



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • APRIL 24, 2018

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 7:32 p.m.
- II. **Flag Salute:** Chairman Widdis led the audience and the members of the Board in the flag salute.
- III. **Open Public Meetings Statement:** Chairman Widdis stated that this meeting complies with the Open Public Meeting Act by notification on January 16, 2018 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.

IV. **Roll Call:**

Attendee Name	T	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
William Sullivan	Mayor's Designee	Present	
Robert Proto	Council Liaison	Present	
Joseph Foster	Environmental Commission Liaison	Present	
John (Jack) Kahle	Class IV	Absent	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Daphne Halpern	Class IV	Present	
Thomas Tvrdik	Alternate I	Present	
Michael O'Brien	Alternate II	Present	
Jeanne Smith	Board Secretary	Present	
John Miele for William White	Board Engineer/Planner	Present	
Kevin Kennedy	Board Attorney	Present	

Chairman Widdis advised that John Miele of Maser Consulting was sitting in for Mr. White as a professional engineer and planner.

V. **Board Business:**

PR-18-08 Resolution Appointing Board Attorney

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER	Robert Proto, Council Liaison
AYES:	Widdis, Whitson, Sullivan, Proto, Foster, Halpern, Tvrdik, O'Brien
ABSENT:	Kahle, Savarese, Kleiberg

2. Approval of March 13, 2018 Meeting Minutes

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Widdis, Whitson, Sullivan, Proto, Foster, Halpern, Tvrdik, O'Brien
ABSENT:	Kahle, Savarese, Kleiberg

VI. Old Business:

1. 1064 : PB2016-14 Sopenoff, Adam & Jasmine - CARRIED from March 13, 2018
1217 Turf Drive, Block 130, Lot 10

REMAND from Monmouth County Superior Court
Request to Withdraw Application

Chairman Widdis advised the Board and the public that the Applicants had submitted a request to withdraw their application without prejudice. Mr. Kennedy provided some background on the application which was approved, received a complaint and was remanded by the Court back to the Board. Mr. Kennedy explained the purpose for "withdrawing without prejudice" would allow the Applicants to return at a future date for the same or similar project should it be necessary. Ms. Halpern asked if there would be any corresponding with the Judge. Mr. Kennedy advised he didn't believe so but would check with the Applicant's attorney, Mr. Falvo. Mr. Kennedy then summarized the Resolution authorizing the application to be withdrawn without prejudice, which was moved by Councilman Proto and seconded by Mr. O'Brien and received the following roll call.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Proto, Council Liaison
SECONDER:	Michael O'Brien, Alternate II
AYES:	Widdis, Whitson, Sullivan, Proto, Foster, Halpern, Tvrdik, O'Brien
ABSENT:	Kahle, Savarese, Kleiberg

VII. New Business:

1. PB2018-04 Proto, Isabel & Robert
159 Monmouth Boulevard, Block 31, Lot 1.01; Request for Side Yard Setback Variance for Pool & Generator Equipment

EXHIBITS

- A-1 *Pool Permit Grading Plan, prepared by East Pointe Engineering, LLC, dated February 28, 2018, consisting of 1 sheet*
- A-2 *Boundary and Topographical Survey, prepared by Landmark Surveys, dated September 9, 2017, last revised January 29, 2018*
- A-3 *Photograph of the subject home/property, taken by the Applicants on or about April 22, 2018.*

Councilman Proto recused himself due to personal conflict and took a seat in the audience. Mr. Kennedy counselled the Board regarding Board members and the need to recuse from

matters pertaining to their own property; why the matter stays before the Oceanport Board which is the only agency with jurisdiction and why this specific application is not a conflict of interest and this Board was able to hear the application; explained what constitutes a conflict of interest and what would require a member to recuse. No members of the Board were led to recuse themselves from the matter.

The following persons were sworn: John Miele for William White Professional Engineer/Planner and Isabel Proto, Applicant and Owner.

Mr. Kennedy stated for the record that service had been reviewed, asked if anyone had any questions to which there were none, and deemed the service in order and complete and the Board had jurisdiction.

Mrs. Proto described the application for a side yard setback variance for the placement of pool equipment on the side of the house; currently area has a generator there as well as the other utilities are located there and would make the most sense. Additionally, there is no other suitable location due to the wetlands on the property which NJDEP has placed a buffer on that pushes anything into the 10' side yard setback.

Chairman Widdis asked Mrs. Proto to go through the maps and refer to them. Mrs. Kennedy introduced and described a Pool Plan, Topographic Survey and Site Photograph which were marked as **Exhibits A-1, A-2, A-3**.

Chairman Widdis asked about the note on the plan that states shrubs will be placed around the pool equipment as a buffer. Mrs. Proto answered yes, that there would also be fence like there was around the generator. Chairman Widdis asked the equipment would be right on the property line and that they were asking to place the equipment there and was told yes.

Chairman Widdis asked Mr. Miele if he had any comments. Mr. Miele answered yes, he had reviewed the application but typically a review letter was not done for this type of application for a simple side yard setback. Mr. Miele continued that it was an accessory structure falling within the 10' setback, was not feasible to be moved 10' or more feet as it would be in the house and affirmed the Applicant's testimony that the rear yard poses problems with DEP restriction as well as the height that the equipment would have to be for flood elevation requirements that would interfere with the view by neighbors. Chairman Widdis asked about the neighbor's house that was forward more to the water. Mrs. Proto testified that the equipment would be quite far from the neighbor's house which was planned for a new house in the same location.

Chairman Widdis asked if Mr. Miele had any other questions. Mr. Miele stated that he had no additional questions but commented that as the Applicant indicated, it would be up to the property line and requesting a 0' setback where 10' required and there was the existing generator also needing a 0' setback as part of this application which Mrs. Proto confirmed.

Chairman Widdis asked for questions from the Board.

Mr. O'Brien had no questions but commented that it made the most sense to have it in the proposed location; he himself has his equipment on the side yard.

Mr. Whitson asked if they had spoken with the impacted neighbors and did they have any objections. Mrs. Proto responded that she had spoken to owners of adjacent abandoned property, and they had no objections.

Mr. Foster asked if the generator complied with Borough's safety requirements as far as

distance from windows. Ms. Halpern asked several questions about the location of the generator. Mrs. Proto stated there wasn't enough room between the fence and the generator. Chairman Widdis also asked questions about location of the generator and pool equipment.

PUBLIC:

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

Chairman Widdis asked for statements from the Board members. Hearing none, he closed that portion of the meeting.

PUBLIC:

Chairman Widdis opened the meeting to the public for statements on the application. As there was no one from the public present, Chairman Widdis closed that portion of the hearing. Chairman Widdis called for a motion to approve the Application, which was made by Vice Chairman Whitson and seconded by and received the following roll call.

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental
AYES:	Widdis, Whitson, Sullivan, Proto, Foster, Halpern, Tvrdek, O'Brien
ABSENT:	Kahle, Savarese, Kleiberg

VIII. Resolutions:

1. PR-18-12 Family Promise of Monmouth County

Mr. Kennedy advised that the resolution was in progress, distributing to involved parties for comment and would be complete for the next meeting.

- IX. 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.

- X. Adjournment:** As there was no further business, the meeting was adjourned at 8:04 p.m. on a motion by Councilman Proto which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary