BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MARCH 26, 2024

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 10, 2024 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 Board members 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
Christopher Widdis C	Mayor's Designee	Absent
Patty Cooper	Class III Council Liaison	Present
Joseph Foster	Environmental Commission Liaison	Absent
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Class IV	Absent
David Gruskos	Alternate I	Absent
Louis J. Padula	Alternate II	Present
Jeanne Smith	Board Secretary	Present
Kevin Kennedy	Board Attorney	Present
William White	Board Engineer/Planner	Present

VI. **Board Business:**

1. Acknowledgement of Retirement of Robert Kleiberg: Chairman Whitson acknowledged Mr. Kleiberg's many years of service, his expertise will be missed and wished him all the best.
2. Oath of Office - Louis Padula, Alternate II unexpired term: Mr. Kennedy administered the Oath of Office to the following member:
   Louis J. Padula, Jr. Alternate #2, Unexpired Term Ending 12/31/2025
3. Report of Pending Applications: Ms. Smith advised that there were currently no pending applications.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Mar 12, 2024 7:00 PM

RESULT:	**ACCEPTED [4 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Kahle, Widdis L, Dailey
ABSTAIN:	Cooper, Davis
ABSENT:	Widdis C, Foster, Calver, Gruskos
INELIGIBLE:	Padula

VIII. **Old Business:** None

IX. **New Business:**

1. PB2024-01 Widdis, Brian & Leslie
Block 58, Lot 16
27 Werah Place
Demolish existing home and build new single family home seeking the following variance relief:
1) Minimum lot width, 120' required, 100' pre-existing
2) Max building height, 35' permitted, 37.3 proposed
3) Max impervious coverage, 37% permitted, 37.5% proposed
DFD 7/11/24

EXHIBITS:
A-1 Land Development Application
A-2 “Boundary and Topographic Survey” prepared by InSite Surveying, LLC, last revised August 11, 2023
A-3 “Proposed new Dwelling for Widdis Residence,” 5 Sheets, prepared by Anthony Condouris, Architect, revised March 14, 2024
A-4 Soil Boring performed by R.C. Burdick, PE, PP, PC, dated January 22, 2024
A-5 Colliers Engineering Review Letter, rev dated March 14, 2024
A-6 Photographs of Site

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

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 opined on the matter of conflict and that the Applicant was a Board member and should be treated the same as any other applicant. Mr. Kennedy then described and marked **Exhibits A-1, A-2, A-3, A-4, A-5**.

Brian Fitzgerald, Applicant's Engineer, was sworn in, with all licenses current and was accepted as an expert in architecture having previously been before the Board.

Mr. Fitzgerald provided testimony for topics including description of the application to construct a new 2 ½ story dwelling with front and rear covered porches, outdoor area with fireplace and other associated improvements; stormwater management; proposed swales to address drainage; drainage and topography, modest floor and ceiling heights, crawl space, seeking a height variance for a proposed ridge height of 37.5’ where 35’ permitted due to the exceptional topography and the need for storage space in the ½ story and existing shed; seeking variance relief for impervious coverage of 37.5% where 37% permitted, reviewed and responded to the Board Engineer’s review comments and the changes made to the plan to address same.

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

Mr. White asked questions about the variance request for lot width and were there any attempts to cure. Mr. Fitzgerald testified that lots on either side were also non-conforming and would not be able to seek to purchase additional land.

Board members asked questions related to the swales, assurance that neighbors would not be impacted by runoff, recommendations to add drainage to downspouts and divert water around the house away from neighbors, request for street trees, landscaping, finished floor requirements, the site is not in a flood zone, shed setback and materials for the fireplace.

Brian Widdis, Applicant, provided testimony to address Board questions concerning outdoor lighting, gas fireplaces.

PUBLIC: Chairman Whitson opened the meeting to the public for questions and then comments. As no one from the public appeared that portion of the meeting was closed.

Mr. Dailey made a motion to approve the application which was seconded by Mr. Kahle.

Motion to Approve Application

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

2. PB2024-02 JCP&L
Block 110, Lot 4
Main St. and Wolfhill Avenue
Construction of an electrical substation seeking Waivers & Minor Site Plan approval

EXHIBITS:
A-1 Land Development Application
A-2 "Alta/NSPS (2016) Land Title Survey, Portion of Lot 4 In Block 110" prepared by T&M Associates, dated January 2, 2019, last revised January 18, 2024
A-3 "Site Plan for Jersey Central Power and Light MOD Substation at FMERA," prepared by Boswell Engineering, LLC., last revised February 26, 2024, consisting of seven (7) sheets.
A-4 Colliers Engineering Review Letter, rev dated March 25, 2024

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 then described and marked **Exhibits A-1, A-2, A-3**

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

John Wisniewski, Attorney for the Applicant, appearing, stated that they were appearing before the Board seeking waivers of the site plan checklist in order to be deemed complete, receipt and review of the Board Engineer's review letter and they are withdrawing their request for the stormwater management report which will be submitted tomorrow.

Jeffrey Morris, Boswell Engineering, was sworn in and accepted as a licensed engineer, surveyor and planner.

Mr. Morris provided testimony concerning the timing of the application and the purpose of the design waiver requests, the project involves construction of a new substation as existing capacity is not sufficient for the proposed development on the Fort including Netflix, and the intent to expedite construction. Mr. Morris further testified that they were seeking a waiver of the sign requirement which was unique for the utility use, there is no lighting proposed on the substation which is unoccupied. One identification sign is proposed on the gate no larger than 1x3 and will provide warning of high voltage, keep out. They are looking to waive the existing and proposed landscape plan requirement but can provide something should the Board desire but would have to be kept away from the fence. There was discussion amongst the Board and consensus was that the Board wanted to see a landscape plan that hides as much as possible from the neighbors. The applicant would submit a landscape plan. Mr. Morris also addressed Board member questions regarding the location, the existing wires that come into that property, stormwater management – which they will provide as it was prepared for the DEP permit process, they will also comply with the Board Engineer's requests for additional contours, a design waiver needed for the chain link fence with barbed wire on top, FCC requirements for non-scalable fence.

PUBLIC: Chairman Whitson opened the meeting to the public for questions of this witness.

Robin Denucci, 17 Wolf Hill Ave, expressed concerns for health issues and impacts to home values.

Robert Schmidt, 1 Allen Ave, asked questions about the impacts to transferring power from the army system to the new subsystem on his community East Gate. Mr. White responded that the entire fort electric system needs to be abandoned and replaced completely. JCP&L will not assume the existing infrastructure and will only building new. Mr. Schmidt asked if the transformers that are between the substation and his light switch going to affect the equipment that services his house. Mr. Morris added that this was one of several substations on the Fort to be built to handle the electric needs. He also asked if the new substation would be able to accept solar power from residence.

Mr. Kennedy stated for the record that tonight's meeting was for the design requests and would eventually return to a future meeting, where the hearing with more substantive testimony would be given. He further clarified that it was all one application but they were seeking approval from the Board to provide only {bland} number of checklist items rather than the full checklist.

As no one else from the public appeared that portion of the meeting was closed.

Mr. Wisniewski stated that their presentation was complete and they are seeking waivers for item 38, location, size, materials of existing and proposed signs; item 48 traffic study, item 53 the steps to be taken to eliminate street drainage – which will be included in the to-be-submitted stormwater management plan..

Ms. Cooper requested that if the signage was simple as testified, she would like to see a plan to address that waiver.

Mr. Davis asked them to bring an expert to testify to the environmental concerns.

Mr. Kahle asked that the substation be placed as far away as possible from the residents.

Motion to Grant Waiver of Checklist Item for Traffic Impact Study

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Widdis L, Davis, Dailey, Padula
ABSENT:	Widdis C, Foster, Calver, Gruskos

Motion to Carry Application to April 9, 2024 with no additional notice

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Cooper, Widdis L, Davis, Dailey, Padula
ABSENT:	Widdis C, Foster, Calver, Gruskos

X. **Petitions from the Public:** Chairman Whitson opened the meeting to public comments.

Robert Schmidt, 1 Allen Ave, asked if the content presented tonight would be expanded for the next meeting to address his questions and was told yes.
Anthony Denucci, 17 Wolf Hill Ave, asked if there would be another opportunity to ask questions and was assured yes.

As no one from the public appeared, that portion of the meeting was closed.

XI. **Adjournment:** As there was no further business, the meeting was adjourned at 8:11 pm on a motion by Councilwoman Cooper, seconded by Mr. Dailey with all in favor.

Respectfully submitted,

Jeanne Smith
Board Secretary