



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • JANUARY 10, 2023

Reorganization

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 4, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. This meeting is also being broadcast on the Borough's Local Public Access Channel, Verizon FiOS Channel 28. Members of the general public can register for meetings from the Borough website at www.oceanportboro.com by scrolling to the bottom of the homepage and clicking "REGISTER for Mayor & Council Virtual Meetings" on the left-hand side of the screen. Registering allows the general public to view and participate in meetings on their computers, smart phones and tablets. Once registered, members of the general public will be muted upon entry to a meeting. Registration allows a member of the general public to participate during the public portions of a meeting by using one of the following options:

1. Text. Once registered for and admitted to a meeting, members of the general public can text comments through the GotoWebinar application. These text comments will be read out loud by the Secretary during the livestream public portions of the meeting.
2. Raise Your Hand Feature. Once registered for and admitted to a meeting, members of the general public can use the GoToWebinar's "Raise Your Hand" icon to be acknowledged for an opportunity to speak. Once recognized and advised to speak, members of the general public may need to unmute themselves to participate in the meeting.

Whether registered or not, the general public can (a) e-mail questions or comments prior to or during the meeting to public.comments@oceanportboro.com or (b) call the Borough's Public Comments Line at (732)-272-8337. The Public Comments Line is only answered during the livestream broadcast of a meeting. A caller to the Public Comments Line must provide his or her name and address in order to participate in a meeting. Once this information is provided, callers will either be admitted to speak at the meeting immediately or they will be called back by the Borough at the appropriate or designated time so that they can speak. Speakers participating through the Public Comments Line will be placed on speaker and all comments made will be part of the digital record of the meeting. The instructions for Public Participation in the Borough's meetings are also available on the Borough's website at www.oceanportboro.com.

III. Flag Salute

IV. Board Policy

- It is Board Policy that no application will be opened after 10:00 P.M.
- No new testimony will be taken after 10:30 P.M., except at the discretion of the Board.

V. Statement of Mayor's Appointments and Administer Oaths of Office

1. Patricia Cooper, Class I (Mayor's Designee)
2. Joseph Foster, Class II (Environmental Liaison)
3. Thomas J. Tvrdik, Class III (Council Liaison)
4. Robert Kleiberg, Alternate #2
5. Kevin Calver, Jr, Alternate #1

VI. Roll Call**VII. Election of Chairman****VIII. Election of Vice-Chairman****IX. Appointment of Board Secretary****X. Board Business**

PR-23-1 Resolution Approving 2023 Annual Meeting Schedule

PR-23-2 Resolution appointing Board Attorney

PR-23-3 Resolution Appointing a Board Engineer/Planner

XI. Old Business

1. PB2022-24 White, Joseph

PR-23-4 Resolution of Dismissal - White, Joseph, 274 Port Au Peck

PR-23-5 Resolution of Approval - 51 Algonquin Ave

XII. New Business

1. PB2022-26 Marra, Ralph

Block 14, Lot 13

7 Bayview Place

Applicant is seeking to construct a 6' high vinyl solid fence, around pool, 49.93' of which is located in the secondary front yard along Monmouth Blvd where 4' and 50% open fence is permitted.

XIII. Petitions from the Public**XIV. Adjournment**



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-1

Meeting: 01/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2627

RESOLUTION APPROVING ANNUAL MEETING SCHEDULE January 10, 2023

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 2023.

NOW, THEREFORE, BE IT RESOLVED that the Oceanport Planning/Zoning Combined Board for the 2023 calendar year will conduct the following meetings for the purpose of conducting Board business for 2023. Meetings are generally held on the second and fourth Tuesday of each month, except as otherwise noted below, in the Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757. All meetings will begin at 7:00 p.m. A Workshop Session will be held at 6:30 p.m. prior to a Regular Meeting as the Board deems it necessary. Official action may be taken.

January	10 th	24 th
February	15 th (Wed)	28 th
March	14 th	28 th
April	11 th	25 th
May	9 th	23 rd
June	13 th	27 th
July*	11 th	
August*	8 th	
September	12 th	24 th
October	10 th	24 th
November*	14 th	
December*	12 th	

*Summer schedule is in effect with one meeting in July and August and due to holidays, November and December have one meeting scheduled.

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 schedule in the place designated for the posting of notices and forward a copy of same to The Two River Times 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

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-2

Meeting: 01/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2628

RESOLUTION OF THE OCEANPORT PLANNING BOARD APPOINTMENT OF BOARD ATTORNEY FOR CY2023

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 shall be available for the stated purpose in the 2023 municipal budget subject to adoption of the 2023 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, County of Monmouth, State of New Jersey that:

1. Kevin E. Kennedy, Esq be and is hereby appointed as Board Attorney for CY2023.
2. The Chairman and Board Secretary are hereby authorized to execute a contract on behalf of the Borough of Oceanport Planning Board with Kevin E. Kennedy, Esq for legal services for a monthly retainer of \$500.00 per month for Board meetings and subject to the terms of the proposal submitted subject to adoption of the 2023 municipal budget
3. That the contract shall also provide for an open-ended contract for services performed in regards to land development applications contingent upon the availability of funds in the Developer's Escrow and municipal budget with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-3

Meeting: 01/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2629

RESOLUTION OF THE OCEANPORT PLANNING BOARD APPOINTMENT OF BOARD ENGINEER/PLANNER FOR CY2023

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 Colliers Engineering & Design, 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 Colliers Engineering & Design 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. William White of Colliers Engineering & Design be and is hereby appointed as Board Engineer/Planner for CY2023.
2. The Chairman and Board Secretary are hereby authorized to execute a contract on behalf of the Borough of Oceanport Planning Board with William White of Colliers Engineering & Design for engineering services subject to the terms of the proposal submitted.
3. That the contract shall also provide for an open-ended contract for services performed in regards to land development applications contingent upon the availability of funds in the Developer's Escrow and municipal budget with no firm quantities being guaranteed. Funds will be certified and encumbered by individual purchase order prior to each request for service.



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2544)

Meeting: 01/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2544

PB2022-24 White, Joseph

CARRIED from December 13, 2022

REQUEST to withdraw application

Block 122, Lot 25

274 Port Au Peck Ave.

Applicant seeks to subdivide the existing lot into two new lots and construct a 1 story single family dwelling for proposed 25.01 with variance relief sought for:

- Minimum lot width of 100' is proposed for both new lots where 120' required

DFD 02/07/2023

HISTORY:

11/09/22 Planning/Zoning Board

Due to a potential notice issue, the Applicant's Attorney has requested a new hearing date and new notices will be issued for the new hearing date.

12/13/22 Planning/Zoning Board

274 Port Au Peck Avenue

Block 19, Lot 9

Applicant seeks to subdivide the existing lot into two new lots and construct a 1 story single family dwelling for proposed 25.01 with variance relief sought for:

- Minimum lot width of 100' is proposed for both new lots where 120' required

EXHIBITS:

A-1 Land Development Application

A-2 Plan entitled "Survey of Property," prepared by JY Land Surveying, Inc., dated March 28, 2022

A-3 Plan entitled "Minor Subdivision Plan" prepared by InSite Engineering, LLC, dated August 4, 2022, consisting of four (4) sheets.

A-4 Plan entitled "Proposed Alteration/Addition for White/Gagliardi Residence" prepared by Brian Fitzgerald Arch + Design, dated September 7, 2022, consisting of nine (9) sheets

A-5 Colliers Engineering Review Letter dated October 10, 2022

The following person(s) were sworn in: William White, Board Engineer/Planner.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. As there were no objections

to the notice, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and

marked Exhibits A-1, A-2, A-3, A-4, A-5

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



October 10, 2022

VIA EMAIL

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

274 Port Au Peck Avenue, Minor Subdivision
Block 122, Lot 25
Application No. PB2022-24
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0335

Dear Board Members,

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

- Plan entitled "Survey of Property," prepared by JY Land Surveying, Inc., dated March 28, 2022, consisting of one (1) sheet.
- Plan entitled "Minor Subdivision Plan" prepared by InSite Engineering, LLC, dated August 4, 2022, consisting of four (4) sheets.
- Plan entitled "Proposed Alteration/Addition for White/Gagliardi Residence" prepared by Brian Fitzgerald Arch + Design, dated September 7, 2022, consisting of nine (9) sheets.

The subject property is a 43,957 SF (1.01-acre) parcel located in the R-3 Residential Zone. The parcel is on the southside of Port Au Peck Avenue, approximately 457 feet west of Branchport Avenue. The Applicant proposes to raze part of the existing dwelling and expand the structure after subdividing the property to create two (2) lots.

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

A. Variances/Design Waivers

1. Bulk variances are required for Minimum Lot Width as 120' is required and 100' is proposed for each lot. Proposed lot 25.01 is a corner lot as there is a 10' wide extension of Centennial Avenue. Corner lots have a primary and a secondary front yard. The primary front yard is along the street frontage it faces.

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

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

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

B. General Comments

1. The Applicant shall clarify how the subdivision will be filed: deed or map. The map was not reviewed for compliance with the Title Recordation Law.
2. Shade trees shall be provided in accordance with Ordinance 371-1. The trees are to be installed along the frontages on the properties, not in the right of way.
3. A Tax Map Revision Fee of \$255 shall be paid to the Borough should the Application be approved.
4. The Applicant shall be required to provide an electronic version of the boundary survey and subdivision maps in AutoCAD format.
5. Should the Board approve the Application, a condition of approval should be to provide an acceptable grading plan for each lot at the time of application for building permits.
6. The proposed dwelling on Proposed Lot 25.02 shall comply with the remaining bulk standards, or variance(s) will have to be obtained from the Board.

Project No. OPP-0335
October 10, 2022
Page 3 | 3



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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)

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

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

WHW/dmm

cc: Douglas Clelland, P.E (via email)
Salvatore Alfieri, Esq (via email)

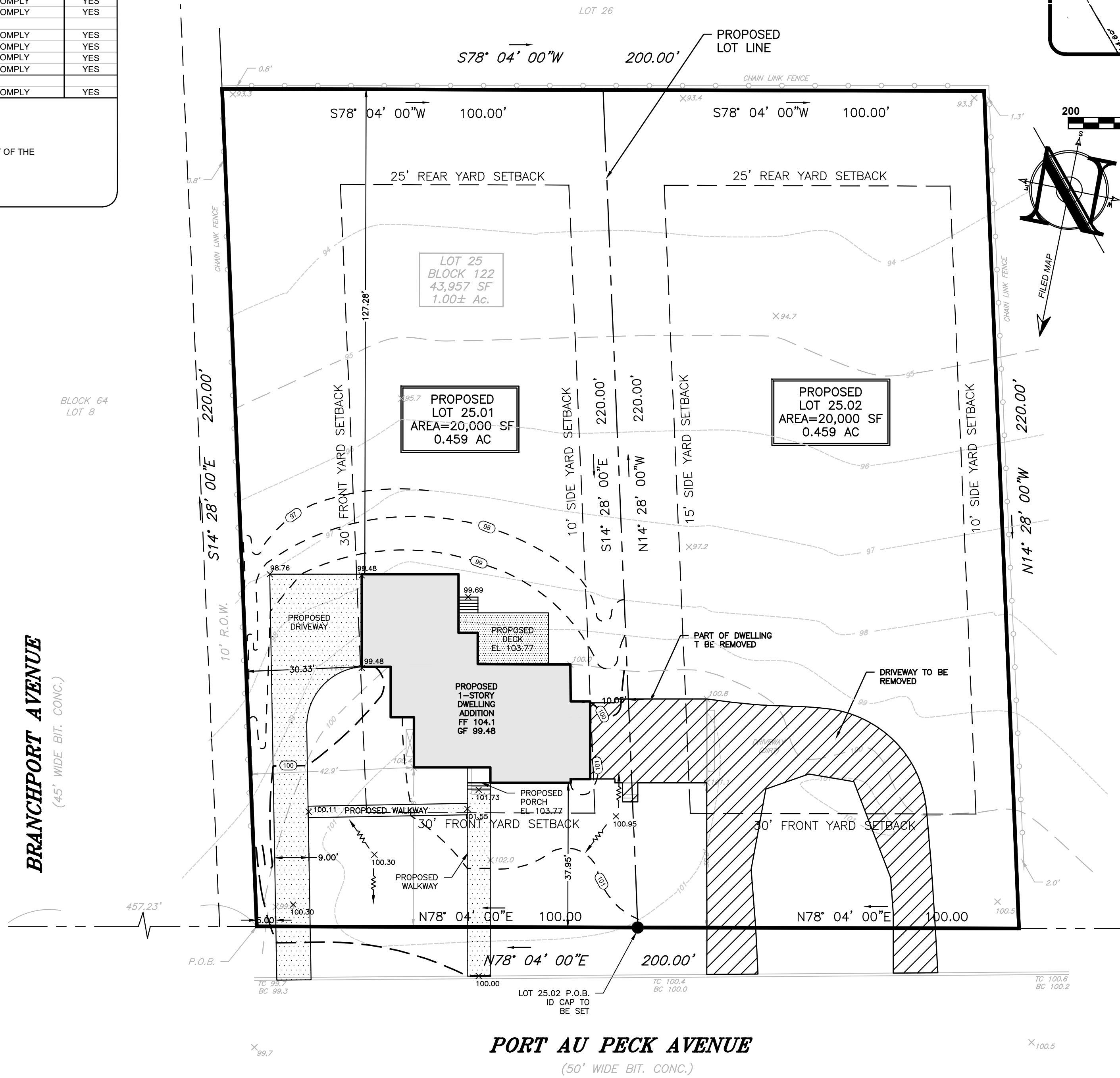
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File: X:\data\1953 - see White\22-1953-01 - 274 Port Au Peck Avenue_Concept.dwg 01-Subdivision.dwg --> 01-PL01
Copyright 2022, InSite Engineering, LLC. All Rights Reserved.

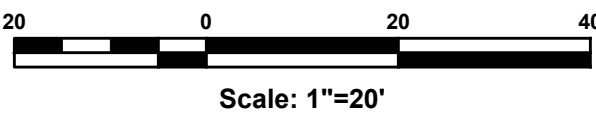
ZONING COMPLIANCE CHART					
R-3 (RESIDENTIAL SINGLE FAMILY) ZONE (CH 390)					
SINGLE FAMILY DWELLING: PERMITTED					
ORD SECTION	STANDARD	REQUIRED	EXISTING	PROPOSED LOT 25.01	PROPOSED LOT 25.02
Ch 390	MIN. LOT AREA (SF)	12,000	43,957 (1.009 AC)	20,000 (0.459 AC)	20,000 (0.459 AC)
Ch 390	MIN. LOT WIDTH (FT)	120	200.0	220.00	100.00 (V)
Ch 390	MIN. LOT DEPTH (FT)	100	220.0	100.00	220.00
PRINCIPAL BUILDING					
Ch 390	MIN. FRONT YARD SETBACK (FT)	30	(1)(2)	37.95	TO COMPLY
PORT-AU-PECK AVENUE					
10' UNNAMED R.O.W.					
Ch 390	MIN. REAR YARD SETBACK (FT)	25	151.12	127.76	TO COMPLY
Ch 390	MIN. SIDE YARD SETBACK				
ONE SIDE (FT)					
Ch 390		10	42.7	10.05	TO COMPLY
BOTH SIDES (FT)					
Ch 390		25	121.6	N/A	TO COMPLY
Ch 390	MAX. BUILDING HEIGHT (STORIES / FT)				
Ch 390	FLAT ROOF	2 / 30	-	-	TO COMPLY
Ch 390	ALL OTHER ROOFS	2.5 / 35	1 / (a)	NO CHANGE	TO COMPLY
Ch 390	MAX. DWELLING UNIT PER ACRE	3.7	3.7	1.7	TO COMPLY
Ch 390	MAX. COVERAGE PER PRINCIPAL BUILDING (%)	25	4.5	10.1	TO COMPLY
Ch 390	LOT COVERAGE			19.9	TO COMPLY
Ch 390	MAX. IMPERVIOUS COVERAGE (%)	37	9.0		YES
(N) EXISTING NON-CONFORMITY (I) IMPROVED CONDITION N/A - NOT APPLICABLE					
(E) EXISTING VARIANCE (X) VARIANCE / NON-CONFORMITY ELIMINATED N/S - NOT SPECIFIED					
(V) PROPOSED VARIANCE (W) PROPOSED WAIVER					
(a) THIS PERTAINS TO AN EXISTING STRUCTURE WHICH WAS NOT MADE AVAILABLE TO THIS OFFICE					
(1) IN RESIDENTIAL DISTRICTS, NO PRINCIPAL BUILDING SHALL BE NEARER TO THE STREET LINE OF ANY STREET THAN FIVE FEET OF THE AVERAGE ALIGNMENT OF THE EXISTING PRINCIPAL BUILDINGS WITHIN 200 FEET OF EACH SIDE OF THE LOT ON THE SAME BLOCK. BUILDINGS UTILIZED FOR COMPARISON SHALL BE LOCATED ON THE SAME SIDE OF THE STREET AS THE PRINCIPAL BUILDING AND IN ANY EVENT SHALL NOT VIOLATE THE MINIMUM FRONT YARD SETBACK.					
(2) IN RESIDENTIAL DISTRICTS, A PORCH ONE STORY IN HEIGHT CAN PROJECT NOT MORE THAN SIX FEET INTO THE FRONT YARD AND NOT MORE THAN FIVE FEET INTO THE SIDE YARD BUT IN NO INSTANCE NEARER THAN 10 FEET TO A SIDE LOT LINE AND 24 FEET TO THE FRONT LOT LINE					

GENERAL NOTES:

- SUBJECT PROPERTY**
BLOCK 122 LOT 25. OF TAX MAP SHEET #15; 274 PORT AU PECK AVENUE, BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NJ
- OWNER & APPLICANT**
JOSEPH WHITE
274 PORT AU PECK
OCEANPORT, NJ 07757
- PURPOSE OF THIS PLAN**
THIS PLAN HAS BEEN PREPARED TO SUPPORT AN APPLICATION TO THE BOROUGH OF OCEANPORT FOR A MINOR SUBDIVISION APPROVAL.
- SURVEY DATA**
SURVEY INFORMATION CONTAINED HEREON IS BASED ON A FIELD SURVEY PERFORMED BY LAND SURVEYING, INC., ENTITLED "SURVEY OF PROPERTY LOT 25 BLOCK 122"; LAST REVISED 03/28/22.
- PROPOSED LOT NUMBERS**
PROPOSED LOT NUMBERS SHALL BE VERIFIED BY BOROUGH OF OCEANPORT TAX ASSESSOR AS A CONDITION OF APPROVAL.
- SUBDIVISION FILING**
THIS SUBDIVISION SHALL BE FILED BY DEED.
- BASE FLOOD ELEVATION**
SUBJECT PROPERTY IS NOT LOCATED IN A FEMA FLOOD ZONE.
- CLOSURE**
BEARINGS AND DISTANCES ARE WITHIN A LIMIT OF ERROR OF NOT MORE THAN ONE (1) PART IN TEN THOUSAND (10, 000)
- UTILITIES**
EXISTING UTILITIES CONNECTIONS TO BE USED.



PLAN



LEGEND	
EXISTING	PROPOSED

BOUNDARY SURVEY
I HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF THAT THIS LAND SURVEY DATED 03/28/22, HAS BEEN MADE UNDER MY SUPERVISION AND MEETS THE MINIMUM SURVEY DETAIL REQUIREMENTS OF THE STATE BOARD OF PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THAT THE OUTBOUND CORNER MARKERS AS SHOWN HAVE BEEN FOUND, OR SET.
BRAN T. YURO P.L.S. NJ LIC. #GS43252 DATE

MONMOUTH COUNTY PLANNING BOARD (STAMP)

OWNER
I HEREBY CERTIFY THAT I AM THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THIS APPLICATION AND THAT I CONSENT TO THE FILING OF THIS SUBDIVISION PLAN WITH THE BOROUGH OF OCEANPORT PLANNING BOARD.
OWNER DATE
NOTARY PUBLIC
SWORN AND SUBSCRIBED TO BEFORE ME THIS DAY OF
NOTARY PUBLIC DATE

MUNICIPAL ENGINEER
I HAVE CAREFULLY EXAMINED THIS MAP AND THE REQUIRED DIGITAL SUBMISSIONS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND IT CONFORMS WITH THE PROVISIONS OF THE BOROUGH ORDINANCES AND REQUIREMENTS APPLICABLE THERETO.
MUNICIPAL ENGINEER (AFFIX SEAL) DATE
MUNICIPAL CLERK
I HAVE CAREFULLY EXAMINED THIS MAP AND THE REQUIRED DIGITAL SUBMISSIONS AND TO THE BEST OF MY KNOWLEDGE AND BELIEF FIND IT CONFORMS WITH THE PROVISIONS OF THE BOROUGH ORDINANCES AND REQUIREMENTS APPLICABLE THERETO.
MUNICIPAL CLERK DATE

CERTIFICATIONS
PLANNING BOARD
CLASSIFIED AND APPROVED AS A MINOR SUBDIVISION BY THE BOROUGH OF OCEANPORT PLANNING BOARD
BOARD CHAIRPERSON
ATTEST:
BOARD ENGINEER DATE
THIS PLAN (OR A DEED DESCRIBING THIS SUBDIVISION) MUST BE FILED IN THE OFFICE OF THE CLERK OF MONMOUTH COUNTY ON OR BEFORE WHICH DATE IS ONE HUNDRED AND NINETY (190) DAYS FROM THE SIGNATURE OF THIS MAP FOR FINAL.
BOARD SECRETARY DATE

PROJECT INFORMATION		
PROJECT NAME: 274 PORT AU PECK AVENUE		
PROJECT LOCATION: BLOCK 122, LOT 25.01 274 PORT AU PECK AVENUE BOROUGH OF OCEANPORT, COUNTY, NJ		
OWNER: JOSEPH WHITE 274 PORT AU PECK AVENUE OCEANPORT, NJ 07757		
APPLICANT: JOSEPH WHITE 274 PORT AU PECK AVENUE OCEANPORT, NJ 07757		
APPLICANT'S PROFESSIONALS		
SURVEYOR: LAND SURVEYING, INC 1 WALNUT DRIVE JACKSON, NJ 08527		
CALL BEFORE YOU DIG! NJ ONE CALL... 800-272-1000 (NJ One Call is a registered trademark)		
ELECTRIC	RED	
GAS/OIL	YELLOW	
COMMUNICATION TV	ORANGE	
WATER	BLUE	
SEWER	GREEN	
TEMP. SURVEY MARKINGS	MAGENTA	
PROPOSED EXCAVATION	WHITE	
InSite Engineering, LLC CERTIFICATE OF AUTHORIZATION: 24GA28083200 1955 ROUTE 34, SUITE 1A, WALL, NJ 07719 732-531-7100 (Ph) 732-531-7344 (Fax) InSite@InSiteEng.net www.InSiteEng.net		
LICENSED IN: NEW JERSEY, NEW YORK, PENNSYLVANIA DELAWARE, CONNECTICUT, NORTH CAROLINA COLORADO, & DISTRICT OF COLUMBIA		
CAUTION: IF THIS DOCUMENT DOES NOT CONTAIN THE SIGNATURE AND RAISED SEAL OF THE PROFESSIONAL, IT IS NOT AN ORIGINAL, AND MAY HAVE BEEN ALTERED		
PRELIMINARY DOUGLAS D. CLELAND, PE PROFESSIONAL ENGINEER NJ PE 24GE0531000		
REVISIONS		
Rev.#	Date	Comment
0	08/04/23	INITIAL RELEASE
SCALE: 1"=20'	DESIGNED BY: DDC	
DATE: 08/04/22	DRAWN BY: JMW	
JOB #: 22-1953-01	CHECKED BY: DDC	
CAD ID: 22-1953-01r0		
☒ NOT FOR CONSTRUCTION		
APPROVED BY:		
FOR CONSTRUCTION		
PLAN INFORMATION		
DRAWING TITLE: SUBDIVISION PLAN		
SHEET TITLE: PLAN		
SHEET NO. 1 OF 4		

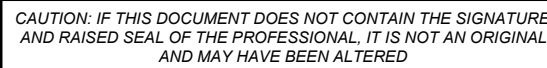
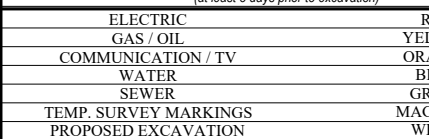
274 PORT AU
PECK
AVENUE

BLOCK 122, LOT 25.01
274 PORT AU PECK AVENUE
BOROUGH OF OCEANPORT
COUNTY, NJ

274 PORT AU PECK AVENUE
OCEANPORT, NJ 07757

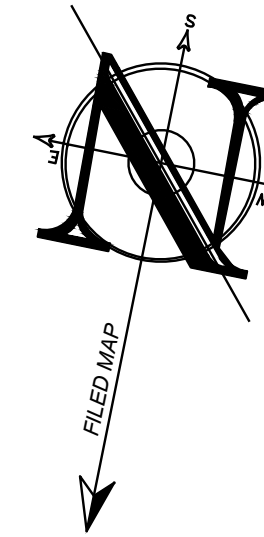
274 PORT AU PECK AVENUE
OCEANPORT, NJ 07757

SURVEYOR:
LAND SURVEYING, INC.
1 WALNUT DRIVE
JACKSON, NJ 08527

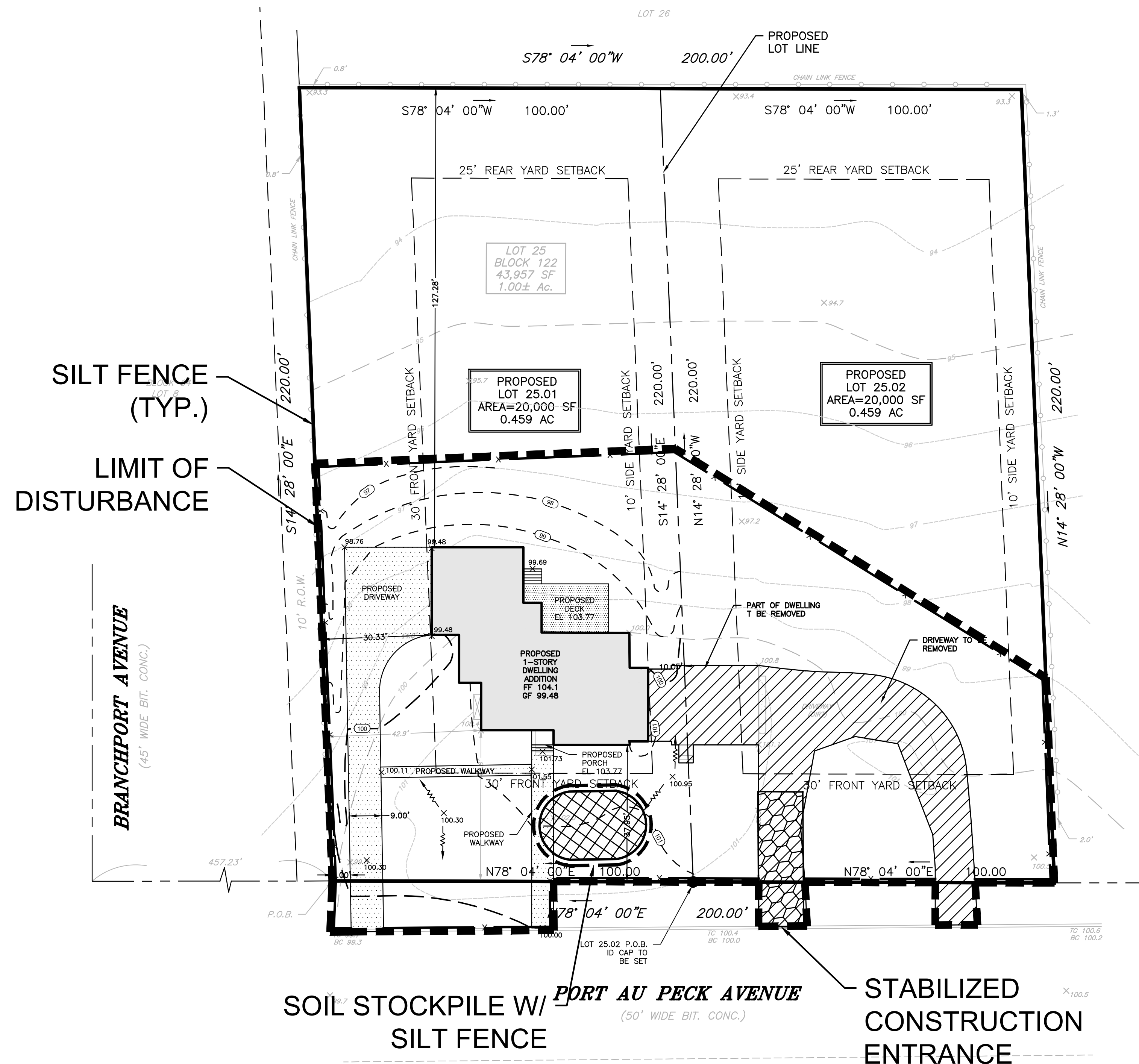


DOUGLAS D. CLELLAND, PE
PROFESSIONAL ENGINEER
NJ PE 24GE05331000





SOIL DESIGNATION LEGEND		
MAP UNIT SYMBOL	MAP UNIT NAME	RATING
FrrC	FREEHOLD SANDY LOAM, 5 TO 10 PERCENT SLOPES	B
FrrC	FREEHOLD URBAN LAND COMPLEX 0 TO 10 PERCENT SLOPES	B



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

SOIL EROSION LEGEND

LIMIT OF DISTURBANCE

STABILIZED CONSTRUCTION ENTRANCE

SILT FENCE

INLET PROTECTION

RIP-RAP APRON, SCOUR HOLE

PROPOSED TREE PROTECTION

SOIL RESTORATION AREA

SOIL COMPACTION TEST LOCATION

SOIL RESTORATION EXEMPTION

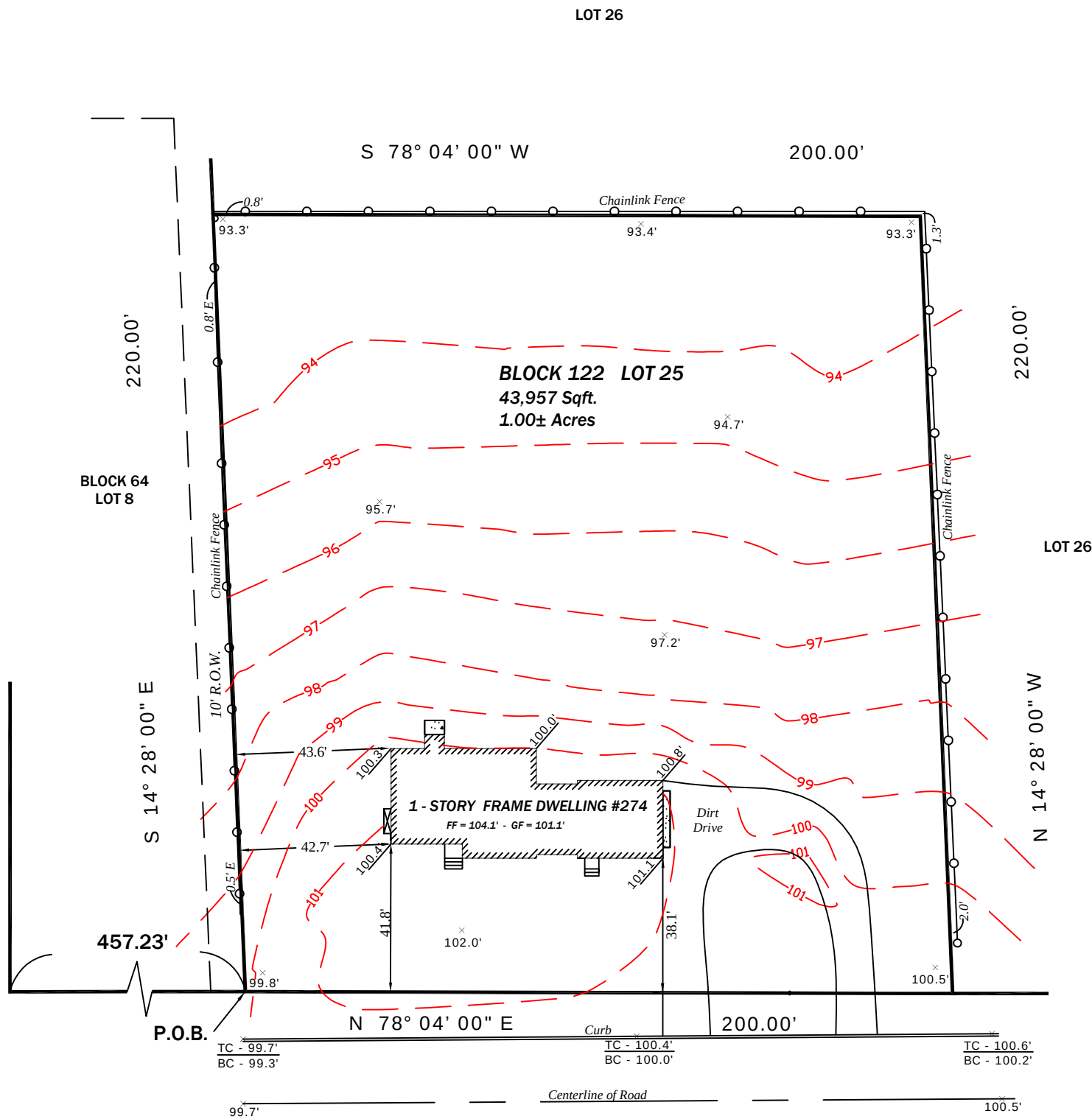
AS DETERMINED BY THE STATE POLICY MAP, THE PROJECT AREA FALLS WITHIN AN AREA OF "URBAN REDEVELOPMENT" AND IS CONSIDERED "PREVIOUSLY DEVELOPED" AS DEFINED BY THE NJDEP. IN ACCORDANCE WITH NEW JERSEY STANDARD FOR LAND REGRADING (REVISED 2017), THE SITE IS EXEMPT FROM SOIL RESTORATION REQUIREMENTS.

Packet Pg. 12

4 OF 4



BRANCHPORT AVENUE
45' ROW



PORT AU PECK AVENUE

50' ROW

GRAPHIC SCALE



(IN FEET)
1 inch = 40 ft.

PROPERTY KNOWN AS PART OF LOT 2 BLOCK 69 AS SHOWN
ON MAP ENTITLED "MINOR SUBDIVISION LOT 2 BLOCK 69"
FILED MAY 23, 1963 AS CASE No. 43-29

A written Waiver and Direction Not to Set
Corner Markers has been obtained from
the Ultimate user pursuant to P.L.1003,
c.14 (C45:8-36.3) and N.J.A.C. 13:40-5.1(d)

THIS SURVEY IS SUBJECT TO ANY EASEMENTS
OF RECORD AND OTHER PERTINENT FACTS AND
CONDITION WHICH MAY BE DISCLOSED BY
AN ACCURATE TITLE SEARCH. TITLE SEARCH WAS
NOT PROVIDED FOR THIS SURVEY.

UNDERGROUND UTILITIES/STRUCTURES NOT
LOCATED. ENVIRONMENTALLY SENSITIVE AREAS
ARE NOT LOCATED BY THIS SURVEY.

This Survey is for the exclusive use of those
certified below. Use by any other parties shall
void any and all contractual agreements or
Obligations of the surveyor that may be in
effect without the expressed written
Permission of the Surveyor

NO ATTEMPT WAS MADE, NOR LIABILITY ASSUMED,
TO DETERMINE IF ANY PORTION OF THIS PROPERTY
IS CLAIMED BY THE STATE OF NEW JERSEY AS
TIDELANDS. ENVIRONMENTALLY SENSITIVE AREAS
ARE NOT LOCATED BY THIS SURVEY.

SURVEY OF PROPERTY

LOT 25

BLOCK 122

Situated in

OCEANPORT BOROUGH

MONMOUTH COUNTY

NEW JERSEY

This Survey is Certified To:

WHITE, JOSEPH & GAGLIARDI, ANTHONY



J Y



LAND SURVEYING, INC.
Professional Land
Surveyors Planners

1 Walnut Drive Jackson NJ 08527 (732) 928 3398
Certificate of Authorization No. 24GA28128900

PROFESSIONAL LAND SURVEYOR
BRIAN T. YURO

NJLS No.
GS43252

File
22278

Date
3-28-22

Scale 1" = 40'



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-4

11.2

Meeting: 01/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2674

Resolution of Dismissal without Prejudice - White, Joseph, 274 Port Au Peck

RESOLUTION OF DISMISSAL WITHOUT PREJUDICE**BOROUGH OF OCEANPORT PLANNING BOARD
APPLICATION OF JOSEPH WHITE
274 PORT AU PECK AVENUE, BLOCK 122, LOT 25
DISMISSAL DATE: JANUARY 10, 2023
MEMORIALIZATION DATE: JANUARY 10, 2023**

WHEREAS, Joseph White previously submitted a Development Application to the Borough of Oceanport; and

WHEREAS, the said Application was submitted with respect to the property located at 274 Port Au Peck Avenue, Oceanport, NJ, and more formally identified as Block 122, Lot 25; and

WHEREAS, the said Application materials were submitted in connection with the Applicants' request to obtain Minor Subdivision with Bulk Variance Approval to subdivide one lot in two lots with non-conforming lot width; and

WHEREAS, the first Public Hearing on the matter occurred on December 13, 2023; and

WHEREAS, at the said time, Board Members expressed many questions, comments, and concerns regarding the Application, the sufficiency of the submitted Plans, drainage concerns, traffic ingress/egress concerns, and other issues; and

WHEREAS, as a result of the above-referenced concerns, the December 13, 2022 meeting was adjourned / continued to the January 10, 2023 meeting date, with the consent of the Applicants, so that the Applicants could consider effectuating Plan revisions so as to address some of the aforesaid concerns; and

WHEREAS, on January 4, 2023, the Applicant advised the Board Secretary that they would like to withdraw the subject Application; and

WHEREAS, under the circumstances, and per the request of the Applicant, the Planning Board should affirmatively dismiss the Application, without prejudice; and

WHEREAS, the failure to do so could, under certain circumstances, potentially result in an automatic approval of the Application; and

WHEREAS, such an automatic approval would not advance the interests of the Borough of Oceanport, the Oceanport Planning Board, and / or the residents of the Borough of Oceanport.

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

1. That for the reasons set forth herein, the Joseph White Application (with respect to the 274 Port Au Peck Ave, Oceanport, NJ property) is hereby **dismissed, without prejudice**.
2. That the Applicant shall cause all outstanding escrow charges (and other appropriate charges associated with the Planning Board Application) to be satisfied, in full.
3. That when and if appropriate, the Planning Board Secretary is authorized to advise the Borough's Finance Office that any replenished / remaining escrow can be returned to the Applicant.
4. That the Board Secretary, Board Attorney, and Zoning Officer are hereby authorized to take all reasonable actions necessary to effectuate the intentions of the within Resolution.
5. That the within Resolution shall take effect immediately.

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Barham-Widds, L.	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Calver, K. (Alt. #1)	()	()	()	()	()
Kleibeg, 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 10, 2023.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-5

11.3

Meeting: 01/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2677

Resolution of Approval - 51 Algonquin Ave

RESOLUTION

BOROUGH OF OCEANPORT PLANNING BOARD APPROVAL OF THE APPLICATION OF LEANDRO SANTANA 51 ALGONQUIN AVENUE, BLOCK 17, LOT 19 APPROVED DECEMBER 13, 2022 MEMORIALIZED JANUARY 10, 2023

INTRODUCTION

WHEREAS, Leandro Santana has made Application to the Oceanport Planning Board for the property designated as Block 17, Lot 19, commonly known as 51 Algonquin Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone, for the following approval: Bulk Variance Relief associated with a request to install a pool and fence at the site.

PUBLIC HEARING

WHEREAS, the Board held a Public Hearing on December 13, 2022, Applicant's representatives 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:

- *Development Application, introduced into Evidence as A-1;*
- *Zoning Officer Denial Letter, introduced into Evidence as A-2;*
- *Pool Variance Plan, prepared by Morgan Engineering and Surveying, last revised September 26, 2022, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Survey, prepared by Charles Surmonte, P.E., P.L.S., dated June 12, 2018, introduced into Evidence as A-4;*
- *Review Memorandum, from Colliers Engineering & Design, dated November 15, 2022, introduced into Evidence as A-5;*
- *Aerial Photograph of the subject area, introduced into Evidence as A-6;*

- *Aerial Photograph of the existing home on the Lot, introduced into Evidence as A-7;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

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

- Leandro Santana, Applicant;
- Michael Savarese, Architect;

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

TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT

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

- The Applicant is the owner of the subject property.
- The Applicant has owned the subject property for approximately 5 years.
- There is an existing single-family home at the site.
- The Applicant lives at the site.
- The Applicant has expressed a desire to install a pool and fence at the site.
- Details pertaining to the proposed pool include the following:

Type of Pool:	In-ground Pool
Size of Pool:	14' X 30'
Location:	Northern portion of property, per Plans.
Pool Depth:	Per Plans
Pool Equipment:	Standard pool equipment, including a pump, filter, and heater.
Pool Equipment Location:	The pool equipment, as amended, will be located in the eastern portion of the property, in a zoning compliant location.

- The Applicant's representatives are also proposing to install a fence at the site.
- Details pertaining to the proposed fence include the following:

Height:	4 ft. to 6 ft. high fence
Type of Fence:	Jerith type of fence (50% open)
Location:	Per Plans

- There is no outdoor lighting associated with the within proposal.
- The Applicant anticipates having the pool / fence installed in the very near future.

VARIANCES

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

Variances:

ACCESSORY STRUCTURE (POOL) LOCATION: The Prevailing Municipal Regulations do not permit a pool to be located in a front yard area; whereas, in the within situation, the Applicant is proposing to have the pool installed in such a (secondary) front yard area;

FENCE HEIGHT IN A FRONT YARD AREA: Maximum 4 ft. allowed; whereas 6 ft. fence (portion thereof) proposed;

PUBLIC COMMENTS

WHEREAS, there were no public comments, questions, statements 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 51 Algonquin Avenue, Oceanport, New Jersey, within the Borough's R-3 Zone.

3. The site contains a single-family home.

4. The Applicant herein is requesting permission to install a pool and fence at the site.

5. Such a proposal requires Bulk Variance Approval.

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

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

- The Board notes that the subject property is a corner property, located at the intersection of Algonquin Avenue and Port-Au-Peck Avenue.
- As a corner property, the subject property is 2 frontages, namely, a primary frontage and a secondary frontage.
- The fact that the property has 2 front yard areas compromises the ability of the Applicant to satisfy the Borough's Prevailing Pool / Fence Location Requirements.
- The unique features of the land / existing structure (including the corner nature of the property) compromise the ability of the Applicant to reasonably satisfy the Prevailing Zoning Regulations.
- The Board notes that the existing home on the lot is not centrally located. Rather, the existing structure is shifted to the eastern portion of the property. The said geometrical realities have contributed to the need / reasons as to why the pool is being located in the proposed location.
- Because of the fact that the existing structure is shifted to the eastern portion of the property (and the same is not centrally located), there is a limited traditional / functional backyard area at the property.
- The placement of the pool as referenced / proposed herein, will allow the Applicant to preserve as much of a functional backyard area at the site as possible.
- The Prevailing Municipal Zoning Regulations do not permit a pool / fence to be located in a front yard area – whereas, in the within situation, the proposed pool / fence are located in a technical / secondary front yard area.

- Presumably, the Municipal Regulations do not permit a pool to be located in a front yard area, as there is a legitimate municipal interest in attempting, when appropriate, to shield personal swimming / sun-bathing activity from public view.
- If the subject Lot were a traditional Lot, with 1 front yard area, 1 rear yard area, and 2 side yard areas, Variance relief would not be necessary herein.
- However, given the unique nature of the Lot, the fact that the same is surrounded by a Right-Of-Way on 2 sides, and given the nature of the existing structure on the site, there is a need for Variance relief.
- The location of the pool as proposed, is in a technical front yard area, but, in reality, the same will be placed in a functional / practical more private area of the property.
- The location of the pool as proposed, is situated / placed so that the homeowner can still have a functional / useable backyard area.
- As indicated, an accessory structure in a front yard area should be appropriately shielded so as to minimize any adverse visual, noise, or functional impacts.
- In the within situation, testimony indicated there is, and will be, sufficient landscaping at the site. The said landscaping / trees shall serve as a visual / noise / aesthetic buffer. The said plantings shall further minimize any adverse impact associated with the within approval.
- In conjunction with the above point, as a condition of the within approval, the said landscaping shall be perpetually maintained / replaced / planted, as necessary, so that the visual / noise / aesthetic buffer always exists.
- There does not appear to be any functional / practical zoning-compliant locations on the site in which the pool / fence can be located (given the fact that the Lot has a primary and secondary frontages).
- The existing single-family home is a permitted use in the Zone.
- The proposed pool is a permitted accessory use in the zone.
- The Applicant considered a number of potential host locations for the pool and fence, and the proposed location is most appropriate / desirable.
- The proposed host location of the pool is near the existing home and near the utility hook-ups, etc., further justifying the appropriateness of the proposed pool location.
- The pool complies with all Prevailing Setback Requirements.

- The Applicants' representatives provided extensive and compelling testimony in support of the Application and the requested relief.
- Subject to the conditions set forth herein, the grading and drainage testimony/plans presented satisfied the technical concerns of the Board Engineer.
- Per the testimony and evidence presented, and subject to the conditions contained herein, there will be no adverse drainage impacts associated with the within approval.
- Subject to the conditions contained herein, the Applicant's site can accommodate the Applicant's proposal.
- Per the testimony and evidence presented, there are no adverse health / safety / construction issues associated with the pool location approved herein.
- Per the testimony and evidence presented, the installation of the pool / fence approved herein will not compromise the health and safety of the occupants.
- There will be no adverse lighting associated with the placement of the pool in the approved location.
- The pool will be shielded by shrubbery and/or fencing, further ensuring that the proposed installation will not have an adverse impact on adjacent property owners.
- The pool will be appropriately shielded with landscaping / fencing.
- Subject to conditions contained herein, the location of the pool and landscaping will minimize, to the greatest extent possible, any disturbance to the neighboring property owners.
- Additionally, notwithstanding the Variance relief, the Board notes that the location of the proposed pool is practical, appropriate, and aesthetically pleasing.
- The proposed pool and fence will be attractive, aesthetically pleasing, and upscale, in accordance with Prevailing Community Standards.
- The Board notes that given the screening / buffering, the proposed pool will not be readily seen from the public street.
- Currently, there is no fence at the site.
- Per the testimony and evidence presented, there is a need for a fence at the site.

- A portion of the fence proposed herein will be 4 ft.; and the remaining portion of the fence will be 6 ft.
- Per the testimony and evidence presented, and given the corner nature of the lot, a compliant fence would not necessarily provide a reasonable amount of privacy to the homeowner.
- Per the testimony and evidence presented, and as a condition of the within approval, the fence approved herein will be a Jerith type of fence, which is 50% open, in accordance with the Borough's Prevailing Zoning Regulations.
- 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 homeowner.
- The to-be installed pool / fence is specifically designed for residential use.
- Approval of the within Application will not intensify the existing and to-be-continued single-family nature of the home/site.
- Sufficiently detailed Plans were submitted.
- Subject to the conditions contained herein, the location of the pool / fence 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 promises, commitments, and representations made at or during the Public Hearing process.
- b. The Plans shall be revised so as to include a note confirming that the said landscaping shall be perpetually maintained / replaced / replanted, as necessary, so as to perpetually ensure that the pool area is sufficiently shielded from adjacent neighbors / public.
- c. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:
 - Confirmation that the 6 ft. high portion of the fence will be placed along the common property line with the adjacent lot;
 - Confirmation that the portion of the fence along Port-Au-Peck Avenue will be a 4 ft. high Jerith fence (which is 50% open);
 - Confirmation that the proposed fence shall be a Jerith type of fence (50% open);
 - Confirmation that a pool-compliant fence shall be located on the site, in accordance with prevailing regulations;
 - Confirmation that the pool lighting system will be on a timer, which shall turn off no later than 10 p.m. each night;
 - Confirmation that the pool equipment shall be relocated to the opposite / eastern side of the pool, approximately 70 ft. from the Port-Au-Peck Avenue street line;
 - Confirmation that there shall be a confirming lot coverage at the site (including any approved patio details);
 - Confirmation that decorative plants shall be placed around the pool equipment area (the details of which will be reviewed and approved by the Zoning Officer / Board Engineer);
 - Confirmation that no portion of the pool equipment shall be located / visible above the 4 ft. fence surrounding the same;
 - Confirmation that additional landscaping shall be placed around the pool area (the details of which shall be reviewed and approved by the Zoning Officer and Board Engineer);

- d. There is an existing 16 ft. by 12 ft. shed on the site (approximately 12 ft. tall, approximately 3 -4 ft. feet off of the eastern property line. The said shed appears to be a pre-existing shed, located in a non-conforming location. No known Variance relief for such a shed has been obtained, and no such Variance relief (for the shed) is granted herein. Per the on-the-record discussion, the said shed (in its existing location, with its existing dimensions) is permitted to continue to exist at the site. However, if the existing shed is intentionally / unintentionally demolished /removed, all pre-existing non-conforming rights are officially abandoned. Moreover, any future relocation / replacement of the shed, in a non-conforming location, shall require future / formal relief from the Oceanport Planning Board.
- e. The Applicant shall comply with any / all Prevailing applicable Flood / FEMA Regulations.
- f. If required, grading and drainage details shall be submitted to the Board Engineer for his review and approval.
- g. There shall be no light spillover onto the adjacent properties.
- h. 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
- i. The Applicant shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated November 15, 2022 (A-5).
- j. The Applicant shall comply with any Prevailing Affordable Housing Rules, Regulations, Directives, Contributions as may be required by the State of New Jersey, the Borough of Oceanport, C.O.A.H., the Court System, and any other Agency having jurisdiction over the matter.
- k. The Applicant shall arrange for the pool to be fenced in accordance with Prevailing Building / Construction Code Requirements (including, but not limited to, gate modifications, fence location, etc.)
- l. The Applicant shall ensure that the location / elevation of the pool equipment shall comply with Prevailing Construction Department Regulations (regarding base flood elevation).
- m. The construction / installation shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the installation shall comply with Prevailing Provisions of the Uniform Construction Code.

- n. 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.
- o. The Applicants 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.
- p. The Applicants 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's representatives 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 installation.

SUMMARY OF VARIANCE RELIEF GRANTED

Accessory structure location: The Board has approved a pool and fence to be located in the front yard area / secondary front yard area.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on December 13, 2022 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
Kleiberg	()	()	()	()	()
Davis	()	()	()	()	()
Dailey	()	()	()	()	()
Widdis, L. (Alt. #1)	()	()	()	()	()
Vacant (Alt. #2)	()	()	()	()	()

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

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Whitson	()	()	()	()	()
Kahle	()	()	()	()	()
Cooper	()	()	()	()	()
Foster	()	()	()	()	()
Tvrdik	()	()	()	()	()
Widdis, C.	()	()	()	()	()
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 10, 2023.

Jeanne Smith, Secretary

KEK/dmp
Z:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Santana (install pool and fence)\Resolution.docx



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 2567)

Meeting: 01/10/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Kelle Burrough
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2567

PB2022-27 Marra, Ralph

Block 14, Lot 13

7 Bayview Place

Applicant is seeking to construct a 6' high vinyl solid fence, around pool, 49.93' of which is located in the secondary front yard along Monmouth Blvd where 4' and 50% open fence is permitted.

COMMENTS - Current Meeting:

Block 14, Lot 13

7 Bayview Place

Applicant is seeking to construct a 6' high vinyl solid fence, around pool, 49.93' of which is located in the secondary front yard along Monmouth Blvd where 4' and 50% open fence is permitted.

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



November 21, 2022

VIA EMAIL

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

7 Bay View Place – Bulk Variance
Block 14, Lot 13
Application No. PB2022-26
Borough of Oceanport, Monmouth County, New Jersey
Colliers Engineering & Design Project No. OPP-0337

Dear Board Members,

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

- Plans entitled "Variance/Permit Plan" prepared by Land Control Services, LLC, dated September 1, 2022, consisting of one (1) sheet.
- Plan entitled "Location Survey" prepared by Land Control Services, LLC, last revised August 22, 2022, consisting of one (1) sheet.

The subject property is a 15,000 SF (0.34-acre) parcel located in the R-3 Residential Zone. The property is located at the northeast corner of the intersection of Bay View Place with Monmouth Boulevard. The Applicant proposes to install a six-foot (6') high privacy fence. The lot has frontage on Bay View Place and Monmouth Boulevard and technically has two (2) front yards.

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

A. Variances/Design Waivers

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

1. Bulk variance is required for the following:
 - a. Ordinance 390 Article 25 A 1 permits fences in the front yard no higher than four feet (4') and Ordinance 390 Article 25A-2 requires fences to be less than 50% solid. The Applicant is proposing a six foot (6') high solid privacy fence. The portion of fence that is beyond the projection of the garage at 49.93' from Monmouth Boulevard requires a Bulk Variance.

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

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

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

B. General Comments

1. The Applicant should provide a detail of the proposed fence.

Project No. OPP-0337
November 21, 2022
Page 3 | 3



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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)

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

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

WHW/dmm

cc: Ralph Marra, (via email)
Kevin Kennedy, Esq. (via email)

r:\projects\m-p\opp\opp0337\correspondence\out\221121_whw_7_bay_view_review#1.docx

EXHIBIT A

APPLICATION OF MARRA
7 BAYVIEW PLACE
OCEANPORT, NJ

The applicant with respect to the instant application seeks bulk variance relief to permit the construction of a six foot (6') high fence on the rear of a residential dwelling house located at 7 Bayview Place, and shown on the tax map of the Borough of Oceanport as Block 14, Lot 13. The premises are located in the R-3 Residential Zone which permits single family houses, of which the subject parcel is. The property is located on the corner of Bayview Place and Monmouth Boulevard which, by virtue of the location and situs thereof is a corner lot. As such, it is respectfully submitted that the relief sought by the applicant, specifically the construction of the said six foot fence long the easterly property line should be granted as such relief clearly falls within the letter and spirit of a "hardship" variance as set forth in the provisions of NJSA 40:55-70(c)(1) and (2) given the layout of the property.



Oceanport Borough
ZONING DEPARTMENT
910 OCEANPORT WAY
OCEANPORT, NJ 07757
(732) 222-0641

12.1.c

Application Date: 6/30/2022
Application Number: ZA-22-0148
Permit Number: _____
Project Number: _____
Fee: \$45

Denial of Application

Date: 6/30/2022

To: RALPH MARRA
7 BAYVIEW PLACE
OCEANPORT, NJ

CC: APP EMAIL [REDACTED]

RE: 7 BAYVIEW PLACE
BLOCK: 14 LOT: 13 QUAL: ZONE:

DEAR RALPH MARRA,

New section of 6ft fence along Southeast corner of property from shed to survey marker.

Your request is hereby denied based upon the following requirements:

49.93 feet of the 70 feet of proposed 6-foot solid fence is located in a front yard. Only 4-foot, 50% open fences are permitted in front yards.

Sincerely,

JOHN JOHNSON, ZONING OFFICER

ZONING DATA
ZONE R-3

	REQUIRED	EXISTING
MINIMUM LOT AREA	12,000 SF	15,000 SQ. FT.
MINIMUM LOT WIDTH	120 FT	150.00 FT
MINIMUM LOT DEPTH	100 FT	100.00 FT
MIN. FRONT SETBACK	30 FT	31.00 FT
MIN. REAR SETBACK	25 FT	30.93 FT
MIN. SIDE SETBACK (ONE/BOTH)	10 FT/25 FT	15.75/65.68
MAX. BUILDING COVERAGE (PRINCIPAL)	25 %	18.1%
MAX. BUILDING COVERAGE (ACCESSORY)	5%	1%
MAX. LOT COVERAGE (IMPERVIOUS)	37%	47.3%* (PRE-EXIST.)
MAX. BUILDING HEIGHT(Principal)	35 FT	25 FT
MIN. SETBACK (ACCESSORY)(SIDE)	10 FT	58.39 FT
MIN. SETBACK (ACCESSORY)(REAR)	5 FT	7.76 FT

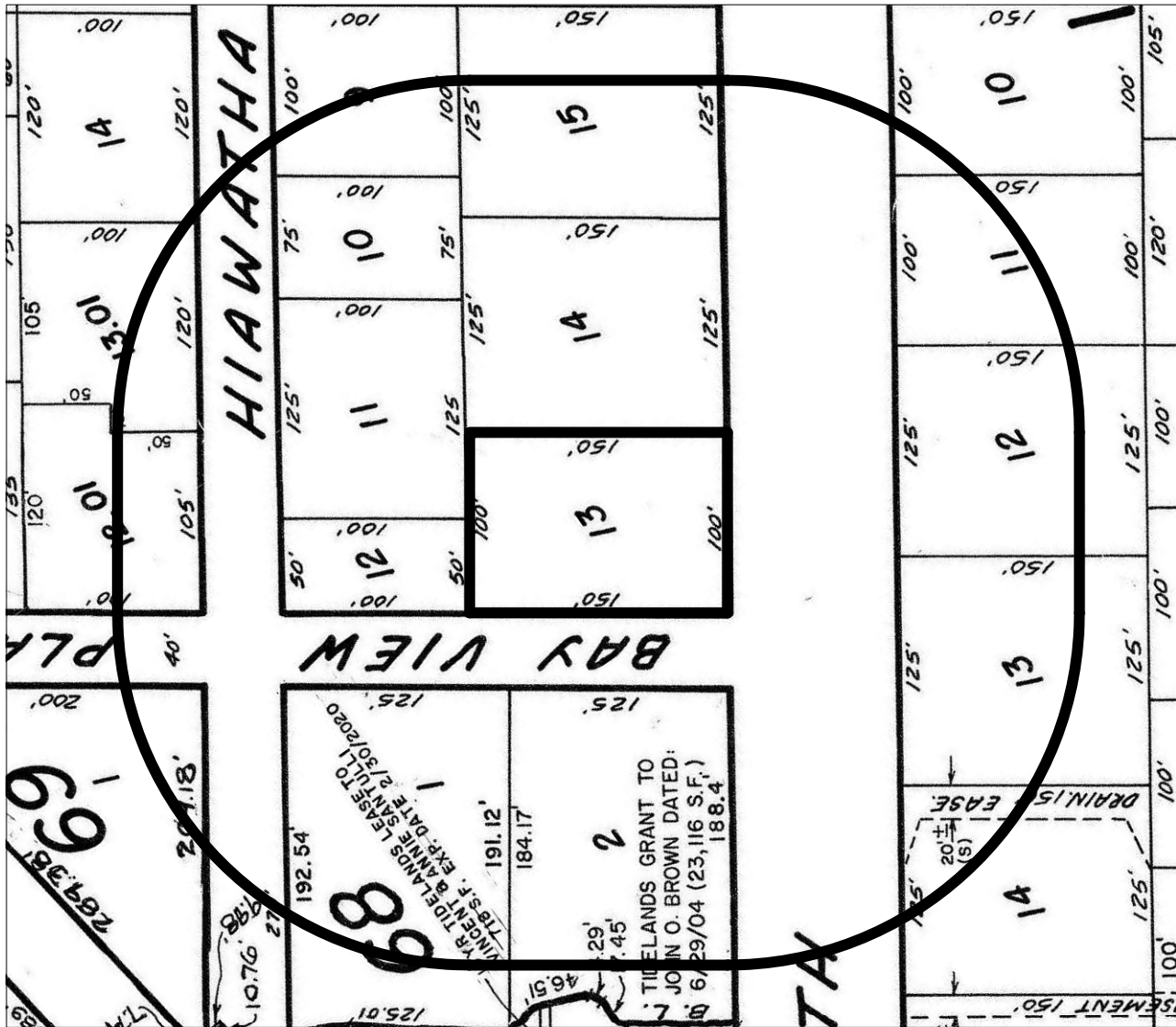
*PRE-EXISTING CONDITION

CONSTRUCTION NOTES:

1. THE OWNER/APPLICANT PROPOSES TO CONSTRUCT A 6' HIGH WHITE VINYL FENCE IN THE FRONT YARD. THE PROPOSED FENCE IS TO EXTENDED TO RIGHT OF WAY LINE OF MONMOUTH BOULEVARD AS SHOWN HEREON.

GENERAL NOTES:

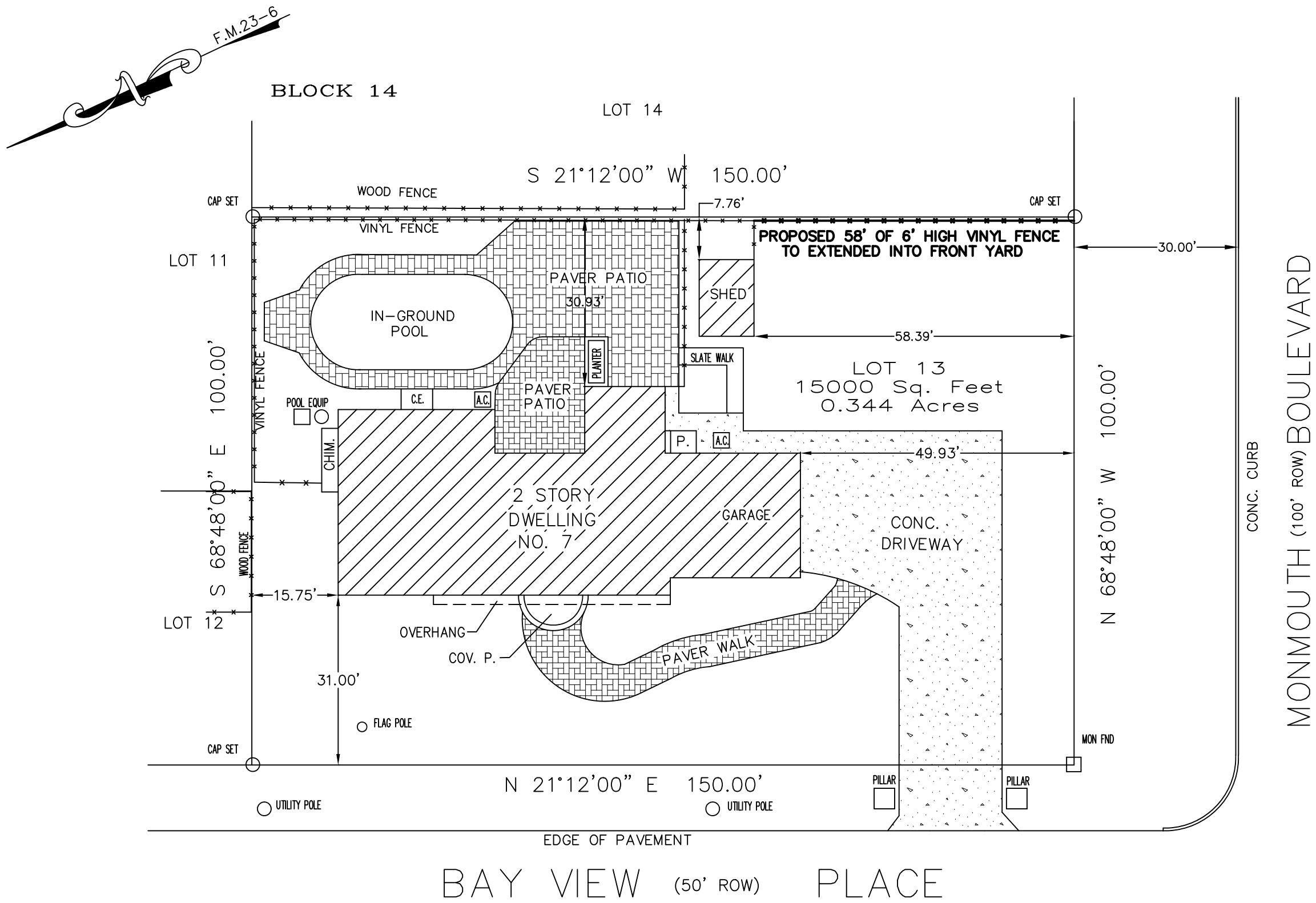
1. THE PROPERTY IS KNOWN AS LOT 13 IN BLOCK 14 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OCEANPORT.
2. THE PROPERTY IS ALSO KNOWN AS LOTS 95, 97, 99 & 101 IN BLOCK 15 AS SHOWN ON A CERTAIN MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUPECK" SAID MAP WAS FILED IN THE OFFICE OF THE MONMOUTH COUNTY CLERK ON 11-11-1920 AS MAP NUMBER 23-6.
3. THE PROPERTY IS IN AN AE ZONE WITH A BASE FLOOD ELEVATION OF 10' AS SHOWN ON THE FIRM PANEL NUMBER 34025C0184H DATED 06-15-2022.
4. INFORMATION SHOWN HEREON IS BASED ON A SURVEY BY THIS FIRM DATED 11-14-2018 AND REVISED THROUGH 8-22-2022.
5. OFFSET DIMENSIONS FROM STRUCTURE TO THE PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED FOR ESTABLISHING PROPERTY LINES



200' RADIUS & KEY MAP (1"=100')

OWNERS WITHIN 200'

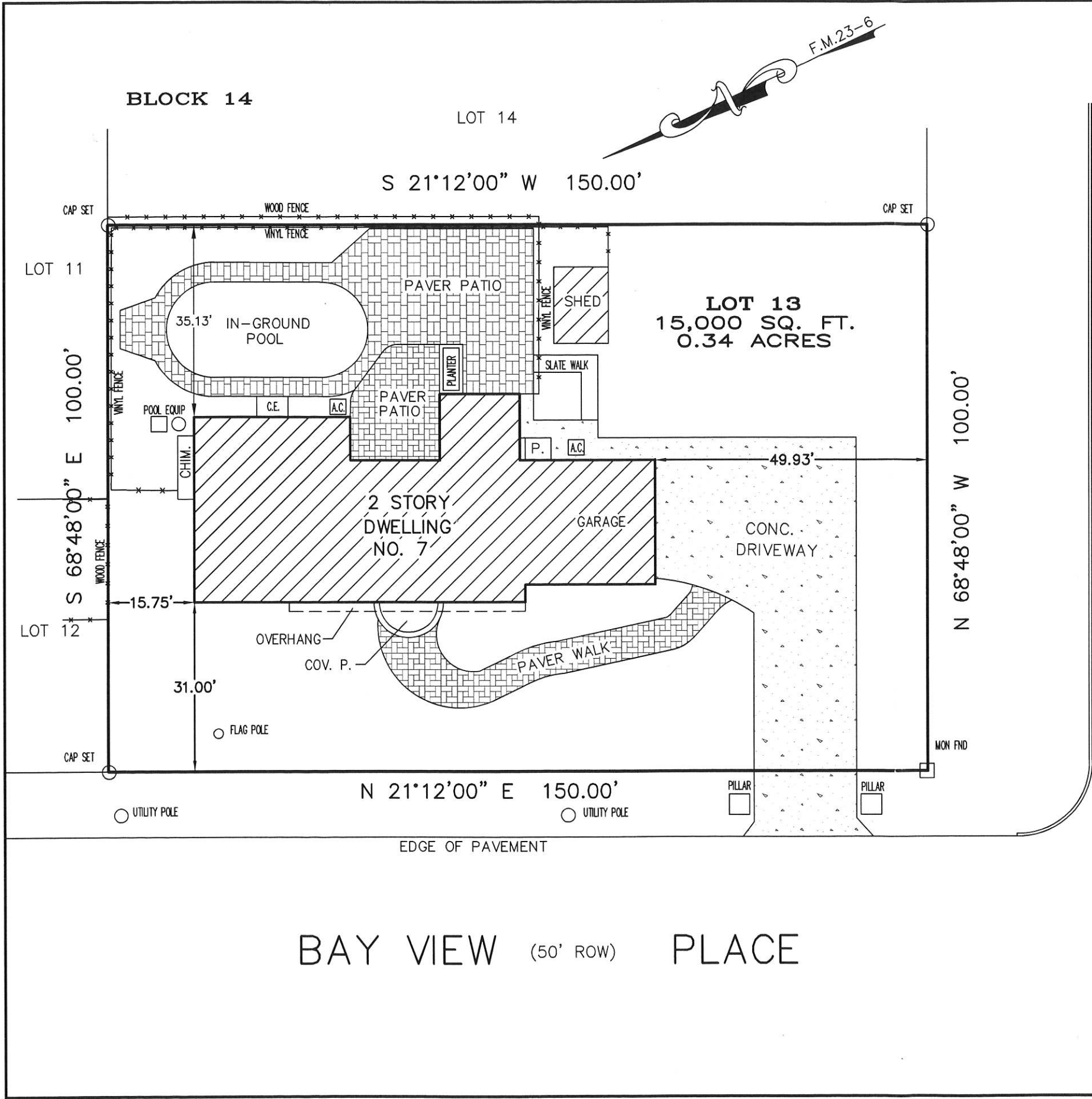
BLOCK	LOT	QUAL	CLA	PROPERTY OWNER	PROPERTY LOCATION	Add'l Lots
12	10		2	SCHIFFLING, SPENCER & ELIZABETH A 150 MONMOUTH BLVD OCEANPORT, N J 07757	150 MONMOUTH BLVD	
12	11		2	CANCELLIERI, FRANCIS L & ANN M 152 MONMOUTH BLVD OCEANPORT, NJ 07757	152 MONMOUTH BLVD	
12	12		2	LONDA, SARA JEANNE 149 MONMOUTH BLVD OCEANPORT, N J 07757	140 MONMOUTH BLVD	
12	13		2	MOLINO, BRUNO 144 MONMOUTH BLVD OCEANPORT, NJ 07757	144 MONMOUTH BLVD	
12	14		2	VAUGHAN, WILLIAM J & JESSICA A 150 MONMOUTH BOULEVARD OCEANPORT, NJ 07757	150 MONMOUTH BLVD	
14	9		2	BEAMS, DANIEL G & TARA E 102 HIAWATHA AVE OCEANPORT, NJ 07757	102 HIAWATHA AVE	
14	10		2	KEENAN, PATRICK & BLACKBURN, MELISS 106 HIAWATHA AVE OCEANPORT, NJ 07757	106 HIAWATHA AVE	
14	11		2	PREETAM, LUCIA & HIRAMANI 110 HIAWATHA AVENUE OCEANPORT, N J 07757	110 HIAWATHA AVE	
14	12		2	BIRDSELL, GERALD & KIMBERLY 11 BAYVIEW PL OCEANPORT, NJ 07757	11 BAYVIEW PL	
14	14		2	DEL VECCHIO, FRANK & JOYCE 139 MONMOUTH BLVD. OCEANPORT, NJ 07757	139 MONMOUTH BLVD	
14	15		2	GIACASTRO, FRANKIE & JENNIFER 133 MONMOUTH BOULEVARD OCEANPORT, NJ 07757	133 MONMOUTH BLVD	
16	12.01		2	BAY CASTLE, LLC, ATTN K. GERHARD 150 KINGS ROAD PALM BEACH, FL 33480	15 BAYVIEW PL	
16	13.01		2	STETTER, KEVIN & TRACY 111 HIAWATHA AVENUE OCEANPORT, NJ 07757	111 HIAWATHA AVE	
16	14		2	KING, KENNETH C & VITA J 103 HIAWATHA AVE OCEANPORT, N J 07757	103 HIAWATHA AVE	
68	1		2	ROHL, JONATHAN ROBERT & GUILLETTE, C 118 HIAWATHA AVE OCEANPORT, NJ 07757	118 HIAWATHA AVE	1.01
68	2		2	BADLIN, RUSSELL M & LISA 6 BAYVIEW PLACE OCEANPORT, NJ 07757	6 BAYVIEW PL	2.01
69	1		2	MIGLIACCIO, HOLLY & CANESSA, SHANNON 18 BAYVIEW PLACE OCEANPORT, NJ 07757	18 BAYVIEW PL	



APPLICANT/OWNER

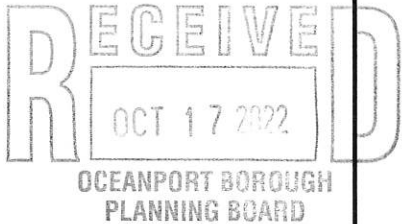
RALPH C. MARRA & ANNE C. MARRA
7 BAY VIEW PLACE
OCEANPORT, NJ 07757
PHONE (908) 675-5266

VARIANCE/PERMIT PLAN PREPARED FOR "MARRA" LOT 13 OF BLOCK 14 SITUATED IN BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY			
	LAND CONTROL SERVICES, LLC SURVEYING & MAPPING 620 WARDELL STREET LONG BRANCH, NEW JERSEY 07740 (732) 229-7628 landcontrol1@gmail.com	DATE	09/01/2022
		SCALE	1" = 20'
	JAMES B. GODDARD, PLS LICENSE NO. 37588	DRAWN	CWK
		CHECKED	JBG
		FILE NO.	1607
SHEET		1 OF 1	



- NOTES:
1. THE PROPERTY IS KNOWN AS LOT 13 IN BLOCK 14 AS SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF OCEANPORT.
 2. THE PROPERTY IS ALSO KNOWN AS LOTS 95, 97, 99, 101 IN BLOCK 15 AS SHOWN ON A CERTAIN MAP ENTITLED "PERFECTED AND AMENDED MAP OF PROPERTY KNOWN AS PORTAUPECK, MONMOUTH COUNTY, N.J." FILED IN THE MONMOUTH COUNTY CLERKS OFFICE ON NOVEMBER 11, 1920 AS MAP NO. 23-6.
 3. THE INFORMATION SHOWN HEREON CORRECTLY REPRESENTS THE CONDITIONS FOUND AS OF THE DATE OF THE FIELD SURVEY, EXCEPT SUCH IMPROVEMENTS OR EASEMENTS, IF ANY, BELOW THE SURFACE AND NOT VISIBLE.
 4. THIS SURVEY IS SUBJECT TO ANY EASEMENTS OF RECORD AND OTHER PERTINENT FACTS WHICH MAY BE DISCLOSED BY A TITLE SEARCH.
 5. OFFSET DIMENSIONS FROM STRUCTURES TO THE PROPERTY LINES SHOWN HEREON ARE NOT TO BE USED FOR ESTABLISHING PROPERTY LINES.

CERTIFIED TO:
Ralph C. & Anne C. Marra



1.	SHOW NEW VINYL FENCE	08-22-22	CWK	JBG
NO.	REVISIONS	DATE	DRAWN	CHECKED

LOCATION SURVEY
PREPARED FOR
"MARRA"
LOT 13 OF BLOCK 14
SITUATED IN
BOROUGH OF OCEANPORT, MONMOUTH COUNTY, NEW JERSEY

	LAND CONTROL SERVICES, LLC SURVEYING & MAPPING 620 WARDELL STREET LONG BRANCH, NEW JERSEY 07740 (732) 229-7628 landcontrol1@gmail.com	DATE	07/03/2020
		SCALE	1" = 20'
		DRAWN	CWK

JAMES B. GODDARD, PLS
LICENSE NO. 37588

CHECKED	JBG
FILE NO.	1607
SHEET 1 OF 1	