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November 21, 2022

VIA EMAIL

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

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

Dear Board Members,

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

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

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

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

A. Variances/Design Waivers

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

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

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

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

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

B. General Comments

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

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

Sincerely,

Colliers Engineering & Design
(DBA Maser Consulting)



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

WHW/dmm

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

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