BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JUNE 25, 2024

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 January 10, 2024 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.

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	Absent
Christopher Widdis C	Mayor's Designee	Present
Patty Cooper	Class III Council Liaison	Absent
Joseph Foster	Environmental Commission Liaison	Present
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Absent
Kevin Calver	Class IV	Absent
David Gruskos	Alternate I	Absent
Louis J. Padula	Alternate II	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 that the next meeting was scheduled for July 9, 2024 for which no applications were pending. On a motion by Chairman Whitson, second by Mr. Padula, with no objections, the July 9, 2024 meeting was cancelled.

   Ms. Smith reported that there was one pending application deemed incomplete, waiting for additional items and that the Phase I application by Netflix had been received. The application will be deemed incomplete until such time that FMERA has issued the mandatory conceptual review (MCR).

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - May 14, 2024 7:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	Joseph Foster, Environmental Commission Liaison
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Widdis C, Foster, Widdis L, Davis
ABSTAIN:	Padula
ABSENT:	Kahle, Cooper, Dailey, Calver, Gruskos

2. Minutes of June 27, 2023 7:00 PM - tabled for a later meeting.

3. Planning/Zoning Board - Regular - Oct 11, 2022 7:00 PM

RESULT:	**ACCEPTED [4 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Widdis C, Widdis L, Davis
ABSTAIN:	Foster, Padula
ABSENT:	Kahle, Cooper, Dailey, Calver, Gruskos

VIII. Old Business - None

IX. New Business:

1. PB2024-03 Buono, Frank
   Block 19, Lot 14.01
   35 Wyandotte Ave.
   Proposed improvements for pool, patio, pergola seeking variance relief for:
   - Impervious Surface-37% permitted, 28.6% existing, 47.6 proposed
   - Minimum Setback Rear- 25' required, 25.421 existing, 8' proposed
   - Minimum Total Sides- 25' required, 50.9' existing, 20.5' proposed

EXHIBITS
A-1 Land Development Application
A-2 Final as built survey, prepared by Insight Surveying, last revised October 2, 2023
A-3 Plot Plan, prepared by Insight Surveying, last revised March 22, 2024
A-4 Architectural Plans, prepared by Brian Fitzgerald, last revised February 29, 2024
A-5 Review memorandum, prepared by Mazer Consulting, dated June 13, 2024
A-6 Set of Photographs, series of overhead photos representing the area where the property is located, prepared by Insight Engineering, dated June 20, 2024

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
Mr. Kennedy described and marked Exhibits A-1, A-2, A-3, A-4 and A-5.
Mr. Wittek, the applicant's attorney, wanted it to go on record that he represented one of our board members several years ago and asked if it was a conflict of interest. Mr. Kennedy confirmed it was not a conflict.
Mr. Clelland, applicants engineer, was sworn in, presented his qualification and licenses. Mr. Clelland described and marked Exhibit A-6. Referring to A-6, described it as a colorized version of the plot plan submitted, overlaid onto an aerial exhibit, and then a picture of what it would look like in the neighborhood. A detailed description was given as to what the applicant is seeking approval for, a swimming pool, fence, covered patio, open patio with outdoor kitchen and pergola in the rear yard. A description was given of how the property currently exists. A few things to note about the variance request, since the proposed pergola in the back right corner is a grass area just under 100 square feet and since it does not have a solid roof, the stormwater will be able to pass through to the pervious ground below. The area will have real grass. The pool surface is 468 square feet, in terms of stormwater management the pool should handle its own runoff when it rains. The distance between the surface of the water and the pool coping is about eight inches. There is an extensive draining system on the property, there is a berm along the back right corner towards the front left corner which keeps the runoff to any neighboring properties. The items in the letter prepared by Mr. White, the Borough's Engineer were addressed by Mr. Clelland who explained the discrepancies.
Mr. Widdis asked questions about what was included in the impervious coverage calculation, there's no number for the walkway in the calculation table. Mr. Clelland responded that the number is on the exhibit – not on the plans – they've added the walkways, coping, paver blocks gaps, pool equipment and generator which totals to 47.6%.
Mr. Foster asked questions about the rear yard setback and accessory structure setback.
Mr. Clelland continued with testimony regarding stormwater control and runoff, will be directed to Wyandotte Ave right of way, there is a berm in the rear yard and there would be no impact on the neighbors, there will be grass under the pergola as shown on the exhibit. The pergola being open and having gaps between wood floor would not need to be included in impervious coverage.
Mr. Foster commented that DEP regulations for stormwater no longer allows diverting into the street, expressed concern for the large increase in impervious coverage from what is existing, the plans have no mention of recharge system or way to keep the water on the property. Mr. Clelland responded that the project size does not trigger a major development so are not required to provide recharge but they would agree to look into recharge such as a dry well. Mr. Foster responded that while not required, they are

seeking a large amount of impervious coverage and it would be appropriate to provide for a system to handle the runoff.

Mr. Davis commented there's nothing on the proposed plans which appears to contradict itself and does not match with his testimony. The plan also appears to show the water will flow to the back corner. There was additional discussion on the runoff issues.

Mr. Witek thanked Mr. Clelland for his testimony, but it seems that the Board has several questions and concerns, and rather than adjust things on the fly, requested to carry the application so they have time to resolve and address the impervious coverage concerns, clean up the engineering and come back with a plan that is more palatable to the Board.

Mr. Widdis requested that all the corrections be made and included on the plans, provide location of equipment, where will it be stored, a lighting plan for the backyard, details on the pergola roof, chimney stack setback details, coping details.

Board members provided additional comment on the impervious coverage request and would like to see it reduced, type of trees, a recharge system under the stepping stones, fencing and use of neighbor's fence, perhaps note neighbors that may have similar rear yard setbacks.

Mr. Kennedy asked if the Applicant agreed to extend the deadline for a decision which Mr. Witek affirmed.

Application was Carried to the August 13, 2025 meeting with no additional notice required on a motion by Mr. Foster, seconded by Mr. Padula and approved by the Board.

X. **Public Comments:** Chairman Whitson opened the meeting to public comments. As no one else from the public appeared, that portion of the meeting was closed.

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 8:00 pm on a motion by Mr. Davis, seconded by Mrs. Barham-Widdis with all in favor.

Respectfully submitted,

Jeanne Smith
Board Secretary