BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JULY 14, 2020

Regular	**REMOTE/VIRTUAL**	**7:30 PM**

Municipal Building, 315 E. Main Street, 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 15, 2020 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site. This meeting further complies with the Open Public Meetings Act by notification on June 5, 2020 of this virtual/remote meeting, its location, date and time, and URL address at which to participate in the meeting to the Asbury Park Press, Star Ledger and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site. Chairman Widdis then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.

III. Flag Salute: Chairman Widdis led attendees and members of the Board in the flag salute.

IV. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Remote	
James Whitson	Vice Chairman	Remote	
Patty Cooper	Mayor's Designee	Remote	
Thomas Tvrdik	Class III	Remote	
Joseph Foster	Environmental Committee Liaison	Remote	
John (Jack) Kahle	Class IV	Remote	
Michael Savarese	Class IV	Remote	
Robert Kleiberg	Class IV	Remote	
Darren Davis	Class IV	Remote	
Michael Dailey	Alternate I	Remote	
Jacob Rue	Alternate II	Absent	
Jeanne Smith	Board Secretary	Remote	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	

V. Board Business:

1. Mayor & Council Referral - Fort Monmouth Plan Amendment #15

Ms. Smith advised that the Governing Body had referred for comment Fort Monmouth Plan Amendment #15, summarized the process, purpose, comment period and the amendment's proposal for an alternative development for the commissary, post office and warehouse parcel. Councilman Tvrdik advised the contract purchaser was resident Steven Denholtz, described the plans to develop including demolition of most of the existing buildings, keep the commissary building, proposed site plan to provide for a ghost kitchen, brewery and more. The existing use under the current Plan provided for residential uses which have since been reallocated to other areas of the Fort. Chairman Widdis led discussion on the proposed amendment. Board comments and recommendations included the need for traffic studies, parking analysis, circulation, impacts to open space with removal of the school use originally slotted, density, impervious coverage and intensity of use.

Motion to Authorize Secretary to Prepare Memo of Recommendations Concerning Fort Monmouth Plan Amendment #15

RESULT:	**ADOPTED [9 TO 0]**
MOVER:	Christopher Widdis
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis
ABSENT:	Rue
INELIGIBLE:	Dailey

2. Report of Upcoming Applications

Ms. Smith advised of the applications scheduled for the August 11, 2020 meeting and availability of plans

VI. Old Business:

Mr. Savarese recused himself from the meeting due to a conflict with the next taken matter.

2. PB2016-13 Market on Main LLC *- Added on Late*

Rick Brodsky, Attorney on behalf of the Applicant, briefly described the approved project, provided an explanation as to the delays with the project and the desire to obtain an extension of the approval due to construction delays, financing and the impacts of COVID. Mr. Kennedy provided guidance to the Board concerning the approval for site plan which doesn't expire per se but the approval and extension of same protects the developer from any future changes in the zoning. Board members expressed agreement with the extension and looked forward to seeing the site developed. Ms. Smith read the resolution to approve the extension in full which received the following vote:

Motion to Approve PR-20-24 Extending the Original Approval for Site Plan *- Added*

RESULT:	**ADOPTED [9 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Rue
RECUSED:	Savarese

Mr. Savarese re-entered the meeting at 8:23 PM

1. Resolution of Approval - Bonforte, John, 109/111 Horseneck Point Rd

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Kennedy advised that the Attorney had requested modifying one of the conditions on outside approvals to clarify that approval was necessary from the Monmouth County Planning Board. Mr. White advised he agreed with the requested revision. After which Mr. Foster made a motion to approve the Resolution as amended, which was seconded by Ms. Cooper and received the below roll call:

Motion to Approve PR-20-23

RESULT:	**ADOPTED AS AMENDED [7 TO 0]**
MOVER:	Joseph Foster, Environmental Committee Liaison
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Widdis, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Dailey
ABSTAIN:	Savarese
ABSENT:	Rue
INELIGIBLE:	Whitson, Davis

Mr. Kahle recused himself from the next matter as he was located within 200' of the property.

VII. New Business:

1. PB2020-17 Cregle, Mark
   8 Burnt Mill Circle
   Block 132, Lot 8

   EXHIBITS:
   A-1 Land Development Application
   A-2 Narrative of Intent
   A-3 Survey, with Owner notations, prepared by MidState Engineering Inc., dated June 8, 2015

   Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Mr. Kennedy described and marked Exhibits A-1, A-2, and A-3. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

   The following persons were sworn in: William White, Board Engineer/Planner and Mark Cregle, Applicant and Owner.

   Mr. Cregle described his application for a fence along the Pine Tree Lane side of his property – his second frontage. He was seeking relief for a 6' solid vinyl fence where only 4' and 50% open is permitted. The site is highly trafficked by the public using the adjacent park and he desires privacy and security for his family and children.

   Mr. Whitson asked if there were any site issues for roadway which Mr. White advised it was a dead-end street so he had no concerns.

   Ms. Cooper asked clarifying questions on type of fence and location.

   Mr. Foster asked if the fence encircled the entire property. Mr. Cregle responded yes – but not in the front – there's a return before the front face of the house.

   PUBLIC:

   Chairman Widdis opened the meeting to questions for this witness only. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

   Chairman Widdis opened the meeting to comments on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

   Motion to Approve PB2020-17

RESULT:	**ADOPTED [8 TO 0]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Darren Davis, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kleiberg, Davis, Dailey
ABSTAIN:	Savarese
ABSENT:	Rue
RECUSED:	Kahle

2. PB2020-01 Sempkowski, Anthony

   74 Cayuga Ave

   Block 27, Lot 9

   Mr. Kennedy advised that the Applicant had requested that the Board accept jurisdiction on the application and carry it to a date certain in order to provide additional time to prepare revised plans in response to the Board Engineer's review letter. Mr. Kennedy asked if there was anyone from the public who had a question on the sufficiency of notice to which there was no objection raised. Mr. Kennedy stated that he and the Secretary had reviewed the notice and found it to be in order. Additionally, the attorney for Mr. Toto granted an extension on the decision deadline.

Motion to Accept Jurisdiction and Carry Hearing to August 11, 2020 Meeting with No Additional Notice Required

RESULT:	**ADOPTED [9 TO 0]**
MOVER:	Christopher Widdis, Chairman
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis
ABSENT:	Rue
INELIGIBLE:	Dailey

Councilman Tvrdik exited the meeting at 8:48 pm

Mr. Kahle re-entered the meeting.

3. PB2020-15 Walsh, Kevin
   11 Hiawatha Ave
   Block 13, Lot 12

   EXHIBITS:

   A-1 Land Development Application
   A-2 Zoning Denial Letter dated January 21, 2020
   A-3 Maser Consulting Review Letter dated June 2, 2020
   A-4 Architectural Plans, 1 Sheet, prepared by James M. Pollifrone, dated February 5, 2020
   A-5 Survey of Property, prepared by Morgan Engineering, dated May 2, 2019, 1 Sheet
   A-6 Photo of Rear Yard, take by Mathew Wilder, P.E., P.P., on or about July 13, 2020

   Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Mr. Kennedy described and marked Exhibits A-1, A-2, A-3, A-4, A-5. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

   The following persons were sworn in: Kevin Walsh, Applicant and Owner; Matthew Wilder, Engineer/Planner for the Applicant and James Polifrone, Architect for the Applicant.

   Mr. Walsh testified as to his ownership, plans for their family and the insufficiency of the current house to meet their needs as a growing family. He and his wife met with Mr. Polifrone to develop a plan to better use the property.

   Mathew Wilder, Engineer/Planner, provided his qualifications and having previously been before the Board was accepted by the Board as a professional engineer and planner. Mr. Wilder testified to the application's purpose, details of the property; the proposal to construct an addition to the rear of the home to increase living space, an addition to the deck. Mr. Wilder stated they were seeking relief for the proposed improvements including principle building coverage, rear yard setback, accessory structure rear yard and accessory structure side yard. Mr. Wilder referring to A-4, described details of the existing house and addition, dimensions and new front porch.

   Chairman Widdis asked Mr. White if he had any questions to which he had none. Chairman Widdis asked Mr. Wilder to address Mr. White's review letter (A-3) and speak to the lot coverage.

   Mr. Wilder provided testimony, displaying and referring to Exhibit A-5, as to efforts to reduce the coverage by eliminating a portion of the driveway where there was a previously existing garage.

   Board member Whitson asked what for specifics on the building coverage. Mr. Wilder responded they were seeking 26% where 25% was permitted – equivalent to 100 s.f.

   Chairman Widdis asked Mr. Wilder to speak to the shed. Mr. Wilder advised that it was a small shed and they were unable to determine what year it had been constructed, was on the property when client bought the property and viewed historic aerials but was unable to see through the tree canopy. Shed is roughly 10'x16'.

Mr. Kleiberg asked the owner the shed has been there all along and its not being moved? Mr. Walsh answered yes.

Mr. Kahle commented he thought it was a great addition for this family.

Mr. Davis welcomed Mr. Walsh and it looks great.

Mr. Dailey had no questioned but though it looked like a good plan.

Chairman Widdis commented that the owner should be considerate of neighbors and direct any outside lighting downward; would there be utilities in the shed and was told none and none planned.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public. Ms. Smith provided the details for participation.

Gary Iamello, 41 Monmouth Boulevard, his lot back's up to the Applicant's property, commented that the shed was not that old but was put in by previous owner about 4 years ago. Chairman Widdis answered that was what the applicant was asking for among other variances and did he have any questions. Mr. Iamello stated he would like a privacy fence put up as there's no screening to the back of his property. Mr. Kennedy interjected that if Mr. Iamello was going to provide testimony and comments he should be sworn in and issued the oath to Mr. Iamello who was sworn in.

Mr. Iamello continued that the addition and deck were huge and he would like a privacy fence. Chairman Widdis asked him if he had questions of the Engineer which he had none.

Mr. Davis asked how high would the deck be off the ground.

Mr. Wilder answered that one of the building requirements would be preparation of a grading plan but he suspects its about 4-5'. He introduced a photograph of the rear yard which was marked as Exhibit A-6. The photograph indicates a significant buffer along the rear yard line.

Mr. Iamello responded that the photograph was deceptive as the buffer was on his property and was thinning out and can see through to the street and thinks his request for a fence was appropriate.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

Mr. Wilder next provided planning testimony for the requested variances and believes that the improvements meet the C2 criteria as it does not create any detriments, there's an existing vegetative buffer, to the shed and the improvements; relative to the building coverage – the structure is a 1-story structure and does not believe that the proposed addition creates a "massing" or a structure that overwhelms the lot; he believes the goals of the municipal land use law were being advanced by enabling sufficient space for variety of uses and the goal to promote desirable visual environment by civic design and arrangement which they believe the covered front porch improves the aesthetic of the lot and modernizes it with matching the surrounding neighborhood. Mr. Wilder next addressed Mr. White's review to require a grading plan which the Applicant agrees to provide to show no water runoff impacts.

Mr. Whitson commented that the minimal variances being requested he was surprised that they didn't just move the shed and reduce the building to avoid variances and asked if the Applicant was willing to meet the request of the neighbor. Mr. Walsh responded yes, he could

Ms. Cooper commented that she had the same question and was glad the Applicant had agreed.

Mr. Foster asked for a commitment from the Applicant to do the fence which Mr. Walsh confirmed.

Overall Board comments were that the application looked good and glad he would work with the neighbor

PUBLIC:

Chairman Widdis opened the meeting to questions on the planning expert. As no one from the public appeared, Chairman Widdis closed that portion of the meeting.

Chairman Widdis opened the meeting to comments on the application.

Gary Iamello, 41 Monmouth Blvd, thanked Mr. Walsh for being a great neighbor and wished him the best and thanked the Board.

Motion to Approve PB2020-15 with condition of providing a privacy fence for the rear yard line.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Savarese, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik, Rue

VIII. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. Ms. Smith provided the details for the public to participate.

While waiting for the public to respond, there was discussion amongst the Board concerning the procedures for taking testimony by phone and otherwise as impacted by the use of virtual meetings during COVID. Mr. Kennedy further spoke to the situation and advised that he believe this Board is ahead of the game on responding to the circumstances of COVID and keeping business continuing.

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

IX. Adjournment: As there was no further business, the meeting was adjourned at 9:43 pm on a motion by Mr. Foster which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary