



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • MARCH 8, 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
James Whitson	Chairman	Present	
John (Jack) Kahle	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Present	
Thomas Tvrdik	Class III	Late	7:20 PM
Joseph Foster	Environmental Commission Liaison	Present	
Christopher Widdis	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Present	
Michael Dailey	Class IV	Present	
Leslie B. Widdis	Alternate I	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 of application scheduled for March 22nd including 9 Pocano Ave, 73 Monmouth Blvd and 23 Ithaca.
2. Zoning Officer Notification - Somerset Lodging Site Plan - Ms. Smith asked the Board to review the notice and forward her any concerns to bring to the Zoning Officer's attention.
3. NJ DEP Stormwater Training Video Asking the Right Questions in Stormwater Review - Ms. Smith advised that newer members needed to watch the video - a mandatory requirement from the State. She asked that all members watch and send certification for same - she will send link out by email.

VII. **Old Business:**

Mr. Kahle asked questions regarding the curb cut along Myrtle Ave for the Balmer Court subdivision. Mr. White advised that the site was still covered by a bond but that particular item was on a county road and would be under their jurisdiction. Ms. Cooper commented that the developer was approved to finish the landscaping at end. No, it would not delay the fence being installed.

1. Resolution of Approval - Datre, 16 Balmer Ct – As the resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call.

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

2. PR-22-9 : Resolution of Approval - Arce, 49 Sagamore Ave - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Kennedy added that Mr. Davis noted that in the hearing it was stated that there was no need for full set of engineering drawings for the recharge system. With that amendment, Mr. Foster made a motion to approve the Resolution as amended, which was seconded by Ms. Widdis and received the below roll call

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Joseph Foster, Environmental Commission Liaison
SECONDER:	Leslie B. Widdis, Alternate I
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey, Widdis L.
ABSENT:	Tvrdik, Widdis C, Kleiberg

3. PB2021-09- Galvao Investments, LLC - Applicant is seeking to adjourn hearing to March 22, 2022 as additional time is needed to submit revised plans and comply with requirement for public inspection 10-days prior to the hearing.
Motion to Carry Application to March 22, 2022 with no additional notice

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Leslie B. Widdis, Alternate I
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey, Widdis
ABSENT:	Tvrdik, Widdis, Kleiberg

VIII. New Business:

1. PB2021-24 Haney, Kevin

72 Bridgewaters Drive

Block 88, Lot 17.01

Bulk variance relief for accessory structure in secondary front yard:

-accessory structure not permitted in front yard-3.9' setback from roadway

EXHIBITS:

A-1 Land Development Application

A-2 "Survey of Property" prepared by Morgan Engineering, dated October 29, 2021

A-3 Colliers Engineering Review Letter dated February 2, 2022

A-4 Photographs of Property, 3 Sheets, undated

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, 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, A-4.

The following persons were sworn in: William White, Board Engineer/Planner; Kevin Haney, Applicant – previous owner.

Kevin Haney testified that he currently lives at 10 Duty Drive, New Town Square, PA 19073; that he was the prior owner of the property which was sold to Jon Andrus on December 13th, had lived there for about 10 years. Ms. Smith confirmed that the current owner had executed the application granting consent for the application.

Mr. Haney submitted for the record a series of Photographs of the Property, consisting of 3 sheets (not dated) which were marked as Exhibit A-4.

Councilman Tvrdik entered the meeting at 7:20 PM.

Mr. Haney presented his application to legalize an existing pergola that admittedly should have been handled long ago, was constructed in 2013. Referring to Exhibit A-4, pointed out that the pergola is located behind a fence and is well screened especially in spring/summer. It requires a variance in order for the current owner to continue to use and benefit from it.

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

Mr. White asked questions regarding the lot being unique having frontages on 2 streets and was told yes, Bridgewaters and Relwof Drives with house facing on Bridgewaters, the pergola is in the front yard along Relwof which is considered a second front yard and should have a setback of 32.4' but currently has 3.9'.

Mr. White stated he drove by and that there was a substantial buffer and could not see from Relwof.

Ms. Cooper asked questions about why no permits were obtained.

Mr. Tvrdik commented that he knew the house and how it sits on Relwof Ave and stated that side of the yard is buffered nicely.

Mr. Foster asked questions about moving a shed too. Mr. Haney responded that there was no request to move the shed – only the pergola. Mr. White commented that his letter called it out as a shed instead of a pergola. It was discussed if the shed should be granted variance relief for its setbacks to avoid issues down the road.

Mr. Haney requested that the application be amended to add any variance relief needed for the shed which Mr. Kennedy advised could be done with the consent of the owner.

Mr. Kahle asked if the pergola presented any issues with lot coverage. Mr. White answered no, the pergola/pavers were installed before the ordinance change in 2013. Mr. White further advised that the issue was the structure not the coverage.

Jon Andrus, Owner of 72 Bridgewaters Drive, was sworn in.

Mr. Davis asked questions about the fence along Relwof and if variances were needed for it. The fence is 6' board on board, not 4' and 50% open.

Mr. Foster asked for Mr. Andrus to consent on the record to the application changes.

Mr. Tvrdik asked for the masonry wall to be included in the approval with no objection from Mr. White

Mr. Andrus and Mr. Haney asked questions about administrative items.

Mr. Kahle asked if there were any utilities out to the pergola and was told yes, electricity.

PUBLIC: Chairman Whitson opened the hearing to questions from the public of this witness. As there was no one from the public, Chairman Whitson closed that portion of the meeting.

Mr. Kennedy and Board members reviewed the amendments to include in the motion including rear and side yard setback for shed, retaining wall setback, 6' solid fence in front yard. Mr. Tvrdik asked how to handle the electric to the pergola if it wasn't permitted.

John Johnson, Construction/Zoning Officer, was sworn in and testified that the patio and outdoor kitchen were permitted but the pergola was installed without permits and until they obtain variance for the pergola they cannot apply for permits for electric to the pergola.

Motion to Approve Application As Amended with Conditions

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis, Dailey, Widdis
ABSENT:	Widdis, Kleiberg

2. PB2022-02 Green, Devin

47 Seneca Place

Block 55, Lot 6

Proposed 6' privacy fence does not comply with the 4' and 50% open allowed in front yards

EXHIBITS:

A-1 Land Development Application

A-2 Final As-Built Survey prepared by InSite Engineering, dated Oct. 16, 2021

A-3 Fence Detail Sketch dated Jan. 18, 2022

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice, hearing no objections, 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, A-4.

The following persons were sworn in: William White, Board Engineer/Planner; Devin Green, Applicant/Owner.

Devin Green testified that his lot is a corner lot and he is seeking to install a 6' solid fence along the second front yard – he has a dog that is able to jump over 4' and they have a baby on the way.

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

Mr. Tvrdik asked if he planned to buffer the fence with landscaping. Mr. Green answered yes, with bushes along the side.

Mr. Foster asked what type of plants and was told not known.

Mr. Davis suggested green giants and hydrangeas for color.

PUBLIC: Chairman Whitson opened the hearing to questions and comments from the public of this witness. As there was no one from the public, Chairman Whitson closed that portion of the meeting.

Motion to Approve Application

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Davis, Dailey, Widdis
ABSENT:	Widdis, Kleiberg

3. PB2022-03 Dalton, Edward - Chairman Whitson stated for the record that the notice was found deficient and the application was re-scheduled for the March 22, 2022 meeting with new notices to be served.

- IX. Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public. As no one else from the public wished to be heard, Chairman Whitson closed that portion of the meeting.
- X. Adjournment:** As there was no further business, the meeting was adjourned at 7:48 pm on a motion by Mr. Tvrdik which was seconded by Mrs. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary