BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MAY 25, 2021

Regular	REMOTE/VIRTUAL	7:00 PM

Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757

I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 PM.

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 January 22, 2021 of this virtual/remote 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. Ms. Smith then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.

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

V. **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	Late	8:00 PM	8:06 PM
Joseph Foster	Environmental Committee Liaison	Remote		
John (Jack) Kahle	Class IV	Remote		
Michael Savarese	Class IV	Absent		
Robert Kleiberg	Class IV	Remote		
Darren Davis	Class IV	Remote		
Michael Dailey	Alternate I	Remote		
Jeanne Smith	Board Secretary	Present		
Kevin Kennedy	Board Attorney	Remote		
William White	Board Engineer/Planner	Remote		

VI. **Board Business:**

1. Referral from Governing Body - Zoning Ordinance Amendment

Borough Clerk Jeanne Smith briefly described the referral from the Governing Body for Ordinance #1039 in order to re-establish the Borough's regulations prohibiting operation of any class of cannabis business which was nulled as a result of recent State legislation. There was discussion on the ordinance and whether it was consistent with the Borough's Master Plan. Ms. Cooper offered that while she understood the purpose for the ordinance did think that it was a topic that should be reconsidered. Mr. Whitson asked if FMERA was responding to the new legislation or if any proposed development of same was pending. Mr. White advised that the Borough's ordinance would have no impact on FMERA regulations, however, if they were to consider this type of development it would require a Plan Amendment that must be circulated to the host towns for comments. After which consensus was that the ordinance was consistent with the Master Plan having previously been established by the Borough. Ms. Smith read a resolution in full outlining said determination which was moved by Mr. Whitson and seconded by Mr. Kleiberg and received the following roll call.

Motion to Approve PR-21-15 Determining Ordinance #1039 Consistent with Master Plan

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

2. Report of Pending Applications

Ms. Smith reminded the Board and the public that the June 8th meeting was Primary Election Day and would be cancelled. Ms. Smith advised of upcoming applications for the June 22nd meeting and the only pending matter(s) were for the Warehouse Parcel and Post Office parcel which were waiting for FMERA to complete their Mandatory Conceptual Review.

VII. Approval of Minutes:

1. Minutes of May 11, 2021

RESULT:	**ACCEPTED [6 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Widdis, Whitson, Cooper, Kahle, Kleiberg, Davis
ABSTAIN:	Foster, Dailey
ABSENT:	Tvrdik, Savarese

2. Minutes of Sep 22, 2020

RESULT:	**ACCEPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis
ABSTAIN:	Dailey
ABSENT:	Tvrdik, Savarese

VIII. Old Business:

1. PR-21-16 Resolution of Approval - Sanchez, Diana

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Davis requested that the landscaping for the fence buffer include 5-6' green giants and additional plants in front as well as 2 hardwood street trees with no objections. Mr. Davis 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:	Darren Davis, Class IV
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Cooper, Kahle, Kleiberg, Davis
ABSENT:	Tvrdik, Savarese
INELIGIBLE:	Foster, Dailey

Mr. Dailey recused from the next matter and exited the meeting at 7:26 PM

IX. New Business:

1. PB2021-01 Rovinsky

PB2021-01 Rovinsky, Todd
5 Balmer Court
Block 65.01, Lot 1.11

EXHIBITS:
A-1 Land Development Application
A-2 Pool Plan, 1 Sheet, prepared by Insite Engineering, LLC, last revised February 9, 2021
A-3 Colliers Engineering & Design Review Letter dated April 29, 2021

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

Todd Rovinsky, Applicant and Contract Purchaser, and Patrick Ward, Applicant Engineer/Planner were sworn in. Mr. Ward provided his credentials and having been previously before this Board was accepted as an expert in engineering and planning. Mr. Ward provided testimony describing the application for the lot which lies at the center of the recent subdivision of the former borough hall site; described the characteristics of the property; relief being sought for front yard setback, accessory structure in front yard and impervious coverage for the installation of a pool, pool fence and accessory. Mr. Ward testified as to the unique hardship of the lot due to its configuration, its continuous frontage on three sides which limits the extent of development on the lot. The pool is proposed at 7' setback from dwelling where 10' required – a function of the lot geometry and the location of the house in relation to the rear yard. They are proposing 40% impervious coverage where 37% permitted. Impervious coverage usually intended for aesthetics, open space and drainage. The applicant is proposing a walkway for safety around the pool; the pool surface will provide approximately 8-10" for rainwater before overflowing coping of pool and the improvements are new and appropriate for the zone, provides for adequate light and open space and do not impact the feeling of openness. He testified that they are proposing plantings to provide a buffer from the street and to the property and that the impervious coverage is mitigated by the pool surface to handle rainfall events and the pool location minimizes impacts to the rear neighbor. It is his opinion that the application does not significantly impact the zone plan and believes the positives outweigh any detriments. He answered questions including pool dimensions, pool equipment pad location, filter, heater, pump, housing of pool accessories in the garage, the location selected due to house interior and access, pool lighting, no plan for additional outdoor lighting that would face up but would be directed downward, distance of the pool heater to the house, pool elevation, runoff, potential design changes that could reduce the coverage, type of fence,

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 – revised plans to include all dimensions

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis
ABSENT:	Tvrdik, Savarese
RECUSED:	Dailey

Councilman Tvrdik entered the meeting at 7:58 PM

Mr. Dailey re-entered meeting at 8:01 PM

Mr. Whitson being a recipient of a 200' notice for the next matter, recused himself from the application and exited at 8:00 PM.

Councilman Tvrdik having a conflict with the next Applicant, recused himself from the application and exited the meeting at 8:06 PM

2. PB2021-04 Motzenbecker, Eric

PB2021-04 Motzenbecker, Eric
43 Elizabeth Drive
Block 139, Lot 24

EXHIBITS:
A-1 Land Development Application
A-2 Plot Plan, 1 Sheet, prepared by Insite Engineering, LLC, last revised March 25, 2021
A-3 "Additions and Alterations to 43 Elizabeth Drive," 2 Sheets, prepared by Mathew Cronin, AIA, last revised April 13, 2021
A-4 Survey of Property," prepared by Charles C Widdis, dated February 9, 2001
A-5 Colliers Engineering & Design Review Letter dated April 29, 2021

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith 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 and A-5. 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. Mr. White was sworn in.

Eric Motzenbecker, owner and Applicant, was sworn in. Patrick Ward, Applicant Engineer and Planner; Matthew Cronin, Architect were sworn in and provided their details and qualifications. Mr. Motzenbecker described the application for an addition to the existing house and other improvements that they believe are in character with the neighborhood.
Mr. Ward described the characteristics of the site including house, driveway, patio and proposes an expansion of first floor only and replacement patio in order to accommodate growing family. Original plans were to do 2nd story addition which were cost prohibitive thus the proposal for the 1st floor, relief being sought for lot area, lot width, lot depth which are existing conditions and the surrounding development does not provide an opportunity to cure the non-conformities.
Mr. Cronin testified to the existing house characteristics, the proposal to expand the first floor to provide a larger more modern master suite, two bathrooms for 3 children to share, combining existing kitchen, dining and family room into one great room, relocate laundry from basement to main floor; bungalow style house, added front porch, added dormers to improve the linear frontage. Mr. Cronin answered questions related to dormers, attic height not greater than 6' to the collar tie, existing coverage,

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.

Mr. Ward provided planning testimony regarding the three existing non-conformities for lot area, lot width, lot depth and two new variances for impervious coverage of 42.7% and building coverage of 26.8%; feels the improvements are modest and that improved areas on a compliant lot no variances would be required; is an appropriate use for the zone, provides for safety from fire, flood, and other natural or man-made disasters, updates to code, provides adequate light and open space and meets all yard requirements, promotes a visual environmental and aesthetic improvement, more efficient use of land and designed to be cost efficient while meeting the applicant's needs and fits better with the character of the neighborhood than a 2-story structure. Mr. Ward opined that there were no negative impacts, grading to mimic existing conditions, applicant will provide a grading plan, and the positive impacts outweigh any detriments if any. Mr. Ward answered questions related to lot dimensions and neighborhood characteristics.

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.

Allen Parker, 38 Bampton Place, West Long Branch, thanked the Board members for their time and believes it is a good plan.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese
RECUSED:	Whitson, Tvrdik

Mr. Whitson re-entered the meeting at 8:27 PM.

3. PB2021-07 Sommers, Dawn

PB2021-07 Sommers, Dawn
33 Trinity Place
Block 115, Lot 10

EXHIBITS:
A-1 Land Development Application
A-2 Boundary and Topographic Survey", prepared by American Layout and Land Surveying dated February 15, 2021
A-3 Colliers Engineering & Design Review Letter dated May 20, 2021

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

Dawn Sommers, owner and Applicant, was sworn in. Ms. Sommers described the application to legalize a 9.22' side yard setback where 10' required after construction of a detached garage was completed and an as-built survey showed location error by builder.

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.

Chairman Widdis asked Mr. White if there were any issues with the driveway. Mr. White responded it was an existing condition likely there for 30 years or more. Ms. Sommers stated she had no intentions to expand or change the driveway.

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 as Presented

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

X. **Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public presented, Chairman Widdis closed that portion of the meeting.

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 8:35 pm on a motion by Mr. Kahle which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary