BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● NOVEMBER 27, 2018

Regular **Maple Place School** **7:30 PM**

2 Maple Place, Oceanport, NJ 07757

I. Call to Order: Chairman Widdis called the meeting to order at 7:30 p.m.

II. Open Public Meetings Statement: Chairman Widdis gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 16, 2018 and by the posting of same on the municipal bulletin board and Borough Web Site."

III. Flag Salute: Chairman Widdis led the audience, members of the Board in the flag salute.

IV. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
William Sullivan	Mayor's Designee	Present	
Robert Proto	Council Liaison	Absent	
Joseph Foster	Environmental Commision Liaison	Present	
John (Jack) Kahle	Class IV	Present	
MIchael Savarese	Class IV	Present	
Robert Kleiberg	Class IV	Present	
Daphne Halpern	Class IV	Absent	
Thomas Tvrdik	Alternate I	Present	
Michael O'Brien	Alternate II	Present	
Jeanne Smith	Board Secretary	Present	
William White	Board Engineer/Planner	Present	
Kevin Kennedy	Board Attorney	Present	

V. Board Business: None

Chairman Widdis requested to reverse the order of applications and take 86 Sea Girt Ave first, with no objection from Board Members.

VI. New Business:

1. PB2018-10 Feulmer, Eric 86 Sea Girt Ave

Request to install 12' x 16' shed seeking variance relief for:
Side Yard Setback: proposed 2' where 10' is required.

EXHIBITS:

A-1 - Land Use Board Application
A-2 - Zoning Denial Letter
A-3 - Construction Details
A-4 - Survey prepared by Morgan Engineering, dated September 20, 2018
A-5 - Maser Engineering review memorandum, dated October 29, 2018
A-6 - Photograph of Feulmer backyard, taken November 25, 2018, taken by Applicant
A-7 - Photograph of Feulmer backyard, taken November 25, 2018, taken by Applicant
A-8 - Photograph of Feulmer backyard, taken November 25, 2018, taken by Applicant

A-9 - Photograph of Feulmer backyard, taken November 25, 2018, taken by Applicant
A-10 - Shed Detail from Elite A Frame

Eric Feulmer, Applicant, was sworn. Mr. Kennedy introduced **A-1, A-2, A-3, A-4,** and **A-5.** William White, Board Engineer/Planner was sworn.

Mr. Feulmer described the shed he would like to install in his backyard. He described and introduced **A-6 through A-9.** Mr. Feulmer explained that there was frequently standing water in his yard and would like to install a concrete pad, 8-10" above grade, and located in the highest spot in the yard to stay out of the water. **A-10** was introduced. There was discussion regarding the type of doors. Mr. Feulmer testified the concrete pad will be 14' by 18'. Mr. White noted that the submitted drawing was not drawn to scale. There was additional discussion regarding elevating the shed to keep it out of water and the height of the shed. There will be no utilities in the shed. Vice Chairman Whitson asked if the Applicant had spoken with his neighbor, which he had and there was no problem. Mr. Kleiberg noted that the Applicant would have to submit a Building Application. Chairman Widdis stated he did not favor a 2' or 3' setback, although he could accept 5'.

PUBLIC:
Chairman Widdis opened the meeting to the public for questions for this witness only. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting. Chairman Widdis opened the meeting to the public for comments on the Application. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Sullivan made a motion to approve the application as presented which was seconded by Mr. Tvrdik. Mr. Kennedy summarized the general conditions for the approval.

2. Motion

RESULT:	**ADOPTED [8 TO 1]**
MOVER:	William Sullivan, Mayor's Designee
SECONDER:	Thomas Tvrdik, Alternate I
AYES:	Whitson, Sullivan, Foster, Kahle, Savarese, Kleiberg, Tvrdik, O'Brien
NAYS:	Widdis
ABSENT:	Proto, Halpern

VII. Old Business:

1. 1199 : PB2017-02.1 Brown, Peter - 93 Main Street CARRIED from November 13, 2018

Removal of existing garage, attached shed and (1) of the 2-family units; Proposed improvements include new attached 2-story dwelling unit and associated improvements seeking variance relief:
Expansion of non-conforming 2-family use, (d)2
Maximum density of 1.5 units/acre, 6.5 proposed , (d)5
Minimum Lot Area
Minimum Lot Width
Minimum Lot Depth
Minimum Front Yard Setback
Minimum Side Yard Setback
Maximum Impervious Coverage
Minimum Habitable floor Area per Family
Minimum Habitable Floor Area per Family

Chairman Widdis and Mr. Sullivan recused themselves from hearing the Application. Vice Chairman Widdis will conduct the hearing. Mr. Kennedy advised on the eligibility status of Board Members

and provided a history of the Application. The last action was a suggestion from the Board for the Applicant to revisit his plans to eliminate some of the requested variances.

EXHIBITS:

A-11 - Location Survey, prepared by Land Control Services, revised April 5, 2017 (1 sheet)
A-12 - Plans prepared by Passman Ercolino Architects, dated October 1, 2018 (3 sheets)
A-13 - Supplemental Maser Engineering review letter, dated November 9, 2018

Mr. Kennedy described and marked Exhibits **A-11, A-12** and **A-13**. He introduced Robert Witek, Esq. as the Applicant's attorney. Mr. Witek introduced Anthony Ercolino, Applicant's Architect, who remained under oath. Mr. Ercolino testified that **A-12** was revised later than October 30, 2016, but he failed to include the revision date. October 1, 2018 was chosen as the new revision date. Mr. Ercolino described the individual sheets of the **A-12.** Sheet A-1 reflects changes to parking to decrease coverage to 31% of impervious coverage from 32.5%. There will be 2 parking spaces per unit. The driveway was widened to 15 feet. Mr. Ercolino testified that the recent revisions are the best way to address the issues. Mr. O'Brien had questions about the location of the parking spaces, which Mr. Ercolino pointed out on **A-12**. Mr. Foster expressed concern with the impervious coverage and asked if different materials could be used to reduce the amount. Mr. White explained that if the Board granted a variance on that basis, deed restrictions and special maintenance would be required, which would be onerous. Mr. Savarese commended Mr. Ercolino on his design. There was discussion regarding the number of variances required (including pre-existing non-conforming). Vice Chairman Whitson enumerated each variance listed on the agenda and requested confirmation of each variance required. There are a total of 8 bulk variances and 1 use variance.

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for questions of this witness only. As no one from the public wished to be heard, Vice Chairman Whitson closed that portion of the hearing. Vice Chairman Whitson opened the meeting to the public for any comments. As no one from the public wished to be heard, Vice Chairman Whitson closed that portion of the meeting.

Vice Chairman Whitson asked for comments from Board members on the Application. Mr. Foster noted that everyone had concerns regarding the number of variances being requested. His view was that the number has increased since the last meeting. His expectation was a reduction in the number of variances. He asked if this was the best possible plan which would reduce the number of variances. Mr.Witek offered to remove the shed. Mr. Foster asked if anything else could be removed. Mr. Savarese noted that the previous submission was unacceptable, and the Applicants have improved the curb appeal as requested. He also stated that there is no solution to the pre-existing non-conforming conditions. Mr. Witek expressed his feelings that he has nowhere else to go. Mr. Ercolino stated the Applicant has reduced every variance possible. Removal of the shed is possible, but not practicable. Mr. White noted there was a substantial reduction in impervious coverage since the last submission. Mr. Foster had questions about density. Ms. Smith stated it is still a pre-existing, non-conforming use for the property. Alison Coffin, Applicant's Planner previously sworn, stated for the record the density is not a D variance because the MLUL exempts the D variance for density when it is applied to a single or 2-family home on a pre-existing non-conforming lot. Mr. Kennedy stated there would only be a D variance for the expansion of a non-conforming use.

Mr. Savarese made a motion to approve the Application based on the fact that the Applicant decreased the density from 42% to approximately 31% and asked if the shed would be remain. Mr. Witek stated that from a practical standpoint, it makes sense to keep the shed. Mr. White concurred. Mr. Savarese motioned to approve the application with the shed to remain and

conditions as discussed which was seconded by Mr. Tvrdik. Mr. Kennedy summarized the conditions of the approval.

2. Motion

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	MIchael Savarese, Class IV
SECONDER:	Thomas Tvrdik, Alternate I
AYES:	Foster, Kahle, Savarese, Kleiberg, Tvrdik, O'Brien
NAYS:	Whitson
ABSENT:	Proto, Halpern
RECUSED:	Widdis, Sullivan

VIII. Resolutions:

1. Resolution of Approval - Ryan O'Toole, 47 Hiawatha Ave

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution. Mr. Foster made a motion to approve the Resolution, which was seconded by Mr. Kleiberg and received the below roll call:

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Joseph Foster, Environmental Commision Liaison
SECONDER:	James Whitson, Robert Kleiberg
AYES:	Whitson, Foster, Kahle, Savarese, Kleiberg, Tvrdik, O'Brien
ABSENT:	Proto, Halpern
RECUSED:	Widdis, Sullivan

2. Resolution of Approval - Chris and Susan Widdis, 61 Werah Pl.

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution and provided some missing information. Mr. Foster made a motion to approve the Resolution, which was seconded by Mr. Kahle and received the below roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Joseph Foster, Environmental Commision Liaison
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Whitson, Foster, Kahle, Savarese, Kleiberg, O'Brien
ABSTAIN:	Tvrdik
ABSENT:	Proto, Halpern
RECUSED:	Widdis, Sullivan

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

X. Adjournment: As there was no further business, the meeting was adjourned at 8:30 on a motion by Mr. Kahle, which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary