BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JULY 11, 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	Absent
Christopher Widdis C	Class IV	Present
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 August 8, 2023 and that the application for 111 Sagamore Ave would be continuing. No new applications have been filed at present.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Nov 9, 2022 7:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Christopher Widdis C, Class IV
AYES:	Whitson, Kahle, Cooper, Widdis C, Widdis L
ABSTAIN:	Tvrdik, Davis, Dailey
ABSENT:	Foster, Kleiberg
INELIGIBLE:	Calver

2. Planning/Zoning Board - Regular - Dec 13, 2022 7:00 PM

RESULT:	**ACCEPTED [4 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Widdis C
ABSTAIN:	Tvrdik, Widdis L, Davis, Dailey
ABSENT:	Foster, Kleiberg
INELIGIBLE:	Calver

VIII. **Old Business:** None

IX. New Business:

1. PB2023-08 Torregrossa, Andrew
   Block 18, Lot 12
   95 Algonquin Ave.
   Proposed roof covered porch over portion of existing rear yard deck and proposed generator seeking bulk variance relief for:
   - Maximum impervious coverage, 37% permitted, 39.5% existing, 42.25% proposed
   - Maximum lot coverage, principal structure 25% permitted, 30% proposed
   - Minimum rear yard setback, 25' permitted, 15.04' proposed
   DFD 9/26/2023

EXHIBITS:
A-1 Land Development Application
A-2 "Survey of Property" prepared by Charles Surmonte P.E. & P.L.S. dated June 10, 2022
A-3 "Addition – Alteration Torregrossa Residence", 2 Sheets, prepared Jeremiah J. Regan, A.I.A. last revised April 6, 2023
A-4 Colliers Engineering Review Letter dated May 30, 2023

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

The following person(s) were sworn in: William White, Board Engineer/Planner, Andrew Torregrossa, Applicant/Owner and Jeremiah Regan, Applicant's Architect.

Andrew Torregrossa, Applicant, testified that he was the owner of the property for about 12 years, was a single family home and described the proposed work to add a covered porch to the existing deck to enable their outdoor living to be year round and deferred to Mr. Regan on the variances.

Mr. Regan, previously qualified by the Board, described the existing deck in the rear yard and the proposal to add roof over a portion of the deck which impacts the impervious coverage about 62 s.f., the rear yard setback for the deck which hasn't changed, and increase in building coverage with covered portion of deck and new fireplace area.

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

Mr. White commented that the rear yard setback measured from the east was 14.04' (not 15.04') and that would need to be adjusted. He also expressed concern regarding neighbors all along that street that back up to the park that encroach into the park land and requested that the Board address that as a condition if approved.

Ms. Cooper commented that the property had already received variance for impervious coverage previously for the garage and was concerned that they were back seeking more. Mr. White commented that there was no increased footprint other than the fireplace – the roof over the deck changes the building coverage and impervious coverage.

Councilman Tvrdik asked questions about the fireplace, the building coverage, materials to be used – red wood; and in the rear he was in favor of trees or fencing to define the lot line with the park.

Mr. Kahle asked about the rear and side yard setbacks, the fireplace looks like it is in the side yard setback. Mr. Regan responded that the sides are 10/25 and they have 15 on that side. Also, the fireplace doesn't count. There was a discussion on how much a fireplace could encroach. Mr. Kahle asked if there was a variance for the deck. Mr. Torregrossa responded the deck was there when they bought the house and they weren't changing it.

Ms. Smith commented that the code allows for chimneys to encroach a maximum of 20 s.f. into the setback.

Mr. Widdis asked questions about lighting and not impacting neighbors. They are not doing any new lighting.

Ms. Barham-Widdis asked what material was being used for the roof – asphalt shingles, would it become enclosed – no.

Chairman Whitson asked questions about the roof eaves with the setback.

PUBLIC: Chairman Whitson opened the meeting to the public for questions, and then comments on the application. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Kahle asked Mr. White about the walkway up and around driveway and if it were included in coverage. Mr. Regan responded no, it was all stone.

Motion to Approve with variance for deck setback, conditioned upon greenery along rear yard

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Widdis L, Davis, Dailey, Calver
ABSENT:	Foster, Kleiberg

2. PB2023-06 Marina at Oceanport Partners, LLC
   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

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. Mr. Kennedy then described and marked **Exhibits A-1, A-2, A-3, A-4. A-5, A-6, A-7**.

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

Michael Bruno, Attorney for the Applicant, gave introductory remarks including the history of the site as part of former Fort Monmouth, the application to memorialize existing structures and to establish site plan for the site.

Andrew Comi, Applicant's Engineer, was sworn in, presented qualifications and was accepted as an expert in civil engineering. Mr. Comi described and submitted an Aerial image which was marked **Exhibit A-8**. Mr. Comi, referring to A-8, described the existing buildings and structures on the site and identified variances and design waivers being sought for the existing conditions including rear yard setback, street side setback, screened loading area not provided, deliveries handled by van or 30' box truck through a fenced enclosure at rear of restaurant, hedge/stone wall between parking area and street required, access aisle width near the entrance – the driveway is 19.4' with no parking, lighting footcandles at property line, fences in excess of 4' in front yard, refuse and recycling in front yard – pre-existing in technical front yard on Riverside Ave, lightpole fixture height of 25' where 18' permitted, bike racks – none existing and none proposed, parking areas of more than 25 spots require interior landscaping.

Mr. Bruno asked Mr. Comi to go through the Engineer's Review letter and address the engineering comments.

Mr. Comi provided testimony concerning the engineer's comments; introduced and described photographs of existing signage which were marked as **Exhibit A-9** consisting of 3 permanent ground signs and 1 building mounted sign – restaurant advertisement, paddleboard club, marina slips available. There is a 4th ground side for the paddleboard club that is being removed. Mr. Comi testified that the Fort Monmouth guidelines do not provide for ground signs in a retail area and would seek variance relief to retain the ground signage. Mr. Comi presented comment 4 concerning the Riverside Ave right of way currently 35' wide and Applicant agrees to a dedication of 25' to increase road width to 50'. Mr. Bruno reserved the right to discuss this further after the testimony. Mr. Comi addressed additional comments regarding landscaping, planters, seasonal plantings, street trees – request to discuss further, lighting be scheduled for turnoff at 1a.m., no proposed lighting for free-standing signs but the building mounted sign has a downward directed light; number of parking spaces – 97 existing meets the ITT standards and the Applicant feels it is more than adequate for the three uses at the site; no boat trailer parking permitted on site – the stone area is another parking area, striping of parking spaces in gravel areas, site triangle easement will be provided.

Mr. Comi next submitted and described garbage truck and a fire truck turning exhibits which were marked as **Exhibit A-10 and A-11** and provided testimony and certification as to same.

Councilman Tvrdik asked with regards to the traffic and circulation, the parking and slips, there was an outdoor use permitted during COVID and when putting this together they would need special approval to conduct the outdoor again.

Mr. Widdis commented that he didn't see any arrows at the site but shown on the plan. Mr. Comi agreed to provide striped arrows after comments from the Fire Marshal.

Councilman Tvrdik also asked about the boat and service truck currently onsite and if another location could be used and was acknowledged by the Applicant in the affirmative.

Mr. Widdis asked about the box trailers and requested that they be designated in a more orderly space which Applicant agreed.

Mr. Comi proceeded with further testimony to address engineering comments regarding sidewalk from Riverside Ave to the restaurant and proposed the alternative to provide logos and crosswalks from Riverside Ave on the existing asphalt driveway shoulder to direct foot traffic to the restaurant. Mr. Bruno added that it is believed that the Applicant could accommodate this and it was one of several items to discuss in further detail.

Councilman Tvrdik asked if the Purchase Sale and Agreement with FMERA had conditions regarding the improvements of the site. Mr. Bruno responded that he was not aware but perhaps Ms. Sarnak could, however, he was not aware of any further site plan requirements after it was approved by FMERA back in 2014, they will review and try to address.

Mr. Comi continued to address engineering comments including agreed to fix up accessory buildings and bring back to good conditions and add landscaping and fence screening and would comply; regarding box trailers – they will be removed; they agree to work with Monmouth County Planning Board and their conditions of approval.

Chairman Whitson invited any additional questions of the witness from Mr. White and Board members.

Mr. White stated that this site was no different than other sites such as AcuteCare that was rehabilitated, the fact is that they are required to come before the Board and meet regulations that require them to seek waivers or variances as part of the process – the Borough didn't ask them to come in – its required when they purchased property – another example was Tetherview. Mr. Bruno responded that he had done other Fort Monmouth sites and was not a part of this site's acquisition so was unsure why it hadn't been done.

Mrs. Barham-Widdis asked questions about the street side setback requirements, the fence design waiver and location of that specific fence. Mr. Comi testified that the fence was a solid vinyl fence and recently painted by the Owner/Applicant whose responsible for maintaining.

Mr. Widdis stated he would like to see the bicycle racks outside. Waiver would be from indoor bike racks. Mr. Widdis asked questions about the sidewalk alternative. Mr. Comi stated that they would use the existing asphalt driveway and use striping with crosswalks to direct foot traffic and for crossing drive aisles. There is an existing sidewalk along Riverside Ave but none along Oceanport Ave. which was discussed with the County to provide a 5' right of way dedication but no mention of sidewalks.

Mr. Dailey expressed concern about the multiple signs and advertising flags and would like to see one combined signed. There was discussion on how that could be accomplished by the Applicant and they would take a look at it and come back with something but they have nothing prepared for tonight.

Mr. Davis asked Mr. White if they approve existing conditions, any expansion or changes would trigger them to come back again and was told yes, if they want to expand or encroach they would have to come back for any changes to the site plan. He commented that he would like to be certain that any changes from the existing conditions would be subject to Board review. He added he would like to see combined signs and limit the structures on the site and improve the aesthetic of the site including landscaping and plantings which should be all around the property, the paddle boards should be screened if permitted to remain where existing. He was okay with the fence, the walkway and the lighting but agrees with Mr. Widdis.

Chairman Whitson asked how the lighting was scheduled for 1am turnoff and how was that set. Mr. Bruno responded they were open to changing that but the intent was to continue lighting until employees leave site after closing.

Mr. Calver echoed comments with the appearance of the Oceanport Avenue side of the property and the signage and would like to see a combination sign and make it more presentable and sightly, remove the flagged signs.

Councilman Tvrdik asked if the condition of the current sidewalk was available and any cracks, maintenance which Mr. Comi testified appeared in good order. Mr. White added that Borough ordinance requires the adjacent property owner to maintain. Mr. Bruno responded that they were aware of responsibility to maintain but had held off due to the ongoing roadway work. Councilman Tvrdik asked if there was any plan for a future expansion of the property and was told no, not at this time. He asked about the purchase terms and how do they know that those were being met such as the number of jobs to be provided and any other commitments. Mr. Bruno responded that they would take a look at that.

Ms. Cooper asked what was the accessory structure used for and was told storage. Ms. Cooper recalled previous discussion that it would be converted to a banquet hall; she would like to see trees along Oceanport Ave but understood the upcoming road work and bridge work which should be accounted for in placement; she echoed comments regarding the multiple signs and would like to see it compliant with the Borough's where 1 sign is permitted and none of the flags or additional signs. She likes the paddleboard sign but does not like the bar sign or the one on the building and suggested a marquis type sign. Mr. White commented that the FMERA rules were very limited to signs on walls/windows and did not provide for standing signs.

PUBLIC: Chairman Whitson opened the meeting to the public for questions of the witness. As there was no one, Chairman Whitson closed that portion of the meeting.

Jessica Sarnak, principle of Oceanport Marina Partners, was sworn in and provided testimony concerning current uses, operations for full service restaurant and take out, small marina and the rental of one dock to the paddle club; 30 employees on staff with 10-12 on shift at any given time, parking is adequate at the site, hours of operation for kitchen is Tue-Thurs. 11am-9pm; Fri/Sat 11am-10pm and Sunday 11am-8pm, the bar remains open about 1 hour longer and then 1 additional hour for clean and close out; deliveries come by box truck with food and liquor deliveries from various vendors and they are scheduled for after 9am in the morning; the garbage contractor picks up during reasonable hours; there is currently no plans for outdoor music but would seek permission from the Borough if they seek to do so in the future; they currently have no further proposed uses of the site at this time; they are agreeable to fixing up the accessory buildings, landscaping and current seasonal plantings with palm trees currently existing; willing to reconsider lighting hours if required but trying to strike a balance of being good neighbor and the safety of their employees; box trailers will be removed; agreeable to look at changing out the signage and will work with the Board Engineer; the pin flags will be removed. Ms. Sarnak also provided details concerning the FMERA agreement and terms and that according to FMERA they have met the terms of the contract and they do have a completeness approval that confirms that they have met the job numbers and site requirements and would provide same. She also addressed the banquet hall discussion in that the original purchase agreement was to provide a burger stand for boaters but when they brought the site to a full service with bar restaurant, FMERA deemed that it fulfilled the banquet hall and was no longer required to be built. Documentation of same will be provided.

Chairman Whitson asked the Applicant to state exactly what hours they would have for the schedule. There was discussion about permitting up to an hour after closing or setting it at 11:30pm or 12 midnight. Board member Cooper asked if the meeting could be opened to input from members of the public about the hours.

Chairman Whitson invited members of the public to appear and comment on the lighting hours.

Mike Sikand, 34 Riverside Ave, was sworn in and stated that he lives two houses down from the marina and used to be a project manager when the Fort was open and was familiar with the marina, however, there had been some issues in the recent past that he would like the Board to be aware of in the event they come up in the future including: signage – aesthetics but also should be located at the entrance to the marina rather than at the corner because the miss the entrance and have to turnaround on one of the residential properties; requested signage that a right turn out of entrance was a dead end; one of the operators had signs for jet-skiing and lately there have been issues with disregarding water traffic rules, docks being damaged; previous operator had outdoor concerts and they are disruptive to the residential homes and impacts their quality of life.

Mr. Davis commented that he would like to see a time limit for outdoor music and compliance with Borough ordinance. Mr. Bruno responded that they would comply with the Borough ordinance.

Mr. Bruno requested a brief adjournment to discuss some of the issues with his client.

Mr. Widdis asked if they would be addressing the boat trailer issue. Ms. Sarnak responded that they request that people do not leave their boat trailers on their property but are welcome to park elsewhere, the ramp is public access.

Mr. Kahle asked questions about where the ramp users would park then as Riverside Ave isn't suitable and the marina lot has 4 acres. Mr. Bruno responded that the public is allowed to access the ramp but they are not permitting private parking of vehicles on their property.

Councilman Tvrdik commented that it should be treated like other ramps in the area where parking is provided, there should be dedicated spots for the boat trailers on the property and limit it to business hours with no overnight parking. He also requested that a time frame be placed on addressing the landscaping as well as the signage.

Mr. Davis agreed that there should be dedicated spaces for the boat ramp for boat trailers to be parked and that it be lined striped.

Ms. Cooper questioned how the signage at the entrance/exit would be handled and was told they would look at it.

Councilman Tvrdik asked if there was provision for sufficient ADA parking spaces and was told there are 2 spaces at the front of the building; Mr. Comi advised required would be 4 for the number of spaces on the site. Councilman Tvrdik asked if they would comply with the required 4.

At 8:50 PM, the Board adjourned for a 5-minute recess.

At 9:01 PM, the Board resumed the regular meeting with all previous members present.

Chairman Whitson asked if there were any comments from the Board.

Mr. Davis stated he would like to see them come back at another meeting after addressing the sidewalks, the trees, the dedicated parking spaces, the landscaping, the walkway with bicycle emblems, the trailers removed, screening of the paddle boards, signage, stipulate the lighting hours limited to hour after closing, time to review the FMERA obligations and certificates of fulfillment, repairs.

Mr. Widdis agreed and commented that the site was not organized and that needs to be addressed.

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

Mr. Bruno stated they were prepared to address the Board's comments tonight and seek a vote but they would be agreeable to returning if that's the Board's preference.

Mr. Davis commented that they would like to see all those comments addressed with revised plans. Mr. Bruno asked for additional time to consult with the Engineer on the signage.

Mr. Bruno requested that the application be carried and they would consult with appropriate officials and provide revised plans. Mr. Bruno did express concern for the requirement of private parking for the launch. They agreed to the launch being public but not the parking. They will revisit the FMERA agreement and terms.

Motion to Carry to the August 8, 2023 meeting with no additional notice required:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Leslie B Widdis L, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Widdis C, Widdis L, Davis, Dailey, Calver
ABSENT:	Foster, Kleiberg

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 9:11 pm on a motion by Councilman Tvrdik which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary