BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● SEPTEMBER 27, 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	Absent	
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Present	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Present	
Michael Dailey	Class IV	Present	
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 October 11, 2022. Described four scheduled applications for variance relief and/or minor subdivision.

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Aug 9, 2022 7:00 PM

RESULT:	**ACCEPTED [4 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster
ABSENT:	Tvrdik, Kleiberg
INELIGIBLE:	Widdis C, Davis, Dailey, Widdis L

2. Minutes of Sep 13, 2022 7:00 PM - Re-scheduled for next meeting.

VIII. Old Business:

1. PB2019-11 Mangan, Nichola

Vacant Lot - Shrewsbury Ave
Block 66, Lots 3 & 4
Request for Extension of Approval PR-19-27

Ms. Smith advised the Board that she was in receipt of correspondence seeking to extend the approval granted for this application (PR-19-27) for a single-family home on the lot due to delays related to obtaining NJDEP approvals. William Mangan, 521 East St, Long Branch, appeared and answered questions from the Board including had any part of the plan changed; rejected for not fulfilling requirement, reapplied.

PR-22-28 Extension of Approval for PR-19-27 – *added and read in full*

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, Kleiberg

2. **PR-22- 27** Resolution of Approval - 18 Balmer Court

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Leslie Barham-Widdis, Class IV Member
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, Kleiberg

IX. New Business:

1. PB2022-17 Shaw Construction Company, LLC
   35 Wyandotte Ave
   Block 19, Lot 14
   Minor Subdivision

EXHIBITS:
A-1 Land Development Application
A-2 Minor Subdivision Plan prepared by InSite Engineering, LLC, last revised July 12, 2022
A-3 Colliers Engineering & Design review letter dated August 19, 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.

Matthew Dolan, Applicant's Attorney, appearing provided a summary of the application for minor subdivision fully conforming subdivision with no variances being sought, reviewed the requirements for minor subdivision pursuant with the municipal land use law. Expert witness, Ms. White of InSite Engineering.

Jennifer White, Applicant's Engineer, was sworn in and presented her credentials and was accepted as an expert in engineering. Ms. White provided testimony referring to Exhibit A-2, concerning preparation of the minor subdivision plan and plans to demolish existing structures in order to create two lots, no new structures being proposed presently, the lot is a "through" lot/double lot and meets the minimum requirements for lot area, frontages and widths; no utilities planned for this application, no changes to stormwater runoff. Ms. White also testified as to comments from the Board Engineer concerning side yard setback and that 10' was shown to reflect that as the option with the other side being required to be 15' to meet combined yard requirements. Any future improvements will comply with the side yard setback requirements.

Chairman Whitson invited questions from Mr. White and Board members.

Mr. White stated there is no relationship despite same last name. He had no questions.

Mr. Widdis stated that with the planning showing 10' and 10' wanted to be sure that wasn't construed to appear as a variance. Mr. Dolan confirmed correct, they are not seeking any variances.

Mr. Davis commented that in reviewing the neighborhood he would prefer to see the 15' side yard on the left-hand side to keep them further away from adjacent houses. Mr. White reminded Mr. Davis that the application was a fully conforming subdivision and that the Board did not have the authority to dictate which side of the combined sides. Ms. Smith added that the house locations would

have zoning review at the time submitted.

Mr. Kahle asked Ms. Smith to expound on that. Ms. Smith advised that they were currently here for subdivision only. Before they can proceed with any house constructions, both lots would need new zoning applications to review for zoning compliance.

Mr. Foster asked about removal of the existing structure. Mr. Dolan said yes, but was not sure when, but shortly.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions on this witness. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Kahle asked additional questions about whether the Board had any input on which side should be the larger yard for the side yard. Mr. Kennedy responded that this was only for the creation of 2 lots. At the time the developer or new owner submits to construct any dwellings, they are required to submit housing plans and plot plan to be reviewed again for zoning and if not compliant they would have to come back.

Mr. Kennedy reviewed conditions if approved. It was discussed whether the house had to be torn down before perfection. Mr. White recommended that the accessory structure should be removed but there was sufficient setback for the house and was not needed to be demolished before perfection of the subdivision.

Motion to Approve Application with Conditions

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Christopher Widdis, Class IV Member
AYES:	Whitson, Kahle, Cooper, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, 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 7:38 pm on a motion by Mr. Widdis which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary