BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JANUARY 11, 2022

Reorganization **Clement V. Sommers Municipal Building** **7:00 PM**

910 Oceanport Way, Oceanport, NJ 07757

I. **Call to Order:** Mr. Whitson called the meeting to order at 7:00 PM

II. **Flag Salute:** Mr. Whitson led attendees and members of the Board in the flag salute.

III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on December 16, 2021 of this virtual/remote 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.

IV. **Board Policy:** Mr. 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. **Statement of Mayor's Appointments and Administer Oaths of Office:** Ms. Smith announced the Mayor's appointments for this year and administered the Oaths of Office to the following persons:
- Patricia Cooper, Class I (Mayor's Designee), 1 year term
- Thomas J. Tvrdik, Class III (Council Liaison), 1 year term
- James Whitson, Class IV, 4 year term
- Michael Dailey, Class IV, 4 year term
- Leslie B. Widdis, Alternate #1 (unexpired term, 12/31/22)

VI. **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	Absent	
Christopher Widdis	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Darren Davis	Class IV	Present	
Michael Dailey	Class IV	Present	
Leslie B. Widdis	Alternate I	Present	
Michael Savarese	Alternate II	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
William White	Board Engineer/Planner	Present	

VII. **Election of Chairman:** Mr. Kahle nominated Mr. Whitson to serve as Chairman for 2022 which was seconded by Ms. Cooper and unanimously approved by the Board with Mr. Whitson abstaining.

VIII. **Election of Vice-Chairman:** Mr. Kleiberg nominated Mr. Kahle to serve as Vice Chairman for 2022 which was seconded by Mr. Davis and unanimously approved by the Board with Mr. Kahle abstaining.

IX. **Appointment of Board Secretary:** Mr. Whitson made a motion to appoint Jeanne Smith as Board Secretary, which was seconded by Mr. Kahle and unanimously approved by the Board.

X. **Board Business:**

1. **PR-22-01** RESOLUTION APPROVING ANNUAL MEETING SCHEDULE FOR 2022

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey, Widdis
ABSENT:	Foster, Widdis, Savarese

2. **PR-22-02** RESOLUTION APPOINTMENT OF BOARD ATTORNEY FOR CY2022

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Chairman
SECONDER:	Thomas Tvrdik, Class III
AYES:	Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey, Widdis L.
ABSENT:	Foster, Widdis C, Savarese

3. **PR-22-03** RESOLUTION APPOINTMENT OF BOARD ENGINEER/PLANNER FOR CY2022

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

XI. Minutes:

1. Planning/Zoning Board - Reorganization - Jan 12, 2021 7:00 PM

RESULT:	**ACCEPTED [7 TO 0]**
MOVER:	John (Jack) Kahle, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey
ABSENT:	Foster, Widdis C, Savarese
INELIGIBLE:	Widdis L.

2. Planning/Zoning Board - Regular - Dec 14, 2021 7:00 PM

RESULT:	**ACCEPTED [6 TO 0]**
MOVER:	Darren Davis, Class IV
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Cooper, Kleiberg, Davis, Dailey
ABSTAIN:	Tvrdik
ABSENT:	Foster, Widdis C, Savarese
INELIGIBLE:	Widdis L

XII. New Business:

1. PB2021-21 Villapiano, Philip & Laura

523 Port Au Peck Ave
Block 31, Lot 10
Construction of 2-story addition

EXHIBITS:
A-1 Land Development Application
A-2 Survey of Property, 1 Sheet, prepared by Charles Surmonte P.E. & P.L.S., dated April 27, 2020.
A-3 Architectural Plans, "Alteration/Addition", 5 Sheets, prepared by Keith Mazurek AIA, dated August 1, 2021.

A-4 Colliers Engineering Review Letter dated October 25, 2021
A-5 Architect's Diagram of Area Totals, undated

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. While waiting for the public to respond, Mr. White was sworn in. Mr. Kennedy then described and marked Exhibits A-1, A-2, A-3, A-4. 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.

Philip Villapiano, Applicant/Owner, was sworn in and testified that he was the owner of the subject property for about 1 ½ years and described the application to build a 2-story addition in place of the existing deck at the back of the house. The additional space is needed for growing family and needs to work from home.
Mr. White advised the Board that the Application requires variance relief for impervious coverage seeking 40.4% where 37% permitted.
Councilman Tvrdik asked questions about gutters and leaders and plans to capture additional water and direct drainage.
Mr. Villapiano responded that there's an existing downspout that directs the drainage towards Oneida and the addition will tie into the same.
Mr. Davis asked what was the existing impervious coverage. Mr. Villapiano responded that in response to the Engineer's comments his architect prepared a diagram that shows the break out of the what each piece covers which shows the addition as 468 s.f. The Architect's Diagram of Area Totals was marked as Exhibit A-5.

Discussion ensued concerning the conflicting numbers of the addition's total area which were shown differently on the architect's plan (485 s.f.) and Exhibit A-5 (468 s.f.).

Mr. Davis asked questions about the floor elevation of the storage area, the furnace location in the crawl space.

Mr. White clarified for the Board that the existing impervious coverage is 37.6% and the proposed is 41.6% based on Exhibit A-5 (slightly higher than the application's request for 40.4%).

After discussion, Mr. Villapiano requested that his application be amended to seek the 41.6%. Mr. Kennedy responded that the notice was for 40.4% and the increase to 41.6% was miniscule and would be acceptable with the notice if the Board accepts.

Mr. Davis asked that the gutters be at the front of the house and suggested a sump pump.

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

Mr. Davis made a motion to approve the application based on it's a corner lot for the hardship subject to correcting the calculations to match the applicant's needs and that the drainage will be from the gutters and the pump system all be directed towards the street which was seconded by Mr. Kahle and received the following roll call:

Motion to Approve with Conditions

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

XIII. Old Business:

1. Resolution of Approval - 75 Comanche Dr/McGeddy

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution which had no conditions other than compliance with Mr. White's review letter. Ms. Cooper made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Kleiberg, Davis, Dailey
ABSENT:	Foster, Widdis, Savarese
INELIGIBLE:	Tvrdik, Widdis

2. Resolution of Approval - 101 Smith St/Schmidt

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions. Mr. Davis made a motion to approve the Resolution, which was seconded by Mr. Kleiberg and received the below roll call:

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Robert Kleiberg, Class IV
SECONDER:	Michael Dailey, Class IV
AYES:	Whitson, Kahle, Cooper, Kleiberg, Davis, Dailey
ABSENT:	Foster, Widdis, Savarese
INELIGIBLE:	Tvrdik, Widdis

3. PB2020-29.1 Oport Partners, Phase II

Mr. Kennedy advised the Board that he had spoken with the Applicant's Attorney, Mr. Giunco regarding concerns with some of the conditions – mostly hours of operation and the nature and extent of some traffic calming and weight limitations and the Board's direction that the resolution reflect 100% the testimony from the hearing. Mr. Giunco in turn ordered transcripts of the hearing dates which had just been received earlier today. Without sufficient time to review the transcripts, the Board will be provided same for review and action at the next meeting.

XIV. **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.

XV. **Adjournment:** As there was no further business, the meeting was adjourned at 7:36 pm on a motion by Mr. Kahle which was seconded by Councilman Tvrdik and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary