BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MARCH 28, 2023

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 Feb. 10, 2023 of this 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.

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 9:30 P.M.; no new testimony will be taken after 10:00 P.M., except at the discretion of the Board

V. Roll Call:

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

VI. Board Business:

1. Report of Pending Applications - Ms. Smith advised that the only pending applications to be scheduled were the Nurses' Quarters and the Marina at Oceanport Partners which was before them that evening for waiver requests.
2. Ordinance and Development Review Committees: Chairman Whitson asked for volunteers to serve on the committee and included himself. Mr. Foster, Mr. Kahle and Mr. Davis also volunteered and were named to the Committees.

VII. Approval of Minutes:

1. Minutes of Mar 14, 2023 7:00 PM - Minutes were tabled until the April 11, 2023 meeting on a motion by Mr. Whitson, seconded by Mr. Davis and approved by the Board.

VIII. Old Business:

1. **PR-23-10** Resolution of Approval - 21 Hedge 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 Ms. Barham-Widdis and received the below roll call:

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Leslie B Widdis, Class IV
AYES:	Whitson, Kahle, Tvrdik, Foster, Widdis L
ABSENT:	Cooper, Widdis C, Calver, Kleiberg
INELIGIBLE:	Davis, Dailey

2. **PR-23-09** Resolution of Approval - 6 Ticonderoga Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. There was discussion on the conditions with modifications to reflect the conditions for an as-built survey before a CO issued. Mr. Kahle made a motion to approve the Resolution as Amended, which was seconded by Ms. Barham-Widdis and received the below roll call:

RESULT:	**ADOPTED AS AMENDED [5 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Tvrdik, Foster, Widdis L
ABSENT:	Cooper, Widdis C, Calver, Kleiberg
INELIGIBLE:	Davis, Dailey

3. **PR-23-08** Resolution of Approval - 6 Relwof Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. There was discussion on the conditions with modifications to reflect the conditions concerning planter boxes in front yard. Councilman Tvrdik made a motion to approve the Resolution as Amended, which was seconded by Ms. Barham-Widdis and received the below roll call:

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Tvrdik, Foster, Widdis L
ABSENT:	Cooper, Widdis C, Calver, Kleiberg
INELIGIBLE:	Davis, Dailey

The Board began to review the waiver requests for the Marina application, but due to the length of items to be addressed, Chairman Whitson, with no objections from the Board, amended the agenda to address the Marina business at the end of the agenda.

IX. New Business:

1. PB2023-04 Norwicke, Debbie
   Block 7, Lot 14
   76 Tecumseh Ave.
   Proposed rear pergola, fireplace, outdoor bar and patio in second front yard seeking relief for:
   - Accessory structures not permitted in front yards

EXHIBITS
A-1 Land Development Application
A-2 “Exterior Alterations: Norwicke Residence,” 2 Sheets, prepared by Parallel Architectural Group, dated January 13, 2023
A-3 Plan of Survey, prepared by Harris Surveying, dated December 8, 2022
A-4 Colliers Engineering Review Letter dated February 22, 2023

The following person(s) were sworn in: William White, Board Engineer/Planner, Deborah Norwicke, Applicant/Owner and Cliff Bebout, Applicant’s Contractor.
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.
Ms. Norwicke described the application for construction of improvements including a pergola, outdoor bar and patio in the secondary front yard that needs variance relief for accessory structures in front yard.
Mr. Bebout testified as to the dimensions and locations of the proposed patio 32’9” x 38’, pavilion 23’8” by 15’ and fireplace. The project complies with setbacks and coverage but needs a variance because the rear of the property is along Shrewsbury Ave.
Chairman Whitson asked for questions from Mr. White and Board members.
Mr. White commented that the property fronts on two roadways and the accessory structures in second front yard need relief.
Mr. Foster asked about the fence that was along the second front yard that was 6’ and did they have a variance. Ms. Norwicke responded it was their when she purchased the property. Mr. Foster asked if they were installing any additional lighting on the patio. Ms. Norwicke advised it would be underneath the pavilion and not projecting outwards. Mr. Foster asked questions about the building coverage of the patio. Mr. Bebout responded it was below requirements.
Mr. Kahle asked if there would be a sink or ice machine. Ms. Norwicke responded no.

Mr. Davis asked questions about the dimensions of the patio as shown on the drawing. No sewer

PUBLIC:

Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Davis asked Mr. White about the flatness of the lot and would like a grading plan and an as-built of the improvements to certify that it was built in accordance with the plan if approved.

Councilman Tvrdik asked about the roof leaders be directed to the sides and be sure to pull permits for the gas line to the fireplace.

Councilman Tvrdik made a motion to approve the application with conditions which was seconded by Mr. Foster.

Motion to Approve Application

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

Councilman Tvrdik recused himself from the next matter and exited the meeting at 7:32 PM.

2. PB2023-05 Scarpulla, Noelle
   Block 13, Lot 5
   42 Hiawatha Ave
   Proposed installation of in ground swimming pool and paver patio seeking relief for:
   - Maximum impervious coverage of 46.6% proposed, where 37% permitted

EXHIBITS

A-1 Land Development Application
A-2 Swimming Pool Plan, prepared by MGC Associates, dated October 1, 2022
A-3 Land Title & Topographic Survey," prepared by Casey & Keller Inc, dated February 9, 2023
A-4 Colliers Engineering Review Letter dated February 28, 2023
A-5 Swimming Pool Plan, prepared by MGC Associates, last revised March 20, 2023.

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

Noelle Scarpulla, Applicant/Owner, was sworn in and testified that she was the owner of the single family home for approximately 19 months and resides there. Ms. Scarpulla described the application for an in-ground pool and patio, the existing shed was being removed, the existing paver patio would be extended around the pool. She also advised that she had come with a revised plan due to an error in the legend by the Engineer, which was marked as **Exhibit A-5,** a revised version of Exhibit A-2. Plans were distributed to the Board.

Mr. Kahle asked if they would re-grass the area where the shed was being removed.

Ms. Barham-Widdis commented that the removal of the shed would bring the impervious coverage down slightly.

Mr. Kahle asked if there was any shed planned for anywhere else on the property and she responded no.

Chairman Whitson asked for questions from Mr. White and Board members.

Mr. White commented that his letter p0ointed out the survey was not to scale which had been addressed by the revised plan and requested additional topography on the plans to determine runoff impacts to neighbors.

Mrs. Barham-Widdis asked what the existing patio coverage/area was. Ms. Scarpulla responded only what is shown on the plan.

Mr. Dailey expressed concern for grading and drainage around the pool and with the high amount of coverage would want to see impacts to the neighbors. Plans should be conditioned on providing the drainage details. Ms. Scarpulla commented that the lot was over the coverage when she purchased it and her improvements equal about 7%.

Mr. Davis asked questions about ways to reduce the coverage by removing some items such as the stepping stones and stones by the fireplace which the Applicant agreed to. Mr. Davis would like to see any approval conditioned on the drainage being addressed possibly by a recharge system subject to the Engineer's grading plan review to which she agreed. Mr. Davis asked questions about pool-code compliant fence and gates to which the Applicant agreed would be installed. Mr. Davis asked if there would be any buffer of the pool equipment and was told yes, landscaper around it. Mr. Davis asked if there would be any landscaping lighting and was told no. Any lights installed would need to be directed downward.

Mr. Foster commented at length on the impervious coverage issue and would like to see the Applicant's Engineer look at a recharge plan due to the smallness of the lot and the high impervious coverage. He also requested that any lighting be dark-sky compliant and directed away from neighbors.

Mrs. Barham-Widdis asked if she would remove the pavers from the left side of the pool as the walkway goes to nowhere which Ms. Scarpulla agreed to.

PUBLIC:

Chairman Whitson opened the meeting to the public for questions and then comments. As there was no one, Chairman Whitson closed that portion of the meeting.

Mr. Dailey made a motion to approve the application with the conditions agreed to for a maximum impervious coverage not to exceed 45%, allow ability to move pavers around to best fit scenario as long as coverage number remains unchanged and subject to updated grading plan showing drainage, shed removed, stones removed and updated chart for the coverage which was seconded by Mr. Kahle.

Motion to Approve Application with Conditions

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

Councilman Tvrdik re-entered the meeting at 7:55 PM

3. PB2023-06 Marina at Oceanport Partners, LLC
   10 Riverside Avenue
   Block 104, Lot 1
   Request for Waiver of Checklist Items

Mr. White reviewed the procedures for Fort Monmouth properties, site plans and the submission of checklist items required by Ordinance in order for the Application to be deemed complete and scheduled for a hearing, those items which have been requested by the Applicant to be waived. Board members discussed and ruled the following Checklist waiver requests as follows:

The request for Waiver of Site Plan Checklist Item #20 was DENIED on a motion by Councilman Tvrdik, seconded by Mr. Foster with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

The request for Waiver of Site Plan Checklist Item #26 was GRANTED on a motion by Councilman Tvrdik, seconded by Mr. Dailey with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle
NO: Whitson

The request for Waiver of Site Plan Checklist Items #36, #37, #38 and #39 were DENIED on a motion by Mr. Dailey, seconded by Mr. Davis with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

The request for Waiver of Site Plan Checklist Item #40 was GRANTED on a motion by Ms. Barham-Widdis, seconded by Mr. Davis with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle
NO: Whitson

The request for Waiver of Site Plan Checklist Item #43 was DENIED on a motion by Councilman Tvrdik, seconded by Mr. Kahle with the following Roll Call:
YES: Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson

NO: Foster

The request for Waiver of Site Plan Checklist Items #44 and #45 were GRANTED on a motion by Ms. Barham-Widdis, seconded by Mr. Foster with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle
NO: Whitson

The request for Waiver of Site Plan Checklist Item #46 was GRANTED on a motion by Councilman Tvrdik, seconded by Ms. Barham-Widdis with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

The request for Waiver of Site Plan Checklist Item #48 was DENIED on a motion by Mr. Foster, seconded by Mr. Whitson with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

The request for Waiver of Site Plan Checklist Item #51 was DENIED on a motion by Ms. Barham-Widdis, seconded by Mr. Foster with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

The request for Waiver of Site Plan Checklist Item #52 was DENIED on a motion by Mr. Foster, seconded by Ms. Barham-Widdis with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

The request for Waiver of Site Plan Checklist Item #53 was GRANTED on a motion by Councilman Tvrdik, seconded by Ms. Barham-Widdis with the following Roll Call:
YES: Tvrdik, Barham-Widdis, Davis, Kahle
NO: Foster, Dailey, Whitson

The request for Waiver of Site Plan Checklist Item #54 was DENIED on a motion by Councilman Tvrdik, seconded by Mr. Davis with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

The request for Waiver of Site Plan Checklist Item #55 was DENIED on a motion by Mr. Davis, seconded by Mr. Dailey with the following Roll Call:
YES: Foster, Tvrdik, Barham-Widdis, Dailey, Davis, Kahle, Whitson
NO: None

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 8:12 pm on a motion by Councilman Tvrdik which was seconded by Mr. Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary