BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● AUGUST 8, 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
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
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Alternate I	Present
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 September 12, 2023 and that there are applications for 34 Main St and 360 Myrtle Ave pending. It is also anticipated that a Capital Presentation will be made by the NJSEA at some point related to Monmouth Park and that the announcement at the last Mayor & Council meeting that they were appearing before the Board at the end of August was not correct. Chairman Whitson thanked Board members that attended the Mayor & Council meeting for the development presentation regarding Monmouth Park.
2. Ordinance Committee Meeting: Chairman Whitson advised that there would be a meeting of the Ordinance Committee at 6pm prior to the September 12, 2023 meeting.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Jan 25, 2022 7:00 PM

RESULT:	**ACCEPTED [8 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis L, Davis, Dailey
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Calver

2. Minutes of Apr 26, 2022 7:00 PM. Chairman Whitson advised that the April 26, 2022 minutes would be scheduled for a future meeting.

VIII. Old Business:

1. Resolution of Approval - 95 Algonquin 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 [7 TO 0]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis L, Dailey, Calver
ABSTAIN:	Davis
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Foster

Councilman Tvrdik recused himself from the next matter due to a new conflict and exited the meeting at 7:10 PM

2. PB2023-09 Sciacca, Paul
111 Sagamore Ave
Block 12, Lot 25
Carried from June 27, 2023

EXHIBITS:
A-1 Land Development Application
A-2 Swimming Pool Plan, prepared by MGC Associates, last revised May 1, 2023
A-3 Location Survey, prepared by Land Control Services, dated April 26, 2023.
A-4 Colliers Engineering Review Letter, dated May 30, 2023
A-5 Set of 7 Photographs, taken by Applicant, dated June 27, 2023
A-6 “Swimming Pool Plan,” prepared by MGC Associates, last revised July 23, 2023.
A-7 “Location & Topographic Survey,” prepared by Land Control Services, dated July 19, 2023
A-8 Colliers Engineering Review Letter dated August 1, 2023
A-9 “Swimming Pool Plan,” prepared by MGC Associates, last revised August 5, 2023

Mr. Kennedy described and marked new Exhibits A-6, A-7, A-8.
The following person(s) remained under oath: William White, Board Engineer/Planner and Paul Sciacca, Applicant/Owner.
Mr. Sciacca advised that he had taken the Board’s direction, spoke to neighbors about their concerns and worked with his engineer to add drainage system to avoid further runoff to neighbors and have proposed a zip drain.
Gary Chiang, Professional Engineer for the Applicant, was sworn in, presented his qualifications and was accepted as an expert in engineering. Mr. Chiang testified concerning the previous proposed dry well, his own field inspection which showed mostly clay soil and water table high and plan to install zipper drains to collect all runoff rather that a dry well. The zipper drains would connect directly to the existing inlet in the rear yard.
Chairman Whitson invited comments from Mr. White and Board members.
Mr. White advised that he found the revised plan acceptable.
Mr. Dailey asked what the difference was between a zipper drain and a trench drain which Mr. Chiang explained.
Ms. Cooper thanked the Applicant for taking concerns into consideration and felt her concerns had been addressed.
Mr. Foster asked about the dry well solution and whether it was found useless which Mr. Chiang affirmed.
Mr. Kahle asked what was removed to reduce the impervious coverage – Mr. Sciacca described reduction of patio and removal of paver stones along side of house. He also indicated that because his lot was undersized, he had a hardship as he would meet the impervious coverage if he had a conforming lot. Mr. Sciacca also testified that he was aware the shed was in the easement and would be moving it to other side of yard.
Mr. Davis asked questions about the plan to use zipper drains and channel coverage.

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.

Motion to Approve

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Leslie B Widdis L, Class IV
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster, Widdis L, Davis, Dailey
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Calver
RECUSED:	Tvrdik

Councilman Tvrdik re-entered the meeting at 7:25 PM

3. PB2023-06 Marina at Oceanport Partners, LLC **CARRIED from July 11, 2023**
Block 104, Lot 1
10 Riverside Avenue
Major Site Plan Application

EXHIBITS:
A-1 Land Development Application
A-2 "Plan of Survey with Topography" prepared by Vallee Surveying, LLC, dated July 30, 2015, last revised September 13, 2022
A-3 Preliminary & Final Major Site & Subdivision Plan," prepared by Kennedy Consulting Engineers, LLC., last revised April 23, 2023, consisting of three (3) sheets.
A-4 "Site Location Map," prepared by Kennedy Consulting Engineers, LLC., dated April 13, 2023
A-5 Stormwater Compliance Statement prepared by Kennedy Consulting Engineers, LLC., dated April 25, 2023.
A-6 Traffic Narrative prepared by Kennedy Consulting Engineers, LLC., dated April 25, 2023.
A-7 Colliers Engineering Review Letter dated July 6, 2023
A-8 Aerial Exhibit AE-1 prepared by Kennedy Consulting Engineers, LLC, dated July 10, 2023
A-9 Photographs of Existing Signage, 4 Sheets
A-10 Garbage Truck Turning Exhibit, prepared by Kennedy Consulting Engineers, LLC., dated July 10, 2023
A-11 Fire Truck Turning Exhibit, prepared by Kennedy Consulting Engineers, LLC., dated July 10, 2023
A-12 Preliminary & Final Major Site & Subdivision Plan," prepared by Kennedy Consulting Engineers, LLC., last revised July 18, 2023, consisting of three (3) sheets.
A-13 Colliers Engineering Review Letter dated August 7, 2023
A-14 FMERA Reissued Certificate of Completion, dated August 4, 2023.

William White, Board Engineer/Planner, was sworn in by Mr. Kennedy. Mr. Kennedy then described and marked new Exhibits A-12, A-. 13, A-14.

Michael Bruno, Applicant's Attorney, appearing stated that the application was a continuation from the July 11th meeting; summarized the application for major site plan, topics discussed at the previous hearing and Board comments to be addressed by the Applicant including signage, parking lot striping, sidewalk repair, shade trees, accessory building and landscaping improvements, seasonal plantings, timing on the lighting system, pedestrian travel way from Riverside, new fence and landscaping around the accessory building, the right of way dedication, bike racks, ADA spaces, and the removal of box trailers and certain signage.

Andrew Comi, Kennedy Consulting Engineers, on behalf of the Applicant was sworn in and provided testimony concerning the revisions made to the plan, referencing Exhibit A-12, including addition of the 3 existing signs, the slips available sign shown to be removed, with the restaurant and paddle club signs to remain until such time as a combined monument sign can be developed; additional signage for a Stop sign at exit, sign identifying boat ramp ahead, parking stalls to be striped and 2 additional ADA spaces near the entrance for a total of 4 (the required amount); the addition of a 5' wide striped pedestrian lane from Riverside Ave to the building; two crosswalks added at the intersections with the two parking areas along with painted logos for the full length of the pedestrian walkway; addition of 14 street trees total along both frontages; plan now notes seasonal plantings to be provided along the bulkhead; proposed foundation plantings at the accessory building and a 6' board on board fence to screen the outdoor storage; note that parking lot lighting will turn off at 12a.m.; note that shows the right of way dedication. He further testified that the Applicant agrees to comply with the Engineer's comments.

Mr. Bruno provided clarification and requested the condition that the Applicant be provided additional time to return with new application with a comprehensive sign design, they would also like seasonal plantings required by Spring 2024, they have also removed the box trailers.

Mr. Bruno next requested to address the issue of public access which had not been resolved. The Applicant is not agreeable to providing public parking for the boat ramp, while the boat ramp is required to remain public, there was no imposition of public parking. They don't believe there is ample parking to provide specific parking for the ramp.

Chairman Whitson invited comments from Mr. White and Board members.

Mr. White requested that a time limit be conditioned for the sign application. Mr. Bruno requested 1 year. Mr. White recommended 6 months to be submitted to the Zoning Officer which the Applicant agreed to.

Mr. Calver asked questions about the boat ramp, was there any oversight or direction for its use at the site, directional sign or other for boat trailers. Mr. Bruno responded that the boat ramp has been there as an existing condition, and the contract was that the ramp had to remain but no requirement to provide parking.

Ms. Barham-Widdis asked if there was a time frame for removal of the box trailers, which Mr. Bruno confirmed they have been removed.

Mr. Dailey asked questions about the ramp – any improvements made, were improvements required and a certificate of approval issued, concerns that there was no way to know if those conditions had been met. Mr. Bruno responded that they did receive a certificate of completion from FMERA.

Chairman Whitson asked who has the obligation to maintain and service, Mr. Bruno responded that it is on the Applicant's property so they are responsible.

Mr. Davis commented concerning the commitments required of the Developer to improve the property and how was that satisfied with the conditions of the site that remain. He further expressed concern that now there's a boat ramp and no provision for parking for the public.

Mr. Kahle asked questions about the handicap spaces location. Mr. Comi responded that 2 of the spaces were as close as possible as will the additional two.

Mr. Foster asked questions about the signage and the parking for the ramp, who has liability for the ramp, requested additional plantings along the side yard by the ramp.

Ms. Cooper commented her concern was for the signage, what was staying, what was being removed. Mr. Bruno advised that they plan was to keep the paddle club sign and main sign for the restaurant and will apply within 6 months for a monument sign to combine the signage.

Councilman Tvrdik commented that he would like a time commitment for the completion of all the repairs, sidewalks, signage, the picket fencing, the boat ramp is part of the property and is the owner's responsibility and would like to see provision of the 2 spaces for the ramp. Mr. Bruno responded that the sidewalk repairs would be made once the ongoing street work was completed so they are not busted up again; they are submitting the signage application within 6 months; the shade trees were a performance bond item but planned for the spring so that they're not planted and die. Mr. Bruno also stated that they are concerned that the Board was going to encumber the property with a requirement that was not lawful and his opinion that it was not within the Board's ability to impose without taking the property, and respectfully, they don't want to argue with the Board, but they are not going to agree to the designated spaces for the boat ramp. They don't have concern with parking on the site but they do not want to formally impose any obligations beyond the ramp.

Mr. Kahle asked about the signage locations, discussed was a no-right turn out of the restaurant but not practical for the residents that live that way; questions about lighting. Mr. Kahle asked about the problem of trailers being parked on the road. Mr. Bruno responded that would be an enforcement issue by the town. Mr. Kahle pressed the matter of the designated spaces and were they going to let trailers just be parked anywhere on the site.

Mr. Foster asked questions about the parking lot lighting. Mr. Comi responded they are proposing to maintain what is there, no new fixtures, with the only difference being lights would turn off at 12am instead of 1am, whether it was adequate which Mr. White commented he was ok with as they are LED and efficient.

PUBLIC: Chairman Whitson opened the meeting to the public for questions and then comments. As there was none, Chairman Whitson closed that portion of the meeting.

Councilman Tvrdik revisited the request for 2 designated spots for the ramp, read from the purchase agreement that describes the site as 3.9 acre, 71 slip marina and boat ramp…and associated off-street parking. He urged the Applicant to reconsider 2 spots.

Mr. Bruno commented that it was not as simple as 2 spots and requested time to discuss with the Applicant a possible informal solution.

At 8:02 PM, the Board took a 5-minute recess to allow time for Mr. Bruno to speak with the Applicant.

At 8:08 PM, the Board returned from recess with all previously sitting members in attendance.

Mr. Bruno reappeared and stated that despite his advise, the Applicant will agree to providing two (2) spaces for boat ramp users and appropriate signage, informal, no-deeded easement and hears the concern and will agree.

Ms. Barham-Widdis asked if they addressed where they would store the kayaks and paddleboards and was told that was not changing.

Mr. Davis asked but they will provide screening for the paddleboards. Mr. Bruno stated that they would fill the planters with seasonal landscaping. Mr. Davis asked for some type of screening from the paddleboards. Mr. Comi responded referencing the aerial exhibit, the paddleboards and kayaks are stored in the northwest corner of the property away from the residential areas. Mr. Davis pressed the issue that he would like to see screening there. Mr. Bruno offered to visit the site with the Engineer to find an appropriate type of fencing or buffering if approved, which Mr. White was agreeable to.

Mr. Foster asked what holds the Applicant to the dedicated boat ramp spaces if not stipulated formally. There was discussion that the intent was to memorialize it on the Site Plan.

Councilman Tvrdik added that he would not like to see a 6' vinyl fence as a buffer – was not necessary and recommended no fence but to use other type of screening.

Councilman Tvrdik made a motion to approve the application with conditions which Mr. Kennedy reviewed including compliance with Mr. White's review letter, monument sign, sidewalk repairs, planters, removal of box trailers, two parking spaces for the boat ramp, screening of the paddleboard/kayak area, compliance with ADA, perpetually maintaining the landscaping and plantings, removal of the slips available sign, shade trees to be installed by spring, lighting to turn off by midnight, no music on the outside deck after 10pm, bicycle rack, which was seconded by Ms. Barham-Widdis.

Motion to Approve with Conditions

RESULT:	**ADOPTED [8 TO 0]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis L, Davis, Dailey, Calver
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Foster

IX. New Business: None

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 8:21 pm on a motion by Mr. Foster which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary