BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● SEPTEMBER 26, 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	Departed
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Absent	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Present	8:03 PM
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Present	
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 the next meeting was scheduled for October 10, 2023 with one application for 34 Main St. for legalization of a shed.

VII. **Approval of Minutes:**

1. Minutes of August 8, 2023 - Tabled
2. Minutes of September 12, 2023 - Tabled

VIII. **Old Business:**

1. PR-23-17 Resolution of Approval - 10 Riverside Ave: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Councilman Tvrdik made a motion to approve the Resolution as amended, which was seconded by Mr. Kahle and received the below roll call:

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

2. Resident Comments to Board concerning Monmouth Park development project - Chairman Whitson acknowledged receipt of resident comments included for the record.
3. R-23-18 Resolution of Recommendations - NJSEA Monmouth Park: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Councilman Tvrdik made a motion to approve the Resolution as amended, which was seconded by Mr. Kahle and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Cooper, Tvrdik, Foster, Widdis C, Widdis L, Davis
ABSENT:	Kahle, Dailey, Calver, Kleiberg

IX. New Business:

1. PB2023-10 Jungfer, William
Block 86, Lot 5
360 Myrtle Avenue
Legalize construction of 8x10 shed in secondary front yard and driveway/parking area in second front yard that requires variance relief for:
- Accessory structures (shed) prohibited in front yards
- Driveway/Parking area on Spring Lake Ave is limited to a single car width. Driveway was constructed at 24' width.

EXHIIBITS
A-1 Land Development Application
A-2 Survey of Property, Lot 5, Block 6 prepared by Charles Surmonte, PE/PLS, dated June 8, 2023.
A-3 Topographic Survey, Lot 5, Block 6 prepared by Charles Surmonte, PE/PLS, dated June 8, 2023.
A-4 Collier's Engineering & Design Review Letter dated August 14, 2023
A-5 Portion of Survey of Property of Previous Conditions

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 and marked **Exhibits A-1, A-2, A-3, A-4 and A-5.**
The following persons were sworn in: William White, Board Engineer/Planner, William Jungfer Owner/Applicant and Jenna Jungfer, Owner.
Mr. Kuchinski testified that he had sold the property and at the time it was brought to his attention that the existing shed was installed without property permits and was seeking approval for the shed to stay in the same location which requires variance relief for the side yard setback for 5.5’ where 10’ required.
Mr. Conahan submitted letters of support for the application which were marked as Exhibit A-4.
Chairman Whitson asked if there were questions from the Board.
Mrs. Barham Widdis asked questions about electricity to the shed, height of the shed, was an electrical permit obtained - no, would be upon approval from the Board.
Mr. Widdis asked questions about the shed dimensions and if there was a ramp - no.
Mr. Foster asked additional questions about the electricity and were there plans to install lighting such as spotlights. Mr. Conahan testified there was none currently and no plans to install.
Councilman Tvrdik asked questions about the description of the property, grading, drainage.
Mr. Foster asked if the shed was on stone and was told yes, on stone and 2x4s.
Mr. Widdis asked if there was code requiring the shed to be tied down. Ms. Smith advised that the shed was undersized for UCC code and only required zoning approval.

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.
Councilman Tvrdik made a motion to approve the application on the condition that if the shed were to have any work other than maintenance, it would need to be relocated to comply with the setbacks and that proper permits are applied for which was seconded by Mrs. Barham-Widdis.

Motion to Approve with Conditions

Motion to Approve as Amended with Conditions

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Cooper, Tvrdik, Foster, Widdis C, Widdis L, Davis
ABSENT:	Kahle, Dailey, Calver, Kleiberg

Councilman Tvrdik recused himself from the next matter and exited the meeting at 8:03 PM

2. PB2023-11 DaSilva, Jeanpierre
   Block 65, Lot 31
   498 Branchport Avenue
   Proposed 1 story addition and replace and expand existing rear deck that requires variance relief for:
   - Maximum impervious coverage permitted 37%, 39.1% existing and 42.6% proposed.
   - Side Yard Setback, Accessory structure: 10' required, 0.9' existing

EXHIBITS:
A-1 Land Development Application
A-2 "Site Plan," 3 Sheets, prepared by Shore Point Architecture, PA, last revised August 6, 2023
A-3 Location & Topographic Survey prepared by Land Control Services, dated June 8, 2023
A-4 Colliers Engineering Review Letter dated August 22, 2023
A-5 Zoning Denial Letter
A-6 Photographs of Existing Conditions, 1 Sheet, taken by Shore Point Architecture, PA
A-7 Coverage Calculations prepared by Shore Point Architecture, PA

The following persons were sworn in: William White, Board Engineer/Planner, Andrea Fitzpatrick licensed Architect at Shore Point Architecture.

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 and marked **Exhibits A-1, A-2, A-3, A-4 and A-5.**

Ms. Fitzpatrick, Applicant's Architect, gave opening statement of the proposed improvements and the two variances- first is for impervious coverage and the second is for setbacks associated with the shed. The homeowners would like to remove the shed to help lower the impervious coverage. Removing the shed would bring the coverage down 56 square feet which would bring them down from 42.6% impervious coverage to what they are asking for 42.1%. It would eliminate the variance for the shed setback. They are looking to put a one-story addition to rear of property. There is a small outdoor shower that will be removed. They want to add a bedroom, full bathroom and living space on the first floor. They will not be adding a full kitchen, only a kitchenette. They want to extend an existing wood deck and try to close the gap between the addition and deck. There are additional site modifications they want to make. On the North side of the property there is a walkway that connects to the property next door and one that comes off the existing deck that leads to the pool. They want to do away with the walkway that extends to connecting property.

Chairman Whitson asked if this had a separate entrance for an apartment. He has a corn that this could be used as an apartment at some point. Ms. Fitzpatrick said there is no separate entrance but a shared one on the deck.

Ms. Cooper wanted to clarify that there is an outside door that leads the mechanicals. Ms. Fitzpatrick said there is no basement so they keep all mechanicals in this room. It's a utility platform. There is no way to go through the room to make another entrance. Ms. Cooper asked if they will be keeping the slate walkway. Ms. Fitzpatrick said they will be keeping a walkway but would like a solid. Ms. Cooper said they must come down on the impervious coverage.

Mr. Foster said there is a concern about stormwater run-off because of elevation of property. He also has concerns about space being eventually turned into a rental space. He also aske if additional lighting will go along with the addition of the deck and what kind will be used. Ms. Fitzpatrick said there would only be 1 new fixture at the door on the deck, no spotlight or floodlight.

Mr. Davis said he likes the plans for the home. He wants language that the home can never become a two family and no stove can be installed.

Ms. Cooper asked if the downspouts are tapped out what is the plan with them. Ms. Fitzpatrick said they discharge to grade will be the same water flow that currently exists.

PUBLIC: Chairman Whitson asked if there were any questions or comments from the public on this application. With no one appearing, Chairman Whitson closed that portion of the meeting.

Chairman Whitson asked if there was comments from the Board.

Mr. Widdis asked Mr. Kennedy if the resolution can be recorded in perpetuity, he wants to make sure if this property is ever sold whoever buys it knows it cannot be a two family.

Mr. Kennedy said that they could put a deed restriction confirming it will only ever be a single-family home.
Mr. Foster said the property to the right is lower, he would like a proposal of how you can mitigate the rainwater runoff.
Mr. Davis said they can use the bottom leader, take that runoff, and channel it in a subsurface pipe to the backyard and put a bubbler on and the pressure will run all the water off.
Mr. White said take the two new leaders and pipe them out to the street. All rear roof leaders will be piped to the front yard.
Mr. Davis made a motion to approve based on home not being a two family, no stove, drainage as being described, removal of shed and deed restriction which was seconded by Mr. Foster.

Motion to Approve with Conditions

RESULT:	**ADOPTED [6 TO 1]**
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Cooper, Tvrdik, Foster, Widdis C, Widdis L, Davis
NAYS:	Whitson
ABSENT:	Kahle, 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 8:33 pm on a motion by Mr. Davis which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary