



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • AUGUST 13, 2024

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 7:01 PM
- II. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 10, 2024 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 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
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Christopher Widdis C	Mayor's Designee	Present
Patty Cooper	Class III Council Liaison	Present
Joseph Foster	Environmental Commission Liaison	Absent
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Class IV	Absent
David Gruskos	Alternate I	Present
Louis J. Padula	Alternate II	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 that the next meeting was scheduled for September 10, 2024. No new applications have been received.

VII. **Approval of Minutes:**

- Planning/Zoning Board - Regular - Jun 27, 2023 7:00 PM

RESULT: ACCEPTED [7 TO 0]
MOVER: Patty Cooper, Class III Council Liaison
SECONDER: Christopher Widdis C, Mayor's Designee
AYES: Whitson, Kahle, Widdis C, Cooper, Widdis L, Davis, Dailey
ABSTAIN: Gruskos, Padula
ABSENT: Foster, Calver

- Planning/Zoning Board - Regular - Jun 25, 2024 7:00 PM

RESULT: ACCEPTED [7 TO 0]
MOVER: Darren Davis, Class IV
SECONDER: James Whitson, Chairman
AYES: Whitson, Kahle, Widdis C, Widdis L, Davis, Dailey, Padula
ABSTAIN: Cooper, Gruskos
ABSENT: Foster, Calver

VIII. Old Business:

1. PB2024-03 Buono, Frank CARRIED FROM JULY 16, 2024
Block 19, Lot 14.01
35 Wyandotte Ave.

At the request of the Applicant's Attorney, additional time is needed to complete the revised plans and Applicant requests to carry the application with no additional notice required to the September 10, 2024 meeting.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patty Cooper, Class III Council Liaison
SECONDER:	Louis J. Padula, Alternate II
AYES:	Whitson, Kahle, Widdis C, Cooper, Widdis L, Davis, Dailey, Gruskos, Padula
ABSENT:	Foster, Calver

IX. New Business:

1. PB2024-06 Netflix - Request for Waivers

Attorney Lisa John-Basta on behalf of Netflix, Inc. appealed to the Board concerning waivers requested from completeness review checklist, mostly related to outside approvals including Soil Erosion Control Plan, DOT Permit – not applicable as site is not located near State highway and DEP approval for stream encroachment which has been filed and is pending, Monmouth County Planning Board approval – application has been filed and is pending. Mr. White advised the Board that he had no objections to the requested waivers. Board members asked questions about the need for flood information data, impacts of any amendments that will be needed based on the prior approvals. Board members agreed that any approval would condition that any changes from outside approvals would require the Applicant to return to the Planning Board. There was discussion after which Mr. Davis made a motion to grant checklist item waivers for Items 46, 49, 50 & 51.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Darren Davis, Class IV
SECONDER:	Louis J. Padula, Alternate II
AYES:	Whitson, Kahle, Widdis C, Cooper, Widdis L, Davis, Dailey, Gruskos, Padula
ABSENT:	Foster, Calver

2. PB2024-05 KSK-OP-23, LLC
Block 1, Lot 25
23 Vreeland Place
Construct new single family home seeking the following variance relief:
- Minimum lot width, 120' required, 100' pre-existing
DFD 11/06/24

EXHIBITS

- A-1 Land Development Application
- A-2 Boundary and Topographic Survey, prepared by InSite Surveying, LLC, dated August 22, 2023
- A-3 Plot Plan, 6 Sheets, prepared by InSite Surveying, LLC, last revised May 21, 2024
- A-4 Architectural Plans, 4 Sheets, prepared by Brian Fitzgerald, dated March 1, 2024
- A-5 Board Engineer's Review Letter, dated July 9, 2024, Colliers Engineering
- A-6 InSite Engineering Response Letter dated August 2, 2024
- A-7 Plot Plan, 6 Sheets, prepared by InSite Surveying, LLC, last revised July 31, 2024

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.

The following person(s) were sworn in: William White, Board Engineer/Planner ; Patrick Ward, Applicants Engineer

Mr. Kennedy described and marked Exhibits A-1, A-2, A-3, A-4, A-5.

Mark Aikens, Applicant's Attorney, disclosed the principals of the LLC for which no conflicts were found by the Board. Mr. Aikens provided a brief history of the property and structure being proposed for demolition and construction of a new dwelling, pool, pool

fencing, generator, AC and it has been designed to comply with the Borough's zoning requirements. The application does require a variance for lot width – an existing condition of 100' where 120' is required.

Mr. Ward provided testimony for topics including the description of the application to demolish all existing site improvements and develop the property with a new dwelling, attached garage, real pool and patio, and other improvements for a single-family home. The only variance they are seeking is the existing condition of lot width. There is 100 feet of lot width existing and 120 feet is required in a R3 zone. The lot is oversized in area at over 15,300 square feet and 12,000 is the minimum required. All of the setbacks for the principal and accessories comply as proposed. The proposed house is a two and a half story dwelling, a two-car attached garage, a 16 by 32 foot pool in the backyard with a patio surrounding the pool, a rear covered porch and walkway to the house. Three AC condensers on the west side of the garage and a generator. Pool equipment will be in the back right corner of the house. Property is not in a flood zone and complies with the 35' building height. For drainage, Applicant proposes to modify the grades slightly to collect and send out to Vreeland Place via a series of collection inlets and overflow inlets. The variances being sought are a C1 hardship variance for the existing condition. This application is an appropriate use which promotes general welfare; this application is secure safety from fire, flood, panic and other man-made disasters because its new construction; this application provides adequate light, air, and open space and all setbacks comply; this promotes a desirable visual environment.

Board Members asked questions about the pool, the building height, the current grading of the street and the thickness of the asphalt, requested a certified survey with a certified elevation certificate, what type of fence is being installed, recommendations to add two more drains going to the back right, extend the front and enlarged into a recharge system, which Mr. Ward addressed. Chairman Whitson asked Mr. White about the drainage plan and will it work for the neighbors to the right. Mr. White stated that it will improve the current situation.

PUBLIC: Chairman Whitson opened the meeting to the public for questions and then comments.

Andrea Schaus, 25 Vreeland Place, expressed concern with the new landscaping plan and that it would not interfere with the landscaping on her property.

Thomas Tvrdik, 11 Wyandotte Avenue, asked to take into consideration putting in the recharge system on the property as Vreeland Place has no storm drains on it.

David Babad, 21 Vreeland Place, stated he and his wife are opposed to approving the variance and does not feel there is a hardship.

As no one else from the public appeared that portion of the meeting was closed.

Mr. Davis made a motion to approve the application and was seconded by Mr. Padula with conditions including but not limited to inclusion of street trees, compliance with all the promises, commitments and representations the Board made, compliant with the affordable housing regulations, post-construction certification and getting necessary demolition permits, pool fencing and pool gates in accordance with code requirements, submission of a certified elevation certificate, approval from Mayor and Council to violate the five-year moratorium regarding the pavement, put two inlets in the backyard extending the system to the back of the property line, pool lighting is downward lighting, screening of the pool equipment and the generator.

Motion to Approve with Conditions

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Darren Davis, Class IV
SECONDER:	Louis J. Padula, Alternate II
AYES:	Whitson, Kahle, Widdis C, Cooper, Widdis L, Davis, Dailey, Gruskos, Padula
ABSENT:	Foster, Calver

- X. **Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public. As no one else 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 7:55 pm on a motion by Councilwoman Cooper which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary