BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● APRIL 26, 2022

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 20, 2022 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 10:00 P.M.; no new testimony will be taken after 10:30 P.M., except at the discretion of the Board.

V. Roll Call:

Attendee Name	Title	Status	Arrived
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Present	
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis C	Class IV	Present	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Present	
Michael Dailey	Class IV	Present	
Leslie B Widdis L	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VI. Capital Presentation:

1. PB2022-10 Borough of Oceanport
2. The Borough attorney Mr. Kennedy explained legal matters involving this capital presentation pursuant to New Jersey Law. Whenever the town has a master plan, which we do, and the Borough is undertaking a project with public funds, the law provides that the matter should be referred to the planning board for review and recommendation in conjunction with that master plan. The review must be completed within 45 days of the referral. This is not a typical application. It's not an application for development, no notice is required by statute, and we do not approve it or deny. The Board only makes recommendations.

   Councilmen Keeshen and O'Brien introduced themselves and presented a project plan developed for Maria Gatta Community Park that will create artificial turf fields to improve the recreational uses at the park while providing a safe environment, the planning and evaluation of materials and providers to ensure the best product for the project. Board members asked questions related to purchase, maintenance requirements, was the use permitted by Green Acres and was there potential for any other grants from County, State or otherwise, the Borough will use revenues from the Sports Wagering Tax to supplement the project costs, parking availability and requests to use the adjacent NJSEA land as an entry and close of the current entrance. Project is planned to begin in June with a 10-week construction schedule. Other topics included restroom facilities, temporary or otherwise, fencing of the park, netting to stop balls between fields, utilities including water and electric, ingress/egress, lighting of fields being considered in future phases, lighting of walkways, solar powered, intent is to use the facility for a year or so before considering other recreational improvements such as playground area, storage or restroom facilities. No plans for a "bubble" due to the costs. Use will be for Oceanport residents as well as outside organizations for a use fee, software being considered to handle scheduling. As there were no more questions, Chairman Whitson thanked them for the presentation which supports the Borough's Master Plan.

VII. Board Business:

1. Report of Pending Applications – Ms. Smith advised the next meeting was scheduled for May 10, 2023 with one application from Monmouth Blvd scheduled. Fort Monmouth Plan Amendment #18 will be discussed at the next meeting as well as the Area in Need of Redevelopment reports for the warehouse and post office parcels. She also reminded members to file their annual financial disclosures to avoid State penalties and that member training was scheduled.
2. Fort Monmouth development signs – Ms. Smith advised that the Zoning Officer had requested guidance on development signs which FMERA regulations state that Oceanport approves the development signs so discussion ensued on whether to use the Borough's regulations for development advertisements and directional signs. The County has not given permission for use of any of their property, FMERA has granted permission for their lands. John Johnson, Zoning Officer, appeared and advised that his office has been reviewing and permitting those signs that are compliant with the Borough's regulations.

VIII. Old Business:

1. Resolution of Approval - 73 Monmouth Blvd - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [7 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey, Widdis L
ABSENT:	Kleiberg
INELIGIBLE:	Tvrdik, Widdis C

2. Resolution of Approval - 23 Ithaca Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Councilman Tvrdik made a motion to approve the Resolution, which was seconded by Mr. Kahle and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [6 TO 0]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis
ABSENT:	Kleiberg
INELIGIBLE:	Widdis C, Dailey, Widdis L

3. Resolution of Approval - 199 Comanche Drive - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [6 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis C
ABSENT:	Kleiberg
INELIGIBLE:	Dailey, Widdis L
RECUSED:	Davis

IX. New Business:

1. PB2022-06 Tennenbaum, Kent & Celia
   Block 24, Lot 9
   174 Comanche Drive
   Proposed 6' and solid fence where 4' and 50% open is permitted in front yard

EXHIBITS:

A-1 Land Development Application
A-2 Pool Grading Plan prepared by MidState Engineering, dated May 19, 2021 with Hand Notations for Proposed Fence & Landscaping
A-3 Survey Update prepared by Lakeland Surveying, dated 08/24/2020
A-4 Platform Detail

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.

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.

Kent and Celia Tennenbaum of 174 Commanche Drive were sworn in stating they have owned the single-family residence since August 31, 2020. Mrs. Tennenbaum stated they are a corner property with a lot of traffic along Comanche Drive side and they are looking to construct a 6' privacy fence in the front yard that needs variance relief. They are willing to put any open spindles on the top.

Mr. White commented that the Tenenbaum's live on a corner lot with two front yards. He asked questions about the hand sketches and describe the limits of the fence. Ms. Tennebaum responded that they were approved for placement of a 4' fence that stopped at the house and now they are looking to extend along Mohican about 15' off and to the front of the house. There was discussion about multiple drawings and which one correctly reflected conditions, the first approved fence and the proposed changes.

Ms. Tennebaum further testified as to various lots in the neighborhood with the similar conditions.

Chairman Whitson asked for the dimensions of the fence, such as distances as to how far off the property line. Ms. Tennebaum referring to the Exhibit A-2 attempted to describe the location of the fence with the Board expressing some confusion. Mr. White interjected to assist the Board and explained that it was being proposed 30' off of Comanche and 15' off of Mohican. Chairman Whitson reiterated that he would like the dimensions/lengths of the proposed fence which were not shown on the survey. With Mr. White's assistance, the Applicant provided the height and lengths for each segment.

Chairman Whitson invited questions from Mr. White and the Board.

Ms. Cooper asked the original fence height approved was 4' and what type – Ms. Tennenbaum stated they had a 6' vinyl fence and they made changes to remove a garage and add a pool. The original fence approved was 50% open and 4'. Ms. Tennenbaum testified that the site sees a lot of activity and they were looking for privacy.

Councilman Tvrdik asked questions about any landscaping buffered proposed.

Mr. Foster asked if the fence would be installed on the property line or any offset on the side of the neighbor. Ms. Tennenbaum responded currently it was grass there but yes, they were proposing to place it right on the property line.

Mr. Kahle asked questions about the pool equipment that had to be elevated and that it would be higher than the fence how would they screen it from the neighbors. Ms. Tennenbaum stated something like a weathered wood feature and tall plantings.

Mr. Davis commented he didn't see the need for the additional fenced area and would also like plantings to be tighter for the buffer. He also was concerned about the fence coming off the front of the house instead of the rear. Ms. Tennenbaum testified that they'd be willing to reduce the fence to 4' solid and would put more plantings.

Ms. Barham-Widdis asked for the reason needing the fenced area on the Comanche Drive side rather than use the rear yard. Ms. Tennenbaum responded that side of the property was very trafficked and they were also considering putting in a swing set. Ms. Barhma-Widdis expressed concern for a solid type fence in that location.

Mr. Dailey commented that he also had concerns for a solid type fence and 6'.

Mr. Widdis asked how far the fence with the neighbor extend. Ms. Tennenbaum testified that it currently ends at the front of the neighbor's house and they want to bring it to Mohican because of the pool and patio and would go about 15' passed the front of the neighbor's house.

There was further discussion on alternatives that the Applicant would consider that would address the issues coming up by the Board and the neighbor; Board concerns for the height and length of the fence shared with the neighbor.

PUBLIC: Chairman Whitson asked for questions from the public on the application.

Joe Kloss, 30 Mohican Ave, was sworn in, and asked what was the purpose to go from a 4' open fence to a 6' solid fence. Mr. Tennenbaum responded for privacy because they have dogs and with people walking by they have no privacy without putting a line of trees. Mr. Kloss asked if there was available a 4' stockade fence, the Applicant was unsure but would look into it.

As no one else from the public had questions, that portion of the meeting was closed.

PUBLIC: Chairman Whitson asked for comments from the public on the application.

Stephen Saris, 26 Mohican Ave, that he had spoken to the Applicants earlier and he would like to see a 4' open fence because of his kids that play in front yard but after speaking with the Applicants said he would be okay with a 6' solid fence up to where the garage was and adjust down to a 4' closed fence along the front yard line and all around along Mohican and Comanche.

Mr. Foster asked questions of the Applicant regarding their willingness to adjust from 6' to 4' and where the transition would take place.

Chairman Whitson asked the Applicant to state what they wanted to do.

Ms. Tennenbaum stated that they would propose 6' solid to the front of his house and then drop down to 4' and closed but they disagreed with the neighbor and would like to see 6' along Mohican but would go with what the Board says.

There was discussion with the Board about what the Applicant was proposing to do and not what the Board wanted the Applicant to do; that the Applicant needs to design the fence. The consensus of the Board was that better plans be submitted that show the exact locations, heights and type of fence shown on the plan.

Mr. Kennedy advised the Applicants that it was best not to design on the fly and it appears that the Board wants to see new plans and suggested that the Applicant seek to carry the hearing in order to prepare a plan that meets the Board's concerns.

Motion to Carry Application to May 24, 2022 with no additional notice

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

At 8:39 PM the Board took a 5-minute recess.

At 8:48 PM the Board resumed the meeting with all previous members in attendance.

2. PB2022-11 Ranieri, Domenick

82 Tecumseh Ave
Block 7, Lot 15
Construction of deck, above ground pool, patio, shed and fence seeking bulk variance relief for:
- Accessory structures in second front yard: pool and shed
- 6' fence in second front yard where 4' and 50% open is permitted

EXHIBITS:
A-1 Land Development Application
A-2 Survey of Property, prepared by Charles Surmonte, PE & PLS, dated September 17, 2017.
A-3 An undated hand marked-up copy of the Plan entitled "Survey of Property", prepared by Charles Surmonte, PE & PLS, dated September 17, 2017
A-4 Illustrated Rendering of Proposed Improvements, undated, 2 sheets
A-5 Collier's Engineering & Design Review Letter dated April 12, 2022
A-6 Exhibit Containing Photographs/Renderings of Proposed Improvements to Rear Yard

The following person(s) were sworn in: William White, Board Engineer/Planner, Dominick Ranieri, Owner/Applicant.

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. Mr. Kennedy described and marked Exhibits A-1, A-2, A-3, A-4.

Domenick Ranieri, Owner/Applicant was sworn in and testified that he was the owner of the single-family residence for about 5 years and described their plans to improve their yard on a triangle shaped lot with two frontages, described the unique characteristics of the lot, issues with persons, businesses cutting through their yard and the desire for privacy and a safe place for their children to play. They are proposing to construct a pool with shed and a 6' vinyl fence in their front yard that requires variance relief. He presented renderings of the proposed pool and patio which were described and marked as **Exhibit A-6**. The pool would be 18' in diameter and 52" high.

Chairman Whitson invited questions from Mr. White and the Board.

Mr. White advised that the applications seeks 3 variances for the front yard setback, accessory structures in front yard and fence not 4' and 50% open. Mr. White asked how far the fence would be installed from the County right of way and was told about 2'. Mr. White requested that the fence be pushed back a bit more to provide for plantings in front of the fence. Mr. Ranieri stated that they are aware that they would need to maintain the landscaping so that it doesn't encroach the sidewalk. Mr. White asked if there was any utilities proposed for the shed and was told electric; the deck has an upper railing.

Mr. Foster commented that the plantings on the Shrewsbury side would be on the outside of the fence and was told yes.

Mr. Kahle asked if it was a flood zone and equipment needed to be elevated – not known.

Mr. Davis asked why the front section went out so far and was told because of a swingset that is in that part of the yard that they don't use because of the heavy traffic on Shrewsbury. Mr. Davis asked why the went with an aboveground pool – cost and easier. Mr. Davis stated he didn't like aboveground pool, Mr. Ranieri commented that he and his wife grew up with above ground pools and it was a comfort level for them. Mr. Davis commented that he would like the fence pushed back another 2' to allow for substantial type of plantings to buffer what would look like a white wall along Shrewsbury.

There was further discussion on whether to go with a 5' fence with the spindles on top or a full 6' fence and place it 4' from the line to accommodate the landscaping. Mr. Ranieri stated he was seeking 2' offset for the fence and would maintain the landscaping meticulously. Also discussed was type of plantings that would buffer all four seasons and run all the way around the fence.

Mr. Widdis asked questions about any lighting on the deck. Mr. Ranieri stated he had it planned on the bannisters, downward facing. There are existing light fixtures on the sides of the house. Mr. Widdis asked that he be considerate of the neighbors and direct lighting downward. Mr. Ranieri said he would put whatever light was required but did not want to light up the yard.

Mr. Dailey asked Mr. White if the fence was an issue with the site triangle at the intersection, Mr. White stated no concerns.

Ms. Barham-Widdis commented that she liked the lattice on the top of the fence.

Mr. Ranieri proposed shifting the fence location to a total of 3' offset and keep the lattice on the fence top and be sure to have plantings tall enough such as arborvitaes.

Councilman Tvrdik commented that another reason to push it back is they don't want the County coming in for roadwork and rip it out.

PUBLIC: Chairman Whitson asked for questions and then comments from the public on the application, with no one present closed that portion of the meeting.

Ms. Cooper expressed concern that the setback variances had not been addressed – the shed, the deck, etc.

Mr. Dailey commented that the issue is the backyard is a front yard.

Councilman Tvrdik commented he preferred 50% open and black which provides a shadow effect and could be made real nice with landscape buffering. Mr. Davis agreed he preferred jerith type fence.

Mr. Widdis commented that he felt the fence was necessary because of the vehicle traffic and foot traffic and headlights that light up the yard.

Mr. Widdis made a motion to approve the application as amended with the stipulation that the fence be shifted to a 3' setback, 5' with 1' open on top, all lighting to be downward facing due to the location of the property and the heavy traffic which was seconded by Mr. Foster. Board members commented that they agreed with the safety issues as sufficient reason to grant the variances.

Motion to Approve Application As Amended

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christopher Widdis C, Class IV
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis C, Davis, Dailey, Widdis L
ABSENT:	Kleiberg

X. **Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 9:22 pm on a motion by Mr. Tvrdik which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary