BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● APRIL 12, 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	Departed
James Whitson	Chairman	Present		
John (Jack) Kahle	Vice Chairman	Present		
Patty Cooper	Mayor's Designee	Late	7:04 PM	
Thomas Tvrdik	Class III	Late	7:09 PM	
Joseph Foster	Environmental Commission Liaison	Present		
Christopher Widdis C	Class IV	Present		
Robert Kleiberg	Class IV	Absent		
Darren Davis	Class IV	Present		07:52 PM
Michael Dailey	Class IV	Absent		
Leslie B Widdis L	Alternate I	Absent		
Jeanne Smith	Board Secretary	Present		
Richard Tilton for Kevin Kennedy	Board Attorney	Present		
William White	Board Engineer/Planner	Present		

VI. **Capital Presentation:**

1. PB2022-06 Monmouth Park-Sportsbook

Bill Knauff, Vice President of business operations of Monmouth Park, Michael Gallagher from Colliers Engineering and Sam Foreman from Studio 3877 the architect on the project came to give an overview and talk about the new Caesars Sportsbook at Monmouth Park.

Mrs. Cooper entered at 7:04 PM.

Mr. Knauff said the new facility is going to be located at the south end of the club house side. It will be connected to their patio tele theater. They will open a wall in the patio area so race patrons can walk right through to the building. It will have a separate entrance outside the clubhouse parking lot. It will have a full-service restaurant, large bar and outside patio aprons that can be used on race days, large groups that want to book during sports season or patrons that want to be there.

Mr. Gallagher the site engineer showed the Board an aerial rendering of the proposed site plan. The sportsbook will be two stories and 17,000 square feet. It will have direct access from the existing structure and will also have two separate access points for patrons coming from the Southerly parking area of the facility. They won't be changing the traffic patterns just shifting a drive aisle further southwest to accommodate the building addition. They will relocate a portion of the bus stand and reconfigure the access to it. They are proposing a nice landscape pattern along the front of the building to make a grand entrance from the southern parking area. At the southern end there will be a service are for deliveries. We will be reconstructing a portion of the patios and terraces on the track side of the site to replace what's disturbed during the construction of the building and to further supplement and create a warm weather gathering space as part of the sportsbook. There will be decorative pedestrian level lighting.

Mr. Tvrdik joined the Board at 7:09 PM

Mr. Foreman from 3877 Architectural firm described the layout of the building, floor plans, features, raised terrace, restrooms, and vision to compliment the historic nature of Monmouth Park with a modern building design.

Chairman Whitson asked if the Board had any questions.

Mr. White asked about the hours of operation? Days of the week it will be open? Mr. Knauff said it would be seven days a week. Monday through Thursday is 9am to 12am. Friday and Saturday is 9am to 1am.

Mrs. Cooper asked when will they start work and when will they finish? Mr. Foreman said they would like to start the 1st week in July and anticipate 10–12-month construction.

Mr. Tvrdik asked what the name will be? Mr. Knauff said the name will be Caesar's Sports Book at Monmouth Park.

Mr. Foster asked if there will be a formal restaurant or just a bar? Mr. Knauff said they would have a restaurant with a noted chef.

Mr. Kahle asked what the seating capacity will be? Mr. Foreman said it's just under a 1,000.

Mr. Davis asked about the amount of handicap spaces available. Mr. Gallagher explained that there is a percentage they need to have, and they are fulfilling that number.

Multiple Board members asked questions and expressed concerns with the parking, ADA parking locations, loading zone and striping. Mr. Gallagher said they will take another look at the design.

Chairman Whitson asked if there were any questions or comments from the public for which there were none.

VII. Board Business:

1. Report of Pending Applications - Ms. Smith advised of application scheduled for April 26, 2022 including 174 Comanche Dr, 82 Tecumseh Ave and the Area in Need Study for Parcel A/Warehouse Districts.
2. Fort Monmouth Plan Amendment #18 – Ms. Smith said this plan amendment affects an Oceanport parcel which is the nurses' quarters. The development review committee set up by the chairman did meet with the potential developer for the property. Currently, the property is zoned for 24, mixed residential use according to the actual plan. The developer that is bidding on the project has a pending contract with FMERA wants to put a total of 34 units at the site. The plan amendment provides an alternative development, doesn't replace it. Its an overlay for that site. Mr. White summarized the plan amendment and noted that there will be one access point off Main Street instead of 10 driveways. The driveways for the development will be on the backside of the garages. The townhouses will have 2 ½ stories, the apartments will be 2 stories. Ms. Smith said the Mayor and Council will need to respond back to FEMERA before May 18th. The Board will have some time to review more in depth the plans.

VIII. Approval of Minutes:

1. Planning/Zoning Board - Regular - Feb 8, 2022 7:00 PM

RESULT:	**ACCEPTED [5 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster
ABSENT:	Kleiberg, Dailey, Widdis L
INELIGIBLE:	Widdis C, Davis

2. Planning/Zoning Board - Regular - Feb 22, 2022 7:00 PM

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

IX. Old Business:

1. Resolution of Denial – 9 & 9A Pocano Ave - As the resolution had been previously provided to the Board, Mr. Tilton summarized the resolution and conditions. Chairman Whitson commented of not was that the Board was unanimous in their vote as basically the request was to make a large lot larger and a smaller lot smaller. Mr. Foster commented of note that the use of the property was

not in compliance concerning short term rental as testified to by the Applicant. Ms. Cooper made a motion to adopt the Resolution for denial, which was seconded by Mr. Foster and received the below roll call.

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster
ABSENT:	Kleiberg, Dailey, Widdis L
INELIGIBLE:	Tvrdik, Widdis C
RECUSED:	Davis

2. Resolution of Approval - 38 Oneida Ave - As the resolution had been previously provided to the Board, Mr. Tilton summarized the resolution and conditions. Mr. Kahle made a motion to adopt the Resolution, which was seconded by Mr. Tvrdik and received the below roll call.

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

3. PB2022-03 Dalton, Edward

23 Ithaca Avenue
Block 29, Lot 12
Proposed installation of in-ground pool seeking relief for:
Maximum Impervious Coverage - 37% permitted; 42.0% existing; 49.8% proposed

EXHIBITS
A-5 Plan entitled “Pool Variance Plan”, prepared by R.C. Burdick, PE, PP, PLS, last revied March 24, 2022
A-6 Colliers Engineering & Design Review Letter dated April 8, 2022

Mr. Dalton the applicant is requesting approval of a bulk variance exception due to impervious coverage on his property, that's related to the installation of a new pool. The first request for the variance was at the March 22nd Board meeting and the Board advised that they preferred the impervious coverage of the property, not exceed 50%. Mr. Dalton’s engineer revised the plan, which was submitted to the board, to remove some of the concrete around the pool, recalculate all the impervious coverage areas on the property which results as a new coverage of 49.8% which is in line with the Boards request.

Chairman asked if the Board had any questions.

Ms. Cooper commented her thanks for the Applicant’s consideration of the Board’s comments.

PUBLIC: Chairman Whitson opened the meeting to questions and comments from the public. As there were none, Chairman Whitson closed that portion of the meeting

Motion to Approve Application As Amended

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis
ABSENT:	Kleiberg, Dailey, Widdis L
INELIGIBLE:	Widdis C

Mr. Davis recused himself from this application and exited the meeting at 7:52 PM.

X. New Business:

1. PB2022-01 199 Comanche, LLC

199 Comanche Drive
Block 40, Lot 13
Construction of detached garage and associated improvements seeking relief for:
- Maximum Impervious Coverage: 37% permitted, 40.6% existing, 39.96% proposed.
- No accessory structures are permitted in the front yard: construct a three-car, one-story garage in the front yard of the property with a setback 70' from Comanche Drive.
- Minimum Side Yard Setback, Accessory Structure: 10 feet required, 1.66 feet proposed from northern side yard.

EXHIBITS
A-1 Land Development Application
A-2 Plan entitled "Variance Plans", prepared by Winters Design LLC, last revised Nov. 16, 2021
A-3 Plan entitled "Boundary and Topographic Survey", prepared by Insite Surveying, last revised Aug. 12, 2021
A-4 Plan entitled "Plot Plan", prepared by Insite Engineering and Surveying, last revised Nov. 1, 2021
A-5 Colliers Engineering & Design Review Letter dated Feb. 16, 2022
A-6 Colored Rendering of Exhibit A-4
A-7 Planner Rendering Aerial Exhibit
A-8 Photo Exhibit of Streetscape

Jennifer Krimko, Applicant's attorney, made opening remarks describing the subject property on Comanche Drive and described the application to reconstruct the existing garage in the front yard of the existing house and between the new garage and house install a swimming pool and other improvements.

Mr. Tilton 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 Mr. Tilton advised he and the Secretary had reviewed and found the notice to be in order.

Christopher Bednarski, Applicant's Engineer was sworn in, presented his qualifications and was accepted as an expert in engineering.

Mr. Bednarski described the property which is .42 acres or 18,000 square feet, approximately, in the R-3 zone which is residential, single family, where 12,000 square feet are allowed. The property fronts on Comanche Drive and it's a fully developed waterfront property consisting of an existing single-family home, and detached garage. The property is constrained on all sides except for the front yard. It is a long narrow lot, 50 feet by 365.5 feet. The existing dwelling is set back 271 feet from the road and the rear yard contains a sewar easement, wetlands, and the waterfront. The only feasible location for any proposed improvements would be in the front of the existing dwellings. So, they are here to seek approval to demolish the existing garage and construct a new three car garage with a storage area and then also a pool behind the garage. The existing garage located in the front yard is 95 feet from the property line. The proposed garage and storage structure will be setback 70 feet from the property line it will be screened with evergreen and American holly trees to provide an attractive buffer from the right of way. The existing garage sits 1.5 feet off the side lot line where 10 feet is required. The new garage will be 1.66 feet off the side lot line which will still need a variance. The only utilities that would be going in the garage is electric. The allowable coverage is 37% existing 40.6% they reduced it to 39.96%.

Mrs. Krimko advised the Board that the notice had not included a variance for a pool in the front yard because the Borough's ordinance recognizes the garage as the front as the end of the front yard therefore the pool was technically not in the front yard.

Mrs. Krimko asked Mr. Bednarski to go over changes made to the plans. The plans now show the pool equipment and is now compliant with the accessory structure location 10' off the property. The pool was put in the certain location for privacy and the neighbors garage acts like a screen, they will also add a fence in-between the pool and the driveway will be landscaped. The walkways will be landscaped to put a buffer in between neighbors.

Mrs. Krimko asked for questions from the Board for Mr. Bednarski.

Mr. White informed them that the pool equipment must be above 12.4'.

Mr. White asked questions about the turning space for the garage? Mr. Bednarski testified in front of the garage 18' for parking spaces and 9' for the drive aisle, effectively 20' to turn in. Mr. White commented that it appears that its gravel and typically 28-32' is needed on that type of surface. Mr. Bednarski responded that due to the width of the lot there is a challenge to provide additional space.

Mr. Foster asked about the gravel and the impervious coverage would it be impacted. Ms. Krimko responded that the gravel being removed and replaced would not be driven on and therefore no compression of the surface underneath which by Ordinance was not considered impervious.

Mr. Kahle asked questions about the new garage setback, 70' off of Comanche, old garage was at 95' and what was the distance for other garages along the street. Mrs. Krimko responded that the Planner would address that. Mr. Kahle asked if there would be landscaping to cover the pool equipment and along the fence? Mr. Bednarski said yes, they will have screening and other landscaping features in the area. Mr. Kahle asked about the driveway and 5' setback, does it need a variance. Mr. Bednarski responded no, pre-existing and they actually reduced the width to get down in the impervious coverage? Mr. Bednarski responded the aerial exhibit shows lots 11,12 and 13 have a shared driveway. They are not changing the driveway - it's an existing condition. Mr. Kahle asked about the area being called a porch and use as a bathroom. Mrs. Krimko stated she had that conversation with her clients and it is solely for storage in the winter months.

Mr. Widdis asked about the ordinance requirement that when replacing it must be made to comply. Mr. White confirmed yes. Mrs. Krimko responded that they are not re-doing the driveway. Mr. Widdis commented that the garage is only 1.5' off – there's not enough room to do anything without going on the neighbor's property. Mrs. Krimko responded its where the existing garage. Mr. Widdis replied but this is a brand new garage and should be made to comply. Mrs. Krimko responded that the problem being faced is the hardship from the narrowness of the lot which Mr. Widdis acknowledged but suggested changing the size of the garage. Mrs. Krimko responded that a car wouldn't fit. There was discussion on car lengths and garage size. Mrs. Krimko concluded that she would make a note of it and speak with her clients. Mr. Widdis asked additional questions about the driveway and boundaries and requested something to be installed to keep the gravel from migrating towards the property line. Mr. Widdis asked about the space next to the driveway. Mrs. Krimko said it was for the hose spigot, 3 stand, and not in the garage. Mr. Widdis asked where excess cars would be parked if garage could fit 2-3. Mr. Bednarski pointed out that there was 27' directly in front of the house where 3 cars would fit.

Mr. Foster asked about the driveway where it turns to the north it is not 5' to the property line. Mr. Bednarski pointed out that it was a pre-existing condition as where the neighbors have shared driveway space as shown on the aerial exhibits. Mrs. Krimko added that it was an existing condition that they are not changing.

Chairman Whitson had no questions but expressed concern with the garage being so close to the line.

PUBLIC: Chairman Whitson asked if there were any questions from the public for this witness. As there was no one from the public, Chairman Whitson closed this portion of the meeting.

Joanne Montero, Applicant's Architect, was sworn in, presented her credentials and was accepted as an expert in architecture. Mrs. Montero testified that there was no overhang on the North side of the garage. Mrs. Krimko said the depth of the garage is 20'-4 inches. She asked Mrs. Montero if there was anyway to make it smaller? Mrs. Montero said they could take a couple of inches off and still make it functional but would still have to access neighbor's yard for maintenance. Discussion was exchanged with Mr. Widdis concerning the garage size in order to increase the setback.

Chairman Whitson invited questions from the Board for Mrs. Montero.

Mr. Tvrdik had no questions but commented that he had concerns about the garage but saw the need for storage.

Mr. Kahle asked if there was a gutter to catch water with leaders and where did it go. Mr. Bednarski responded that the plan shows the existing water collection system and French drain systems for the house and garage that bring to an inlet on Comanche Drive.

Mr. Widdis asked what the trellis was and was told it was a decorative pergola.

Mr. Foster asked if the collection system was existing and was told yes, the inlet was, and the collection system would be added to the existing.

PUBLIC: Chairman Whitson asked if there were any questions from the public for this witness. As there was no one from the public, Chairman Whitson closed this portion of the meeting.

Mrs. Desmond, Applicant's Professional Planner, was sworn in and having previously been before the Board was accepted as an expert. Mrs. Desmond testified that their review of the neighborhood and there are several occurrences of accessory structures in the front yard and the current application would be consistent with other properties along Comanche Drive. Mrs. Krimko referring to Exhibit A-8, photos of other properties, pointed out various improvements, some with landscaping buffering which the Applicant was willing to install as a condition of approval.

Chairman Whitson invited questions from the Board for Mrs. Desmond.

Mr. Tvrdik, referring to the photos, asked to confirm that the Applicant would landscape the garage, which was agreed to by Mrs. Krimko; requested that no vehicles or storage be done in front of the garage which was also agreed to.

Mr. Kahle asked what were the setbacks to the garages along Comanche Drive. Mrs. Krimko pointed out the one with the shed was about 60' and so was the house with the garage.

PUBLIC: Chairman Whitson asked if there were any questions from the public for this witness. As there was no one from the public, Chairman Whitson closed this portion of the meeting.

Mrs. Krimko summarized the application reviewing the uniqueness and varies in style along Comanche Drive with none of them being the same, the similarity of other properties with accessory structures in the front yard due to location near the water, the new garage would be more attractive and aesthetically pleasing compared with what was there now, their willingness to install evergreen landscaping screen and to raise equipment to the required flood elevation and the driveway will be outlined with an edging keep gravel from migrating to the property line, they will reduce the garage by 6" to increase the setback but were constrained by the hardship from the narrowness of the lot. Mrs. Krimko argued that the property has several challenges to its unique shape and the inherent hardship due to the existing non-conformities and believes that the application presents a tremendous improvement to what is there today. The Applicant also agrees to a Deed Restriction to prohibit habitation and no plumbing or heating of the garage and to maintain the landscaping in perpetuity.

Mr. Foster asked if there would be any lighting for the pool and if it would be dark sky compliant. Mrs. Krimko responded there would be standard residential lighting for the pool and yes, it would be dark skies compliant.

PUBLIC: Chairman Whitson asked if there were any comments from the public on the application. As there was no one from the public, Chairman Whitson closed this portion of the meeting.

Motion to Approve Application with Conditions

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis C
ABSENT:	Kleiberg, Dailey, Widdis L
RECUSED:	Davis

XI. 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.

XII. Adjournment: As there was no further business, the meeting was adjourned at 8:42 pm on a motion by Mr. Tvrdik which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary