BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA ● NOVEMBER 28, 2023

Regular	Clement V. Sommers Municipal Building	7:00 PM
	910 Oceanport Way, Oceanport, NJ 07757	

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

III. Flag Salute

IV. Board Policy

•It is Board Policy that no application will be opened after 9:30 P.M.
•No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. Roll Call

VI. Board Business

1. Report of Pending Applications
2. 2024 Reorganization Meeting

   WHEREAS, the Oceanport Planning Board shall hold its annual reorganization meeting at its first regular meeting after January 1 of any year,

   NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Oceanport, County of Monmouth, State of New Jersey that the date established for the 2024 Annual Reorganization Meeting shall be Tuesday, January 9, 2024, at 7:00 PM.

   BE IT FURTHER RESOLVED that the Board Secretary is hereby directed to advertise said meeting in accordance with law.

VII. Approval of Minutes

1. Planning/Zoning Board - Regular - Apr 26, 2022 7:00 PM
2. Planning/Zoning Board - Regular - May 10, 2022 7:00 PM
3. Planning/Zoning Board - Regular - Sep 13, 2022 7:00 PM
4. Planning/Zoning Board - Regular - Jul 11, 2023 7:00 PM
5. Planning/Zoning Board - Regular - Sep 12, 2023 7:00 PM
6. Planning/Zoning Board - Regular - Oct 24, 2023 7:00 PM
7. Minutes of Oct. 11, 2022 7:00 PM *- To Be Provided*
8. Minutes of June 27, 2023 7:00 PM *- To Be Provided*

VIII. Old Business

1. Resolution of Approval - 540 Shrewsbury Ave

IX. New Business

1. Mayor & Council Referral - Fort Monmouth Plan Amendment #20

X. Public Comment

XI. Adjournment

Planning/Zoning Combined Board
PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB (ID # 2974)

Meeting: 11/28/23 07:00 PM
Department: Planning/Zoning Board
Category: Reorganization
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2974

RESOLUTION OF THE BOROUGH OF OCEANPORT PLANNING BOARD SETTING THE DATE FOR THE ANNUAL REORGANIZATION MEETING FOR 2024

WHEREAS, the Oceanport Planning Board shall hold its annual reorganization meeting at its first regular meeting after January 1 of any year,

NOW THEREFORE, BE IT RESOLVED by the Planning Board of the Borough of Oceanport, County of Monmouth, State of New Jersey that the date established for the 2024 Annual Reorganization Meeting shall be Tuesday, January 9, 2024, at 7:00 PM.

BE IT FURTHER RESOLVED that the Board Secretary is hereby directed to advertise said meeting in accordance with law.

BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● APRIL 26, 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 7:00 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	Present	
Thomas Tvrdik	Class III	Present	
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	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. **Capital Presentation:**

1. PB2022-10 Borough of Oceanport
2. The Borough attorney Mr. Kennedy explained legal matters involving this capital presentation pursuant to New Jersey Law. Whenever the town has a master plan, which we do, and the Borough is undertaking a project with public funds, the law provides that the matter should be referred to the planning board for review and recommendation in conjunction with that master plan. The review must be completed within 45 days of the referral. This is not a typical application. It's not an application for development, no notice is required by statute, and we do not approve it or deny. The Board only makes recommendations.

   Councilmen Keeshen and O'Brien introduced themselves and presented a project plan developed for Maria Gatta Community Park that will create artificial turf fields to improve the recreational uses at the park while providing a safe environment, the planning and evaluation of materials and providers to ensure the best product for the project. Board members asked questions related to purchase, maintenance requirements, was the use permitted by Green Acres and was there potential for any other grants from County, State or otherwise, the Borough will use revenues from the Sports Wagering Tax to supplement the project costs, parking availability and requests to use the adjacent NJSEA land as an entry and close of the current entrance. Project is planned to begin in June with a 10-week construction schedule. Other topics included restroom facilities, temporary or otherwise, fencing of the park, netting to stop balls between fields, utilities including water and electric, ingress/egress, lighting of fields being considered in future phases, lighting of walkways, solar powered, intent is to use the facility for a year or so before considering other recreational improvements such as playground area, storage or restroom facilities. No plans for a "bubble" due to the costs. Use will be for Oceanport residents as well as outside organizations for a use fee, software being considered to handle scheduling. As there were no more questions, Chairman Whitson thanked them for the presentation which supports the Borough's Master Plan.

VII. Board Business:

1. Report of Pending Applications – Ms. Smith advised the next meeting was scheduled for May 10, 2023 with one application from Monmouth Blvd scheduled. Fort Monmouth Plan Amendment #18 will be discussed at the next meeting as well as the Area in Need of Redevelopment reports for the warehouse and post office parcels. She also reminded members to file their annual financial disclosures to avoid State penalties and that member training was scheduled.
2. Fort Monmouth development signs – Ms. Smith advised that the Zoning Officer had requested guidance on development signs which FMERA regulations state that Oceanport approves the development signs so discussion ensued on whether to use the Borough's regulations for development advertisements and directional signs. The County has not given permission for use of any of their property, FMERA has granted permission for their lands. John Johnson, Zoning Officer, appeared and advised that his office has been reviewing and permitting those signs that are compliant with the Borough's regulations.

VIII. Old Business:

1. Resolution of Approval - 73 Monmouth Blvd - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [7 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey, Widdis L
ABSENT:	Kleiberg
INELIGIBLE:	Tvrdik, Widdis C

2. Resolution of Approval - 23 Ithaca Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Councilman Tvrdik made a motion to approve the Resolution, which was seconded by Mr. Kahle and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [6 TO 0]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis
ABSENT:	Kleiberg
INELIGIBLE:	Widdis C, Dailey, Widdis L

3. Resolution of Approval - 199 Comanche Drive - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [6 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis C
ABSENT:	Kleiberg
INELIGIBLE:	Dailey, Widdis L
RECUSED:	Davis

IX. New Business:

1. PB2022-06 Tennenbaum, Kent & Celia
   Block 24, Lot 9
   174 Comanche Drive
   Proposed 6' and solid fence where 4' and 50% open is permitted in front yard

EXHIBITS:
A-1 Land Development Application
A-2 Pool Grading Plan prepared by MidState Engineering, dated May 19, 2021 with Hand Notations for Proposed Fence & Landscaping
A-3 Survey Update prepared by Lakeland Surveying, dated 08/24/2020
A-4 Platform Detail

The following person(s) were sworn in: William White, Board Engineer/Planner.
Mr. Kennedy described and marked Exhibits A-1, A-2, A-3, A-4.

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.

Kent and Celia Tennenbaum of 174 Commanche Drive were sworn in stating they have owned the single-family residence since August 31, 2020. Mrs. Tennenbaum stated they are a corner property with a lot of traffic along Comanche Drive side and they are looking to construct a 6' privacy fence in the front yard that needs variance relief. They are willing to put any open spindles on the top.

Mr. White commented that the Tenenbaum's live on a corner lot with two front yards. He asked questions about the hand sketches and describe the limits of the fence. Ms. Tennebaum responded that they were approved for placement of a 4' fence that stopped at the house and now they are looking to extend along Mohican about 15' off and to the front of the house. There was discussion about multiple drawings and which one correctly reflected conditions, the first approved fence and the proposed changes.

Ms. Tennebaum further testified as to various lots in the neighborhood with the similar conditions.

Chairman Whitson asked for the dimensions of the fence, such as distances as to how far off the property line. Ms. Tennebaum referring to the Exhibit A-2 attempted to describe the location of the fence with the Board expressing some confusion. Mr. White interjected to assist the Board and explained that it was being proposed 30' off of Comanche and 15' off of Mohican. Chairman Whitson reiterated that he would like the dimensions/lengths of the proposed fence which were not shown on the survey. With Mr. White's assistance, the Applicant provided the height and lengths for each segment.

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

Ms. Cooper asked the original fence height approved was 4' and what type – Ms. Tennenbaum stated they had a 6' vinyl fence and they made changes to remove a garage and add a pool. The original fence approved was 50% open and 4'. Ms. Tennenbaum testified that the site sees a lot of activity and they were looking for privacy.

Councilman Tvrdik asked questions about any landscaping buffered proposed.

Mr. Foster asked if the fence would be installed on the property line or any offset on the side of the neighbor. Ms. Tennenbaum responded currently it was grass there but yes, they were proposing to place it right on the property line.

Mr. Kahle asked questions about the pool equipment that had to be elevated and that it would be higher than the fence how would they screen it from the neighbors. Ms. Tennenbaum stated something like a weathered wood feature and tall plantings.

Mr. Davis commented he didn't see the need for the additional fenced area and would also like plantings to be tighter for the buffer. He also was concerned about the fence coming off the front of the house instead of the rear. Ms. Tennenbaum testified that they'd be willing to reduce the fence to 4' solid and would put more plantings.

Ms. Barham-Widdis asked for the reason needing the fenced area on the Comanche Drive side rather than use the rear yard. Ms. Tennenbaum responded that side of the property was very trafficked and they were also considering putting in a swing set. Ms. Barhma-Widdis expressed concern for a solid type fence in that location.

Mr. Dailey commented that he also had concerns for a solid type fence and 6'.

Mr. Widdis asked how far the fence with the neighbor extend. Ms. Tennenbaum testified that it currently ends at the front of the neighbor's house and they want to bring it to Mohican because of the pool and patio and would go about 15' passed the front of the neighbor's house.

There was further discussion on alternatives that the Applicant would consider that would address the issues coming up by the Board and the neighbor; Board concerns for the height and length of the fence shared with the neighbor.

PUBLIC: Chairman Whitson asked for questions from the public on the application.

Joe Kloss, 30 Mohican Ave, was sworn in, and asked what was the purpose to go from a 4' open fence to a 6' solid fence. Mr. Tennenbaum responded for privacy because they have dogs and with people walking by they have no privacy without putting a line of trees. Mr. Kloss asked if there was available a 4' stockade fence, the Applicant was unsure but would look into it.

As no one else from the public had questions, that portion of the meeting was closed.

PUBLIC: Chairman Whitson asked for comments from the public on the application.

Stephen Saris, 26 Mohican Ave, that he had spoken to the Applicants earlier and he would like to see a 4' open fence because of his kids that play in front yard but after speaking with the Applicants said he would be okay with a 6' solid fence up to where the garage was and adjust down to a 4' closed fence along the front yard line and all around along Mohican and Comanche.

Mr. Foster asked questions of the Applicant regarding their willingness to adjust from 6' to 4' and where the transition would take place.

Chairman Whitson asked the Applicant to state what they wanted to do.

Ms. Tennenbaum stated that they would propose 6' solid to the front of his house and then drop down to 4' and closed but they disagreed with the neighbor and would like to see 6' along Mohican but would go with what the Board says.

There was discussion with the Board about what the Applicant was proposing to do and not what the Board wanted the Applicant to do; that the Applicant needs to design the fence. The consensus of the Board was that better plans be submitted that show the exact locations, heights and type of fence shown on the plan.

Mr. Kennedy advised the Applicants that it was best not to design on the fly and it appears that the Board wants to see new plans and suggested that the Applicant seek to carry the hearing in order to prepare a plan that meets the Board's concerns.

Motion to Carry Application to May 24, 2022 with no additional notice

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Dailey, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Kleiberg

At 8:39 PM the Board took a 5-minute recess.

At 8:48 PM the Board resumed the meeting with all previous members in attendance.

2. PB2022-11 Ranieri, Domenick

82 Tecumseh Ave
Block 7, Lot 15
Construction of deck, above ground pool, patio, shed and fence seeking bulk variance relief for:
- Accessory structures in second front yard: pool and shed
- 6' fence in second front yard where 4' and 50% open is permitted

EXHIBITS:
A-1 Land Development Application
A-2 Survey of Property, prepared by Charles Surmonte, PE & PLS, dated September 17, 2017.
A-3 An undated hand marked-up copy of the Plan entitled "Survey of Property", prepared by Charles Surmonte, PE & PLS, dated September 17, 2017
A-4 Illustrated Rendering of Proposed Improvements, undated, 2 sheets
A-5 Collier's Engineering & Design Review Letter dated April 12, 2022
A-6 Exhibit Containing Photographs/Renderings of Proposed Improvements to Rear Yard

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

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 described and marked Exhibits A-1, A-2, A-3, A-4.

Domenick Ranieri, Owner/Applicant was sworn in and testified that he was the owner of the single-family residence for about 5 years and described their plans to improve their yard on a triangle shaped lot with two frontages, described the unique characteristics of the lot, issues with persons, businesses cutting through their yard and the desire for privacy and a safe place for their children to play. They are proposing to construct a pool with shed and a 6' vinyl fence in their front yard that requires variance relief. He presented renderings of the proposed pool and patio which were described and marked as **Exhibit A-6**. The pool would be 18' in diameter and 52" high.

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

Mr. White advised that the applications seeks 3 variances for the front yard setback, accessory structures in front yard and fence not 4' and 50% open. Mr. White asked how far the fence would be installed from the County right of way and was told about 2'. Mr. White requested that the fence be pushed back a bit more to provide for plantings in front of the fence. Mr. Ranieri stated that they are aware that they would need to maintain the landscaping so that it doesn't encroach the sidewalk. Mr. White asked if there was any utilities proposed for the shed and was told electric; the deck has an upper railing.

Mr. Foster commented that the plantings on the Shrewsbury side would be on the outside of the fence and was told yes.

Mr. Kahle asked if it was a flood zone and equipment needed to be elevated – not known.

Mr. Davis asked why the front section went out so far and was told because of a swingset that is in that part of the yard that they don't use because of the heavy traffic on Shrewsbury. Mr. Davis asked why the went with an aboveground pool – cost and easier. Mr. Davis stated he didn't like aboveground pool, Mr. Ranieri commented that he and his wife grew up with above ground pools and it was a comfort level for them. Mr. Davis commented that he would like the fence pushed back another 2' to allow for substantial type of plantings to buffer what would look like a white wall along Shrewsbury.

There was further discussion on whether to go with a 5' fence with the spindles on top or a full 6' fence and place it 4' from the line to accommodate the landscaping. Mr. Ranieri stated he was seeking 2' offset for the fence and would maintain the landscaping meticulously. Also discussed was type of plantings that would buffer all four seasons and run all the way around the fence.

Mr. Widdis asked questions about any lighting on the deck. Mr. Ranieri stated he had it planned on the bannisters, downward facing. There are existing light fixtures on the sides of the house. Mr. Widdis asked that he be considerate of the neighbors and direct lighting downward. Mr. Ranieri said he would put whatever light was required but did not want to light up the yard.

Mr. Dailey asked Mr. White if the fence was an issue with the site triangle at the intersection, Mr. White stated no concerns.

Ms. Barham-Widdis commented that she liked the lattice on the top of the fence.

Mr. Ranieri proposed shifting the fence location to a total of 3' offset and keep the lattice on the fence top and be sure to have plantings tall enough such as arborvitaes.

Councilman Tvrdik commented that another reason to push it back is they don't want the County coming in for roadwork and rip it out.

PUBLIC: Chairman Whitson asked for questions and then comments from the public on the application, with no one present closed that portion of the meeting.

Ms. Cooper expressed concern that the setback variances had not been addressed – the shed, the deck, etc.

Mr. Dailey commented that the issue is the backyard is a front yard.

Councilman Tvrdik commented he preferred 50% open and black which provides a shadow effect and could be made real nice with landscape buffering. Mr. Davis agreed he preferred jerith type fence.

Mr. Widdis commented that he felt the fence was necessary because of the vehicle traffic and foot traffic and headlights that light up the yard.

Mr. Widdis made a motion to approve the application as amended with the stipulation that the fence be shifted to a 3' setback, 5' with 1' open on top, all lighting to be downward facing due to the location of the property and the heavy traffic which was seconded by Mr. Foster. Board members commented that they agreed with the safety issues as sufficient reason to grant the variances.

Motion to Approve Application As Amended

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christopher Widdis C, Class IV
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Kleiberg

X. Petitions from the Public: Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

XI. Adjournment: As there was no further business, the meeting was adjourned at 9:22 pm on a motion by Mr. Tvrdik which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MAY 10, 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 7:00 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.

Chairman Whitson took time to thank Board members for their volunteer service which can be a thankless job at times; he also acknowledged and thanked Board member Widdis for his help.

V. **Roll Call:**

Attendee Name	Title	Status	Arrived
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Absent	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Absent	
Joseph Foster	Environmental Commission Liaison	Absent	
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	Present	
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 that pending applications have slowed with 3 applications currently being reviewed – mostly pools in front yards. Chairman Whitson asked the Board if there were any objections to cancel the June 14, 2022 meeting for which there were no objections.
2. Mayor & Council Referral - Fort Monmouth Plan Amendment #18 – Mr. White provided a brief summary of the proposed plan amendment for the nurse's quarters that would permit an additional 10 townhomes to the site and design standards, setbacks, ingress/egress, no use of Stephenson Avenue for access as it remains privately owned by AcuteCare,

The Board discussed the Plan Amendment at length with questions and concerns for items including building height only 15 feet from Main Street, covered patios, setback increase in the front setbacks on Main Street in accordance with other Main Streets prevailing regulations, concerns not consistent with the Borough Master plan and that the front setbacks do not meet the Boroughs code requirements, concerns about the sign height and number of units per acre, 40' building height versus 35', will the affordable housing units designated be 1-, 2- or 3-bedroom units.

3. Referral from Governing Body - Land Development Ordinance Amendment- The Planning Board has been referred by the governing body to review the Ordinance and determine whether it's consistent with master plan. The Borough planner has said that the plan is consistent with the Borough's master plan as far as sustainability goals and the provision for the health, safety and general welfare for the public. The governing body doesn't have much say with this ordinance, it's mostly state mandated. All municipalities in the state of NJ are required to currently enforce this ordinance, the Borough is mandated by state statute to adopt.

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Mar 22, 2022 7:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Cooper, Davis, Dailey, Widdis L
ABSENT:	Kahle, Tvrdik, Foster, Kleiberg
INELIGIBLE:	Widdis C

VIII. Old Business:

1. PB2022-06 Tennenbaum, Kent & Celia – Mr. Kennedy advised that the Applicant's had determined to file a compliant plan and no longer seeking variance relief and thus a resolution to dismiss was before the Board.
2. **PR-22-18** Resolution of Dismissal - Tennenbaum, Kent & Celia

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Dailey, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Cooper, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Kahle, Tvrdik, Foster, Kleiberg

3. **PR-22-19** Resolution of Approval - 82 Tecumseh Ave - As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and its conditions which was moved for approval by Mr. Davis, seconded by Mr. Widdis.

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Christopher Widdis C, Class IV
AYES:	Whitson, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Kahle, Tvrdik, Foster, Kleiberg
INELIGIBLE:	Cooper

IX. New Business:

1. PB2022-08 Molino, Bruno
   Block 12, Lot 13
   144 Monmouth Blvd
   Proposed installation of in-ground pool and patio seeking relief for impervious coverage of 47.4% where 37% permitted and proposed 6' setback from the attached deck to the pool does not comply with the 10' required setback.

EXHIBITS:
A-1 Land Development Application
A-2 "Proposed Swimming Pool Topography Plan," (3 Sheets), prepared by Martin G. Miller, III, PE & LS, dated 10/20/21
A-3 "Plan of Survey", prepared by Leeper Land Group, LLC, dated September 23, 2021
A-4 "Pool Shop Drawing", prepared by prepared by Martin G. Miller, III, PE & LS, dated 09/01/21
A-5 Colliers Engineering & Design Review Letter dated April 14, 2022
A-6 Photograph of Subject Property
A-7 Photograph of subject property/home, taken on or about March of 2022

P-1 Picture of the existing property, taken by neighboring property owner, Sara Londo on or about May 7, 2022.
P-2 Picture of the existing property, taken by neighboring property owner, Sara Londo on or about May 7, 2022.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, 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 persons were sworn in: William White, Board Engineer/Planner; Martin Miller, Applicant's Engineer and Bruno Molino, Applicant/ Owner.

Mr. Widdis asked if the shed on the property will be part of the variance. Mr. Kennedy said the shed appears to be closer to the sidelines and rear line than is allowed. Mr. Kennedy asked when was the shed put in and was there an approval for the shed. Ms. Smith advised she had reviewed the zoning records and found no variance approval for the property for a shed.

Martin G. Miller, Applicant's Engineer, gave his credentials as a licensed engineer, surveyor, planner, and certified municipal engineer. Mr. Miller gave the Board a picture taken of Mr. Molino's deck exhibit A-6 to show the Board that the distance from the deck to pool is not over the coverage. Mr. Miller said the impervious coverage permitted is 37%, existing is 38% - they are proposing a swimming pool with concrete that will add an additional 8.8% coverage. Mr. Miller said they're proposing to install the pool and minimize the amount of concrete around the pool to try to offset the impervious coverage existing and proposed. Chairman Whitson asked what is the total impervious coverage being proposed? Mr. Miller responded the total is 47.4%. Mr. Miller added that they can take care of the runoff for the whole backyard because there is an existing inlet in the middle of the rear backyard that all drainage is directed to - its collected by a landscape step in front of the inlet which collects all the water so it does not run into neighbors yards.

Chairman Whitson asked if there were questions from the Board.

Mr. White stated that in 2019 a sport court was approved for 30'x30' with side yardin 2019 and it was only approved for a 30x30 court, side yard set back at 10', rear yard at 5' but the existing sports court encroaches over the rear property line and is less than 10' from the side yard – about 4'. Mr. Molino testified that the sports court was 30x30 but possibly the pavers he put in around the court was what he was referring to and the pavers go right up to the fence according to the property survey. There was discussion about the rear yard line, existing fence was new placed in exact location as the old fence but was outside of property line. He was not aware when he purchased the property that he needed a survey or approval for the fence.

Mrs. Cooper asked when he got approval for court did he have approval for pavers? Mr. Molino said he thought he was approved for the pavers. Mr. White said he was approved for 30'x30'. Mrs. Cooper questioned ways the Applicant could reduce the impervious coverage of 47.4% being sought and would like to see it reduced by about 8%.

Mr. Davis asked expressed similar concerns considering the large area of the backyard and the number of existing accessory structures, the court that obviously exceeds the 30'x30', questioned the effectiveness of the drainage plan and where the water goes, shed on the line, retaining wall near the rear inlet. There was discussion on the elevation data, the datum used, the various grades, the proposed spillover.

Mr. Miller submitted photographs of the rear yard, the rear inlet and along the wall and landscape ties taken by Mr. Miller's office about 2 months ago which were marked as **Exhibits A-6 and A-7**.

Ms. Barham-Widdis had no questions but commented that she had a big issue with the application for what was a huge lot and there's a reason that the town has a 37% lot coverage and she sees no good reason why the Applicant isn't reasonably able to fit everything they want. The lot is not oddly shaped and no special circumstances here other than the Applicant wants to fit way too much stuff on a decent sized backyard – there's a shed, basketball court with pavers around it, patio with hot tub, deck and doesn't find any circumstances that warrant the variance.

Mr. Widdis commented that there was a bit too much for this property – the proposed pool being sought was 22'x40' along with the basketball court; expressed concerns for the drainage and felt it would be poor planning.

Mr. Dailey commented he had the same concerns.

Chairman Whitson commented that he had same concerns about how the property was being utilized and found no compelling reasons to permit the proposed coverages.

PUBLIC: Chairman Whitson opened the meeting to questions for this witness only.

Sarah Londo, 149 Monmouth Blvd, stated that she was the adjacent property owner and has photographs that show where the water goes on to her property and asked if the Board just allows this to go through as she has water damage and needs the Board's help.

Chairman Whitson advised that this was for questions of the engineer only at this time and asked for any other members of the public with a question. Hearing none, that portion of the meeting was closed.

PUBLIC: Chairman Whitson opened the meeting to comments on the application.

Sarah Londo, 149 Monmouth Boulevard, submitted and described photographs of her rear yard which were marked as **Exhibits P-1 and P-2** and testified they are a true depiction of the conditions on the site. Ms. Londo testified that she had received the hearing notice but was unable to secure a professional on her behalf with the limited time. She described the history of the water drainage issues and the increase in standing water since the Applicant's installation of the court and urged the Board to consider a solution to the drainage matter.

Ms. Cooper asked Mr. Molino if he had spoken to his neighbor. Mr. Molino responded that he has been there for 16 years and he was aware of a water problem before the Court. He did speak with the neighbor to the rear about the drainage before the court and the installation of the inlet.

Mr. Molino further testified that he was aware that he was the impervious coverage limit and that the variance process was to obtain permission to go beyond it; he offered to have an engineer prepare a drainage plan if that can be done and he would be happy to improve Ms. Londo's situation and prevent any situation with the neighbors. He would like to complete the project and remedy the drain issue.

Mr. Miller testified that one of the ways the runoff could be minimized was by installing an infiltration trench to connect to the inlet and be taken away by that but they would still be over the maximum.

Ms. Barham-Widdis commented that she sees the issues as two separate items. One is the water situation – a major drainage issue and the other is the lack of any demonstration of hardship for lot characteristics to justify variance relief.

Mr. Dailey commented that he would like to see a drainage plan that would improve the drainage issue in the rear of the property and see some reduction in the requested relief.

Ms. Cooper commented that she would like to see the shed moved to a compliant location.

Mr. Widdis asked if the notice was sufficient to address that which Mr. Kennedy reviewed the notice and advised yes, it was sufficient.

Mr. Davis commented that he would like to see a reduction in the coverage in the rear yard – perhaps remove pavers, make some type of reduction, address issue with the neighbors and prepare a drainage plan that works. The lots in that neighborhood are designed to drain to the rear yard where there is a common drain that all neighbors drain into but the subject property has it blocked with a retaining wall and there's a basketball court completely blocking the flow of water from Ms. Londo's property. There was discussion with Mr. Molino on the hindering structures and the impacts to the flow of the water.

Chairman Whitson summarized for the Applicant that they are looking for revised drainage plans to show property drainage off the neighbor's property.

Ms. Cooper commented her concerns regarding the extent of structures in the rear, non-compliant setbacks for the shed.

Mr. Widdis asked if the setbacks for the court were compliant. Mr. White responded that it was an accessory structure and needed to meet those requirements. There was discussion about the pavers up to the property line and if the court was in the correct location.

Ms. Barham-Widdis urged the Applicant to also work with the neighbor to alleviate her concerns.

Mr. Molino requested to adjourn the hearing in order to prepare revised plans with the understanding that revised plans need to be resubmitted a minimum of 10 days in advance of the hearing date.

Mr. Kennedy asked Mr. Molino to consent to an extension on the timeframe for a Board decision which Mr. Molino agreed.

Motion to Carry Application to July 12, 2022 with no additional notice required

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

X. Petitions from the Public: Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

XI. Adjournment: As there was no further business, the meeting was adjourned at 8:41 pm on a motion by Mr. Davis which was seconded by Mr. Dailey and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● SEPTEMBER 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 7:00 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	Departed
James Whitson	Chairman	Present		
John (Jack) Kahle	Vice Chairman	Present		
Patty Cooper	Mayor's Designee	Present		
Thomas Tvrdik	Class III	Late	8:00 PM	
Joseph Foster	Environmental Commission Liaison	Present		
Christopher Widdis C	Class IV	Absent		
Robert Kleiberg	Class IV	Absent		
Darren Davis	Class IV	Present		
Michael Dailey	Class IV	Present		8:00 PM
Leslie B Widdis L	Alternate I	Present		
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 the next meeting was scheduled for September 27, 2022. Two applications scheduled are a minor subdivision with no variances and an as-built pool exceeding the approval for impervious coverage.

VII. **Old Business:**

1. PR-22- Resolution of Approval - 144 Monmouth Blvd - As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and its conditions which was moved for approval by Mr. Kahle, seconded by Ms. Cooper.

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster
ABSENT:	Tvrdik, Widdis C, Kleiberg
INELIGIBLE:	Davis, Dailey, Widdis L

VIII. **New Business:**

1. PB2022-18 Carchio, Kathleen

Block 51, Lot 2
60 Werah Place
Construction of a rear covered porch addition seeking variance relief for:
- Rear yard setback, 19.75' proposed, where 25' required
- Maximum building coverage, 28.4% proposed where 25% permitted
- Impervious coverage, 43.4% proposed, 39.9% existing, 37% permitted
DFD 12/08/2022

EXHIBITS:
A-1 Land Development Application
A-2 Plan entitled “Proposed Rear Porch Addition,” prepared by Monteforte Architectural Studio, LLC, last revised April 21, 2022.
A-3 Plan entitled “Final As-built Survey” prepared by C.C. Widdis Surveying, LLC, dated November 8, 2019.
A-4 Colliers Engineering & Design review letter dated August 10, 2022
O-1 Photograph of Flooded Rear Yard Patio taken by Theresa Lonnie, 57 Manitto Place
O-2 Photograph of 60 Werah Flooded Rear Yard while under construction taken by Theresa Lonnie, 57 Manitto Place
O-3 Photograph of 60 Werah Walkway after flooding dissipated, taken by Theresa Lonnie, 57 Manitto Place

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

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. A member of the public appeared with questions about the application, not the notice to which Mr. Kennedy instructed him what portion of the meeting they would have that opportunity. 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.

Anthony Almeida, Applicant’s Attorney, appearing provided a summary of the application for variance relief for a rear covered porch expansion, and introduced applicant’s architect.

James Monteforte, Applicant’s Architect, having previously appeared before the Board was accepted as an expert in architecture. Mr. Monteforte provided testimony describing the proposed expansion of the rear landing in the southeast corner of the house, the history of the house being built, and variance relief granted that included a patio not yet constructed. He described the contours of the rear yard, slopes, and drainage of existing site. Mr. Monteforte advised the Board that the survey provided was slightly off by inches as it was pre-construction and not the as-built survey. As a result, the front yard setback on his plan is shown as 30.04’ but actual is 31.3’ and the combined side yard setbacks, were at 25.61 (shown as 21.61) and fully compliant, the rear yard setback was shown as 27.17’ on his plan but actual was 31.45’ to the existing house. Proposed rear yard setback is at 19.875’ to the covered porch. He testified that all would be corrected on a new plan should the Board approve. Three variances in total being sought for rear yard setback, building coverage and impervious coverage.

Mr. Monteforte stated there was no plan to change any grades, currently water is handled by existing water collection system and the runoff from the roof would be directed to the front.

Mr. Kahle asked questions about the underground drainage system and how it collects and if it would collect for the new improvements; there was discussion with Mr. White on whether the soil type would be an issue for the drainage plan; Mr. Kahle’s reluctance to approve something without knowing if the drainage plan would work. Mr. Monteforte will work with Mr. White.

Chairman Whitson commented that he was also concerned about giving a condition approval subject to the drainage plan without the Applicant providing engineering testimony.

Chairman Whitson asked for questions from Mr. White and the Board.

Mr. Foster expressed concern on behalf of the Environmental Commission with impervious coverage variances and his concern that the plans do not show what Mr. Monteforte testified to concerning drainage. He also asked for the plan to show where the dry well was and how was the well serving the property and his concern that residents tend to fill them up.

Ms. Cooper expressed concern that they received variance approval for the patio and now they were seeking even more with no plans for the drainage that might or might not work and how the neighbors would be impacted.

PUBLIC: Chairman Whitson opened the meeting to the public for questions on this witness. As no one appeared, that portion of the meeting was closed.

Mr. Almeida acknowledged that they would need an engineer to provide that information and asked the Board if they would provide guidance as to whether the Board would look on the application with favor with the understanding that they would return with an engineer. There was further discussion concerning the drainage and how it would be addressed.

PUBLIC: Chairman Whitson opened the meeting to the public for statements on the application.

Joy Lonnie, 57 Manitto Place, commented that the patio being proposed was gigantic and expressed concerns for drainage and impacts to her property adjacent to the rear, provided a history of the area and water issues and has concern for the drainage to be addressed. Mr. Monteforte responded referring to the plan, where and how the drainage would flow.

Richard Lonnie, 57 Manitto Place, offered his comments on the drainage and submitted 3 photographs of the site conditions. Mrs.

Lonnie described the photographs which were marked as **Exhibits O-1, O-2 and O-3.**

Mr. Kahle asked if the Applicant would be willing to look into some type of yard drain that is connected from the downspout on the porch to redirect to front of property and away from neighbor which Applicant agreed to.

Ms. Lonnie re-appeared and stated for the record that she didn't want to cause any problems – she liked her new neighbor, just want to see the drainage improved.

Mr. Davis asked if the photographs submitted were taken while the house was under construction which Ms. Lonnie responded yes.

Mr. Almeida stated that it appears that the Board is not inclined to grant the application as presented and requested an adjournment to a date certain and return with revised plans to address the Board's concerns.

Mr. Davis asked that the revised plans provide additional topography and spot grades of the drainage issue area and drainage plan that addresses the water flow so that there is no further impacts to the surrounding neighbors.

Motion to Carry Application with Conditions to October 11, 2022

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Joseph Foster, Environmental Commission Liaison
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, Widdis C, Kleiberg

Mr. Dailey recused himself from the next matter due to a conflict and exited the meeting at 8:00 PM.
Councilman Tvrdik re-entered the meeting at 8:00 PM.

2. PB2022-16 Poulos, John & Elizabeth
18 Balmer Court
Block 65, Lot 1.02
Proposed accessory structures not permitted in front yard
DFD 12/13/2022

EXHIBITS:
A-1 Land Development Application
A-2 Plan entitled "Final As-built Survey," prepared by InSite Surveying, last revised December 16, 2021.
A-3 Hand marked copies of the survey prepared by Elizabeth Poulos, LLC, dated June 23, 2022, consisting of three (3) sheets
A-4 Colliers Engineering & Design review letter dated August 19, 2022
A-5 Survey of Property prepared by Charles Surmonte, PE/PLS, dated August 19, 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; John and Elizabeth Poulos, Applicants/Owners.

Anthony Almeida, Applicant's Attorney, appearing provided a summary of the application for variance relief for installation of a patio, hot tub, fire pit and gas grill to be installed in the front yard where accessory structures are not permitted. The property has frontage on Balmer Court, Monmouth Boulevard and Myrtle Ave and therefore has 3 front yards and no rear yard. Mr. Almeida further explained the presentation of a current survey provided to the Board previously depicting the location of the accessory structures which was marked as **Exhibit A-5**.

Mrs. Poulos testified that the survey provided the most recent depiction of the property conditions and she regards her rear yard as the area to the rear of the house up to Myrtle Ave and Monmouth Blvd. where the accessories were to be located.

Chairman Whitson asked for questions from Mr. White and the Board.

Councilman Tvrdik asked for a description of any landscaping planned for privacy and buffer of the accessory structures. Mrs. Poulos described the existing landscape berm and vegetation and additional proposed vegetative plantings.

Ms. Cooper asked if the gas lines were already run for the gas grill. Mrs. Poulos testified that it was her understanding that they would tunnel underneath the patio.

Mr. Foster asked questions about outdoor lighting. Mrs. Poulos described existing lighting at corners of the house for security and low-level landscape lighting 18" above grade in the patio area. Lighting is directed downward and is dark skies compliant.

Chairman Whitson asked for the exact dimensions of the patio which were not depicted on the survey.

Mr. Kahle asked questions about the size of the rounded portion of the patio.

Mr. Almeida redirected the Board advising that the patio was existing and not the subject before the Board.

There was discussion about whether the patio area was built as previously approved and any area added that impacts impervious coverage

Mr. Poulos testified that he spoke with the Zoning Officer and the rounded portion was already part of the original plan and as for lot coverage, there number is nowhere near the maximum permitted. The relief being sought is only for the accessory structures in the front yard.

There was further discussion on the conflicting plans that were submitted with varying information and whether appropriate approvals were obtained, what should be submitted and the actual subject of the application.

Ms. Cooper asked what type of grill would it be – gas or propane and was advised not yet determined.

Mr. Foster requested that any approval be conditioned upon lighting being dark skies compliant and any electric installed as well.

PUBLIC: Chairman Whitson opened the meeting to the public for questions on this witness. As no one appeared, that portion of the meeting was closed.

Motion to Approve Application

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis, Widdis L
ABSENT:	Widdis C, Kleiberg
RECUSED:	Dailey

IX. Petitions from the Public: Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

X. Adjournment: As there was no further business, the meeting was adjourned at 8:24 pm on a motion by Mr. Tvrdik which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JULY 11, 2023

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 7:00 PM

II. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger 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 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. Roll Call:

Attendee Name	Title	Status
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Patty Cooper	Mayor's Designee	Present
Thomas Tvrdik	Class III	Present
Joseph Foster	Environmental Commission Liaison	Absent
Christopher Widdis C	Class IV	Present
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Alternate I	Present
Robert Kleiberg	Alternate II	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 the next meeting was scheduled for August 8, 2023 and that the application for 111 Sagamore Ave would be continuing. No new applications have been filed at present.

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Nov 9, 2022 7:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Christopher Widdis C, Class IV
AYES:	Whitson, Kahle, Cooper, Widdis C, Widdis L
ABSTAIN:	Tvrdik, Davis, Dailey
ABSENT:	Foster, Kleiberg
INELIGIBLE:	Calver

2. Planning/Zoning Board - Regular - Dec 13, 2022 7:00 PM

RESULT:	**ACCEPTED [4 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Widdis C
ABSTAIN:	Tvrdik, Widdis L, Davis, Dailey
ABSENT:	Foster, Kleiberg
INELIGIBLE:	Calver

VIII. Old Business: None

IX. New Business:

1. PB2023-08 Torregrossa, Andrew
   Block 18, Lot 12
   95 Algonquin Ave.
   Proposed roof covered porch over portion of existing rear yard deck and proposed generator seeking bulk variance relief for:
   - Maximum impervious coverage, 37% permitted, 39.5% existing, 42.25% proposed
   - Maximum lot coverage, principal structure 25% permitted, 30% proposed
   - Minimum rear yard setback, 25' permitted, 15.04' proposed
   DFD 9/26/2023

EXHIBITS:
A-1 Land Development Application
A-2 "Survey of Property" prepared by Charles Surmonte P.E. & P.L.S. dated June 10, 2022
A-3 "Addition – Alteration Torregrossa Residence", 2 Sheets, prepared Jeremiah J. Regan, A.I.A. last revised April 6, 2023
A-4 Colliers Engineering Review Letter dated May 30, 2023

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.

The following person(s) were sworn in: William White, Board Engineer/Planner, Andrew Torregrossa, Applicant/Owner and Jeremiah Regan, Applicant's Architect.

Andrew Torregrossa, Applicant, testified that he was the owner of the property for about 12 years, was a single family home and described the proposed work to add a covered porch to the existing deck to enable their outdoor living to be year round and deferred to Mr. Regan on the variances.
Mr. Regan, previously qualified by the Board, described the existing deck in the rear yard and the proposal to add roof over a portion of the deck which impacts the impervious coverage about 62 s.f., the rear yard setback for the deck which hasn't changed, and increase in building coverage with covered portion of deck and new fireplace area.
Chairman Whitson invited questions from Mr. White and Board members.
Mr. White commented that the rear yard setback measured from the east was 14.04' (not 15.04') and that would need to be adjusted. He also expressed concern regarding neighbors all along that street that back up to the park that encroach into the park land and requested that the Board address that as a condition if approved.
Ms. Cooper commented that the property had already received variance for impervious coverage previously for the garage and was concerned that they were back seeking more. Mr. White commented that there was no increased footprint other than the fireplace – the roof over the deck changes the building coverage and impervious coverage.
Councilman Tvrdik asked questions about the fireplace, the building coverage, materials to be used – red wood; and in the rear he was in favor of trees or fencing to define the lot line with the park.
Mr. Kahle asked about the rear and side yard setbacks, the fireplace looks like it is in the side yard setback. Mr. Regan responded that the sides are 10/25 and they have 15 on that side. Also, the fireplace doesn't count. There was a discussion on how much a fireplace could encroach. Mr. Kahle asked if there was a variance for the deck. Mr. Torregrossa responded the deck was there when they bought the house and they weren't changing it.
Ms. Smith commented that the code allows for chimneys to encroach a maximum of 20 s.f. into the setback.
Mr. Widdis asked questions about lighting and not impacting neighbors. They are not doing any new lighting.
Ms. Barham-Widdis asked what material was being used for the roof – asphalt shingles, would it become enclosed – no.
Chairman Whitson asked questions about the roof eaves with the setback.
PUBLIC: Chairman Whitson opened the meeting to the public for questions, and then comments on the application. As there was no one, Chairman Whitson closed that portion of the meeting.
Mr. Kahle asked Mr. White about the walkway up and around driveway and if it were included in coverage. Mr. Regan responded no, it was all stone.

Motion to Approve with variance for deck setback, conditioned upon greenery along rear yard

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Widdis L, Davis, Dailey, Calver
ABSENT:	Foster, Kleiberg

2. PB2023-06 Marina at Oceanport Partners, LLC
Block 104, Lot 1
10 Riverside Avenue
Major Site Plan Application

EXHIBITS:
A-1 Land Development Application
A-2 "Plan of Survey with Topography" prepared by Vallee Surveying, LLC, dated July 30, 2015, last revised September 13, 2022
A-3 Preliminary & Final Major Site & Subdivision Plan," prepared by Kennedy Consulting Engineers, LLC., last revised April 23, 2023, consisting of three (3) sheets.
A-4 "Site Location Map," prepared by Kennedy Consulting Engineers, LLC., dated April 13, 2023
A-5 Stormwater Compliance Statement prepared by Kennedy Consulting Engineers, LLC., dated April 25, 2023.
A-6 Traffic Narrative prepared by Kennedy Consulting Engineers, LLC., dated April 25, 2023.
A-7 Colliers Engineering Review Letter dated July 6, 2023
A-8 Aerial Exhibit AE-1 prepared by Kennedy Consulting Engineers, LLC, dated July 10, 2023
A-9 Photographs of Existing Signage, 4 Sheets
A-10 Garbage Truck Turning Exhibit, prepared by Kennedy Consulting Engineers, LLC., dated July 10, 2023
A-11 Fire Truck Turning Exhibit, prepared by Kennedy Consulting Engineers, LLC., dated July 10, 2023

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, A-6, A-7**.

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

Michael Bruno, Attorney for the Applicant, gave introductory remarks including the history of the site as part of former Fort Monmouth, the application to memorialize existing structures and to establish site plan for the site.

Andrew Comi, Applicant's Engineer, was sworn in, presented qualifications and was accepted as an expert in civil engineering. Mr. Comi described and submitted an Aerial image which was marked **Exhibit A-8**. Mr. Comi, referring to A-8, described the existing buildings and structures on the site and identified variances and design waivers being sought for the existing conditions including rear yard setback, street side setback, screened loading area not provided, deliveries handled by van or 30' box truck through a fenced enclosure at rear of restaurant, hedge/stone wall between parking area and street required, access aisle width near the entrance – the driveway is 19.4' with no parking, lighting footcandles at property line, fences in excess of 4' in front yard, refuse and recycling in front yard – pre-existing in technical front yard on Riverside Ave, lightpole fixture height of 25' where 18' permitted, bike racks – none existing and none proposed, parking areas of more than 25 spots require interior landscaping.

Mr. Bruno asked Mr. Comi to go through the Engineer's Review letter and address the engineering comments.

Mr. Comi provided testimony concerning the engineer's comments; introduced and described photographs of existing signage which were marked as **Exhibit A-9** consisting of 3 permanent ground signs and 1 building mounted sign – restaurant advertisement, paddleboard club, marina slips available. There is a 4th ground side for the paddleboard club that is being removed. Mr. Comi testified that the Fort Monmouth guidelines do not provide for ground signs in a retail area and would seek variance relief to retain the ground signage. Mr. Comi presented comment 4 concerning the Riverside Ave right of way currently 35' wide and Applicant agrees to a dedication of 25' to increase road width to 50'. Mr. Bruno reserved the right to discuss this further after the testimony. Mr. Comi addressed additional comments regarding landscaping, planters, seasonal plantings, street trees – request to discuss further, lighting be scheduled for turnoff at 1a.m., no proposed lighting for free-standing signs but the building mounted sign has a downward directed light; number of parking spaces – 97 existing meets the ITT standards and the Applicant feels it is more than adequate for the three uses at the site; no boat trailer parking permitted on site – the stone area is another parking area, striping of parking spaces in gravel areas, site triangle easement will be provided.

Mr. Comi next submitted and described garbage truck and a fire truck turning exhibits which were marked as **Exhibit A-10 and A-11** and provided testimony and certification as to same.

Councilman Tvrdik asked with regards to the traffic and circulation, the parking and slips, there was an outdoor use permitted during COVID and when putting this together they would need special approval to conduct the outdoor again.

Mr. Widdis commented that he didn't see any arrows at the site but shown on the plan. Mr. Comi agreed to provide striped arrows after comments from the Fire Marshal.

Councilman Tvrdik also asked about the boat and service truck currently onsite and if another location could be used and was acknowledged by the Applicant in the affirmative.

Mr. Widdis asked about the box trailers and requested that they be designated in a more orderly space which Applicant agreed.

Mr. Comi proceeded with further testimony to address engineering comments regarding sidewalk from Riverside Ave to the restaurant and proposed the alternative to provide logos and crosswalks from Riverside Ave on the existing asphalt driveway shoulder to direct foot traffic to the restaurant. Mr. Bruno added that it is believed that the Applicant could accommodate this and it was one of several items to discuss in further detail.

Councilman Tvrdik asked if the Purchase Sale and Agreement with FMERA had conditions regarding the improvements of the site. Mr. Bruno responded that he was not aware but perhaps Ms. Sarnak could, however, he was not aware of any further site plan requirements after it was approved by FMERA back in 2014, they will review and try to address.

Mr. Comi continued to address engineering comments including agreed to fix up accessory buildings and bring back to good conditions and add landscaping and fence screening and would comply; regarding box trailers – they will be removed; they agree to work with Monmouth County Planning Board and their conditions of approval.

Chairman Whitson invited any additional questions of the witness from Mr. White and Board members.

Mr. White stated that this site was no different than other sites such as AcuteCare that was rehabilitated, the fact is that they are required to come before the Board and meet regulations that require them to seek waivers or variances as part of the process – the Borough didn't ask them to come in – its required when they purchased property – another example was Tetherview. Mr. Bruno responded that he had done other Fort Monmouth sites and was not a part of this site's acquisition so was unsure why it hadn't been done.

Mrs. Barham-Widdis asked questions about the street side setback requirements, the fence design waiver and location of that specific fence. Mr. Comi testified that the fence was a solid vinyl fence and recently painted by the Owner/Applicant whose responsible for maintaining.

Mr. Widdis stated he would like to see the bicycle racks outside. Waiver would be from indoor bike racks. Mr. Widdis asked questions about the sidewalk alternative. Mr. Comi stated that they would use the existing asphalt driveway and use striping with crosswalks to direct foot traffic and for crossing drive aisles. There is an existing sidewalk along Riverside Ave but none along Oceanport Ave. which was discussed with the County to provide a 5' right of way dedication but no mention of sidewalks.

Mr. Dailey expressed concern about the multiple signs and advertising flags and would like to see one combined signed. There was discussion on how that could be accomplished by the Applicant and they would take a look at it and come back with something but they have nothing prepared for tonight.

Mr. Davis asked Mr. White if they approve existing conditions, any expansion or changes would trigger them to come back again and was told yes, if they want to expand or encroach they would have to come back for any changes to the site plan. He commented that he would like to be certain that any changes from the existing conditions would be subject to Board review. He added he would like to see combined signs and limit the structures on the site and improve the aesthetic of the site including landscaping and plantings which should be all around the property, the paddle boards should be screened if permitted to remain where existing. He was okay with the fence, the walkway and the lighting but agrees with Mr. Widdis.

Chairman Whitson asked how the lighting was scheduled for 1am turnoff and how was that set. Mr. Bruno responded they were open to changing that but the intent was to continue lighting until employees leave site after closing.

Mr. Calver echoed comments with the appearance of the Oceanport Avenue side of the property and the signage and would like to see a combination sign and make it more presentable and sightly, remove the flagged signs.

Councilman Tvrdik asked if the condition of the current sidewalk was available and any cracks, maintenance which Mr. Comi testified appeared in good order. Mr. White added that Borough ordinance requires the adjacent property owner to maintain. Mr. Bruno responded that they were aware of responsibility to maintain but had held off due to the ongoing roadway work. Councilman Tvrdik asked if there was any plan for a future expansion of the property and was told no, not at this time. He asked about the purchase terms and how do they know that those were being met such as the number of jobs to be provided and any other commitments. Mr. Bruno responded that they would take a look at that.

Ms. Cooper asked what was the accessory structure used for and was told storage. Ms. Cooper recalled previous discussion that it would be converted to a banquet hall; she would like to see trees along Oceanport Ave but understood the upcoming road work and bridge work which should be accounted for in placement; she echoed comments regarding the multiple signs and would like to see it compliant with the Borough's where 1 sign is permitted and none of the flags or additional signs. She likes the paddleboard sign but does not like the bar sign or the one on the building and suggested a marquis type sign. Mr. White commented that the FMERA rules were very limited to signs on walls/windows and did not provide for standing signs.

PUBLIC: Chairman Whitson opened the meeting to the public for questions of the witness. As there was no one, Chairman Whitson closed that portion of the meeting.

Jessica Sarnak, principle of Oceanport Marina Partners, was sworn in and provided testimony concerning current uses, operations for full service restaurant and take out, small marina and the rental of one dock to the paddle club; 30 employees on staff with 10-12 on shift at any given time, parking is adequate at the site, hours of operation for kitchen is Tue-Thurs. 11am-9pm; Fri/Sat 11am-10pm and Sunday 11am-8pm, the bar remains open about 1 hour longer and then 1 additional hour for clean and close out; deliveries come by box truck with food and liquor deliveries from various vendors and they are scheduled for after 9am in the morning; the garbage contractor picks up during reasonable hours; there is currently no plans for outdoor music but would seek permission from the Borough if they seek to do so in the future; they currently have no further proposed uses of the site at this time; they are agreeable to fixing up the accessory buildings, landscaping and current seasonal plantings with palm trees currently existing; willing to reconsider lighting hours if required but trying to strike a balance of being good neighbor and the safety of their employees; box trailers will be removed; agreeable to look at changing out the signage and will work with the Board Engineer; the pin flags will be removed. Ms. Sarnak also provided details concerning the FMERA agreement and terms and that according to FMERA they have met the terms of the contract and they do have a completeness approval that confirms that they have met the job numbers and site requirements and would provide same. She also addressed the banquet hall discussion in that the original purchase agreement was to provide a burger stand for boaters but when they brought the site to a full service with bar restaurant, FMERA deemed that it fulfilled the banquet hall and was no longer required to be built. Documentation of same will be provided.

Chairman Whitson asked the Applicant to state exactly what hours they would have for the schedule. There was discussion about permitting up to an hour after closing or setting it at 11:30pm or 12 midnight. Board member Cooper asked if the meeting could be opened to input from members of the public about the hours.

Chairman Whitson invited members of the public to appear and comment on the lighting hours.

Mike Sikand, 34 Riverside Ave, was sworn in and stated that he lives two houses down from the marina and used to be a project manager when the Fort was open and was familiar with the marina, however, there had been some issues in the recent past that he would like the Board to be aware of in the event they come up in the future including: signage – aesthetics but also should be located at the entrance to the marina rather than at the corner because the miss the entrance and have to turnaround on one of the residential properties; requested signage that a right turn out of entrance was a dead end; one of the operators had signs for jet-skiing and lately there have been issues with disregarding water traffic rules, docks being damaged; previous operator had outdoor concerts and they are disruptive to the residential homes and impacts their quality of life.

Mr. Davis commented that he would like to see a time limit for outdoor music and compliance with Borough ordinance. Mr. Bruno responded that they would comply with the Borough ordinance.

Mr. Bruno requested a brief adjournment to discuss some of the issues with his client.

Mr. Widdis asked if they would be addressing the boat trailer issue. Ms. Sarnak responded that they request that people do not leave their boat trailers on their property but are welcome to park elsewhere, the ramp is public access.

Mr. Kahle asked questions about where the ramp users would park then as Riverside Ave isn't suitable and the marina lot has 4 acres. Mr. Bruno responded that the public is allowed to access the ramp but they are not permitting private parking of vehicles on their property.

Councilman Tvrdik commented that it should be treated like other ramps in the area where parking is provided, there should be dedicated spots for the boat trailers on the property and limit it to business hours with no overnight parking. He also requested that a time frame be placed on addressing the landscaping as well as the signage.

Mr. Davis agreed that there should be dedicated spaces for the boat ramp for boat trailers to be parked and that it be lined striped.

Ms. Cooper questioned how the signage at the entrance/exit would be handled and was told they would look at it.

Councilman Tvrdik asked if there was provision for sufficient ADA parking spaces and was told there are 2 spaces at the front of the building; Mr. Comi advised required would be 4 for the number of spaces on the site. Councilman Tvrdik asked if they would comply with the required 4.

At 8:50 PM, the Board adjourned for a 5-minute recess.

At 9:01 PM, the Board resumed the regular meeting with all previous members present.

Chairman Whitson asked if there were any comments from the Board.

Mr. Davis stated he would like to see them come back at another meeting after addressing the sidewalks, the trees, the dedicated parking spaces, the landscaping, the walkway with bicycle emblems, the trailers removed, screening of the paddle boards, signage, stipulate the lighting hours limited to hour after closing, time to review the FMERA obligations and certificates of fulfillment, repairs.

Mr. Widdis agreed and commented that the site was not organized and that needs to be addressed.

PUBLIC: Chairman Whitson opened the meeting to the public for comments on the application. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Bruno stated they were prepared to address the Board's comments tonight and seek a vote but they would be agreeable to returning if that's the Board's preference.

Mr. Davis commented that they would like to see all those comments addressed with revised plans. Mr. Bruno asked for additional time to consult with the Engineer on the signage.

Mr. Bruno requested that the application be carried and they would consult with appropriate officials and provide revised plans. Mr. Bruno did express concern for the requirement of private parking for the launch. They agreed to the launch being public but not the parking. They will revisit the FMERA agreement and terms.

Motion to Carry to the August 8, 2023 meeting with no additional notice required:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Leslie B Widdis L, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Widdis L, Davis, Dailey, Calver
ABSENT:	Foster, Kleiberg

X. **Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 9:11 pm on a motion by Councilman Tvrdik which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● SEPTEMBER 12, 2023

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 7:00 PM

II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger 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 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. **Roll Call:**

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

VI. **Board Business:**

1. Report of Pending Applications - Ms. Smith advised the next meeting was scheduled for September 26, 2023 and that there are applications for 34 Main St, 360 Myrtle Ave and 448 Branchport Ave.

VII. **Capital Improvement Presentation**

1. PB2023-13 Monmouth Park / MBD Development LLC
   New Jersey Sports and Exposition Authority
   175 Oceanport Avenue
   Block 122, Lot 30
   Block 127, Lot 1

Exhibits
A-1 Conceptual Plans, prepared by Minno Wasko Architects & Planners, dated Sept. 1, 2023
A-2 General Development Plans, prepared by Colliers Engineering dated August 31, 2023
A-3 Kyle & McManus Associates Planner review letter dated
A-4 Response letter, 9/1/2023
A-5 Traffic Report, prepared by Colliers Engineering dated July 18, 2023

The following persons provided sworn testimony during the presentation:

- Morris Bailey, Member of MBD Development LLC;

- Morris Jerome, Member of MBD Development LLC;
- Michael Lawson, Architect;
- Dennis Drazin, Esq., Chair and CEO of Monmouth Park Racetrack, and Member of MBD Development LLC;
- Michael Gallagher, Professional Engineer;
- Michelle Briehof, Traffic Engineer;
- Nicholas Talvacchia, Esq., appearing on behalf of MBD Development, LLC;
- Jennifer Smith, Esq., appearing on behalf of the NJSEA;

The capital presentation entailed proposed mixed development plans for Monmouth Park in order to provide new revenue streams that support racing at the track. With reference to conceptual plans and general developments marked as Exhibits A-1 and A-2, presenters provided a history of the track ownership and operators including current operator the NJ Thoroughbred Horsemen's Association; several development ideas presented over the years including water park, sports betting, slots and residential uses. The proposed project would be conducted in phases with Phase I initially including construction of 306 age-restricted residential rental apartment units of which approximately 61 units will be restricted for affordable housing purposes and currently still being reviewed and subject to change; construction of an 8-story 200 room hotel located to the southwest of the existing restaurant and mini-golf course; clubhouse; outdoor pool; pedestrian boulevards; recreational facilities with potential for an indoor soccer facility.

PUBLIC: Chairman Whitson opened the meeting to the public for comments or questions on the proposed mixed development. The following persons appeared and expressed concerns and made statements regarding the positive and negative impacts of the project and recommended changes that would address topics including financial impacts, density, affordable housing obligations, traffic, environmental impacts and emergency services:

- Dr. Jack Harris, Paddock Ct
- Debra Sharkey, River Ave
- Len Altomare, Avon Ave
- Irene Elliott, Kimberly Way
- Fred Fillipone, Captain, First Aid
- Burt Lynch, Pocano Ave
- Matt Zienewicz, Turf Drive and
- Cecilia Mancini, Hunters Run

Board members reviewed plans and exhibits for the capital presentation and with consideration of the public's comments offered the following concerns, questions, statements and recommendations: address terms of Borough Planner review letter dated 7/18/23; minimize or eliminate any prevailing affordable housing obligation on the Borough as a result of the development; reduce the number of residential buildings, reduce the height of residential buildings near roadways, no 3-bedroom units, stormwater management, increase the floor area of the apartments without increasing physical size of building; lower density, relocated helipad, landscaping, use of dark-skies compliant lighting, egress/ingress patterns, additional traffic studies to include greater physical area then just immediate surrounding intersections, LEED certified, interiors including stairwells be constructed in a manner that will be large enough for emergency personnel and equipment, building coverages, lot coverage, noise study be undertaken, perform a geotechnical investigation, require fire official review, submit accurate parking counts (not conceptual), consider a soccer facility complimentary to that of the adjacent municipal soccer fields, confirmation that units are age-restricted occupied.

Mr. Kennedy will prepare a resolution of the Board's recommendations for the next available meeting.

VIII. Old Business:

1. PR-23-15 Resolution of Approval - Signal Point LLC - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. There was discussion on the conditions with Mr. Kennedy to confirm that the fencing was addressed. Mr. Davis made a motion to approve the Resolution with those conditions, which was seconded by Ms. Cooper and received the below roll call:

RESULT:	**ADOPTED [8 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis L, Davis, Dailey
ABSENT:	Kleiberg
INELIGIBLE:	Widdis C, Calver

2. PR-23-16 Resolution of Approval - 111 Sagamore Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster, Widdis L, Davis, Dailey
ABSENT:	Kleiberg
INELIGIBLE:	Tvrdik, Widdis C, Calver

3. PR-23-17 Resolution of Approval - 10 Riverside Ave - Mr. Kennedy advised that some technical details were still being reviewed and would have the resolution ready for the next meeting.

IX. **Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

X. **Adjournment:** As there was no further business, the meeting was adjourned at 9:50 pm on a motion by Councilman Tvrdik which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● OCTOBER 24, 2023

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 7:00 PM

II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger 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 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. **Roll Call:**

Attendee Name	Title	Status
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Patty Cooper	Mayor's Designee	Present
Thomas Tvrdik	Class III	Present
Joseph Foster	Environmental Commission Liaison	Absent
Christopher Widdis C	Class IV	Absent
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Absent
Kevin Calver	Alternate I	Absent
Robert Kleiberg	Alternate II	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 were no pending applications with one expected to be filed shortly. The next meeting is scheduled for November 14, 2023 which falls during the League of Municipalities and final meeting is scheduled for December 12, 2023. Due to equipment installation for the new audio/visual in the meeting room, Dec. 12th meeting will need to be cancelled. There was discussion on whether to cancel both and schedule a final meeting for the year on Nov. 28 after Thanksgiving. All members present agreed to reschedule the Nov. 14 meeting to Nov. 28 and cancel the Dec. 12 meeting.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Aug 8, 2023 7:00 PM

MOVER:	Darren Davis, Class IV	**RESULT:**	**ACCEPTED [UNANIMOUS]**
SECONDER:	John (Jack) Kahle, Vice Chairman		
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis L, Davis		
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg		

2. Planning/Zoning Board - Regular - Sep 26, 2023 7:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Cooper, Tvrdik, Widdis L, Davis
ABSTAIN:	Kahle
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg

3. Planning/Zoning Board - Regular - Oct 10, 2023 7:00 PM

RESULT:	**ACCEPTED [4 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Tvrdik, Widdis L, Davis
ABSTAIN:	Kahle, Cooper
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg

VIII. **Old Business:**

1. **PR-23-19** Resolution of Approval - 360 Myrtle Ave: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Councilman Tvrdik and received the below roll call:

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Cooper, Tvrdik, Widdis L, Davis
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg
INELIGIBLE:	Kahle

2. **PR-23-20** Resolution of Dismissal without Prejudice - Oport Partners LLC - Phase III: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and the circumstances of the application including the length of time on file, project will have new plans, and application fees paid will be credited to the new submittal. Mr. Davis made a motion to approve the Resolution, which was seconded by Ms. Barham-Widdis and received the below roll call:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis L, Davis
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg

3. **PR-23-21** Resolution of Approval, 34 Main Street: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution as amended, which was seconded by Councilman Tvrdik and received the below roll call:

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Tvrdik, Widdis L, Davis
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg
INELIGIBLE:	Kahle, Cooper

4. PR-23-22 Resolution of Approval - 498 Branchport Ave: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Ms. Barham-Widdis and received the below roll call:

RESULT:	**ADOPTED [3 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Cooper, Widdis L, Davis
ABSTAIN:	Tvrdik
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg
INELIGIBLE:	Whitson, Kahle

IX. **New Business:**

1. PB2023-13 Marra, Marybridget
   Block 66, Lot6
   540 Shrewsbury Avenue
   Reconstruct rear yard deck and new screened porch requiring variance relief for:

-Rear yard setback for principal structure where 25' required, 8' existing, 12'proposed.
- Maximum impervious coverage where 37% permitted, 49.30% existing and 47.44% proposed

EXHIBITS:
A-1 Land Development Application
A-2 Plan entitled "Addition - Alteration Marra Residence," (1 Sheet), prepared by Jeremiah Regan, AIA, last revised August 4, 2023.
A-3 Plan entitled "Survey of Property", (1 Sheet) prepared by Thomas M. Ernst & Associates, last revised July 31, 2023
A-4 Colliers Engineering Review Memorandum dated September 8, 2023
A-5 Recorded Deed and Easements, Block 66, Lot 6
A-6 Plan entitled "Survey of Property", (1 Sheet) prepared by Thomas M. Ernst & Associates, dated April 9, 2018

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, stated notice was reviewed and found to be in order. Mr. Kennedy described, marked **Exhibits A-1, A-2, A-3, A-4, A-5 and A-6.**

Councilman Tvrdik stated for the record that he represented the seller of the property when Ms. Marra purchased the home but does not feel there is a conflict.

The following persons were sworn in: William White, Board Engineer/Planner, Marybridget Marra Owner/Applicant and Jeremiah Regan, Applicant's Architect having been previously accepted as an expert in architecture with all licenses current.

Ms. Marra testified that she has owned the property for approximately 5 ½ years, there is a single family home that she resides in and described her application to remove the above ground pool, remove the existing dilapidated deck and construct a new updated deck that was smaller and safer and screened porch.

Mr. Regan testified to the proposed improvements as well as an addition of a rear screened porch which would have electric only, no plumbing or gas. Mr. Regan described the proposed porch 18'x12' with a rear yard setback variance being sought for 12' where 8' exists and 25' required. They are making everything smaller.

Councilman Tvrdik asked questions about the porch dimensions and clarified a portion of the plan.

Chairman Whitson asked if there would be any outside lights that intrude on neighbors and was told no by Mr. Regan.

Mr. Kahle asked questions about the dimensions of the other structures.

Mr. Davis asked why was the deck being located on the opposite side of the deck - its usually the porch and then the deck on the other side. Ms. Marra testified that the house had just been sided and there was a large bay window that she liked the view from and would prefer the porch on the other side of the deck.

Ms. Barham-Widdis asked questions about the ingress/egress, would there be a railing, entrance details to the porch, was there any other exit to get off the porch deck will be low enough not to need a railing.

Mr. White stated the variances required for rear yard setback, impervious coverage and the easements addressed his concern about the shed.

Ms. Barham-Widdis asked if the shed was staying. Ms. Marra said the small one was being removed.

Councilman Tvrdik commented that the easements were put in place to allow the one shed to stay there.

Mr. Davis asked if it would be a 4 season deck. Ms. Marra answered she was planning on a 1 season deck.

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 on the condition that a deed restriction be placed on the accessory structure and that it could not be enclosed or converted to an apartment which was seconded by Mrs. Barham-Widdis.

Motion to Approve with Conditions

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis L, Davis
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg

X. **Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 7:28 pm on a motion by Councilman Tvrdik which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

Planning/Zoning Combined Board
PO Box 370
Oceanport, NJ 07757

SCHEDULED

RESOLUTION - PB 23-23

Meeting: 11/28/23 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2997

Resolution of Approval - 540 Shrewsbury Ave

PR-23-23
11-28-23

RESOLUTION

BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF MARYBRIDGET MARRA
540 SHREWSBURY AVENUE / BLOCK 66, LOT 6
APPROVED OCTOBER 24, 2023
MEMORIALIZED NOVEMBER 28, 2023

Introduction

WHEREAS, Marybridget Marra has made Application to the Oceanport Planning Board for the property designated as Block 66, Lot 6, commonly known as 540 Shrewsbury Avenue, Oceanport, NJ, within the Borough's R-3 Zone, for the following approval: Bulk Variance relief associated with a request to effectuate a number of improvements to an existing single-family home; and

Public Hearing

WHEREAS, the Board held a Public Hearing on October 24, 2023, Applicant 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:

- *Planning Board Application, introduced into Evidence as A-1;*
- *Architectural Plans, prepared by Jeremiah Regan, AIA, last revised August 4, 2023, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Survey of property, prepared by Thomas M. Ernst & Associates, last revised July 31, 2023, consisting of 1 sheet, introduced into Evidence as A-3;*
- *Colliers Engineering & Design Review Memorandum, dated September 8, 2023, introduced into Evidence as A-4;*
- *A copy of the subject Deed for the property and 2 easements associated therewith, introduced into Evidence as A-5;*

- *An old prior Survey for the property, introduced into Evidence as A-6;*
- *Affidavit of Service; and*
- *Affidavit of Publication;*

Witnesses

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

- Marybridget Marra, Applicant, appearing pro se;
- Jeremiah Regan, Architect;

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

Testimony and Other Evidence Presented on Behalf of the Applicant

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

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property for approximately 5 1/2 years.
- There is an existing single-family home located at the site.
- The Applicant lives at the site.
- In order to increase outdoor living type of space at the site, and in order to replace an existing compromised deck, the Applicant proposes to effectuate a number of improvements.
- The Applicant's proposed improvements include the following:
    - Removal of an existing above-ground pool;
    - Replacement of an existing deck in a slightly altered configuration; and
    - Construction of a screened in porch.
- Details pertaining to the proposed improvements include the following:

Removal of existing pool

Type of Pool:	Above-ground
Location:	Rear of property (Per Plans)

Deck replacement

Existing Deck Location:	Rear of home and surrounding the existing pool (Per Plans).
Covered?:	The existing deck is not covered.
Condition:	The existing deck is compromised and in need of replacement.
Existing Rear Setback to Deck:	3.5 ft
Proposed Deck Location:	Rear of property (Per Plans)
Size of Proposed Deck:	22 ft. 8 in. x 21 ft. 0 in. (Per Plans)
Materials:	Per Plans
Height of Deck Off of Ground:	Approx. 8 in. off of the ground.
Covered?:	The replacement deck will not be covered.
Proposed Setback to Deck:	11.94 ft

Construction of Porch

Location:	Rear of property (Behind new / proposed deck)
Type of Porch:	Screened-in porch
Size:	18 ft. x 12 ft. (Outside dimensions)
Screening Details:	Porch will be screened on 3 sides.
Permanent Enclosure?:	Proposed screen will not be permanently enclosed.

Year-Round Porch or

Seasonal?:	Proposed porch will be seasonal, not to be utilized on a year-round basis.
Materials:	Clapboard siding & wall (to match existing home)
Utility Details	
Electricity:	Yes
Water:	No
Gas:	No
Plumbing:	No

- The Applicant anticipates having the improvements completed in the near future.

- The Applicant will be utilizing licensed contractors in connection with the construction process.

Variances

WHEREAS, the Application as presented, requires approval for the following Variances:

REAR YARD SETBACK FOR PRINCIPAL STRUCTURE:
25 ft. required; whereas 11.94 ft. proposed;

BUILDING COVEREAGE: Maximum 25% allowed; whereas 28.2% proposed;

IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas 47.44% proposed (49.3% existing);

SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE:
10 ft. required; whereas the existing shed (to remain) encroaches onto adjacent Lot 7.01.

Public Comments

WHEREAS, there were no public comments, questions, statements, and / or objections issued in connection with the subject Application.

Findings of Fact

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

In support of its decision, the 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 540 Shrewsbury Avenue, Oceanport, NJ, within the Borough's R-3 Zone.

3. The subject property contains 6,830 SF (0.16 acres).

4. The subject parcel is located on the west side of Shrewsbury Avenue, approximately 228 ft. south of the paper street portion of Iroquois Avenue.

5. There is an existing 2-story single-family home located at the site, with a wood deck, above-ground pool, a shed, and a blacktop driveway.

6. In order to increase outdoor living type of space at the site, and in order to replace a compromised deck, the Applicant proposes to effectuate a number of improvements.

7. The proposed improvements include the following:

   - Removal of an existing above-ground pool;
   - Replacement of an existing deck in a slightly altered configuration; and
   - Construction of a screened in porch.

8. Such a proposal requires Bulk Variance Approval.

9. The Oceanport Planning Board is statutorily authorized to grant 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:

- The existing and to-be-continued single-family use is a permitted use in the Borough's R-3 Zone.

- Per the testimony and evidence presented, the Applicant has a desire to increase the amount of outdoor living type of space at the site, as well as replace an existing compromised deck.

- The Board Members appreciate the Applicant's aforesaid rationale for the proposed improvements.

- The Application as presented requires approval for an Impervious Coverage Variance.

- The relevant Impervious Coverage calculations include the following;

  Maximum allowable impervious coverage ……………. 37%
  Existing impervious coverage………………………….. 49.3%
  Proposed impervious coverage …………................... 47.44%

- Though the Application as presented requires a Variance for overall Impervious Coverage at the site, the Board is aware that approval of the within Application will actually <u>reduce</u> the overall impervious coverage. Specifically, the existing Impervious Coverage at the site is 49.3%, which will be reduced to 47.44%.

- As referenced above, although the proposed Impervious Coverage exceeds what is allowed, the same, nonetheless, represents a reduction from what currently exists.

- Based upon the testimony and evidence presented, and based upon the conditions of the within approval, the Board finds that there will be no adverse grading / drainage issues associated with the within proposal (subject to the conditions set forth herein).

- The existing lot is an undersized lot. Specifically, a 12,000 SF minimum lot size is required in the R-3 Zone; whereas the existing lot contains only 6,830 SF.

- The existing lot area is not being exacerbated as a result of the within approval.

- The undersized nature of the property compromises the ability of Applicant to satisfy the prevailing bulk standards.

- There is an existing deck at the site, which is in a compromised condition and in need of replacement.

- Approval of the within Application will result in the elimination of the compromised deck, and a replacement of the same with a newer / safer / Code-compliant deck.

- The continued existence of the compromised deck at the site could result in injury and / or damage to those who utilize the same.

- There is value in approving an Application which eliminates a compromised structure, such as is being effectuated herein.

- The deck approved herein will be smaller and safer than the currently existing deck.

- The existing deck is quite large, essentially taking up the majority of the existing backyard area.

- Approval of the within Application will result in a smaller deck at the site, which, by extension, will allow the Applicant to have a larger and more traditional backyard.

- The testimony indicated that the property is in very close proximity to Green Acres-restricted woods. The testimony indicated that the Applicant would like to be able to sit in an outside type of setting (i.e. the proposed porch) without being exposed to the bugs in the adjacent woods. The Board understands and appreciates the Applicant's preference in the said regard.

- A question was raised as to the orientation of the proposed / replacement deck. In response, the Applicant's representatives indicated that the same was a matter of personal preference and functionality. The Board accepts such a response.

- The Application as presented requires a Variance for a Rear Yard Setback for a principal structure. Specifically, a 25 ft. Rear Yard Setback is required; whereas the proposed screened-in porch will only be setback 11.94 ft. from the rear property line. The Board recognizes that the deck approved herein is actually smaller than the existing deck. (i.e., Approval of the within Application will likely improve / increase the overall rear setback).

- Thus, as referenced above, approval of the within Application will actually result in a greater rear yard setback than currently exists.

- The Application as presented requires a Variance for Building Coverage. Specifically, a maximum 25% Building Coverage is allowed; whereas 28.2% is proposed / approved herein. The Board recognizes that the aforesaid Variance relief is, in large part, driven by the existing conditions.

- The Application as presented requires a Variance for a Side Yard Setback for an Accessory Structure (shed). Specifically, a 10 ft. Side Yard Setback is required; whereas the shed at the site (which will remain) encroaches onto adjacent Lot 7.01. The said issue would typically be very problematic for the Board. However, in the within situation, the testimony and other evidence presented (including A-5) revealed that the Applicant has an easement to place / maintain the shed in such an encroaching location.

- Additionally, the Board notes that the shed in located in the rear of the property, not readily visible from the public street.

- Given the easement, as referenced above, and other issues set forth herein, the Applicant has legal authority to encroach onto the adjacent lot (for purposes related to the shed).

- In conjunction with the above point, approval of the within Application will enhance the overall aesthetic appeal of the subject property.

- The improvements authorized herein will provide the Applicant with additional outdoor type of living space, resulting in a more modern and functional house.

- The materials for the proposed improvements will architecturally / aesthetically match the existing structure.

- Out of an abundance of caution, as a condition of the within approval, the Applicant's representatives agreed to record a Deed Restriction, confirming that the screened-in porch is not to be utilized as year-round / enclosed living space.

- The recording of such a Deed Restriction, as referenced above, will help ensure that current / future Owners do not improperly utilize the screened-in porch as year-round enclosed living space.

- The Board finds that the proposed improvements have been efficiently designed.

- The Board understands the need and rationale for the proposed improvements.

- The location of the replacement deck is logical and practical.

- The proposed porch at the site is practically / functionally located as well.

- The proposed improvements are practically / appropriately located.

- Subject to the conditions contained herein, the proposal, as approved herein, represents an appropriate and non-invasive fashion in which an existing structure can be updated / modified / improved / expanded, without causing substantial detriment to the public good.

- The benefits of the improved / renovated home, as espoused elsewhere herein, help justify the granting of the requisite Variance relief.

- Approval of the within Application will significantly improve the overall visual appeal of the existing structure.

- The Board finds that the overall improvements / benefits associated with the proposal help justify the granting of the requested Variance relief.

- Per the testimony and evidence presented, the existing single-family structure was not built for the needs of a modern family (in terms of size of home, design, layout, etc.).

- Per the testimony and evidence presented, there is a need for increased outdoor living type of space at the site.

- The Applicant submitted detailed plans of the proposed improvements, which sufficiently described the appearance of the same. Additionally, subject to the conditions set forth herein, the proposed addition will comply with the Prevailing Building Code Requirements.

- Based upon the testimony/evidence presented, construction / installation of the proposed improvement will continue the pattern of existing development in the area.

- The subject Lot is an appropriate host for the expanded single-family home approved herein.

- Given the lay-out of the Lot and the existing home, the location of the proposed improvements are appropriate and practical.

- Subject to the conditions contained herein, the addition / improvement approved herein will not overpower / overwhelm the subject Lot.

- Subject to the conditions contained herein, the authorized improvements will not overpower / dwarf other homes in the area.

- Per the testimony and evidence presented, under the Borough's Prevailing Regulations the site is required to have a sufficient number of off-street parking spaces – and sufficient / compliant spaces are proposed. Thus, no Parking Variance is required in connection with the Application.

- The existence of sufficient and appropriate parking at the Site is an important consideration – and but for the same, the within application may not have been approved.

- The Board finds that the proposed improvements have been very efficiently designed.

- Upon completion of the renovation process, the proposed home (with addition) will be consistent with other single-family homes in the area, on similarly sized lots.
- The Board notes that there were no direct public objections associated with the Application.

- The Board finds that sufficient testimony has been presented for the Application to be adjudicated – and the Board furthermore finds that, subject to the conditions contained herein, there is no need to elicit additional information to supplement the record.

- The architectural / aesthetic benefits associated with the proposal outweigh the detriments associated with the Applicant's inability to comply with the Specified Bulk Standards.

- The architectural design of the proposed porch / improvements will not be inconsistent with the architectural design of other single-family homes in the area (on similarly sized lots).

- Subject to the conditions set forth herein, the benefits associated with approving the within Application outweigh any detriments associated with the same.

- 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.

- The improvements to be constructed herein will not be inconsistent with other improvements located within the Borough.

- 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 satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(c) (Bulk Variances).

For the above reasons, and for the other reasons set forth in the public hearing process, 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 process, the Board Members requested, and the Applicant has agreed, to comply with the following conditions:

a. The Applicant shall comply with all terms, conditions, promises, and representations made at or during the Public Hearing Process.

b. The Applicant shall work with the Borough Engineer so as to appropriately control / manage storm-water management at the site.

c. The Applicant shall comply with the terms and conditions of the Board Engineer's Review Memorandum, dated September 8, 2023 (A-4).

d. The Applicant shall cause the Plans to be revised so as to portray and confirm the following:

    - The inclusion of a note confirming that there shall be no adverse light spill over onto adjacent properties.

    - The inclusion of a note confirming that the existing pool shall be removed.

- The inclusion of a note confirming that there shall be no permanent enclosure of the screened-in porch, absent further / formal approval of the Oceanport Planning Board.

- The inclusion of a note confirming that gutters shall be added to the rear porch.

- The inclusion of a note confirming that any generator / air conditioning condenser shall be located in zoning-compliant locations;

- The inclusion of a note confirming that the new construction shall comply with all Prevailing FEMA / Flood Guidelines, if applicable; and

- The inclusion of a note confirming that grading and drainage details shall be reviewed and approved by the Board Engineer (if the grading at the site is to be changed / modified).

e. The Applicant shall comply with all prevailing Affordable Housing rules / regulations / contributions / directives, as required by the State of New Jersey, the Borough of Oceanport, COAH, the Court system, and any other Agency having jurisdiction over the matter.

f. The Applicant's representative shall sign a Deed Restriction confirming the following:

  That the screened-in porch shall not be utilized as year-round living space.

  The said Deed Restriction shall be reviewed and approved by the Board Attorney. Thereafter, the said Restriction shall be recorded in the Office of the Monmouth County Clerk, and proof of recording shall be presented to the Board Secretary.

g. Upon completion of the improvements, the Applicant shall submit a certified as-built Survey.

h. Upon completion of the improvements, the Applicant's professional representatives shall submit a Certification detailing that the improvements have been installed per the approved Plans, per the testimony presented, and per the terms and conditions of the within Resolution.

i. The Applicant shall comply with all Prevailing Building / Construction Code Requirements.

j. The Applicant shall comply with all on-site construction regulations as required by the Borough of Oceanport and any other Agency having jurisdiction over the matter.

k. The Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to the following:

- Building Permit
- Plumbing Permit
- Electric Permit

l. If applicable, the proposed structure shall comply with applicable provisions of the Americans with Disabilities Act.

m. Prior to the issuance of Permits, grading / drainage plans shall be submitted to the Board Engineer (for his review and approval) so as to confirm that any drainage / run-off does not go onto or otherwise adversely affect adjoining properties.

n. The construction shall be strictly limited to the plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction shall comply with Prevailing Provisions of the Uniform Construction Code and Applicable Provisions of the Building Code.

o. 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.

p. The Applicant shall obtain any and all approvals (or Letters of No Interest) from applicable outside agencies - including, but not limited to, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District. To the extent the within Application materially changes as a result of such outside approvals, then, in that event, the Applicant shall be required to return to the Planning Board for further review / approval.

q. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees and taxes.

r. If required by the Board / Borough Engineer, the Applicant shall submit appropriate performance guarantees in favor of the Borough of Oceanport.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and / or her agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant 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 improvement or for any damage which may be caused by the development.

SUMMARY OF GRANTED VARIANCE RELIEF

REAR YARD SETBACK FOR PRINCIPAL STRUCTURE:
25 ft. required; whereas 11.94 ft. approved;

BUILDING COVEREAGE: Maximum 25% allowed; whereas 28.2% approved;

IMPERVIOUS COVERAGE: Maximum 37% allowed; whereas 47.44% approved (49.3% existing);

SIDE YARD SETBACK FOR AN ACCESSORY STRUCTURE:
10 ft. required; whereas the existing shed (to remain) encroaches onto adjacent Lot 7.01 (per the submitted easement).

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on October 24, 2023 on roll call that evening by the following vote:

Offered by: ________________________

Seconded by: _________________________

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

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

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

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of November 28, 2023.

____
Jeanne Smith, Secretary

KEK/cbs
S:\KevinKennedyLaw\Municipal\Oceanport Planning Board\Marra (imprvmt sf home)\Resolution.doc

Planning/Zoning Combined Board
PO Box 370
Oceanport, NJ 07757

SCHEDULED

CORRESPONDENCE (ID # 2996)

Meeting: 11/28/23 07:00 PM
Department: Planning/Zoning Board
Category: Referral to Planning Board
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2996

Mayor & Council Referral - Fort Monmouth Plan Amendment #20