



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • AUGUST 9, 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	Present	
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Darren Davis	Class IV	Absent	
Michael Dailey	Class IV	Absent	
Leslie B Widdis L	Alternate I	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Absent	

VI. **Board Business:**

1. Mandatory Training Certifications - Ms. Smith distributed Certificates of Completion of Mandatory training to present Board members: Whitson, Cooper, Foster, Dailey, Tvrdik.
2. Report of Pending Applications – Ms. Smith advised of upcoming applications under review including 3 minor subdivisions and 1 variance application that should be ready for the September meetings.
3. Referral from Governing Body - Ordinance Adopting a Redevelopment Plan – Ms. Smith summarized the introduced ordinance referred by the Mayor & Council which implements the next stage in the designation of the warehouse and postal parcels as areas in need of redevelopment and adopts the Fort Monmouth Plan Amendment #15 as the Borough's Redevelopment Plan for those parcels. As the Board was familiar with the project and the ordinance, there were no questions or concerns.
4. Resolution Determining Ordinance #1057 Consistent with the Master Plan

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

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Jul 12, 2022 7:00 PM

RESULT:	ACCEPTED [3 TO 0]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper
ABSTAIN:	Tvrdik, Foster, Kleiberg
ABSENT:	Widdis C, Davis, Dailey, Widdis L

VIII. Old Business:

1. **PR-22-24** Resolution of Approval - 2 Balmer Court

RESULT:	ADOPTED [3 TO 0]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper
ABSENT:	Widdis C, Davis, Dailey, Widdis L
INELIGIBLE:	Tvrdik, Foster, Kleiberg

2. PB2022-08 Molino, Bruno
144 Monmouth Blvd
Block 12, Lot 13
Request for variance for maximum impervious coverage

Exhibits:

A-8 Proposed Swimming Pool Topography Plan, 2 Sheets, prepared by Martin G. Miller, III, PE/PLS last revised 7/28/2022
A-9 Colliers Engineering & Design Review Letter dated August 5, 2022
A-10 Photograph of Rear of Subject Property with front storm drain

John Mele, PE was sworn in as acting Board Engineer.

Mr. Kennedy described and marked Exhibits A-8, A-9, A-10.

Ms. Smith advised that four of the six Board members present had not attended the first hearing on May 12, 2022, however, all four members have certified that they have watched the video and reviewed the exhibits and are eligible to participate.

Martin Miller, Applicant's Engineer and Bruno Molino, Applicant acknowledged that they remained under oath.

Mr. Miller reviewed the revised plan submitted to address the Board's concerns at the last meeting including reduction in size of swimming pool, removed the patio around pool and limited it to a 3' walk, relocation of the shed to a compliant location, removal of pavers from property line and eliminate the encroachment. Mr. Miller stated they just received letter from Mr. White that the permeable pavers submitted were not acceptable. In order to address runoff they have proposed a ground gutter that will go around the basketball court, behind the basketball court and along rear property line and direct into the existing inlet. This will eliminate not only new runoff but existing runoff from their property. If it fills up the 4" pipe will carry to inlet and dissipate it. Mr. Miller testified that given the constraints they have, they have addressed the flexible "c" variance by eliminating most of the runoff related to the new improvement as well as existing will be a substantial benefit to the neighbors thereby outweighing any detriment.

Mr. Mele stated it was difficult to visualize what his testimony proposes to do without a plan to reflect same. He asked regarding the testimony that the area to be removed at the back of the basketball court would be where the gutter was run, if they would propose any lawn inlets to collect or was it supposed to infiltrate into the ground. Mr. Miller responded that it was all stone so runoff was intended to go there and a collection facility wouldn't do anymore. Mr. Mele stated open grade would be better, commented that the detail of the collection would address that part of the property but what about the other side.

Mr. Mele asked questions about the timber railroad tie shown on Exhibit A-7 as it appears to inhibit sheet water flow. Mr. Molino responded that he was unsure as there wasn't a water problem there – there is a storm drain there as well on the neighbors property which may be why there isn't a water problem there.

Mr. Mele asked how deep was the catch basin, Mr. Molino was not sure. Mr. Mele expressed that it was important to have that information to ensure there was positive water flow. There was discussion about where the water flows and inlet locations. The

Applicant testified that they were confident that the pipe would direct the water from the back of the basketball court and yard and follow that path, there is a small swale along rear line that takes to the adjacent property and in other directions.

Mr. Mele commented that the application was there for impervious coverage variance and noted that the proposed pavers were not being accepted as pervious and therefore the application would need 43% impervious coverage where 37% is permitted. It would be beneficial to have a facility to collect and convey it to the existing system. Mr. Molino testified the only time there was water back there was after Sandy and he's been there 16 years.

Mr. Mele asked about the arborvitae landscaping and would they be removed in order to install the ground gutter. There was discussion about the amount of area available at points some having 2-3', other spots only 1'.

Mr. Mele asked if there would be a pool drain that would tie into the system or would it sheet flow down. Mr. Miller answered there would be a flex hose. Any backwash is planned to go through flexible hose to the inlet.

Mr. Mele advised the Board that should the Board grant approval his office could work out with Mr. Miller's office the drainage further. The plan notes for pervious pavers should be removed and the detail of the pavers added to the plan along with the lawn inlet or yard drain, ground gutter. Pool equipment needs to be above the design flood and anything to do with the fencing has to be compliant with code.

Chairman Whitson asked if the drainage onto the neighbor's lot was corrected. Mr. Miller responded that they are collecting all of their water near Lot 12 away from that lot, however, because of the elevation on Lot 12 that neighbor would still have ponding.

Mr. Mele asked Mr. Miller that the intention is to install an inlet near Lot 12 to address that water runoff. Mr. Miller responded yes, there would be 4 inlets total with one at both corners and along the stone collection gutter.

Chairman Whitson invited questions from the Board.

Mr. Kleiberg asked questions about the type of stone, dimensions of stone, for the gutter and had concerns about dirt and maintenance of the gutter. He also asked questions about pool backwash which would be directed to the inlet. Mr. Molino testified that he would maintain the gutter as evidenced by the care of the property. Mr. Kleiberg requested that the pipe have a sock to filter out dirt. The pool will have a heater. Mr. Kleiberg also recommended that they use the type of pump that will also cool the water in the pool.

Mr. Kahle asked questions about the water from the basketball court and if it drains towards Lot 12, had the system been tested. Mr. Molino testified that the system handles the runoff, he has not seen standing water since before Storm Sandy.

Mr. Molino described Exhibit A-10 which was submitted for the record and marked as Exhibit A-10.

Mr. Kahle asked questions about the fence in the rear, not being on the property. Mr. Molino testified that he has discussed with both rear neighbors the situation and has addressed that with both.

Mr. Foster asked questions about the existing swale and its function – not a formal swale or collection system. Mr. Foster asked if the pavers used for the basketball court would be pervious. Court is existing.

Mr. Foster asked questions about the lighting of the rear yard and dark skies compliant. Mr. Molino testified that the lighting is existing but he would directing the light downward.

Mr. Tvrdik commented that he appreciated the applicant's efforts to address the Board's concerns and the relocation of the shed and reduction of the pool size and impervious coverage but believes there is further work that could be done to reduce impervious coverage number by removing additional pavers from around basketball court. He also commented that the applicant would have to have his own pool compliant fence. Mr. Molino commented he would move the fence onto his property.

Ms. Cooper thanked the applicant for taking into consideration the Board's comments, her concern being the rear fence and that there is a proper fence for the pool.

PUBLIC: Chairman Whitson asked if there were any questions or comments from the public. As there was no one from the public, Chairman Whitson closed this portion of the meeting.

Mr. Foster asked Mr. Molino if he would remove the additional pavers from around the basketball court to recover some of the impervious coverage. There was additional discussion on the pavers around the basketball. Mr. Molino responded that he could remove the ones outside of the containment netting and would need to leave 1 row in order to keep the containment netting.

Ms. Cooper asked if there would be any utilities in the shed. Mr. Molino responded that the heater and pool would be outside and a lightbulb in the shed.

Chairman Whitson stated the application is then for a variance for impervious coverage of 43%. Mr. Mele added that adjustments with removal of pavers would reduce that number. There was discussion on how much to remove and what the variance relief would be. It was decided that the variance relief for the approval would be for an amount not to exceed 43%.

Motion to Approve with Conditions

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

- 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 8:05 pm on a motion by Mr. Tvrdik which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary