



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • OCTOBER 26, 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 p.m.
- II. **Flag Salute:** Chairman Widdis led attendees and Board members in the flag salute.
- III. **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.
- IV. **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.
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Absent	
Thomas Tvrdik	Class III	Absent	
Joseph Foster	Environmental Committee Liaison	Present	
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	7:08 PM
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 of upcoming applications for the Nov. 9th including 101 Smith St, 9 Pocano Ave and 22 Asbury Ave.

Ms. Smith next advised that the 2nd matter on the agenda had a potential notice issue and would be rescheduled. Ms. Smith advised the Board that the annual calendar had not scheduled the 2nd meeting in November as the Board had decided that it would add the date if the calendar deemed it necessary. Ms. Smith requested to add the 2nd meeting at this time but because the Borough Planner was not available for the 11/23 date, polled the Board for availability for the previous week. Afterwards it was decided to schedule another meeting for Tues., 11/16/21 with Ms. Smith to advertise in accordance with law and notify the applicant of the new date.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Oct 12, 2021 7:00 PM

RESULT:	ACCEPTED [4 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Foster, Kahle
ABSTAIN:	Kleiberg, Davis
ABSENT:	Cooper, Tvrdik, Savarese, Dailey

Mr. Dailey entered the meeting at 7:08 PM

2. Planning/Zoning Board - Special - Oct 18, 2021 7:00 PM

RESULT:	ACCEPTED [6 TO 0]
MOVER:	James Whitson, Vice Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Dailey
ABSTAIN:	Davis
ABSENT:	Cooper, Tvrdek, Savarese

VIII. Old Business:

1. **PR-21-30** Resolution of Approval – 66 Shrewsbury Ave. 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. Foster and received the below roll call:

RESULT:	ADOPTED [4 TO 0]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Foster, Kahle
ABSENT:	Cooper, Tvrdek, Savarese
INELIGIBLE:	Kleiberg, Davis, Dailey

IX. New Business:

1. PB2021-17 West End-KB, LLC CARRIED from October 12, 2021
10 Bridgewaters Drive
Block 101, Lots 6 & 7

EXHIBITS:

- A-1 "Preliminary and Final Major Site Plan," 11 Sheets, prepared by InSite Engineering, LLC, dated May 26, 2021, last revised October 1, 2021
- A-2 "Stormwater Management Report" prepared by InSite Engineering, LLC, dated May 26, 2021.
- A-3 "Environmental Impact Report" prepared by InSite Engineering, LLC, dated June 2, 2021.
- A-4 "New Construction Oceanport Cove", 2 Sheets, prepared by Jeremiah J. Regan, AIA, last revised April 20, 2020
- A-5 Color Rendered Aerial of Site dated October 1, 2021
- A-6 Color Rendered Site Plan dated October 1, 2021
- A-7 Conceptual Streetscape entitled "Oceanport Cove", dated October 1, 2021
- A-8 "Location & Topographic Survey," prepared by Land Control Services, LLC, last revised March 5, 2021
- A-9 Review Letter prepared by Colliers Engineering & Design dated September 17, 2021

William White, Board Engineer, was sworn in

Jennifer Krimko, Attorney for the Applicant, appeared and summarized the witnesses being called. Ms. Krimko described and marked Exhibits A-1 – A8. Mr. Kennedy described and marked Exhibit A-9.

Jason Fichter, Applicant's Engineer & Planner, was sworn in, presented his qualifications and was accepted by the Board as an expert in both fields of engineering and planning. Mr. Fichter began testimony with a description of the property, location, surrounding developments, located in a flood zone with base elevation of 8.0 required, existing grades, proposed finish floor of 15.05', location of utilities; the project is not considered major development by either the Borough or DEP standards, properties to the west and south drain onto subject property, a portion of the site frontage drainage drains towards Bridgewaters Drive and ultimately into the tidal water body to the east. In the proposed condition, the subject site will continue to accept runoff from western and southern neighbors, reduce runoff to the property to the east and will capture almost all runoff and direct it to Bridgewaters Drive and discharged to the tidal water body as it does today. Recent roadway improvements removed/covered the inlet on their frontage – their goal is to re-use that pipe connection to the tidal discharge point.

Mr. Fichter next testified that the project has a compliant 24' driveway along western frontage; each unit will have its own 2-car garage with additional room for a 3rd vehicle in the front; the site is required to provide 10 parking spaces with proposed being 20 spaces; 8 of the 20 spaces are designated for common spaces where only 2 would be required; described location of the refuse container and would

work out collection with the town; described proposed site lighting with 4 pole mounted LED lights with intent to match existing fixtures installed by the Borough as close as possible as the existing fixtures are no longer manufactured; lighting will be 12' high around perimeter; fixtures will have house side shields and will cast zero light onto the residential neighbors to the south; footcandles to the east and west will not exceed ½ footcandle – the standard limit – the ordinance is silent on levels so respectfully requests a design waiver if one is required by the Board.

An attractive evergreen buffer is proposed along western and southern property lines with Leland cypress, driveway to be lined with decorative grass, buffering the AC condensers with decorative grasses, frontage will have a blend of trees, shrubs and grasses to soften it; low decorative landscape wall proposed just behind the front property line – max height of 12 inches – to assist with slope of front yard and create an attractive streetscape; proposing to maintain existing curb with the exception of the driveway.

Mr. Fichter also testified that the Application technically needed a design waiver for proposing a 4' wide concrete sidewalk that matches and connects to sidewalks on either side of subject site but ordinance requires 15' and use of pavers.

Mr. Fichter further testified that the application proposes a small, low, 12 sf sign at the driveway entrance to identify the property which requires a variance as the zone only permits wall signs.

Ms. Krimko asked Mr. Fichter if there was anything in the Board Engineer's review letter that the application couldn't comply with. Mr. Fichter testified that the Applicant agrees to comply with the conditions of the letter from an engineering perspective.

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

Mr. White asked if cans for garbage were proposed at the street? DPW does not handle garbage – done by an outside contractor. There was lengthy discussion on whether to use a dumpster in the rear serviced by a private hauler; cans stored in garage to put to street; Ms. Krimko and Mr. Fichter concluded that they would provide a refuse enclosure in the rear, to be screened, with homeowners to bring cans to street if using Borough's service or have option to hire outside vendor and use a dumpster and deal with the borough for reimbursement through the Municipal Services Act.

Mr. White also wanted it noted that the road is under moratorium and would need approval from the Governing Body to open for services.

Mr. Dailey asked applicant to consider pulling the retaining wall further back from sidewalk to provide for plantings and site impacts. Mr. Fichter offered it was possible. There was discussion concerning how far to push back, need for sufficient room to plant required trees in front yard; how best to soften the slope. After which the Applicant agreed to shift the retaining wall back to a front yard setback of 2.5' and shift the building and parking lot back another 1' so not to lose front yard.

Mr. Kahle asked if there was any concern for fire trucks getting to the rear and being able to turn around. Mr. Fichter responded that the requirement is if the driveway is more than 150' long then a turnaround has to be provided, this driveway is not that long.

Mr. Kahle expressed concern for those that might park in the driveway and asked if a couple signs could be put up saying no parking in the driveway. The Applicant agreed.

Mr. Davis asked if there was a site triangle for the sign. Mr. Fichter confirmed it was out of the site triangle.

Mr. Foster asked questions about light spillage, Mr. Fichter revisited the spillage – none to take place on any residential – only on commercial parking lots. Mr. Foster asked if it would be dark sky compliant and was told yes – would be shielded downward.

Mr. Foster asked questions about fencing and was told it was proposed only on southern and western property lines. He asked if there would be any shrubs along easterly property line. Mr. Fichter responded, no, but he had thought the same – applicant will provide evergreens on easterly line.

Chairman Widdis asked questions about the floor elevation of the garage and expressed concern about flooding there. Mr. Fichter reviewed the flood elevation requirements, flood vents and flood resistant construction.

Chairman Widdis asked if the driveway would have signage for enter/exit – no it was a two-way width driveway.

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

Jeremiah Regan, Applicant's Architect, was sworn in, presented his qualifications and having appeared before the Board previously was accepted as an expert in the field of architecture.

Referring to Exhibit A-4, Mr. Regan provided testimony concerning the development of the building plans, codes, 2-story with parking underneath that would be stacked (not side-to-side) and an additional parking space on the outside of the garage; first floor is an open plan, front balcony, rear deck and stairway to driveway, 3BR, mechanicals planned for the attic space for 2nd floor and hung from ceiling for first floor; building height from crown of road complies; the materials and colors will be consistent with what is presented in the conceptual plan.

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

Mr. Davis asked questions about the exterior siding – will be cedar impressions on the front, blackboard on the sides, and gable ends.

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

Michael Sickle, 9 Lake Drive, was sworn in and advised he was the property owner to the rear/south and asked about screening for the AC units and decks – was told there would be 6' fence with a row of trees.

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

Mr. Fichter, Applicant's Planner, having been previously sworn in, provided testimony describing the waivers and variances being sought: d(1) use variance for the residential on the first floor and a c(2) variance for the proposed sign; reviewed the permitted uses for the zone, the previous use by Brummer's Tree Service was not a permitted use; argued that the site would no longer support commercial use as indicated by the extended periods of vacant commercial space in the village centers; argued that the proposed use of 4 townhomes would be suitable and preserves the multi-family character of the immediate community including multi-family developments to the north, west and east of the site; residential is a permitted use but use variance needed for residential on the 1st floor. Mr. Fichter stated it was his opinion that the Bridgewaters Drive is best suited to multi-family development; another benefit of the proposed development was to populate this neighborhood and create more foot traffic for the existing commercial uses - a very common planning strategy for creating vibrant walkable downtown communities. The Applicant believes in doing so they are proposing the highest and best use based on particular suitability of the site that serve the general welfare. The suitability of the site to support the proposed use is ideal as well per his earlier engineering testimony. A variance being sought for signs only permitted on walls which presumes the commercial space at ground level but this application proposes strictly residential with the entire front façade dedicated to the residential units leaving no space for a wall sign; the application proposes a modest sign at ground level at the driveway, outside of the triangle which they believe is a better planning alternative as opposed to a façade sign. Mr. Fichter testified that in support of the relief being requested he looked at the purposes of planning in order to demonstrate how the application advances those purposes: general welfare will be best served by the particular suitability of the multi-family development to serve the general welfare; securing safety from flood, providing adequate light, air and open space with all bulk requirements considering same being met; promotion of establishing appropriate population densities that contribute to the well-being of the community; provides additional population to support the commercial uses in the zone, as well as a necessary housing alternative; creation of an attractive development and ultimately conserve and improve property values in the neighborhood. There is a zoning overlay that covers this site known as the Village Center Affordable Housing overlay which permits multi-family development with an affordable component having 5 or more units which this application does not meet that threshold as it only proposes 4-units. He reviewed the Borough's 2016 East Main Street Urban Design and Resiliency Plan which proposes combining of lots for multi development – the Applicant proposes to combine 2 lots which only supports 4 units. The application proposes a use consistent with the multi-family residential development contemplated for the site with a walkable Main Street community; the project is an infill project that encourages pedestrian activity.

Mr. Fichter further testified that he sees no adverse impact to the public since the proposed development will blend with the existing neighborhood. He argued that there was more potential for adverse impact with additional commercial space since there's so much of that already and site is off the beaten path of Main Street.

Mr. Fichter summarized his testimony concluding that the benefits substantially outweigh any detriments, if any.

Chairman Widdis asked for questions from the Board.

Mr. Foster asked for additional details about the aesthetics of the sign seeking a variance. Ms. Krimko directed him to the plan detail and that it would not be internally lit but would likely have gooseneck lighting or ground mounted lighting.

Mr. Whitson asked if the sign was really needed if there wouldn't be resident turnover. Ms. Krimko responded that it wasn't for the residents, but for Amazon, deliveries, visitors, etc. The sign will include the address.

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

Ms. Krimko concluded with a summary of the testimony and requested approval of the application. There was discussion on the details to be added/included for the refuse container – where entrance door would be located and landscape buffer and the relocation of the retaining wall.

Motion to Approve Application with Conditions

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

2. PB2021-16 Barker's Circle
Applicant: Barker's Circle Partnership, LLC

Block 110, Portion of Lot 1
Proposed New Block 110.20, Lot 1 - 2000 Avenue of Memories
Proposed New Block 110.21, Lot 1 - 2200 Avenue of Memories
Proposed New Block 110.22, Lot 1 - 100 Barker's Circle
Proposed New Block 110.23, Lot 1 - 200 - 500 Barker's Circle
Major Site Plan Approval

Due to a potential notice issue, this application will be re-scheduled with new notice required.

- X. 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.
- XI. Adjournment:** As there was no further business, the meeting was adjourned at 8:25 pm on a motion by Mr. Kleiberg which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary