



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JANUARY 14, 2020

Reorganization

Maple Place School

7:30 PM

2 Maple Place, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by notification on December 17, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.

III. Flag Salute

IV. Oaths of Office

1. Patty Cooper, Class I (Mayor's Designee)
2. Thomas Tvrdik, Class III (Council Liaison)
3. Darren Davis, Class IV, unexpired term
4. Christopher Widdis, Class IV
5. Michael Daley, Alternate #1
6. Jacob Rue, Alternate #2, unexpired term

V. Roll Call

VI. BOARD BUSINESS:

A. REORGANIZATION

1. Election of Chairman
2. Election of Vice-Chairman
3. Appointment of Board Secretary

PR-20-1 4. Resolution approving the 2020 meeting schedule

PR-20-2 5. Resolution appointing a Board Attorney

PR-20-3 6. Resolution Appointing a Board Engineer/Planner

PR-20-4 7. Resolution appointing a Conflict Engineer

PR-20-5 8. Resolution of Approval - Lynch, Robert

B. Approval of Minutes

1. Approval of Minutes, December 10, 2019

C. Master Plan/Housing Element/Fair Share Plan Update

D. Fort Monmouth Fitness Center - Amended Site Plan Determination

VII. Old Business

1. PB2019-19 Mercedes, Paul & Dallas, Erica

Carried from December 10, 2019

416 Milton Avenue

Block 93, Lot 1

Bulk variances for construction of new single-family home

VIII. New Business

1. PB2019-26 WEINER, Mitchell & Faith
189 Comanche Drive
Block 40, Lot 17
Variance relief for construction of new single-family home

IX. Petitions from the Public

X. Adjournment



Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 20-1

6.A.4

Meeting: 01/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1546

RESOLUTION OF THE OCEANPORT PLANNING BOARD APPROVING ANNUAL MEETING SCHEDULE FOR 2020 January 14, 2020

WHEREAS, the Open Public Meetings Act requires that all public bodies at the time of their annual organization meetings or within 7 days thereof, shall post, mail to newspapers and give notice to certain persons the schedule of meetings for the year 2020.

NOW, THEREFORE, BE IT RESOLVED that the following dates indicate the Regular Meetings of the Oceanport Planning Board for the 2020 calendar year at which formal action may be taken. Regular meetings are to be held the second and fourth **Tuesday** of each month, except where noted, beginning at 7:30 p.m. in the Maple Place School, 2 Maple Place, Oceanport, NJ 07757. A Workshop Session will be held at 7:00 p.m. prior to each Regular Meeting if the Board deems it necessary

- January 14th and 28th
- February 11th and 25th
- March 10th and 24th
- April 7^{th*} and 28th
- May 12th and 26th
- June 9th and 23rd
- July 14^{th*}
- August 11^{th*}
- September 8th and 22rd
- October 13th and 27th
- November 10th and 24th
- December 8^{th*}

*Summer schedule is in effect with one meeting in July and August and due to holidays, December has one meeting scheduled. First meeting in April will be held on the 1st Tuesday of the month due to holiday.

BE IT FURTHER RESOLVED that the Board Secretary is hereby directed to file a copy of the schedule with the municipal clerk, post and maintain posted a copy of the resolution in the place designated for the posting of notices and forward a copy of same to the Link Newspaper and the Asbury Park Press.

BE IT FURTHER RESOLVED that this resolution and the schedule contained herein may be amended from time to time provided the terms of the Act are fully followed.



Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 20-2

6.A.5

Meeting: 01/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1548

RESOLUTION OF THE OCEANPORT PLANNING BOARD APPOINTING BOARD ATTORNEY FOR THE YEAR 2020

WHEREAS, the Borough of Oceanport Planning Board is in need of professional legal services to be rendered to the Planning Board as Board Attorney on an as needed basis;

WHEREAS, Kevin Kennedy, Esq., 165 Highway 35, Middletown, NJ 07701 has submitted to the Borough of Oceanport a formal written response to the Borough's Request for Qualifications/Proposals for said professional legal services; and

WHEREAS, the law firm of Kevin Kennedy, Esq., 165 Highway 35, Middletown, NJ 07701. is qualified, ready, willing and able to provide said services; and

WHEREAS, funds are available pending adoption of the CY2020 budget; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport as follows:

1. The Chairman and the Board Secretary are hereby authorized and directed to execute an agreement with Kevin Kennedy, Esq., 165 Highway 35, Middletown, NJ 07701 to provide professional legal services to the Borough of Oceanport as Borough Attorney, for a monthly retainer of \$500.00 per month for Board meetings and in accordance with the terms of the proposal submitted on an as-needed basis for the period commencing January 1, 2020 and ending December 31, 2020.
2. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the Borough of Oceanport.



Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 20-3

Meeting: 01/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1549

RESOLUTION OF THE OCEANPORT PLANNING BOARD APPOINTING BOARD ENGINEER/PLANNER FOR 2020

WHEREAS, the Borough of Oceanport Planning Board is in need of professional engineering and planner services to be rendered to the Planning Board as Board Engineer/Planner on an as needed basis;

WHEREAS, William White, P.E., P.P. of Maser Consulting, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 has submitted to the Borough of Oceanport a formal written response to the Borough's Request for Qualifications/Proposals for said professional legal services; and

WHEREAS, William White, P.E., P.P. of Maser Consulting is qualified, ready, willing and able to provide said services; and

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, this professional services contract was advertised under the Fair & Open Contracting Requirements pursuant to N.J.S.A.19:44A:20.4.5.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport as follows:

1. The Chairman and the Board Secretary are hereby authorized and directed to execute an agreement with William White, P.E., P.P. of Maser Consulting, 331 Newman Springs Road, Suite 203, Red Bank, New Jersey 07701 to provide professional engineering and planner services to the Borough of Oceanport Planning Board as Board Engineer/Planner, in accordance with the terms of the proposal submitted on an as-needed basis for the period commencing January 1, 2020 and ending December 31, 2020.
2. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the Borough of Oceanport.



Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 20-4

Meeting: 01/14/20 07:30 PM
Department: Planning/Zoning Board
Category: Appointment
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1550

RESOLUTION APPOINTING CONFLICT BOARD ENGINEER/PLANNER FOR THE YEAR 2020

WHEREAS, there is a need to appoint a Professional Engineer where a conflict exists with the Board Engineer William White and a matter pending before the Board; and

WHEREAS, Jaclyn Flor, P.E. of ENGenuity Infrastructure, 12 Broad St., Ste 203, Red Bank, NJ 07701 was appointed by the Governing Body through a fair and open process as a Borough Special Projects Engineer; and

WHEREAS, Jaclyn Flor, P.E. of ENGenuity Infrastructure is qualified, ready, willing and able to provide said services; and

WHEREAS, funding of said appointment is made pursuant with § 204-3 *et.al.*, Review Deposits for Planning Board applications.

WHEREAS, this contract constitutes a "Professional Service" contract under the provisions of the Local Public Contracts Law because the service is a recognized profession, licensed and regulated by the State of New Jersey, and therefore, may be awarded without competitive bidding pursuant to N.J.S.A. 40A:11-1, et seq.; and

WHEREAS, the value of the contract is not anticipated to exceed the Borough's bid threshold and therefore is compliant with N.J.S.A. 40A:11-1 et. seq.

NOW, THEREFORE, BE IT RESOLVED, by the Planning Board of the Borough of Oceanport as follows:

1. The Chairman and the Board Secretary are hereby authorized and directed to execute an agreement with Jaclyn Flor, P.E. of ENGenuity Infrastructure, 12 Broad St., Ste 203, Red Bank, NJ 07701 to provide professional engineering services for matters that the Board Engineer has a conflict to the Oceanport Planning Board as Conflict Engineer, on an as-needed basis pursuant with the terms submitted for service as Special Projects Engineer for the period commencing January 1, 2020 and ending December 31, 2020.
2. A notice of this action shall be printed once in a newspaper of general circulation within the boundaries of the Borough of Oceanport.



Planning/Zoning Combined Board

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 20-5

6.A.8

Meeting: 01/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1556

Resolution of Approval - Lynch, Robert

RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF ROBERT LYNCH
29 POCANO AVENUE, BLOCK 38, LOT 6
APPROVED DECEMBER 10, 2019
APPLICATION NO: PB2019-18
MEMORIALIZED JANUARY 14, 2020**

INTRODUCTION

WHEREAS, Robert Lynch has made Application to the Oceanport Planning Board for the property designated as Block 38, Lot 6, commonly known as 29 Pocano Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance associated with an Application to install a shed;

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on December 10, 2019, Applicant having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

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

- *Oceanport Planning Board Development Application Package, introduced into Evidence as A-1;*
- *Correspondence from the Applicant, to the Planning Board, dated October 2, 2019, introduced into Evidence as A-2;*
- *Zoning Officer Denial Letter, dated September 17, 2019, introduced into Evidence as A-3;*
- *Three (3) photographs of the subject property/shed (various angles), collectively introduced into Evidence as A-4;*
- *Survey of property, with the Applicant's hand-written details superimposed thereon, introduced into Evidence as A-5;*

- *Survey, prepared by Nelson Engineering, dated on or about July 20, 2004, introduced into Evidence as A-6;*
- *Affidavit of Service;*
- *Affidavit of Publication.*

WITNESSES

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

- Robert Lynch, Applicant, appearing Pro Se;

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 17 years.
- There is an existing single-family home at the site.
- The Applicant utilizes the property as a second home.
- There is a need for a shed, so as to accommodate the Applicant's storage needs.
- The Applicant ordered a shed and, was told by store personnel, that because the same was less than 100 SF, no Permit was required.
- The Applicant thereafter had the shed delivered/installed.
- The Applicant thereafter learned that a Permit was, in fact, required for the shed.
- The Applicant thereafter learned that a Variance was also required for the shed as well.
- Thus, the Applicant is now seeking to retroactively legitimize the aforesaid shed installation.

- Details pertaining to the recently installed shed include the following:

Use:	The shed will be used for storage purposes (and the same will not be utilized for living purposes).
Location of shed:	Backyard area, near the east side property line (per plans).
Side setback:	3 ft. off of the side property line.
Size of shed:	8' X 12" (96 SF)
Height:	The height of the shed is 9' 6" (to the peak). Off peak, the roof slopes to 7'.
Materials:	Wood-frame with vinyl siding and a shingle roof.
Pad details:	There is a bluestone pad.
Utilities?	There will be no utilities in the shed.

VARIANCE

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

SIDE YARD SETBACK FOR THE ACCESSORY STRUCTURE: 10 ft. required; whereas 3 ft. proposed.

PUBLIC COMMENTS

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

FINDINGS OF FACT

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

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

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.

2. The subject property is located at 29 Pocano Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.

3. The subject site currently contains an existing single-family dwelling, and related improvements.

4. The Applicant previously arranged for a shed to be installed on the site.

5. The Applicant was unaware that such a shed installation required Permits and Variance Approval.

6. As such, the Applicant is now seeking approval to retroactively justify the placement/installation of the aforesaid shed.

7. As indicated, such a shed placement requires approval for a Bulk Variance.

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

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

- The Applicant testified that when he purchased the shed, he was told (by retail officials) that no Permit was required.
- As such, the Applicant essentially apologized for installing a shed without Permits/Approvals.
- The Board accepts the Applicant's apologies in the said regard – and the Board finds no bad faith associated with the Applicant's actions.
- Per the testimony and evidence presented, there is need for a shed at the site.
- The Applicant's property is subject to flooding.
- There is a history of flooding and the presence of standing water at the site.
- The flood prone nature of the lot, and the long-time presence of standing water on the lot, dictate where a proposed shed should and should not be located.
- The Applicant proposes to place the shed on one of the highest points of the property, so that the contents of the shed will not become damaged, wet, or otherwise compromised.

- The Board appreciates, accepts, and understands such a rationale for the proposed non-compliant location of the shed.
- The Applicant proposes to place the shed in the backyard area, on the eastern side of the property. The actual wall of the shed will be 3 ft. from the property line.
- Though the Board is not typically inclined to grant such variance relief, under the circumstances, the requested relief is appropriate.
- The proposed shed should be placed where the consequences of potential flooding / storm surges will be minimized (such as the location approved herein).
- The flood prone nature of the property, and the presence of long-term standing water on the property, does limit the number of places on the site where a shed can be reasonably / practically located.
- The Board recognizes that it would not be prudent to place a new shed in a flood prone area, where the shed contents would most likely become wet and/or otherwise damaged / compromised.
- The Board also notes that it would not be appropriate to locate the shed in a front yard area.
- The placement of the shed in a front yard area could likely compromise the overall aesthetic appeal of the site and the neighborhood.
- The placement of a shed in the front of the property would adversely impact the neighbors and the community.
- The placement of a shed in the front of the property could potentially compromise the views of other neighbors.
- The Board also finds it would not be appropriate to place the shed near the bulkhead because of the presence of water associated with the adjacent river.
- Per the testimony and evidence presented, it would not be appropriate to place the shed on the western part of the property as well – for the said area is where the water drains (and the said area is typically wet).
- As indicated, the Applicant placed the shed on the eastern side of the property – because the said area is higher and drier than other areas of the property.
- Per the testimony and evidence presented, the location of the shed is not in the direct line of view of any neighbors.
- As such, the Board finds that the host location of the shed is the most appropriate host location.

- The Board also finds that placement of the shed in any other location would or could significantly reduce the overall useful square footage of the yard/property as well.
- The Board notes that the materials for the shed match the existing home/roof line.
- The Board is aware that the placement of the shed is not readily visible from the public street.
- The Board notes there are many other similarly situated sheds in the neighborhood.
- Per the testimony and evidence presented, the Applicant communicated with some of the neighbors regarding the proposed shed – and no known concerns / objections were received.
- The shed approved herein will not have water / sewer / bathroom service or utility service, and thus, occupancy of the same is not a viable option.
- The proposed shed is a permitted accessory use in the Zone.
- Additionally, notwithstanding the Variance, the Board notes that the location of the proposed shed is practical, appropriate, and aesthetically pleasing.
- The proposed shed will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- The Board notes that there were no public objections in connection with the subject Application.
- Approval of the within Application will enhance / improve the quality of life for the Applicant.
- Under the circumstances, the installation of the proposed shed in the specified location, represents sound planning.
- Approval of the within Application will not materially intensify the existing, and to-be-continued, single-family nature of the home / site.
- The shed approved herein represents an appropriate balance between the competing needs / desires to a) construct a modern / functional shed and b) comply, or more closely comply, with some of the Prevailing / Bulk Requirements.
- The subject lot is an appropriate site for a single-family home and shed.
- Continued single-family and shed use at the site is consistent with the Borough's Master Plan.

- Continued single-family and shed use at the site is consistent with the character of the neighborhood.
- Approval of the within Application will allow a brand new / upgraded accessory structure to be lawfully placed at the site.
- To the extent necessary, the new shed approved herein will satisfy all prevailing / updated Building Code Regulations, Construction Code Regulations, and Flood regulations.
- There are essentially no other practical / viable locations (on the site) for the shed to be located, but for that which is proposed by the Applicant.
- The new shed approved herein will not overpower or overwhelm the site or the neighborhood.
- Per the testimony and evidence presented, other development options were reviewed and considered, but the same were not practical / feasible.
- The Plans approved herein are reasonable, given the site constraints, and given the Applicant's need for a shed.
- The proposed location for the Applicant's new shed is logical and practical.
- Subject to the conditions contained herein, the new shed approved herein will not have any significant detrimental impact on adjoining property owners.
- Approval of the subject Application will not appreciably intensify the historic single-family use at the Site. Consequently, the Board is of the collective opinion that the requested relief can be granted without impairing the intent or purposes of the Borough Zoning Plan / scheme.
- Subject to the conditions contained herein, approval of the within Application will improve the overall appearance of the area.
- Additionally, the architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with all of the specified Bulk Zoning Standards.
- The architectural design of the new shed will not be inconsistent with the architectural character of other new sheds in the area.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the proposed shed will minimize, to the greatest extent possible, any disturbance to the neighboring properties.

- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated therewith.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfied the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variance).

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

CONDITIONS

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

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. There shall be no utilities associated with the shed.
- c. There shall be no exterior lighting associated with the shed.
- d. The Applicant shall comply with all prevailing Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency with jurisdiction over the matter.
- e. The Applicant shall obtain any applicable permits / approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permit
 - Plumbing Permit
 - Electric Permit
 - Fire Permit

- f. The Applicant shall comply with all Prevailing / applicable FEMA / Flood Regulations.
- g. The shed approved herein shall not be utilized as living space.
- h. The construction / installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code.
- i. 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.
- j. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicants shall be required to return to the Board for further review / relief.
- k. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate / required fees and taxes.

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

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

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

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

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on December 10, 2019 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

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

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	0	0	0	0	0
Whitson	0	0	0	0	0
Cooper	0	0	0	0	0
Tvrdik	0	0	0	0	0
Foster	0	0	0	0	0
Kleiberg	0	0	0	0	0
Davis	0	0	0	0	0
Kahle	0	0	0	0	0
Savarese	0	0	0	0	0
Dailey (Alt. 1)	0	0	0	0	0
Rue (Alt. 2)	0	0	0	0	0

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of January 14, 2020.

Jeanne Smith, Secretary

S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Lynch\RESOLUTION.docx

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1460)**

Meeting: 01/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1460

PB2019-19 Mercres, Paul & Dallas, Erica

416 Milton Avenue
Block 93, Lot 1
Bulk variances for construction of new single-family home

HISTORY:

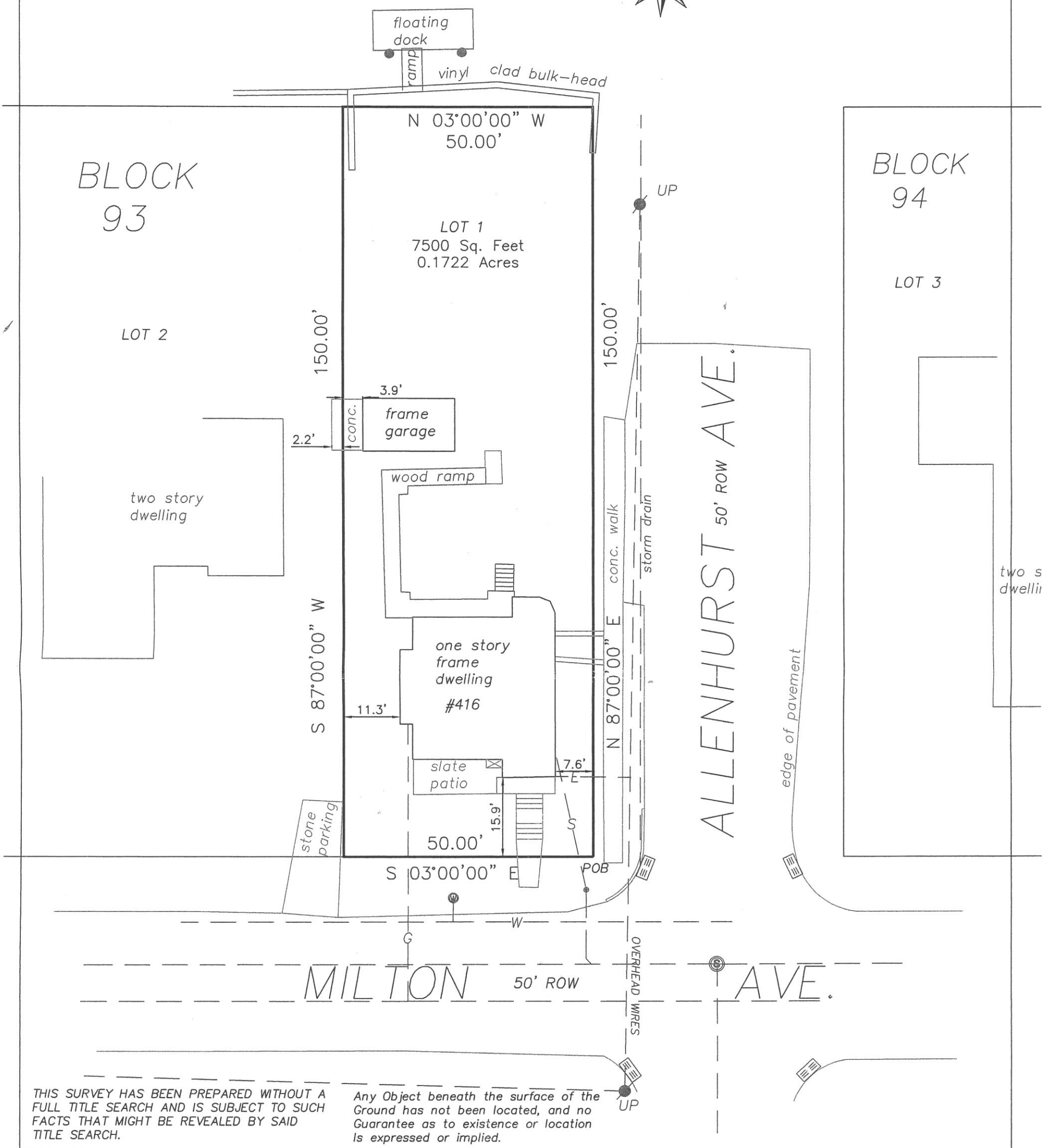
12/10/19 Planning/Zoning Board

At the request of the Applicant's Attorney this matter was carried to the January 14, 2020 meeting with no additional notice required.

COMMENTS - Current Meeting:

416 Milton Avenue
Block 93, Lot 1
Bulk variances for construction of new single-family home

OCEANPORT CREEK



LOCATION SURVEY FOR:
PAUL MERCES & ERICA DALLAS

Being Lot 1 Block 93, as shown on the tax assessment map for the Borough of Oceanport, Monmouth County, New Jersey. More commonly known as 416 Milton Ave., Oceanport, New Jersey.

I hereby certify to the above mentioned purchasers, Paul Mercés & Erica Dallas; Jeffrey Rosen, Esquire; Two River Community Bank, ISAOA; RMS Title Services, LLC; Westcore Land Title Insurance Company.

This survey has been accurately prepared with the best of my information, knowledge and belief. No apparent encroachments exist either way across property lines except as shown hereon.

RICHARD E STOCKTON & ASSOCIATES INC.
LAND SURVEYING * LAND PLANNING * SURVEY MAPPING
PO BOX 124, ATLANTIC HIGHLANDS, N.J. 07716

Richard E. Stockton

RICHARD E. STOCKTON
LICENSED PROFESSIONAL LAND SURVEYOR
NJ LICENSE No. 15102

JOB: 7784
SCALE: 1" = 20'
CAD: D-7784.dwg

DATE: 3-21-19
DWG:

OCEANPORT CREEK

BLOCK
93BLOCK
94

LOT 3

LOT 2

floating
dock

vinyl clad bulk-head

N 03°00'00" W
50.00'LOT 1
7500 Sq. Feet
0.1722 Acresprop
poolconc
deck
6.2prop. bi-level
deckProposed
2 Story Frame
Dwelling
416GF= 5.2
FF= 15.4

deck

ALLENHURST 50' ROW AVE.

edge of pavement

MILTON

50' ROW

AVE.

Oceanport 340320
6/20/18 34025C0184G
Zone AE- 10.0
Min Floor 12.4'

Any Object beneath the surface of the
Ground has not been located, and no
Guarantee as to existence or location
Is expressed or implied.

Plot Plan with grades
ERIC DALLAS

Being Lot 1 Block 93, as shown on the tax assessment map for the Borough of Oceanport, Monmouth County,
New Jersey. More commonly known as 416 Milton Ave., Oceanport, New Jersey.

RICHARD E STOCKTON & ASSOCIATES INC.
LAND SURVEYING * LAND PLANNING * SURVEY MAPPING
PO BOX 124, ATLANTIC HIGHLANDS, N.J. 07716

Richard E. Stockton

RICHARD E. STOCKTON
LICENSED PROFESSIONAL LAND SURVEYOR
NJ LICENSE No. 15102

JOB: 7784
SCALE: 1" = 20'
CAD: D-7784a1.dwg

DATE: 13 August 2019
DWG: B-2561b



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

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

October 31, 2019

VIA EMAIL

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

Re: Bulk Variance
416 Milton Avenue
Block 93, Lot 1
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPP-261

Dear Board Members:

Our office has received the following information in support of the above-referenced Bulk Variance application:

- Plans entitled “Proposed Dwelling for Erica and Paul Mercas”, prepared by Bromat Design Group, PC, dated September 30, 2019 and consisting of two (2) sheets;
- Plan entitled “Plot Plan with grades”, prepared by Richard Stockton PLS, dated August 13, 2019 and consisting of four (4) sheets.

The subject property is situated in the R-4 – Residential Single-Family Zone District and contains 7,500 SF (0.1722 acres) on the south west corner of the intersection of Milton Avenue and Allenhurst Avenue. The Applicant proposes to remove the existing house and construct a single-family dwelling with a two-car garage.

Based on our review of the application, we recommend that the application be deemed **complete** and scheduled for the next available hearing. A planning and engineering review of the application is provided below.

Variances/Design Waivers

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

1. Bulk variances are required for the following:



- a. Minimum Lot Area: 10,000 sf required; 7,500 sf existing/proposed. A Bulk Variance is required for the pre-existing condition.
- b. Minimum Lot Width: 100 feet required; 50 feet existing/proposed. A Bulk Variance is required for the pre-existing condition.
- c. Minimum Front Yard Setback: 15 feet required (half the setback for the second frontage), 10 feet proposed from Allenhurst Avenue. A Bulk Variance is required.
- d. Maximum Building Height: 39.25 feet proposed, the requirement for an undersized lot is determined by the Planning Board. A Bulk Variance is required.
- e. Minimum Side Yard Setback, Accessory Structure: 5 feet required, and 3.9 feet are proposed. A Bulk Variance is required.

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

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

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

General Comments

1. Building height is measured from the crown of the road at the midpoint of the property frontage to the peak of the roof. Note #5 of the Zoning chart states that “For non-conforming lots, the



(permitted) height shall be determined only after Planning Board review to assure compliance with the intent and purpose of the zoning law.” If approved, a condition of approval should be the requirement of a Surveyor’s certification of the building height to be submitted to the Zoning Officer once sheathing is completed and prior to installation of any roofing or siding materials.

2. A copy of the signed and sealed Boundary and Topographic Survey shall be provided.
3. The Plot Plan shall be revised to include a reference as to the Boundary and Topographic Survey utilized as a base map.
4. The proposed grading is unclear. Please revise to differentiate between existing and proposed elevations.
5. The Architectural plans shall be revised to correct the lot width in the Zoning Table.
6. The pool area requires fencing in accordance with Ordinance 390-30K.
7. Please be advised that Milton Avenue was recently paved and is under moratorium. The Applicant will have to obtain permission from the Mayor and Council for road opening permits.

Additional Agency Approvals

This application is subject but not limited to the following outside agency approvals or letter of no jurisdiction:

- a. Two River Water Reclamation Authority
- b. New Jersey American Water
- c. Freehold Soil Conservation District
- d. Oceanport Road Opening Permit

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



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-261
October 31, 2019
Page 4 of 4

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

Very truly yours,

MASER CONSULTING P. A.

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

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

WHW/nb

cc: Kevin Kennedy, Esq. (kkennedy@kevinkennedylaw.net)
Paul Mercas, applicant (via email paul,ercas83@gmail.com)
Kerry E. Higgins, Esq, (via email khiggins@redbanklaw.com)

\\Hqfas1\general\Projects\Opp\OPP-261\Correspondence\191031_whw_smith_416_milton_ave.docx

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**PLANNING BOARD APPLICATION (ID # 1555)**

Meeting: 01/14/20 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1555

PB2019-21 WEINER, Mitchell & Faith

189 Comanche Drive

Block 40, Lot 17

Bulk variances for construction of new dwelling and associated improvements

COMMENTS - Current Meeting:



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

8.1.a

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

December 26, 2019

VIA EMAIL

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

Re: Bulk Variance
169 Comanche Drive
Block 40, Lot 17
PB2019-20
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPP-263

Dear Board Members:

Our office has received the following information in support of the above-referenced Bulk Variance application:

- Plans entitled “New Residence for, Mr. & Mrs. M. Weiner”, prepared by Passman Ercolino Architects, dated October 14, 2019 and consisting of four (4) sheets;
- Plan entitled “Boundary and Topographic Survey”, prepared by Morgan Engineering and Surveying, dated May 22, 2019 and consisting of one (1) sheet.
- Plan entitled “Average Setback Survey”, prepared by Morgan Engineering and Surveying, dated August 27, 2019 and consisting of one (1) sheet.
- Plan entitled “Building Permit Plot Plan”, prepared by Morgan Engineering and Surveying, dated September 25, 2019 and consisting of one (1) sheet.

The subject property is situated in the R-3 – Residential Single-Family Zone District and contains 25,537.0 SF (0.475 acres) on the east side for Comanche Drive approximately 250’ north of Mohican Avenue. The Applicant proposes to remove the existing house and construct a single-family dwelling with a detached three-car garage.

Based on our review of the application, we recommend that the application be deemed **complete** and scheduled for the next available hearing. A planning and engineering review of the application is provided below.





Variances/Design Waivers

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

1. Bulk variances are required for the following:
 - a. Minimum Lot Width: 120 feet required; 50 feet existing/proposed. A Bulk Variance is required for the pre-existing condition.
 - b. Minimum Side Yard Setback: 15 feet required, 10 feet proposed from southern side yard. A Bulk Variance is required.
 - c. Minimum Combined Side Yard Setback: 25 feet required (half the setback for the second frontage), 15.5 feet proposed. A Bulk Variance is required.
 - d. Maximum Permitted Height, Principle Structure: 35' permitted, 38.33' is proposed. A Bulk Variance is required.
 - e. Maximum Permitted Height, Accessory Structure: 15' permitted, 16.' is proposed. A Bulk Variance is required
 - f. Minimum Side Yard Setback, Accessory Structure: 5 feet required, and 3.1 feet are proposed. A Bulk Variance is required.
 - g. In accordance with Ordinance Section 390-17.C., no accessory structures are permitted in the front yard. The Applicant is proposing to construct a three car, two story garage, a generator and associated platform in the front yard of the property. Each will require a "c" variance.
 - h. Driveway Side Yard Setback: 10' required from side property line, 4' is proposed. A Bulk Variance is required.
 - i. Retaining wall setback: 10 feet required from all property lines, 1.5 feet proposed. A Bulk Variance is required.
 - j. Air Conditioning Platform Setback: 10' required, 6' is proposed. A Bulk Variance is required.
 - k. Generator Platform Setback: 10' required, 4' is proposed. A Bulk Variance is required.

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

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

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

General Comments

1. Building height is measured from the crown of the road at the midpoint of the property frontage to the peak of the roof. Note #5 of the Zoning chart states that “For non-conforming lots, the (permitted) height shall be determined only after Planning Board review to assure compliance with the intent and purpose of the zoning law.” If approved, a condition of approval should be the requirement of a Surveyor’s certification of the building height to be submitted to the Zoning Officer once sheathing is completed and prior to installation of any roofing or siding materials.
2. The driveway depth to the side entry garage is only 22’ whereas industry standard is 28-32’ to provide proper access.
3. The AC and generator platforms shall be a minimum elevation of 12.4.
4. The proposed retaining walls will be in the middle of both existing side yard drainage swales. the property is proposed to be filled by as much as 2.5 feet. The applicant shall provide drainage collection systems in both side yards between the dwelling and retaining walls to collect the surface runoff and roof leaders and discharge it to the rear yard.
5. A concrete or asphalt apron is required by Ordinance 390:25K(2) where the driveway intersects the road and shall extend for a minimum of 6 feet.



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-263
December 26, 2019
Page 4 of 4

Additional Agency Approvals

This application is subject but not limited to the following outside agency approvals or letter of no jurisdiction:

- a. NJDEP CAFRA
- b. Two River Water Reclamation Authority
- c. New Jersey American Water
- d. Freehold Soil Conservation District
- e. Oceanport Road Opening Permit

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

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

Very truly yours,

MASER CONSULTING P. A.

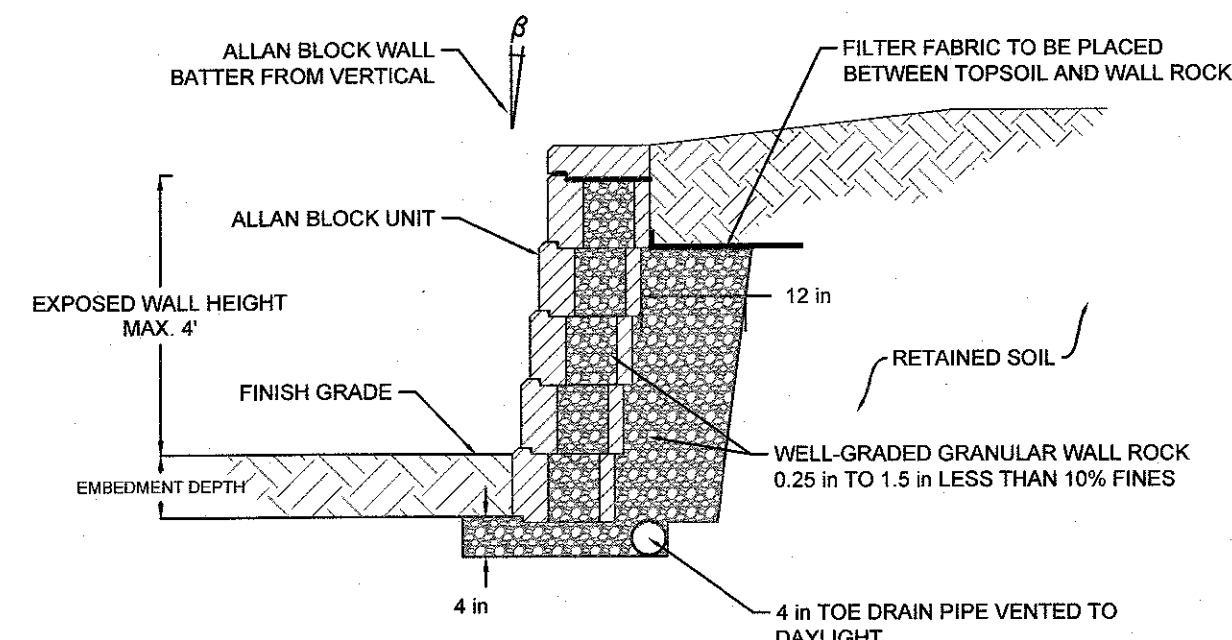
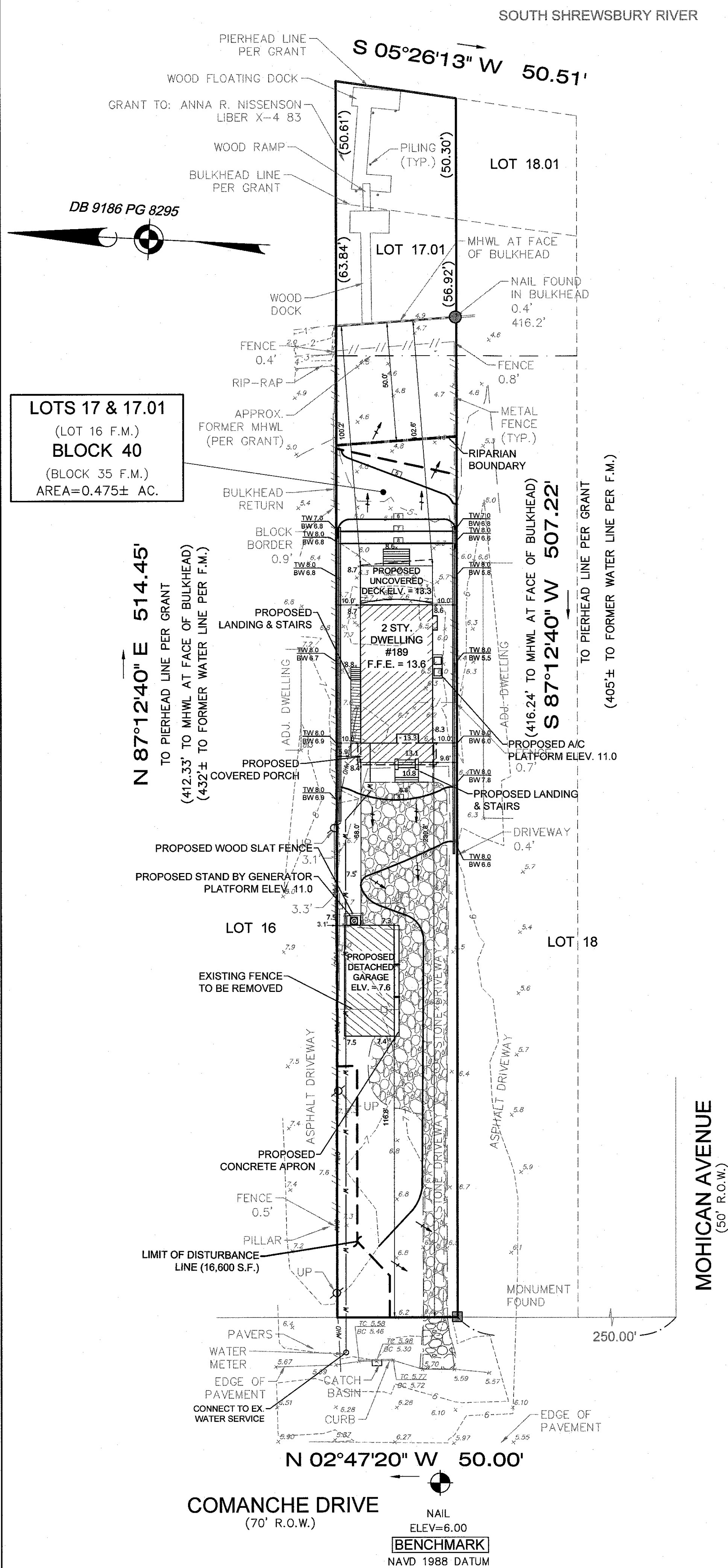
Wm. White III

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

WHW/nb

cc: Kevin Kennedy, Esq. (kkennedy@kevinkennedylaw.net)
Mitchell and Faith Weiner (vie email mitchell@orbismgd.com)

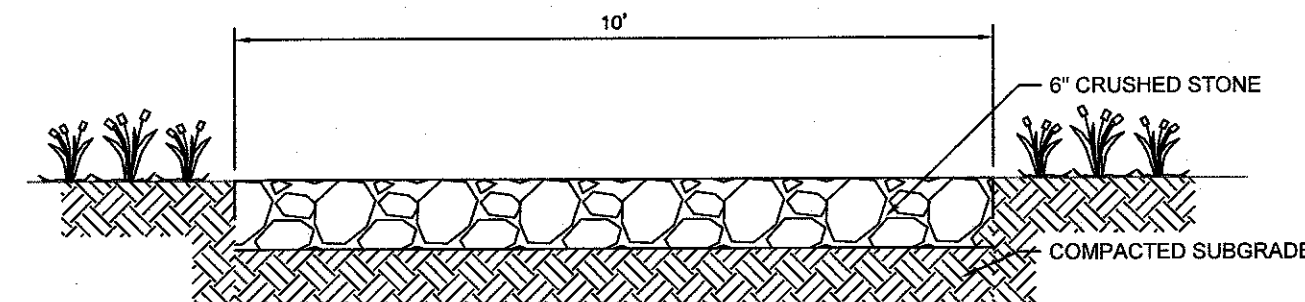
\\Hqfas1\general\Projects\Opp\OPP-263\Correspondence\OUT\191226_whw_smith_189_comanche_dr.docx



ALLAN BLOCK RETAINING WALL DETAIL

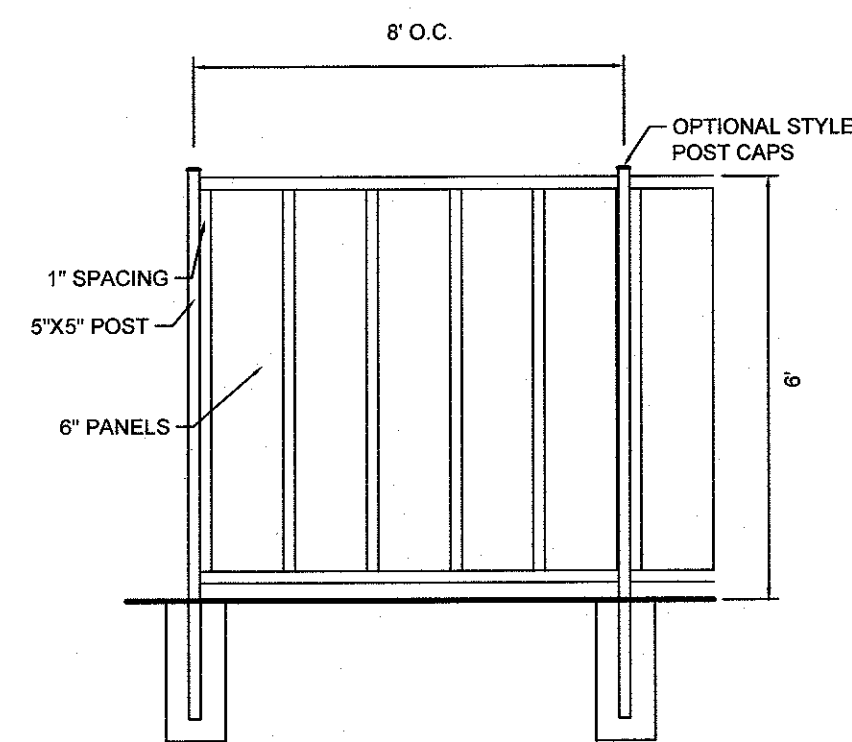
RETAINING WALL NOTES:

1. The retaining wall or bulkhead is designed with stable footings. In general, footings shall extend at least three feet below grade, unless such footings are not possible to construct or necessary for stability.
2. The retaining wall or bulkhead is designed to withstand displacement, overturning, and failure due to undermining and/or pressure from soil, water, and frost.



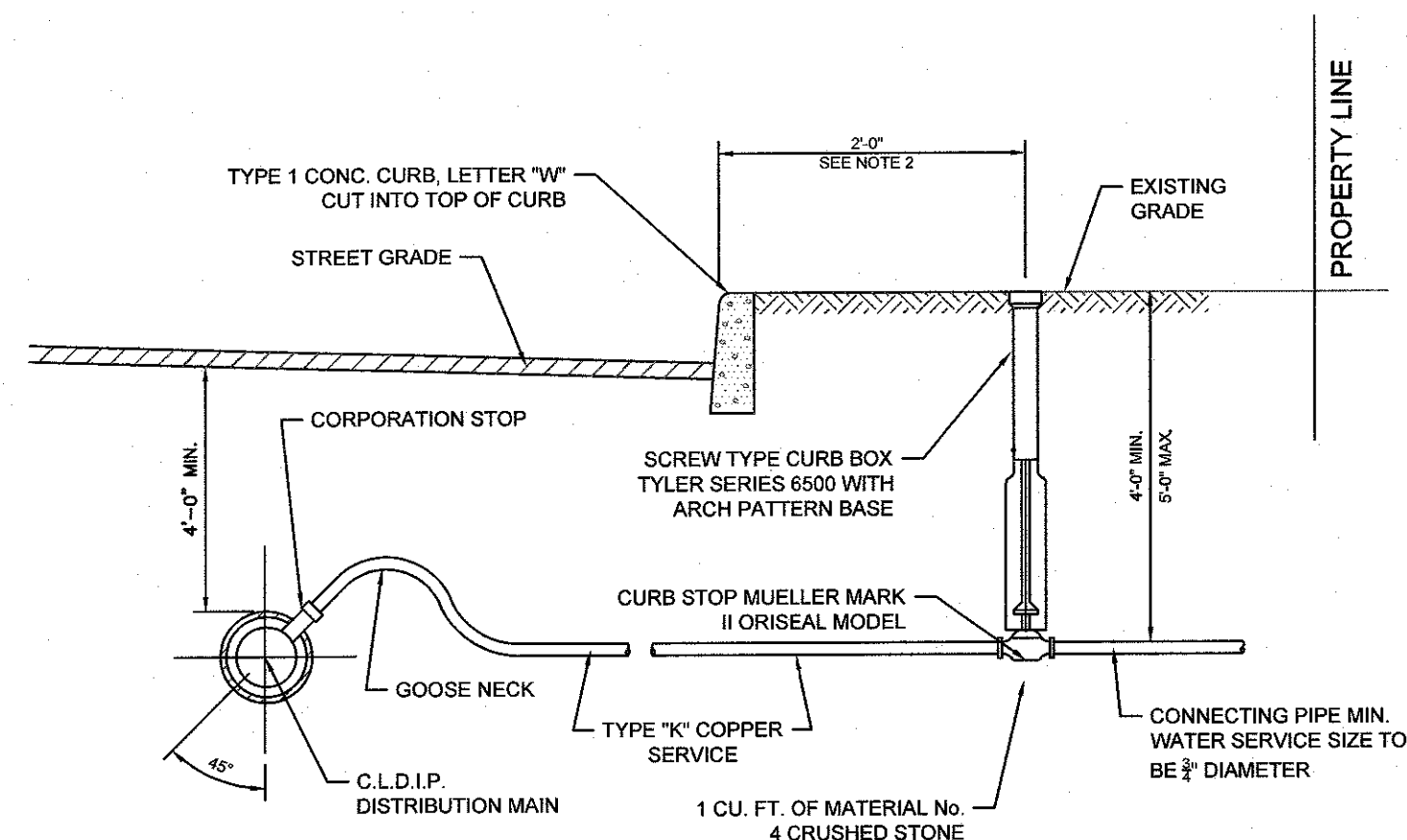
GRAVEL DRIVEWAY DETAIL

N.T.S.



6' HIGH WOOD FENCE DETAIL

N.T.S.



NOTES:

1. THE LOCATION OF THE CURB STOP AND BOX SHALL BE TWO (2) FEET FROM THE CURB FACE IN PLANTER AREA.
2. THE CURB STOP AND BOX SHALL NEVER BE PLACED OUTSIDE OF THE STREET R.O.W., IN A CONCRETE SIDEWALK OR IN A DRIVEWAY.
3. THE CONTRACTOR SHALL EXTEND THE SERVICE PIPING TO THE PROPERTY LINE.

TYPICAL WATER SERVICE HOUSE CONNECTION INSTALLATION

N.T.S.

ZONE R-3 REQUIREMENTS

	REQUIRED	PROVIDED
MIN. LOT AREA	12,000 S.F.	25,537.0 S.F.
MIN. LOT WIDTH	120 FT.	50 FT.*
MIN. LOT DEPTH	100 FT.	510.85 FT.
MIN. FRONT SETBACK**	222.5 FT.	230.8 FT.
MIN. SIDE SETBACK (HOUSE)	10 FT.	10.0 FT.
MIN. SIDE COMB. SETBACK (HOUSE)	25 FT.	20.0 FT.***
MIN. SIDE SETBACK (DECK)	10 FT.	5.9 FT.***
MIN. SIDE COMB. SETBACK (DECK)	25 FT.	15.5 FT.***
MIN. REAR SETBACK**	99.9 FT.	100.2 FT.
MIN. ACC. SIDE SETBACK	10 FT.	3.1 FT.***
MIN. ACC. REAR SETBACK	5 FT.	249.75 FT.
MAX. BUILDING COVERAGE	25%	8.0%
MAX. IMPERVIOUS COVERAGE	37%	29.6%
MAX. ACC. BUILDING COVERAGE	5%	4.0%
MAX. BUILDING HEIGHT (FT.)	35 FT.	38.33 FT.***
MAX. BUILDING HEIGHT (STY.)	2.5	2.0
MAX. ACC. BUILDING HEIGHT (FT.)	15 FT.	16.15 FT.***

* EXISTING NON-CONFORMING

** AVERAGE SETBACK

*** VARIANCE REQUIRED

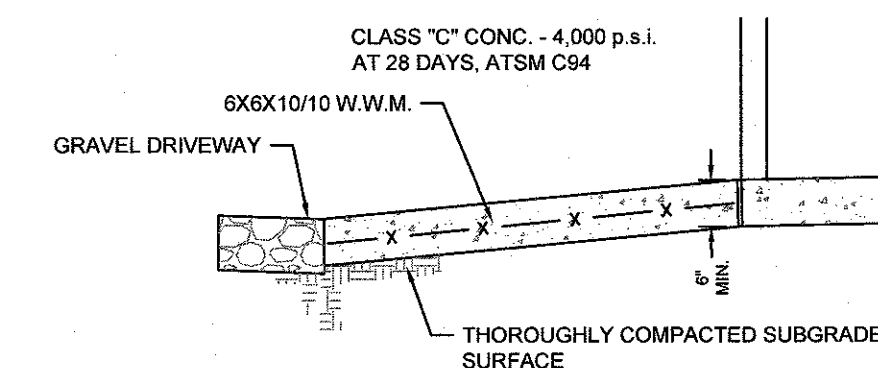
AVERAGE SETBACKS

LOT	FRONT	REAR
14	272.6 FT.	64.8 FT.
15	244.9 FT.	78.4 FT.
16	167.7 FT.	120.8 FT.
18	207.6 FT.	99.3 FT.
19	230.6 FT.	121.9 FT.
20	211.6 FT.	114.3 FT.
MIN. AVG.	222.5 FT.	99.9 FT.

IMPERVIOUS COVERAGE

DESCRIPTION	EXISTING	PROPOSED
DWELLING (INCLUDING COVERED PORCH)	1,140.0 S.F.	2,067.0 S.F.
GARAGE	490.0 S.F.	1,033.5 S.F.
DECK & LANDING	132.0 S.F.	436.75 S.F.
DRIVEWAY	3,708.0 S.F.	4,015.0 S.F.
IMPERVIOUS LOT COVERAGE	5,470.0 S.F.	7,552.25 S.F.
LOT AREA		25,537.0 S.F.
TOTAL IMPERVIOUS LOT COVERAGE	21.4%	29.6%

TOTAL PROPOSED LIMIT OF DISTURBANCE: 17,500 S.F.

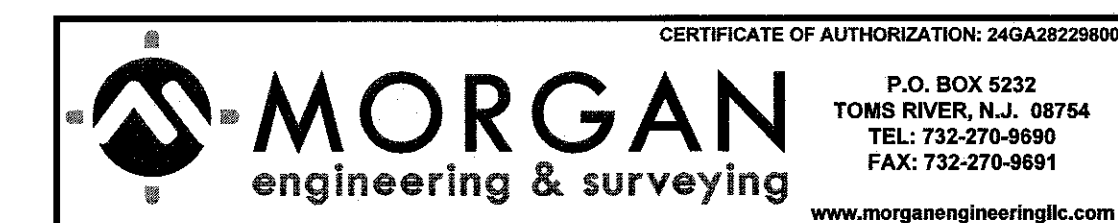


NOTE: CONCRETE APRON SHALL BE EVENLY DIVIDED WITH EXPANSION JOINTS SUCH THAT NO PANEL EXCEEDS 20' IN ANY DIMENSION

GARAGE CONCRETE APRON SECTION

N.T.S.

PREPARED FOR: MITCHELL & FAITH WEINER



MATHEW R. WILDER
NEW JERSEY PROFESSIONAL ENGINEER LICENSE No. 50652

BUILDING PERMIT PLOT PLAN

189 COMANCHE DR.

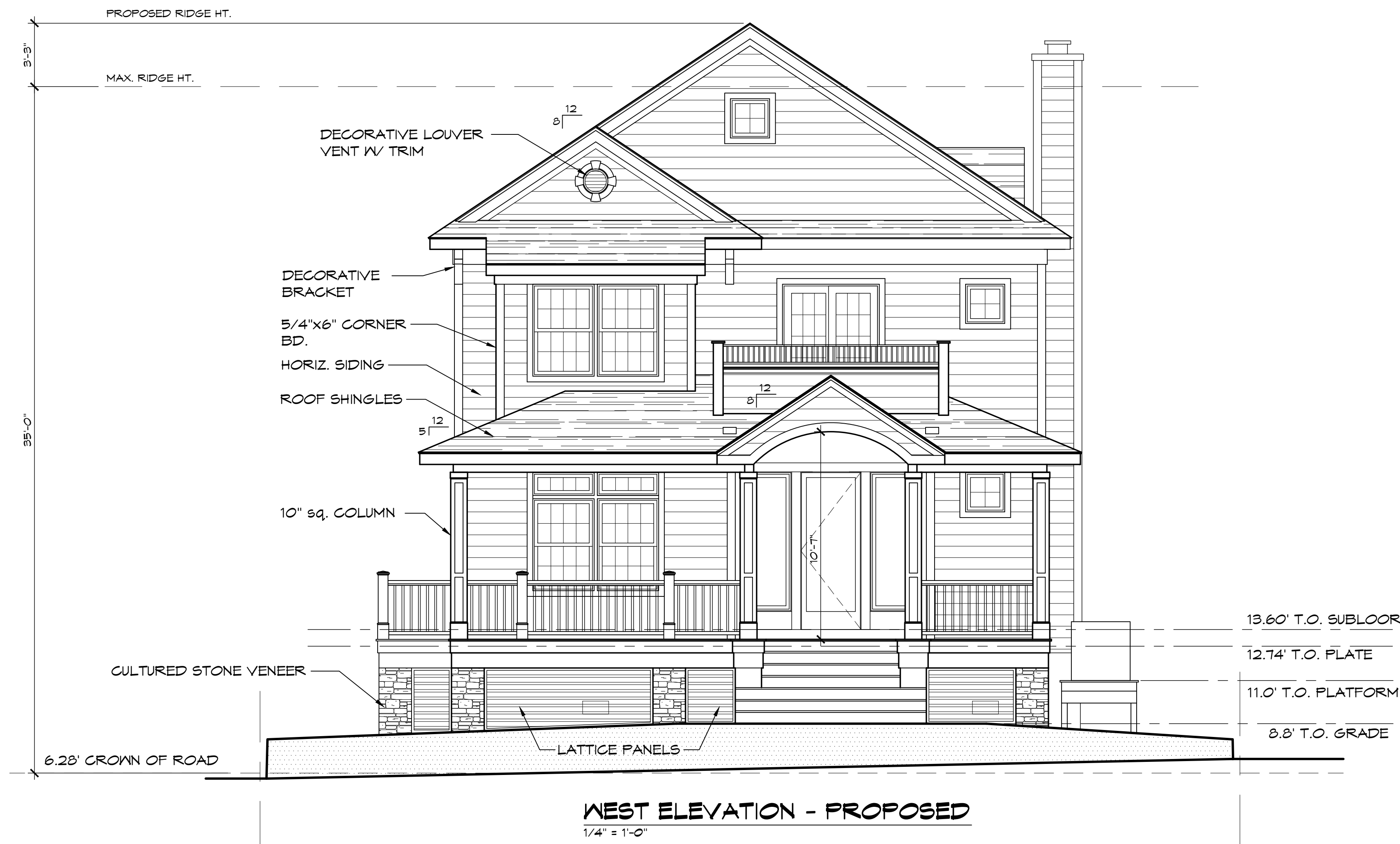
BLOCK NO. 40 LOT NO. 17 & 17.1

BOROUGH OF OCEANPORT

COUNTY OF MONMOUTH NEW JERSEY

Scale: 1"=30' Drawn By: BRM Date: 9/25/19 Job #: E19-00276 CAD File #: PLOT PLAN Sheet #: 1 OF 1

REV	DATE	DESCRIPTION	BY
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NEW RESIDENCE FOR: MR. & MRS. M. WEINER 189 COMANCHE AVENUE OCEANPORT, NEW JERSEY		LOTS: 17 AND 17.01 BLOCK: 40	
COMM. No. • 19.041		DWN BY • DM CHK BY • DJP	
REVISED •		DATE • 10 / 14 / 19	
JOB No. • Zoning		A-2	
DWG • 2		OF • 4	

PASSMAN

ERCOLINO

Architects, P.C.

Donald J. Passman, AIA
N.J. RA Lic. No. 08897
P.E. RA Lic. No. 07227-B
P.E. RA Lic. No. 07227-B
M.D. RA Lic. No. 5432
N.C.A.R.B. Cert. No. 33616

Anthony J. Ercolino, AIA
N.J. RA Lic. No. 12135
N.C.A.R.B. Cert. No. 43364

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Ocean, New Jersey 07712
Ph. 732-531-9709 Fax 732-531-9706