BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● FEBRUARY 9, 2021

Regular **REMOTE/VIRTUAL** **7:00 PM**

Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757

I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 PM.

II. **Board Policy:** Chairman Widdis advised the public of the below 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.

III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 22, 2021 of this virtual/remote 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. Ms. Smith then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.

IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.

V. **Roll Call:**

Attendee Name	Title	Status	Arrived	Departed
Christopher Widdis	Chairman	Remote		
James Whitson	Vice Chairman	Remote		
Patty Cooper	Mayor's Designee	Remote		
Thomas Tvrdik	Class III	Remote		8:44 PM
Joseph Foster	Environmental Committee Liaison	Remote		
John (Jack) Kahle	Class IV	Remote		
Michael Savarese	Class IV	Remote		
Robert Kleiberg	Class IV	Remote		
Darren Davis	Class IV	Remote		
Michael Dailey	Alternate I	Remote		
Jeanne Smith	Board Secretary	Present		
Kevin Kennedy	Board Attorney	Remote		
William White	Board Engineer/Planner	Remote		8:05 PM
Jacklyn Flor	Conflict Engineer	Remote	8:05 PM	

VI. **Board Business:**

1. Approval of Minutes, Sept. 8, 2020
2. Approval of Minutes, Sept. 22, 2020

Chairman Widdis advised that minutes would be available at a future meeting.

3. Report of Pending Applications

Ms. Smith advised of upcoming applications for the February 23, 2021 meeting and when plans would be available on the website.

4. PB2019-14 Hager, Gary
   262 Arnold Ave

Exhibits
A-1 Correspondence dated January 8, 2021
A-2 Planning Resolution PR-20-19

Gary Hager, Owner, was sworn in and reappeared before the Board seeking removal of one of the conditions of his approval. Mr. Hager was previously approved for a detached garage conditions were no utility except electrical. Mr. Hager is now requesting consideration to install a heat and air split unit so that he can add a golf simulator, do wood working and in the upstairs have a workout room and sitting area. Mr. Hager is trying to get an administrative approval by board. He wants to install 3.5 ton union small condenser mounted on wall, two heads, one in center of garage one upstairs, there will be no partitions anywhere. Board members unanimous consensus was that Mr. Hager will need to apply for variance for the location of the HVAC equipment and that the original approval was for no living space in the attic area.

VII. Old Business:

1. PR-21-07: Resolution of Dismissal without Prejudice - 49 Sagamore Ave. Mr. Kennedy summarized the history of the application and the subsequent withdrawal of the application by the Applicant.

RESULT:	**ADOPTED [9 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis
INELIGIBLE:	Dailey

VIII. New Business:

1. PB2020-31 Vohden, Tricia & Cedric
   29 Mohawk Avenue
   Block 70, Lot 10

EXHIBITS:
A-1 Land Development Application
A-2 Topographic Survey prepared by C.C. Widdis Surveying LLC, dated May 24, 2019
A-3 Vohden Residence Front Yard Renovation Plan, 2 Sheets, prepared by Shissias Design & Development dated October 12, 2020
A-4 Maser Consulting Review letter dated December 22, 2020
A-5 Photographs, 12 pages, undated
A-6 Aerial Photos of Similar Two-Apron Loop Driveways in Oceanport, 2 Sheets, prepared by the Applicant, undated

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4, A-5 and A-6. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

Tricia Vohden, Applicant/Owner and Alec Shissias, Applicant's Architect were sworn in.

Ms. Vohden testified that she was the owner of the property and that she and her husband had been renovating the house and were now working on the exterior to make the house fit in better with the character of the neighborhood. They are proposing to centralize the front entry and add a second curb cut to create a loop driveway which improve the aesthetics of the site as well as promote maneuvering of cars in and out. She described the site as having significant amount of landscaping buffer to the neighbors whose driveways were on opposite side from her property.

Next, Mr. Shissias provided his credentials and qualifications and was accepted as an expert in architecture. Mr. Shissias provided testimony concerning the improvements at the site, interior renovations and minor improvements in the rear yard already permitted by zoning. He further testified that the proposed improvements for the front yard would improve curb appeal to the site including removal of overgrown landscaping, a series of retaining walls meandered to the front door and improve the entry so it was viewable and recognizable as the front door. He went on to speak of the need for functionality in the front yard. Mr. Shissias presented photo exhibits depicting the front entry and driveway and the area proposed for an additional curb cut to provide for a turnaround driveway. Mr. Shissias stated the proposed improvements would require variance relief for lot width a minimum of 100' for two driveway entries and a variance for driveway side yard setback which

meets the 5’ except where it tapers down to the apron due to trying to work with the existing apron that lines up with the existing parking area. Mr. Shissias advised of the dimensions of the driveway.
Chairman Widdis asked Mr. White if the retaining walls were compliant and was told yes, they are compliant and need no variances.
Chairman Widdis asked for questions from the Board.
Mr. Kahle asked if a variance was needed for the existing driveway setback – Mr. White answered it was a pre-existing condition that was grandfathered in.
Mr. Whitson asked if there was any problem with impervious coverage and was told no – the zone permits 37% and the site proposes 33%.
Mr. Savarese commented that it was a good plan as long as the new part of the driveway was at 5’ setback.
Chairman Widdis requested that any lighting part of the addition be directed downward to not impact the neighbors.

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

PUBLIC: Chairman Widdis opened the hearing to comments from the public on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Motion to Approve Application

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis

2. PB2020-29 Oport Partners LLC
   675 Oceanport Way
   Block 110.15, Lot 1
   Block 110.16, Lot 1
   Fort Monmouth Commissary Parcel

EXHIBITS:
A-1 Oceanport Planning Board Land Use Development Application
A-2 “Boundary and Topographic Survey Map of Property Known as Parking & Commissary PX Parcel - Front Monmouth” prepared by John T. Luts, PLS, dated January 23, 2020, revised through July 22, 2020, consisting of one (1) sheet;
A-3 Site Plans entitled “Preliminary and Final Plat - Major Site Plan for Oport Partners, LLC Phase:1 Commissary Parking, Lot 1 in Block 110.15 & Lot 1 in Block 110.16, Borough of Oceanport, Monmouth County, New Jersey” prepared by James A. Kennedy, PE, dated August 31,2020, revised on October 01, 2020, (7) sheets;
A-4 Architectural Plans entitled “FT. Monmouth Commissary Core/Shell, 1007 Alexander Ave., Oceanport, NJ” prepared by Cybul Cybul Wilhelm Architects, AIA, dated August 6, 2020, (6) sheets.
A-5 Traffic Impact Analysis Report prepared by John H. Rea, PE and Scott T. Kennel, of McDonough & Rea Associates, Inc. Traffic and Transportation Consulting, dated October 5, 2020;
A-6 Freehold Soil Conservation District Certification Letter, dated November 5, 2020;
A-7 Monmouth County Planning Board Approval Letter, dated November 9, 2020;
A-8 MCR Application Review, dated November 18, 2020;
A-9 Stormwater Management Compliance Statement, dated August 31, 2020;
A-10 Natural Resource Inventory, prepared by Phillips Preiss Grygiel LLC, dated May 2015.
A-11 Correspondence requesting waiver of Environmental Impact Statement, prepared by John A. Giunco, dated December 21, 2020
A-12 MCR Application Review - Preliminary Major Site Plan, Prepared by FMERA, dated December 21, 2020;
A-13 Flood Hazard Area Verification Approval, prepared by Keith P. Stampfel, PE, dated May 12, 2020;
A-14 ENGenuity Infrastructure Review Letter dated January 28, 2021
A-15 Aerial Exhibit prepared by Kennedy Consulting Engineers, LLC, dated February 9, 2021

A-16 Illustrated Rendering of Building
A-17 Illustrated Rendering of Future Building Styles
A-18 Site Plan Rendering, 1 Sheet, prepared by Kennedy Consulting Engineering LLC, dated February 9, 2021
A-19 Conceptual Site Plan of Phase II, prepared by Kennedy Consulting Engineering, LLC, undated

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Jaclyn Flor, Conflict Engineer was sworn in. Mr. Kennedy then described and marked Exhibits A-1 through A-14. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

Mr. Savarese disclosed that he had done a number of projects with John Giunco as architect of record. Mr. kennedy asked if there was any existing work ongoing currently. Mr. Giunco added that it was a professional courtesy – they both work for Hackensack Meridian Hospital System and was unrelated. As there was no direct financial relationship and Mr. Savarese stated it would not impact his impartiality in reviewing the application.

Mr. Giunco, Attorney for the Applicant, appeared and disclosed the members of the LLC – Steve Cassidy and Steve Denholtz and asked the Board hearing those names if there were any conflicts to which there none. Mr. Giunco gave opening remarks describing the property location, purchased in October of 2020 from FMERA, the redevelopment plan's reuse amendment providing for an alternative development of the property encompassing the commissary parcel, warehouse parcel and post office parcels. The Applicant is seeking to perform improvements over 3 phases and is before the Board for Phase I approval consisting of Major Site Plan approval, bulk variance and design waiver approval for the adaptive reuse of the commissary building, partial repair of a portion of the parking lot that will serve the commissary building and utility and landscaping upgrades. Mr. Giunco continued that the Applicant proposed to continue the pre-existing variance condition for lot coverage of 85.9% existing where 75% permitted and design standard waivers for certain existing condition which are supported by FMERA and their mandatory conceptual review process. Mr. Giunco advised that the Applicant intends to bring the property into compliance when performing the site improvements for Phase II and III and are looking to proceed with the improvements to the commissary building to advance that project.

Steven Denholtz, Applicant/Owner was sworn in and presented his vision for the redevelopment of the property; referring to an Aerial Photograph of the Property which was marked as Exhibit A-15, to develop a first-class business park; site has 12 existing buildings with 11 being demolished and the commissary building be reused and construct 6 additional buildings.

An Illustrated Rendering of Building was described and displayed and was marked as Exhibit A-16 to give the Board an idea of the materials and conceptual look of the buildings. Also displayed and described was an Illustrated Rendering of Future Building Styles which was marked as Exhibit A-17.

Andrew Comi, Applicant's Engineer was sworn in, presented his credentials and was accepted as an expert in the field of civil engineering. Mr. Comi provided testimony on preparation of plans and exhibits submitted for the Board, described the characteristics of each district and parcel, acreage of proposed lots and the new designation of each lot. Ms. Flor interjected and asked questions about the lot designations which differed from those shown on the plans submitted. Mr. Comi provided explanation of the original parcel and ultimately what was purchased and created by the sale from FMERA. Mr. Comi continued with testimony concerning the adaptive reuse of the commissary building, repairs and upgrades to the parking lot as shown on Site Plan Rendering marked as Exhibit A-18; improvements are planned as Phase I with Phase II and III planned for demolition and construction of new buildings; variance requested for pre-existing conditions of impervious lot coverage of 85.9% where 75% is permitted. Mr. Comi testified that the review done by FMERA supported the relief requested with the understanding that Phase II improvements remove coverage to bring it under 75%. There are 236 existing parking spaces with the calculated need of 215 spaces for the proposed reuse and 260 being provided. Mr. Comi next reviewed the design waivers needed including provision of additional walkways through the parking lot to direct pedestrians to building with none existing but Phase II will added the required walkways; provision of bike racks – one for every 10-15 parking spaces – none existing or proposed during Phase I – to be provided in Phase II; a wavier needed for parking stall setback from property line 5 to 10' which is not existing in all areas of the lot – again would be brought into conformance in Phase II. Mr. Comi continued to review items that needed design waivers for Phase I including landscaping, screenings, buffers, lighting pole heights, lighting levels at the property line, no light poles in the area of Lot 5 that would run under the cables owned by JCP&L.

Chairman Widdis asked questions about the Applicant's permissions for use of the area controlled by JCP&L and terms of any easement. Chairman Widdis asked questions about the plan for all the open space after demolition of the buildings.

Ms. Flor expressed concern with the Exhibit A-17 being displayed and the break out of the proposed lots that do not match up with the site plan and the zoning table shows differing information and wanted to confirm that the boundary hadn't changed before going any further. There was a lengthy discussion regarding the plans that were submitted versus what was being presented during the hearings, the consolidation of the lots since the initial plan and the closing on the property, did it present a notice issue with the change of boundary – determined it did not. There was concern that the lot area calculations may have changed and that Ms. Flor had not reviewed based on the consolidated plan.

Mr. Whitson expressed concern that the plans on file for the public weren't accurate and that waivers were being requested based on future actions in Phase II with no guarantee that they would be done.
Board member questions and comments included what areas on the plan encompassed the provided number of parking spaces, concern that waivers being requested for unknown uses in the building and if the number of parking would be sufficient and no guarantees that the future phases would be completed.
Mr. Denholtz reappeared and assured Board members that he had every intention to develop all three phases and phase one was pursued separately when FMERA requested to close on the property so quickly the hope was to start the project on the one building while the remainder of the project was being designed.
At the request of Board member Savarese, Mr. Comi presented a conceptual of the completed Phase I parcel after demolition completed and new buildings constructed.
Mr. Davis commented that he along with others were excited to see the property redeveloped but it was difficult to consider granting waivers without the full site plan and accurate calculations. Mr. Denholtz reiterated that they weren't creating any new waivers but only seeking to approve the existing conditions to proceed with the commissary portion of the project.
Board members continued to express concern with the inability to grant waivers with so many unknowns.
In response Mr. Giunco requested that the Engineer display a conceptual plan of the entire property and strongly stressed that the plan was only conceptual and was not the final plan and was marked as Exhibit A-19. Mr. Denholtz provided an overview of the conceptual plan which was developed for applying to the DEP and described each of the improvements.

There was discussion on the length of time it would take for the Applicant to complete the design and be ready to submit for Phases II and III, whether an approval on Phase I could be granted with conditions subject to Phase II and III, the potential impacts of CAFRA and whether to proceed with a vote on the plan as presented or carry the matter to a date certain in order to address the Board's concerns with the plans acreage and lot coverage calculations.
Mr. Giunco on behalf of the Applicant requested to carry the hearing and granted an extension of the decision deadline to March 23, 2021 meeting.

Motion to Carry Application to March 23, 2021 with no additional notice required

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Robert Kleiberg, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Savarese, Kleiberg, Davis, Dailey
ABSENT:	Tvrdik

IX. **Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public presented, Chairman Widdis closed that portion of the meeting.

X. **Adjournment:** As there was no further business, the meeting was adjourned at 9:42 pm on a motion by Mr. Davis which was seconded by Mr. Savarese and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary