BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● OCTOBER 24, 2023

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 Feb. 10, 2023 of this meeting and its location, date and time to the Asbury Park Press, Star Ledger 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 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
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	Absent
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Absent
Kevin Calver	Alternate I	Absent
Robert Kleiberg	Alternate II	Absent
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 there were no pending applications with one expected to be filed shortly. The next meeting is scheduled for November 14, 2023 which falls during the League of Municipalities and final meeting is scheduled for December 12, 2023. Due to equipment installation for the new audio/visual in the meeting room, Dec. 12th meeting will need to be cancelled. There was discussion on whether to cancel both and schedule a final meeting for the year on Nov. 28 after Thanksgiving. All members present agreed to reschedule the Nov. 14 meeting to Nov. 28 and cancel the Dec. 12 meeting.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Aug 8, 2023 7:00 PM

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

2. Planning/Zoning Board - Regular - Sep 26, 2023 7:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Cooper, Tvrdik, Widdis L, Davis
ABSTAIN:	Kahle
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg

3. Planning/Zoning Board - Regular - Oct 10, 2023 7:00 PM

RESULT:	**ACCEPTED [4 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Tvrdik, Widdis L, Davis
ABSTAIN:	Kahle, Cooper
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg

VIII. Old Business:

1. **PR-23-19** Resolution of Approval - 360 Myrtle Ave: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Councilman Tvrdik and received the below roll call:

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Cooper, Tvrdik, Widdis L, Davis
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg
INELIGIBLE:	Kahle

2. **PR-23-20** Resolution of Dismissal without Prejudice - Oport Partners LLC - Phase III: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and the circumstances of the application including the length of time on file, project will have new plans, and application fees paid will be credited to the new submittal. Mr. Davis made a motion to approve the Resolution, which was seconded by Ms. Barham-Widdis and received the below roll call:

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

3. **PR-23-21** Resolution of Approval, 34 Main Street: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution as amended, which was seconded by Councilman Tvrdik and received the below roll call:

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Tvrdik, Widdis L, Davis
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg
INELIGIBLE:	Kahle, Cooper

4. PR-23-22 Resolution of Approval - 498 Branchport Ave: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Ms. Barham-Widdis and received the below roll call:

RESULT:	**ADOPTED [3 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Cooper, Widdis L, Davis
ABSTAIN:	Tvrdik
ABSENT:	Foster, Widdis C, Dailey, Calver, Kleiberg
INELIGIBLE:	Whitson, Kahle

IX. New Business:

1. PB2023-13 Marra, Marybridget
   Block 66, Lot6
   540 Shrewsbury Avenue
   Reconstruct rear yard deck and new screened porch requiring variance relief for:

-Rear yard setback for principal structure where 25' required, 8' existing, 12'proposed.
- Maximum impervious coverage where 37% permitted, 49.30% existing and 47.44% proposed

EXHIBITS:
A-1 Land Development Application
A-2 Plan entitled “Addition - Alteration Marra Residence,” (1 Sheet), prepared by Jeremiah Regan, AIA, last revised August 4, 2023.
A-3 Plan entitled “Survey of Property”, (1 Sheet) prepared by Thomas M. Ernst & Associates, last revised July 31, 2023
A-4 Colliers Engineering Review Memorandum dated September 8, 2023
A-5 Recorded Deed and Easements, Block 66, Lot 6
A-6 Plan entitled “Survey of Property”, (1 Sheet) prepared by Thomas M. Ernst & Associates, dated April 9, 2018

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, stated notice was reviewed and found to be in order. Mr. Kennedy described, marked **Exhibits A-1, A-2, A-3, A-4, A-5 and A-6.**
Councilman Tvrdik stated for the record that he represented the seller of the property when Ms. Marra purchased the home but does not feel there is a conflict.
The following persons were sworn in: William White, Board Engineer/Planner, Marybridget Marra Owner/Applicant and Jeremiah Regan, Applicant’s Architect having been previously accepted as an expert in architecture with all licenses current.
Ms. Marra testified that she has owned the property for approximately 5 ½ years, there is a single family home that she resides in and described her application to remove the above ground pool, remove the existing dilapidated deck and construct a new updated deck that was smaller and safer and screened porch.
Mr. Regan testified to the proposed improvements as well as an addition of a rear screened porch which would have electric only, no plumbing or gas. Mr. Regan described the proposed porch 18’x12’ with a rear yard setback variance being sought for 12’ where 8’ exists and 25’ required. They are making everything smaller.
Councilman Tvrdik asked questions about the porch dimensions and clarified a portion of the plan.
Chairman Whitson asked if there would be any outside lights that intrude on neighbors and was told no by Mr. Regan.
Mr. Kahle asked questions about the dimensions of the other structures.
Mr. Davis asked why was the deck being located on the opposite side of the deck - its usually the porch and then the deck on the other side. Ms. Marra testified that the house had just been sided and there was a large bay window that she liked the view from and would prefer the porch on the other side of the deck.
Ms. Barham-Widdis asked questions about the ingress/egress, would there be a railing, entrance details to the porch, was there any other exit to get off the porch deck will be low enough not to need a railing.
Mr. White stated the variances required for rear yard setback, impervious coverage and the easements addressed his concern about the shed.
Ms. Barham-Widdis asked if the shed was staying. Ms. Marra said the small one was being removed.
Councilman Tvrdik commented that the easements were put in place to allow the one shed to stay there.
Mr. Davis asked if it would be a 4 season deck. Ms. Marra answered she was planning on a 1 season deck.

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 on the condition that a deed restriction be placed on the accessory structure and that it could not be enclosed or converted to an apartment which was seconded by Mrs. Barham-Widdis.

Motion to Approve with Conditions

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

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

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 7:28 pm on a motion by Councilman Tvrdik which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary