BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● OCTOBER 25, 2022

Regular **Clement V. Sommers Municipal Building** **7:00 PM**

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order: Chairman Whitson called the meeting to order at 7:00 PM.

II. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 20, 2022 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.

III. Flag Salute: Chairman Whitson led attendees and members of the Board in the flag salute.

IV. Board Policy: Chairman Whitson advised of the following Board policies: It is Board Policy that no application will be opened after 10:00 P.M.; no new testimony will be taken after 10:30 P.M., except at the discretion of the Board

V. Roll Call:

Attendee Name	Title	Status	Arrived
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Present	
Joseph Foster	Environmental Commission Liaison	Absent	
Christopher Widdis C	Class IV	Present	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Present	
Michael Dailey	Class IV	Absent	
Leslie B Widdis L	Alternate I	Present	
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 the next meeting was scheduled for WEDNESDAY, November 9, 2022 and described applications for 60 Werah Place and 274 Port Au Peck Avenue and possibly one other.

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Sep 27, 2022 7:00 PM

RESULT:	**ACCEPTED [6 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Christopher Widdis C, Class IV
AYES:	Whitson, Kahle, Cooper, Widdis C, Davis, Widdis L
ABSTAIN:	Tvrdik
ABSENT:	Foster, Kleiberg, Dailey

VIII. Old Business:

1. PR-22-29 Resolution of Approval - 35 Wyandotte Ave. As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and conditions which was moved for approval by Mr. Widdis, seconded by Mrs. Barham-Widdis.

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Christopher Widdis C, Class IV
SECONDER:	Leslie B Widdis L, Alternate I
AYES:	Whitson, Kahle, Cooper, Widdis C, Davis, Widdis L
ABSENT:	Foster, Kleiberg, Dailey
INELIGIBLE:	Tvrdik

2. PR-22-30 Resolution of Approval - 19 Main Street. As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and its conditions. Mr. Kennedy advised that the attorney had requested that the resolution be modified to clarify nothing therein would bar or prevent the applicant from installing a hose bib to which there were no objections. Councilman Widdis asked about the requirement to record the resolution. Mr. Kennedy advised that the requirement was for a deed restriction. Resolution as amended was moved for approval by Mr. Widdis, seconded by Mr. Kahle.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Christopher Widdis C, Class IV
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Davis, Widdis L
ABSENT:	Foster, Kleiberg, Dailey

3. PR-22-31 Resolution of Approval - 196 Monmouth Blvd. As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and its conditions and advised that he had indicated the right of way dedication as 3.5' but Mr. Aikens advised it should be 3' to the Borough for the terms which are acceptable to the Borough – no objections. After which the resolution as amended was moved for approval by Mrs. Barham-Widdis and seconded by Mr. Davis

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Leslie B Widdis L, Alternate I
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Davis, Widdis L
ABSENT:	Foster, Kleiberg, Dailey

4. PR-22-32 Resolution of Approval – 190-192 Monmouth Blvd. As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and its conditions including the requirement for a construction access easement and associated terms to the adjacent owner. Mr. Kahle questioned if the easement was temporary or would be passed to new owners. Mr. Widdis commented that the thought was that the easement goes away if that house were ever torn down which was agreed upon. After which was moved for approval as modified by Mr. Widdis, seconded by Mrs. Barham-Widdis.

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Davis, Widdis L
ABSENT:	Foster, Kleiberg, Dailey

5. PB2022-18 Carchio, Kathleen. Ms. Smith received correspondence from Applicant's attorney advising that revised plans would be completed and submitted by the coming Friday and requested to carry the application to the November 9th meeting with no additional notice.

   Motion to Carry Application to November 9, 2022 with no additional notice required

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Leslie B Widdis L, Alternate I
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Davis, Widdis L
ABSTAIN:	Widdis C
ABSENT:	Foster, Kleiberg, Dailey

IX. New Business:

1. PB2022-19 Harvey, Chris
   28 Revere Drive
   Block 65, Lot 18.01
   Variance relief for impervious coverage for patio and pavers

EXHIBITS
A-1 Land Development Application
A-2 Sketch of Pool As-Built Survey for 28 Revere Drive, prepared by R.C. Burdick, PE, PP, PC, dated Jan. 25, 2022
A-3 Colliers Engineering & Design Review Letter dated September 7, 2022
A-4 Sketch of Pool As-Built Survey for 28 Revere Drive without patio and pavers, prepared by R.C. Burdick, PE, PP, PC, dated Jan. 25, 2022

The following person(s) were sworn in: William White, Board Engineer/Planner
Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. As there were no objections to the notice, stated that he and Ms. Smith had reviewed the notice and found it to be in order. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4.
Chris Harvey, Applicant/Owner, was sworn in and testified that he had been before the Board and received approval for a pool for impervious coverage. At the time he hadn't thought he would need a patio but later during construction decided otherwise and put the patio in and he is before the Board to seek variance for the additional impervious coverage.
Chairman Whitson invited questions from Mr. White and Board members.
Mr. Kahle asked if there was any drainage issues with neighbors or on the property. Mr. Harvey answered no.
Mr. Davis commented he recalls the first hearing and recommending a patio.
Mr. Widdis commented that A-2 and A-4 note the same lot coverage when one of them should be a lower number. Mr. Widdis asked when it was approved and was told 2019.
Mrs. Barham Widdis asked if there was a setback issue for the patio. Mr. White responded patios are at grade and don't have a setback requirement as not considered a structure.
Mrs. Barham Widdis asked the Applicant if he knew he was putting in a patio why didn't he seek the variance before installing. Mr. Harvey responded that he thought it would be done before anyone noticed it.

PUBLIC:
Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Davis made a motion to approve the application which was seconded by Councilman Tvrdik who asked that the motion be conditioned upon revising the plan for the correct impervious coverage.

Motion to Approve Application

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Davis, Widdis L
ABSENT:	Foster, Kleiberg, Dailey

X. Petitions from the Public:
Chairman Whitson opened the meeting for petitions from the public. As there was no one from the public present, Chairman Whitson closed that portion of the meeting.

XI. Adjournment:
As there was no further business, the meeting was adjourned at 7:26 pm on a motion by Councilman Tvrdik which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary