



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • NOVEMBER 26, 2019

Regular

Maple Place School

7:30 PM

2 Maple Place, Oceanport, NJ 07757

I. Call to Order

II. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.

III. Flag Salute

IV. Roll Call

V. Board Business

1. Planning/Zoning Board - Regular - Nov 12, 2019 7:30 PM

VI. Old Business

VII. New Business

1. PB2019-19 Mercedes, Paul & Dallas, Erica
416 Milton Avenue
Block 93, Lot 1
Bulk variances for construction of new single-family home

VIII. Resolutions

1. Resolution of Approval - John Czajkowski, 8 Haskell Way
2. Resolution of Approval - Donald & Darcy Lawes, 121 Horseneck Pt Rd
3. Resolution of Approval - Nichola Mangan, Shrewsbury Ave

IX. Petitions from the Public

X. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • NOVEMBER 12, 2019****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:** This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.
- III. Flag Salute:** Chairman Widdis led the audience and members of the Board in the flag salute.
- IV. Roll Call:**

Attendee Name	Title	Status	Arrived	Departed
Christopher Widdis	Chairman	Present		
James Whitson	Vice Chairman	Present		
Darren Davis	Mayor's Designee	Present		
Robert Proto	Council Liaison	Absent		
Joseph Foster	Environmental Committee Liaison	Present		
John (Jack) Kahle	Class IV	Present		
Michael Savarese	Class IV	Absent		
Robert Kleiberg	Class IV	Present		
Thomas Tvrdek	Alternate I	Present		08:11 PM
Jeanne Smith	Board Secretary	Present		
Dan Roberts for Kevin Kennedy	Board Attorney	Present		
William White	Board Engineer/Planner	Present		

V. Board Business:

1. Planning/Zoning Board - Regular - Oct 22, 2019 7:30 PM

Chairman Widdis called for a motion to approve the minutes of October 22, 2019, which was made by Mr. Whitson, seconded by Mr. Kleiberg and approved by the eligible members of the Board.

RESULT:	ACCEPTED [6 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Davis, Kahle, Kleiberg, Tvrdek
ABSENT:	Proto, Savarese
INELIGIBLE:	Foster

2. Environmental Considerations, EAC Liaison Joseph Foster

Mr. Foster reported that the Environmental Committee is concerned with environmental aspects of Planning Board applications. The Committee created an Environmental Committee Site Plan/Sub-Division checklist, which should be used by Applicants to ensure compliance with the Committee's requirements. Mr. Foster also discussed development at the former Ft. Monmouth, remediation requirements and the need for information in a timely manner. Chairman Widdis asked when the checklist would be applicable. Mr. Foster would like to incorporate the form in the sub-division

application. Additional work is required regarding the process. Mr. White suggested the Board review the proposed form and provide comments to the Environmental Committee. Mr. Roberts stated that Mr. Kennedy would be providing a memorandum on the process.

3. Oceanport School Referendum Projects Update

Chairman Widdis reported that the Secretary had invited the architect to attend that evening for the presentation on the proposed school renovations. The architect and engineer advised that the plans were only conceptual and would likely not be able to provide additional information until after the referendum were passed and actual plans were prepared beyond conceptual for their formal capital presentation to the Board. There were no objections by any of the Board Members.

VI. Old Business - None:

VII. New Business:

1. PB2019-16 Czajkowski, John

8 Haskell Way

Block 121, Lot 4

Bulk variance for Generator Installation

Exhibits:

A-1 Land Development Application

A-2 Zoning Denial letter, dated July 31, 2019

A-3 Property Survey, prepared by Schoor DePalma, dated August 12, 2008

A-4 Generator specifications

A-5 Photographs of other generators at the Jockey Club, taken by Mr. Czajkowski, Oct. 30, 2019

The following people were sworn: John Czajkowski and William White, Board Engineer/Planner. Mr. Roberts marked **Exhibits A-1, A-2, A-3 and A-4** for the record. Mr. Czajkowski testified that he would like to install an electrical backup generator. Zoning requires a 20 ft. setback. The location of the generator is indicated on the survey provided. Mr. Czajkowski identified and described **Exhibit A-5**. He explained his reasons for requesting the variance. Chairman Widdis stated the generator is to be installed 4 ft. from the house, 4 ft. from the side yard, 25 ft. from the front, 88 ft. from the rear. Mr. White stated that generators are typically exercised once a week, and he recommended that it be exercised during the day so neighbors are not disturbed. Vice Chairman Whitson asked if the Applicant had discussed the installation with his neighbors. Mr. Czajkowski stated he had. Mr. Kleiberg asked how many air conditioner zones the Applicant had. Mr. Czajkowski replied only one zone. Mr. Davis asked if there would be landscape buffering. Mr. Czajkowski will install small shrubs.

PUBLIC: Chairman Widdis opened the meeting to the public for questions. 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.

Doug Glassmacher, 16 Iselin Lane, was sworn and expressed his support of the Application. He requested a resolution to address the setback issues for the entire Jockey Club community. Chairman Widdis advised that any resolution or ordinance amendment would have to be approved by the Governing Body.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Whitson made a motion to approve the application, which was seconded by Mr. Davis and received the following roll call:

RESULT:	ACCEPTED [7 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese

2. PB2019-17 Lawes, Donald & Darcy

121 Horseneck Point Rd.

Block 109, Lot 18

Bulk variance for retaining wall

Exhibits:

A-1 Land Development Application

A-2 As Built drawings, prepared by Fiore, dated Sept. 27, 2019

A-3 Maser Review letter dated, Sept. 30, 2019

A-4 Zoning Denial letter, July 8, 2019

A-5 Photographs, taken by Ms. Lawes

The following persons were sworn: Donald Lawes, Darcy Lawes. Mr. Roberts marked **Exhibits A-1, A-2, A-3 and A-4** for the record.

Ms. Lawes introduced and described **Exhibit A-5**. She testified that the house was raised 4 ft. after Superstorm Sandy and described current conditions of the property, including height of the retaining walls. The Applicants were unaware that a variance was required. Mr. White asked if the Applicants submitted a grading plan when they applied for the house lift permit and were any changes made to which Ms. Lawes confirmed there were no changes. Ms. Lawes stated the house was lifted in either 2016 or 2017. Mr. White advised the retaining wall was not within the right of way, the height of the wall and grading were compliant.

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

Chairman Widdis opened the meeting for comments from the public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Kahle made a motion to approve the application, which was seconded by Mr. Foster and received the following roll call:

RESULT:	ACCEPTED [7 TO 0]
MOVER:	John Kahle
SECONDER:	Joseph Foster
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese

Mr. Tvrdik recused himself from the next application and exited the meeting at 8:11 PM

3. PB2019-11 Mangan, Nichola

Vacant Lot – Shrewsbury Ave.

Block 66, Lots 3 & 4

Bulk variance for lot width, 120' required, 102.09' existing

Exhibits:

A-1 Land Development Application

A-2 Architectural Plan, (2) Sheets, not titled, not dated

A-3 Plot Plan, prepared by DW Smith, dated Sept. 9, 2019

A-4 Maser Review letter dated September 23, 2019

A-5 Tax Map Sheet 10, prepared by Leonardo Ponzio, dated Jan. 31, 2011

Mr. Roberts marked **Exhibits A-1, A-2, A-3 and A-4** for the record. Ms. Feigin submitted **Exhibit A-5**.

The following persons were sworn: Carolyn Feigin from DW Smith and Ms. Mangan. Ms. Feigin presented her qualifications as a Professional Engineer/Planner and accepted as an expert by the Board. Ms. Feigin described the location, total lot area 18,855 sq. ft. where 12,000 sq. ft. is required, front width and depth. The Applicant is requesting permission to build a single family dwelling. DEP approval was received, all FEMA requirements satisfied, sewer and water connections will be installed from Shrewsbury Ave., under 5,000 sq. ft. of soil disturbance. Ms. Feigin described the location of the proposed house and grading. Total square footage of the two story house 2,840, rear deck and front porch. Mr. White stated a concern that the height of the building should be measured from the crown of the road to the peak, under 35 feet, and recommended the standard condition requiring an As Built of the peak after sheathing. Ms. Feigin provided front, side and rear setbacks. There was discussion regarding the driveway, clearing the lot, DEP restrictions, and location of the proposed residence. Mr. Foster asked questions regarding the wetlands. Ms. Feigin stated the area Mr. Foster asked about is wooded and will remain wooded, and described the location of wetlands. Chairman Widdis asked for an explanation on the grading. Ms. Feigin described a swale, elevations and topography. Mr. Davis asked additional questions about the location of the house. Ms. Feigin stated the DEP has approved the location and any change would require another application to the DEP.

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

Ms. Feigin moved on to the planning portion and described the existing lot width is 102.09 ft. where 120 ft. is required. She referred to **A-5** regarding lot width of neighboring properties.

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

PUBLIC: Chairman Widdis opened the meeting to the public for comments regarding the Application.

Mario Zolofro, 548 Shrewsbury Ave., was sworn and expressed his support of the Application. Mr. Zolofro stated that the speed limit for Shrewsbury Ave. is 35 MPH, but cars are clocked at about 50 MPH and wanted to know what could be done about that. Chairman Widdis advised that issue needs to be presented to the Governing Body. Mr. White advised that police have been there with radar and the 85th percentile were clocked at 35 MPH. Since it is a County road, Monmouth County has also looked at it extensively. Mr. Foster suggested contacting the Monmouth County Transportation Council for assistance.

As no one else wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Whitson made a motion to approve the Application, which was seconded by Mr. Davis and

received the following roll call:

RESULT:	ACCEPTED [6 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Darren Davis
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Kleiberg
ABSENT:	Proto, Savarese, Tvrdik

VIII. Resolutions:

1. Resolution of Approval - Gregory Pulley, 27 Morris Place

As the resolution had been previously provided to the Board, Mr. Roberts summarized the Resolution, after which Mr. Whitson made a motion to approve the resolution as presented which was seconded by Mr. Kleiberg and received the following roll call:

Motion to Approve PR-19-24

RESULT:	ADOPTED [5 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Davis, Kahle, Kleiberg
ABSENT:	Proto, Savarese, Tvrdik
INELIGIBLE:	Foster

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public.

Anne Facendo, Superintendent of Oceanport School District, appeared and stated the Board of Education (BOE) would like to cooperate with the Planning Board. To date, the BOE has not been copied on correspondence, instead, correspondence has been sent to the architect for the school renovations. She requested that the BOE be copied on correspondence so that members are notified when issues regarding the renovations are being discussed. She also stated that schematic plans have been developed over the last year, with input from multiple stakeholders and provided details about how much work has been performed. Ms. Facendo added that the schematic plans are conceptual drawings. The BOE had concerns that the schematic plans would not meet the Planning Board's need for details for code requirements. If the referendum passes on Dec. 10th, the BOE would like to make a full presentation with detailed plans and actual drawings to be used. Ms. Smith advised that the Board normally deals with the applicants' professionals when it is not an individual application but had no issue with adding the BOE to the distribution list when they returned with a formal capital presentation. Ms. Smith will forward previous correspondence to Ms. Facendo for her records.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

X. **Adjournment:** As there was no further business, the meeting was adjourned at 9:57 pm on a motion by Mr. Whitson which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

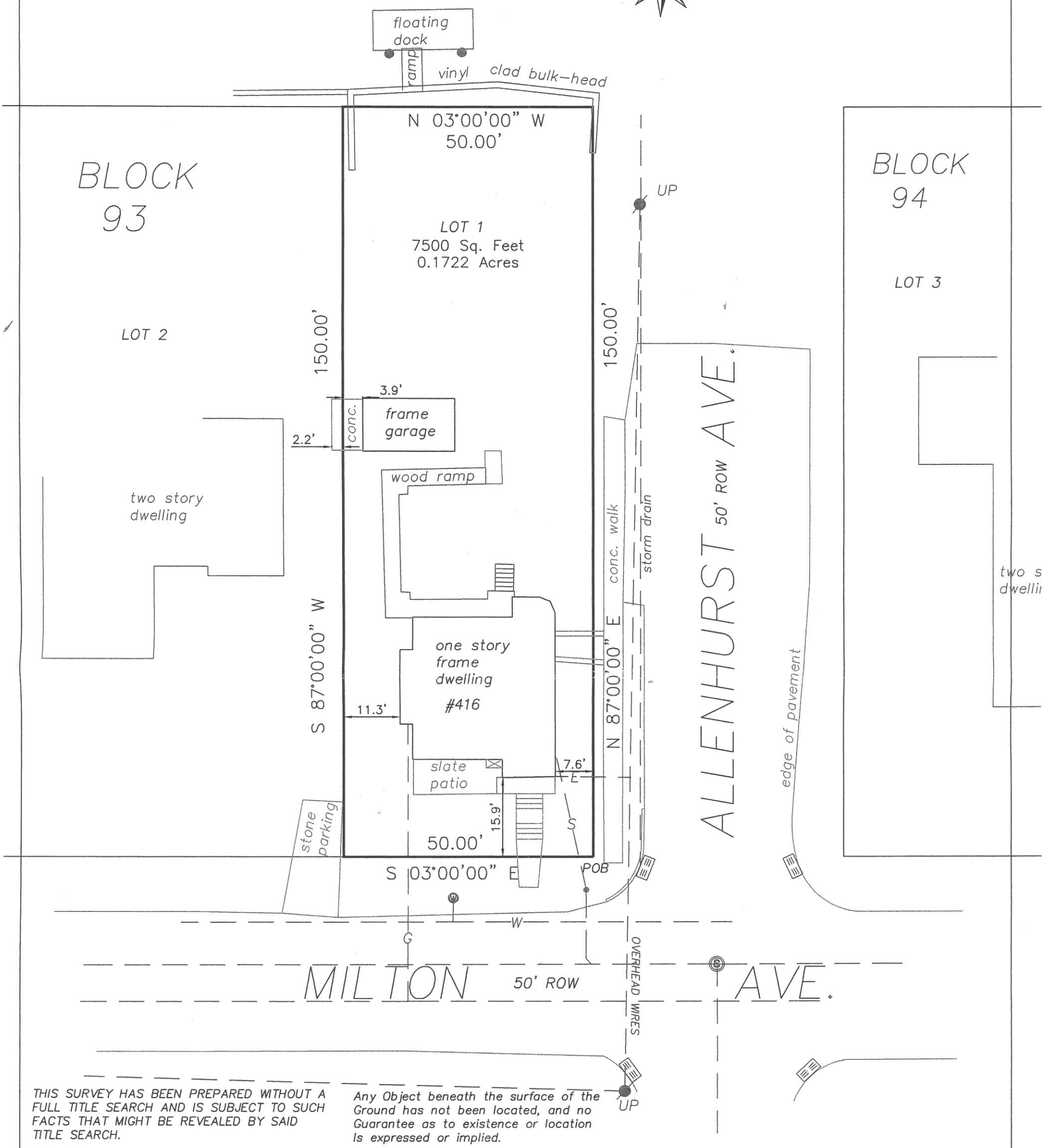
SCHEDULED**PLANNING BOARD APPLICATION (ID # 1460)**

Meeting: 11/26/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1460

PB2019-19 Mercres, Paul & Dallas, Erica

416 Milton Avenue
Block 93, Lot 1
Bulk variances for construction of new single-family home

OCEANPORT CREEK



LOCATION SURVEY FOR:
PAUL MERCES & ERICA DALLAS

Being Lot 1 Block 93, as shown on the tax assessment map for the Borough of Oceanport, Monmouth County, New Jersey. More commonly known as 416 Milton Ave., Oceanport, New Jersey.

I hereby certify to the above mentioned purchasers, Paul Mercés & Erica Dallas; Jeffrey Rosen, Esquire; Two River Community Bank, ISAOA; RMS Title Services, LLC; Westcore Land Title Insurance Company.

This survey has been accurately prepared with the best of my information, knowledge and belief. No apparent encroachments exist either way across property lines except as shown hereon.

RICHARD E STOCKTON & ASSOCIATES INC.
LAND SURVEYING * LAND PLANNING * SURVEY MAPPING
PO BOX 124, ATLANTIC HIGHLANDS, N.J. 07716

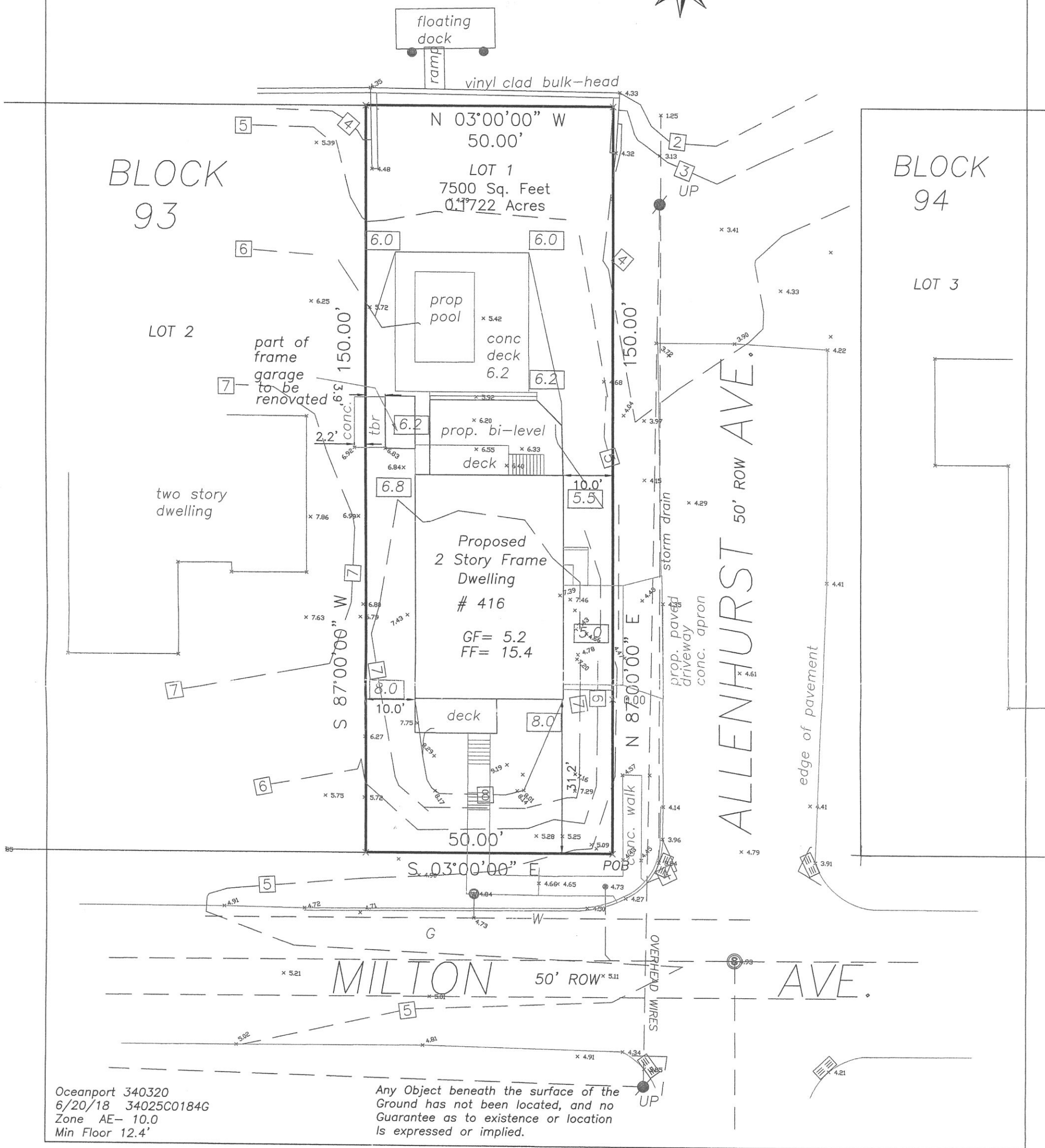
Richard E. Stockton

RICHARD E. STOCKTON
LICENSED PROFESSIONAL LAND SURVEYOR
NJ LICENSE No. 15102

JOB: 7784
SCALE: 1" = 20'
CAD: D-7784.dwg

DATE: 3-21-19
DWG:

OCEANPORT CREEK



Oceanport 340320
6/20/18 34025C0184G
Zone AE- 10.0
Min Floor 12.4'

Any Object beneath the surface of the
Ground has not been located, and no
Guarantee as to existence or location
Is expressed or implied.

Plot Plan with grades
ERIC DALLAS

Being Lot 1 Block 93, as shown on the tax assessment map for the Borough of Oceanport, Monmouth County,
New Jersey. More commonly known as 416 Milton Ave., Oceanport, New Jersey.

RICHARD E STOCKTON & ASSOCIATES INC.
LAND SURVEYING * LAND PLANNING * SURVEY MAPPING
PO BOX 124, ATLANTIC HIGHLANDS, N.J. 07716

Richard E. Stockton

RICHARD E. STOCKTON
LICENSED PROFESSIONAL LAND SURVEYOR
NJ LICENSE No. 15102

JOB: 7784
SCALE: 1" = 20'
CAD: D-7784a1.dwg

DATE: 13 August 2019
DWG: B-2561b



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October 31, 2019

VIA EMAIL

Jeanne Smith, Planning Board Secretary
Borough of Oceanport Planning Board
315 E. Main Street
Oceanport, NJ 07757

Re: Bulk Variance
416 Milton Avenue
Block 93, Lot 1
Borough of Oceanport, Monmouth County, New Jersey
MC Project No. OPP-261

Dear Board Members:

Our office has received the following information in support of the above-referenced Bulk Variance application:

- Plans entitled “Proposed Dwelling for Erica and Paul Mercas”, prepared by Bromat Design Group, PC, dated September 30, 2019 and consisting of two (2) sheets;
- Plan entitled “Plot Plan with grades”, prepared by Richard Stockton PLS, dated August 13, 2019 and consisting of four (4) sheets.

The subject property is situated in the R-4 – Residential Single-Family Zone District and contains 7,500 SF (0.1722 acres) on the south west corner of the intersection of Milton Avenue and Allenhurst Avenue. The Applicant proposes to remove the existing house and construct a single-family dwelling with a two-car garage.

Based on our review of the application, we recommend that the application be deemed **complete** and scheduled for the next available hearing. A planning and engineering review of the application is provided below.

Variances/Design Waivers

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

1. Bulk variances are required for the following:



- a. Minimum Lot Area: 10,000 sf required; 7,500 sf existing/proposed. A Bulk Variance is required for the pre-existing condition.
- b. Minimum Lot Width: 100 feet required; 50 feet existing/proposed. A Bulk Variance is required for the pre-existing condition.
- c. Minimum Front Yard Setback: 15 feet required (half the setback for the second frontage), 10 feet proposed from Allenhurst Avenue. A Bulk Variance is required.
- d. Maximum Building Height: 39.25 feet proposed, the requirement for an undersized lot is determined by the Planning Board. A Bulk Variance is required.
- e. Minimum Side Yard Setback, Accessory Structure: 5 feet required, and 3.9 feet are proposed. A Bulk Variance is required.

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

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

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

General Comments

1. Building height is measured from the crown of the road at the midpoint of the property frontage to the peak of the roof. Note #5 of the Zoning chart states that “For non-conforming lots, the



(permitted) height shall be determined only after Planning Board review to assure compliance with the intent and purpose of the zoning law.” If approved, a condition of approval should be the requirement of a Surveyor’s certification of the building height to be submitted to the Zoning Officer once sheathing is completed and prior to installation of any roofing or siding materials.

2. A copy of the signed and sealed Boundary and Topographic Survey shall be provided.
3. The Plot Plan shall be revised to include a reference as to the Boundary and Topographic Survey utilized as a base map.
4. The proposed grading is unclear. Please revise to differentiate between existing and proposed elevations.
5. The Architectural plans shall be revised to correct the lot width in the Zoning Table.
6. The pool area requires fencing in accordance with Ordinance 390-30K.
7. Please be advised that Milton Avenue was recently paved and is under moratorium. The Applicant will have to obtain permission from the Mayor and Council for road opening permits.

Additional Agency Approvals

This application is subject but not limited to the following outside agency approvals or letter of no jurisdiction:

- a. Two River Water Reclamation Authority
- b. New Jersey American Water
- c. Freehold Soil Conservation District
- d. Oceanport Road Opening Permit

We reserve the opportunity to further review and comment on this application and all pertinent documentation, pursuant to testimony presented at the public hearing.



Jeanne Smith, Planning Board Secretary
MC Project No. OPP-261
October 31, 2019
Page 4 of 4

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

Very truly yours,

MASER CONSULTING P. A.

A handwritten signature in black ink, appearing to read 'W.H. White, III'.

William H.R. White, III, P.E., P.P., C.M.E.
Planning Board Engineer and Planner

WHW/nb

cc: Kevin Kennedy, Esq. (kkennedy@kevinkennedylaw.net)
Paul Mercas, applicant (via email paul,ercas83@gmail.com)
Kerry E. Higgins, Esq, (via email khiggins@redbanklaw.com)

\\Hqfas1\general\Projects\Opp\OPP-261\Correspondence\191031_whw_smith_416_milton_ave.docx

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB (ID # 1496)**

Meeting: 11/26/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1496

Resolution of Approval - John Czajkowski, 8 Haskell Way

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB (ID # 1497)**

Meeting: 11/26/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1497

Resolution of Approval - Donald & Darcy Lawes, 121 Horseneck Pt Rd

**Planning/Zoning Combined Board**

315 E. Main Street
Oceanport, NJ 07757

SCHEDULED**RESOLUTION - PB (ID # 1498)**

Meeting: 11/26/19 07:30 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1498

Resolution of Approval - Nichola Mangan, Shrewsbury Ave