



## **BOROUGH OF OCEANPORT PLANNING/ZONING BOARD**

### **REGULAR MEETING • AGENDA**

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

**SEPTEMBER 23, 2025 at 7:00 PM**

1. **Call to Order**
2. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 25, 2025 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
3. **Flag Salute**
4. **Board Policy**
  - It is Board Policy that no application will be opened after 9:30 PM.
  - No new testimony will be taken after 10:00 PM, except at the discretion of the Board.
5. **Roll Call**
6. **Board Business**
7. **Approval of Minutes**
8. **Resolutions**
  - 8.1. PR-25-15 Resolution of Approval, Fort Monmouth Business Center - Allison Hall Parcel
  - 8.2. PR-25-19 Resolution of Approval, Nadlan, LLC, 108 Main Street
9. **Old Business**
10. **New Business**
  - 10.1. Ordinance Review Regarding Redevelopment Plan  
Potential Resolution #PR-25-20 adopting of redevelopment plan
  - 10.2. PB2025-02 Ralph Mocchi  
Block 72, Lot 4.04  
6 Blue Point Cove Road  
Proposed use and bulk variance approval for an addition to add housekeeping quarters
11. **Petitions from the Public**
12. **Adjournment**

## **RESOLUTION**

**BOROUGH OF OCEANPORT PLANNING BOARD  
APPROVAL OF THE AMENDED APPLICATION OF FORT MONMOUTH BUSINESS  
CENTER, LLC  
ALLISON HALL PARCEL  
OCEANPORT, NEW JERSEY  
BLOCK 110, LOT 110.11  
APPLICATION NO.: PB2020-07  
APPROVAL DATE: JUNE 24, 2025  
MEMORIALIZATION DATE: AUGUST 12, 2025**

### **INTRODUCTION**

**WHEREAS**, Agents of the Fort Monmouth Business Center, LLC have made Application to the Oceanport Planning Board for the property designated as Block 110, Lot 110.11, Fort Monmouth Campus, Oceanport, New Jersey, within the Borough's Horseneck Center District and Ft. Monmouth Historic District, for the following Approval: Amended Preliminary and Final Site Plan Approval to modify the Planning Board's initial Approval granted on or about April 27, 2021.

### **PUBLIC HEARINGS**

**WHEREAS**, the Board held a Public Hearing on June 24, 2025, 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:

- *Land Development Application, introduced into Evidence as A-1;*
- *Architectural Floor Plans, prepared by Mancini Duffy Architects, LLC, last revised April 10, 2025, consisting of 3 sheets, introduced into Evidence as A-2;*
- *Plans, prepared by Mancini Duffy Architects, LLC, dated November 19, 2024, consisting of 4 sheets, introduced into Evidence as A-3;*

- *Amended Preliminary and Final Major Site Plan, prepared by Morgan Engineering and Surveying, dated April 8, 2025, consisting of 25 sheets, introduced into Evidence as A-4;*
- *Signed Details, prepared by Forge Signworks, dated January 16, 2025, consisting of 6 pages, introduced into Evidence as A-5;*
- *Mandatory Conceptual Review Letter, dated December 18, 2024, introduced into Evidence as A-6;*
- *Colliers Engineering & Design Review Memorandum, dated June 19, 2025, introduced into Evidence as A-7;*
- *Application Addendum/Project Description, introduced into Evidence as A-8;*
- *List of Proposed Site Plan Amendments, introduced into Evidence as A-9;*
- *Site Plan Modification to the North Side of the Allison Hall Parcel, dated June 14, 2025, introduced into Evidence as A-10;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*
- *Diagram of the Previously Approved Proposal, dated June 24, 2025, prepared by Jordan Rizzo, consisting of 1 sheet, introduced into Evidence as P-1;*
- *Mark-up of the Originally Approved Plans, prepared by Jordan Rizzo, with Associated Photographs, consisting of 2 sheets, dated May 9, 2025, and May 12, 2025, collectively introduced into Evidence as P-2;*
- *Site Plan, prepared by Morgan Engineering, dated November 5, 2019, last revised July 11, 2022, Portraying 4 Overhead Doors, submitted by Jordan Rizzo, introduced into Evidence as P-3;*

### **WITNESSES**

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

- Mark Rohmeyer, Professional Engineer/Professional Planner;
- Michael Abboud, Member of Fort Monmouth Business Center, LLC;
- Steven Gouin, Esq. appearing; and

**WHEREAS**, William H.R. White, III, P.E., P.P., CME, the Board Engineer/Board Planner, 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’S  
REPRESENTATIVES**

**WHEREAS**, testimony and other evidence presented by the Applicant’s Representatives revealed the following:

- The Applicant herein is Fort Monmouth Business Center, LLC.
- The Members of the said entity are Michael Abboud and Chris Ilvento.
- The Applicant, and Representatives/Agents thereof, have significant experience in the construction and development field.
- The Applicant is the owner of the subject property.
- The subject property contains a 12.134-acre parcel (528,537 SF) within the former Ft. Monmouth Complex.
- On or about April 27, 2021, the Applicant received Conditional Approval (from the Oceanport Planning Board) to effectuate the following:
  - Demolition of some of the existing buildings located on the tract, including Building #196 and Building #359;
  - Renovation and adaptive re-use of some of the existing buildings on the tract, i.e. Building #209 (also known as Allison Hall), a portion of Building #210, and Building #199;
  - Use of the Allison Hall Building as a mixed Research and Development/medical office use;
  - Partial demolition of Building #210, the renovation of the remaining portion of Building #210 (to be utilized as a restaurant/bar use on the first-floor, the creation of outdoor dining and promenade areas, and use of the second-floor as office or non-residential mixed-use space; and

- Construction of three (3) new structures on the southern portion of the tract, as per the Approved Final Site Plan for the project.
- A memorializing Resolution was adopted on or about June 22, 2021.
- There has been no known appeal of the said Approval.
- After the aforesaid 2021 Planning Board Approval, and presumably because of changing market forces, FMERA representatives Approved Amendment #21 (to the FMERA Land Use regulations) which changed some of the permitted uses for some of the buildings in the former Ft. Monmouth Complex.
- As a result of the above, the Applicant's representatives now propose to effectuate a number of changes to the project which was previously Approved.
- The proposed changes (as ultimately amended/withdrawn at the June 24, 2025, Public Hearing) include the following:
  - The use of Allison Hall (Building #209) will be changed from the previously Approved Research and Development/medical office use to a boutique hotel;
  - There will modifications to the site improvements/layouts surrounding Allison Hall (Building #209);
  - Building #210 (now known as 1250 Oceanport Avenue) will be expanded so as to extend the second-floor over the previously Approved raised rear patio terrace, and the enclosure of the patio on the first-floor of the building;
  - Building #199 (now known as 1200 Oceanport Avenue) will be changed from the previously Approved retail use to a restaurant use;
  - There will be exterior modifications to Building #199 (1200 Oceanport Avenue);
  - There will be exterior modifications to Building #210 (1250 Oceanport Avenue); and
  - There is a proposal to change some of the previously Approved sign restrictions associated with the site.
- Details pertaining to the proposed Allison Hall Boutique Hotel, and related site improvements, include the following:

|                                                              |                                         |
|--------------------------------------------------------------|-----------------------------------------|
| Previously Approved Use:                                     | Research and Development/medical office |
| Proposed/Amended Use:                                        | Boutique Hotel                          |
| Hotel Size:                                                  | 33,141 SF                               |
| Height of Hotel:                                             | 39.9Ft.                                 |
| # of Hotel Stories:                                          | 3                                       |
| # of Hotel Rooms:                                            | 50                                      |
| Hotel Amenities:                                             | Bar/Pool.                               |
| Hotel Bar Size (with associated congregation/assembly area): | @900 SF                                 |
| Hotel Pool Size:                                             | 940 SF                                  |
| Hotel Pool Shape:                                            | Kidney                                  |
| Pool Surround Details:                                       | Concrete Patio( @2,860 SF)              |

- The second-floor extension including the following:

|                           |                                                                                                                                                                                                                           |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use:                      | In 2021, the building was approved to be a restaurant on the first floor and an office on the second floor. Now, with the amendment, the proposal is for the entire building to be used as a restaurant/banquet facility. |
| Restaurant Capacity:      | 323 seats                                                                                                                                                                                                                 |
| Ultimate Building Height: | 31.1 ft (no change from what was initially approved)                                                                                                                                                                      |

- Proposed Details pertaining to Building #199 (now known as 1200 Oceanport Avenue) include the following:

|                              |                                                        |
|------------------------------|--------------------------------------------------------|
| Previously Approved Use:     | Retail                                                 |
| Proposed New Use:            | Restaurant with an accessory outdoor patio/stage area. |
| Restaurant Size:             | 10,243 SF                                              |
| # of Restaurant Stories:     | 1                                                      |
| Restaurant Seating Capacity: | 210                                                    |

- Proposed details pertaining to the exterior modifications of Building #199 (now known as 1200 Oceanport Avenue) are as shown on the architectural Plans and Elevations as submitted with the Application and considered by the Board such that Building 199 will now include a similar architectural aesthetic to Building 850 (e.g. brick façade).

- Proposed details pertaining to the exterior modifications of Building #210 (now known as 1250 Oceanport Avenue) are as shown on the architectural Plans and Elevations as submitted with the Application and considered by the Board and consist of a modification to add a second story enclosure:
- Proposed details pertaining to the proposed signage changes include the following:

|                                        |                                                                                                                                                                                              |
|----------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Previously Approved Sign Restrictions: | Per the Resolution of Conditional Approval, adopted on or about June 22, 2021, the Applicant was only allowed to have wall signs which did not exceed an area of 15 SF (for each wall sign). |
| Proposed Sign Amendments:              | The Applicant herein is now proposing to have wall signs which are permitted to be up to 60 SF each.                                                                                         |

- All of the proposed modifications are permitted under the prevailing FMERA regulations.
- All of the above changes have been Approved by FMERA, and the Applicant has received updated mandatory conceptual review Approval which has been submitted to the Board as part of the Application package.
- The Applicant's representatives anticipate that the renovation/construction work will commence in the near future.
- The Applicant's representatives will be utilizing licensed contractors in connection with the renovation/construction process.

### **VARIANCE**

**WHEREAS**, the amended Application requires Approval for the following Variance:

*SIGNAGE: The Planning Board previously granted a Variance request for wall signs per tenant, up to a maximum of 42 wall signs, of up to 15 SF per each wall sign. A maximum of 23 signs are permitted for mixed-use buildings, 18 signs are permitted for the retail building, and 2 signs are permitted for building #210 (1250 Oceanport Avenue). In the within situation, the Applicant's representatives are requesting an amendment to the previously issued Approval to permit an increase in the sign area for each wall sign. Specifically, the Applicant proposes up to 60 SF for each wall sign.*

## **PUBLIC COMMENTS**

**WHEREAS**, Public comments, questions, statements, objections, and/or concerns associated with the amended proposal were submitted by the following:

Jordan Rizzo; and

Robert McDaid.

## **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 amended Application (as modified during the 6-24-25 Public Hearing), 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 identified as Block 110.11, Lot 1, Oceanport, New Jersey, within the Borough's Horseneck Center District (and a portion of the property is located in the Borough's Fort Monmouth Historic District as well).
3. The 528,537 SF parcel (i.e. 12.134-acre parcel) is located on a portion of the former Fort Monmouth Complex, in an area known as the Allison Hall Parcel.
4. The subject property is bound by Parkers Creek to the north, Oceanport Avenue to the east, the Lodging Parcel to the west, and Russell Avenue to the south.
5. As indicated, the subject property involves a 12.134-acre portion of the former Fort Monmouth Complex.
6. The subject property is located within the Oceanport portion of the former Fort Monmouth complex.

7. Pursuant to Prevailing Regulations, the property is subject to the Fort Monmouth Economic Revitalization Authority (FMERA) guidelines.

8. The FMERA regulations have been designed/adopted with the intention of providing comprehensive, cohesive, and consistent development of the various portions of the Fort Monmouth Complex, regardless of whether the particular development site is located in the Borough of Oceanport, the Borough of Eatontown, or the Borough of Tinton Falls.

9. Generally speaking, the FMERA regulations govern the uses at the former Fort Monmouth site, and the various host communities (including the Borough of Oceanport, and the Oceanport Planning Board) govern Site Plan and Bulk Variance – related issues/concerns.

10. On or about April 27, 2021, the Applicant received Preliminary and Final Site Plan Approval, Bulk Variance Approval, and Design Waiver Approval to effectuate the following:

- Demolition of some of the existing buildings located on the tract, including Building #196 and Building #359;
- Renovation and adaptive re-use of some of the existing buildings on the tract, i.e. Building #209 (also known as Allison Hall), a portion of Building #210, and Building #199;
- Use of the Allison Hall Building as a mixed use Research and Development/medical office;
- Partial demolition of Building #210, the renovation of the remaining portion of Building #210 (to be utilized as a restaurant/bar use on the first-floor, the creation of outdoor dining and promenade areas, and use of the second-floor as office or non-residential mixed-use space; and
- Construction of three (3) new structures on the southern portion of the tract, as per the Approved Final Site Plan for the project.

11. A memorializing Resolution was adopted on or about June 22, 2021.

12. There has been no known appeal of the said Approval.

13. After the aforesaid 2021 Planning Board Approval, FMERA representatives Approved Amendment #21 (to the FEMRA Land Use regulations) which changed some of the permitted uses for

some of the buildings located in the former Fort Monmouth Complex (including some buildings located within the Allison Hall parcel).

14. As a result of the modified FMERA regulations (including Amendment #21), the Applicant's representatives propose to effectuate a number of changes to the previously Approved project.

15. The proposed changes (as ultimately Amended/Withdrawn at the June 24, 2025, Public Hearing) include the following:

- The use of Allison Hall (Building #209) will be changed from the previously Approved Research and Development/medical office use to a boutique hotel;
- There will be modifications to the site improvements/layouts surrounding Allison Hall (Building #209);
- Building #210 (now known as 1250 Oceanport Avenue) will be expanded so as to extend the second-floor over the previously Approved raised rear patio terrace, and the enclosure of the patio on the first-floor of the building;
- Building #199 (now known as 1200 Oceanport Avenue) will be changed from the previously Approved retail use to a restaurant use;
- There will be exterior modifications to Building #199 (1200 Oceanport Avenue);
- There will be exterior modifications to Building #210 (1250 Oceanport Avenue); and
- There is a proposal to change/loosen some of the previously Approved sign restrictions associated with the site.

16. Details pertaining to the proposed changes are set forth herein, are set forth on the Plans, and were discussed, at length, at the June 24, 2025, Public Hearing.

17. Such a proposal requires Amended Preliminary and Final Site Plan Approval and potential Bulk Variance Approval.

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

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

## INTRODUCTIONAL/JURISDICTIONAL FINDINGS

- After the Planning Board's initial Approval of April 27, 2021, FEMRA representatives adopted Amendment #21(pertaining to the FEMRA Land Use regulations), which changed some of the permitted uses in the former Fort Monmouth Complex (including some buildings located in the Allison Hall parcel).
- The changes proposed herein are now specifically permitted under the prevailing FEMRA regulations.
- Under the prevailing FEMRA regulations, the Borough of Oceanport and the Oceanport Planning Board have no jurisdiction over the uses which are permitted, or should be permitted, in the former Fort Monmouth Complex.
- Rather, as referenced, the role/jurisdiction of the Oceanport Planning Board is limited to Site Plan issues, Bulk Variance issues, and Design Waiver/Exception issues.
- In accordance with New Jersey law, the Oceanport Planning Board Members are aware of the prevailing legal standards which must be satisfied to obtain the amended Approval.
- Subject to the conditions set forth herein, the amended Plans Approved herein satisfy prevailing Site Plan requirements.
- Subject to the conditions set forth herein, Traffic Circulation details (associated with the amended Application) are satisfactory.
- Subject to the conditions set forth herein, the Vehicular Circulation details (associated with the amended proposal) are satisfactory.
- Subject to the conditions set forth herein, the Pedestrian Circulation details (associated with the amended Application) are satisfactory.
- Subject to the conditions set forth herein, the lighting details (associated with the amended proposal) are satisfactory.
- Subject to the conditions set forth herein, the Grading/Drainage details (associated with the amended proposal) are satisfactory.
- Subject to the conditions set forth herein, the amended Application, as Approved herein, will satisfy all prevailing/applicable Building Code/Construction Code requirements.
- Subject to the conditions set forth herein, the amended Application Approved herein will comply with all prevailing/applicable garbage/recycling requirements.
- Subject to the conditions set forth herein, the amended Application Approved herein complies with prevailing height requirements.

- Subject to the conditions set forth herein, the amended Application Approved herein complies with all applicable architectural requirements (as espoused in the prevailing FEMRA regulations).
- Subject to the conditions set forth herein, there is no non-permitted use proposed, approved, or otherwise authorized for the former Fort Monmouth Complex.
- Subject to the conditions set forth herein, the amended Application Approved herein will not compromise the overall parking inventory/sufficiency at the site.
- Subject to the conditions set forth herein, Approval of the amended Application will not compromise the overall availability of parking at the site.
- Subject to the conditions set forth herein, Approval of the amended Application will not compromise the overall public health or safety.
- Subject to the conditions set forth herein, Approval of the amended Application will not compromise any Sight Triangle Easements.
- Subject to the conditions set forth herein, the within approval will not create any site visibility issues.
- Subject to the conditions set forth herein, Approval of the amended Application will not compromise any Stormwater Management practices at the site.
- Subject to the conditions set forth herein, will comply with all prevailing/applicable ADA requirements.
- Subject to the conditions set forth herein, the utility connection details will comply with prevailing/applicable requirements.
- Subject to the conditions set forth herein, the amended Application satisfies the prevailing/applicable landscaping requirements.
- Subject to the conditions set forth herein, and with the grant of the relief for the technical wall sign details referenced herein, there are no new Variances associated with the amended Application Approved herein (beyond that which was previously approved).

### **PARKING**

- The parking situation at the site is of critical importance for the Board Members.
- It is imperative that there be sufficient parking for the Applicant's proposed uses (in accordance with the specific testimony presented during the Public Hearings in 2021 and 2025).

- The absence of sufficient/appropriate parking for any particular use in the former Fort Monmouth Complex will be detrimental to the Borough of Oceanport, and the other host communities.
- The absence of sufficient/appropriate parking for a particular use in the former Fort Monmouth Complex will compromise overall Fort Monmouth redevelopment efforts.
- The Board is aware that the 2021 Approval provided for approximately 592/593 parking spaces.
- The Board is furthermore aware that the within amended proposal provides 548 parking spaces.
- The Board is aware that the amended Application approved herein results in a reduction of approximately 44 off-street parking spaces at the site (i.e.  $592 - 548 = 44$ )
- As referenced, the proposed parking (@548 spaces) exceed the minimum required parking requirements (@539), and thus, -no Parking Variance is required.
- For the reasons set forth during the Public Hearing process, and as otherwise set forth herein, the Board adopts and incorporates the parking testimony, as if set forth herein at length.
- The Applicant herein has proposed a shared type of parking arrangement so as to maximize the parking efficiency at the site. The Planning Board has reviewed the Applicant's shared parking analysis and has studied the testimony/evidence presented and/or otherwise advanced by the Applicant's professionals. In that regard, and subject to the conditions set forth herein, a majority of the Planning Board is of the opinion that the proposed shared parking arrangement is a realistic and basically functional plan for the site.
- A shared parking analysis, as proposed herein, is appropriate so as to account for the differing peak parking needs associated with the various uses proposed in the mixed-use development. Specifically, shared parking, as proposed herein, reduces the total number of overall parking spaces needed at the site, by providing appropriate credit for the vacant/unused spaces associated with other uses in the mixed-use development.
- The shared parking proposal/concept initially submitted by the Applicant, and modified herein, allows the proposed mix of uses, to more harmoniously operate with each other – as opposed to competing with each other.
- During the 2021 Public Hearing process, the Applicant's Traffic Representatives provided extensive testimony regarding the parking situation at the site, and the proposed peak parking needs associated with the various Mixed Uses.

- The 2021 testimony indicated that the various mixed uses in the development site will have different and non-competing peak parking needs.
- The Board notes that the varied peak parking demands will allow the entire development site to operate in a more harmonious fashion (from a traffic/parking standpoint).
- The lack of simultaneous peak parking demands will result in a more efficient and steady parking flow throughout a typical day/night.
- The varying peak parking demands associated with the various Mixed Uses will allow the compliant amount of parking spaces to more appropriately accommodate the various Mixed Uses.
- The shared parking arrangement, as allowed by the varying Mixed Uses, with varying peak parking demand times, will result in a more efficient use of the site/land.
- The parking arrangement for the proposed Mixed Uses, with varying peak parking demand times, as referenced above, is appropriate for the site and appropriate for the Mixed-Use development Approved herein.
- During the 2025 Public Hearing, some Board Members questioned as to whether the use changes set forth herein compromise and weaken the overall shared parking analysis/arrangement for the site. That is, some Board Members questioned as to whether the amended application approved herein (with more restaurants than previously approved) still has sufficiently different and non-competing uses to legitimize the shared parking arrangements. In response, the Applicant's representatives reiterated that the site still remains over-parked, and that no parking deviation/variance is required.
- The Board is aware that many times, developers attempt to under-park a site, which does not represent good planning, and consistently leads to problems/issues for visitors to the site and occupants in the surrounding residential areas. The Board recognizes that the within Application is not under-parked but rather, the same contains more than sufficient/more than required parking spaces.
- In that sufficient parking is provided for the Applicant's proposed Use, no Parking Variance is required.
- The existence of sufficient parking is of the utmost importance to the Board Members – and but for the same, the within Application may not have been Approved.
- Based upon the testimony and evidence presented, the Board finds that the parking is more than sufficient for the Applicant's development site and proposed uses.

## ADAPTIVE REUSE

- As referenced in the resolution from the 2021 approval, the within Application will result in the historically appropriate revitalization/renovation of Building #209 (Allison Hall), and the renovation/revitalization of Building #199 and Building #210.
- Approval of the within Application represents an adaptive reuse of the historically noteworthy Building number 209 (Allison Hall), and renovation/adaptive reuse of the Building Numbers 199, and 210 (neither of which are historically significant).
- Approval of the within Application will allow the historically noteworthy building (Allison Hall, previously utilized as a Hospital) to be appropriately renovated and utilized for modern purposes.
- During the 2021 Public Hearing process, there was extensive testimony and evidence presented as part of the Application confirming that existing Building #209 (the Allison Hall Building) will be restored in a historically appropriate fashion. The Planning Board specifically finds there are many benefits and beneficial features associated with restoring the existing building in a historically appropriate fashion.
- Approving a Development Application which allows historically significant/noteworthy buildings to physically remain intact advances a legitimate development goal.
- Other development opportunities for the site/area could potentially result in the physical destruction/demolition of all of the existing buildings (if prevailing FMERA Regulations would so allow), and such destruction/demolition would not necessarily, in and of itself, be in the best interest of the Borough of Oceanport, or the residents thereof.
- Development Applications which encourage/embrace the preservation and utilization of older, historic, and/or historically significant/noteworthy buildings serves a legitimate development goal.
- Approving Applications which encourage/embrace the preservation and utilization of older/historic/unique/noteworthy buildings essentially advances the purposes of the Borough's Master Plan.
- There is a legitimate Borough-related interest in preserving buildings which have significant, historic, noteworthy, or otherwise unique architectural charm.
- The renovation Approved herein will allow the historically significant / noteworthy buildings to be preserved, but nonetheless utilized, for modern purposes.

- The Board recognizes that some of the existing Buildings to be developed/constructed are vacant right now, and Approval of the within Application will restore the said buildings to productive use.

### **PLANNING / FINDINGS**

- The Board is aware that the prevailing Fort Monmouth Economic Revitalization Authority Regulations permit the granting of Design Waivers/Exceptions when either the literal enforcement of a particular regulation is impractical; or when literal enforcement of the design regulations will exact undue hardship. Upon critical review of the matter, the Board finds and re-affirms that the previously approved Design Waivers are reasonable, and will not compromise public health or safety.
- One purpose of the Municipal Land Use Law encourages the Approval of Applications which provide for, or otherwise guide, the appropriate use or development of all lands in the State, in manner which promotes the Public Health, Safety, and General Welfare. As found in 2021, and re-affirmed herein, the Board finds that, subject to the conditions contained herein, Approval of the within Application will advance such a purpose. Specifically, historically appropriate renovation of the historically significant/noteworthy buildings, and the adaptive reuse of the same for modern commercial purposes, will, in fact advance the general welfare.
- One purpose of the Municipal Land Use Law encourages the Approval of Applications which provides sufficient space in appropriate locations for a variety of uses – and, subject to the conditions set forth herein, the Board finds that Approval of the within Application will advance such a purpose. Specifically, the aesthetically appropriate renovation of the historically significant/noteworthy buildings will be coordinated with new commercial use at the site. Per the testimony and evidence presented, and subject to the conditions contained herein, there is sufficient space to accommodate the Applicant's proposed uses in/at the site (as evidenced by the more than compliant parking, and the overwhelming compliance with other prevailing bulk conditions, etc.).
- Per the testimony and evidence presented, and subject to the conditions contained herein, the Board finds that the historically appropriate renovation of the various Buildings for use as a modern/commercial use is appropriate use for the site (in accordance with the operational parameters testified to at the 2021 and 2025 Public Hearings.)
- Likewise, as previously set forth, the Board finds that Approval of the within Application constitutes an adaptive reuse of some historically significant/noteworthy buildings.
- One purpose of the Municipal Land Use Law encourages the Approval of Applications which promote the design of transportation routes which encourage the free flow of traffic, with an efficient traffic circulation plan. Subject to the conditions contained therein, the Board finds and re-affirms that Approval of the within Application will advance such a purpose. Specifically,

the Applicant's representatives provided than sufficient parking spaces to accommodate the Applicant's proposed mixed uses which will, in turn, help promote a safe and efficient traffic circulation flow in conjunction with the Applicant's proposed use.

- One purpose of the Municipal Land Use Law encourages Applications to be Approved which promote a desirable visual environment with good civic design standards and arrangements. Subject to the conditions contained herein, the Board finds, and re-affirms, that Approval of the within amended Application will advance such a purpose. Specifically, deteriorating buildings will be demolished, new modern buildings will be constructed, and other existing buildings will be renovated/revitalized in a historically appropriate fashion. As referenced herein, the Board Members recognize the many benefits associated with the preservation of the historically significant/noteworthy buildings, and the construction of brand-new buildings.
- Moreover, in conjunction with the above point, the Board Members also recognize the many benefits associated with the fact that some of the historically noteworthy Buildings will be renovated in a historically appropriate fashion.
- The Board is also aware that in conjunction with the within Application, there will be major improvements to certain existing Buildings and that the same will be upgraded pursuant to applicable historical guidelines as approved by the Prevailing Historic Preservation Officials. The Board finds that the significant improvements, as aforesaid, will clearly improve the overall aesthetic appeal of the site.
- Subject to the conditions set forth herein, the aforesaid architectural and aesthetic improvements will help beautify the site.
- The Board is also aware that the renovations Approved herein will result in a buildings which are fully compliant with Prevailing Building/Construction/Fire Code Regulations.
- Based upon the testimony and information presented, the Board finds that approval of the within Application is consistent with the FMERA Reuse Plan, as amended. Specifically, as the same relates to the within tract, the FMERA Reuse Plan encourages Mixed-Use development at the site. The Board finds that subject to the conditions contained herein, Approval of the within Application will, in fact, advance such a purpose.
- In accordance with the FMERA Reuse Plan, as amended, the Board finds that, subject to the conditions contained herein, Approval of the subject Application will aid FMERA in its efforts to attract suitable ventures which wish to relocate to the former Fort Monmouth site, and such ventures which also have the potential to replace jobs which were lost when the former Army base was closed.

- In accordance with the FMERA Reuse Plan, the Board finds that approval of the within Application will, subject to conditions contained herein, help attract tenants/visitors/patrons to the Fort Monmouth site.
- In accordance with the FMERA Reuse Plan as amended, the Board is aware that Approval of the within Application will not preclude the FMERA goal/objective of creating an extensive system of bikeways, pedestrian trails, and sidewalks, circulating throughout the former army base site.
- The landscaping plan Approved herein will help beautify the site. Specifically, per the testimony and evidence presented, in conjunction with the within and the previously approved project, the Applicant's representatives will be planting significant landscaping which will all help significantly improve the overall aesthetic appeal of the site/property.

### **SIGN RELIEF**

- As initially Approved in 2021, the Board inserted a condition requiring that the wall signs would not exceed a measurement of 15 SF each.
- The origin/reason for such a condition was not readily discussed / known / recalled.
- As referenced, the Applicant proposes to increase the permitted size of each wall sign to a not to exceed size of 5-ft. x 12-ft. (60 SF).
- The 60 SF limitation is consistent with prevailing Municipal/FMERA regulations.
- The maximum 5-ft. x 12-ft. (60 SF) size for each wall sign area will not require any Variance relief (but for the non-conforming number of wall signs, as Approved during the 2021 Site Plan Application).
- The new maximum 5-ft. x 12-ft. (60 SF) size limitation will not violate any known Municipal / FMERA regulations.
- The increase in wall sign size as Approved herein (i.e. a not to exceed 60 SF) will not increase the number of overall wall signs previously Approved for the project.
- The very large development site (12.134 acres) (which is the subject of the within Application) can physically accommodate the increased sign size as Approved herein.
- The Board Members were sufficiently advised as to the details pertaining to the proposed signage.

- The Board Members critically reviewed the nature of the sign details, as well as the nature of the requested sign relief.
- Given the 12.134-acre size of the parcel, the Board recognizes that some sign relief is necessary / appropriate, and can be granted without causing substantial detriment to the public good.
- Under the circumstances, and given the very large size of the development site, the sign relief authorized herein is not significant.
- The Approved signs will not cause confusion amongst the traveling motorists and/or pedestrians.
- The proposed signs will provide the various Tenants at the site with sufficient visibility in the former Fort Monmouth Complex.
- Given the factual testimony presented and given the nature of the 12.134-acre parcel, the proposed signs are appropriately sized in order to be visible for motorists/pedestrians in the greater Allison Hall development area.
- The new signage Approved herein will be refreshing for the new/renovated buildings Approved herein (and/or already approved).
- Subject to the conditions contained herein, the new signs Approved herein will have a positive impact on the subject tract.
- The new/improved signage, as Approved herein, will help improve the overall aesthetic appeal of the site.
- Subject to the conditions contained herein, the signs Approved herein will somewhat enhance the curb/roadside appeal of the property.
- Subject to reasonable concerns, and per the arguments of the Applicant's representatives, there is a need for the non-conforming signage associated with the extraordinarily large parcel.
- The Board recognizes that in adopting Sign Ordinances, Municipal representatives typically establish the following objective, or a similar objective:

*To encourage signs which promote a desirable visual environment through creative yet orderly design arrangements.*

The Board finds that approval of the within Application will be consistent with the aforesaid general sign objective.

- In adopting Sign Regulations, the Board is aware that typically, a governing body would establish the following objective, or a similar objective:

*To encourage signs which aid orientation, identify activities, describe local history and character, or serve other educational purposes.*

The Board finds that approval of the within Application will serve the purposes of the aforesaid objective.

- Based upon the testimony presented, the proposed signs approved herein will not unduly interfere with, or otherwise unduly block, other signs/advertisements in the area.

### **MISCELLANEOUS FINDINGS**

- The Board is aware that the uses proposed herein are specifically permitted under the Prevailing FMERA Land Use Regulations, as amended.
- The Applicant has a proven track record of successful development.
- The amended application approved herein will not change or block any adjacent views of area waterways, beyond that which was already approved in 2021.
- Based upon information known to date, the Applicant's representatives have, throughout the entire development process, worked in good-faith with municipal representatives and Oceanport residents in the vicinity of the development site – and the Planning Board appreciates the good-faith efforts in the said regard.
- Throughout the current and prior Public Hearing process, the Applicant's representatives have consistently, and in good-faith, expressed a willingness to cooperate with the Board, to revise the Plans in accordance with Board requests, and to consider other design options when available – all of which resulted in a better overall proposal.
- Throughout the current and prior Public Hearing process, the Applicant's representatives have consistently addressed a majority of Board concerns, and either revised the Plans accordingly, or agreed to revise the Plans (as a condition of the within Approval), which will ultimately minimize any adverse impacts associated with the modified proposal Approved herein.
- The Applicant's vision and design and forward-thinking analysis will result in a better looking, better organized, and better maintained development.
- The site will be appropriately landscaped (subject to the conditions set forth herein).
- As amended, and subject to the conditions set forth herein, there will be sufficient landscaping throughout the development site, as necessary/appropriate.

- One purpose of the Municipal Land Use Law encourages the Approval of Applications which, under appropriate circumstances, result in the creation of a variety of commercial and other uses, in appropriate locations. Based upon the Prevailing circumstances and based upon the Prevailing FMERA Regulations/ Reuse Plan (as amended), the Board finds that the subject development site is an appropriate host site for the proposal.
- The renovation work associated with the within Approval will largely take place on land which has already been developed. Thus, subject to the conditions noted herein, Approval of the within Application will allow appropriate revitalization work to occur with little or no adverse impact on the environment.
- The Board recognizes that the Borough's Master Plan essentially (and generally) encourages the Approval of Applications which enhance various neighborhoods throughout the Borough by providing for appropriate redevelopment, reinvestment, revitalization, and capital improvements, all designed to strengthen and improve the fabric of each area. For the reasons set forth herein, the Board finds that the Approval of the within amended Application will, essentially, advance such general/presumed Master Plan objectives.
- The Board is also aware that the Borough's Master Plan essentially encourages the Approval of Applications which promote a cooperative approach to economic development and revitalization through investment, maintenance, and reinvestment in existing areas – and, for the reasons set forth herein, the Board finds the Approval of the within Application will generally advance such a presumed Master Plan goal/objective.
- Subject to the conditions set forth herein, Approval of the within Application will not impair the character of the existing area or that of surrounding areas.
- 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.
- To the extent necessary, the Application as presented and modified satisfies the statutory requirements of N.J.S.A. 40:55D-70(C) (Bulk Variances).
- Subject to the conditions contained herein, the Application as presented and modified satisfies the Preliminary and Major Site Plan Requirements of the Borough of Oceanport.

## **ABANDONED REQUEST TO OBTAIN RELIEF FOR THE REQUIREMENT OF SCREENING**

### **CERTAIN ROOFTOP AIR CONDITIONERS/MECHANICALS**

- As indicated, on or about April 27, 2021, the Oceanport Planning Board conditionally Approved the initial development Application of the Applicant.
- The memorializing Resolution was adopted on or about June 22, 2021.
- There has been no known litigation associated with the underlying/initial Approval.
- The Board's 2021 Approval contained a number of conditions.
- One of the aforesaid conditions required the Applicant to screen the rooftop air conditioning condensers/mechanicals for certain buildings.
- Representatives of the Applicant have submitted a request to amend the aforesaid 2021 Approval (with regard to the screening of the rooftop air conditioner condensers/mechanicals). Specifically, the Applicant's representatives sought to paint the rooftop mechanicals as opposed to screening the same.
- As referenced, the Public Hearing (associated with the amended Application) occurred on or about June 24, 2025.
- At the June 24, 2025, Public Hearing, the Applicant's representatives described, in general, the nature of the proposed screening change/changes, and why such changes were necessary/preferred/appropriate.
- The Applicant's representatives argued a number of reasons as to why the Applicant should be relieved of such an obligation (relative to the screening of the rooftop air conditioner condensers/mechanicals).
- The Applicant's reasons in the said regard included, but were not necessarily limited to, the following:
  - a. aesthetic;
  - b. functional;
  - c. practical;
  - d. availability of other preferred options; and
  - e. lack of confidence in the initially approved roof-top screening proposal.
- Based upon the testimony/evidence presented, and/or the lack of specific details associated therewith, the Board Members were not inclined to grant such a request

(relative to the elimination of the requirement to screen the rooftop air conditioner condensers/mechanicals for certain buildings).

- The Board Members' collective apprehension in the said regard included, but was not necessarily limited to, the following:
  - a. lack of specific details;
  - b. lack of specific information pertaining to the Applicant's actual proposal;
  - c. lack of specific drone photographs/pictures depicting/demonstrating the proposed benefits;
  - d. lack of specific detailed elevations; and
  - e. other sufficient causes.
- The Board Members did not believe that any convincing testimony/information was presented to justify the requested relief (relative to the request to be relieved of the requirement to screen the rooftop air conditioner condensers/mechanicals of certain buildings).
- As a result of the aforesaid Board concerns, and the lack of submitted details about the issue, the Applicant's underlying request (relative to the request to be relieved of the rooftop screenings of air conditioner condensers/mechanicals of certain buildings) was Dismissed/Withdrawn, without prejudice.
- The Applicant's representatives reserved the right to re-submit the said request when more complete information/details/Plans are presented.
- The Oceanport Planning Board respectfully reserves the right to officially review/adjudicate the said request, at a future time, should the Applicant's representatives be able to submit compelling testimony/information/Plans, in the context of a duly Noticed Public Hearing.

### **QUALITY OF LIFE CONCERNS**

- During the 2025 Public Hearing process, a member of the public, who lives in the vicinity of the development site, expressed several concerns regarding various quality of life issues associated with the existing, on-going, and proposed development at the site.
- Some of the concerns included, but were not necessarily limited to, the following:
  - a. A concern that when the pickleball court doors are open, there is a significant amount of noise generated;

- b. A concern that the lights in the pickleball court are very bright, and serve as a source of annoyance for some neighbors;
- c. A concern that the noise generated by the bouncing pickleballs, and the hitting of the pickleballs, are loud and bothersome;
- d. A concern that there is offensive noise generated by the pickleball players when they are announcing the scores of the on-going games;
- e. A concern that the overall activity associated with the operation of the pickleball courts is “over the top”;
- f. A concern that the pickleball court doors are frequently left open, allowing the noise to have an even greater and even amplified affect on the residential neighbors;
- g. A concern that the pickleball court doors should remain closed at all times, so that the noise generated by the pickleball courts can be somewhat muted or otherwise mitigated;
- h. A concern that, because of the Grading at the site, even if the pickleball court doors were closed, the noise would still not be appropriately/sufficiently muted/mitigated;
- i. A concern that more landscaping is necessary to better shield the visual and noise effects of the pickleball court operation;
- j. A concern regarding the presence of boarded-up windows on some of the buildings, and the adverse aesthetic issues associated therewith;
- k. A concern that some physical improvements could be effectuated to reasonably address or otherwise mitigate some of the aforesaid lighting/noise/quality of life concerns;
- l. A concern that there should be landscaping, or more landscaping, placed around the existing transformer, which is believed to be an Accessory Structure;
- m. A concern regarding the Setback of the already installed transformer, and whether the same is appropriate/sufficient for a presumed Accessory Structure;
- n. A concern that formal Variance/Design Waiver/Exception relief is necessary to legitimize the location of the existing transformer;
- o. A concern that if the overall quality of life concerns are not appropriately addressed, the same could result in multiple/repeated calls to the Oceanport police department; and

p. A concern that noise at the site might possibly violate prevailing Federal/State decibel requirements.

- The concerned neighbor submitted Evidentiary materials in support of his complaints (see Evidentiary materials marked into Evidence as P-Rizzo 1 – P-Rizzo 3).
- The Board appreciates some of the genuine concerns expressed by the member of the public.
- The Board Chair and the Board representatives requested that the Applicant's representatives address and/or otherwise respond to some of the aforesaid quality of life concerns.
- The Applicant's representatives responded to the aforesaid quality of life concerns/complaints.
- Initially, the Applicant's Principal indicated that prior to the June 24, 2025, Public Hearing, he was not aware of any quality of life complaints associated with the site.
- The Applicant's Principal stated that, as a responsible resident of the Borough of Oceanport, he is more than willing to reasonably meet with neighbors to attempt, in good faith, to address, if possible, legitimate quality of life concerns.
- The Applicant's Principal indicated that an approximate twenty (20) year Lease was recently signed with the pickleball court operators.
- The Applicant's Principal will certainly review the aforesaid quality of life concerns with the pickleball court operators/representatives.
- The Applicant's Principal will, in good faith, reasonably confer with objecting neighbors, when necessary/appropriate.
- Additionally, other physical improvements at the site will be undertaken so as to hopefully improve/address or partially improve/partially address some of the aforesaid quality of life concerns expressed by the objecting neighbor.
- Some of the responsive actions which will be undertaken by the Applicant, include, but are not necessarily limited to, the following:
  - a. There will be a good faith discussion with all interested stakeholders so that all interested parties are aware of the overall concerns;
  - b. Some of the windows/doors of the pickleball courts will be tinted (from the inside out) so as to minimize overall disturbance;

- c. There will be a commitment to immediately plant the previously Approved (and previously delivered) landscaping at the site, which should significantly help shield/hide/mask/mute/mitigate some of the aforesaid quality of life concerns;
  - d. There is a commitment to plant taller, more, and more strategically placed landscaping at the site, so as to hopefully shield/hide/mask/mute/mitigate some of the aforesaid quality of life concerns;
  - e. There is a commitment to install additional fencing at the site, which can furthermore serve as a visual/noise shield (for the benefit of some of the affected neighbors);
  - f. There is a commitment to reasonable meet with neighbors, as necessary, and in good faith, to periodically review/address concerns;
  - g. There is a commitment to aesthetically improve/correct/mask the overall aesthetic appeal of the existing boarded-up windows, by adding a covering/film/masking to any such windows;
- The Board appreciates the willingness of the Applicant's Principal (and his representatives) to reasonably meet with the affected neighbors to review items/topics of general concern.
  - The Board appreciates the Applicant's stated commitment to "be a good neighbor."
  - The Board understands that, per the testimony presented, there was no reason for the Applicant's representatives to previously attempt to address any quality of life concerns (if the objecting neighbor had never presented the same directly to the Applicant's Principal).
  - The Board appreciates the opening of the lines of communication between the relevant parties – and the Board Members anticipate that such open lines of communication and the good faith actions of all should help address/improve the overall situation.
  - The Board Members publicly acknowledged that the good faith actions/intentions of those individuals who spoke at the Public Hearing should significantly improve the overall situation at the site.
  - The Board representatives also lamented the stress/anxiety/cost/aggravation that continued quality of life concerns, and continued/persistent calls to the Municipal police department, can have on all parties.
  - The Board also notes that, as referenced extensively herein, the prevailing FMERA regulations essentially strip the Borough of Oceanport as to any legal authority over the nature/extent of the permitted uses which are allowed to operate within the confines of the former Fort Monmouth Complex.

- Rather, as referenced, per the prevailing FMERA regulations (and State laws associated therewith), the role of the Oceanport Planning Board is limited to Site Plan issues, Bulk Variance issues, and Design Waiver/Exception issues.
- The Board notes, positively, that it has utilized some of its inherent Site Plan/Bulk Variance/Design Waiver/Exception powers to impose conditions herein which should ultimately help address/improve some of the aforesaid quality of life concerns.

### **RESOLUTION COMPLIANCE**

- During the amended Public Hearing process, a question was raised regarding general Planning Board process/procedure.
- During the Public Hearing process (for the amended Application), a member of the public seemed to express a concern/allegation that certain development at the site has occurred in contravention of the previously Approved Plans.
- The concerned citizen indicated that he was, essentially, advised to direct such concerns directly to the Planning Board.
- Respectfully, in the absence of different instructions by Municipal Officials, any such concerns should likely be submitted to the Zoning Office/Code Enforcement Office for further review/action (if necessary).
- The Board notes, quite obviously, that any and all construction/development within the Borough of Oceanport (associated with formal Board Approval) must be constructed in accordance with a) the testimony presented; b) the Approved Plans; and c) the terms and conditions of any Resolution of Approval (as may ultimately be formally amended by the Oceanport Planning Board).

### **NON-UNANIMOUS NATURE OF THE DECISION**

- The action of the Board in approving the within amended application was not unanimous.
- A divided Board vote is not a sign of weakness.
- Rather, a divided vote is a sign of a conscientious, independent, and impartial Board committed to adjudicating an application in accordance with prevailing legal standards.

Based upon the above, and subject to the conditions contained herein, a majority of the Board is of the 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's representatives have agreed, to comply with the following conditions:

**NOTE:** Unless otherwise indicated herein, all Plan revisions shall be acceptable to the Board Engineer.

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. Other than as specifically modified by the within Resolution, the Applicant shall comply with all conditions of the 2021 Approval.
- c. The Applicant's representatives shall, in good faith, work with the Board Engineer so as to coordinate the Stormwater Management Improvements, as shown on the Approved plans.
- d. The Approval granted herein shall comply with all applicable Prevailing FMERA Regulations and the FMERA Mandatory Conceptual Review Approval, except for any design waivers and Variance relief from such regulations memorialized in the within Resolution, or the previously adopted Resolution.
- e. The Approval granted herein shall comply with any applicable Prevailing State Historic Preservation Office Renovation Guidelines (so as to ensure that the specified renovations take place in a historically appropriate fashion).
- f. The Applicant's representatives shall cause the Plans to be revised so as to portray and confirm the following:
  - Confirmation that the pool associated with the hotel is open only to guests of the hotel (i.e., the same is not a public pool/club);
  - Confirmation that the hotel shall be limited to fifty (50) guest rooms, which will not be expanded, absent further/formal Approval of the Oceanport Planning Board;

- Confirmation that the restaurant seating capacity for Building 199 shall not exceed two-hundred-ten (210) seats (including the outdoor seating area);
- Confirmation that the maximum number of seats for Building 210 (both floors) shall not exceed 323;
- Confirmation that an ADA parking space shall be relocated from its current location to the east (i.e. the perpendicular spaces to the immediate east of the main entrance;
- Confirmation that there shall be a valet parking service available to the hotel guests;
- Confirmation that decorative military helicopter shall be placed on the location on the site identified as a “helipad” on the submitted Plans (i.e. the helipad shall be for decorative use and not actually a functional helipad);
- Confirmation that the site Plan shall be compliant with prevailing / applicable ADA regulations;
- Confirmation that all lighting, including hours of operation/dimming, use of dark-sky compliant lighting and use of downward facing lighting shall comply with the conditions of the 2021 Approval;
- Confirmation that the hours of operation for all uses in the Complex shall comply with prevailing Municipal regulations;
- Confirmation that if a handicapped parking space is added to the site, the entire project may lose one (1) or two (2) parking spaces (without the need to return to the Planning Board);
- Confirmation of pool-compliant fence details;
- Confirmation that a six-ft. solid fence shall be placed around the Sports Court;
- Confirmation that a wooden fence/cedar fence shall be placed along the western perimeter line;
- Confirmation that additional landscaping shall be placed around the Sports Court;
- Confirmation that there shall be no firepits located or otherwise utilized in the pool area;
- Confirmation that a six-ft. decorative stockade pool-compliant fence shall be installed around the pool;

- Confirmation that the maximum size of each wall sign shall not exceed 5-ft. x 12-ft. (60 SF);
- Confirmation that the lighting details over the signs shall remain as what was initially Approved on or about April 27, 2021;
- Confirmation that none of the signs at the site shall have, or otherwise utilize, interchangeable copy;
- Confirmation that the pickleball court windows shall be tinted;
- Confirmation that landscaping shall be installed / planted as per the proposed Landscaping Plan (and per the testimony presented) and that, where appropriate and feasible, additional landscaping shall be installed so as to further screen the residential uses to the west, subject to the review and Approval of the Board Engineer;
- Confirmation that the top row of garage doors at the pickleball court (Building #850) shall be tinted at the top (from the inside out);
- Confirmation that the previously approved landscaping at the site shall be planted as soon as possible;
- Confirmation that the fencing at the site shall be placed/installed as soon as possible;
- Confirmation that the Applicant shall utilize good faith efforts to screen the transformer to the extent appropriate and feasible (provided the utility company so allows);
- Confirmation that black-out film shall be placed over the boarded up windows along the façade of Building 850, facing the residential uses to the west;
- Confirmation that the pickleball court windows shall be tinted (at least half way);
- Confirmation that the dumpster shall be enclosed;
- Confirmation that the Applicant shall comply with prevailing Electrical Vehicle (EV) Regulations;
- Confirmation that the Applicant shall secure the services of a private hauler for the site;
- The inclusion of a note confirming that if requested by the Borough of Oceanport, the Applicant shall provide the Borough of Oceanport with Title 39 Jurisdiction over the property;

- The inclusion of a note confirming that garbage pickup at the site shall not occur prior to 6:30 a.m., and shall not occur after 6:00 p.m.;
- The inclusion of a note confirming that, consistent with the submitted lighting Plan, there shall be no adverse light spillover onto any adjoining residential uses;
- The inclusion of a note confirming that all landscaping at the site shall be perpetually maintained/replaced/replanted as necessary (with similar/in-kind plants);
- The inclusion of a note confirming that the lighting for the site shall be downward-focused lighting;
- The inclusion of a note confirming that the Applicant shall secure a private garbage hauler for the site, at the Applicant's sole cost and expense;
- The inclusion of a note confirming that after midnight, the Applicant's representatives shall arrange for the lighting intensity to be automatically reduced to 50% luminosity;
- The inclusion of a note confirming that the dumpster gates shall remain closed when garbage is not being loaded by tenants or being picked up from the site;
- The inclusion of a note confirming that additional landscaping shall be planted near the borderline of the residential property (so as to serve as a better visual buffer between the development site and the adjacent residential uses), subject to the review and Approval of the Board Engineer;
- The inclusion of a note confirming that there shall be no violation or compromise of any existing or necessary Sight Triangle Easement;
- The inclusion of a note confirming that landscaping shall be planted where possible and practicable around the trash enclosure areas to supplement the proposed wood fence screening;
- The inclusion of a note confirming that the Leases with the various Tenants shall specifically identify each parties' responsibility for utilizing the trash / recycling enclosures.
- The inclusion of a note confirming that there shall be no outdoor garbage cans utilized – rather, the trash enclosures, as referenced on the Plans, shall be utilized;

- The inclusion of a note confirming that the Applicant's Engineering Representatives shall, in good faith, work with the Board Engineer, so as to possibly relocate the ADA Parking Spaces (and loading area) (so as to make the same more accessible/functional);
- g. The portion of the Application (requesting to be relieved of the screening of the rooftop mechanicals is hereby Withdrawn/Dismissed, without prejudice.
- h. There shall be no further changes to the Approved Plans, without the further/formal Approval of the Oceanport Planning Board.
- i. Occupancy at all Approved venues shall comply with the testimony presented, and with prevailing Building/Construction Code limitations/restrictions.
- j. The Applicant's representatives (and/or Successor Owners) shall perpetually maintain/replace/replant landscaping at the site.
- k. The Applicant's representatives shall, in good faith, attempt to meet with residential owners to review/discuss operational/site details and so as to attempt to reasonably discuss/address areas of mutual concern. The within condition is an ongoing condition, and the Planning Board specifically retains no jurisdiction over the said issue.
- l. The Applicant shall comply with prevailing Property Maintenance Code requirements.
- m. Per the on-the-record discussion at the Board Hearing, all conditions of the within Approval shall be satisfied prior to the issuance of a final Certificate of Occupancy for the project, or any area of the project modified by the within Approval.
- n. Prior to the issuance of a Certificate of Occupancy, the Applicant shall comply with all prevailing/applicable Affordable Housing Rules, Regulations, Directives, Contributions, and Payments as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency having jurisdiction over the matter.
- o. Any Easements required/provided hereunder shall be reviewed and Approved by the Board Engineer and Board Attorney. Upon such review and Approval, any such required/provided Easements shall be recorded in the Office of the Monmouth County Clerk – and proof of same shall be submitted to the Board Secretary.
- p. If requested by the Borough of Oceanport, the Applicant shall sign a Developer's Agreement – and the said Agreement shall be reviewed and Approved by the Borough Attorney, the Borough Engineer, and the Borough Council of the Borough of Oceanport.

- q. The Applicant's representatives shall, in good-faith, meet with the Municipal Bureau of Fire Prevention representatives so as to review/address fire-related concerns, and so as to confirm review and Approval of the amended project by the Municipal Fire Officials.
- r. The Applicant's representatives shall have a pre-construction meeting with Municipal representatives (including Police representatives) so as to appropriately identify, establish, and enforce mutually agreeable construction access routes, and other construction-related details (so as to minimize/limit any construction disturbance to the other residents in the former Ft. Monmouth Complex.
- s. The Applicant shall comply with any and all applicable Prevailing ADA Requirements.
- t. The Applicants shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
- Building Permits
  - Plumbing Permits
  - Electric Permits
  - Fire Permits
- u. The Applicant shall comply or shall cause its tenants or the project to comply with any Prevailing Hour of Operation Regulations, as established by the Borough of Oceanport, or any other Agency having lawful jurisdiction over the matter.
- v. The Applicant shall comply or shall cause its tenants or the project to comply with any Prevailing Noise Ordinance/decibel regulations as may be established by the Borough of Oceanport/State of New Jersey (or any other Agency having jurisdiction over the matter).
- w. Unless otherwise waived, the Applicant shall comply with the terms and conditions of the Colliers Engineering and Design Review Memorandum, dated June 19, 2025, (A-7).
- x. The Applicant shall comply with any Prevailing/applicable FEMA/Flood Regulations.
- y. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading/Drainage Plans (for the review and Approval of the Board Engineer), so as to further confirm that the same will have no adverse impact on the site or the surrounding properties
- z. The construction shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction/renovation shall comply with Prevailing Provisions of the Uniform Construction Code.

- aa. 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.
- bb. The Applicant shall obtain any and all Approvals from applicable outside agencies - including, but not limited to, the Federal Government, the State of New Jersey, the Department of Environmental Protection, the Monmouth County Planning Board, the Freehold Soil Conservation District, and the Local Board of Health, etc. Additionally, to the extent the Application materially changes as a result of any of the aforesaid outside Approvals, then, in that event, the Applicant shall be required to return to the Board for further review/relief.
- cc. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and charges.
- dd. The within conditions/restrictions shall be binding on any successor owners, tenants, operators, etc.

### **SUMMARY OF RELIEF GRANTED**

In the within Application, the Applicant herein has secured Approval so that each permitted/authorized wall sign can be increased to a measurement not to exceed 5-ft. x 12-ft. (60 SF).

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicant's Representatives shall be deemed conditions of the Approval granted herein, and any mis-representations 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 development/renovation.

THOSE WHO VOTED IN FAVOR OF THE AMENDED RESOLUTION:

THOSE WHO VOTED AGAINST THE AMENDED RESOLUTION:

*I hereby certify that the foregoing is a true copy of an Amended Resolution adopted by the Oceanport Planning Board on this \_\_\_\_ day of \_\_\_\_\_, 2025.*

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Stephanie Kramer, Oceanport Planning Board Secretary

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## **RESOLUTION**

**BOROUGH OF OCEANPORT PLANNING BOARD  
APPROVAL OF THE APPLICATION OF NADLAN, LLC  
108 MAIN STREET,  
OCEANPORT, NJ  
BLOCK 138, LOT 16  
APPROVAL DATE: SEPTEMBER 9, 2025  
MEMORIALIZATION DATE: SEPTEMBER 23, 2025**

### **INTRODUCTION**

**WHEREAS**, representatives of NADLAN, LLC have made Application to the Oceanport Planning Board for the property designated as Block 138, Lot 16, commonly known as 108 Main Street, Oceanport, New Jersey, within the Borough's R-5 Zone, for the following:

- Issuance of a Certificate of Pre-existing Non-conforming Use for the existing uses at the site; and
- Use Variance Approval to permit certain specified non-permitted uses to operate at the site in the future.

### **PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on September 9, 2025, 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:

- *Oceanport Planning Board Development Application Package, introduced into Evidence as A-1;*
- *Boundary Survey, prepared by InSite Surveying and Engineering, dated October 6, 2022, introduced into Evidence as A-2;*
- *Existing Floor Plan, prepared by Prestige Design Group, undated, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Review Memorandum from Colliers Engineering & Design, dated May 30, 2025, introduced into Evidence as A-4;*

- *Aerial Photograph, submitted by InSite Surveying and Engineering, dated September 9, 2025, introduced into Evidence as A-5;*
- *Aerial Photograph of the Site, from approximately 1963, introduced into Evidence as A-6;*
- *Print out from the County Clerk's Office, Tax Ledger/Property Card, introduced into Evidence as A-7;*
- *Three Photographs of the Subject Property, taken on September 9, 2025, collectively introduced into Evidence as A-8;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

### **WITNESSES**

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

- Patrick Ward, Engineer/Planner;
- Jennifer S. Krimko, Esq., appearing

**WHEREAS**, Douglas Rohmeyer, P.E., C.M.E., C.F.M., 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 revealed the following:

- There is an existing one-story commercial building at the site, with an on-site parking area, and related site improvements.
- Upon information and belief, the existing structure was built in or about 1940.
- The existing building contains several commercial uses.
- Current uses operating at the site include the following:

|         |                                                                      |
|---------|----------------------------------------------------------------------|
| Unit 1: | Real estate management company (not a real estate brokerage office). |
| Unit 2: | General office use.                                                  |
| Unit 3: | Photography studio.                                                  |

|         |                             |
|---------|-----------------------------|
| Unit 4: | A physiatrist (medical use) |
| Unit 5: | Ballet studio.              |
| Unit 6: | General office use.         |
| Unit 7: | Photography studio.         |

- The existing seven (7) commercial spaces at the site are relatively small.
- The uses (and/or similar uses) have operated continuously at the site for an extended period of time.
- There are twenty-two (22) on-site parking spaces on the property.
- The Applicant's representatives have obtained Certificates of Occupancy and/or Permits, as necessary, whenever there was a Change of Tenancy at the site, presumably because prior Zoning Officers were aware that the existing uses constituted pre-existing non-conforming uses.
- The current Municipal Zoning Officer has suggested that he is not authorized to issue any Permits for similar Changes of Tenancy at the site, in that such Approval must be issued by the Oceanport Planning Board, in the form of a Certificate of a Pre-existing Non-conforming Use.
- Thus, the Applicant's representatives have submitted the within Application seeking the following forms of relief:
  - Issuance of a Certificate of Pre-existing Non-conforming Use for the existing uses at the site; and
  - Use Variance Approval to permit certain non-permitted uses to operate at the site in the future.
- As referenced, first and foremost, the Applicant's representatives propose to obtain a Certificate of Pre-existing Non-conforming Use, so as to officially legitimize the existing non-permitted uses at the site.
- Moreover, the Applicant's representatives also propose to receive Use Variance Approval to permit the following types of uses to operate at the site:
  - a. Dance studio;
  - b. Art studio;
  - c. Music studio;
  - d. Photography studio;
  - e. Radio or television studio;
  - f. General business uses; and
  - g. Professional office uses.

- Importantly, the Applicant's representatives agreed that for any future Change of Tenancy at the site associated with the specific uses referenced immediately above, the Applicant's representatives will need to submit a Parking Calculation/Certification (to the Municipal Zoning Officer) so as to confirm that the totality/combination of uses at the site (in the aggregate) will not exceed the parking demand as required by the Borough's prevailing parking requirements (absent further/formal Approval of the Oceanport Planning Board).

### **VARIANCE**

**WHEREAS**, the Application as presented requires Approval for the following Variance:

*Use Variance Relief: The Applicant's representatives are requesting permission to allow/permit certain specified uses to operate at the site (in the building) even though the said uses are not specifically permitted in the R-5 zone. The specific requested Use Variance relief applies to the following uses: dance studio, art studio, music studio, photography studio, radio or television studio, general business use, and professional office use. As a result, Use Variance relief is required.*

### **PUBLIC COMMENTS**

**WHEREAS**, there were no public comments, questions, statements, and/or objections presented by any members of the public;

### **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 both elements of the Application are 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 108 Main Street, Oceanport, New Jersey, within the Borough's R-5 Zone.

3. There is an existing one-story commercial building at the site, with an on-site parking area, and related site improvements.

4. The existing building currently hosts seven (7) commercial uses, including, the following:

|         |                                                                      |
|---------|----------------------------------------------------------------------|
| Unit 1: | Real estate management company (not a real estate brokerage office). |
| Unit 2: | General office use.                                                  |
| Unit 3: | Photography studio.                                                  |
| Unit 4: | A Physiatrist                                                        |
| Unit 5: | Ballet studio.                                                       |
| Unit 6: | General office use.                                                  |
| Unit 7: | Photography studio.                                                  |

5. None of the aforesaid existing uses are specifically permitted in the Borough's R-5 zone.

6. As such, the existing uses operating at the site are all pre-existing non-conforming uses.

7. The said situation has proven problematic for the Applicant, as the Applicant periodically needs to allow a Change of Tenancy at the site for various Changes of Tenants, etc.

8. Against such a backdrop, the Applicant's representatives have submitted the within Application to effectuate the following:

- Issuance of a Certificate of Pre-existing Non-conforming Use for the existing uses at the site; and
- Use Variance Approval to permit certain specified non-permitted uses to operate at the site in the future.

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

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

**Certificate of Pre-existing Non-conforming Use**

- The 2025 Edition of the New Jersey Zoning and Land Use Administration Book, prepared by William M. Cox and Stuart Koenig provides the following relative to Certificates of Non-Conforming Uses:

*Often, it is provided in a local Ordinance that upon Application to the Board of Adjustment, the Owner of a Non-Conforming Use could obtain a Zoning Permit showing the Non-Conforming character of the Use. The obvious advantage to obtaining such a Zoning Permit was, of course, to facilitate sale of the property to a Purchaser who desires to continue the use and avoid any possible future prosecution for a violation of the Ordinance, or litigation concerning the Use permitted on the tract.*

*...(N.J.S.A. 40:55D-68) provides the following:*

*The prospective Purchaser, prospective Mortgagee, or any other person interested in land upon which a Non-Conforming Use or Structure exists may apply in writing for the issuance of a Certificate certifying that the Use for Structure existed before the adoption of the Ordinance which rendered the Use or Structure Non-Conforming. The Applicant shall have the burden of proof. Application pursuant hereto may be made to the Administrative Officer within one (1) year of the adoption of the Ordinance which rendered the Use for Structure Non-Conforming, or at any time to the Board of Adjustment...*

Cox, Section 27-2.1 (p. 405-406)

- The Oceanport Planning Board is a combined Land Use board, possessing the powers of both a Planning Board and a Zoning Board of Adjustment.
- The Mayor's designee (Class I Member) and the Council Representative (Class III Representative) did not participate in the adjudication of the within application.
- Per the testimony and documentation presented, the existing structure at the site was built in or about 1940.
- Per the testimony and evidence presented, the Borough's R-5 Ordinance was adopted in or about 1969.
- Thus, in accordance with New Jersey law, the Applicant's representatives need to provide proof that the pre-existing non-conforming uses continuously operated at

the site from a period of time prior to 1969 (i.e. the date when the Borough's R-5 Ordinance was presumably adopted).

- The Applicant's representatives provided sufficient proof, coupled with Board Member collective familiarity with the site, that the pre-existing non-conforming uses at the site pre-dated the adoption of the Borough's 1969 R-5 Ordinance.
- Over the last several decades, the Applicant's representatives have routinely received administrative Approval to change/replace the existing tenants at the site.
- The Applicant's representatives did not engage in any behavior which was designed, or otherwise intended to, manipulate the established Zoning Process.
- That is, per the arguments presented at the Public Hearing, the Applicant's representatives obtained necessary Permits/Approvals associated with the prior Change of Tenants at the site.
- As a result, the Board finds no bad faith on behalf of the Applicant, or any Agents thereof. (Per legal arguments presented, prior Zoning representatives of the Borough of Oceanport permitted Change of Tenants at the site, from one non-intense use to another non-intense use, because of the historic use of the site, and because of the pre-existing non-conforming nature of the historic uses at the site).
- Per the legal arguments presented at the Public Hearing, the current Municipal Zoning Officer will not administratively permit any new Pre-existing Non-conforming Use at the site, absent formal Board Approval and/or absent the issue of a certificate of pre-existing non-conforming use.
- Rather, per the arguments offered at the Public Hearing, and per the strict language of the NJMLUL, because the 1969 R-5 Zoning Ordinance was adopted more than one (1) year ago, only the Oceanport Land Use Board can issue a Certificate of Pre-existing Non-conforming Use.
- The Zoning Officer is absolutely correct in his interpretation of the prevailing provisions of the NJMLUL (relative to the issuance of a Certificate for Pre-existing Non-conforming Use).
- The Board has been presented with sufficient information demonstrating that the current non-conforming uses at the site existed prior to the adoption of the 1969 R-5 Zoning Ordinance.
- Many Board Members, as long-time Oceanport residents, have familiarity with the building and historic uses associated therewith, particularly in that the building is physically located on a main thoroughfare in the town.
- The Board recognizes that sufficient photographic evidence (including exhibits A-6 – A-8) were submitted in support of the Applicant's arguments.

- The Board Members also find that property tax information submitted as part of the Public Hearing (including Exhibit A-7) also helped demonstrate that the Applicant is entitled to the issuance of a Certificate of Pre-existing Non-conforming Use.
- Sufficient evidence has been presented to confirm that the existing uses at the site have continuously operated at the site for a number of decades.
- Sufficient evidence was presented that the historic uses associated with the site were lawful at the time the said uses commenced.
- Continuation of the existing uses at the site, at the same level of intensity, and without any physical expansion of the existing building, will not compromise the overall parking sufficiency at the site.
- Continuation of the existing uses at the site, at the same level of intensity, and without any physical expansion of the existing building, will not compromise the public health, safety, or general welfare.
- Based on the above factors, and based upon other testimony and evidence presented, the Oceanport Planning Board is convinced that the existing uses at the site have existed prior to 1969, and, as such, the said existing uses constitute valid Pre-existing Non-conforming Uses.
- In light of the above, the Oceanport Planning Board respectfully authorizes the appropriate Borough of Oceanport Official (to the extent necessary) to issue the referenced Certificate of Pre-existing Non-conforming Use.
- The Borough of Oceanport, and any Agent thereof, is also hereby authorized to issue any other Notice/Certificate consistent with the Findings expressed herein.

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.

### USE VARIANCE

- The Board Members then turned their attention to the Use Variance portion of the within Application.
- The Board Members recognize the unique nature of the within Application because the request, essentially, includes a request to legitimize multiple types of uses at the site, as opposed to the more traditional Use Variance Application wherein Approval is sought for one (1) specific use.
- In the within situation, the Applicant's representatives requested Use Variance Approval to conditionally operate the following type of specific uses at the site:
  - a. Dance studio;
  - b. Art studio;

- c. Music studio;
  - d. Photography studio;
  - e. Radio or television studio;
  - f. General business use; and
  - g. Professional office use.
- Clearly, the Board Members are aware that the historic/continuous uses at the site (over the last several decades) included the above types of uses.
- The Board Members are also aware that, generally speaking, in order to obtain Use/"d" Variance relief, an Applicant must satisfy the so-called "positive" criteria and the so-called "negative" criteria.
- The Board Members are aware that the so-called "positive" criteria requires an Applicant to prove that Approval of the Application will advance one (1) or more of the purposes of the MLUL.
- The Board Members are also aware that the so-called "negative" criteria requires an Applicant to prove that Approval of the Application will not cause substantial detriment to the public good.
- The Board Members reviewed/analyzed the Use Variance portion of the within Application in accordance with the aforesaid standards.
- Primarily, Board Members were concerned about the overall parking sufficiency at the site for all combined seven (7) existing/future uses, in the aggregate.
- Currently, there are twenty-two (22) existing parking spaces at the site, and the twenty-two (22) spaces are sufficient for the existing seven (7) non-conforming uses in the building.
- However, Board Members were, quite correctly, concerned about Approving various uses at the site without knowing the exact parking needs for each specific use, and the collective parking need for the building as a whole.
- The Board Members did not want to grant carte blanche approval or unlimited relief which would create an under-parked site – for doing so would be problematic for the property, the neighborhood, and the community as a whole.
- That notwithstanding, the Board Members are also aware of the time and cost issues associated with formally obtaining Change of Tenancy Permits/Approvals for each and every Change of Use at the site.
- Thus, in light of the historic uses at the site, and the pre-existing non-conforming nature of the same, and in light of the other unique features/aspects associated with the within proposal, the Board Members attempted to fashion some type of relief which could be granted without causing substantial detriment to the public good.

- Against such a backdrop, the Applicant's representatives agreed that in any prospective Change of Tenancy at the site (involving the same or different uses) (but limited to the uses specifically referenced herein), the Applicant's representatives will need to submit documentation/evidence to the Zoning Officer so that the Municipal Zoning Officer can confirm that the overall parking supply at the site will comply with the Borough's prevailing parking requirements, without creating or exacerbating any parking deficiency. If such documentation is provided and sufficiently demonstrated to the Zoning Officer, in his/her sole discretion, then, in that event, by virtue of the within Approval, the Zoning Officer can administratively issue Permits for such Change of Tenancy at the site, without the need for any formal Land Use Board Approval, so long as the other conditions set forth herein are satisfied.
- In the event the documentation/evidence presented to the Zoning Officer does not sufficiently prove that the uses at the site, in the aggregate, comply with the Borough's prevailing parking requirements (without creating or otherwise exacerbating a parking deficiency), then, in that event, the Zoning Officer shall Deny the submitted Zoning permit request. At such time, the Applicant can, if the Applicant chooses, appeal the said decision (to the Oceanport Planning Board), or pursue formal relief, in accordance with the prevailing provisions of the NJMLUL.
- The aforesaid process is a material condition of the within Approval – and but for the same, the within Use Variance portion of the Application would not have been Approved.
- Such a process will ensure that, in the aggregate, the multiple uses at the site will not exceed, or otherwise deviate from the Borough's parking requirements.
- Such a process will further ensure that no parking deficiency is administratively created / approved at the site.
- Such a process will ensure that the public welfare is appropriately maintained / honored / advanced.
- Such a process will prevent the administratively approved uses from overwhelming or otherwise overtaxing the property.
- Such a process will create and maintain an effective, steady, efficient, and overall acceptable parking situation at the site.
- Such a process will prevent the site from becoming over-parked.
- Such a process will prevent tenants at the site from having to rely on on-street parking spaces.
- Such a process will allow the Applicant's site to operate efficiently, and without repeated official Applications to the Oceanport Planning Board.

- Under the circumstances, it is appropriate for a Municipal Planning Board to entertain reasonable proposals to help an Applicant, if the same can be effectuated without causing substantial detriment to the public good.
- The parking process established herein (in conjunction with the other conditions set forth herein) will not cause substantial detriment to the public good.
- Importantly, the within Use Variance relief for future Tenants at the site is limited to a continuation / creation of the following:
  - a. Dance studio;
  - b. Art studio;
  - c. Music studio;
  - d. Photography studio;
  - e. Radio or television studio;
  - f. General business use; and/or
  - g. Professional office use.
- The Board Members recognize the unique nature of the within Approval – and have determined that the same is warranted / justified under the unique and historic circumstances associated with the subject site.
- Again, importantly, the Board Members have specifically determined that the within Conditional Approval will not compromise the overall interests of the Borough of Oceanport, or the residents thereof.
- One purpose of the Municipal Land Use Law recognizes the importance of approving applications which result in the appropriate uses being located in appropriate locations. Given the long time and historic non-conforming uses at the site, (as evidenced by the within vote), the Board holds that approval of the within application will advance such a purpose.
- The within Approval will not result in any physical expansion of the existing building at the site.
- The within Approval will not inject any new uses at the site, beyond the uses which have historically existed at the site and beyond the specifically listed / permitted uses set forth in the within document.
- Approval of the within Application will not materially intensify the overall operations / uses at the site.
- Approval of the within Application will not increase the overall parking demand at the site (beyond the capacity of the existing 22 spaces at the site).
- Approval of the within Application will not change the ingress/egress routes for the site.
- Approval of the within Application will not change the site circulation routes.

- Approval of the within Application will not change, or otherwise adversely impact, the Grading/Drainage situation at the site.
- Approval of the within Application will not generate additional garbage at the site.
- Approval of the within Application will not change the lighting level or lighting scheme at the site.
- Approval of the within Application will not change the physical location of the existing building at the site.
- Approval of the within Application will not change the existing building setbacks at the site.
- Approval of the within Application will not compromise the physical views of any neighboring property owners.
- Approval of the within Application will not change/increase the amount of noise historically generated at / from the site.
- Approval of the within Application will not block any existing Sight Triangle Easements.
- Approval of the within Application will not compromise emergency access routes to / from the site.
- There were no known public objections associated with the subject Application.
- Per the testimony and evidence presented, the existing uses at the site have existed for a number of decades, and there has been no known history of problems / objections associated therewith.
- Approval of the within Application will not appreciably change the historic types of uses operating at / from the site.
- Approval of the within Use Variance portion of the 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 MLUL; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented satisfies the statutory requirements of NJSA 40:55D-70 (d) (Use Variances).

Based upon the above, and subject to the conditions set forth herein, the Board is of the unanimous opinion that the requested relief (issuance of a Certificate of Pre-existing Non-conforming Use and Use Variance Approval) 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's representatives have agreed, to comply with the following Conditions:

- a. The Applicant shall comply with all terms, conditions, and promises made at or during the Public Hearing process.
- b. The Applicant's representatives shall comply with the terms and conditions of the Colliers Engineering & Design Review Memorandum, dated May 30, 2025 (A-4).
- c. The Applicant shall comply with any and all prevailing Affordable Housing Rules, Regulations, Directives, Contributions, and Payments as may be required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency having jurisdiction over the matter.
- d. Any other non-permitted uses at the site, except as specifically listed / set forth below, are not permitted / approved, absent formal Approval from the Municipal Land Use Board.
- e. The Applicant's representatives agreed that in any prospective Change of Tenancy at the site (involving the same or different uses) (but limited to the non-permitted uses specifically referenced herein), the Applicant's representatives will need to submit documentation/evidence to the Zoning Officer so that the Municipal Zoning Officer can confirm that the overall parking supply at the site (in the aggregate) will comply with the Borough's prevailing parking requirements, without creating or otherwise exacerbating any parking deficiency. If such documentation is provided and sufficiently demonstrated to the Zoning Officer, in his/her sole discretion, then, in that event, by virtue of the within Approval, the Zoning Officer shall administratively issue Permits for such Change of Tenancy, without the need for any formal Land Use Board Approval, so long as the other conditions set forth herein are not violated. The within Use Variance Approval is specifically limited to the following (non-permitted) uses at the site:
  - a. Dance studio;
  - b. Art studio;
  - c. Music studio;
  - d. Photography studio;
  - e. Radio or television studio;
  - f. General business use; and
  - g. Professional office use.

In the event the documentation/evidence presented to the Zoning Officer does not sufficiently prove that the uses at the site, in the aggregate, comply with the Borough's prevailing parking requirements (without creating or otherwise exacerbating a parking deficiency), (in the sole discretion of the Zoning Officer) then, in that event, the Zoning Officer shall Deny the submitted Zoning permit request. At such time, the Applicant can, if the Applicant so chooses, appeal the said decision (to the Oceanport Planning Board), or pursue formal relief, in accordance with the prevailing provisions of the NJMLUL

- f. Within thirty (30) days of the adoption of the within Resolution, the Applicant's representatives shall provide the Board Secretary with a written benchmark statement detailing the following:
  - The existing Unit sizes (square footage); and
  - The existing Unit uses (i.e. name of Tenant and specific use)
- g. The Applicant shall obtain any necessary mercantile license/permits as the Borough of Oceanport may require.
- h. Nothing contained herein shall authorize the Zoning Officer to administratively issue any zoning permits which will exacerbate any parking deficiency at the site.
- i. Nothing contained herein shall authorize the Zoning Officer to administratively issue/Approve any type of Parking Variance.
- j. Nothing contained herein shall authorize the Zoning Officer to administratively issue any permits for the physical expansion of the existing building at the site.
- k. The Applicant shall be required to comply with all prevailing Federal/State/local Environmental Regulations.

**BE IT FURTHER RESOLVED**, that all representations made under oath by the Applicant's Representatives and/or its 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 application, nor does the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or their agents/representatives accept any responsibility associated with the within application and/or authorized uses.

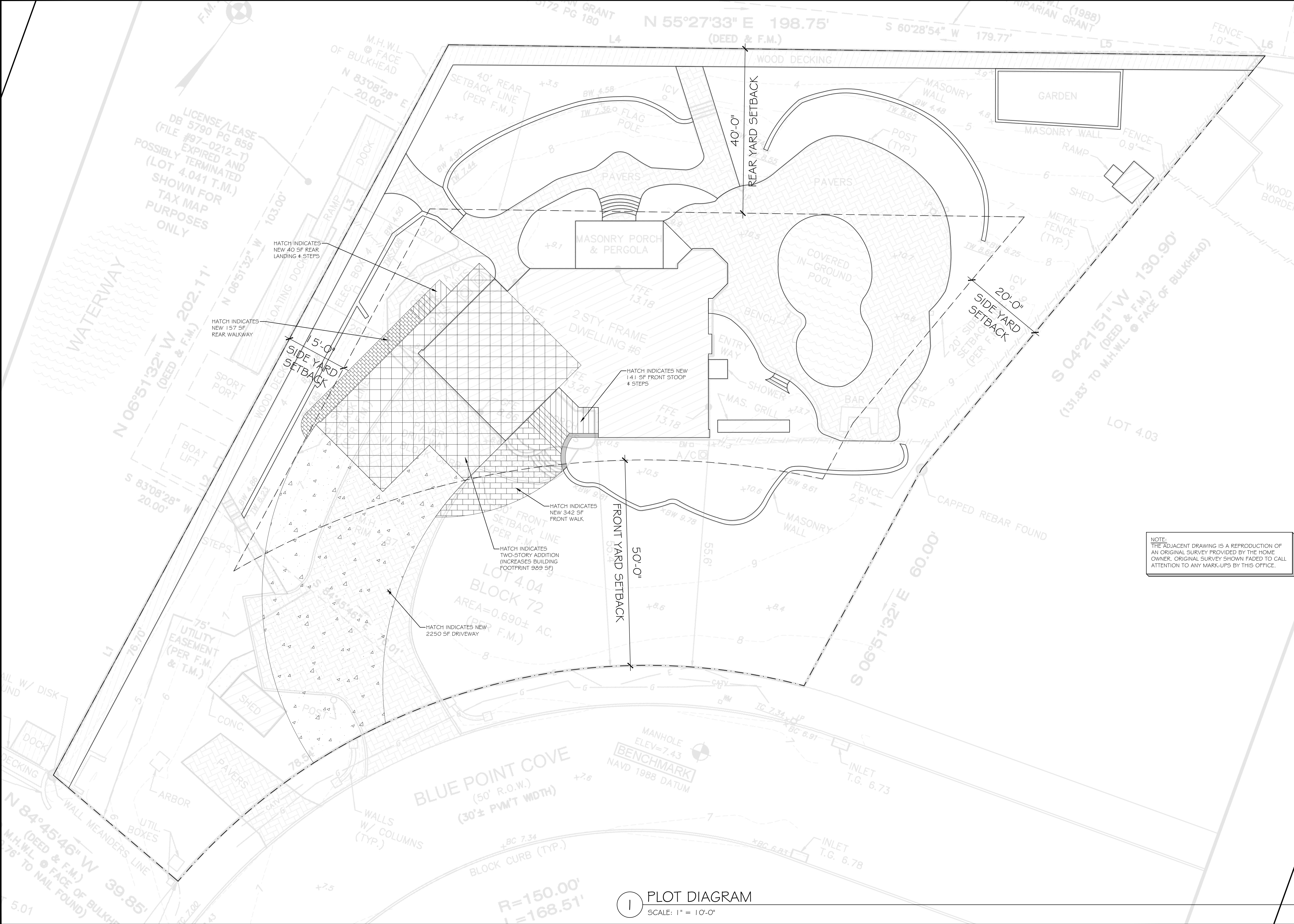
*I hereby certify that the foregoing is a true copy of a Resolution adopted by the Oceanport Planning Board on this 9<sup>th</sup> day of September, 2025.*

---

Stephanie Kramer, Board Secretary

KEK/gf

S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\NADLAN (Certificate & Use Variance)\Resolution - NADLAN, LLC.docx



1 PLOT DIAGRAM  
SCALE: 1" = 10'-0"

PROJECT:

ADDITIONS & ALTERATIONS FOR :  
THE MOCCI RESIDENCE

6 BLUE POINT COVE  
BLOCK 72, LOT 4.04  
OCEANPORT, MONMOUTH COUNTY, NEW JERSEY 07757

A. VINCENT MINKLER

NT Lic. No. 21A101978200

Z-1  
SHEET 01 OF 06

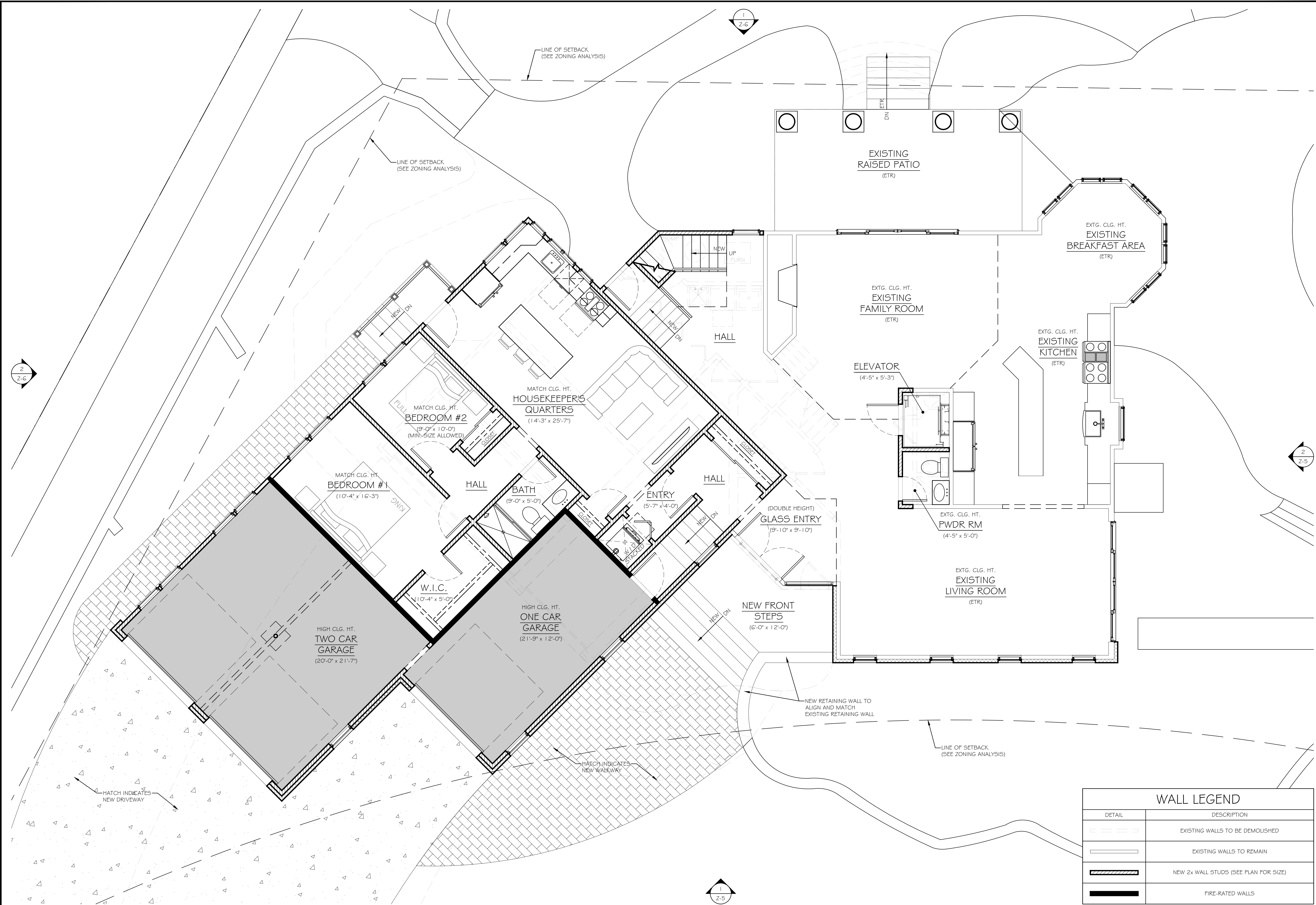
REVISIONS:

**MINKLER**  
ARCHITECTURE & DESIGN

54 CHAPEL HILL RD. RED BANK, NJ 07701  
P: 908-692-8472 Email: vinminkler@gmail.com

DATE: OCTOBER 17, 2024

NOTE:  
THE ADJACENT DRAWING IS A REPRODUCTION OF  
AN ORIGINAL SURVEY PROVIDED BY THE HOME  
OWNER. ORIGINAL SURVEY SHOWN FADED TO CALL  
ATTENTION TO ANY MARK-UPS BY THIS OFFICE.



1 PROPOSED FIRST FLOOR PLAN  
SCALE: 1/4" = 1'-0"

| WALL LEGEND |                                       |
|-------------|---------------------------------------|
| DETAIL      | DESCRIPTION                           |
|             | EXISTING WALLS TO BE DEMOLISHED       |
|             | EXISTING WALLS TO REMAIN              |
|             | NEW 2x WALL STUDS (SEE PLAN FOR SIZE) |
|             | FIRE-RATED WALLS                      |

PROJECT:

A. VINCENT MINKLER

NT Lic. No. 21A101978200

ADDITIONS & ALTERATIONS FOR :  
THE MOCCI RESIDENCE

6 BLUE POINT COVE  
BLOCK 72, LOT 4.04  
OCEANPORT, MONMOUTH COUNTY, NEW JERSEY 07757

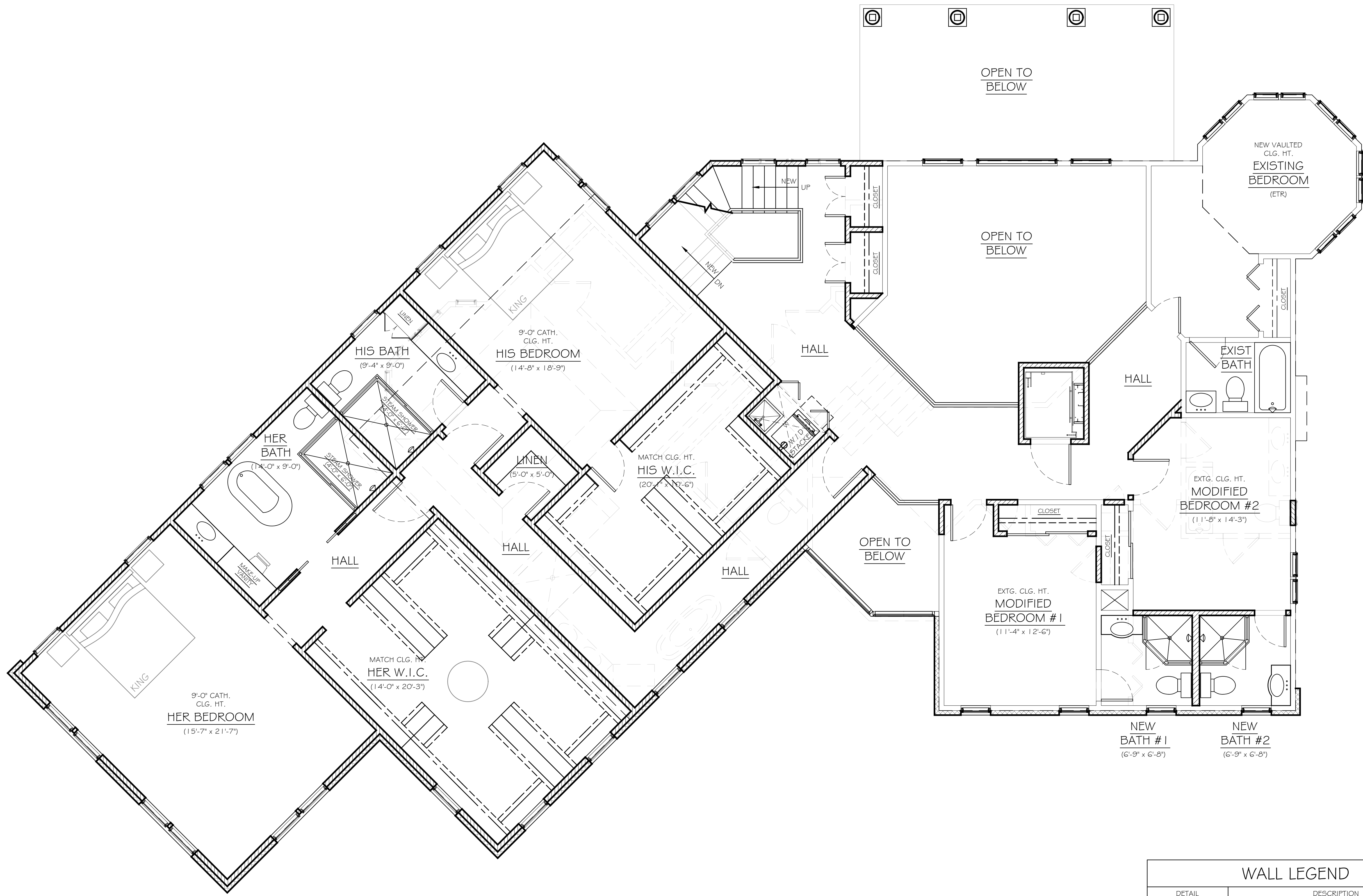
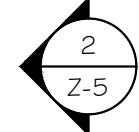
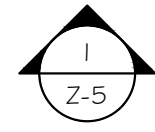
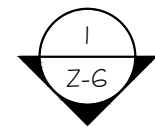
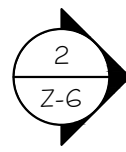
Z-2  
SHEET 02 OF 06

REVISIONS:

**MINKLER**  
ARCHITECTURE & DESIGN

54 CHAPEL HILL RD. RED BANK, NJ 07701  
P: 908-692-8412 Email: vinminkler@gmail.com

DATE: OCTOBER 17, 2024



| WALL LEGEND |                                       |
|-------------|---------------------------------------|
| DETAIL      | DESCRIPTION                           |
|             | EXISTING WALLS TO BE DEMOLISHED       |
|             | EXISTING WALLS TO REMAIN              |
|             | NEW 2x WALL STUDS (SEE PLAN FOR SIZE) |

1 PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

REVISIONS:

**MINKLER**  
ARCHITECTURE & DESIGN

DATE: OCTOBER 17, 2024

54 CHAPEL HILL RD. RED BANK, NJ 07701  
P: 908-692-8412 Email: vinminkler@gmail.com

PROJECT:

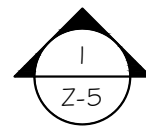
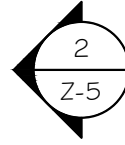
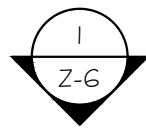
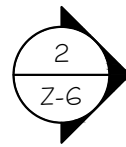
ADDITIONS & ALTERATIONS FOR :  
**THE MOCCI RESIDENCE**

6 BLUE POINT COVE  
BLOCK 72, LOT 4.04  
OCEANPORT, MONMOUTH COUNTY, NEW JERSEY 07757

A. VINCENT MINKLER

NJ Lic. No. 21A101978200

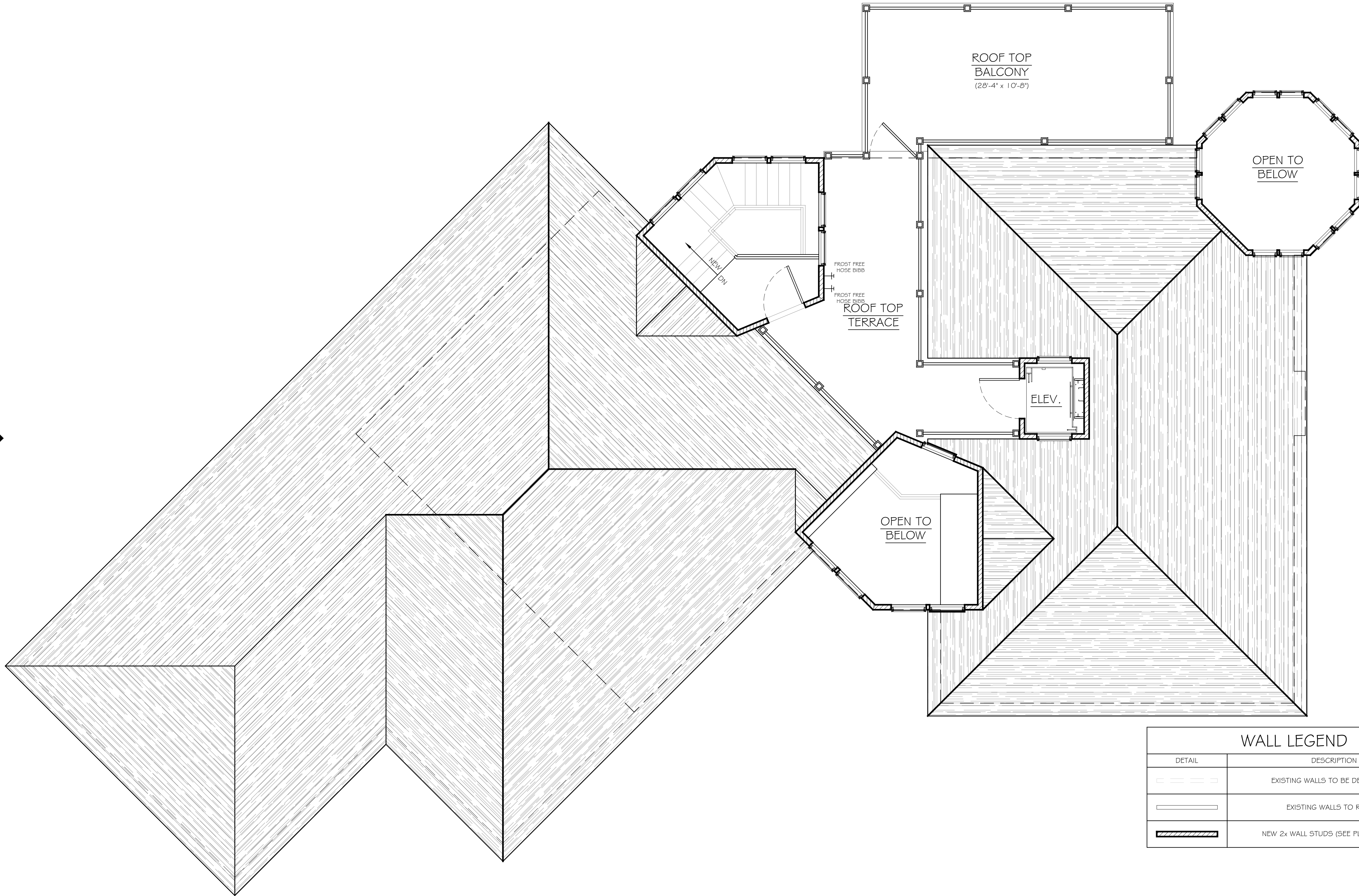
**Z-3**  
SHEET 03 OF 06



1

## PROPOSED ROOF & TERRACE PLAN

SCALE: 1/4" = 1'-0"



| WALL LEGEND |                                       |
|-------------|---------------------------------------|
| DETAIL      | DESCRIPTION                           |
|             | EXISTING WALLS TO BE DEMOLISHED       |
|             | EXISTING WALLS TO REMAIN              |
|             | NEW 2x WALL STUDS (SEE PLAN FOR SIZE) |

A. VINCENT MINKLER

NJ Lic. No. 21A101978200

Z-4

SHEET 04 OF 06

PROJECT:

ADDITIONS & ALTERATIONS FOR :  
THE MOCCI RESIDENCE

6 BLUE POINT COVE  
BLOCK 72, LOT 4.04  
OCEANPORT, MONMOUTH COUNTY, NEW JERSEY 07757

REVISIONS:

DATE:

OCTOBER 17, 2024

**MINKLER**  
ARCHITECTURE & DESIGN

54 CHAPEL HILL RD. RED BANK, NJ 07701  
P: 908-692-8412 Email: vinminkler@gmail.com



1 FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



2 RIGHT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

REVISIONS:

**MINKLER**  
ARCHITECTURE & DESIGN

54 CHAPEL HILL RD. RED BANK, NJ 07701  
P: 908-692-8412 Email: vinminkler@gmail.com

OCTOBER 17, 2024

DATE:

PROJECT:

ADDITIONS & ALTERATIONS FOR :  
**THE MOCCI RESIDENCE**

6 BLUE POINT COVE  
BLOCK 72, LOT 4.04  
OCEANPORT, MONMOUTH COUNTY, NEW JERSEY 07757

A. VINCENT MINKLER

NJ Lic. No. 21A101978200

**Z-5**  
SHEET 05 OF 06



1 REAR ELEVATION  
SCALE: 1/4" = 1'-0"



2 LEFT SIDE ELEVATION  
SCALE: 1/4" = 1'-0"

REVISIONS:

**MINKLER**  
ARCHITECTURE & DESIGN

54 CHAPEL HILL RD. RED BANK, NJ 07701  
P: 908-692-8412 Email: vinminkler@gmail.com

OCTOBER 17, 2024

DATE:

PROJECT:

ADDITIONS & ALTERATIONS FOR :  
**THE MOCCI RESIDENCE**

6 BLUE POINT COVE  
BLOCK 72, LOT 4.04  
OCEANPORT, MONMOUTH COUNTY, NEW JERSEY 07757

A. VINCENT MINKLER

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**Z-6**  
SHEET 06 OF 06



**ENGENUITY**  
INFRASTRUCTURE

ENGenuity Infrastructure™  
2 Bridge Avenue, Suite 323, Red Bank, NJ 07701  
732.741.3176 | engenuitynj.com

OCPB-R0050  
April 25, 2025  
*Via email and US Mail*

Stephanie Kramer, Deputy Borough Clerk  
Borough of Oceanport Planning Board  
910 Oceanport Way  
Oceanport, NJ 07757

**RE: Board Application PB2025-02  
Use & Bulk Variances  
Applicant/Owner: Ralph Mocci  
6 Blue Point Cove Road, Block 72, Lot 4.04  
Oceanport, Monmouth County, NJ  
First Engineering Review**

Dear Board Members:

Our office has received the following in support of the above referenced Use and Bulk Variance Application:

1. Plot and Grading Plan, dated December 9, 2024 and revised to February 5, 2025.
2. Architectural Plans entitled, "Additions & Alterations For The Mocci Residence, 6 Blue Point Cove, Block 72, Lot 4.04", dated October 17, 2024.

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

**1. Project Description**

The subject 30,407 SF (0.70 acre) property is within the R-1 Zone District and contains 168.51 feet of frontage along Blue Point Cove Road. Currently, the property is a 2-story single family dwelling with a paver driveway that abuts Blackberry (Bay) Creek with existing floating dock and an inground pool with multiple patios and retaining walls.

The Applicant is seeking use and bulk variance approval for an addition to add housekeeping quarters and from a zoning standpoint this will convert the single-family home to a two-family home. The housekeeping quarters proposed consist of the following:

- a separate entrance with designated walkway from the driveway
- separate kitchen and family room
- a bathroom
- two bedrooms
- a separate one car garage with entrance to housekeeping quarters

In addition to the one-car garage and first floor addition for the housekeeping quarters, the Applicant is proposing the following additions to the original single-family portion of the home:

**Attn:** Stephanie Kramer, Deputy Borough Clerk  
**Re:** Board Application PB2025-02  
**Use & Bulk Variances**  
**Applicant/Owner:** Ralph Mocci

- A first floor two-car garage addition
- A second story addition with two (2) bedrooms, two (2) bathrooms, and two (2) large walk-in closets.
- Interior renovations to modify three (3) existing bedrooms and add two (2) new baths.
- Three (3) new architectural towers are proposed and one existing tower will remain.
- A new rooftop balcony
- An elevator

The combination of the additions and renovations results in a total of seven (7) bedrooms, seven (7) bathrooms, three (3) car garage, two (2) kitchens, two (2) family rooms, one (1) living room, an elevator, and multiple patios. A shed is proposed to be removed. The patio additions consist of 342 SF of front walk, 157 SF of rear walkway, 40 SF of new rear landing & steps, new 141 SF front stoop & steps, and a new 2250 SF concrete driveway (existing paver driveway to be removed). The inground pool, docks, and retaining walls are proposed to remain.

## 2. Planning & Zoning Compliance

2.1 The subject property is located within an R-1 Zone District. The table below summarizes the bulk measures and zone requirements for the site:

| <u>Description</u>                                      | <u>Required/Permitted</u> | <u>Existing</u>       | <u>Proposed</u>                      |
|---------------------------------------------------------|---------------------------|-----------------------|--------------------------------------|
| Minimum Lot Area                                        | 30,000 s.f.               | 30,407 s.f.           | 30,407 s.f.                          |
| Minimum Lot Width                                       | 150 feet                  | 168.51 feet           | 168.51 feet                          |
| Minimum Lot Depth                                       | 200 feet                  | ~165 feet             | ~165 feet <b>ENC</b> (1)- c variance |
| Maximum Building Height                                 | 2.5 stories/35 feet       | 2 stories/31.4 feet   | 2.5 stories/34.5 feet                |
| Maximum Principal Building Coverage                     | 20%                       | 8.2%                  | 11.5%                                |
| Maximum Accessory Building Coverage                     | 5%                        | 0.60%                 | 0.21% (2)                            |
| Maximum Dwelling Units Per Acre                         | 1.5                       | 1.43                  | 2.87 (V)- d variance                 |
| Minimum Principal Building Front Yard Setback           | 50 feet                   | 55.4 feet             | 50.0 feet                            |
| Minimum Principal Building Side Yard Setback (One/Both) | 15feet /35 feet           | 29.4 feet / 78.3 feet | 15.4 feet / 64.3 ft                  |
| Minimum Principal Building Rear Yard Setback            | 40 feet                   | 48.9 feet             | ~42 feet (3)                         |

Attn: Stephanie Kramer, Deputy Borough Clerk  
 Re: Board Application PB2025-02  
 Use & Bulk Variances  
 Applicant/Owner: Ralph Mocci

| <u>Description</u>                           | <u>Required/Permitted</u> | <u>Existing</u> | <u>Proposed</u>                |
|----------------------------------------------|---------------------------|-----------------|--------------------------------|
| Minimum Accessory Building Side Yard Setback | 20 feet                   | 2 feet          | 2 feet <b>ENC</b> – c variance |
| Minimum Accessory Building Rear Yard Setback | 10 feet                   | 35 feet         | 35 feet                        |
| Maximum Impervious Coverage                  | 25%                       | 35.5%           | 37.2% (V)- c variance          |
| Parking                                      | 4.5 spaces                | 5.5 spaces      | 5.5 spaces                     |

(ENC) – Existing Condition (V) – Variance Required

- (1) The distance measured from the front lot line to the rear lot line. The minimum lot depth shall apply over no less than 80% of the required lot width. Rear Lot line is the lot line opposite and most distant from the front lot line.
- (2) Proposed Accessory Building Coverage includes the square footage of the existing shed. The square footage of the shed has been removed from the Principal Building Coverage calculations.
- (3) Rear yard setback measured from rear yard lot line to masonry porch.

2.2 Per Section 390 Attachment 1 of the Borough Ordinance, only single family detached dwellings are permitted in the R-1 Zone, whereas the applicant proposes a two-family home. The applicant should testify regarding the nature of the use of the housekeeping quarters that consists of a separate entrance, separate kitchen and family room, a bathroom, two bedrooms, and a separate one-car garage with its own entrance. A D(1) variance is required for a non-permitted use.

2.3 Per Section 390 Attachment 2, Schedule II, the maximum dwelling units per acre is 1.5, whereas the applicant proposes 2.87 dwelling units per acre. A D(5) variance is required.

2.4 Per Section 390 Attachment 2, Schedule II, the maximum side yard setback for an accessory building is 20 feet whereas the existing shed in the northeast corner of the site has a setback of 2 feet from the side lot line. A bulk 'c' variance is required. This This is an existing non-conformity.

2.5 Per Section 390 Attachment 2, Schedule II, the maximum impervious coverage allowed is 25% whereas the applicant is proposing 37.2%. A C variance is required.

2.6 The minimum lot depth is defined by ordinance as the distance measured from the front lot line to the rear lot line. The minimum lot depth shall apply over no less than 80% of the required lot width. Rear Lot line is defined as the lot line opposite and most distant from the front lot line. Therefore, the applicant should clarify how they calculated the lot depth of 202 ft. Per definition it appears that the rear lot line is approximately 165 ft for 80% of the required lot width. However, the applicant should confirm same and provide exact lot depth. It appears a bulk 'c' variance is required for lot depth. This is an existing non-conformity.

**Attn: Stephanie Kramer, Deputy Borough Clerk**  
**Re: Board Application PB2025-02**  
**Use & Bulk Variances**  
**Applicant/Owner: Ralph Mocci**

- 2.7 Off-Street Parking. Per Residential Site Improvement Standards Section 5:21-4.14, for a Single-Family Detached housing unit, 1.5 parking spaces are required for a 2-bedroom dwelling unit and 3.0 parking spaces are required for a 5-bedroom dwelling unit. A one-car garage and driveway combination shall count as 2.0 off-street parking spaces and a two-car garage and driveway combination shall count as 3.5 off-street parking spaces.. Therefore, the Applicant is proposing 5.5 off-street parking spaces meeting the requirement of 4.5 off-street parking spaces.
- 2.8 Waterfront Properties. Per Section 390-17D in residential districts, no principal building shall be nearer to the mean high waterline than within two feet of the average alignment of the existing principal buildings along 200 feet of each side of the lot on the same block. The applicant shall provide the average alignment of the existing principal buildings along 200 feet of each side of the lot on the same block.
- 2.9 Per Section 390-20 There shall be no structure or plantings placed greater than four feet in height located within 10 feet of the side property line within the defined viewshed area. The "viewshed area" is defined as that area encompassing a space measured from half the distance between the rear facade of a principal building or the pool water edge (closest to the rear facade) and the mean high-water line or the property line at the water's edge, whichever is closest, at a 135° angle starting at the projection of the plane of the side facades of the principal structure to the rear property line of the property and adjacent properties. Based on the rear property line and side property line definitions, the applicant appears to comply, however, the applicant should confirm the same in testimony.
- 2.10 Per Section 390-25 Fences and walls- Residential fences may be no higher than four feet in the front yard and six feet in the side or rear yard. The site has existing fences that appear to comply, however the applicant should confirm the same in testimony.
- 2.11 Per section 390-25 Fences and walls - Stone and masonry walls are not considered to be fences and are prohibited. A bulk c variance is required for the modified retaining wall. The applicant shall clarify if the other masonry walls are pre-approved.
- 2.12 Per Section 390-26 Residential driveways shall be limited to 24 feet wide for garages that face the street and may transition to 36 feet wide starting at a point 24 feet from the dwelling. The site proposes a three (3) car garage; therefore the driveway is 36 feet wide within 24 feet of the dwelling. A variance is required.
- 2.13 Section 390-31 lists regulations applying to swimming pools. The pool is existing. The applicant should confirm in testimony that the existing pool has complied with these regulations.
- 2.14 The applicant must demonstrate that the application satisfies the criteria for granting variances. The Municipal Land Use Law permits the granting of a hardship variance under either of two situations (C.40:55D-70c):

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**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 specific piece of property of the structures lawfully existing thereon.
- 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.

- 2.15 The applicant must demonstrate that the application satisfies both the positive and the negative criteria of the Municipal Land Use Law for the granting of the use variance relief. The determination of the positive criteria establishes the benefits of the variance. The determination of the negative criteria establishes the detriments to the public good that would result from the variance. By nature, a variance is a departure from and an impairment of the zone plan. On balance, the benefits of granting the variance must be such that the resulting detriments are not substantial. The greater the benefits of the variance, the greater the detriments must be to be considered substantial. Accordingly, the applicant must demonstrate the following for "d" variance relief:

*Positive Criteria*

There are two prongs to the positive criteria that the applicant must satisfy, as follows:

***That the site is particularly suited to the use.*** Unless the Board determines that the proposed use qualifies as an inherently beneficial use of the proposed site, the applicant must prove that the site is particularly suited to the use.

***There are special reasons that allow a departure from the zoning regulations in this case.*** Unless the Board determines that the use qualifies as an inherently beneficial use as discussed above, the applicant must prove that special reasons support the grant of the variance. The only acceptable special reasons for the grant of a "d" variance would be proof that the variance promotes the purpose of zoning, or proof of undue hardship. The purposes of zoning are established by the Municipal Land Use Law (N.J.S.A. 40:55D2) and the applicant must demonstrate that the variance promotes one or more of those purposes to establish special reasons. Alternatively, the applicant may offer as a special reason proof that refusal to grant the variance would result in undue hardship. Proof of undue hardship for a "d" variance requires that the applicant prove that the property cannot be reasonably adapted to conform to the zone requirements.

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Negative Criteria

There are two prongs to the negative criteria that the applicant must satisfy, as follows:

***That the variance can be granted without substantial detriment to the public good.*** This prong requires an evaluation of the impact of the variance on surrounding properties and a determination as to whether or not it causes such damage to the character of the neighborhood as to constitute a substantial detriment to the public good.

***That the variance will not substantially impair the intent and purpose of the zoning plan and ordinance.*** The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. The process for zoning decisions is through the recommendations of the municipal master plan as implemented through zoning ordinances adopted by the governing body. This establishes the zones, standards, and requirements for the development of the municipality. The Board of Adjustment is precluded by the negative criteria from granting any "d" variance relief unless an applicant demonstrates that the variance will not substantially impair the intent and purpose of the zone plan. If the grant of a variance substantially alters the municipality's zone plan, the action is impermissible because it usurps the zoning power of the governing body and undermines the municipal planning process

The applicant shall provide testimony in support of the variances being requested.

**3. Design Waivers:**

- 3.1 Section 390-40 states that in conventional developments, sidewalks shall be placed in the right-of-way, parallel to the cartway, unless an exception has been permitted to preserve topographical or natural features, to provide visual interest, or unless the applicant shows that an alternative pedestrian system provides safe and convenient circulation. The development where the lot exists does not have sidewalk. A design waiver may be required.
- 3.2 Per Section 390-41 Street trees shall be planted at a ratio of one tree at least every 50 feet. Such trees shall be at least 2.5 inches caliper. A design waiver is required.
- 3.3 Driveways. Per Section 390-26 A driveway apron shall be provided at the intersection of all driveways with the public roadway. The apron shall be made of concrete when it abuts or may in the future abut a concrete sidewalk; otherwise, asphalt or suitable paver materials maybe utilized. The apron shall extend a minimum of six feet from the edge of the road or the back edge of the sidewalk, whichever is greater. Per Section 390-40 At vehicular crossings, sidewalks shall be reinforced with 6 x 6 No. 10 WWF reinforcement or an equivalent. Construction details are to be provided for the apron.

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#### **4. Stormwater, Grading, and Drainage**

- 4.1 The proposed impervious lot coverage adds up to 11170 SF, however the table lists 12,779 SF. The 37.2% lot coverage is correct; however, the applicant should confirm the calculation in the table.
- 4.2 The site is in an AE Zone with a flood elevation of 10 ft NAVD 88. The plans should list the BFE of the structure. We defer to the Borough's Floodplain Manager for review.
- 4.3 Since the impervious coverage has increased from 35.5% to 37.2% the applicant should testify regarding if there will be any drainage impact, or whether the increase is negligible.
- 4.4 Locations of roof leaders should be shown on plan.
- 4.5 The plans indicate that retaining walls will be modified (note 3). The plans show top and bottom wall elevations indicating the wall is 4.2 feet in some areas. Since over 3 ft in height, wall calculations may be required by the construction official. A detail should be provided of the wall.

#### **5. Utilities**

- 5.1 The applicant should clarify whether the utilities for the units will be separately metered. The applicant should clarify which utilities will be separate for the housekeeping quarters.
- 5.2 The proposed utility connections should all be shown on the plans (sewer, water, gas, electric, etc.)

#### **6. General Comments and Outside Approvals**

- 6.1 Details should be provided for the apron, curb, and pavement repair in the Borough right-of-way as well as any utility repair details.
- 6.2 The plans show a 75 ft utility easement and the driveway is existing and proposed within this easement. The applicant should provide a copy of the easement and clarify whether the driveway is permitted within the same. We just want to confirm no issues with access to the driveway/garage in the future since the driveway crosses this easement.
- 6.3 This application may be subject to the following outside agency approvals:
  - A. Freehold Soil Conservation District- the plans show an LOD disturbance over 5,000 SF, plans show 14,300 SF of disturbance.
  - B. Oceanport Environmental Commission- if required.
  - C. Oceanport Floodplain Manager
  - D. Fire Official

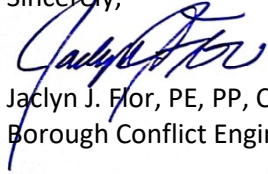
**Attn:** Stephanie Kramer, Deputy Borough Clerk  
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Use & Bulk Variances  
Applicant/Owner: Ralph Mocci

- E. All other outside agency approvals as may be required. The Applicant shall address the Board regarding the status of all outside agency approvals for the project. In addition, copies of all outside agency approvals shall be forwarded to the Borough.

The right is reserved to present additional comments pending the receipt of revised plans and/or the testimony of the Applicant before the Board.

If you have any questions with regard to the above matter, please do not hesitate to call.

Sincerely,



Jaclyn J. Flor, PE, PP, CME  
Borough Conflict Engineer

**cc:** Kevin Kennedy, Esq, Board Attorney  
Donna M. Bullock, PE, Applicant's Engineer  
Ralph Mocci, Applicant

TOGETHER WITH ALL RIGHT, TITLE & INTEREST IN AND TO A PORTION OF A RIPARIAN GRANT RECORDED IN THE M.C.C.O. ON 10/6/1992 IN DB 5172 PG 180 AND LIBER BOOK J-8 PG 95.

TOGETHER WITH ALL RIGHT, TITLE & INTEREST IN AND TO A PORTION OF A RIPARIAN GRANT RECORDED IN THE M.C.C.O. ON 10/6/1992 IN DB 5172 PG 180 AND LIBER BOOK J-8 PG 95.

#### NOTES:

- THIS MAP IS NOT A SURVEY.
- THE PURPOSE OF THIS MAP IS FOR OBTAINING A ZONING PERMIT FROM THE TOWNSHIP OF OCEANPORT FOR THE CONSTRUCTION OF A SINGLE FAMILY DWELLING WITH APPURTENANT SITE IMPROVEMENTS.
- BOUNDARY AND TOPOGRAPHIC INFORMATION SHOWN HEREON TAKEN FROM A CERTAIN PLAN ENTITLED "BOUNDARY AND TOPOGRAPHIC SURVEY, LOT NO. 4.04, BLOCK NO. 72, TOWNSHIP OF OCEANPORT, COUNTY OF MONMOUTH, NEW JERSEY," PREPARED BY MORGAN ENGINEERING & SURVEYING, LLC, DATED 3/29/24.
- PER THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION BUREAU OF GIS' NJ-GEOVIEW INTERACTIVE MAPPING APPLICATION, WETLANDS DO NOT APPEAR TO EXIST ON THE SUBJECT PROPERTY.
- PROPERTY IS LOCATED IN FLOOD ZONE AE ELEV. 10 AS SHOWN ON CURRENT FIRM MAP #34025C184H, DATED 06/15/2022.
- EXISTING UTILITIES TO BE MARKED OUT PRIOR TO THE START OF CONSTRUCTION.
- ALL ELEVATIONS ARE IN NAVD 1988 DATUM THROUGH GPS OBSERVATIONS USING LEICA RTK GPS NETWORK.
- THIS PROPERTY LOCATED WITHIN THE R-1 ZONE.
- ALL ROOF LEADERS SHALL BE DIRECTED TOWARDS BLUE POINT COVE.
- NO ROOF DRAIN RUNOFF SHALL BE DIRECTED TO ADJACENT PROPERTIES.
- LIMIT OF DISTURBANCE = 14,300 S.F. / 0.328 AC.
- RETAINING WALL DESIGN AND STABILIZATION CALCULATIONS SHALL BE PROVIDED PRIOR TO ISSUANCE OF BUILDING PERMITS.
- VARIANCES REQUESTED PER ZONING APPLICATION DENIAL - ZA-24-0189 DATED 1/7/2025.

#### ZONE R-1 REQUIREMENTS

| MIN. LOT AREA            | REQUIRED    | EXISTING      | PROPOSED      |
|--------------------------|-------------|---------------|---------------|
| MIN. LOT DEPTH           | 30,000 S.F. | 30,047 S.F.   | 30,047 S.F.   |
| MIN. LOT WIDTH           | 200 FT.     | 202 FT.       | 202 FT.       |
| MIN. LOT FRONTAGE        | 150 FT.     | 169 FT.       | 169 FT.       |
| MIN. FRONT SETBACK       | 150 FT.     | 169 FT.       | 169 FT.       |
| MIN. SIDE SETBACK        | 50 FT.      | 55.4 FT.      | 50.0 FT.      |
| MIN. REAR SETBACK        | 15/30 FT.   | 29.4/78.3 FT. | 15.4/64.3 FT. |
| MAX. BUILDING COVERAGE   | 40 FT.      | 48.9 FT.      | 48.9 FT.      |
| MAX. IMPERVIOUS COVERAGE | 20%         | 8.8%          | 11.7%         |
| MAX. BUILDING HEIGHT:    | 25%         | 35.5%*        | 37.2%**       |
| FEET                     | 35 FT.      | 31.3 FT.      | 34.5 FT.      |
| STORIES                  | 2.5 STY.    | 2 STY.        | 2.5 STY.      |

\* - EXISTING NON-CONFORMING  
\*\* - VARIANCE REQUIRED

#### BUILDING COVERAGE

| DESCRIPTION           | EXISTING   | PROPOSED    |
|-----------------------|------------|-------------|
| DWELLING              | 2,427 S.F. | 3,416 S.F.  |
| SHED                  | 180 S.F.   | 63 S.F.     |
| BAR                   | 36 S.F.    | 36 S.F.     |
| BUILDING LOT COVERAGE | 2,643 S.F. | 3,515 S.F.  |
| LOT AREA              |            | 30,047 S.F. |
| TOTAL BUILDING        | 8.8%       | 11.7%       |
| LOT COVERAGE          |            |             |

#### IMPERVIOUS COVERAGE

| DESCRIPTION             | EXISTING    | PROPOSED    |
|-------------------------|-------------|-------------|
| BUILDING COVERAGE       | 2,643 S.F.  | 3,515 S.F.  |
| PAVERS                  | 3,596 S.F.  | 3,651 S.F.  |
| DRIVEWAY                | 2,559 S.F.  | 2,250 S.F.  |
| WALLS                   | 583 S.F.    | 599 S.F.    |
| POOL                    | 725 S.F.    | 725 S.F.    |
| PORCHES & STEPS         | 509 S.F.    | 430 S.F.    |
| CONCRETE                | 53 S.F.     | 0 S.F.      |
| IMPERVIOUS LOT COVERAGE | 10,668 S.F. | 12,779 S.F. |
| LOT AREA                |             | 30,047 S.F. |
| TOTAL IMPERVIOUS        | 35.5%       | 37.2%       |
| LOT COVERAGE            |             |             |

#### VARIANCES REQUIRED:

- MAXIMUM IMPERVIOUS COVERAGE:  
REQUIRED: 25%  
PROPOSED: 37.2%
- NUMBER OF DWELLING UNITS:  
REQUIRED: ONLY SINGLE-FAMILY DWELLINGS PERMITTED  
PROPOSED: TWO-FAMILY DWELLING
- RETAINING WALL DETAILS

#### APPROVED BY: BOROUGH OF OCEANPORT ZONING BOARD

|           |      |
|-----------|------|
| CHAIRMAN  | DATE |
| SECRETARY | DATE |
| ENGINEER  | DATE |

#### VARIANCE PLAN FOR BUILDING ADDITION

LOT 4.04 BLOCK 72  
BOROUGH OF OCEANPORT

COUNTY OF MONMOUTH NEW JERSEY

Scale: 1"=20' Drawn By: DTP Date: 12/9/24 JOB #: E24-00094 CAD File #: PLOT PLAN Sheet #: 1 OF 1

MONMOUTH BOULEVARD  
(A.K.A. MONMOUTH COUNTY ROUTE NO. 33)  
(25' TO CENTERLINE)

Two Rivers Water Reclamation Center  
1 Highland Avenue  
Monmouth Beach, NJ 07750

JCP&L Co.  
ATTN: Richard Cohen  
300 Madison Ave.  
Morristown, NJ 07960

Comcast  
403 South Street  
Eatontown, NJ 07724

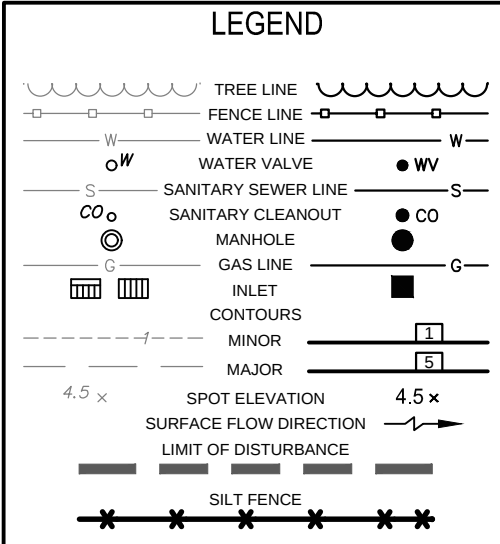
NJ-American Water Company, Inc  
1025 Laurel Oak Road  
Voorhees, NJ 08043  
Attn: Donna Short, GIS Supervisor

NJ Natural Gas Co.  
1415 Wyckoff Rd.  
Wall, NJ 07719

Verizon  
C/O Wireline Engineering  
999 W Main Street  
Freehold, NJ 07728

MONMOUTH BOULEVARD  
(A.K.A. MONMOUTH COUNTY ROUTE NO. 33)  
(25' TO CENTERLINE)

SCALE IN FEET  
(1"=20')



PREPARED FOR: RALPH MOCCI

"THE OWNER OR HIS/HER DESIGNATED REPRESENTATIVE SHALL NOTIFY THE UNDERSIGNED PROFESSIONAL IMMEDIATELY IF CONDITIONS ARE ENCOUNTERED ON-SITE CONTRARY TO THOSE SHOWN ON THIS PLAN. THE UNDERSIGNED PROFESSIONAL SHALL BE GRANTED ACCESS TO THE SITE AND PROVIDED ADEQUATE TIME TO REVIEW AND, IF NECESSARY, AMEND THE DESIGN BASED UPON THE OBSERVED SITE CONDITIONS."



P.O. BOX 5232  
TOMS RIVER, N.J. 08754  
TEL: 732-270-9690  
FAX: 732-270-9691  
www.morganengineeringllc.com

*Donna M. Bullock*  
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