BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● MARCH 14, 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 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	Absent	
Leslie B Widdis L	Class IV	Present	
Darren Davis	Class IV	Absent	
Michael Dailey	Class IV	Absent	
Kevin Calver	Alternate I	Absent	
Robert Kleiberg	Alternate II	Present	
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 the next meeting was scheduled for March 28, 2023 and described applications for 76 Tecumseh Ave and status of Signal Point LLC not yet deemed complete.
2. Ordinance Committee Appointments - This item was tabled until next meeting due to the number of absent Board members.
3. Development Review Committee Appointments - This item was tabled until next meeting due to the number of absent Board members.

VII. **Approval of Minutes:**

1. Planning/Zoning Board - Regular - Feb 15, 2023 7:00 PM

RESULT:	**ACCEPTED [3 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Widdis L
ABSTAIN:	Cooper, Tvrdik, Foster, Kleiberg
ABSENT:	Widdis C, Davis, Dailey, Calver

VIII. Old Business:

1. Resolution of Approval, 38 Doreen Drive - As the resolution was provided in advance of the meeting, Mr. Kennedy summarized the resolution and conditions which was moved for approval by Ms. Barham-Widdis, seconded by Mr. Whitson.

RESULT:	**ADOPTED [3 TO 0]**
MOVER:	Leslie B Widdis L, Class IV
SECONDER:	James Whitson, Chairman
AYES:	Whitson, Kahle, Widdis L
ABSENT:	Widdis C, Davis, Dailey, Calver
INELIGIBLE:	Cooper, Tvrdik, Foster, Kleiberg

IX. New Business:

1. PB2023-01 Skeen, Paul & Belinda
   Block 140, Lot 8
   21 Hedge Dr.
   Proposed addition and deck in rear yard seeking variance relief for:
   - Rear yard setback required 40', existing 30.9', proposed 19.0'
   DFD 06/08/23

EXHIBITS
A-1 Land Development Application
A-2 "Site Plan & Elevations", 3 Sheets, prepared by Michael Savarese Associates, dated January 12, 2023
A-3 "Survey of Lot 8 Block 140," prepared by Thomas P. Santry, P.A., dated November 28, 2022
A-4 Collier's Engineering Review Letter dated February 28, 2023
A-5 Photographs of Rear Yard taken by MSA Architects

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.
Belinda Skeen, Applicant/Owner, was sworn in and testified that she was the owner for roughly 19 years and advised that they had previously obtained a variance a number of years ago to do the small addition and they're looking to move ahead with the project to construct an addition and new deck. They only have 1 full bath and a half bath that they would like to convert to a full bath, described additional improvements for first floor layout and construction of a replacement deck.
Chairman Whitson invited questions from Mr. White and Board members.
Mr. White stated that the variance being sought was for rear yard setback where 40' required, existing is 30.9' and proposed is 19.0'
Mr. Kleiberg asked questions about adjusting deck size to reduce the setback non-conformity.
Michael Savarese, Applicant's Professional Architect, was sworn and having been before the Board previously was accepted as an expert witness. Mr. Savarese responded to questions related to the plan, the proposed rear yard setback and his concern that the deck would be smaller and rather than impact the side yard opted for the rear yard. Mr. Savarese continued that the lot shape and configuration created a hardship and pointed out that a variance had been granted previously for the same exact project.
Mr. Kahle asked questions about the dimensions of the existing deck. Mr. Savarese responded with introduction of Exhibit A-5 – Photographs of the rear yard area. Mr. Kahle addressed the existing shed that was in a non-conforming setback and recommended the Applicant request a variance for that.
Mr. Foster asked questions about the type of fencing – Ms. Skeen responded white vinyl, 6'.
Ms. Cooper asked if there was any buffer of the deck such as trees lining the back line. Ms. Skeen responded there was an existing fence and they plan to place the addition's windows up higher for privacy concerns.
Councilman Tvrdik asked that the Applicant when ready to do a new shed, submit for a zoning permit and also asked that if the application were approved there should be no obtrusive lighting on this corner.
Mr. Kahle asked questions about the rear entry from the living room and that the steps should be shown on plan – applicant agreed.
Mr. Foster also commented that the project should be dark skies compliant.

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

Motion to Approve Application

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

2. PB2023-02 Caccamise, Kevin & Laura
Block 31, Lot 4
6 Ticonderoga Ave.
Construction of swimming pool and associated improvements seeking relief for:
- Maximum impervious coverage of 45.21% proposed, where 37% permitted and 38% existing
DFD 06/07/23

EXHIBITS
A-1 Land Development Application
A-2 "Pool Plan," prepared by InSite Engineering, LLC, last revised January 18, 2023
A-3 Collier's Engineering Review Letter dated February 7, 2023
A-4 Site Layout Rendering, prepared by InSite Engineering, LLC, dated March 14, 2023.

The following person(s) were sworn in: William White, Board Engineer/Planner.
Mr. Kennedy described and marked **Exhibits A-1, A-2, A-3**.
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.
Laura Caccamise, Applicant/Owner, was sworn in and testified that she was the owner of the property for 14 years and described her application to add a pool to the backyard and because of the existing lot coverage, they wanted to retain as much pavers as possible for the dining area.
Chairman Whitson invited questions from Mr. White and Board members.
Mr. White stated variance being sought was impervious coverage where 37% permitted, existing is 38% and proposed is 45.21%
Mr. Tvrdik asked if the property had any water pooling or drainage issues. Ms. Caccamise responded that no, nothing that drained onto adjacent neighbors. There was at times water after a rainfall but dissipates quickly.
Ms. Cooper asked questions about the existing patio, the size of the new area of pavers and dimensions.
Maeve Desmond, Professional Planner for the Applicant, was sworn in and presented qualifications and having previously been before the Board was accepted as an expert. Ms. Desmond described the characteristics of the lot including a 6' white vinyl fence that encloses the entire property, outlined the impervious coverages existing and proposed, mitigation for drainage is proposed in the form of channel drains at perimeter of pool that will collect and direct stormwater to an overflow inlet to be constructed in the front yard as well as proposal of a dry well in the rear yard. She further testified the location of the pool as shown on the plans would likely impact a large cherry tree and its root system and proposed to shift the pool 10' to the east in order not to harm the tree during construction. The pool shifting would still be compliant with all setbacks and the proposed coverage would not change. Ms. Desmond testified that the variance could be justified as a category 1 hardship variance because of the undersized nature of the lot makes it impractical to meet the coverage requirements. If the lot was conforming, the coverage would be at 33.9% and referenced case law of Lang, Kauffman and Davis Enterprises cases. The unique conditions of the property inhibit the extent to which the property can be developed. Ms. Desmond summarized the positive impacts of the site including no impacts to light, air and open space and would improve the visual impacts, pool will be screened by the existing vinyl fence so there are no detrimental impacts from the pool. Adjacent neighbors have trees and bamboo extensively that buffer the site. Ms. Desmond also addressed the Engineer's general comments with the Applicant agreeing to comply.
Councilman Tvrdik requested an as-built survey to show the before and after impervious coverages as a condition of any approval.
Ms. Cooper asked about the buffering of the pool and pool equipment and the elevation of the pool equipment would the buffering sufficiently buffer the neighbors. Ms. Caccamise responded that they are willing to install any buffering the Board would request, described the vinyl lattice fencing that provides screening but was willing to plant trees as well.
Mr. Foster expressed concerns for the impervious coverage and asked questions about the drainage.
Doug McLelland, Professional Engineer for the Applicant, was sworn in and accepted as an expert having been before the Board previously. Mr. McLelland testified as to the plans for the drainage, locations of the channel drains, dry well and overflow inlet to address the drainage and direct to the street, took additional steps to address downspouts, recharge and the outflow for the event of a larger storm.
Mr. Kahle asked questions about the overflow pipe to the dry well and to the street and if soil borings were done. Mr. McLelland

responded that they intend to do soil borings which are needed for the design. Mr. Kahle asked Mr. White if it would be better to send all drainage to the street. Mr. White responded that he had concerns about the amount going to the street and with the back half of the roof directing to the rear yard thus his request for the overflow. Historically, the rear yards of the lots on the peninsula had swales along the backyards that directed water out but that has changed over the years with development and his recommendation is to direct it to the front. Mr. Kahle asked if shifting the pool to the east would affect the dry well location. Mr. McLelland testified that likely yes, and they would shift that possible also to the front yard. Mr. Kahle asked questions about the area around the pool and if the coverage was granted did it mean they could put it anymore. He would like to have the plan show more specifically where the additional concrete would be located. Mr. McLelland pointed out the areas on the plan and that it would shift over. Mr. Kahle asked if there was a pool compliant fence and was told yes, already existing and it does return to the house.

Mr. Kleiberg asked questions about the pool type, the need for a 3' apron, did the fence have self-latching gates and was told they would. Mr. Kleiberg asked about the leaders from the roof and that they be directed away from pool, asked if they would consider a drain around the pool. Mr. McLelland responded the plan does show a channel drain.

Ms. Barham-Widdis asked questions about the shifting of the patio and wouldn't it reduce the coverage with removal of patio area to the left.

Mr. McLelland described a Site Layout Rendering exhibit that was marked as **Exhibit A-4.** Referring to same, indicated where the shift would occur. Ms. Barham-Widdis asked if they would cut out anything from the top.

Chairman Whitson asked what was the existing patio area and the proposed patio area. Mr. McLelland responded existing 625 s.f. and 940 s.f. proposed. Chairman Whitson commented that was a significant increase.

Ms. Barham-Widdis continued with questions about the patio and what areas could be eliminated to reduce the coverage. Applicant will look at adjustments to reduce the patio area. Ms. Barham-Widdis asked if there would be a diving board – no, its only 6'; did the Applicant consider a smaller pool. Ms. Caccamise responded that they originally looked at larger and different shapes but resorted to the smaller pool proposed.

Mr. Kahle asked if the leader by the pool equipment could tie into the drain pipe. Mr. McLelland stated that they would move the drywell to the front yard.

Councilman Tvrdik commented that the area was so low, wouldn't it be better to move everything to the front. Needs a test pit.

Mr. Foster offered comments about environmental concerns and lawn treatments and if the water is all pumped to the street it will end up in the river. The State has been pushing towards recharge versus street for those concerns. He would ask that recharge be the first consideration.

Mr. Kleiberg commented and asked questions about the runoff and concerns for where the street drains to.

Ms. Cooper asked if they are shifting pool 10' to the east, wouldn't that eliminate 10' to the east and would they consider removal of that area of patio so that the patio lines with the pool and reduces the impervious coverage to which the Applicant agreed.

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.

Ms. Caccamise commented that they are trying to save the cherry tree, but even with shifting the pool, it will depend on the root system but there may be a case where they don't move the pool 10' if the tree can't be saved. After discussion, the Applicant committed to shifting the pool 10'

Mr. Kahle made a motion to approve the application as amended with the pool location being shifted 10' to the east and eliminating 10' of patio so the patio aligns with the new pool location with a maximum impervious coverage not to exceed 44%, relocation of drywell to the front yard which was seconded by Mr. Kleiberg.

Motion to Approve Application as Amended

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Robert Kleiberg, Alternate II
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis L, Kleiberg
ABSENT:	Widdis C, Davis, Dailey, Calver

3. PB2023-03 Bodnar
Block 88, Lot 15
6 Relwof Ave.
Proposed expansion of front foyer and replace existing front porch, rear addition with elevated deck seeking relief for:
- Front yard setback: 24.53' proposed, 30' permitted
- Front porch encroachment of front yard setback: 18.20' proposed, 24' permitted
DFD 06/14/2023

EXHIBITS
A-1 Land Development Application
A-2 "Alteration Addition Bodnar Residence", 2 Sheets, prepared by Jeremiah J Regan, AIA, dated December 4, 2022,
A-3 Photographs of Site, 3 Sheets, taken by Applicant
A-4 Collier's Engineering Review Letter dated February 7, 2023

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.
Barbara Bodnar, Applicant/Owner, was sworn in and testified that she was the owner for roughly 20 years of the single family home.
Jeremiah J. Regan, Professional Architect, was sworn in and having appeared before the Board previously was accepted as an expert.
Mrs. Bodnar described the application for an addition to the front entry in order to provide additional space for turning movements due to the narrowness of the entry for the split level house in order to make it safe, also proposed is replacement of the patio with a covered patio. She testified that in order to mitigate the front yard setback they propose changing the staircase to a parallel entry rather than perpendicular to the street.
Chairman Whitson asked for questions from Mr. White and Board members.
Mr. White summarized the two variances for minimum front yard setback of 24.53' where 30 required and front porch setback proposed at 18.2' where 24' permitted.
Councilman Tvrdik asked how wide was the right of way from curb to property line – about 8'. Councilman Tvrdik commented with that additional area, the porch would still have the appearance of 30' after the addition. He also pointed out the existing front yard shed – would need to comply if replacing, and noted the planters in front yard – if they plan on putting a fence around the garden to keep out deer, see the Zoning Officer first.
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.
Ms. Cooper made a motion to approve the application which was seconded by Mr. Foster.

Motion to Approve Application

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

X. Petitions from the Public: Chairman Whitson opened the meeting for petitions from the public. As there was no one from the public present, Chairman Whitson closed that portion of the meeting.

XI. Adjournment: As there was no further business, the meeting was adjourned at 8:19 pm on a motion by Mr. Foster and seconded by Councilman Tvrdik and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary