BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MAY 14, 2019

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 7:31 p.m

II. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.

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

IV. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Darren Davis	Mayor's Designee	Present	
Robert Proto	Council Liaison	Absent	
Joseph Foster	Environmental Committee Liaison	Present	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Daphne Halpern	Class IV	Absent	
Thomas Tvrdik	Alternate I	Present	
Eric Motzenbecker	Alternate II	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

V. Board Business:

1. Approval of Minutes, March 12, 2019

Chairman Widdis called for a motion to approve the minutes of March 12, 2019, which was made by Mr. Whitson, seconded by Mr. Foster and approved by the eligible members of the Board.

2. Approval of Minutes, March 26, 2019

Chairman Widdis called for a motion to approve the minutes of March 26, 2019, which was made by Mr. Whitson, seconded by Mr. Kleiberg and approved by the eligible members of the Board.

3. Approval of Minutes, April 9, 2019

Chairman Widdis called for a motion to approve the minutes of April 9, 2019, which was made by Mr. Whitson, seconded by Mr. Foster and approved by the eligible members of the Board.

4. Correspondence - MC Planning Board, Block 110, Lot 1, NJCU

Mr. White explained that the New Jersey City University made an application to the Monmouth County Planning Board, which was deemed incomplete. The MC Planning Board requested additional information, including striping, signage and drainage. The application will be reviewed once the information has been received.

5. Acceptance of Resignation, Eric Motzenbecker

Chairman Widdis advised that Mr. Motzenbecker had submitted a letter of resignation due to his job responsibilities. Mr. Motzenbecker thanked the members of the Board for the experience and knowledge he gained. Chairman Widdis called for a motion to accept the resignation which was made by Mr. Whitson, seconded by Mr. Davis and approved by the eligible members of the Board. Ms. Smith stated she would advise Mayor Coffey about the vacancy and ask for a new appointment.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Darren Davis, Mayor's Designee
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese, Halpern, Motzenbecker

VI. Old Business: None

VII. New Business:

1. PB2019-05 Harvey, Chris
   28 Revere Drive
   Block 65, Lot 18.01

   Variance Relief for construction of an in-ground pool

Exhibits

A-1 Land Use Development Application of Chris Harvey

A-2 Plans prepared by RC Burdeck dated March 1, 2019 (1 sheet), last revised March 28, 2019

A-3 Maser Consulting Review letter dated April 4, 2019

William White, Board Engineer/Planner was sworn. Mr. Kennedy marked **Exhibits A-1, A-2 and A-3** for the record.

Mr. Kennedy asked if there was anyone present 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.

Chris Harvey, Applicant/Owner, was sworn. He explained that he has an odd shaped backyard and was requesting a 6 ft setback instead of the required 10 ft setback and move his shed to the Colonial Dr. side of his property. Mr. Harvey described the type and shape of the proposed pool. He will install whatever required lighting and explained why the shed needs to be moved. Mr. White pointed out that the Applicant complies with the front yard setback. There was discussion regarding the surface surrounding the pool, impervious coverage, lot coverage calculation, shed, fencing, water runoff and light spillage.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public for this witness. As there was no one, he closed that portion of the meeting.

PUBLIC:

Chairman Widdis opened the meeting to comments or statements on the application from the public. As no one wished to be heard, he closed that portion of the hearing.

Motion to Approve Application: Mr. Kahle made a motion to approve the application, which was seconded by Mr. Kleiberg and received the following roll call:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese, Halpern, Motzenbecker

2. PB2019-04 Bodnar, Erich & Barbara
   6 Relwof Ave
   Block 88, Lot 15
   Variance relief for construction of an addition at the rear of the structure along with elevated deck.

Exhibits

A-1 Land Use Development Application
A-2 Maser Consulting Review letter dated March 27, 2019
A-3 Plans prepared by Jeremiah Regan dated Sept. 21, 2018 (1 sheet)
A-4 Survey prepared by Charles V. Bell dated Nov. 8, 2017

Mr. Kennedy marked **Exhibits A-1, A-2, A-3 and A-4** for the record. William White, Board Planner/Engineer, was sworn.

Mr. Kennedy asked if there was anyone present 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.

Erich and Barbara Bodnar, Applicants/Owners, were sworn. Ms. Bodnar explained the current home is a 4 bedroom, 3 bath bi-level, and require more room for their visiting family. The existing deck is failing. The Applicants want to remove that and request a rear yard setback variance. The rear yard neighbor is the railroad.

Jeremiah Regan, Applicant's Architect, was sworn. Mr. Kennedy disclosed that he is working with Mr. Regan with a similar client, but has no direct or indirect financial relationship with Mr. Regan. Mr. Regan presented his qualifications and was accepted as an expert in the field of Architecture. Mr. Regan stated that because of an odd shaped lot, the Applicants are requesting variance relief for rear yard setbacks. He explained the current condition of the property and the proposed plans for an elevated family room and porch/deck with stairs. He provided approximate square footage for the finished area, porch and deck. There was discussion regarding lighting.

Mr. White and Mr. Regan reviewed existing setbacks and proposed setbacks. Mr. Kahle requested clarification regarding distance between the addition and the railroad.

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

PUBLIC:
Chairman Widdis opened the meeting to comments or statements on the application from the public. As

no one wished to be heard, he closed that portion of the hearing.

Motion to Approve Application: Mr. Kleiberg made a motion to approve the application, which was seconded by Mr. Foster and received the following roll call:

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

3. PB2019-01 Denholtz Custom Homes
   27 Shore Road
   Block 73, Lot 5
   Variance relief for proposed construction of single-family home, pool and associated improvements.

Exhibits

A-1 Land Use Development Application
A-2 Survey prepared by Charles Surmonte dated Aug. 8, 2018 (1 sheet)
A-3 Inginuity Engineering Review letter dated March 21, 2019
A-4 Front yard setback plan prepared by Charles Surmonte dated March 1, 2019
A-5 Plot & Grading plan prepared by Charles Surmonte, PE & PLS, dated Oct. 26, 2018, last revised March 11, 2019
A-6 Architectural plans prepared by Monteforte Architectural Studio LLC, dated Jan. 7, 2019, last revised March 2, 2019

William White, Board Engineer/Planner recused himself at 8:10 p.m. due to a conflict. Jacqueline Flor, Conflict Engineer, was sworn. Mr. Kennedy marked **Exhibits A-1, A-2, A-3, A-4, A-5 and A-6** for the record.

Mr. Kennedy asked if there was anyone present 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.

John Giunco, Applicant's Attorney, appeared and provided a brief description of the proposed single family residence and requested variances for lot width and building height. Mr. Giunco advised that the principal owners of Denholtz Custom Homes are Steven Denholtz, Jessica Bergman and Denholtz Development, and there were no questions regarding conflicts.

Mr. Giunco called Jim Monteforte, Applicant's Architect, who was sworn, presented his credentials and was accepted as an expert in the field of architecture. Mr. Monteforte testified the property is currently vacant. He referred to **A-5** and described removing the proposed structure from any CAFRA regulated zone, raising the grade around the house and having the slab at Base Foot Elevation at 10.7. Proposed first finished floor is 12.6 ft. The height variance is required based on measurement from the crown of the road. He described adjustments made to accommodate the Applicant's wishes for a contemporary home, creating water views, the proposed pool and deck, circular driveway, stucco exterior, and covered porch. There was discussion between Mr. Giunco and Mr. Monteforte regarding the height of the structure with regard to architectural design. He also described several features in the design such as the open design, fireplaces, front covered porch and a total square footage of 3516 sq. ft. Mr.

Monteforte testified that the parapet promotes a desirable visual environment that will serve the neighborhood and would not create a detriment.

Ms. Flor had several questions regarding the building height and defining the parapet. Including the parapet, the building height is 34.1. Mr. Monteforte noted that neighboring homes are closer to the street and the perspective view will make it appear the same as other houses.

Mr. Kennedy and Ms. Flor had discussions regarding whether or not this was a C variance. Mr. Giunco explained that the height of the house is 32.4 and the parapet is 2 ft. above that. He stated 32.4 ft. falls under the 10 percent of the 30 ft. requirement and that remains a C variance He stated the parapet is not considered height under the ordinance, but is considered a permitted exception. Ms. Flor agreed that it was a parapet with no livable space. Mr. Monteforte read the pertinent part of the ordinance regarding permitted exceptions. Ms. Flor asked if the parapet could be reduced by 1 foot to maintain the request for a C variance. Mr. Monteforte agreed he could reduce the parapet by 1 foot.

Chairman Widdis asked Board members for input. Mr. Tvrdik stated that if the parapet was lowered by a foot, he would consider it a C variance. Mr. Davis believes it is a design feature and a C variance. Mr. Kleiberg stated it wasn't going to be noticeable, and if it was lowered by a foot, it would be a C variance. Mr. Kahle agreed that it was a design feature, and a C variance. Mr. Foster agreed that lowering it a foot makes it a C variance.

Chairman Widdis led a discussion regarding drainage. Mr. Monteforte advised that leaders would be directed toward the front yard.

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

Charles Surmonte, Applicant's Engineer was sworn. Mr. Kennedy disclosed that he worked with Mr. Surmonte on various projects, but has never represented him and has no direct or indirect financial relationship with him. Mr. Surmonte presented his qualifications and was accepted as an expert in the field of Engineering.

Mr. Surmonte testified that he prepared the plans and grading plans before the Board. He stated that roof leaders should be connected to a storm water collection system if feasible. He provided information on storm water management and flow of the water based on the grading and elevation. The Application proposes creating side yard swales to control runoff and direct water away from neighbors. There was additional discussion regarding elevations. Ms. Flor had questions regarding lot width. Mr. Surmonte advised there was no adjacent land available for purchase to increase the lot width. Ms. Flor had additional questions regarding drainage. Mr. Surmonte advised that he had information that Shore Rd. will be reconstructed that will likely elevate the gutter line of Shore Rd. Mr. Surmonte addressed questions regarding the low elevation at the rear of the property. Ms. Flor summarized that the Applicant will direct roof leaders towards the swales and not exacerbate any existing drainage issue in the back of the property, pull swales back as far as possible to maintain positive drainage to the street and drop an inlet structure towards the back of the property where ponding exists, and install perforated pipe that extends to Shore Dr. There was discussion between Mr. Davis and Mr. Surmonte regarding drainage.

Mr. Foster raised the issue of landscaping as a solution to some of the ponding problems. Mr. Kleiberg asked about roof drains, stated that bubblers would not work and asked for an explanation. Ms. Flor agreed with Mr. Kleiberg that roof leaders need to come out in a swale and not to the back of the property. Mr. Kleiberg expressed concern about the underground pipes freezing. There was additional discussion regarding flooding near the rear portion of the property.

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

Chairman Widdis asked about the placement of the pool equipment. Mr. Monteforte stated it would be behind the loge, it would be screened and outside the setbacks. Chairman Widdis expressed concern about light spillage, which will be addressed.

PUBLIC:
Chairman Widdis opened the meeting to comments or statements on the application from the public. As no one wished to be heard, he closed that portion of the hearing.

Motion to Approve Application: Mr. Kahle made a motion to approve the application, which was seconded by Mr. Kleiberg and received the following roll call:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese, Halpern, Motzenbecker

VIII. Resolutions:

1. PR-19-13 Resolution of Approval, Martelli Development, 222 Monmouth Blvd

As the resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution, after which Mr. Whitson made a motion to approve the resolution as presented which was seconded by Mr. Foster and received the following roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese, Halpern, Motzenbecker
INELIGIBLE:	Davis

2. PR-19-14 Resolution of Approval, Martelli Development, 282 E. Main St.

As the resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution, after which Mr. Whitson made a motion to approve the resolution as presented which was seconded by Mr. Foster and received the following roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Proto, Savarese, Halpern, Motzenbecker
INELIGIBLE:	Davis

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public.

Jeff Oakes, 60 Pemberton Ave., expressed his concern regarding the ban on medical cannabis facilities and asked if the Ordinance that passed was based on the recommendation of this Board. Ms. Smith explained that Council sends the proposed ordinance to the Planning Board to determine if what the Council is proposing is consistent with the Master Plan. Ms. Smith stated that the Board found the proposed ordinance was consistent with the Master Plan. Mr. Oakes asked who on the Board was a professional on medical cannabis. Mr. Oakes discussed recent news articles featuring Sen. Declan O'Scanlon and the Board of Health to accommodate medical cannabis patients. Ms. Smith explained that the Board found the proposed ordinance was consistent with the Master Plan because there is no zone that provides that type of product for sale. Mr. Oakes explained his advocacy efforts and the amount of travel for his treatment.

Mary Oakes, 60 Pemberton Ave., stated that since Mr. Oakes can no longer transport himself for his medicine, she has to take the trip by herself and has to pay a $200 carrier fee to the State of NJ so she won't be arrested.

Mr. Oakes reappeared and there was discussion regarding the establishment of medical cannabis facilities in Monmouth County. He explained more of Sen. O'Scanlon's efforts. Mr. Kennedy replied that this is a complicated and ever-changing issue. He stated that attitudes on all sides have to look at things differently. Mr. Kennedy praised Mr. Oakes and his wife for their efforts. Chairman Widdis thanked Mr. Oakes for appearing.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

X. Adjournment: As there was no further business, the meeting was adjourned at 9:59 pm on a motion by Mr. Whitson which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary