

## **RESOLUTION**

**BOROUGH OF OCEANPORT PLANNING BOARD  
APPROVAL OF THE APPLICATION OF SIGNAL POINT, LP  
FORT MONMOUTH CAMPUS, BLOCK 110.18, LOT 1  
APPROVED JUNE 27, 2023  
MEMORIALIZED SEPTEMBER 12, 2023**

### **INTRODUCTION**

**WHEREAS**, Agents of Signal Point, LP have made Application to the Oceanport Planning Board for the property designated as Block 110.18, Lot 1, Fort Monmouth Campus, Oceanport, New Jersey, within the Borough's Education / Mixed-Use Neighborhood District, within the Fort Monmouth / Oceanport Reuse Area for the following approval: Preliminary and Final Site Plan Approval, Bulk Variance Approval, and Design Waiver / Exception Approval to effectuate the following:

- Renovation of existing buildings 1077 and 1078 which will include 24-apartments (8 1-bedroom apartments and 16 2-bedroom apartments); and
- Construction of 10 new 3-story townhomes; and

### **PUBLIC HEARING**

**WHEREAS**, the Board held a Public Hearing on June 27, 2023, 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, introduced into Evidence as A-1;*
- *Topographic Survey, prepared by 3 Wire Surveying, LLC, last revised October 3, 2022, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Preliminary and Final Major Site Plan, prepared by Shore Point Engineering, dated October 7, 2022, consisting of 14 sheets, introduced into Evidence as A-3;*

- *Architectural Plans, prepared by Inglese Architecture and Engineering, dated October 31, 2022, consisting of 7 sheets, introduced into Evidence as A-4;*
- *Stormwater Management Report, prepared by Shore Point Engineering, dated October 7, 2022, introduced into Evidence as A-5;*
- *Traffic Impact Statement, prepared by Shore Point Engineering, dated October 7, 2022, introduced into Evidence as A-6;*
- *Operation and Maintenance Manual Stormwater Management Facilities, prepared by Shore Point Engineering, dated November 30, 2022, introduced into Evidence as A-7;*
- *Mandatory Conceptual Review Letter, dated January 24, 2023, introduced into Evidence as A-8;*
- *Review Memorandum, prepared by Colliers Engineering & Design, dated April 26, 2023, introduced into Evidence as A-9;*
- *Review Memorandum from Kyle + McManus Associates, dated June 16, 2023, introduced into Evidence as A-10;*
- *Illustrated Site Rendering, prepared by Shore Point Engineering, dated June 27, 2023, introduced into Evidence as A-11*
- *Illustrated Sketch of Proposed Facade, prepared by Inglese Architecture and Engineering, dated June 12, 2023, introduced into Evidence as A-12;*
- *Image of Existing Building Facades (Nurses Quarters), prepared by Inglese Architecture and Engineering, dated June 12, 2023, introduced into Evidence as A-13;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

### **WITNESSES**

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

- Kevin Shelly, P.E.;
- Anthony D'Agosta, Architect;
- Susannah Henschel, Vice President for RPM Development;
- Sal Alfieri, Sr., Esq., appearing;

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

**TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT'S****REPRESENTATIVES**

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

- The Applicant herein is Signal Point, LP, which is a wholly-owned subsidiary of RPM Development.
- The Applicant is the owner or Contract Purchaser of the subject property.
- The subject development site is part of the former Fort Monmouth Complex.
- The development site contains approximately 3.75 acres.
- The subject development site is not located in a flood zone.
- There are currently 2 buildings on the site - identified as Building 1077 and Building 1078.
- Both buildings are currently vacant.
- Both buildings were formerly utilized to house army nurses (and hence, the property is informally known as the "Nurse's Quarters").
- The Applicant's representatives propose to effectuate the following:
  - Renovation of existing buildings 1077 and 1078 which will include 24-apartments (8 1-bedroom apartments and 16 2-bedroom apartments); and
  - Construction of 10 new 3-story townhomes.
- Details pertaining to the proposed development include the following:

**Building 1077**

|                           |                                                                                         |
|---------------------------|-----------------------------------------------------------------------------------------|
| Building Street frontage: | Main Street & Stephenson Avenue (private road)                                          |
| Existing height           | Per plans                                                                               |
| Proposed height:          | Per plans (no change)                                                                   |
| Number of stories:        | 2                                                                                       |
| Current use:              | Vacant                                                                                  |
| Former use:               | Subject building was formerly used as an apartment house for Fort Monmouth Army nurses. |
| Proposed use:             | Residential apartments                                                                  |

|                                             |                                                                                                                                                                                                                                       |
|---------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Number of residential apartments:           | 12                                                                                                                                                                                                                                    |
| Apartment breakdown (bedroom count):        | (4) 1-bedroom units<br>(8) 2-bedroom units                                                                                                                                                                                            |
| Building amenities:                         | Storage area and community outdoor picnic area                                                                                                                                                                                        |
| Parking spaces:                             | There will be 36 combined surface parking spaces for both Building 1077 and Building 1078.                                                                                                                                            |
| Exterior construction / renovation details: | See Plans                                                                                                                                                                                                                             |
| Interior construction details:              | See Plans                                                                                                                                                                                                                             |
| Exterior building materials:                | Asphalt shingled roof<br>Aluminum gutters and leaders<br>Brick veneer (which will remain) (i.e., the same will not be painted over)<br>Cast-stone windowsills<br>Vinyl windows<br>Aluminum entrance<br>Metal covers for heating pipes |
| Affordable Housing details:                 | Per prevailing municipal requirements                                                                                                                                                                                                 |

#### Building 1078

|                                             |                                                                                            |
|---------------------------------------------|--------------------------------------------------------------------------------------------|
| Building Street frontage:                   | Main Street & Stephenson Avenue (private road)                                             |
| Existing height                             | Per plans                                                                                  |
| Proposed height:                            | Per plans (no change)                                                                      |
| Number of stories:                          | 2                                                                                          |
| Current use:                                | Vacant                                                                                     |
| Former use:                                 | Subject building was formerly used as an apartment house for Fort Monmouth Army nurses.    |
| Proposed use:                               | Residential apartments                                                                     |
| Number of residential apartments:           | 12                                                                                         |
| Apartment breakdown (bedroom count):        | (4) 1-bedroom units<br>(8) 2-bedroom units                                                 |
| Building amenities:                         | Storage area and community outdoor picnic area                                             |
| Parking spaces:                             | There will be 36 combined surface parking spaces for both Building 1077 and Building 1078. |
| Exterior construction / renovation details: | See Plans                                                                                  |
| Interior construction details:              | See Plans                                                                                  |
| Exterior building materials:                | Asphalt shingled roof<br>Aluminum gutters and leaders                                      |

|                             |                                                                                                                                                                              |
|-----------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                             | Brick veneer (which will remain) (i.e., the same will not be painted over)<br>Cast-stone windowsills<br>Vinyl windows<br>Aluminum entrance<br>Metal covers for heating pipes |
| Affordable Housing details: | Per prevailing municipal requirements                                                                                                                                        |

### Townhomes

|                                       |                                                                                                                                                                                                                                                                                 |
|---------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Building Street frontage:             | Main Street                                                                                                                                                                                                                                                                     |
| Existing use:                         | N/A                                                                                                                                                                                                                                                                             |
| Proposed height:                      | 40 ft.                                                                                                                                                                                                                                                                          |
| Number of stories:                    | 3                                                                                                                                                                                                                                                                               |
| Number of residential dwelling units: | 10                                                                                                                                                                                                                                                                              |
| Residential unit breakdown:           | (10) 3-bedroom units                                                                                                                                                                                                                                                            |
| Parking spaces:                       | There will be 2 driveway parking spaces for each townhome unit, plus 10 overflow parking spaces.                                                                                                                                                                                |
| Floor plans:                          | <u>Ground floor</u><br>Mudroom<br>Dining room<br>Kitchen<br>Half-Bathroom<br>Living Area<br>Porch<br><br><u>2<sup>nd</sup> Floor</u><br>Bedroom<br>Bedroom<br>Bathroom<br>Study<br>Laundry Area<br><br><u>3<sup>rd</sup> Floor</u><br>Owner suite<br>Bathroom<br>Office<br>Deck |
| Building amenities:                   | Community outdoor picnic area                                                                                                                                                                                                                                                   |
| Exterior material:                    | Standing seam metal roof<br>Fiber cement siding<br>Brick veneer<br>Cast-stone vinyl windows<br>Metal panels<br>Metal railings<br>Aluminum coping<br>Vinyl sliding doors                                                                                                         |

|                             |                                       |
|-----------------------------|---------------------------------------|
|                             | Rowlock windowsills                   |
| Affordable Housing details: | Per prevailing municipal requirements |

- The Applicant's representatives will be utilizing licensed contractors in connection with the renovation / construction process.
- The development will be effectuated in accordance with the timeframes permitted under the FMERA Guidelines.

### **VARIANCE**

**WHEREAS**, the Application as presented and modified requires potential approval for the following Variance:

*Potential Front Setback for a covered porch / stoop: 15 ft is required; whereas only 10 ft. is proposed (should FMERA agree to allow the Applicant to place a roof over the proposed front porch / stoop for the new townhome building)*

### **DESIGN WAIVERS / EXCEPTIONS**

**WHEREAS**, the Application as presented and modified requires approval for the following Design Waivers / Exceptions:

*ACCESS AISLE WIDTH IN THE PARKING LOTS: A minimum width of 25 ft. is required for 2-way traffic; whereas, the Applicant herein proposes a 24 ft. wide access aisle in the parking lot;*

*INDOOR BICYCLE RACKS: The Prevailing Regulations require a Developer to provide indoor bicycle racks in a garage area or within a separate / secured room. In the within situation, Buildings 1077 and 1078 do not meet the aforesaid requirements;*

### **RSIS EXCEPTIONS**

**WHEREAS**, the Application as submitted and modified requires de-minimis exceptions for the following Provisions of the Residential Site Improvement Standards (RSIS):

NONE

### **PUBLIC COMMENTS**

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

- E.J. Wright
- Edith Bullwinkle
- Daniel Czermak

### **FINDINGS OF FACT**

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

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 110.18, Lot 1, Oceanport, New Jersey, within the Borough's Education / Mixed-Use Neighborhood District, within the Fort Monmouth / Oceanport Reuse Area.
3. The subject property is a 3.75 acre parcel (+/-).
4. The subject property is bordered by Stephenson Avenue to the northeast, Main Street to the south and southeast, and Watson Place (Borough of Eatontown) to the west.
5. The subject property is located within the Oceanport portion of the former Fort Monmouth complex.
6. Pursuant to Prevailing Regulations, the property is subject to the Fort Monmouth Economic Revitalization Authority (FMERA) guidelines.
7. The FMERA regulations have been designed 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.

8. 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.

9. The Applicant's representatives herein propose the following:

- Renovation of existing buildings 1077 and 1078 which will include 24-apartments (8 1-bedroom apartments and 16 2-bedroom apartments); and
- Construction of 10 new 3-story townhomes.

10. Details pertaining to a proposal are set forth on the submitted Plans, and are set forth elsewhere herein; and were discussed, at length during the Public Hearing.

11. Such a proposal requires Preliminary and Final Major Site Plan Approval, Bulk Variance Approval, and Design Waiver Approval.

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

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

#### **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 use (in accordance with the specific testimony presented during the Public Hearing).
- 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.
- Occupants of Building 1078 and Building 1078 will share 36 surface parking spaces on a designated lot, which satisfies, and even exceeds, prevailing requirements.

- Each of the new townhome units will contain sufficient room for 2 driveway parking spaces. Additionally, there will be 10 overflow parking spaces for the new townhome development as well.
- The said parking spaces satisfy, and even exceed, Prevailing Municipal Requirements.
- Pursuant to the Prevailing Regulations, the proposed / entire development is required to have 63 parking spaces; whereas, the Applicant herein is proposing 66 parking spaces.
- The 66 parking spaces are calculated/placed:
  - 36 spaces for Building 1077 / Building 1078
  - 20 driveway spaces for the townhome development
  - 10 overflow parking spaces for the townhome development
- As referenced, the proposed parking exceeds the minimum required parking requirements, and no Parking 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 quality-of-life concerns for future residents / occupants. The Board recognizes that the within Application is not under-parked but rather, the same contains more than sufficient / more than required parking spaces.
- 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 sufficient for the development site.

### **TRAFFIC**

- The traffic issues associated with the proposal were of paramount importance to the Board Members and other members of the public.
- The Applicant's representatives submitted a Traffic Impact Statement in connection with the Application.
- The Traffic Impact Statement was prepared by Shore Point Engineering, dated October 7, 2022, and was introduced into the Record as A-6.
- The following portions of the A-6 Traffic Impact Statement provide the following:

## **I. SITE DESCRIPTION**

The property, located in the Fort Monmouth section of Oceanport, is known and designated as Block 110.18, Lot 1. The property was subdivided off the overall Block 110, Lot 1 Fort Monmouth parcel in 2020 and assigned the designation of Block 110.18, Lot 1 by the Oceanport Tax Assessor. The property is located at the intersection of Stephenson Avenue and Main Street, about 500 feet to the north of the intersection with Broad Street, also known as State Highway 71 and about 3,500 feet to the south of the intersection with Oceanport Avenue, also known as State Highway 11.

The applicant, Signal Point LP, proposes to rehabilitate the existing 24 apartments, formerly known as the Nurse's Quarters, and proposes to construct 10 additional townhomes along the property frontage on Main Street. Main Street is a 2-lane roadway with a posted speed limit of 35 MPH in the vicinity of the site and Stephenson Avenue is a private roadway within the former Fort Monmouth. Sight distance from the subject site meets or exceeds requirements for prevailing speeds on Main Street.

## **II. TRIP GENERATION**

Estimates of traffic to be generated by the proposed 34 multi-family units were made after consulting the 10<sup>th</sup> Edition of the ITE Trip Generation Manual. The table below described the anticipated peak traffic volumes:

| <b>ITE Trip Generation<br/>(34 Multi-Family Units)</b> |            |              |                     |            |              |
|--------------------------------------------------------|------------|--------------|---------------------|------------|--------------|
| <b>AM Peak Hour</b>                                    |            |              | <b>PM Peak Hour</b> |            |              |
| <i>In</i>                                              | <i>Out</i> | <i>Total</i> | <i>In</i>           | <i>Out</i> | <i>Total</i> |
| 4                                                      | 12         | 16           | 12                  | 7          | 19           |

The preceding table shows the amount of traffic generated by the residential units during the highest one hour of site traffic impact in the weekday AM and weekday PM peak hours. These volumes do not represent all of the traffic generated by the residential units during a 4-hour window in the morning from 6 to 10 am and in the afternoon from 3 to 7 PM but instead, represent the single highest hour of weekday AM and weekday PM peak hour site generated traffic.

Based on the ITE publication "Transportation Impact Analysis for Site Development", "it is suggested that a transportation impact study be conducted whenever a proposed development will generate 100 or more added (new) trips during the adjacent roadways' peak hour or the

*development's peak hour." The site trip increases shown in the table above are well short of generating a significant impact to adjoining roadways.*

*(The proposal is anticipated to result in) 16 total trips during the AM peak hour and 19 trips during the PM peak hour. This equates to one additional vehicle every 3.7 minutes in the morning and one additional vehicle every 3.2 minutes in the evening. These added (new) trips will have a negligible impact on the existing traffic patterns of Main Street and the other roadways in the immediate area.*

### **III. PARKING & CIRCULATION**

*The proposed site plans exceed the New Jersey Residential Site Improvement Standard (RSIS) requirement for parking, providing 81 spaces, whereas only 71 are required. Each new townhome provides two (2) driveway spaces and additional off-street parking is proposed within the parking lots surrounding each building.*

*The roads have been designed in accordance with RSIS standards for Major Collector (low intensity), with no on-street parking lanes and a 24-foot traveled way. The internal roadway and parking areas will remain privately owned.*

### **IV. CONCLUSION**

*Based on the analysis above, it is concluded that the proposed application to rehabilitate 24 existing apartment units and to construct 10 new townhome units can be approved without any detriment to traffic conditions in the area. The site plans have also been designed to provide appropriate parking and circulation for the proposed development in accordance with RSIS standards.*

- The Board accepts the findings / conclusions of the Traffic Impact Statement. Moreover, the findings and conclusions of the Traffic Impact Statement are incorporated herein at length.

### **ADAPTIVE REUSE**

- Approval of the within Application will result in the historically appropriate revitalization / renovation of Building #1077, and Building #1078.
- Approval of the within Application will not result in the demolition of existing Building numbers 1077 and 1078.

- Approval of the within Application represents an adaptive reuse of the historically significant / noteworthy Building numbers 1077 and 1078.
- Approval of the within Application will allow the historically significant / noteworthy buildings to be appropriately renovated and utilized for modern purposes.
- 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, or otherwise unique / noteworthy architectural charm.
- The renovation approved herein will allow the historically noteworthy buildings to be preserved, but nonetheless utilized, for modern residential purposes.
- The Board recognizes that existing Buildings 1077 and 1078 are completely vacant right now, and approval of the within Application will restore the said buildings to productive use.

### **PLANNING / FINDINGS**

- The Application as submitted and modified overwhelmingly satisfies prevailing Bulk requirements.
- The project, as initially submitted, did not require approval for any Bulk Variances. However, during the Public Hearing process, the Board representatives requested that the Applicant's representatives incorporate some architectural modifications so as to improve the overall aesthetic appeal of the proposed townhome building. (Among other things, one of the aforesaid architectural requests was to place a roof over the front porches / stoops). The Applicant's representatives advised that while they had no objections to such a request, the same was not specifically authorized by FEMRA, and the same would, in fact, trigger a need for a Front Yard Setback Variance (15ft required versus 10 ft proposed). Thus, the Board recognizes that the only potential

Variance associated with the within Application results from a request from the Board to upgrade the overall architectural /aesthetic design.

- The Board notes that the architectural / aesthetic enhancement associated with the covered porches will improve the overall look / design of the project.
- The Board finds that the aforesaid architectural improvements certainly justify the Variance relief associated with the Front Yard Setback deviation.
- Subject to the conditions set forth herein, the Application satisfies the Borough's Affordable Housing obligations.
- 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 that the Design Waiver requested herein, and approved herein, is reasonable, and will not compromise public health or safety.
- The Application requires a Waiver for the 2-way access aisle parking width in the parking lot (25 ft. required, whereas 24 ft. proposed). Per the testimony and evidence presented, the same will not compromise public safety.
- The Board is also aware that the 24 ft. 2-way access aisle parking width satisfies RSIS requirements.
- The Board finds that, under the circumstances, the 2-way access aisle parking width deviation is de-minimus in nature.
- The application as presented also requires a design waiver/exception for the placement of indoor bicycle racks at the site. Per the testimony and evidence presented, there is no room in the existing Nurses Quarter Buildings to host an indoor bicycle rack. Under the circumstances, it is not appropriate to require the Applicant to retrofit existing buildings to accommodate the indoor bike rack requirements.
- Additionally, the Board recognizes that the Applicant has designed the plans to include a sufficient number of outdoor bicycle racks at the site.
- In conjunction with the above points, the Board finds that the indoor bicycle rack requirement can be waived without causing substantial detriment to the public good.
- In the within situation, and because of the prevailing circumstances and the testimony/evidence presented, the intent and purposes of the Reuse Plan will not be compromised with the installation of the outdoor bicycle racks.
- 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. 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 (1077 and 1078), and the adaptive reuse of the same for modern residential purposes, will, in fact advance the general welfare.

- Subject to the conditions set forth herein, the Applicant's representatives have submitted a compliant Stormwater Management Plan.
- 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 residential construction 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 new residential use on the site (as evidenced by the more than compliant parking, and the overwhelming compliance with other prevailing bulk conditions, etc.).
- Approval of the within Application will provide additional housing options and opportunities for existing and future residents of the Borough of Oceanport, and there are benefits associated therewith.
- As previously set forth, the Board finds that approval of the within Application constitutes an adaptive reuse of some historically significant buildings (namely existing Buildings 1077 and 1078).
- 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 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 use which will, in turn, help promote a safe and efficient traffic circulation flow in conjunction with the Applicant's proposed use. Additionally, per the Traffic Impact Statement (A-6), the plan has been designed so as to provide appropriate parking and circulation routes for the proposed development, in accordance with prevailing RSIS Standards.
- 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 that approval of the within Application will advance such a purpose. Specifically, existing Building 1077 and Building 1078 will be appropriately renovated / updated to / for modern standards / purposes. Likewise, a brand-new Code-compliant building will be constructed for the 10 new townhomes. The Board finds that the said proposal constitutes, and otherwise represents, good civic design standards and arrangements.

- Moreover, in conjunction with the above point, the Board Members also recognize the many benefits associated with the fact that the historically noteworthy Buildings will be renovated in a historically appropriate fashion.
- Pursuant to the testimony and evidence presented, the brick veneer of existing Buildings 1077 and 1078 will be persevered / updated – but not painted over. The Board finds such a commitment to be appropriate under the circumstances.
- The aforesaid architectural and aesthetic improvements will help beautify the site.
- The Board is also aware that the renovations approved herein will result in 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.
- In accordance with the FMERA Reuse Plan, 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 / uses / people to the former Fort Monmouth site.
- In accordance with the FMERA Reuse Plan, the Board finds that approval of the within Application will, subject to conditions contained herein, help attract residents to the Fort Monmouth site.
- In accordance with the FMERA Reuse Plan, 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 renovation, the Applicant's representatives will be planting significant landscaping for all of the dwelling units which will all help significantly improve the overall aesthetic appeal of the site/property.

#### **MISCELLANEOUS FINDINGS**

- The Board is aware that the residential use proposed herein is permitted under the Prevailing FMERA Land Use Regulations.
- The Applicant has a track record of development in the area.
- The Applicant's representatives have expressed a willingness to work with Board representatives regarding potential architectural modifications to the

proposal – and the Board appreciates such efforts (with the understanding that the incorporation of the aforesaid architectural elements will improve the overall aesthetic / visual appeal of the property).

- Throughout the Public Hearing process, the Applicant's representatives have attempted to address a majority of Board concerns, and agreed to revise the Plans (as a condition of the within approval), which will ultimately minimize any adverse impacts associated with the proposal approved herein.
- The Board appreciates the Applicant's ability and willingness to work with the Board.
- In conjunction with the within approval, the Applicant will be maintaining the roadways associated with the within development.
- Subject to the conditions contained herein, the development has been designed to satisfy and even exceed requirements relative to the Borough's Emergency Vehicles successfully accessing the site. That is, subject to the conditions contained herein, there is sufficient room on site for the Borough's first responding vehicles to safely access the site, traverse the site, turn-around on the site, and exit the site.
- The site will be appropriately landscaped (subject to the conditions set forth herein).
- There will be sufficient landscaping surrounding the proposed individual dwelling units, 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 residential 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 new proposed Residential Development.
- To a large extent, the renovation associated with the Building 1077 / 1078 aspect of the within Approval will take place on land which has already been developed. Thus, subject to the conditions noted herein, approval of the Building 1077 /1078 portion of the Application will allow appropriate development 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 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.
- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented 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 Final Major Site Plan Requirements of the Borough of Oceanport.

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

### **CONDITIONS**

During the course of the Hearing, the Board has requested, and the Applicant'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. 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.
- c. The Applicant's representatives, shall perpetually maintain, replace, and replant landscaping at the site.
- d. The approval granted herein shall comply with all applicable Prevailing FMERA Regulations and the FMERA Mandatory Conceptual Review approval.

- 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 an 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 lighting plans comply with all prevailing regulations, as no Variance / Design Waiver relief has been granted herein;
  - Confirmation that the fencing details comply with all prevailing regulations, as no Variance / Design Waiver relief has been granted herein.
  - Relocation of the new fence (10 ft. from the property line) so as to eliminate the need for any Variance / Waiver relief;
  - Confirmation that the proposed fences along the north and west property lines shall be 6 ft. solid vinyl fences;
  - The inclusion of a note that the only trees to be removed at the site are those trees which need to be removed in order to accommodate the proposed development;
  - Inclusion of details identifying which exact trees are to be removed.
  - Confirmation that the trash enclosures shall be masonry enclosures, with landscaping surrounding the same;
  - The inclusion of a note confirming that garbage shall be collected at the development site / sites via a private hauler, paid for by the Applicant;
  - The inclusion of trash enclosure details;
  - The inclusion of a note confirming that in the event the gate at the emergency exit at Stephenson Avenue is chained with padlocks, the chain lock details shall be specifically reviewed and approved by the Municipal Fire officials; (Additionally, in such an event, the gate padlock code, and any associated updates, shall be provided to the Municipal Fire Officials);
  - The inclusion of a note confirming that the actual lease agreement with proposed tenants shall, at a minimum, contain all of the promises / commitments / restrictions / obligations discussed, on the record, at the June 27, 2023 Oceanport Planning Board Hearing;
  - Confirmation that the lighting poles (location, height, etc.) shall comply with the FMERA's Prevailing Design Standards;

- Confirmation that the illumination levels associated with the proposed lighting shall comply with the FMERA's Borough's Prevailing Design Standards;
- Confirmation that the lighting shall be dark-side compliant lighting, the details of which shall be specifically reviewed and approved by the Board Engineer;
- Confirmation that the parking charts on the Plans / Reports / Evidence shall be updated so as to provide / confirm 66 off-street parking spaces for the development;
- Confirmation that sidewalks between the 2 nurses quarter buildings shall be connected to the recreation area on the western portion of the site;
- The inclusion of a note confirming that the new building height shall comply with Prevailing / Controlling Regulations;
- Confirmation that if the Applicant's representatives do not secure necessary Easement Approval to exit the site from Stephenson Avenue, then, in that event, the Applicant's representatives shall plant additional landscaping along the driveway (and perpetually replace / replant the same, as necessary); (The details for the additional landscaping shall be reviewed and approved by the Board Engineer);
- The inclusion of a note confirming that the plantings / landscaping shall be planted / maintained / replaced / replanted, as necessary, in accordance with the approved landscaping plan / schedule;
- Confirmation that there shall be a so-called Package Drop-Off Area beneath the entranceway of each of the townhome units (which such drop-off areas shall not constitute a fire hazard). (The details shall be reviewed and approved by the Board Engineer);
- Confirmation that the emergency access doors for all buildings shall be serviced by an emergency battery back-up (and the battery back-up system shall be able to operate for at least 48-hours at a time);
- The inclusion of a note confirming that all units in the development site shall be rental units;
- Confirmation that additional landscaping shall be placed a) in the front of the new townhome Building; b) around the air conditioning units; and c) in front of the fencing along Main Street (the collective details of which shall be reviewed and approved by the Board Engineer);
- Confirmation that evergreens shall be planted in front of the proposed porches facing Main Street;

- Confirmation that the air conditioning units shall be surrounded by a 4 ft. fence (on all 3 sides) with landscaping, and an access door;
- Confirmation that landscaping at and around the site shall include year-round species (approved by the Board Engineer and that the additional landscaping (not deciduous trees) shall be placed in front of the Main Street Units, in front of the recessed porches);
- The inclusion of bicycle parking / bicycle racks / storage details (which shall be reviewed and approved by the Board Engineer);
- The inclusion of a community grill area;
- The inclusion of a note confirming that no individual grilling shall be permitted at the development site (rather, individuals shall only be permitted to grill in the approved community grill areas);
- The inclusion of the cluster mail box details;
- Confirmation that the inclusion of a note confirming that a private hauler shall collect garbage at the site at least 2-3 times per week, unless additional pick-up is deemed necessary by the Applicant or Agents of the Borough of Oceanport;
- Confirmation that provided FMERA so allows, the material for the roof over the proposed porches shall be metal;
- Confirmation that, per prevailing regulations (including Ordinance 390-93), at least 10 electric vehicle make-ready parking spaces (with equipment installed in 4 of the aforesaid spaces) shall be included on the site;
- The inclusion of a note confirming that unless otherwise agreed by the Borough of Oceanport, the Applicant (and any successor owner) shall perpetually maintain the roads within the subject property boundaries;
- The inclusion of a note confirming that the streetlights shall be relocated as may be required by the Planning Board Engineer, so as to minimize any light intrusion;
- The inclusion of a note confirming that all Affordable Housing Units shall be appropriately Deed restricted, with the Deed Restrictions being specifically approved by the Borough's Legal / Affordable Housing Representatives;
- The inclusion of a note confirming that the Applicant's representatives shall utilize commercially reasonable and good-faith efforts so as to preserve as many healthy significant trees on the site as possible;

- 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 the building heights shall comply with the 40 ft. Height Requirement as provided in the Re-use Plan and applicable Rules and Regulations for the property, as no Height Variance / Waiver relief is awarded herein;
  - The inclusion of a note confirming that the mechanical equipment shall be appropriately vented, in accordance with Prevailing Building / Construction Code Regulations;
  - Confirmation that a minimum of 7 two-bedroom family rental units shall be dedicated/ restricted as Affordable Housing units, in accordance with prevailing municipal requirements;
  - Confirmation that the Affordable Units shall satisfy the bedroom count requirements associated with the Borough's affordable housing requirements;
  - Confirmation that the plans shall continue to provide for 2 exiting or egress lanes out of the site.
- g. The within approval is contingent upon the Applicant's representatives lawfully de-commissioning / abandoning the geo-thermal wells, in accordance with Prevailing Regulations (and providing confirming documentation to the Board Engineer and Board Secretary). In this regard, the said de-commissioning / abandonment shall be completed on or before the issuance of a Certificate of Occupancy.
- h. The cluster mailbox details / arrangements shall be satisfactorily worked-out / addressed with Municipal Officials and Post Office Officials.
- i. The Applicant's representatives shall work with the Borough of Oceanport to identify an Affordable Housing Administrator, which shall be approved by the Borough of Oceanport.
- j. The Applicant shall comply with all prevailing FMERA and Mandatory Conceptual Review requirements.
- k. The Applicant's representatives shall, in good faith, contact Daniel Czermak (or agents thereof) so as to attempt, in good faith, to obtain an easement over/through Stephenson Avenue Private Road entry point to the site (for emergency vehicular/pedestrian purposes. Within 120 days of the adoption of the within Resolution, the Applicant's representatives shall provide the Board Secretary and Board Engineer with a written status of developments associated therewith. In the event the easement is successfully negotiated, the Applicant's representatives shall provide the Board Engineer and Board Attorney with a copy of the same (prior to recording), so that the Board officials can confirm that the easement terms are not inconsistent with the general representations made during the public hearing. Additionally, if the easement is successfully negotiated, then, in that event, the Applicant's representatives shall provide the Board Secretary with documented proof that the same has been recorded in the office of the Monmouth County Clerk.

- l. If, despite the good faith efforts of the Applicant's Representatives, the aforementioned easement is not successfully negotiated/recorded, then, in that event, the plans shall be further revised to reflect the physical removal of the pavement (in the area of the Stephenson Ave. entrance point) so as to confirm that the subject area is not utilized. Moreover, in such an event, where the easement is not successfully negotiated/recorded, the Plans shall be further revised/modified to reflect the placement of bollards/chains in the Stephenson Ave. entrance point area (so as to further ensure that the subject area is not utilized. )
- m. The Board Members expressed some on-the-record concerns with regard to some elements of the architectural features / details of the new townhome building. Specifically, there was a request to enhance some of the architectural features so as to improve the overall architectural flair / appeal of the proposal. The Applicant's representatives seemed inclined to agree to incorporate some additional architectural features, but the Applicant's representatives were concerned that the same could compromise the previously obtained approval / endorsement from FMERA. Thus, the Applicant's representatives shall, in good faith, petition FMERA representatives to incorporate some enhanced architectural features so as to improve the overall aesthetic appeal of the proposal. Some of the suggested recommended changes include, but are not limited to, the following:

Installation of awnings;

Installation of some type of structure / design over the doors;

Installation of shutters;

Installation of additional landscaping;

Installation of a cover over the front stoop / porch (in conjunction with the 10 ft. covered front porch setback;

Installation on lintels around the windows; and

Installation of a different window treatment on every other unit;

Within 6 months following the adoption of the within Resolution, the Applicant's representatives shall advise the Board Secretary / Board Engineer, in writing, as to updates / developments associated with the aforesaid elements. Provided FMERA endorses such recommended approvals, the amended architectural plans / elevations, as aforesaid, if any, shall be presented to the Board Members, so that the same can be administratively approved by the Planning Board.

- n. The sample Lease Agreement (for all Tenants) shall contain, at a minimum, the following:
  - Confirmation that Tenants / Guests shall not be permitted to store / keep / maintain / place any personal belongings / effects on any front porches, decks, stoops, or balconies (including, but not limited to, such things as grills, equipment, garbage bins, towels, trash,

sports equipment, trash cans, bicycles, etc.) (to be liberally construed);

- Confirmation that Tenants / Guests shall only be able to store / keep / maintain / place one appropriately sized table and 2 appropriately sized chairs on the front porches / decks / stoops / balconies;
- Confirmation that the Tenants / Guests shall not be permitted to store items / personal effects in any outside areas;
- Confirmation that no individual grills shall be permitted on any porch, deck, balcony, stoop, or yard area. Rather, Tenants / Guests shall only be permitted to grill in specifically designated community grill areas, as located on the approved Plans;
- Confirmation that no individual trash cans shall be stored anywhere on site;
- Confirmation that no laundry / towels / clothes / similar materials (to be liberally interpreted) shall be placed over, on, under, the railings / walls of the buildings;
- Confirmation that no Tenants / Guests shall be permitted to place individual trash receptacle at the street.

To some, the within Regulations / Restrictions / Conditions may seem over-reaching, unnecessary, or picayune. However, because of the conditions of other multi-family structures in the Fort Monmouth Complex, given the visibility of the units from the public street, and given the aesthetic / quality of life concerns routinely generated by other similarly situated multi-family structures within the Complex, the Board Members spent a significant amount of time on the referenced issues / concerns. Likewise, because of the aforesaid concerns, and because of prior unrelated problems / issues / nuisances, the Applicant's representatives specifically agreed to the aforesaid Leasing Limitations / Restrictions / Obligations / Conditions.

Per the on-the-record discussion during the Public Hearing, the said Lease Restrictions / Conditions / Obligations / Limitations shall be specifically memorialized and acknowledged by the Tenants.

The Applicant's representatives shall arrange for the aforesaid rules / regulations / restrictions to be drafted in an easily understood and lawfully enforceable manner.

The aforesaid Lease Restrictions / Conditions / Obligations / Limitations shall, in good faith, be routinely enforced, as necessary.

As referenced, Tenants shall be required to routinely acknowledge the aforesaid Lease Restrictions / Conditions / Obligations / Limitations in connection with any Lease or renewal of any Lease.

The said Lease Restrictions / Conditions / Limitations / Obligations shall, in good faith, be routinely enforced by the Applicant's representatives (or Management Company) as necessary, so as to maintain, preserve, and promote the aesthetic

beauty of the development site, and so as to eliminate any potential quality of life issues / concerns for other residents of the community.

The Applicant's representatives shall provide the Board Secretary with a confirming copy of the subject Lease containing the aforesaid Restrictions / Conditions / Limitations / Obligations.

But for the Applicant's commitment to establish and routinely enforce the aforesaid Lease Restrictions / Conditions / Limitations / Obligations, the within Application would not have been approved.

- o. The Applicant's representatives shall, if necessary, secure any and all historic preservation approvals as may be required by any local / county / FMERA / state / national entity, and any other such Agencies having jurisdiction over historic-related matter.
- p. The Applicant shall comply with all prevailing/applicable Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency having jurisdiction over the matter.
- q. 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.
- r. 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. (The said Agreement shall also address/include any necessary infrastructure installations/obligations/contributions required of the Applicant.) (The said Agreement shall also include any other topics as may be required by the Borough of Oceanport.)
- s. If requested by the Borough of Oceanport, the Applicant shall execute an Affordable Housing Agreement with the Borough, in accordance with Prevailing Borough Regulations ( with respect to the affordable housing units to be developed on the property).
- t. The Applicant's representatives shall, in good-faith, meet with the Municipal Bureau of Fire Prevention representatives so as to review / address any fire-related concerns, and so as to confirm review and approval of the project by the Municipal Fire Officials.
- u. 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.
- v. The Applicant shall comply with any and all applicable Prevailing ADA Requirements.

- w. 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
- x. Unless otherwise waived, in writing, the Applicant shall comply with the terms and conditions of the Collier Engineering & Design Review Memorandum, dated April 26, 2023 and the KMA Review Memorandum, dated June 16 2023 (A-9).
- y. The Applicant shall comply with all Prevailing/applicable FEMA / Flood Regulations.
- z. 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 confirm that the same will have no adverse impact on the site or the surrounding properties
- aa. 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.
- bb. 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.
- cc. 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, and the Freehold Soil Conservation District, 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.
- dd. The Applicant shall, to the extent necessary, secure any applicable RSIS Exemption Approvals as may be required by the State of New Jersey.
- ee. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and charges.
- ff. The within conditions / restrictions shall be binding on any successor owners, tenants, operators, etc.

**SUMMARY OF VARIANCE RELIEF GRANTED**

FRONT YARD SETBACK OFF OF MAIN STREET (15 ft. required; whereas 10 ft. approved), provided FMERA allows the Applicant's representatives to place a roof over the existing porches / stoops of the new townhomes.

**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 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.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on June 27, 2023 on roll call that evening by the following vote:

Offered by: Councilman Tvrdik

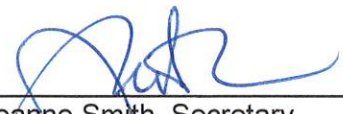
Seconded by: Mr. Dailey

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

This resolution was offered by Mr. Davis, seconded by Mrs. Cooper, and adopted on roll call by the following vote:

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of September 12, 2023.

  
\_\_\_\_\_  
Jeanne Smith, Secretary