BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● SEPTEMBER 24, 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 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	Absent	
Robert Proto	Council Liaison	Absent	
Joseph Foster	Environmental Committee Liaison	Present	
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	
William White	Board Engineer/Planner	Present	
Kevin Kennedy	Board Attorney	Present	

V. **Board Business:**

1. Planning/Zoning Board - Regular - Aug 13, 2019 7:30 PM

Chairman Widdis called for a motion to approve the minutes of August 13, 2019, which was made by Mr. Whitson, seconded by Mr. Kahle and approved by the eligible members of the Board.

2. Planning/Zoning Board - Regular - Sep 10, 2019 7:30 PM

Chairman Widdis called for a motion to approve the minutes of September 10, 2019, which was made by Mr. Whitson, seconded by Mr. Kleiberg and approved by the eligible members of the Board.

VI. **Old Business - None:**

VII. **New Business:**

1. PB2019-12 Fiore, Joe
   36 Tohican Place
   Block 4, Lot 5
   Request for side yard setback of 0’ where 10’ is required for retaining wall

Exhibits
A-1 Land Use Development Application of Joe Fiore
A-2 Plot Plan prepared by Mid Atlantic, dated July 13, 2018, last revised August 1, 2018
A-3 Photograph of both properties, taken by Mr. Bebout on September 21, 2019
A-4 Plot Plan prepared by Mid Atlantic, with handwritten modifications from Mr. Fiore

William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibits A-1, A-2** 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.

Joe Fiore, Applicant/Owner, was sworn. He requested that his neighbor joining him be sworn. Clifford Bebout, 34 Tohican Place, was sworn in.

Chairman Widdis requested a brief history of the property before the Board, which Mr. Fiore provided. Mr. Fiore explained that his reason for the Application was because the initial grading plan wasn't sufficient to keep water off Mr. Bebout's property. Together, they proposed a retaining wall, a swale and pipe connected to downspouts to direct the water to the street. Mr. Fiore stated the proposed retaining wall would be 30" high. Mr. Bebout requested that 36" be approved. Mr. White explained that currently, there was a steep slope, and raising the wall will pick up the grade and create a "U". Mr. Bebout stated there was concern that the stone fill in the swale will still send runoff toward his property. Mr. Fiore provided more specific details on the wall. Mr. Bebout introduced **Exhibits A-3.** Mr. Fiore introduced **Exhibit A-4** and explained new grading. There was additional discussion regarding the height of retaining wall and direction of runoff. Mr. White stated a small section of the retaining wall should be at 36". Mr. Bebout provided information regarding the pitch of the proposed pipe. Mr. Kleiberg advised that cleanouts will be required as well as overflow for leaders and updated Plumbing permit. Mr. Foster, Mr. Fiore and Mr. White discussed the length of the pipe, which will not be in the right of way.

Chairman Widdis opened the meeting to questions from the public. As there were none, he closed that portion of the meeting. Chairman Widdis opened the meeting to comments from the public. As there were none, he closed that portion of the meeting.

Motion to Approve Application of Joe Fiore

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Thomas Tvrdik, Alternate I
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Davis, Proto, Savarese, Halpern

2. PB2019-11 Oceanport Urban Renewal Preservation LLC
   274-278 E. Main St.
   Block 121, Lot 5
   Site Plan with variance(s)

Exhibits
A-1 Land Use Development Application of Chris Harvey
A-2 Survey prepared by LAN Associates, dated March 27, 2019 (1 sheet),

A-3 Partial Topographic Survey, prepared by PS&S, dated July 3, 2019 (1 sheet)
A-4 Preliminary and Final Site Plan, prepared by PS&S, dated August 12, 2019 (8 sheets)
A-5 Maser Consulting Review letter dated September 9, 2019
A-6 Illustrated Site Plan Rendering With Landscaping Details, prepared by PS&S, dated August 12, 2019
A-7 Vehicle Truck Circulation Plan, prepared by PS&S, dated August 12, 2019
A-8 Signage Details, prepared by PS&S, dated March 14, 2019

William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibits A-1, A-2, A-3, A-4, A-5** 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.

Arron Brotman, Applicant's Attorney, appeared and advised that Wells Fargo Affordable Housing Community Development Corporation was the majority owner, and Oceanport Urban Renewal Preservation LP was the primary owner, which consists of Matt Finkel and Dave Pierson.

Mark Cifelli, Applicant's Engineer was sworn, provided his qualifications and background and was accepted as an expert in the field of Engineering. Mr. Brotman explained that the Application was regarding ongoing interior and exterior updates to Oceanport Gardens. Mr. Cifelli described current conditions of the property, including number of units and parking spaces and proposed improvements, including solar pedestrian crossing lights.

Serena Menendez, Property Manager for Oceanport Gardens, was sworn. She provided testimony regarding the current use of the site, specifically regarding meals delivered and that each unit has a kitchen.

Mr. Cifelli explained that the Applicant wishes to restripe the parking lot and add one parking spot, renovate the trash/recycling area and introduced **Exhibit A-6,** and described ADA parking, landscaping, lighting and signage. Signage would require a variance. Mr. Cifelli stated the Applicant is also requesting waivers for the width of the rear driveway, adding concrete curbing rather than Belgian block. The request for a waiver for parking width will be eliminated. Mr. White reminded the Board that the proposed signage is similar to the nearby Jockey Club. Mr. Foster requested clarification regarding parking on the north side of the building, driveway width and vehicle circulation plan. Mr. Cifelli explained how restriping would allow an additional parking spot, how sloping would be appropriate and no change to the truck pattern. Mr. Cifelli introduced and explained **Exhibit A-7.** There was additional discussion regarding the proposed crossing signage.

PUBLIC:
Chairman Widdis opened the meeting to the public for questions regarding the Application.

Karen Long, 32 Revere Dr., asked for information regarding interior upgrades. Ms. Menendez, previously sworn, stated that all apartments are being renovated with new kitchens, flooring, appliances, countertops, toilets and windows. There are no plans for elevator replacement.

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

Jason Schooling, Applicant's Planner, was sworn and provided his qualifications and background. He provided testimony regarding signage for ingress and egress, which would require a C-2 variance. Mr. Schooling stated that the benefits would outweigh any detriments by providing better direction and promoting a desirable visual environment. The signs will be visible from the street, but not cause any intrusion or distraction. Mr. Schooling discussed the reasons for the waiver requests for concrete curbing and reducing the width of the rear driveway. Mr. White explained the reasons to allow the reduction in width. Mr. Foster requested information regarding the size of the signs. Mr. Schooling stated the signs will be 78 ½" by 48" and 51 ½" by 31 ½".

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 from the public.

Jeffrey Oakes, 60 Pemberton Ave., asked if the Planning Board would be sitting on the proposed ADA Committee. Chairman Widdis asked Mr. Oakes to focus on this application. Mr. Oakes stated he was in favor of approving the application, particularly the crosswalk improvements. He asked if the crosswalks in front of the Community Center will be addressed. He stated he has petitioned Monmouth Park Racetrack for improvements to handicap parking. Chairman Widdis advised that Mr. Oakes may discuss other topics at the end of the meeting.

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

Motion to Approve Application of Oceanport Urban Renewal Preservation LP

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

VIII. Resolutions:

1. Resolution of Approval, The Loft Partnership, 552 Caren Franzini Way

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

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Joseph Foster, Environmental Committee Liaison
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Foster, Kahle, Tvrdik
ABSENT:	Davis, Proto, Savarese, Halpern
INELIGIBLE:	Kleiberg

2. Resolution of Approval, Nancy Herman, 33 Iroquois Ave

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

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Davis, Proto, Savarese, Halpern

3. Resolution of Approval, Carl Ingrassia, 544 Seawaneka Ave

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. Kahle and received the following roll call:

Motion to Approve PR-19-21

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

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

Jeff Oakes, 60 Pemberton Ave., reappeared and reiterated his concern regarding the sidewalk in front of the Community Center. He asked if the Planning Board would have the authority to ban the sale of alcohol. Ms. Smith advised that only the Governing Body is permitted to adopt ordinances, and the Planning Board has authority only to grant variances from those ordinances. Mr. Oakes discussed the hypocrisy of the Board in relation to medical cannabis. Mr. Oakes also stated that the drain on Pemberton Ave. is frequently clogged, and he takes it upon himself to clear it. He asked that the Borough be more cognizant of maintenance of it. Mr. Oakes further added that the property owner at the end of Pleasant Pl. has made unapproved changes to the end of the road. Mr. White advised that location will be added to the Monmouth County DPW list of areas for cleanout.

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 9:09 pm on a motion by Mr. Whitson which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary