the Board may, upon notice to the applicant and all other interested parties require the applicant to appear before it for the purpose of explaining the testimony previously given at the hearing. At such subsequent hearing it may be determined whether or not the testimony given at the original hearing was in fact false and mistake or fraud in proceedings left uncured shall constitute grounds for rescission.

4:1-5. Application for Rehearing. An applicant or other interested party may, by right, within forty-five days (45) after the publication of notice of decision, move before the Board for a rehearing of a matter or portion thereof for the reasons provided in 4:1-4 by filing an application in the form of a letter addressed to the Board containing a statement of the grounds relied upon. If the motion is granted by the Board, it shall fix a date for the rehearing and shall require the moving party to give notice to all persons who participated in the original hearing or hearings upon such terms as the Board shall deem adequate. The Board may order a

rehearing on its own motion where unusual circumstances so require in the interest of justice. Any motions to rehear an application or portion thereof made after forty-five (45) days following the publication of decision shall be considered strictly by leave and discretion of the Board in consideration of the protected interests of the applicant as balanced against the public interest.

4:1-6. Request to Vacate or Modify Resolution. At any time after the adoption of a resolution of memorialization any person having an interest in such decision may move the Board for an order vacating or modifying any term or condition of said decision by filing with the Board a petition in the form of a letter setting forth the reasons therefore and the grounds relied upon. If the petition is granted, the Board shall fix a date for hearing and the movant shall give notice of such hearing in the same form and manner as otherwise required in the case of original applications. The Board, on its own motion, may in the proper case, similarly order all parties to show cause at a time and place fixed in notice why the terms or provisions of any variance ought not be vacated or modified.

4:1-7. Res Judicata. If the same person or their privies seek the same relief in the same factual setting, the case may be dismissed on the grounds that it has been already decided. However, if the first case was not a decision on the merits, there shall be no bar to the second application. If a second application seeks relief that is entirely different or is of lesser proportions than the first application, the second application shall not be barred. The applicant shall also be given a fair opportunity to show the Board that circumstances have changed significantly or other good cause exists. The rule of Res Judicata shall not be construed as a matter of law to disallow an application for modification or

enlargement of an approval or the lifting, modification or relaxation of conditions previously imposed in connection with an approval upon showing of changed circumstances or other good cause warranting reconsideration.

4:1-8. Terms and Definitions. Whenever a term is used in the within Rules and Regulations the term shall take on the meaning given to the term in the definition section of the Municipal Land Use Law N.J.S.A 40:55D-3 et. seq.

4:1-9. Certification of Taxes Paid. The applicant, at the time of filing the application for development, shall file with the Board a certification of the Tax Collector that the taxes and/or assessments have been paid.

4:1-10. Modifications of Rules and Regulations. Except where specifically inconsistent and therefore prohibited by the statutory requirements of the Municipal Land Use Law N.J.S.A 40: 55D-1 et. seq. or statutes related thereto, the Chair or a vote by the majority of the members present can modify any of these rules or regulations on an individual case by case basis during the time of any hearing.

Rule 4:2 Amendments

4:2-1. Amendments of Rules and Regulations. The Planning Board may from time to time amend any part or parts of these rules and regulations at any regular meeting.

Rule 4:3 Disqualification for Interest

4:3-1. Disqualifications Generally. No member of the Board

shall be permitted to act on any matter, in which he or she has, either directly or indirectly, any personal or financial interest. No member of the Board shall participate in the proceedings in which such member has a conflicting interest that may interfere with the impartial performance of his or her duties as a member of the Board. The decision as to whether a particular interest is sufficient to disqualify shall depend on the facts and circumstances of the particular case. The test shall be whether the circumstances could reasonably be interpreted to show that they had the likely capacity to tempt the Board member to depart from their sworn public duty.

4:3-2. Local Government Ethics Law. The members of the Board shall comply with and be bound by the provisions of the Local Government Ethics Law, N.J.S. 40A:9-22.1, et seq. and shall annually file a statement as prepared by the local Finance Board and the Division of Local Government Services, Department of Community Affairs. Pursuant to such law, no Board member shall act in his or her official capacity in any matter where he or she, a member of his or her immediate family or a business organization in which he or she has an interest, has a direct or indirect financial or personal involvement that might reasonably be expected to impair his or her objectivity or independence of judgment. To the extent that the word "involvement" as cited hereinabove extends the reach of the law beyond "interest," the same may be considered a source of disqualification and shall be closely examined by the Board. Any interest or involvement of the Board member that is not shared in common with other members of the public shall be examined to determine eligibility.

4:3-3. Examples of Disqualification for Interest. Any member of the Board shall disqualify himself or herself from sitting on the hearing of any matter in which he or she has a disqualifying

interest, such as, but not limited to, the following situation:

a) where the member owns property located within two hundred (200) feet of the property affected by the action;

(b) where the applicant is related within the third degree of consanguinity to the member by blood or is the husband or wife of any person so related;

(c) where the applicant or his or her attorney is the employer, employee, or partner of the member, or is a corporation in which the member is a shareholder or has other financial interest;

(d) where the member has any other personal or pecuniary interest in the proceeding.

4:3-4. Removal From Panel. Any member having been deemed or having deemed himself or herself disqualified in any matter shall not sit with the Board to participate in the consideration of such matter. The nature of any such disqualification shall be disclosed at the time of recusal unless doing so would constitute an unwarranted invasion of individual privacy or could adversely effect the public interest. Such member may be heard at the appropriate time as an interested party or applicant, but whenever such member appears before the Board on his or her own behalf or by legal representative, it shall be disclosed that the member's comments are made solely to exercise or protect private rights and are not expressed as a member of the Board. Every effort shall be made by such member to avoid the possible influence of fellow Board members and the appearance of impropriety from the point of view of the general public.

4:3-5. Disclosure of Possible Conflicts; Waiver by Parties.

Where conflict is only possible and not actual by virtue of involving, either directly or indirectly, any personal or financial interest, such conflict need not necessarily result in disqualification but should be disclosed. For purposes of illustration, prior dealings and friendships should be disclosed so that disqualification can be considered on an informed basis. Disclosure of interest is necessary in order to judge whether a particular interest is sufficient to disqualify or is merely remote and speculative. Concern for the impartial exercise of authority, in appearance as well as in fact, requires that where a Board member must disqualify himself or herself in a matter because of a conflict of interest, the disqualification is absolute and cannot be waived. If a conflict is only potential, and is disclosed, the Board may reasonably find that a particular interest is too remote and speculative to cause a disqualification. The Board Attorney shall be consulted in each such case. Whenever the Board is called upon to waive a potential conflict, the affected Board member shall disclose the nature of the relationship and shall satisfy the Board that the relationship would not in any way influence his or her decision.

4:3-6. Request for Executive Session. At the sole discretion of the Chairperson or upon the motion of any Board member which is seconded, an Executive Session can be requested to discuss all of the facts that might give rise to a possible potential conflict and to request input and guidance from the Board's professionals. The ultimate decision of whether a potential conflict appears to exist and whether the Board Member shall recuse himself or herself from participating in the application shall be in the sole discretion of the Board member.

4:3-7. Remedy. When a Board member fails to disqualify himself or herself where the circumstances require disqualification, any interested party may move to the Board for an Order or determination that such member is or was disqualified to act and may, even after decision, seek the vacation of the decision and a rehearing or other appropriate relief. The motion shall contain a statement of the facts upon which is based, and the Board may thereafter hold a hearing on the matter or take whatever action it may deem appropriate.

4:3-8. Disclosure of Reason for Disqualification. Whenever possible, the reason for disqualification shall be stated unless legitimate private rights would be compromised without justification in respect of the public interest.

4:3-9. Attendance at Meetings by Board Members. The proper and efficient functioning of the Planning Board requires that all Board members attend all regularly scheduled and special meetings of the Board. To insure that a quorum is available all Board members should inform the Secretary of the Board if the Board member is unable to attend any meeting at least 24 hours prior to the meeting. Failure to attend meetings or prolonged absences from meetings of the Board without good cause may subject a Board member to removal from the Board pursuant to a written request by the Chairman to the Mayor and Council for removal of said member after a public hearing, if requested by the Board member, pursuant to N.J.S.A. 40:55D-23.



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 3104)

Meeting: 01/23/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3104

8.1

Resolution of Approval - 44 Springfield Ave

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
 APPROVAL OF THE APPLICATION OF JOSEPH GIORDANO
 44 SPRINGFIELD AVENUE / BLOCK 124, LOT 2
 APPROVED JANUARY 9, 2024
 MEMORIALIZED JANUARY 23, 2024**

Introduction

WHEREAS, Joseph Giordano has made Application to the Oceanport Planning Board for the property designated as Block 124, Lot 2, commonly known as 44 Springfield Avenue, Oceanport, NJ, within the Borough's R-7.5 Zone, for the following approval: Bulk Variance relief associated with a request to effectuate a number of improvements to an existing single-family home; and

Public Hearing

WHEREAS, the Board held a Public Hearing on January 9, 2024, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

Evidence / Exhibits

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

- *Planning Board Application, introduced into Evidence as A-1;*
- *Survey of property, prepared by Lakeland Surveying, dated August 25, 2023, introduced into Evidence as A-2;*
- *Addition and Alteration Plans, prepared by Parallel Architectural Group, last revised November 21, 2023, consisting of 4 sheets, introduced into Evidence as A-3;*
- *Colliers Engineering & Design Review Memorandum, dated December 12, 2023, introduced into Evidence as A-4;*
- *Zoning Denial Letter, dated November 13, 2023, introduced into Evidence as A-5;*

- *Illustrated rendering, prepared by Parallel Architectural Group, dated January 9, 2024, introduced into Evidence as A-6;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

Witnesses

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

- Joseph Giordano, Applicant, appearing pro se;
- Antonio Scalise, Architect;

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

Testimony and Other Evidence Presented on Behalf of the Applicant

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property for approximately 5 months.
- There is an existing one-story single-family home located at the site.
- The existing home is currently vacant.
- The existing structure is in a compromised condition, perhaps resulting from a prior fire at the site.
- In order to increase the amount of living space at the site, and in order to make the home more modern and functional, the Applicant proposes to effectuate several improvements.
- The proposed improvements include the following:
 - Construction of a second-floor addition;
 - Replacement of an existing / compromised front porch;

- Modification of an existing driveway;
 - Demolition /removal of some existing walkways;
 - Installation of new walkways at the site; and
 - Installation of a new fence.
- Details pertaining to the proposed improvements include the following:

Addition

Location:	2 nd Floor (over the existing one-story home.
Size:	(Same general size as the existing 1 st floor). (Per Plans)
Materials:	Vinyl Siding Asphalt Roof Shingle Roof Piers (Per Plans)

Porch

Location:	Front of home.
Size:	Within the same footprint of the existing front porch. (Per Plans)
Materials:	Per Testimony & Plans

Driveway

Details:	Per testimony & evidence presented, a part of the existing driveway will be demolished and replaced. The driveway will have a width of 9.6 ft. from a designated starting point (as referenced on the Plans), to the existing garage. (The modified driveway will contain 724 SF).
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Demolition of Some Existing Walkways

Location of to-be-demolished walkways:	Per testimony & Plans.
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New Walkways

Location of new walkways:	
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Fencing

Location:	South-western portion of property, in a zoning-compliant location. The new fence will be setback a minimum of 4 – 6 inches from the property line referenced on the Applicant's survey (A-2).
Materials:	White Vinyl Fence

- Upon completion of the renovation process, the home will include the following:

1st Floor

Kitchen
Dining Room
Living Room
Bathroom
Bedroom
Rear Porch
Front Porch

2nd Floor

Primary Bedroom
Primary Bathroom
Laundry Room
Bathroom
Bedroom
Bedroom

- The existing detached garage at the site will remain.
- The Applicant anticipates selling the home upon completion of the renovation process.
- The Applicant anticipates having the renovation / construction work completed in the near future.
- The Applicant will be utilizing licensed contractors in connection with the construction / renovation process.

Variances

WHEREAS, the Application as presented, requires approval for the following new Variances:

*FRONT YARD SETBACK(TO THE DWELLING):
30 ft. required; whereas 24.5 ft. exists and is proposed;*

*SIDE YARD SETBACK:
10 ft. required; whereas 4.2 ft. existing and is proposed;*

*HABITABLE FLOOR AREA FOR 1ST FLOOR:
Pursuant to the prevailing Zoning Regulations, a 2-story building (as proposed herein) is required to provide a minimum Habitable Floor Area of 1,800SF in total, with a minimum 1,050SF of Habitable Floor Area on the 1st Floor. In the within situation, the existing structure has a non-conforming Habitable 1st Floor Area of 917SF. Moreover, with the 2nd floor addition, the 2-story structure will ultimately have a total Habitable Floor Area of 1,834SF. While the expanded structure will satisfy the total Habitable Floor Area requirements, a Variance is required for the Habitable Floor Area of the 1st floor. Specifically, a 1,050SF Habitable 1st Floor Area is required; whereas the existing (and to-be-continued) 1st floor of the structure only has a floor area of 917SF.*

Public Comments

WHEREAS, sworn public comments, questions, statements, and / or objections were presented by the following:

- Kyle Arcomano

Findings of Fact

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is located at 44 Springfield Avenue, Oceanport, NJ, within the Borough's R-7.5 Zone.
3. The subject property contains 5,000 SF.
4. The subject parcel has frontage on the south side of Springfield Avenue, approximately 475 ft. west of the intersection with Woodbine Way.
5. There is an existing 1-story single-family home located at the site, with a concrete driveway, and a detached garage.
6. In order to increase living space at the site, and in order to improve the compromised structure, the Applicant proposes to effectuate a number of improvements at the site.
7. The proposed improvements include the following:
 - Construction of a second-floor addition;
 - Replacement of an existing / compromised front porch;
 - Modification of an existing driveway;
 - Demolition /removal of some existing walkways;
 - Installation of new walkways at the site; and
 - Installation of a new fence.
8. Such a proposal requires Bulk Variance Approval.

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

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

- The existing and to-be-continued single-family use is a permitted use in the Borough's R-7.5 Zone.
- Per the testimony and evidence presented, the Applicant has a desire to increase the amount of living space at the site, as well as a desire to improve certain compromised / failing structural conditions.
- The Board Members appreciate the Applicant's aforesaid rationale for the proposed improvements.
- As indicated, there is an existing 1-story single-family home located at the site.
- Per the testimony and evidence presented, the existing structure is in a compromised condition, perhaps the result of a prior fire at the site.
- Per the testimony presented, the existing structure is not currently occupied.
- Per the testimony and evidence presented, the existing condition of the structure is not currently fit for occupancy.
- In addition to the above, per the testimony presented, there is a need for the existing structure to be renovated / improved.
- Additionally, per the testimony presented, there is a need for increased living space at the site.
- The Applicant herein is proposing a number of improvements, as specified in the within document.
- The building addition will be located on the new 2nd floor of the structure, directly over the existing 1st floor structure.
- Construction of the 2nd floor addition will not materially change the existing building footprint.
- The existing home has a non-conforming front yard setback – and approval of the within Application will merely extend the same upwards (i.e., the same will be continued on the 2nd floor).
- The 2nd floor addition approved herein will not be closer to the front property line than that which currently exists.

- The existing home has a non-conforming side yard setback of 4.2 ft – and approval of the within Application will merely extend the same upwards (i.e., the same will be continued for the 2nd floor addition).
- The 2nd floor addition approved herein will be no closer to the side yard than that which currently exists.
- The existing 1st floor of the structure contains a Habitable Floor Area of 917 SF; which is below the minimum required Habitable Floor Area of 1,050 SF. The Board notes that the said condition is an existing condition.
- A Variance is technically required for the existing 1st floor condition (relative to the Habitable Floor Area). However, as indicated, the said condition is an existing condition which is not being exacerbated herein.
- The Board is aware that the prevailing Zoning Ordinance requires a 2 story building (as proposed herein) to provide a minimum Habitable Floor Area of 1,800 SF total (and a minimum of 1,050 SF of Habitable Floor Area for the 1st floor). As referenced above, in the within situation, the total square foot of the Habitable Floor Area (for the entire structure will be 1,834 SF, which exceeds the 1,800SF total Habitable Floor Area requirement.
- Thus, as referenced above, while the total Habitable Floor Area of the proposed 2-story structure will exceed the minimum requirements, the Habitable Floor Area for the 1st floor will remain deficient.
- The Board recognizes that materially increasing the size of the Habitable Floor Area of the 1st floor (to satisfy prevailing requirements) is not proposed herein.
- The Board furthermore recognizes that materially increasing the size of the Habitable Floor Area of the 1st floor (to comply with prevailing regulations) is not practical / functional under the prevailing circumstances.
- Given the location / setbacks of the existing structure, any increase in the size of the 1st floor (to comply with prevailing 1st floor Habitable Floor Area requirements) will likely trigger the need for greater front yard setback relief, greater rear yard setback relief, and / or greater side yard setback relief- which would not be appropriate under the circumstances.
- The existing front porch at the home is, per the testimony and evidence presented, in a compromised condition.
- The Applicant herein proposes to rebuild a new front porch at the site, in the same location as the existing porch.
- As referenced, the new porch approved herein will be constructed within the same general footprint as the existing front porch.

- The new replacement front porch approved herein will be no closer to the front property line than that which currently exists.
- As indicated, the new replacement porch approved herein will be the same general size as the existing and to-be-replaced front porch.
- The new replacement porch will certainly improve the overall aesthetic appeal of the property.
- The materials for the new 2nd floor addition and the new porch will match and / or aesthetically complement the existing structure.
- The Board notes that the existing 1-story home has 2 bedrooms.
- The Board also notes that the expanded home approved herein will have 4 bedrooms.
- The expanded home approved herein is fairly modest in nature, which is appropriate given the undersized nature of the lot (and the existence of other pre-existing non-conforming bulk conditions).
- The existing site has a non-conforming impervious lot coverage of 47.5% (whereas a maximum of 45% is otherwise allowed).
- Approval of the within Application will reduce the overall impervious coverage. As initially presented, the Applicant proposed to reduce the overall impervious lot coverage to a compliant 44.8%. However, as a condition of the within approval, for a variety of reasons, the initially proposed stepping-stones will be eliminated from the proposal and replaced with the installation of new walkways. As a result of the aforesaid Board initiated condition, the overall impervious coverage at the site shall be increased from 44.8% (as initially proposed) to an amount not to exceed 46%. (i.e., the minimum amount necessary to convert the proposed stepping-stones to the new walkways).
- The Board finds that the elimination of the proposed stepping-stones (and the replacement of the same with new walkways) represents a better overall design alternative. As such, the slight increase in impervious coverage (from what was initially proposed) is appropriate.
- Notwithstanding the above point, the Board notes that approval of the within Application will nonetheless improve the overall impervious lot coverage from a non-compliant 47.5% to a non-compliant amount not to exceed 46%.
- The Board Members recognize the societal / environmental / aesthetic / stormwater benefits associated with any reduction in overall impervious lot coverage on a property.
- The existing lot is a non-conforming lot containing only 5,000SF (whereas 7,500SF is otherwise required in the R-7.5 zone).

- The lot area deficiency is an existing condition, which is not being exacerbated as a result of the within approval.
- Per the testimony and evidence presented, given the developed nature of the surrounding lots, it does not appear practical that the Applicant can realistically acquire any additional land (to satisfy, or more closely satisfy, the minimum required lot size).
- The Board is aware that the existing site has a non-conforming lot width of 50 ft. (whereas 75 ft. is otherwise required in the zone).
- The Board is aware that the existing lot width condition is an existing condition, which is not being exacerbated as a result of the within approval.
- The existing site has a front yard porch setback of 17.9 ft. (whereas 24 ft. is otherwise required). The Board recognizes that because the new replacement porch will be located in the same location as the existing porch, approval of the within Application will not materially change the existing front porch setback.
- The existing structure has a non-conforming side setback of 4.2 ft. (whereas 10 ft. is otherwise required). The Board notes that the said condition is an existing condition. The Board furthermore notes that there will be no change to the existing side yard setback (except for the construction of the 2nd floor addition, which will also honor / extend / continue the non-conforming 4.2 ft. side yard setback).
- There is an existing garage at the site, which is to remain. The existing garage is located in a non-conforming location (i.e., the existing garage has a non-conforming rear yard setback of only 0.9 ft. and a non-conforming side yard setback of only 4 ft.). The Board recognizes that the said conditions are existing conditions which are not being exacerbated herein.
- The Board members are not granting any Variance relief for the non-conforming location of the existing garage. However, the Board Members have agreed, under the circumstances, that the existing garage can remain as is, in its current location, without any increase / expansion of the same. If, however, the existing garage is intentionally / unintentionally destroyed / removed / demolished, then, as an express condition of the within approval, any replacement garage shall be located in a zoning-compliant location (absent further / future approval of the Oceanport Planning Board).
- During the Public Hearing process, the owner of the adjacent property advised that there is a potential survey encroachment / dispute between the Applicant and the affected Lot 1 neighbor.
- The Board Attorney advised that the Planning Board has no legal authority to rule upon any type of private land dispute. Rather, in the

absence of an official agreement, the said matter will likely need to be adjudicated through the Court system.

- The Board Members / representatives discussed the possibility that if the survey encroachment was not remedied, and the Application / Variances materially changed, then, in that event, the Applicant may be required to return to the Board for further / future amended relief.
- In an effort to better understand the situation and to resolve the matter, Board Members inquired as to the specific details relative to the alleged survey encroachment.
- In the midst of the Public Hearing process, the affected neighbor advised that the alleged survey encroachment involved an approximate 1 in. wide strip of land (associated with the property line where the Applicant proposed to install a fence).
- Both parties seemed amenable to attempting, in good faith, to resolve the controversy.
- In response to the neighbor's survey encroachment concerns, the Applicant advised that he would place the fence approximately 4 – 6 inches off of the subject property line (so as to not interfere with any alleged survey encroachment).
- Both the Applicant and neighbor seemed willing to accept such a proposal, and the said representation (regarding the location of the Applicant's fence) is an expressed condition of the within approval.
- The Board Members appreciate the good faith efforts of the Applicant and the neighbor to attempt to resolve their private dispute in a seemingly fair, equitable, and reasonable fashion.
- Clearly, any remaining private land dispute will need to be resolved between the parties – but the fence location condition associated with the within approval seemed to address the immediate zoning / development concerns of all involved.
- Based upon the testimony and evidence presented, and based upon the conditions of the within approval, the Board finds that there will be no adverse grading / drainage issues associated with the within proposal (subject to the conditions set forth herein).
- There is an existing front porch at the site, which is in a compromised condition and in need of replacement.
- Approval of the within Application will result in the elimination of the compromised front porch, and a replacement of the same with a newer / safer / Code-compliant porch.
- The continued existence of the compromised porch at the site could result in injury and / or damage to those who utilize the same.

- There is value in approving an Application which eliminates a compromised element of a porch structure, such as is being effectuated herein.
- The replacement porch approved herein will be safer than the currently existing porch.
- Approval of the within Application will enhance the overall aesthetic appeal of the subject property.
- The improvements authorized herein will provide the Applicant with additional living space, resulting in a more modern and functional house.
- The materials for the proposed improvements will architecturally / aesthetically match / complement the existing structure.
- The Board finds that the proposed improvements have been efficiently designed.
- The Board understands the need and rationale for the proposed improvements.
- The location of the 2nd floor addition is logical and practical.
- The proposed porch replacement at the site is practically / functionally located as well.
- The proposed improvements are practically / appropriately located.
- Subject to the conditions contained herein, the proposal, as approved herein, represents an appropriate and non-invasive fashion in which an existing structure can be updated / modified / improved / expanded, without causing substantial detriment to the public good.
- The benefits of the improved / renovated home, as espoused elsewhere herein, help justify the granting of the requested Variance relief.
- Approval of the within Application will significantly improve the overall visual appeal of the existing structure.
- Per the testimony and evidence presented, the existing single-family structure was not built for the needs of a modern family (in terms of size of home, design, layout, etc.).
- Per the testimony and evidence presented, there is a need for increased living space at the site.
- The Applicant submitted detailed plans of the proposed improvements, which sufficiently described the appearance of the same. Additionally, subject to the conditions set forth herein, the proposed addition will comply with the Prevailing Building Code Requirements.

- Based upon the testimony/evidence presented, construction / installation of the proposed improvement will generally continue the pattern of existing development in the area.
- The subject Lot is an appropriate host for the expanded single-family home approved herein.
- Given the lay-out of the Lot and the existing home, the location of the proposed improvements are appropriate and practical.
- Subject to the conditions contained herein, the addition / improvement approved herein will not overpower / overwhelm the subject Lot.
- Subject to the conditions contained herein, the authorized improvements will not overpower / dwarf other homes in the area.
- Per the testimony and evidence presented, under the Borough's Prevailing Regulations the site is required to have a sufficient number of off-street parking spaces – and sufficient / compliant spaces are proposed. Thus, no Parking Variance is required in connection with the Application.
- The existence of sufficient and appropriate parking at the Site is an important consideration – and but for the same, the within application may not have been approved.
- Upon completion of the renovation process, the proposed home (with addition) will be generally consistent with other single-family homes in the area, on similarly sized lots.
- The Board finds that sufficient testimony has been presented for the Application to be adjudicated – and the Board furthermore finds that, subject to the conditions contained herein, there is no need to elicit additional information to supplement the record.
- The architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with the Specified Bulk Standards.
- The architectural design of the proposed addition / porch will not be inconsistent with the architectural design of other single-family homes in the area (on similarly sized lots).
- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.
- Approval of the within Application will have no known detrimental impact on adjoining property owners and, thus, the Application can be granted without causing substantial detriment to the public good.

- The improvements to be constructed herein will not be inconsistent with other improvements located within the Borough.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

For the above reasons, and for the other reasons set forth in the public hearing process, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

Conditions

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

- a. The Applicant shall comply with all terms, conditions, promises, and representations made at or during the Public Hearing Process.
- b. The Applicant shall work with the Board Engineer so as to appropriately control / manage storm-water management at the site.
- c. The Applicant shall comply with the terms and conditions of the Board Engineer's Review Memorandum, dated December 12, 2023 (A-4).
- d. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - The inclusion of a note confirming that there shall be no adverse light spill over onto adjacent properties.
 - The inclusion of a note confirming that any generator / air conditioning condenser shall be located in zoning-compliant locations;
 - The inclusion of a note confirming that any new construction shall comply with all Prevailing FEMA / Flood Guidelines, if applicable;
 - The inclusion of a note confirming that grading and drainage details shall be reviewed and approved by the Board Engineer (if the grading at the site is to be changed / modified);

- The inclusion of a note confirming that the driveway shall be reduced from 760 SF to 724 SF;
- The inclusion of a note confirming that there shall be no re-grading of the lot;
- The inclusion of a note confirming that the front setback to the porch shall be 17.9 ft.;
- The inclusion of a note confirming that gutters and leaders shall be added to the addition;
- The inclusion of a note confirming that the Board has encouraged the Applicant to review the 1st floor load capacity with his professionals so as to ensure that the same can safely accommodate the proposed addition;
- The inclusion of a note confirming that water run-off shall be directed and drained to the front yard, 10 ft. from the property line;
- The inclusion of a note confirming that there shall be no stepping-stones placed at the site (rather, in lieu of the stepping stones, the Applicant shall install new walkways);
- The inclusion of a note confirming that the revised overall impervious coverage at the site shall not exceed 46%. (i.e., the minimum amount necessary to convert the stepping-stones to new walkways);
- The inclusion of a note confirming that the Applicant shall perpetually maintain, replace, and replant any landscaping at the site;
- The inclusion of a note confirming that a white vinyl fence shall be installed at the site, which shall comply with all prevailing zoning regulations;
- The inclusion of a note confirming that 2 street trees shall be added to the property (the details of which shall be reviewed and approved by the Zoning Officer);
- The inclusion of a note confirming that pop-up emitters shall be placed in the front and the back of the property, directly draining to the street (the details of which shall be reviewed and approved by the Board Engineer);
- The inclusion of a note confirming that the new fence shall be placed in a zoning-compliant location, a minimum of 4 - 6 inches from the property line, as identified on the Applicant's survey (A-2);

- The inclusion of a note confirming that front and rear downspouts shall drain to the front of the property (in a manner approved by the Board Engineer); and
 - The inclusion of a note confirming that sidewalks at the site shall be replaced if necessary, and / or if damaged during the construction / renovation process.
- e. If the survey dispute with the owner of the adjacent Block 124 / Lot 1 property is resolved, and the same materially changes the nature of the Applicant's Variance relief approved herein, or if the resolution of any such survey dispute results in the creation of any new / expanded / intensified Variance relief, then, in that event, the Applicant shall be required to re-petition the Board for further / amended relief.
- f. The Board herein has temporarily legitimized the pre-existing non-conforming location of the existing detached garage at the site (which is to remain). However, should the existing garage be demolished / removed / replaced (intentionally or unintentionally), then, in that event, any replacement garage shall comply with all prevailing zoning requirements (absent further / formal approval of the Oceanport Planning Board).
- g. The Applicant shall comply with all prevailing Affordable Housing rules / regulations / contributions / directives, as required by the State of New Jersey, the Borough of Oceanport, COAH, the Court system, and any other Agency having jurisdiction over the matter.
- h. Upon completion of the improvements, the Applicant shall submit a certified as-built Survey.
- i. Upon completion of the improvements, the Applicant's professional representatives shall submit a Certification detailing that the improvements have been installed per the approved Plans, per the testimony presented, and per the terms and conditions of the within Resolution.
- j. The Applicant shall comply with all Prevailing Building / Construction Code Requirements.
- k. The Applicant shall comply with all on-site construction regulations as required by the Borough of Oceanport and any other Agency having jurisdiction over the matter.
- l. 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

- m. If applicable, the proposed structure shall comply with applicable provisions of the Americans with Disabilities Act.
- n. Prior to the issuance of Permits, grading / drainage plans shall be submitted to the Board Engineer (for his review and approval) so as to confirm that any drainage / run-off does not go onto or otherwise adversely affect adjoining properties.
- o. The construction shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code and Applicable Provisions of the Building Code.
- p. 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.
- q. 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. To the extent the within Application materially changes as a result of such outside approvals, then, in that event, the Applicant shall be required to return to the Planning Board for further review / approval.
- r. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.
- s. If required by the Board / Borough Engineer, (and the NJMLUL), the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.

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 improvement or for any damage which may be caused by the development.

SUMMARY OF NEW GRANTED VARIANCE RELIEF

FRONT YARD SETBACK(TO THE DWELLING):

30 ft. required; whereas 24.5 ft. approved;

SIDE YARD SETBACK:

10 ft. required; whereas 4.2 ft. approved;

HABITABLE FLOOR AREA FOR 1ST FLOOR:

1,050 SF required; whereas 917 SF approved.

PR-24-06

01-23-24

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on January 9, 2024 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Foster	()	()	()	()	()
Vacant	()	()	()	()	()
Cooper	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (Alt. #2)	()	()	()	()	()

This resolution was offered by _____, seconded by _____, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Foster	()	()	()	()	()
Vacant	()	()	()	()	()
Cooper	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleiberg, R. (Alt. #2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of January 23, 2024.

Jeanne Smith, Secretary

KEK/cbs

S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Giordano\Resolution.doc



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 3079)

8.2

Meeting: 01/23/24 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 3079

PB2020-21.1 Somerst/Parkers Creek

Block 110.15, Lot 1

Proposed changes to approved roof-top terrace floor plan on the 22 town homes.

HISTORY:

01/09/24 Planning/Zoning Board

Parker's Creek Development

Signal Ave

Block 110.15, Lot 1

EXHIBITS:

A-1

A-2

COMMENTS - Current Meeting:

Block 110.15, Lot 1

Proposed changes to elevations/architectural features for waterfront units

**SOMERSET PULTE LODGING JV, LLC
101 Crawfords Corner Road
Holmdel, New Jersey 07733**

January 18, 2024

VIA EMAIL

Borough of Oceanport
Attn: Jeanne Smith
Clerk and Zoning Official
910 Oceanport Way
Oceanport, NJ 07757

Re: Parkers Creek
Block 110.15, Lot 1, Oceanport, NJ
Planning Board Amended Application – Revision to Roof Terrace

Dear Ms. Smith:

Pursuant to our telephone conversation today with Kevin Kennedy, Esq., I am submitting additional information regarding the application to revise the Roof Terrace Architecture on the twenty-two (22) water-front townhouses located on Driftwood Circle. This information will confirm that the Oceanport Construction Department has approved the Construction Plans and that Certificates of Occupancy have been issued for 67 townhouses to date, with another 25 under construction. I have also enclosed information to describe the elevations as well as information specific to the rooftop terrace changes that the Applicant is requesting. Enclosed please find the following items:

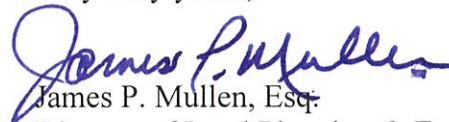
1. One (1) copy of the four (4) cover sheets for the Approved Architectural Plans, which have all been stamped "Borough of Oceanport Building Department Subcode Plan Review Release" with final Approval dates as follows:
 - a. Frankton 6/20/22
 - b. Jetwood 7/17/22
 - c. Fairwood 6/17/22
 - d. Jayton 6/20/22
2. Four (4) copies of Certificates of Occupancy, one for each model referenced above as follows:
 - a. Fairwood issued 10/24/23
 - b. Jayton issued 10/20/23
 - c. Jetwood issued 11/14/23
 - d. Frankton issued 9/28/23

3. One (1) copy of the Architectural Plans prepared by PulteGroup entitled "NEC – Parkers Creek Jayton Way, Waterfront Plans & Elevations (22 sheets)
4. One (1) copy of the 14' x 20' Classic Vinyl Pergola Plans prepared by Myer Hill Consulting dated 7/31/23. (one sheet)
5. Parkers Creek Waterfront Elevations - Color scheme - Material & Manufacturer Specifications.

The roof revision only affects the twenty-two (22) townhouses located on Driftwood Circle adjacent to the Parkers Creek. The height of the improvements on the roof did not change from the approved version. There are no variances requested. I understand that you will schedule this matter to be heard before the Board at its January 23, 2024 meeting since you received this information prior to 5:00pm on January 18, 2024. At that time I will present at least two (2) witnesses who will testify to the information that has been provided in this supplemental submission.

Thank you. Please contact me at (908) 848-2032 or jim.mullen@pultegroup.com with questions.

Very truly yours,



James P. Mullen, Esq.
Director of Land Planning & Entitlements

Enclosures

cc: Kevin Kennedy, Esq (via email w/encl)
Corey Wescoe
Rodney Walsh
Jeff Trahey
Jacquelyn Schaffler, AIA



Oceanport Borough
910 Oceanport Way
Oceanport, NJ 07757

Date Issued 11/14/2023
Control Number 00372-23
Permit Number 2300203
Permit Issue Date 6/19/2023
Certificate Number 2300203

Certificate

Construction Code Division
(Certificate of Occupancy)

Identification

Work Site Location: 7 SUNSET ROAD BUILDING 13 - JETWOOD Block: 110.15 Lot: 1.063 Qual:
MODEL OCEANPORT, NJ 07757
Owner in Fee: SOMERSET PULTE LODGING JV LLC
Owner Address: 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733
Telephone: (908) 456-1074
Contractor: PULTE HOMES OF NJ
Address: 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733
Telephone: 908 456 1074 Fax: 908 552 2451 Federal Emp. Number: 383566768
License Number or Builders Registration Number:

Home Warranty Number: PROF. WARRSNTY SER. CORP. Type of Warranty Plan: ☐ State ☒ Private

Use Group: R-5 Construction Classification:

Maximum Live Load: Maximum Occupancy Load:

Description of Work/Use: TOWNHOUSE - NEW TOWNHOME, BUILDING 13, JETWOOD

Certificate Comments: OWNER: SELDEN T. RUSSELL

☒ Certificate of Occupancy

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ Certificate of Approval

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☐ Certificate of Continued Occupancy

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ Temporary Certificate of Compliance

The following conditions must be met no later than or the owner will be subject to fine or order to vacate: This certificate has an expiration date of:
Conditions to be met:

☐ Certificate of Clearance - Lead Abatement 5:17

This serves notice that based on written certification, lead abatement was performed as per NJACS:17 to the following extent.

- ☐ Total removal of lead-based paint hazards in scope of work
☐ Partial or limited time period (years); see file

☐ Certificate of Clearance - Asbestos Abatement

This serves notice that based on written certification, asbestos abatement was performed to the following extent.

- ☐ Total removal of asbestos hazards in scope of work
☐ Partial or limited time period (years); see file

☐ Certificate of Compliance

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

☐ Temporary Certificate of Occupancy

The following conditions must be met no later than; or the owner will be subject to fine or order to vacate: This certificate has an expiration date of:
Conditions to be met:

Construction Official

Date Printed: 11/21/2023

U.C.C. F260 (rev. 08/05)

Fee: \$325.00

Check Number: 0085314274

Collected By: Jessica Fornarotto

Page 1



Oceanport Borough
910 Oceanport Way
Oceanport, NJ 07757

Date Issued 9/28/2023
Control Number 00116-23
Permit Number 2300089
Permit Issue Date 3/22/2023
Certificate Number 2300089

Certificate
Construction Code Division
(Certificate of Occupancy)

Identification

Work Site Location: 14 DRIFTWOOD CIRCLE-BLDG. Block: 110.15 Lot: 1.042 Qual:
9-FRANKTON OCEANPORT, NJ 07757

Owner In Fee: SOMERSET PULTE LODGING JV LLC

Owner Address: 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733

Telephone: 908 456 1074

Contractor PULTE HOMES OF NJ

Address 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733

Telephone: 908 456 1074 Fax: 908 552 2451 Federal Emp. Number: 383566768

License Number or Builders Registration Number:

Home Warranty Number: Professional warranty service Type of Warranty Plan: ☒ State ☐ Private

Use Group: R-5 Construction Classification:

Maximum Live Load: Maximum Occupancy Load:

Description of Work/Use: NEW SINGLE FAMILY DWELLING, TOWNHOUSE - NEW TOWNHOUSE -
14 DRIFTWOOD CIRCLE, BLDG.9, FRANKTON

Certificate Comments: Owner: Kevin Cowan

☒ **Certificate of Occupancy**

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ **Certificate of Approval**

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☐ **Certificate of Continued Occupancy**

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ **Temporary Certificate of Compliance**

The following conditions must be met no later than or the owner will be subject to fine or order to vacate:
This certificate has an expiration date of:
Conditions to be met:

☐ **Certificate of Clearance - Lead Abatement 5:17**

This serves notice that based on written certification, lead abatement was performed as per NJAC5:17 to the following extent.

- ☐ Total removal of lead-based paint hazards in scope of work
☐ Partial or limited time period (years); see file

☐ **Certificate of Clearance - Asbestos Abatement**

This serves notice that based on written certification, asbestos abatement was performed to the following extent.

- ☐ Total removal of asbestos hazards in scope of work
☐ Partial or limited time period (years); see file

☐ **Certificate of Compliance**

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

☐ **Temporary Certificate of Occupancy**

The following conditions must be met no later than: or the owner will be subject to fine or order to vacate:
This certificate has an expiration date of:
Conditions to be met:



Oceanport Borough
910 Oceanport Way
Oceanport, NJ 07757

Date Issued 10/20/2023
Control Number 00253-23
Permit Number 2300168
Permit Issue Date 5/23/2023
Certificate Number 2300168

Certificate

Construction Code Division
(Certificate of Occupancy)

Identification

Work Site Location: 27 SIGNAL AVENUE JAYTON MODEL, BLDG 7 OCEANPORT, NJ 07757 Block: 110.15 Lot: 1.032 Qual:
Owner in Fee: SOMERSET PULTE LODGING JV LLC
Owner Address: 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733
Telephone: (908) 456-1074
Contractor: PULTE HOMES OF NJ
Address: 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733
Telephone: 908 456 1074 Fax: 908 552 2451 Federal Emp. Number: 383566768
License Number or Builders Registration Number:
Home Warranty Number: 20202516 Type of Warranty Plan: ☒ State ☐ Private
Use Group: R-5 Construction Classification:
Maximum Live Load: Maximum Occupancy Load:
Description of Work/Use: NEW SINGLE FAMILY DWELLING - NEW TOWNHOME BLDG 7, JAYTON

Certificate Comments: OWNER: Maryam Banafiti

☒ Certificate of Occupancy

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ Certificate of Approval

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☐ Certificate of Continued Occupancy

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ Temporary Certificate of Compliance

The following conditions must be met no later than or the owner will be subject to fine or order to vacate: This certificate has an expiration date of:

Conditions to be met:

☐ Certificate of Clearance - Lead Abatement 5:17

This serves notice that based on written certification, lead abatement was performed as per NJAC5:17 to the following extent.

- ☐ Total removal of lead-based paint hazards in scope of work
- ☐ Partial or limited time period (years); see file

☐ Certificate of Clearance - Asbestos Abatement

This serves notice that based on written certification, asbestos abatement was performed to the following extent.

- ☐ Total removal of asbestos hazards in scope of work
- ☐ Partial or limited time period (years); see file

☐ Certificate of Compliance

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

☐ Temporary Certificate of Occupancy

The following conditions must be met no later than: or the owner will be subject to fine or order to vacate: This certificate has an expiration date of:

Conditions to be met:

Construction Official
Date Printed: 10/23/2023

U.C.C. F260 (rev. 08/05)

Fee: \$373.00
Check Number: 0085314158
Collected By: Jessica Fornarotto

Page 1



Oceanport Borough
910 Oceanport Way
Oceanport, NJ 07757

Date Issued 10/24/2023
Control Number 00315-23
Permit Number 2300169
Permit Issue Date 5/23/2023
Certificate Number 2300169

Certificate

Construction Code Division
(Certificate of Occupancy)

Identification

Work Site Location: 29 SIGNAL AVENUE BLDG 7, FAIRWOOD Block: 110.15 Lot: 1.033 Qual: OCEANPORT, NJ 07757
Owner in Fee: SOMERSET PULTE LODGING JV LLC
Owner Address: 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733
Telephone: (908) 456-1074
Contractor: PULTE HOMES OF NJ
Address: 101 CRAWFORDS CORNER ROAD HOLMDEL NJ 07733
Telephone: 908 456 1074 Fax: 908 552 2451 Federal Emp. Number: 383566768
License Number or Builders Registration Number:

Home Warranty Number: 20202517 Type of Warranty Plan: ☒ State ☐ Private

Use Group: R-5 Construction Classification:

Maximum Live Load: Maximum Occupancy Load:

Description of Work/Use: NEW SINGLE FAMILY DWELLING, TOWNHOUSE - NEW TOWNHOME, BLDG 7, FAIRWOOD

Certificate Comments: OWNER :MATT CHAVLOVICH

☒ Certificate of Occupancy

This serves notice that said building or structure has been constructed in accordance with the New Jersey Uniform Construction Code and is approved for occupancy.

☐ Certificate of Approval

This serves notice that the work completed has been constructed or installed in accordance with the New Jersey Uniform Construction Code and is approved. If the permit was issued for minor work, this certificate was based upon what was visible at the time of inspection.

☐ Certificate of Continued Occupancy

This serves notice that based on a general inspection of the visible parts of the building there are no imminent hazards and the building is approved for continued occupancy.

☐ Temporary Certificate of Compliance

The following conditions must be met no later than or the owner will be subject to fine or order to vacate:
This certificate has an expiration date of:
Conditions to be met:

☐ Certificate of Clearance - Lead Abatement 5:17

This serves notice that based on written certification, lead abatement was performed as per NJAC5:17 to the following extent.

- ☐ Total removal of lead-based paint hazards in scope of work
- ☐ Partial or limited time period (years); see file

☐ Certificate of Clearance - Asbestos Abatement

This serves notice that based on written certification, asbestos abatement was performed to the following extent.

- ☐ Total removal of asbestos hazards in scope of work
- ☐ Partial or limited time period (years); see file

☐ Certificate of Compliance

This serves notice that said potentially hazardous equipment has been installed and/or maintained in accordance with the New Jersey Uniform Construction Code and is approved for use until

☐ Temporary Certificate of Occupancy

The following conditions must be met no later than:
or the owner will be subject to fine or order to vacate:
This certificate has an expiration date of:
Conditions to be met:

Fee: \$354.00
Check Number: 0085314159
Collected By: Jessica Fornarotto

Construction Official
Date Printed: 10/24/2023 U.C.C. F260 (rev. 08/05)

Page 1

A. FABRICATION AND ASSEMBLY

- 1. UNLESS OTHERWISE NOTED, BUILDING MATERIALS SPECIFIED ON THIS DRAWING ARE SUPPLIED BY AMISH COUNTRY GAZEBOS.
- 2. WOOD MEMBERS ARE PRECUT PRIOR TO SHIPPING AND SOME BUILDING ELEMENTS MAY BE PRE-ASSEMBLED.
- 3. BUILDING MATERIALS (LUMBER, FASTENERS, HARDWARE, ASSEMBLIES) ARE SHIPPED AS A COMPLETE PACKAGE TO THE JOBSITE FOR FINAL ASSEMBLY.

B. BUILDING CODES AND STANDARDS

- 1. THE 2021 INTERNATIONAL RESIDENTIAL CODE NEW JERSEY EDITION, INCLUDING ALL CODES AND SPECIFICATIONS REFERENCED WITHIN, SHALL APPLY TO THE DESIGN, CONSTRUCTION AND QUALITY CONTROL OF ALL WORK PERFORMED ON THE PROJECT
- 2. ADDITIONAL DESIGN STANDARDS FOR MATERIALS SHALL BE FOUND IN THE APPROPRIATE SECTIONS THAT FOLLOW.

C. DESIGN LOADS

- 1. ROOF DEAD LOAD 4 PSF
- 2. ROOF LIVE LOAD 20 PSF
- 3. SNOW LOAD
 - a. Pg (GROUND SNOW) 20 PSF
 - b. Is (SNOW IMPORTANCE FACTOR) 1.0
 - c. Ce (EXPOSURE FACTOR) 1.0
 - d. Ct (THERMAL FACTOR) 1.2
 - e. Pf (FLAT ROOF SNOW LOAD) 16.8 PSF
- 4. WIND LOADS
 - a. WIND SPEED (Vult) 120 MPH
 - b. RISK CATEGORY II
 - c. EXPOSURE CATEGORY C

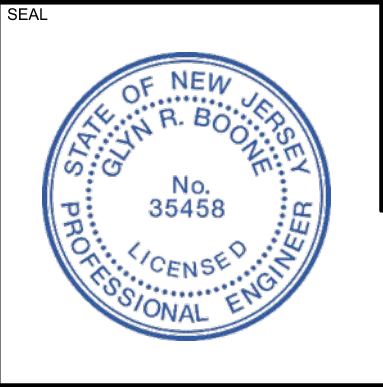
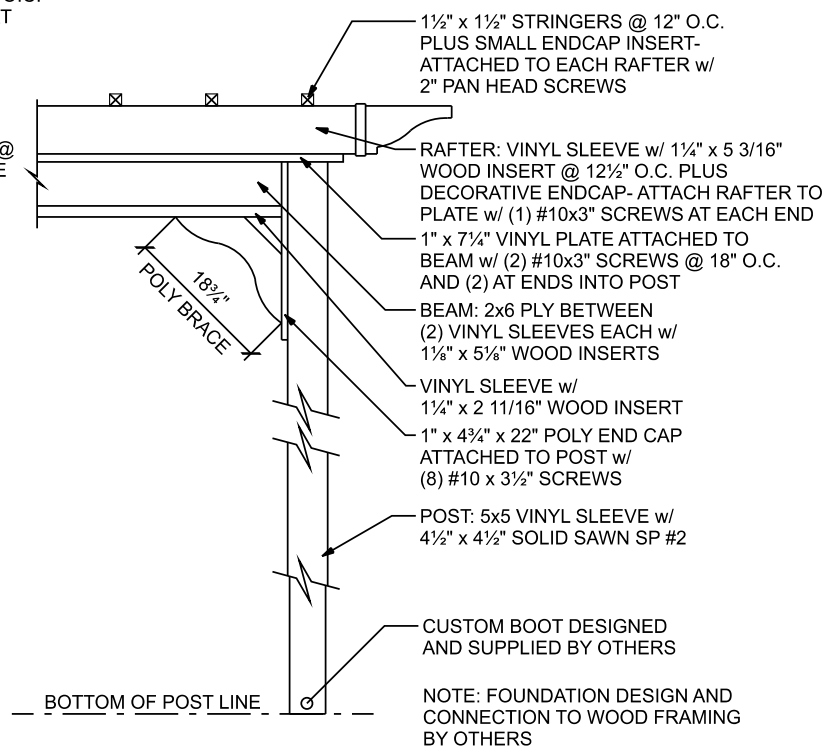
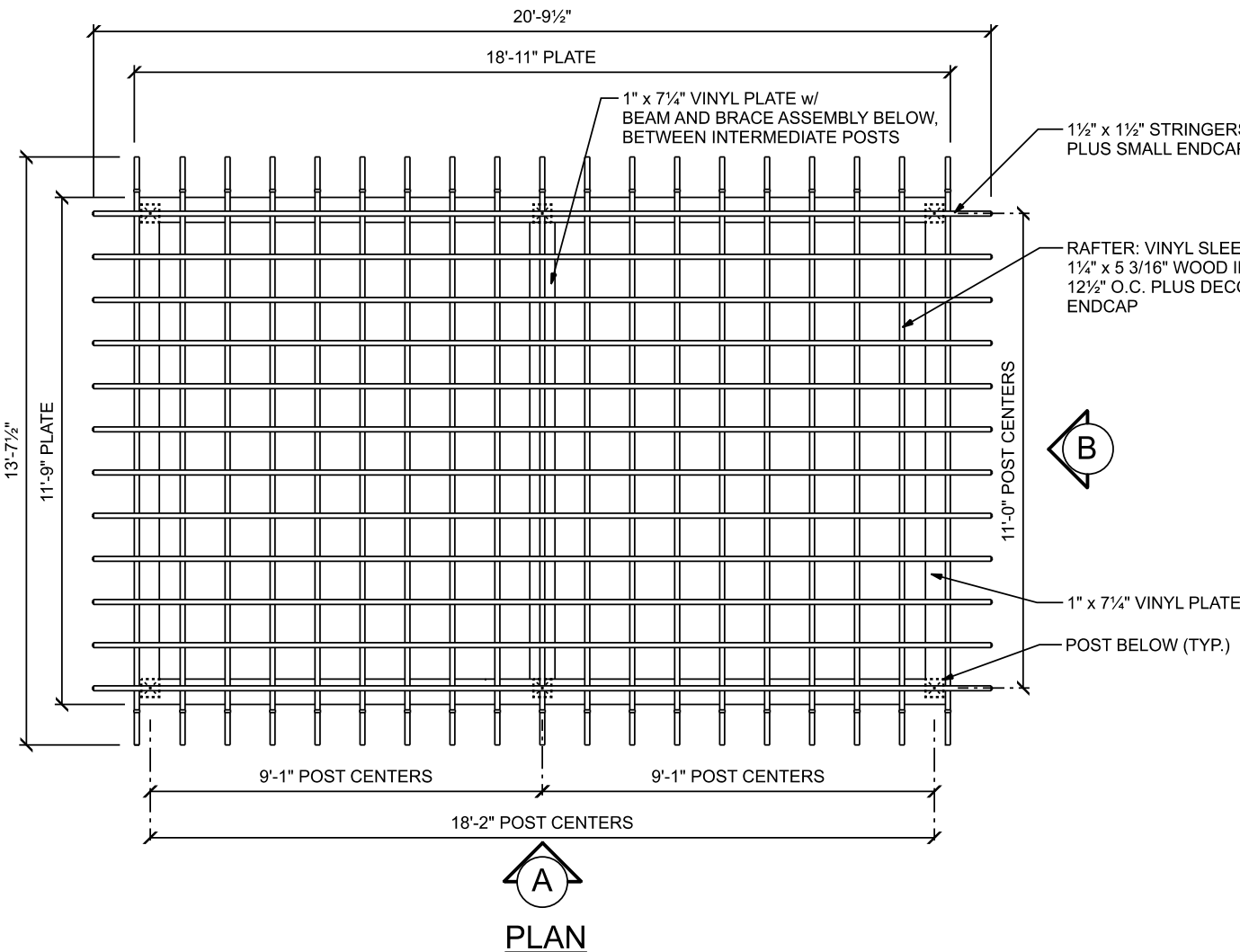
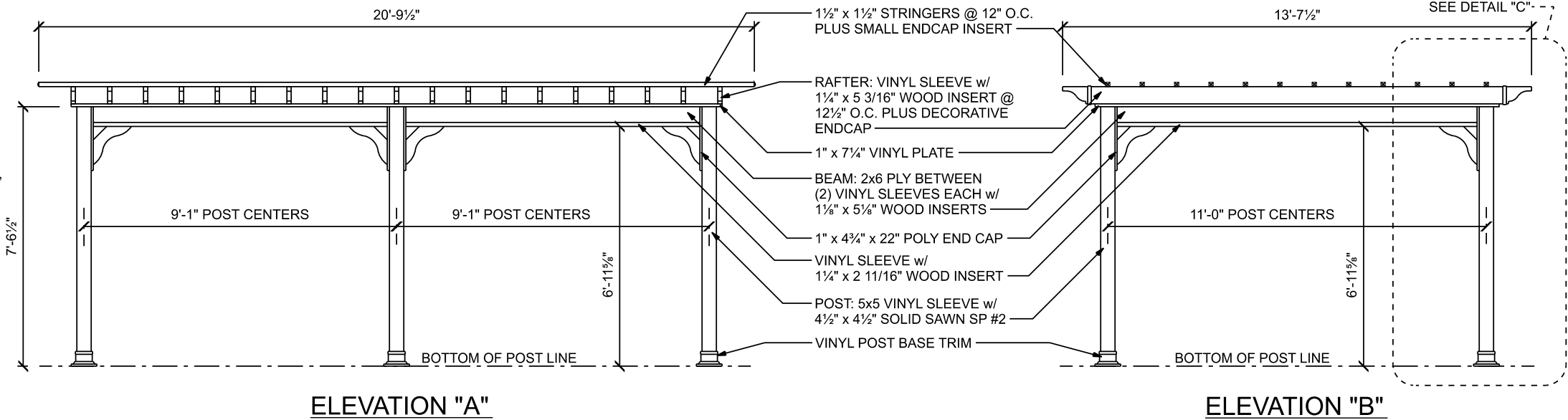
D. FOUNDATION BY OTHERS

- 1. FOUNDATION DESIGNER SHALL ENSURE THE FOUNDATION PROVIDES ADEQUATE EMBEDMENT AND CONCRETE BREAK OUT STRENGTH.
- 2. FOUNDATION DESIGNED BY OTHERS FOR LOADS SHOWN IN THE TABLE BELOW:

Load Type	Maximum Post Reactions (lbs) - ASD			
	Wind (0.6W)	Roof Live	Snow	Dead
Lateral	110	--	--	--
Vertical	480	900	190	260
Uplift (Net)	290	--	--	--

E. WOOD

- 1. DIMENSION LUMBER DESIGNED IN ACCORDANCE WITH 2018 NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION (NDS) AND SUPPLEMENT.
- 2. UNLESS NOTED OTHERWISE, DIMENSION LUMBER SHALL BE:
 - a. #1 SOUTHERN PINE
 - b. SURFACED FOR IMPROVED APPEARANCE AS FOLLOWS:
2X4: 1-3/8" X 3-3/8"; 2X6: 1-3/8" X 5-1/4"; 2X8: 1-3/8" X 7"; 2X10: 1-3/8" X 9"
- 3. UNLESS NOTED OTHERWISE, POSTS SHALL BE:
 - a. SOLID SAWN: 4-1/2" X 4-1/2" SOUTHERN PINE #2
- 4. UNLESS NOTED OTHERWISE, LUMBER AND POSTS SHALL BE PRESSURE TREATED AS FOLLOWS:
 - a. LUMBER SHALL BE TREATED WITH WATERBORNE PRESERVATIVES IN ACCORDANCE WITH AWPA STANDARD U1 TO THE REQUIREMENTS OF USE CATEGORY 3B (UC3B) OR GREATER.
 - b. ALL TREATED LUMBER SHALL BE KILN DRIED TO 19% MAXIMUM MOISTURE CONTENT.



PLOT DATE Monday, July 31, 2023



Glyn R. Boone, P.E.

Myer Hill Enterprises LLC
444 Myer Ter • Leola, PA 17540

NJ PE# 35458 - NJ COA# 24GA28306600

AMISH COUNTRY GAZEBOS

340 HOSTETTER ROAD
MANHEIM, PA 17545
1-800-700-1777

SITE LOCATION:

20 BARTON AVENUE
OCEANPORT, NJ 07703
MONMOUTH COUNTY
ACG ORDER # 23-8323

14' x 20' CLASSIC VINYL PERGOLA

DATE	7/31/2023	SCALE	1/4" = 1'-0" U.N.O.
REVISIONS		P.N.	15 - 21
		SHEET NO.	1 OF 1