BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● NOVEMBER 13, 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 and 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	Absent	
Robert Kleiberg	Class IV	Present	
Daphne Halpern	Class IV	Absent	
Thomas Tvrdik	Alternate I	Present	
Michael O'Brien	Alternate II	Present	7:42 PM
Jeanne Smith	Board Secretary	Present	
William White	Board Engineer/Planner	Present	
Kevin Kennedy	Board Attorney	Present	

V. Board Business:

1. Approval of Minutes, October 23, 2018

Chairman Widdis called for a motion to approve the Minutes of October 23, 2018, which was made by Mr. Whitson, seconded by Mr. Kleiberg and approved by the eligible members of the Board.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Sullivan, Foster, Kahle, Kleiberg, Tvrdik, O'Brien
ABSENT:	Proto, Savarese, Halpern

VI. Old Business:

1. 1199 : PB2017-02.1 Brown, Peter - 93 Main Street CARRIED from 9/25/2018

Chairman Widdis advised that this application would not be heard as this matter involved a use variance and the Applicant has requested the full 7-member Zoning Board for its hearing for which

there were insufficient eligible members to hear the matter that evening. Therefore the matter was carried to the November 27, 2018 meeting with no additional notice required.

VII. New Business:

1. 1198 : PB2018-09 O'Toole, Ryan - 47 Hiawatha Ave

EXHIBITS
A-1 Land Use Board Application
A-2 Pool Grading Plan, prepared by MidState Engineering, dated Aug. 28, 2018
A-3 Maser Consulting Review Memorandum, dated Oct. 29, 2018

Proposed installation of a pool in the rear yard seeking variance relief for:
Minimum Pool Setback: proposed 7' from the existing dwelling and 8.7' from the rear property line where 10' is required.

Mr. Kennedy stated that service had been reviewed, was in order and the Board accepted jurisdiction. Mr. Kennedy entered Exhibits **A-1, A-2** and **A-3**. The following individuals were sworn: William White, Board Engineer/Planner, and Ryan O'Toole, Applicant. Mr. O'Toole testified that he and his wife wished to install a 14' x 30' liner pool in the rear of the property, and they are seeking setback variances. Chairman Widdis asked about the location of lighting and pool equipment. Mr. O'Toole explained there are existing flood lights on the rear of the house, but may add ground lights for walkways. He referred to **A-2** and described adding child safety fencing and shrubs to conceal the pool equipment. The property has an existing 6' perimeter fence. There was discussion regarding an existing shed.

Ms. Smith stated for the record that Mr. O'Brien arrived at 7:42.

Mr. Whitson asked about Mr. O'Toole's statement regarding relocation of the pool equipment and advised he probably would move it. Mr. White advised that as long as it is less than 10' from the side or rear property line, it's not issue. Mr. Kennedy stated that if the application is approved, the pool equipment has to be placed in a zoning compliant location, which would be included in the resolution. Mr. Foster asked if there was any concern regarding runoff to the residence behind the Applicant's. Mr. O'Toole stated there hasn't been an issue with standing water. Mr. White will review the grading plan again. Mr. Kleiberg asked for a description of the child safety fence. Mr. O'Toole stated it will be a permanent structure. Chairman Widdis expressed concern about light spillage and requested that lighting not affect neighbors. Mr. O'Toole testified that the light does not spill to the neighbors' yards.

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

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

2. Motion to approve application

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

3. PB2018-05 Widdis, Christopher & Susan - 61 Werah Place

EXHIBITS
A-1 Land Use Board Application
A-2 Plans prepared by Passman Ercolino Architects, dated July 1, 2018 (2 sheets)
A-3 Survey prepared by CC Widdis Surveying, LLC, dated May 11, 2018
A-4 Topographic Survey prepared by CC Widdis Surveying, LLC, dated May 11, 2018
A-5 Maser Consulting Review Memorandum, dated July 24, 2018
A-6 Photograph of Existing Garage, taken by S. Widdis, dated Nov. 12, 2018

Demolish existing and construct new 1 1/2 story garage seeking relief for:
Minimum Lot Width
Minimum Side Yard Setback - Principal Structure
Minimum Side Yard Setback - Accessory Structure
Maximum Height - Accessory Structure
Maximum Building Coverage - Accessory Structure
Maximum Impervious Coverage

Chairman Widdis recused himself from his application, and Mr. Tvrdik recused himself because he was within the 200' foot notice. Mr. Kennedy entered a statement regarding aspects of conflicts of interests when an Applicant is a Board member. Vice Chairman Whitson will preside.

Mr. Kennedy stated that service had been reviewed, was in order and the Board accepted jurisdiction. he introduced Exhibits A-1, A-2, A-3, A-4 and A-5. The following individuals were sworn: Mr. White, Board Engineer/Planner, Christopher Widdis and Susan Widdis, Applicants. There was discussion regarding plans dated 10/30/18 versus 7/1/18. Mr. White stated he didn't see a substantial change between the plans which would affect the variance requests. Mr. Widdis entered as Exhibit A-6, which was distributed to Board members. Mr. Widdis stated that they are requesting permission to construct a 36' x 24', 1 1/2 story garage with walk up staircase, approximately 823', 21.79' in height where 15' is permissible. He outlined the specific variances requested and described lot conditions, a history of additions/renovations to the buildings and lack of functionality of the existing garage. Mr. Widdis explained the reasons for the requests.

Anthony Ercolino, Applicant's Architect, was sworn.

Mr. Foster asked if there would be heat or air conditioning in the garage. Mr. Widdis replied there will be electric, but there will not be air conditioning. Mr. Foster asked if there would be any bath facilities. Mr. Widdis replied there would not be. Mr. Kahle asked about water runoff. Mr. White stated that water direction could be a condition of approval. Mr. Kleiberg asked about lighting. Mr. Widdis stated there would be lights, but nothing would spill onto neighbors' property. Vice Chairman Whitson asked if there was ever a plan to have an apartment in the garage. Mr. Widdis replied there were none. Mr. White saw no difference between the plans dated 10/30/18 and 7/1/18.

PUBLIC: Vice Chairman Whitson then 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 meeting.

Anthony Ercolino, Architecht, previously sworn, re-stated the dimensions of the proposed garage, walk up stairs and reason for the increased height. Vice Chairman Whitson noted that most of the requested variances are pre-existing, which Mr. Ercolino agreed with.

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

4. Motion to approve application

Chairman Widdis and Mr. Tvrdik returned to the dais.

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

VIII. Resolutions:

1. Resolution of Approval - Joseph Fiore, 36 Tohicon Place

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

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Thomas Tvrdik, Alternate I
AYES:	Widdis, Whitson, Sullivan, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese, Halpern
INELIGIBLE:	O'Brien

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

X. Adjournment: As there was no further business, the meeting was adjourned at 8:16 p.m. on a motion by Mr. Kahle which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary