BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JUNE 27, 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	Absent
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 that the Board was on summer schedule and the next meeting was scheduled for July 11, 2023. Two applications scheduled are the Marina site plan and a residential application for impervious coverage.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Jun 13, 2023 7:00 PM

RESULT:	**ACCEPTED [6 TO 0]**		
MOVER:	John (Jack) Kahle, Vice Chairman	**SECONDER:**	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Foster, Widdis L, Dailey		
ABSTAIN:	Tvrdik, Davis		
ABSENT:	Widdis C, Calver, Kleiberg		

VIII. **Old Business:**

1. Resolution of Approval - 85 Horseneck Point Road: As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Mr. Dailey and received the below roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Joseph Foster, Environmental Commission Liaison, **SECONDER:**John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Foster, Widdis L, Dailey
ABSENT:	Widdis C, Calver, Kleiberg
INELIGIBLE:	Tvrdik, Davis

IX. New Business:

1. PB2023-09 Sciacca, Paul
Block 12, Lot 25
111 Sagamore Avenue
Installation of pool and paver patio seeking bulk variance relief for:
- Maximum coverage permitted 37%, where 45.9% is proposed.

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

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.

The following person(s) were sworn in: William White, Board Engineer/Planner, Applicants Paul and Jackie Sciacca

Mr. Kennedy described and marked Exhibits A-1, A-2, A-3, A-4 and A-5.

Mr. Sciacca explained to the Board that he had put up a temporary above ground pool a few years ago that will be removed. He has a concrete patio and deteriorating deck that will be removed and replaced with an inground pool and paver patio. The pool will be 32x15 and patio will extend around pool, replace the old deck and as a walkway which is 3 feet and a foot of copping around the pool.

Mr. White the Borough Engineer said the plans are 819 square feet over what's permitted. Mr. White asked which way the land sloped in the back yard. He had questions about where his runoff is and problems with rain and pooling on Mr. Sciacca's property and neighbors.

Mr. Sciacca talked about the pitch in his backyard. He said there is a catch basin on the right side of his backyard where all the water runs off too. He said his property is dry, and never pools water.

Mr. Davis asked if the existing aboveground pool had a permit and was told no, didn't know he needed on because it was only temporary. He asked if the pool was included in the impervious coverage

Mr. Kahle commented on his concerns for the amount of impervious coverage being requested, asked questions about the drainage, where were leaders directed, impacts to the neighbors. Mr. Sciacca testified all the concrete was being taken out, replace it with pavers around the pool, outdoor lighting was planned in the pool. They were told that their shed was in the easement and needs to be relocated to outside the easement.

Mr. Foster asked for elevation drawings that show the slope in the land. Mr. Foster is concerned about the drainage and the amount of the impervious coverage. He asked questions about the building coverage, drainage patterns, recharge system and asked the Applicant to consider ways to reduce the coverage.

Ms. Cooper expressed her concerns about the amount of impervious coverage being requested.

Chairman Whitson also expressed concerns for the amount of impervious coverage.

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

There was further Board comments that expressed concern as to accuracy of the impervious coverage calculations, the excessive increase being sought for impervious coverage, how and did the Applicant satisfy the positive and negative criteria and the absence of any effort to mitigate potential runoff issues.

Mr. Sciacca testified that he would remove a 30x5 section and possibly reduce an area by the deck and relocate the shed.

Mr. Kennedy advised that based on the Board's comments, they would like to see revised plans – and plans of larger size and recommended that he return at a later date. Mr. Sciacca requested to carry the application to allow time to revise the plans.

Motion to Carry Application to August 8, 2023 Meeting with no additional notice

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

2. PB2022-27 SIGNAL POINT, LP
   Block 110.18, Lot 1
   Main St./ Stephenson Ave.
   Convert existing building into apartment units and construct (10) town houses with ancillary parking area seeking variance relief for design requirements
   DFD 7/14/23

EXHIBITS

A-1 Land Development Application
A-2 Plan entitled "Topographic Survey" prepared by 3 Wire Surveying, LLC., last revised October 3, 2022, consisting of one (1) sheet.
A-3 Plan entitled "Preliminary & Final Major Site Plan - Nurses Quarters," prepared by Shore Point Engineering, dated October 7, 2022, consisting of 14 sheets.
A-4 Architectural Plans entitled "Nurses Quarters Redevelopment - Existing Dwellings Renovations and New 3-Story Townhouses," prepared by Inglese Architecture and Engineering, dated October 31, 2022, consisting of seven (7) sheets.
A-5 Report entitled "Stormwater Management Report" prepared by Shore Point Engineering and dated October 7, 2022.
A-6 Report entitled "Traffic Impact Statement" prepared by Shore Point Engineering and dated October 7, 2022.
A-7 Report entitled "Operation and Maintenance Manual Stormwater Management Facilities" prepared by Shore Point Engineering, dated November 30, 2022.
A-8 Mandatory Conceptual Review letter dated January 24, 2023.
A-9 Colliers Engineering Review Letter, dated April 26, 2023
A-10 Kyle + McManus Review Letter, dated June 16, 2023
A-11 Colored Rendering of Site prepared by Shore Point Engineering, dated June 27, 2023.
A-12 Colored Sketch of Proposed Facade, prepared by Inglese Architecture and Engineering, dated June 12, 2023
A-13 Image of Existing Building Facades, (2) Sheets, prepared by Inglese Architecture and Engineering, dated June 12, 2023.

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice.

EJ Wright, 156 Main Street, commented that he received notice but questioned why 3 weeks prior there was utility work for the development. Mr. Kennedy asked Mr. Alfieri to respond.

Salvatore Alfieri, Attorney for the Applicant, stated that whatever infrastructure work was done was not done by his client but by the utility company and understands it to be a regional improvement – not designed for the development site. Discussion ensued on comments by the contractor to the neighbors, whether permits were issued, the work being done by the Sewer authority.

Edith Bolling, 31 Main Street, Eatontown, asked why the notice was so late in coming when she saw activity 18 months ago. Mr. Alfieri responded that he was not aware of it. Mr. Kennedy added that her comments were welcomed, however, there was another point in the meeting that would be more appropriate for her concerns. He also opined that notice was required 10 days before the hearing before the Board.

As there were no other 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, A-8, A-9 and A-10**.

The following persons were sworn in: William White, Board Engineer.

Salvatore Alfieri, Applicant's Attorney, described the proposed project to rehabilitate 24 units within the Nurse's Quarters and building 10 separate townhouse units, with 7 units being designated for affordable housing.

Kevin Shelly, Applicant's Engineer, was sworn in, presented his qualifications with licenses current and having been before the Board previously was accepted as an expert in engineering. Mr. Shelly described and marked **Exhibit A-11.** Referring to A-11, described the characteristics of the development site, its location, proposed are (8) one-bedroom units, (16) two-bedroom units with 7 of them to be designated as affordable housing. Along the Main Street frontage there are 10 townhome 3-bedroom units being proposed. Also being proposed is an outdoor amenity area with benches and picnic tables on the southwest corner, removal of existing chain link fence along western property line and replace with a 6' vinyl privacy fence. He further testified concerning engineering comments that they will pull back the fence to eliminate the need for any design waivers. Mr. Shelly also provided testimony concerning ingress/egress with access coming through Main Street and *not* Stephenson Ave which was a private drive and would only be marked for emergency services use; applicant will comply with EV parking requirements, each townhome will have 2-car driveway located behind the unit, a trash enclosure and recycling would be coordinated with a private hauler. He also commented that there has been new services put in Main Street by both NJ American Water and sewer utilities and the applicant will connect the site to both water and sewer. The Applicant was not responsible for the work done by the sewer authority which was being done to bring new service into the Fort area. The existing geo-thermal system would be abandoned per DEP requirements; one underground infiltration system proposed behind building 10 and one small scale retention basin adjacent to Stephenson Ave to handle runoff from the development and would be built per DEP and Borough requirements. New street trees and foundation plantings are proposed to supplement existing trees with some existing trees needing to be removed for certain parts of the project. He testified that they will provide lighting that does not exceed the light spillage beyond 1 foot candles allowed. He also addressed design waivers for the drive aisle with FMERA commenting their approval on the design waivers. They are requesting a waiver of the indoor bike rack requirement due to the limited space in the existing buildings available for storage and was not appropriate for bicycles. They will provide bicycle racks/parking on the outside.

Mr. Alfieri stated that Mr. White had several technical comments related to grading, landscaping and stormwater management. Mr. Shelly testified that he is prepared to agree as a condition of approval that all those comments will be addressed which Mr. Shelly responded yes.

Mr. Alfieri addressed the letter from Borough Planner regarding affordable housing regulations that requires developers agreements and an affordable housing agreement which the Applicant will agree to comply with all of those comments. The would work with the Borough Council to prepare the required agreements and address whether they will use the Borough's administrative agent. The Applicant will also agree to comply with obtaining all required outside agency approvals.

Chairman Whitson invited comments from the Board Engineer and Board members for this witness.

Mr. White asked questions on topics including planned use of the large open space area behind 1077, any additional outside improvements, the ingress and egress impacts on traffic along Main Street, the driveway width to be reduced from 34' to a 24' wide driveway at Main Street, increasing the front yard setback, centering the driveway on Main Street with one lane in and one lane out.

Board members asked questions regarding one lane in and one lane out, why it was a better plan, where would the cluster mailboxes be located, size of storage areas, personnel belongings not to be stored outside along the frontage, topography, lighting, spillage of the existing lights exceed what is allowed which they will address in order to comply an no design waiver needed, dark skies compliance, affordable housing, the bedroom units, parking chart – 66 spaces proposed, electric vehicle stations, fencing, existing chain link along the property line is being removed 10' back from Main Street, reason for design that provides parking in the rear, building height, grading, no basement, emergency access, fire truck circulation plan, access from Stephenson Avenue for emergencies only, Stephenson is a private road so it is dependent on obtaining an easement from the owner; materials to be used, walkways – all new sidewalks, standards for driveway widths, connect sidewalks to picnic area.

Mr. White asked additional questions regarding test pits performed, soils were tested and plans finalized.

PUBLIC: Chairman Whitson asked if there were any questions or comments from the public.

Daniel Czermak, 1075 Stephenson, Owner of Acute Care and private road Stephenson Ave, was sworn in and stated that no one had contacted him about the road access, however they were open to meeting to discuss if it would improve the residents' access. They are also not opposed to light spillage as more lighting of that area is needed. He asked questions about the monument sign location and if no easement worked out, no construction trucks using Stephenson. Mr. Davis asked if he was willing to grant an easement and add additional lighting. Mr. Tvrdik asked if a design was considered to place homes at the back of the property, not sufficient room.

Ava Bullwinkle, 31 Main Street, Eatontown, was sworn in, commented that her zoning requires 30' front yard setback, and asked questions about the front yard setback for FMERA if it would change the Eatontown zoning and was told no.

As no one else from the public appeared, that portion of the meeting was closed.

Mr. Foster asked additional questions concerning stormwater management and impervious coverage. There will be an underground filtration system behind the existing buildings, run off is being directed to that.

Anthony D'Agosta, Applicant's Architect, was sworn in, presented his qualifications and was accepted as an expert in architecture.

Mr. Alfieri requested a recess to meet with the expert.

At 8:43 PM, the Board took a 10-minute recess.

At 8:54 PM, the Board returned with all members previously present.

Mr. D'Agosta, referencing Page A100, was interrupted by Board members seeking to see the plans being referenced. Mr. Kennedy stated the plans had been on file 10 days in advance and were in the Board's packets. Majority consensus was to proceed. Mr. D'Agosta provided details concerning the existing buildings, described the proposed new units, bedrooms, office, kitchen. All units are ADA accessible. Air condition condensers will be at the rear of the property. He further described the geothermal system being used for the existing buildings, reviewed the elevations, metal roof, vinyl windows, recessed porches on the new units so it doesn't encroach on front yard setback, balconies. Mr. Davis asked if the design of the balconies could address appearances so that there are no chairs, grills, storage etc.

Mr. D'Agosta described and introduced **Exhibit A-12** which outlines the front façade of the townhomes. There was discussion on ways to improve the appearance of the units from Main Street and provide more character without needing an additional variance or returning to FMERA who pre-approved the plans.

Susannah Henschel, Vice President of RPM, which Signal Point is an subsidiary, was sworn in and provided testimony regarding the MCR review process with FMERA, they had concern with the width overhang over the front door and would not be able to meet the minimum front yard setback. There was discussion after which Board consensus and Applicant's agreement, application was amended to add a front yard setback variance to have a projection over the front stoop/windows.

Mr. D'Agosta, described and introduced **Exhibit A-13,** and testified concerning the additional façade features.

Chairman Whitson invited comments from the Board Engineer and Board members for this witness.

Mr. Davis recommended landscaping in front of the Main Street units, recessed porches, fencing for air condition units with access gate, a package room.

Ms. Cooper expressed concern about the square feet size of the units for the existing buildings. They are existing conditions, the building cannot be altered.

Mr. Foster asked questions about the bicycle rack locations which would be located outside rather than interior. He also requested window treatments such as shutters in order to improve the facades.

Mr. Davis requested designated areas for community grills which the Applicant agreed to look into.

Mr. D'Agosta testified they would address the US Post Office requirement for cluster boxes will also meet compliance requirements. There will be no HOA as the developer will manage the property.

Mr. Foster asked questions about traffic patterns and changes related to the private road.

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

Ms. Cooper asked about electrical vehicle spaces requirements. The Developer will be complying with at least 10. She would like to see only 2 chairs and a table on front porches along Main Street and nothing else.

Mr. Alfieri and Ms. Henschel testified that those requirements would be placed in the leases, a copy of a lease agreement would be provided for approval.

Mr. Tvrdik made a motion to approve the application as amended with conditions to include a front setback variance for a 5' extension off the fronts of the buildings, subject to FMERA approval, and as discussed including affordable housing requirements and the summary of conditions read by Mr. Kennedy which was seconded by Mr. Dailey.

Motion to Approve with Conditions

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

X. **Petitions from the Public:** Chairman Whitson opened the meeting for petitions from the public. As no one from the public appeared, Chairman Whitson closed that portion of the meeting.

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 9:49 pm on a motion by Mr. Dailey and seconded by Ms. Barham-Widdis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary