BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JULY 13, 2021

Regular | **Clement V. Sommers Municipal Building** | **7:00 PM**

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order: Chairman Widdis called the meeting to order at 7:00 p.m.

II. Board Policy: Chairman Widdis advised the public of the below 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.

III. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 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.

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

V. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Present	
Joseph Foster	Environmental Committee Liaison	Present	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Present	
Michael Dailey	Alternate I	Present	
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 of upcoming applications for the August 10th meeting including continuation of 74 Cayuga Ave, and two potential applications pending completion; and a request for an appeal.

2. Receipt of Appellant Decision - Noel Kelly vs. OP Planning Board

Mr. Kennedy provided a brief history of the case, the appeal, acknowledged work of Mr. DeNoia and that the court had upheld both the lower court and Planning Board decision.

VII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Feb 9, 2021 7:00 PM

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Davis, Dailey
ABSENT:	Savarese, Kleiberg

2. Planning/Zoning Board - Regular - April 27, 2021 7:00 PM – Rescheduled for August meeting.

3. Planning/Zoning Board - Regular - Jun 22, 2021 7:00 PM

RESULT:	**ACCEPTED [6 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Davis
ABSENT:	Savarese, Kleiberg
INELIGIBLE:	Cooper, Dailey

VIII. Old Business:

1. PR-21-21 Resolution of Approval - Marttine, James

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Foster made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Joseph Foster, Environmental Committee Liaison
SECONDER:	Darren Davis, Class IV
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Davis
ABSENT:	Savarese, Kleiberg
INELIGIBLE:	Cooper, Dailey

2. PR-21-22 Resolution of Approval - Zanghi, Joseph

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Foster made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Davis
ABSENT:	Savarese, Kleiberg
INELIGIBLE:	Cooper, Dailey

3. PB2021-10 Terry, Gregory & Debra
   80 Gooseneck Point Road
   Block 76, Lot 11
   Variance relief from Flood Damage Preventions Ordinance

   CARRIED from June 22, 2021

EXHIBITS:
A-5 Elevation Certificate, prepared by Edwards Surveying, dated June 25, 2021
A-6 Review Memorandum from Colliers Engineering & Design, dated July 12, 2021
A-7 Revised Elevation Certificate, prepared by Edwards Surveying, dated July 12, 2021

Mr. Kennedy described and submitted Exhibits A-5, A-6 and A-7.

Gregory Terry, Owner/Applicant, previously sworn from last meeting remaining under oath. Mr. Terry summarized the previous hearing seeking relief from the flood ordinance, action taken to elevate the utilities as requested by the Board to 11.4 from 10.8' and the latest revised elevation certificate that certifies the new elevation. He also confirmed that the prior certificate did not take into account the lower sunken floor as discussed at the last meeting and the new certificate now reflects the lowest floor elevation of 10.8'. Mr. White confirmed same and that the variances needed were for finished floor elevation of 10.8' where 12.4' required and elevation of lowest mechanicals at 11.4' where 12.4' required.

Board comments and questions included cost of raising house to bring it to compliance, how to ensure future owners are aware of the lower elevations and impacts to flood insurance, if approved resolution would be required to be recorded with the deed.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

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

Mr. Kennedy summarized the standard conditions and the requirement for recording of the approval and acknowledgment and understanding that the Applicant releases Borough parties harmless from and against any and all damages/losses associated with flood prevention relief granted. Mr. Davis made a motion to approve the application as amended to legalize retroactively the non-conforming condition for finished floor elevation and lowest mechanicals elevation which was seconded by Mr. Foster.

Motion to Approve Application as Amended

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Davis
ABSENT:	Savarese, Kleiberg
INELIGIBLE:	Cooper, Dailey

4. PR-21-23 Resolution of Approval - Terry, Gregory & Debra – Mr. Kennedy read the resolution to the Board. Mr. Whitson made a motion to approve the Resolution, which was seconded by Mr. Kahle and received the below roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Davis
ABSENT:	Savarese, Kleiberg
INELIGIBLE:	Cooper, Dailey

IX. **Recess:** At 7:39 pm the Chairman called for a recess to allow the Secretary to address a technical issue on a motion by Mr. Kleiberg and second by Mr. Kahle.

At 7:59 pm the Board returned from recess with members present: Widdis, Whitson, Foster, Kahle, Davis, Cooper, Dailey. Ms. Smith advised that Councilman Tvrdik had recused himself from the next matter due to a conflict.

X. **New Business:**

1. PB2021-05 Cameron, Beth

43 Manitto Place
Block 56, Lot 11
Variance Relief for construction of an addition to single family dwelling

EXHIBITS:
A-1 Land Development Application
A-2 Survey of Property, 1 Sheet, prepared by Charles Surmonte, PE & PLS, dated 01/06/2021
A-3 Proposed Alteration/Addition for Cameron Residence, 10 Shts, prepared by Brian Fitzgerald AIA, last revised 6/17/21
A-4 Colliers Engineering Review Letter, June 18, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice and provided the public with options to participate. While waiting for the public to call in, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. 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: Beth Cameron, Owner/Applicant and Brian Fitzgerald, Applicant's Architect. Mr. Fitzgerald provided his qualifications and was accepted by the Board as an expert in architecture.

Ms. Cameron provided testimony relative to the purpose of the application to construct additions to the existing single family home to provide additional space for use as a classroom in the event school sessions in the future were mandated remote format and an expanded master bedroom suite and installation of a shed for storage of tools. The house and shed will have the same siding.

Mr. Fitzgerald described the proposed improvements in detail referring to Exhibit A-3, the design intended to meet similar characteristics of the neighborhood and the variance relief needed for maximum building coverage of 28% where 25% permitted and a side yard setback variance of 5' where 10' permitted for the 8'x12' shed due to limited availability of storage and the dimensions of the rear yard.

Chairman Widdis asked Mr. Fitzgerald to review dimensions of the additions, the existing front porch and the proposed expansion of the front porch. Chairman Widdis asked if there was lighting planned for the shed and was told no.
Mr. Whitson asked if they also needed a rear yard setback. Mr. White answered no, there was already an existing setback for the deck. Mr. Kahle asked if there should be a requirement for grading plan like has been done for most previous applications. Mr. White responded that he knew the area well from when house was raised after Sandy and was not concerned for the impact from the addition. The drainage ties into a drain in the street. Mr. Kahle asked about the crushed stone walkway in front of house and plans for it to stay and was told they were planning to put pavers. Mr. Kahle questioned if it was included in the impervious coverage. Mr. White did calculation and the property was below the maximum permitted. Mr. Kahle asked if the porch complied with the 6' encroachment of front setback. Stairs and landing are existing and not being changed. Mr. Dailey asked questions about the rear yard pavers, landings for exits, arborvitaes for buffering where buffering doesn't currently exist. Mr. White confirmed that with the additional pavers for the rear areas they were still in compliance with the impervious coverage limits.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

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

Motion to Approve Application with Conditions

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Michael Dailey, Alternate I
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Davis, Dailey
ABSENT:	Tvrdik, Savarese, Kleiberg

XI. **Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Davis brought up discussion on the requirements for a survey to be submitted with the package as there seemed to be some issues with the last few application. Ms. Smith confirmed that the checklist requires a current survey. Concern was expressed with the Board's inability to discern if plans accurately reflect survey conditions such as the architecture plans that are supposed to note the reference on their plans. Ms. Smith will work with Mr. White to assure that copies of the survey are provided to the Board in their packages.

XII. **Adjournment:** As there was no further business, the meeting was adjourned at 8:39 pm on a motion by Ms. Cooper which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary