



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • NOVEMBER 9, 2021

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 PM
- II. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.
- III. **Board Policy:** Chairman Widdis advised the public of the below 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.
- IV. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 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.
- V. **Welcome New Member:**
1. Oath of Office - Maura Kelly, Alternate II - unexpired term ending 12/31/2021
- Ms. Kelly was unable to attend so this item was carried to the next meeting.

VI. **Roll Call:**

Attendee Name	Title	Status	Arrived	Departed
Christopher Widdis	Chairman	Present		
James Whitson	Vice Chairman	Present		
Patty Cooper	Mayor's Designee	Late	7:10 PM	
Thomas Tvrdik	Class III	Present		
Joseph Foster	Environmental Committee Liaison	Present		8:30 PM
John (Jack) Kahle	Class IV	Present		
Michael Savarese	Class IV	Absent		
Robert Kleiberg	Class IV	Present		
Darren Davis	Class IV	Present		
Michael Dailey	Alternate I	Present		
Jeanne Smith	Board Secretary	Present		
Kevin Kennedy	Board Attorney	Present		
William White	Board Engineer/Planner	Present		

VII. **Board Business:**

1. Report of Pending Applications - Ms. Smith advised the next meeting would be Nov. 16 which had been added to the regular meeting schedule and advertised in accordance with law to accommodate Barker's Circle application. Last meeting of the year is Dec. 14 with applications for a lot line adjustment and legalization of an expanded driveway.
- Ms. Smith also invited the public and Board members to attend the Borough's Veteran's Day Ceremony on Nov. 11th with distinguished Planning Board member Robert Kleiberg as guest speaker.

VIII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Oct 26, 2021 7:00 PM

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

IX. Old Business:

1. PR-21-32 Resolution of Approval - 10 Bridgewaters Drive

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

RESULT:	ADOPTED [7 TO 0]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese
INELIGIBLE:	Cooper, Tvrdik

2. PR-21-33 Resolution of Approval - Oport Partners, Phase II

Mr. Kennedy advised that the resolution had been distributed to the Applicant's attorney who had provided several comments. After discussion with the Chairman and Secretary and Board Conflict Engineer, a request was made to table for the next meeting in order to resolve comments and bring back to the Board.

RESULT:	TABLED [UNANIMOUS]	Next: 11/16/2021 7:00 PM
MOVER:	John (Jack) Kahle, Class IV	
SECONDER:	Darren Davis, Class IV	
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis, Dailey	
ABSENT:	Savarese	

Ms. Cooper entered the meeting at 7:10 PM

X. New Business:

1. PB2021-13 SCHMIDT, WILLIAM W.

101 Smith Street
Block 49, Lot 1

EXHIBITS:

- A-1 Land Development Application
- A-2 Survey of Property, prepared by Charles Surmonte P.E. & P.L.S., dated November 30, 2020
- A-3 Plot/Grading Plan, prepared by Charles Surmonte P.E. & P.L.S., last revised July 11, 2021
- A-4 Architect Plans, "House for: Mr & Mrs Billy Schmidt", (5) sheets, prepared by William Herchakowski R.A., dated 12/18/2019
- A-5 Board Engineer Review Letter, Collier's Engineering & Design, dated Sept. 16, 2021
- A-6 Minor Subdivision Map, Block 50, Lot 4 & 1.01, prepared by East Coast Engineering, Inc., dated July 15, 2014.
- A-7 Sketch for Quitclaim of a Portion of Tidlands Grant to Sarah Ann McCarthy, Block 50, Lot 4 & 1.01 prepared by East Coast Engineering, Inc., dated January 21, 2011.
- A-8 Map of Survey, Block 49, Lot 2, prepared by George W. Henn, Inc., date cutoff
- A-9 Google Maps Aerial Photographs of Site, 2 Sheets, undated.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. While waiting for the public to respond, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4, A-5. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

William Schmidt, Applicant, Chet Surmonte, Applicant Engineer and William Herchakowski, Applicant Architect, were sworn in.

Mr. Schmidt, owner of the property, described the application to construct a new home within the existing frame of the dwelling currently there which is not in a livable condition.

Mr. Surmonte described and marked Exhibit A-6, A-7 and A-8.

Councilman Tvrdik asked Mr. Schmidt to clarify his statement that the new home would be built within the existing frame or the existing footprint – he's building a new home so yes.

Mr. Surmonte provided testimony including a description of the property, its dimensions and characteristics, total lot area of 9,750 s.f. where 12,000 s.f. is required with no available land to either side to reduce the non-conformity, lot width of 92.9' where 120' required and front setback based on average drawn from 1 house based on definition of block in ordinance. There was discussion on what the average was based on, what the ordinance requires, the rear setback complies with both ordinance and the average with the front yard setback minimum with open porch is 24' where 15.3' proposed – same as previous dwelling.

Mr. Surmonte testified concerning the siting of the house location taking into consideration not to put any closer to the river – in fact pulling the house/rear deck back from the river about 5' so that they maintain the view for the neighbor to the south. He reviewed the proposed front setbacks for stacked entries – foyer with 2-story element due to need for first floor elevation in flood zone, and first floor living space entry. It was designed in such a way to minimize those entries to minimal heights and area. He described the proposed side-entry driveway from Werah. There are no plans to change the grading other than a couple inches for the garage to be at 7.3 in order to maintain building height of less than 35'. The proposed house reduces the existing dwelling's building coverage.

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

Mr. White commented that this lot is similar to others where the first floor is below the Base Flood Elevation and should provide a deed restriction that no habitable space would ever be provided on the first floor at grade elevation and the plan should clarify that all construction below elevation 12.4 will be made of flood resistant material.

Chairman Widdis asked questions about the elevations at front and side where there's no curbing and where runoff would flow. Mr. Surmonte pointed out the elevations on the plans that grade the house at a foot higher than the road in the front.

Mr. Davis commented he had no questions but commented a concern on the front setback which seemed extreme and would suggest the entries be staggered to reduce.

Mr. Dailey commented on the driveway location, width of roadway.

Mr. Foster asked questions about elevations of first floor, garage floor and the base flood elevation.

Mr. Kleiberg asked what the setbacks off the road were for the houses on the block to the north. Mr. Surmonte answered based on the subdivision map for that lot, the setback is shown at 44-44.5'

Mr. Kahle asked for the process for calculating the front setbacks to each of the foyers/entries which Mr. Surmonte reviewed referring to A-4. Also, discussed height of the entries from the front setbacks.

Mr. Whitson asked what was the total height and was told measured from crown of road it was just under 35'. He expressed concern with the front setback and what was proposed for the front of the property. He asked if Mr. White was satisfied with drainage and was told yes, once they complied with his letter.

PUBLIC: Chairman Widdis opened the hearing to questions of this witness only. As no one from the public presented, Chairman Widdis closed that portion of the meeting.

William Herchakowski, Professional Architect, presented his qualifications and was accepted as an expert in architecture. Mr. Herchakowski provided testimony related to the height of porch, the setback of the porch being back further than the house to the north, described the proposed house, floor layouts, proposed deck with stairs to grade, floor areas of the entries, first floor and second floor for a total of 2559 s.f. living area, typical for the area, horizontal siding most likely a hardy board, stainless steel cable railing system, the lower base would use colored stucco or cultured stone, minimal attic area to keep the roof pitch to comply with height requirements from the crown of the road, garage storage.

Chairman Widdis commented that the plans should be corrected to change the note from east to west which Mr. Herchakowski acknowledged and would correct.

Chairman Widdis invited questions from the Board.

Ms. Cooper commented that the front foyer seemed to be a waste of space and was there a way to widen the foyer and eliminate the front porch to reduce the non-conforming front setback. Mr. Herchakowski responded that the porch adds character to the house and breaks up the front façade. He added that Mr. White's review letter points out that the porch can be up to 24' front setback.

Councilman Trvrdek added that if they could take the entry foyer of 11'2" x 12' up to 12'10" you'd have a reveal on the left hand side of the house, shrink the entry and step up the landing, reposition the staircase so you don't have to come into the front yard setback. They would like to see the Applicant to increase the front setback by making changes to the foyer/entry/staircase. There was additional discussion on potential changes that could increase the setback.

Mr. Kahle asked what were the houses beyond that setback. Mr. Herchakowski introduced and described Exhibit A-9, 2 aerial photographs of the area, and pointed out the houses to the north. There was discussion on the street character of that neighborhood.

Mr. Kleiberg commented that he was concerned with all the discussion on redesign.

Mr. Foster asked about the earlier statement that the new house would be built within the confines of the existing house. Mr. Herchakowski answered that was incorrect. The house was placed in the best location to meet both CAFRA requirements and ordinance requirements. The house is of modest size and not a 4500 s.f. house. The foyer was intentional to be aesthetically pleasing. The existing house was being demolished including the slab and the proposed house would be smaller footprint, smaller coverage, smaller building coverage.

Mr. Kahle commented he didn't understand why the house has to be so close to the road. Mr. Herchakowski stated it was governed by CAFRA that they couldn't go any closer to the river.

Mr. Davis commented that they could go up 400 s.f. which Mr. Surmonte answered yes, but they would have to go back through the permitting process with CAFRA and they could do that but the intent was to respect the river side for the neighbors. Mr. Herchakowski added that because of flooding it was thought it would be safer to be back.

Mr. Foster asked about storm water runoff and the drainage. Mr. Herchakowski stated that Mr. White's review letter conditioned that drainage should be directed towards the river which they would comply. Mr. Foster asked about the existing driveway versus the proposed driveway. Mr. Herchakowski responded that the current driveway runs from Smith Street and they are proposing to relocate it off of Werah Place which puts in a good place nearer to the river to direct runoff.

Mr. Dailey commented that to him it seemed everyone's concern was with the entry foyer coming out to the covered porch, pointed out the grade shots and concern that the entry foyer may be too low, considering the flooding. There was a lengthy discussion concerning the proximity to the road, the lowness of the grade and potential solutions to resolve the issues including the reduction of a couple of risers and raise the entry foyer to avoid dampness in heavy rain and bring it closer to the house away from the street.

Mr. Davis commented his concern was for the grade at the front and the foyer to be moved back and more blended in compared with the house to the north.

Chairman Widdis expressed concern for the driveway location and backing up towards the river on an active road where the public walks down to the water and there should be no parking permitted on the roadway. Mr. Herchakowski responded that they did the best they could to improve the driveway which had been approved by the Zoning Officer.

Mr. White clarified for the record that the ordinance permits the porch to encroach 6' into the front setback with an open porch which brings it to 24' and the Applicant proposes 15.3' – so its 24' required, not 30'.

There was additional discussion concerning the roof pitch of the foyer and the visual impact.

PUBLIC: Chairman Widdis opened the hearing to questions of this witness only.

Joseph Keller, Monmouth Beach, asked what was the maximum height in the town and was told 35' but houses lifting because of substantially improved are permitted to go up to 40' but not beyond BFE.

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

Mr. Herchakowski stated that they heard the Board's concerns and they could cut the front porch down.

Mr. Schmidt commented that they had tried to position the house appropriately but the garage would require a complete re-design but they would take a look at the front foyer.

Mr. Davis commented that he wasn't concerned with the driveway because it was permitted and he wasn't there to request anything for it and clearly the other neighbor has the same thing, he was more concerned with the front setback and seeing it increased by at least half.

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

Motion to Carry Application to December 14, 2021, with no additional notice required

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese

Mr. Foster recused himself from the next matter as he lives within 200' and exited the meeting at 8:29 PM

2. PB2021-19 Keller, Joseph

22 Asbury Avenue
Block 92, Lot 1

EXHIBITS:

A-1 Land Development Application

A-2 Location Land Survey of Lot 1 in Block 92" prepared by Thomas Finnegan Land Surveying, dated June 17, 2021

A-3 Location Land Survey of Lot 1 in Block 92" prepared by Thomas Finnegan Land Surveying, dated September 22, 2021

A-4 Architectural deck sketches, unsigned and undated, consisting of four (4) pages

A-5 Board Engineer Review Letter, Collier's Engineering & Design, dated Oct. 20, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. While waiting for the public to respond, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4, A-5. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

Joseph Keller, Applicant/Owner, 23 Spalding Place, Monmouth Beach, was sworn in. Mr. Keller provided testimony concerning his ownership of 22 Asbury Avenue which is occupied and he is the sole owner of the LLC. Referring to Exhibit A-3, described the existing structure, the expansion portion of the deck and a proposed patio which require variance relief for maximum building coverage and maximum impervious coverage. There is not a lot of living space on the 1st floor and the existing deck was narrow and rotting away so they wanted to expand it provide three season living space and adding the future patio. The renter is a family member. Mr. Keller reviewed and described the plan showing the deck as it previously existed and the plot plan that shows the reconstructed deck and started expansion of the deck until he was apprised that he needed a variance. The deck was in bad shape and rotting and the new layout would provide better use of the backyard. He described the proposed dimensions of the deck. There is also a proposed patio that would need impervious coverage variance.

Chairman Widdis asked questions about the dimensions of the deck and walkways. The deck does not extend past the house, the patio would extend over to the walkway. The stone driveway will remain unchanged as well as the stone by the shed. The patio stops 3' from the sides to allow for garden area. The patio blocks to be used were likely impervious.

Chairman Widdis asked what lighting would be used. Mr. Keller answered none at this time but would add where needed.

Ms. Cooper asked if the deck would be 3-season would it be enclosed and was told no.

Ms. Cooper asked if the deck would have gaps between the boards and what was under it and was told, yes, there were gaps and ground beneath. Ms. Cooper asked if the deck then should be considered in the impervious coverage. Mr. White advised based on that new information, the deck would not be included in the impervious coverage and would now comply.

Mr. Whitson asked then the variance being requested is only for building coverage and was told yes.

Mr. Kahle asked if there were any plans for a gas-fire pit and was told there is one already existing – propane, not gas line.

Mr. Davis commented that they are changing the impervious coverage though. Ms. Cooper corrected but that number on the plan was now wrong because of the deck.

Chairman Widdis urged that any lighting not impact the neighbors. Mr. Keller responded that there were 2 existing fixtures on the house and the only thing they may add would be lighting caps on the deck.

Chairman Widdis asked questions about the fence and landscape along that property line and was told there was an existing fence and shrubbery.

PUBLIC: Chairman Widdis opened the hearing to questions of this witness only. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

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

Motion to Approve Application as Amended for Building Coverage Variance of 28.12 where 25' permitted.

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

3. PB2021-20 CORSI, MICHAEL

27 Burnt Mill Circle

Block 136, Lot 46

EXHIBITS:

A-1 Land Development Application

A-2 Survey of Property, prepared by Charles V. Bell Associates Inc., dated May 6, 2017

A-3 Architectural Plan "Corsi Residence, Proposed Residential Renovation and Addition", 4 Sheets, unsigned, last revised May 4, 2021

A-4 Colored Rendering of building front view, undated

A-5 Board Engineer Review Letter, Collier's Engineering & Design, dated Oct. 12, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. While waiting for the public to respond, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4, A-5. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

Michael Corsi, Applicant/Owner, was sworn in. Mr. Corsi testified that his application was for a variance to approve a front porch encroachment more than 6' into the front yard setback. This was due to the overhang which was not included in the initial setback. He considered reducing porch to 5.5' but didn't work with furniture and porch columns and was seeking variance for the additional 8".

There were no questions from the Board.

PUBLIC: Chairman Widdis opened the hearing to questions of this witness only. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

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

Motion to Approve Application

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Foster, Savarese

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

XII. Adjournment: As there was no further business, the meeting was adjourned at 8:52 pm on a motion by Mr. Kleiberg which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary