BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MAY 11, 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. Chairman Widdis 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
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	Absent	
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	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	

VI. **Board Business:**

1. Approval of Minutes - Apr 13, 2021

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

2. Report of Pending Applications

Ms. Smith advised of upcoming applications for the May 25th meeting and additional applications under review. Ms. Smith advised that the June 8th meeting was Primary Election and would need to be cancelled with no objections from the Board members.

3. Interpretation for Pools *- Added*

Discussion held on whether pools were to be considered an accessory structure. Previous meeting was discussed that patios and pool aprons were not an accessory structure. Zoning Officer has now questioned whether pools should be required to meet the 5% maximum coverage for accessory structure. Points of discussion were definition of structure, above grade, pools have to meet impervious coverage requirements. Mr. Davis commented that he thought it unfair to make residents go to the Board when they can achieve the square footage and setbacks and not fair to make them conform to 5%. Chairman Widdis commented he agreed, there are small lots and it makes it very difficult based on current zoning.

Mr. Kleiberg made a motion that pools and patios are not to be considered an accessory structure which was seconded by Mr. Davis. The Secretary was directed to notify the Zoning Officer of same.

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

VII. Old Business:

1. Resolution of Approval - 15 Ticonderoga Ave; Meyer

   As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions, which Councilman Tvrdik made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Kahle, Kleiberg, Davis
ABSENT:	Foster, Savarese, Dailey

2. PB2020-01 Sempkowski, Anthony

   Ms. Smith advised of correspondence earlier that day received from Walter Toto, Attorney for the Sempkowski application which requested to adjourn the hearing to a date certain depending on agenda availability. The request was sought for additional time to prepare revisions pursuant with the previous hearing and concerns expressed by the Board. There was discussion by the Board as to whether to grant the request to carry. After which Mr. Kahle made a motion to carry to August 10th 2021 subject to posting of additional escrow funds within 14 days.

   Motion to Carry with New Notice Required to August 10, 2021

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

VIII. New Business:

1. PB2021-03 Sanchez, Diana
   26 Oneida Ave
   Block 30, Lot 1

EXHIBITS:
A-1 Land Development Application
A-2 Pool Variance Plan, 1 Sheet, prepared by RC Burdick, P.E., P.P, P.C., dated February 25, 2021
A-3 Survey of Property, prepared by Morgan Engineering & Surveying, dated July 12, 2018

A-4 Colliers Engineering & Design Review Letter dated April 23, 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, Ms. Sanchez was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3 A-4. 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.

The following people were sworn in: William White, Board Engineer/Planner and Diana Sanchez, Applicant/Owner. Ms. Sanchez described the application seeking variances for a pool and six foot fence to be installed at her property location 26 Oneida Avenue. Ms. Sanchez has a corner property on Oneida and Port Au Peck Ave which is considered two front yards which means that her pool and six foot fence must meet the front yard requirements. Variances are sought for front yard setback and impervious coverage. Pool equipment will be on a platform to comply with AE flood zone.

Mr. White clarified that the pool is proposed 16' from right of way and fence is proposed as solid 6' where 4' and 50% open is permitted thereby requiring two variances.

Chairman Widdis asked for questions from Board members.

Mr. Kahle wanted to make sure if any damage was done to curb homeowner is responsible. Mr. White confirmed yes.
Mr. Kleiberg was in favor of the 6' fence as the pool was an attractable nuisance and 6' would be better than 4'.
Chairman Widdis expressed concern that lighting be downward facing so not to shine in neighbors' yards. Ms. Sanchez was agreeable to having proper lighting. Chairman Widdis asked about the pool equipment; Ms. Sanchez responded that the plan shows a raised platform for the equipment given the flood zone.
Councilman Tvrdik requested that the 6' fence and platform have some type of landscape buffer for visibility from the street. He also requested that the plan be corrected to reflect AE flood zone and not "X". Applicant stated she would comply.
Mr. Davis commented he would like to see all of fence along Port Au Peck main road buffered with landscaping.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Mr. Whitson asked Mr. White if there were any concerns for water runoff to neighbors. Mr. White stated he reviewed grading plan and it crosses corner of property and maintains same pattern.

PUBLIC:

Chairman Widdis opened the meeting to comments from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application with Conditions for Landscaping Pool Equipment and Fence along Port Au Peck Ave

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

IX. 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.

X. Adjournment: As there was no further business, the meeting was adjourned at 7:56 pm on a motion by Mr. Davis which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary