BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● DECEMBER 13, 2022

Regular **Clement V. Sommers Municipal Building** **7:00 PM**

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order: Chairman Whitson called the meeting to order at 7:01 PM.

II. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 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.

III. Flag Salute: Chairman Whitson led attendees and members of the Board in the flag salute.

IV. Board Policy: Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 10:00 P.M.; no new testimony will be taken after 10:30 P.M., except at the discretion of the Board

V. Roll Call:

Attendee Name	Title	Status	Arrived
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Late	7:11 PM
Thomas Tvrdik	Class III	Absent	
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Present	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Present	
Michael Dailey	Class IV	Present	
Leslie B Widdis L	Alternate I	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. Board Business:

1. Report of Pending Applications – Ms. Smith advised there was one application ready to be scheduled for a January meeting and filed that same day was the application for the Nurses Quarters which was in an incomplete status while waiting for additional documents.
2. Annual Report – Ms. Smith requested that Board members email her with any comments for the annual report that would be prepared in January.
3. 2023 Reorganization Meeting – Ms. Smith advised that the Reorganization Meeting was being scheduled for January 10, 2023 and would be advertised in accordance with law.

VII. Approval of Minutes: Chairman Whitson advised that minutes were being held for a future meeting.

VIII. Old Business:

1. PR-22-34 Resolution of Approval, 60 Werah - As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution, reaffirmation of the approved patio/deck and its conditions which was moved by Mr. Kahle, seconded by Mr. Whitson.

RESULT:	**ADOPTED [2 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Kahle
ABSENT:	Cooper, Tvrdik, Kleiberg, Widdis L
INELIGIBLE:	Foster, Davis, Dailey
RECUSED:	Widdis C

2. PR-22-35 Resolution of Approval, 61 Riverside Drive - As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and its conditions which was moved by Mr. Widdis, seconded by Mr. Kahle.

RESULT:	**ADOPTED [3 TO 0]**
MOVER:	Christopher Widdis, Class IV
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Widdis C
ABSENT:	Cooper, Tvrdik, Kleiberg, Widdis L
INELIGIBLE:	Foster, Davis, Dailey

IX. New Business: Chairman Whitson advised that the Board would be hearing 51 Algonquin Ave application first, taking the agenda out of order with no objections.

Ms. Cooper entered the meeting at 7:11 PM

1. PB2022-25 MSA Architects, Santana
51 Algonquin Ave
Block 17, Lot 19
Proposed pool in secondary front yard needing bulk variance relief for:
- Accessory structures not permitted in front yard

EXHIBITS:
A-1 Land Development Application
A-2 Zoning Denial Letter, 08/18/2022
A-3 Pool Variance Plan prepared by Morgan Engineering and Surveying, last revised Sept. 26, 2022
A-4 Survey of Property prepared by Charles Surmonte, PE & PLS, dated June 12, 2018
A-5 Colliers Engineering Review Letter dated November 15, 2022
A-6 Google Aerial Photograph
A-7 Conceptual Aerial Photograph

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. As there were no objections to the notice, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4, A-5.

The following person(s) were sworn in: William White, Board Engineer/Planner; Leandro Santana, Applicant/Owner and Michael Savarese, Applicant's Professional Architect.

Mr. Santana described his application to install a 14'x 30' pool and fence in a portion of his yard that is a second front yard and needs a variance.

Michael Savarese, Applicant's Professional Architect, was sworn and having been before the Board previously was accepted as an expert witness. Mr. Savarese further described the proposed improvements in relation to the lot's features, dimensions, and roadway frontages. Mr. Savarese opined that a hardship exists because of the secondary front yard along Port Au Peck Ave limited the use of the property as the dwelling is shifted more easterly on the lot. Mr. Savarese continued that the lot shape and configuration created a hardship. A Google Aerial photograph was introduced and marked as Exhibit A-6 and a Conceptual Aerial Photograph which was marked as Exhibit A-7. Mr. Savarese, referring to Exhibits A-6 and A-7 and pointed out the limited area of the rear yard due to the placement of the house on the lot.

Chairman Whitson invited questions from Mr. White and Board members.

Mr. White asked about the transition of the fence from 4' to 6' and was advised at the setback of the house. Mr. White asked for a tie/distance from Port Au Peck and was told the 6' fence would transition at the face of the building on Port Au Peck Ave side.

Mr. Widdis asked questions about exterior lighting. Mr. Savarese responded there would be no lighting directed at any neighbors. Mr. Widdis asked about the setback for the existing shed, 16'x12', and the need for a variance for the side yard setback. Mr. Savarese responded they would like it to remain and requested variance relief for same with the understanding that if ever removed would have to comply. Mr. Savarese testified it was approximately 3-4' off the side yard with a height of about 12'.

Mr. Dailey asked if there would be a patio around the pool. Mr. Savarese testified yes, and it would comply with coverage requirements.

Mr. Davis asked if there was a better location for the pool equipment so it wasn't in middle of the yard. Mr. Savarese testified that they selected that location to be away from the back porch and it would be buffered with evergreens and plantings. Mr. Davis asked about the elevation of the equipment which was unknown. Mr. Savarese offered to relocate the equipment further away from Port Au Peck and buffer it from roadway view.

Mr. Kahle asked why they wouldn't keep it 6' all along the rear yard and eliminate the 4' transition on that segment. Mr. Savarese answered they would love that. Mr. White commented that it would require a variance for the 6' fence in front yard which Mr. Kahle was agreeable too as he thought it would have a better appearance.

Mr. Foster asked additional questions about the fence, height, transition areas, lighting location and no impacts on the neighbors and dark sky compliant.

Ms. Cooper asked what portion of the fence was existing – none. What type of fencing and was told jared type 50% open, and the rear would be solid vinyl. Ms. Cooper expressed concern for the different types, height and openness. Mr. Santana offered to have the same type of fence which was acceptable.

Mr. Widdis asked what about the fence in front and Mr. Savarese answered all fences would be 50% open.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Davis made a motion to approve the application as amended with conditions which was seconded by Ms. Cooper.

Motion to Approve Application as Amended

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis Kahle, Class IV
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster, Widdis C, Davis, Dailey
ABSENT:	Tvrdik, Kleiberg, Widdis L.

IX. New Business:

2. PB2022-24 White, Joseph
274 Port Au Peck Avenue
Block 19, Lot 9
Applicant seeks to subdivide the existing lot into two new lots and construct a 1 story single family dwelling for proposed 25.01 with variance relief sought for:
- Minimum lot width of 100' is proposed for both new lots where 120' required

EXHIBITS:

A-1 Land Development Application

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

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

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

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

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. As there were no objections to the notice, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4, A-5

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

Salvatore Alfieri, Attorney for the Applicant, described the application for a minor subdivision to create 2 lots where 1 currently exists and seeking variance relief for lot width as both new lots are proposed to have 100' width where 120' required. Mr. Alfieri stated the Applicant plans to renovate the existing home to remain on one of the lots and a new home to be built on the second lot with no bulk requirements.

Doug McLelland, Applicant's Professional Attorney, was sworn and presented his qualifications and was accepted by the Board as an expert in engineering. Mr. McLelland provided testimony concerning the site location, its dimensions, characteristics with surrounding uses being largely single family homes with the Monmouth Park stable area immediately to the south and was technically a corner lot due to a 10' right of way representing an extension of Centennial Ave along the north easterly property line. Existing home has been abandoned for 20+ years, with a horse shoe driveway. Referring to A-3, Mr. McLelland testified that the Applicant was seeking variance relief for lot widths with both lots proposed at 100' x 220' with 20,000 s.f., while short on the lot width, they are almost double the required lot area and will provide for ample parking and yard space. The subdivision would be compliant with the density of the zone and surround neighborhoods and was a better utilization of the property. He clarified for the record correction to the plan chart that the density permitted was 3.7 dwellings/acre with 2 dwellings/acre proposed. He further described the expansion of the existing structure and the details of the potential structure to be built. They agree to fully comply with all other bulk requirements of the zone and would submit required grading plans. Utility service letters have been obtained. In terms of stormwater management, they were not proposing anything new but to maintain existing drainage patterns. However, in listening to some of the neighbors concerns, they would agree to provide a drywell system capable of storing and filtrating roof runoff. They will comply with all other ordinances. He continued that they are not seeking any utilization of the 10' right of way, not proposing any access from Centennial Ave and would be strictly from Port Au Peck Ave and if the application were to be approved any construction related activities would also happen through Port Au Peck Ave and not Centennial. Mr. McLelland next addressed comments made in the Engineer's review letter – they will file subdivision by deed, plant shade trees along the frontages and not within the public right of way, tax map revision fee, electronic survey, agree to provide acceptable grading plan at application of building permits.

Mr. Alfieri asked Mr. McLelland regarding his review of the tax maps for the area and if the lots were consistent in any way with the character of the neighborhood. Mr. McLelland testified that directly to the east there are 5, 6, 7 and 8 lots that are similar in width and some lots further away that are even smaller in width and that the proposed lot widths would be in the character of the neighborhood.

Chairman Whitson invited questions from Mr. White and Board members.

Mr. White had no questions.

Ms. Cooper asked questions about the plans indication of the lot numbers and lot widths shown. Mr. McLelland clarified that initially they had hoped that the east lot which was a technical corner lot would not need a variance, that had been addressed with the Board Engineer and they are seeking variances for both lots. Ms. Cooper confirmed that the entrances would both be from Port Au Peck which Mr. McLelland answered yes.

Mr. Foster asked questions about mitigation for stormwater runoff. Mr. McLelland stated he had discussed with the Board Engineer and the intent was to pipe it under ground to a drywell capable of storing it and all roof runoff would be directed to that and away from neighboring properties. Mr. Foster asked if there was a recharge plan and was told yes, that was what the drywell system would handle.

Mr. Kahle asked questions about the drywells and testing of them to ensure they work and was told yes, it was on schedule to be done and would be submitted to the Engineer. Mr. Kahle also asked about the compliance chart and the proposed lot areas not totaling the total area of the existing lot – where did the other 3,000+ s.f. go – the right of way. Mr. Alfieri answered that they would stipulate that the lots would not be less than 20,000 s.f. Mr. Kahle asked if the existing houses along Port Au Peck have entrances on Port Au Peck. Mr. McLelland said he was not quite sure but some of the houses had entrances from Port Au Peck. Mr. Kahle asked if entrances from Centennial were possible as he had concerns with the entrances coming on Port Au Peck being its such a busy road. Mr. McLelland stated there was nothing existing there to use, the right of way would need to be developed and that was not the Applicant's proposal.

Mr. Davis asked if any attempts had been made to purchase property from the next door and was told no. Mr. Alfieri advised that they were not required to seek purchase of land for lot width – only if they were deficient on land area. Mr. White commented that it was Council's position not to sell unimproved right of ways and the other side was owned by the State of New Jersey. Mr. Davis commented he thought the proposed lots were more in line with the ones across the street and not in line with the houses on the same side of the street which have entrances from Centennial Ave. There was further discussion with concerns about accessing the lots from Port Au Peck with the speeds on that roadway, the provision of area on the property for turn-around and side-entry garage.

Mr. Kahle asked if there was any consideration for widening the driveway. Mr. Alfieri understands the concerns of the Board and they will probably have to prepare separate plot plans that indicate significant turn-around area.

Mr. Dailey expressed concern for the grading and how the 30' front setback aligns with the other houses on that side of the street.

Mr. Widdis asked questions about the driveway line and the house looks skewed. Mr. McLelland responded it was, it's a parallelogram. He proposed changes to the driveway line and was concerned that there wasn't sufficient turnaround area on the one lot and nothing shown at all for the other lot. He also asked if the walkway would be removed and was told they could work something out.

Chairman Whitson asked about the runoff based on a 2year storm and what about 10 year storms, etc. Applicant will address that.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions.

Thomas Stothart, Centennial Ave, asked a question about the runoff and if the grade of the house would be changed and was told that they would be preparing a revised drainage plan with no runoff going to any neighboring property.

As there was no one else from the public, Chairman Whitson closed that portion of the meeting.

PUBLIC:

Chairman Whitson opened the meeting to the public for comments and statements.

David Marks, 18 Mallard Lane, Ocean, representing her sister at 18 Centennial, thanked the Board for their concerns and thoroughness for this application; he is a professional engineer with license in current standing, he had met with Mr. McLelland regarding several items and he has willingly addressed the concerns he had. Ultimately, they have no objection so long as it is done smart and in a way that does not have an adverse impact on her property.

Mr. Alfieri requested that the Board carry the application without the need for additional notice in order to prepare plans that address the Board's concerns.

Motion to Carry Application to January 10, 2023 with no additional notice required

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Dailey, Class IV
SECONDER:	Joseph Foster, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster, Widdis C, Dailey
NAYES:	Davis
ABSENT:	Tvrdik, Kleiberg, Widdis L.

X. Petitions from the Public: Chairman Whitson opened the meeting for petitions from the public. As no one from the public appeared, Chairman Whitson closed that portion of the meeting.

XI. Adjournment: As there was no further business, the meeting was adjourned at 8:26 pm on a motion by Mr. Davis which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary