BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JUNE 9, 2020

Regular	**Maple Place School**	**7:30 PM**
	2 Maple Place, 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 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 posted on the agenda, website and advertisement.

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

IV. Roll Call:

Attendee Name	Title	Status	Arrived	Departed
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	9:13 PM	
Robert Kleiberg	Class IV	Remote		
Darren Davis	Class IV	Remote		
Michael Dailey	Alternate I	Remote		
Jacob Rue	Alternate II	Remote		9:15 PM
Jeanne Smith	Board Secretary	Remote		
Kevin Kennedy	Board Attorney	Remote		
William White	Board Engineer/Planner	Remote		

V. Board Business: The minutes of April 28, 2020 were held until the next meeting.

VI. Old Business:

1. Resolution of Approval - 26 Hedge Drive; Verbosh, Michael

   As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Chairman Widdis questioned the rear yard setback. Mr. Kennedy stated that the resolution can be approved and the condition will be added. Mr. Whitson made a motion to approve the Resolution as amended, which was seconded by Mr. Kleiberg and received the below roll call:

Approval of PR-20-21

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

VII. New Business:

1. PB2020-14 Bonforte, John
   109 and 111 Horseneck Point Rd.
   Block 103, Lots 15 & 16
   Minor Subdivision – Lot Line Adjustment with variances

   EXHIBITS:
   A-1 Land Development Application of John Bonforte, Sr.
   A-2 Maser Consulting Review Letter dated May 19, 2020, last revised May 22, 2020
   A-3 Minor Subdivision Plan, 3 Sheets, prepared by WJH Engineering, dated March 4, 2020.
   A-4 Boundary Survey, prepared by WJH Engineering, dated February 18, 2020
   A-5 Aerial Exhibit, dated June 9, 2020

Mr. Kennedy asked if there was anyone from the public who had an objection to the notice provided for this application. Ms. Smith advised that there were no communications from the public. Mr. Kennedy advised that he had reviewed the notice, found service in order and the Board had jurisdiction.

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

Mr. John Giunco) Esq. described the application to move the existing lot line that runs between a boat house and modify the lot lines. He also provided information regarding existing variances. He introduced Walter Hopkins, Applicant’s Planner/Engineer, was sworn. Mr. Kennedy disclosed that he had worked with Mr. Hopkins on an unrelated matter, but had no direct or indirect influence on his ability to perform as Board Attorney. Mr. Hopkins provided his background and qualifications and was accepted as an expert in the field of engineering and planning.

Mr. Giunco elicited testimony from Mr. Hopkins regarding **A-5**, including how it would eliminate some existing variances, improving lot frontage, both lots exceed minimum lot size requirements, improving side yard setbacks, and improve lot width. Chairman Widdis asked questions regarding the boat house/shed structure.

John Bonforte, Sr. Applicant, 111 Horseneck Point Rd., was sworn and provided testimony regarding the accessory structure, and advised that the only utility is an underground junction box leading to the dock. He provided additional information that the butterfly landscaping would remain.

Chairman Widdis asked members of the Board for questions. Ms. Cooper asked when the original house was built. Mr. Bonforte advised it was built in 1920, with considerable improvements over the years, including significant changes since Superstorm Sandy. Ms. Cooper asked for the distance between the two homes. Mr. Hopkins advised it was approximately 45 feet. She and Mr. White discussed combined side yard setbacks. Mr. Foster asked questions about the location of the boat house. Mr. Hopkins advised there would be no change and it would remain on Mr. Bonforte’s property. Mr. Davis questioned why the land line wasn’t equally distributed. Mr. Hopkins explained the reasoning, including why it was not a CAFRA issue. Mr. Kahle asked questions about the setbacks for the driveway. Mr. Hopkins explained that it does require a variance. Mr. Rue requested clarification regarding the zig-zag nature of the proposed property line. There was discussion regarding side yard setbacks, maintaining frontage on the water, creating a straight property line, and possible elimination of variances. Mr. White discussed lot width and stated the lot width is unconventional, but the ordinance does not speak to that. He also questioned the side yard setback with respect to the deck. Mr. Hopkins addressed some of Mr. White’s concerns. Mr. Giunco requested a moment to speak with Mr. Bonforte which was granted. Ms. Smith muted both Mr. Giunco and Mr. Bonforte.

Mr. White addressed Mr. Tvrdik’s concern about the side yard setback. There was discussion regarding whether the application was by a single or dual owners. Mr. Kennedy remarked that if the variances were approved, that Mr. White had suggested that as a condition of approval, both owners would need to sign documents or plans. Mr. Giunco and Mr. Bonforte returned to the meeting. Mr. Giunco advised that the adjacent property owner had submitted a letter in support of the application. Mr. Giunco stated that after discussions with his client, he agreed to bring the property line straight from Horseneck Pt. Rd. Mr. Hopkins described how the property line would be revised to run from Horseneck Pt. Rd., around the driveway and straight back to the water. Chairman Widdis asked if the property line could be moved to go directly from

Horseneck Pt. Rd. to the waterfront, which Mr. Hopkins stated would create another variance. Councilman Tvrdik commented that he would not be in favor of moving the front line because he didn't want to create any additional variances. Ms. Cooper questioned the movement of the property line in the rear of the property. Mr. Davis questioned the lot width and also suggested a straight line from Horseneck Pt. Rd. to the water. There was discussion about creating new variances. Mr. Bonforte testified that the dock was no longer used.

PUBLIC:

Chairman Widdis opened the meeting to members of the public for questions of this witness. Ms. Smith advised that no one from the public had entered any questions. As no one wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Kennedy discussed Mr. White's review letter, including shade trees and the requirement of both property owners sign and file by map instead of by deed. Mr. Hopkins described amendments to the proposed property line. He stated the variances requested are lot width and side yard setbacks for Lot 16. He testified the benefits outweigh any detriments and encouraged the Board to grant the variances. Mr. Whitson expressed concern regarding the property line but had no questions of Mr. Hopkins. Ms. Cooper clarified which variances will be eliminated and requested clarification on the width of the driveway. Mr. Hopkins provided information to address her questions. Mr. Foster also had questions regarding variances for the shed/boathouse and property line to the water.

PUBLIC:

Chairman Widdis opened the meeting to members of the public for questions of this witness. Ms. Smith advised that no one from the public had entered any questions. As no one wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Giunco provided a closing statement on behalf of his client's application and requested the Board's approval.

PUBLIC:

Chairman Widdis opened the meeting to members of the public for comments on the application. Ms. Smith advised that no one from the public had entered any questions. As no one wished to be heard, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application as Amended

Councilman Tvrdik made a motion to approve the application with the proposed property line location amended, which was seconded by Mr. Kleiberg and received the following roll call:

RESULT:	**ADOPTED AS AMENDED [7 TO 2]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Dailey
NAYS:	Whitson, Davis
ABSENT:	Savarese
INELIGIBLE:	Rue

2. PB2020-12 Parker, Charles - 397 Port Au Peck Ave
   Block 11, Lot 26
   Variance relief for impervious coverage

   EXHIBITS:
   A-1 Land Development Application of Charles Parker
   A-2 Zoning Denial Letter dated January 28, 2020
   A-3 Maser Consulting Review Letter dated May 6, 2020
   A-4 Site Plan, prepared by Shore Point Architecture, PA, dated February 14, 2020

A-5 Topographic Survey of Property, prepared by Lakeland Surveying, dated February 2, 2020 (5 sheets)
A-6 Various pictures of the home
A-7 Photograph of the rear of the existing home
A-8 Site Overlay, depicting previously existing, as-approved, as-built, and proposed conditions, prepared by Andrea Fitzpatrick, AIA, dated June 9, 2020

Councilman Tvrdik disclosed that he met with the applicants prior to the hearing but there was no impact on his ability to make an impartial determination. Ms. Smith stated that Mr. Savarese joined the meeting at 9:13 PM. Mr. Rue requested to be excused from the remainder of the meeting and exited at 9:15 PM

Mr. Kennedy asked if there was anyone from the public who had an objection to the notice provided for this application. Hearing none, advised that he had reviewed the notice, found service in order and the Board had jurisdiction. Mr. Kennedy introduced **Exhibits A-1 through A-5.**

The following persons were sworn: William White, Board Engineer/Planner, Charles Parker, Applicant, and Andrea Fitzpatrick, Applicant's Architect. Ms. Fitzpatrick provided her qualifications and credentials, and was accepted as an expert in the area of architecture.

Ms. Fitzpatrick introduced and described **Exhibit A-6**. She explained that the Applicant wishes to make an addition above the garage, add a roof to the existing uncovered porch and add architectural features. Ms. Fitzpatrick introduced **Exhibit A-7**, explaining that the existing rear deck and stairs would be removed and reconstructed in a different configuration. Ms. Fitzpatrick introduced **Exhibit A-8**, describing differences between the current conditions and the original variance plan from 2014. She referred to the architectural plans regarding the addition over the garage, covered front porch, elevations and covered rear porch. Mr. Parker testified there would be no trajectory or flood lighting added, but interior lighting on the new rear porch would be added.

Mr. Whitson asked questions regarding impervious questions due to the addition. Mr. White asked if the grade around the house would be changed. Ms. Fitzpatrick advised there would be very minimal grade change. Mr. Kleiberg asked if the grill would be gas. Ms. Fitzpatrick advised it would be a proper hood for exhaust. Mr. Davis asked what would be under the rear deck. Ms. Fitzpatrick advised it would be left open with pavers. Mr. Foster asked if the front porch and rear deck would encroach on the front or rear setback lines, which Ms. Fitzpatrick stated they would not. Chairman Widdis asked how far the curb line was from the lot line. Ms. Fitzpatrick advised that it is an undersized lot and if coverage was taken from the property line to the curb line, no variances would be required.

PUBLIC:
Chairman Widdis then opened the meeting to the public for questions of this witness. Ms. Smith advised no one had entered any questions. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Chairman Widdis then opened the meeting to the public for comments regarding the application. Ms. Smith advised no one had entered any comments. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application with Conditions

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

VIII. 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.

Chairman Widdis advised the Board that there was an update from Mr. Kennedy on litigation with the board.

Mr. Kennedy advised the Board that while a decision had been made in favor of the Planning Board on the denial of the Noel Kelly application, an appeal had been filed with the Appellate Court. Mr. Kennedy sought approval from the Planning Board to respond to motion of appeal and continue to defend the Board's denial which granted unanimously by the Board.

IX. Adjournment: As there was no further business, the meeting was adjourned at 9:53 pm on a motion by Mr. Whitson which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary