BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● OCTOBER 13, 2020

Regular **REMOTE/VIRTUAL** **7:30 PM**

Municipal Building, 315 E. Main Street, 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 15, 2020 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. This meeting further complies with the Open Public Meetings Act by notification on October 6, 2020 of this virtual/remote meeting, its location, date and time, and URL address at which to participate in the meeting to the Asbury Park Press and Star Ledger and by the posting of same on the municipal bulletin board and Borough Web Site. Chairman Widdis then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.

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

IV. **Roll Call:**

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

V. **Board Business:**

1. Report of Pending Applications

Ms. Smith advised that a Special Meeting had been scheduled for October 20, 2020 for the specific purpose of hearing three pending applications. Notice of the Special Meeting had been provided in accordance with law and application documents were available for public and Board inspection on the Borough website by going to the Planning Board page and selecting the thumbnail for public inspection of documents.

VI. **Old Business:**

1. PB2020-01 Sempkowski, Anthony

Mr. Kennedy advised that Walter Toto, Attorney for the Applicant had contacted the Board advising that they were waiting for revised plans to be completed and was seeking a further adjournment of the hearing for the application. There was discussion concerning the issue of continuing to carry the application to a date certain with limited agenda space not being available for other pending applications. After which, Mr. Whitson made a motion to carry the application with further notice to be provided and sufficient time for the Engineer to review revised plans in advance of the new hearing date which was seconded by Mr. Foster and unanimously approved by the Board members present.

Motion to Carry Application with further notice to be provided upon new hearing date

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Dailey, Rue
ABSENT:	Savarese, Davis

2. PB2019-15 Triumphant Life Church
   501 Malterer Avenue
   Block 110.07, Lot 1

EXHIBITS:

A-1	Land Development Application
A-2	Preliminary & Final Site Approval of New Parking Lot at Existing Place of Worship, Sheets 1-10, prepared by BABS Engineering, P.C., dated July 5, 2018, last revised May 26, 2020.
A-3	FMERA Mandatory Conceptual Review, dated June 9, 2020
A-4	Utility Will-Serve Letter from FMERA, dated January 13, 2020
A-5	Review Memorandum prepared by Maser Consulting P.A., dated August 31, 2020

Rachel Marshall, Esq., for the Applicant, briefly described the application for an existing church located at former Fort Monmouth Chapel seeking site plan approval with variances namely in regards to the parking; they are looking to add 130 new spaces to the existing 87 spaces; and design waivers.

Mr. Kennedy stated for the record the Board had previously accepted jurisdiction at a previous meeting where there hadn't been sufficient time to start their application. Mr. Kennedy described and marked Exhibits A-1, A-2, A-3, A-4 and A-5.

William White, Board Engineer/Planner, was sworn in.

Mr. Kennedy requested that Ms. Marshall identify individuals/officials involved with the property owners for purposes of identifying any conflicts and doing so there were no conflicts found amongst the Board.

Rachel Marshall, Esq., for the Applicant, provided further details as to their presentation, provided a history of the church's purchase of the property, a condition being the requirement of additional parking.

Pastor Lyddale Aikins, CEO / Operator of Triumphant Life Church, Assembly of God, was sworn in and testified to additional details concerning the church, its membership, impacts of COVID, and the requirement for the parking; their lease of parking area from FMERA; described church activities and services – prior to COVID, no school but a Bible Institute for training and educational elements for the non-profit neighbor Family Promise. Chairman Widdis asked what their typical operating hours entailed which Mr. Aikins explained staff during the day, bible studies/classes in the evening, sometime an activity on Saturday and regular services on Sundays.

Chairman Widdis requested questions of this witness from the Board members. Hearing none, he asked questions about the far side of the property there was a bus and was it associated with the operations of the church. Pastor Aikins responded, yes, they actively minister to the community with the RV and trailer for sound equipment and different things and would be stored at the subject site.

PUBLIC:

Chairman Widdis opened the meeting to questions for this witness only. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Babbutune Adewunmi, Professional Engineer / Professional Planner, was sworn in and presented his qualifications and was accepted as an expert as NJ licensed engineer and planner.

Mr. Adewunmi provided testimony concerning the site plan, review of the zoning tables for both the Borough and Fort Monmouth's Land Use Rules; minimum side yards, parking, the difference between Oceanport's parking requirements and FMERA's requirements; the creation of 130 parking spaces to support the site, described the proposed parking layout and location of expanded areas to increase from 87 existing spaces to a total of 217 parking spaces which exceeds the minimum of 1 parking space for every 3 seats in the church which seats 495 so no variance required for parking; described the landscaping and the addition of more shrubs as requested by the Board Engineer; reviewed existing lighting and lighting intensities of minimum

2.92 and maximum of 6.2; reviewed plans for construction details, ingress/egress. Mr. Adweunmi reviewed the technical comments provided by the Board Engineer and Fire Marshal which they will comply with the exception of some design waivers. Mr. Adewunmi noted requested waivers for plantings of shade trees along the front and parking island plantings which Mr. White advised he had no concerns with granting the waiver.. Mr. Adweunmi next provided testimony concerning lighting of site, lighting intensity, hours of operation. Mr. White asked Mr. Adweunmi concerning comment 5 – fixtures in conflict with vehicles – Mr. Adweunmi said they will comply with placing those on a 2' concrete pedestal and any light that falls on the curb line or behind it will be at least 2' behind so no vehicle impacts it. Mr. Adweunmi also testified to traffic circulation - that peak traffic events would be Sundays per the report submitted to the Board; concerning the handicap spaces, there are 13 existing handicap spaces in various locations; they do not require that many but left them in place as put in by the army. Mr. White and Board members expressed concern as to the distance of those spaces not being located close to the building walkways and access points – the Applicant will relocate handicap spaces to the north side of the building; design waiver sought for south parking lot due to driveway aisle widths – Board Engineer recommends restriping the lot; the Applicant will comply with notes to the plan of the exact ADA Accessible routes and their slopes; stormwater comments will be worked out between the engineers; the County will be reviewing the drainage as well as the site fronts on County road Sherrill Avenue; the Applicant will comply with providing AutoCad of the site and tax map revision fee. Mr. Adweunmi testified that they are not subject to SHPO as the site does not fall within historic district.

Chairman Widdis asked how the Applicant would landscape buffer the vehicles parked across the street. Mr. Adweunmi deferred to Pastor Aiken. Mr. White asked if it was possible to locate the vehicles in the southeast corner of the new expanded parking lot sort of tucked behind the church and wrap it around with plantings which Mr. Adweunmi stated they would do that but would create a new pavement area increasing impervious coverage. The engineers would work that out further. Pastor Aikens asked was there a legal requirement that the vehicles not be parked there overnight. Mr. White answered that the regulations don't provide for storage of vehicles, and it was an aesthetic concern. Pastor Aikens advised there was an RV, passenger van and a bus that they use for their ministries and the tree line hides them from the residential areas. The trailers would be removed.

Chairman Widdis asked for questions from the Board.

Mr. Whitson stated he thought the vehicles should be located in a way to protect the neighbors.

Mr. Kleiberg asked questions about handicap parking. The Applicant has agreed to relocate handicap spaces nearer to the building and not crossing parking lot. Pastor Aiken clarified that the spaces to the south were there originally for the Family Promise site which are no longer needed with their new parking lot.

Councilman Tvrdik asked questions about the trees, maintaining tree line on Malterer Ave and asked if more could be added on the northeast side of the lot to buffer the parade ground. Pastor Aiken explained that there were sidewalks and existing large trees that FMERA would not let them remove and leaves no room for additional plantings. Chairman Widdis asked if that could be left for the Engineers to work out which there was no objection.

Mr. Kahle asked if there was any parking on Malterer and was told there used to be but it was taken out.

Mr. Foster asked questions about the lighting being on after 10pm and was told correct – it would not be on past 10pm. Mr. Foster expressed concern for overflow of lighting to the residential areas but was concerned about security and dark skies. Mr. Adweunmi stated that all the lighting are LED per FMERA to make it consistent with other lighting throughout the redevelopment area, they will look at addressing lighting downward if they can revisit with FMERA. Chairman Widdis asked Mr. White to contact FMERA with the Board's concern.

Mr. Dailey asked about lighting if it was excessive. Mr. Adweunmi responded that they were done to FMERA's standard and was not what the Applicant had wanted. Mr. White commented that FMERA's looking for the fixtures from the historic guidelines due to its proximity to the historic district; he also advised that he had gone to FMERA about buffering parking lots with the Tetherview site plan and was told no, they were not to buffer the parade ground. Mr. Dailey asked if there could be removal of the excessive light fixtures that overlap and put trees in there; Mr. White answered the overlap was in order to achieve the average light candles. Mr. Adweunmi commented they were willing to go back to FMERA and see if that could be accommodated.

Ms. Cooper stated her questions had been answered and thanked them for being willing to work with the engineer.

Mr. Rue asked about parking in front of church being shown as parallel and it appeared abandoned. Mr. Adweunmi advised that had been eliminated and pointed out same on the plan which was a condition from

FMERA. Mr. White interjected that the street was owned by FMERA and neither the Applicant nor the Borough had any jurisdiction on the parallel parking. Mr. Rue commented he wished that there were additional aisles in the parking lots.

PUBLIC:

Chairman Widdis opened the meeting to questions for this witness only. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Chairman Widdis asked Mr. White to outline the design waivers requested which included:

-southern parking lot to be reshaped and restriped to get as much as 23.85' aisle where 25' required

- parking lots in excess of 25 spaces to provide 10% of interior with trees and shrubs, proposing 3.9% as it would mean eliminating a number of parking spaces without setback issues; Mr. White commented that the Applicant was in a difficult position due to FMERA's requirements and had no concern with the waiver request.

- waiver of a pedestrian walkways to the parking lots in excess of 50', Mr. White commented that was for more intense uses such as a mall or retail space and had no concern granting the waiver.

Chairman Widdis asked for comments on the requested waivers from the Board with no objections.

PUBLIC:

Chairman Widdis opened the meeting to questions for this testimony. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

PUBLIC:

Chairman Widdis opened the meeting to comments on the application. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application with Conditions

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Dailey, Rue
ABSENT:	Savarese, Davis

VII. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. Ms. Smith restated the contact information for the public to participate. As no one from the public presented, Chairman Widdis closed that portion of the meeting.

VIII. Adjournment: As there was no further business, the meeting was adjourned at 9:31 pm on a motion by Mr. Foster which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary