



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • SEPTEMBER 13, 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	Departed
James Whitson	Chairman	Present		
John (Jack) Kahle	Vice Chairman	Present		
Patty Cooper	Mayor's Designee	Present		
Thomas Tvrdik	Class III	Late	8:00 PM	
Joseph Foster	Environmental Commission Liaison	Present		
Christopher Widdis C	Class IV	Absent		
Robert Kleiberg	Class IV	Absent		
Darren Davis	Class IV	Present		
Michael Dailey	Class IV	Present		8:00 PM
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:**

- Report of Pending Applications - Ms. Smith advised the next meeting was scheduled for September 27, 2022. Two applications scheduled are a minor subdivision with no variances and an as-built pool exceeding the approval for impervious coverage.

VII. **Old Business:**

- PR-22- Resolution of Approval - 144 Monmouth Blvd - As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and its conditions which was moved for approval by Mr. Kahle, seconded by Ms. Cooper.

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

VIII. **New Business:**

- PB2022-18 Carchio, Kathleen

Block 51, Lot 2
60 Werah Place
Construction of a rear covered porch addition seeking variance relief for:
- Rear yard setback, 19.75' proposed, where 25' required
- Maximum building coverage, 28.4% proposed where 25% permitted
- Impervious coverage, 43.4% proposed, 39.9% existing, 37% permitted
DFD 12/08/2022

EXHIBITS:

- A-1 Land Development Application
- A-2 Plan entitled "Proposed Rear Porch Addition," prepared by Monteforte Architectural Studio, LLC, last revised April 21, 2022.
- A-3 Plan entitled "Final As-built Survey" prepared by C.C. Widdis Surveying, LLC, dated November 8, 2019.
- A-4 Colliers Engineering & Design review letter dated August 10, 2022
- O-1 Photograph of Flooded Rear Yard Patio taken by Theresa Lonnie, 57 Manitto Place
- O-2 Photograph of 60 Werah Flooded Rear Yard while under construction taken by Theresa Lonnie, 57 Manitto Place
- O-3 Photograph of 60 Werah Walkway after flooding dissipated, taken by Theresa Lonnie, 57 Manitto Place

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. A member of the public appeared with questions about the application, not the notice to which Mr. Kennedy instructed him what portion of the meeting they would have that opportunity. 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, A-4.

Anthony Almeida, Applicant's Attorney, appearing provided a summary of the application for variance relief for a rear covered porch expansion, and introduced applicant's architect.

James Monteforte, Applicant's Architect, having previously appeared before the Board was accepted as an expert in architecture. Mr. Monteforte provided testimony describing the proposed expansion of the rear landing in the southeast corner of the house, the history of the house being built, and variance relief granted that included a patio not yet constructed. He described the contours of the rear yard, slopes, and drainage of existing site. Mr. Monteforte advised the Board that the survey provided was slightly off by inches as it was pre-construction and not the as-built survey. As a result, the front yard setback on his plan is shown as 30.04' but actual is 31.3' and the combined side yard setbacks, were at 25.61 (shown as 21.61) and fully compliant, the rear yard setback was shown as 27.17' on his plan but actual was 31.45' to the existing house. Proposed rear yard setback is at 19.875' to the covered porch. He testified that all would be corrected on a new plan should the Board approve. Three variances in total being sought for rear yard setback, building coverage and impervious coverage.

Mr. Monteforte stated there was no plan to change any grades, currently water is handled by existing water collection system and the runoff from the roof would be directed to the front.

Mr. Kahle asked questions about the underground drainage system and how it collects and if it would collect for the new improvements; there was discussion with Mr. White on whether the soil type would be an issue for the drainage plan; Mr. Kahle's reluctance to approve something without knowing if the drainage plan would work. Mr. Monteforte will work with Mr. White.

Chairman Whitson commented that he was also concerned about giving a condition approval subject to the drainage plan without the Applicant providing engineering testimony.

Chairman Whitson asked for questions from Mr. White and the Board.

Mr. Foster expressed concern on behalf of the Environmental Commission with impervious coverage variances and his concern that the plans do not show what Mr. Monteforte testified to concerning drainage. He also asked for the plan to show where the dry well was and how was the well serving the property and his concern that residents tend to fill them up.

Ms. Cooper expressed concern that they received variance approval for the patio and now they were seeking even more with no plans for the drainage that might or might not work and how the neighbors would be impacted.

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

Mr. Almeida acknowledged that they would need an engineer to provide that information and asked the Board if they would provide guidance as to whether the Board would look on the application with favor with the understanding that they would return with an engineer. There was further discussion concerning the drainage and how it would be addressed.

PUBLIC: Chairman Whitson opened the meeting to the public for statements on the application.

Joy Lonnie, 57 Manitto Place, commented that the patio being proposed was gigantic and expressed concerns for drainage and impacts to her property adjacent to the rear, provided a history of the area and water issues and has concern for the drainage to be addressed. Mr. Monteforte responded referring to the plan, where and how the drainage would flow.

Richard Lonnie, 57 Manitto Place, offered his comments on the drainage and submitted 3 photographs of the site conditions. Mrs.

Lonnie described the photographs which were marked as **Exhibits O-1, O-2 and O-3**.
 Mr. Kahle asked if the Applicant would be willing to look into some type of yard drain that is connected from the downspout on the porch to redirect to front of property and away from neighbor which Applicant agreed to.
 Ms. Lonnie re-appeared and stated for the record that she didn't want to cause any problems – she liked her new neighbor, just want to see the drainage improved.
 Mr. Davis asked if the photographs submitted were taken while the house was under construction which Ms. Lonnie responded yes.
 Mr. Almeida stated that it appears that the Board is not inclined to grant the application as presented and requested an adjournment to a date certain and return with revised plans to address the Board's concerns.
 Mr. Davis asked that the revised plans provide additional topography and spot grades of the drainage issue area and drainage plan that addresses the water flow so that there is no further impacts to the surrounding neighbors.
 Motion to Carry Application with Conditions to October 11, 2022

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Joseph Foster, Environmental Commission Liaison
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey, Widdis L
ABSENT:	Tvrdik, Widdis C, Kleiberg

Mr. Dailey recused himself from the next matter due to a conflict and exited the meeting at 8:00 PM.
 Councilman Tvrdik re-entered the meeting at 8:00 PM.

2. PB2022-16 Poulos, John & Elizabeth
 18 Balmer Court
 Block 65, Lot 1.02
 Proposed accessory structures not permitted in front yard
 DFD 12/13/2022

EXHIBITS:

- A-1 Land Development Application
- A-2 Plan entitled "Final As-built Survey," prepared by InSite Surveying, last revised December 16, 2021.
- A-3 Hand marked copies of the survey prepared by Elizabeth Poulos, LLC, dated June 23, 2022, consisting of three (3) sheets
- A-4 Colliers Engineering & Design review letter dated August 19, 2022
- A-5 Survey of Property prepared by Charles Surmonte, PE/PLS, dated August 19, 2022

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, A-4, A-5

The following person(s) were sworn in: William White, Board Engineer/Planner; John and Elizabeth Poulos, Applicants/Owners.

Anthony Almeida, Applicant's Attorney, appearing provided a summary of the application for variance relief for installation of a patio, hot tub, fire pit and gas grill to be installed in the front yard where accessory structures are not permitted. The property has frontage on Balmer Court, Monmouth Boulevard and Myrtle Ave and therefore has 3 front yards and no rear yard. Mr. Almeida further explained the presentation of a current survey provided to the Board previously depicting the location of the accessory structures which was marked as **Exhibit A-5**.

Mrs. Poulos testified that the survey provided the most recent depiction of the property conditions and she regards her rear yard as the area to the rear of the house up to Myrtle Ave and Monmouth Blvd. where the accessories were to be located.

Chairman Whitson asked for questions from Mr. White and the Board.

Councilman Tvrdik asked for a description of any landscaping planned for privacy and buffer of the accessory structures. Mrs. Poulos described the existing landscape berm and vegetation and additional proposed vegetative plantings.

Ms. Cooper asked if the gas lines were already run for the gas grill. Mrs. Poulos testified that it was her understanding that they would tunnel underneath the patio.

Mr. Foster asked questions about outdoor lighting. Mrs. Poulos described existing lighting at corners of the house for security and low-level landscape lighting 18" above grade in the patio area. Lighting is directed downward and is dark skies compliant.

Chairman Whitson asked for the exact dimensions of the patio which were not depicted on the survey.

Mr. Kahle asked questions about the size of the rounded portion of the patio.

Mr. Almeida redirected the Board advising that the patio was existing and not the subject before the Board.

There was discussion about whether the patio area was built as previously approved and any area added that impacts impervious coverage

Mr. Poulos testified that he spoke with the Zoning Officer and the rounded portion was already part of the original plan and as for lot coverage, there number is nowhere near the maximum permitted. The relief being sought is only for the accessory structures in the front yard.

There was further discussion on the conflicting plans that were submitted with varying information and whether appropriate approvals were obtained, what should be submitted and the actual subject of the application.

Ms. Cooper asked what type of grill would it be – gas or propane and was advised not yet determined.

Mr. Foster requested that any approval be conditioned upon lighting being dark skies compliant and any electric installed as well.

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

Motion to Approve Application

RESULT:	ADOPTED [7 TO 0]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis, Widdis L
ABSENT:	Widdis C, Kleiberg
RECUSED:	Dailey

IX. 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.

X. Adjournment: As there was no further business, the meeting was adjourned at 8:24 pm on a motion by Mr. Tvrdik which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary