BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● OCTOBER 22, 2019

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: This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News 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	
Darren Davis	Mayor's Designee	Present	
Robert Proto	Council Liaison	Present	
Joseph Foster	Environmental Commission Liaison	Absent	
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	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

V. Board Business:

1. Planning/Zoning Board - Regular – Sept. 24, 2019 7:30 PM

Chairman Widdis called for a motion to approve the minutes of September 24, 2019, which was made by Mr. Whitson, seconded by Mr. Kahle and approved by the eligible members of the Board.

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Kahle, Kleiberg, Tvrdik
ABSENT:	Foster, Savarese, Halpern
INELIGIBLE:	Davis, Proto

2. Resignation of Daphne Halpern

Ms. Smith summarized Ms. Halpern's resignation letter and her thanks for the opportunity to serve on the Board, but due to new work commitments would no longer be able to serve.

VI. Old Business:

1. PB2019-09 Oceanport Board of Education

Ms. Smith advised that the Board of Education (BOE) resubmitted plans and comments to the Planning Board resolution. She advised that the revisions were submitted to the State, and the State required the BOE to address the concerns/recommendations from the Governing Body. Chairman Widdis recalled that most recommendations concerned parking and traffic flow for Wolf Hill. Mr. Davis stated that this was a first submission for Maple Place and the plan for nine parking spaces were not revised to show their removal. Chairman Widdis suggested postponing the discussion until the Board has more time to review the submission. Mr. Kleiberg stated that additional information should be required on lighting and handicap parking. Mr. Kennedy provided a history of the application and advised the Planning Board can request additional information. Chairman Widdis stated the Planning Board needs a more formal presentation so the Board can be better prepared. Councilman Proto stated the governing Body will receive a presentation from the architect and would be willing to present any questions at the Nov. 7th, 2019 Mayor & Council meeting but also believes there should be a formal presentation to the Planning Board.

Chairman Widdis called for a motion to have Ms. Smith send a letter requesting a representative to attend a future meeting which was made by Mr. Whitson, seconded by Mr. Kleiberg and approved by the eligible members of the Board.

VII. New Business:

1. PB2019-11 Mangan, Nichola

Vacant Lot Shrewsbury Ave
Block 66, Lots 3 & 4
Bulk variance for lot width, 120' required, 102.09 existing

Mr. Kennedy advised that the notice had been reviewed and deemed deficient and therefore the Board would not hear the application that evening. Mr. Kennedy asked if anyone from the public was present to hear that application for which no one responded. Mr. Kennedy then advised the Board that the Applicant was being rescheduled for the November 12, 2019 meeting and new notices were required.

Mr. Tvrdik recused himself from the next matter due to personal conflict and exited the meeting at 7:46 pm

2. PB2019-13 Pulley, Gregory
   27 Morris Place
   Block 60, Lot 9
   Variance relief for addition to single family home

Exhibits:
A-1 Land Development Application
A-2 Architectural Plan, (1) Sheet, prepared by Jeremiah J. Regan, AIA, last revised Aug. 29, 2019
A-3 Location and Topographical Survey, prepared by Land Control Services, LLC, dated 6/10/19.
A-4 Maser Review letter dated September 24, 2019

William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibits A-1, A-2, A-3 and A-4** for the record.

Mr. Kennedy asked if there was anyone present who had an objection to the notice provided for this application. Hearing none, advised that he had reviewed the notice, found service in order and the Board had jurisdiction.

Gregory and Rose Pulley, Applicants/Owners, were sworn. Architect Jeremiah Regan was sworn.

Mr. Kennedy disclosed he was working with Mr. Regan on another project, but has no direct or indirect financial relationship with him. Mr. Regan was accepted as an expert in the field of Architecture. Mr. Pulley provided an overview of the reasons for their Application. Mr. Regan described the current condition of the home and the proposed renovation, explained the existing non-conforming conditions of undersized lot, lot width, lot coverage, front yard and a side yard setback. He provided details regarding the proposed modifications, variance required, and impervious surface coverage. Mr. White stated that if approved, the Applicants would be required to submit signed & sealed topographic survey, and grading plan near the addition. Mr. Foster asked for clarification regarding the addition of a roof to the patio and removal of the shed. Mr. Kleiberg asked about insulation and heating.

PUBLIC:

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

Mr. Kahle made a motion to approve the application subject for the rear setback, maintaining the shed, causing increased lot coverage and requiring a variance, which was seconded by Mr. Kleiberg and received the following roll call:

Motion to Approve Application

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Davis, Proto, Kahle, Kleiberg
ABSENT:	Foster, Savarese, Halpern
RECUSED:	Tvrdik

Mr. Tvrdik re-entered the meeting at 7:58 pm.

VIII. Resolutions:

1. Resolution of Approval - Oceanport Urban Renewal Project LLC, 274-278 E. Main Street

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

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Kahle, Kleiberg, Tvrdik
ABSENT:	Foster, Savarese, Halpern
INELIGIBLE:	Davis, Proto

2. Resolution of Approval - Joe Fiore, 36 Tohicon Pl.

As the resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution and requested clarification from the Board regarding height of fence on top of wall. Mr. White advised he spoke with the Applicant, who will agree to whatever the Board requires. There was discussion regarding the height of the fence and retaining wall.

After which Mr. Whitson made a motion to approve the resolution as amended which was seconded by Mr. Tvrdik and received the following roll call:

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Thomas Tvrdik, Alternate I
AYES:	Widdis, Whitson, Kahle, Kleiberg, Tvrdik
ABSENT:	Foster, Savarese, Halpern
INELIGIBLE:	Davis, Proto

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public.

Carl Rhodes, part owner of Monmouth Park Corporate Center II (MPCCII), Carol Truss, Attorney for Mr. Rhodes and Stephanie Hicks, owner of CrossFit, new tenant at MPCC II appeared before the Board, provided an overview of current tenants and amount of vacancies, pending expansions and new tenant CrossFit looking to move in. At hand was the determination of what amount of parking was required for the tenant uses at the site, memorandum of understandings between the owners and the Planning Board and the ordinance requirement that the Board determine the amount of parking for the use as proposed by CrossFit, not the Zoning Officer. The Zoning Officer had directed them to make application to the Board for an interpretation. Due to time constraints they were appealing to the Board that evening. Discussion ensued regarding the amount of space to be leased, number of parking spaces not yet designated, the parking requirements for additional space to be leased by St. Barnabas, the owner's intent to make application to expand parking area into ballfield area to address the St. Barnabas parking requirements and the anticipated demand for the CrossFit fitness center based on the size of fitness classes and whether the Zoning Officer was able to make an administrative decision for the CrossFit use. John Johnson, Zoning Officer, appeared and testified that he received the zoning application, requested and received additional information. He was unable to make a determination on parking because the Board needs to review and interpret the ordinance. Mr. Johnson agreed with Mr. Kennedy that there was no specific authority for Mr. Johnson to administratively approve the application. There was discussion regarding the agreement between the Borough and property owner with respect to the need for zoning review for new tenants. Ms. Truss read a pertinent part of the ordinance into the record and stated their position regarding parking for the new tenant. There were mixed feelings among the Board whether the Board had ability to provide a determination that evening. Mr. Tvrdik suggested allowing a conditional zoning permit and have the property owner return before the Board with a formal application. Councilman Proto agreed that a conditional permit would allow the tenant to move forward, and that Mr. Johnson review the ordinance and provide suggestions to amend the ordinance. Mr. Kennedy suggested that Ms. Truss arrange a phone conference between himself, Mr. Johnson, herself and anyone else from her team to discuss the memorandum.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

X. Adjournment: As there was no further business, the meeting was adjourned at 8:38 pm on a motion by Mr. Whitson which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary