



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • JANUARY 10, 2023

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. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on December 29, 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:** Mr. Whitson led attendees and members of the Board in the flag salute
- IV. **Board Policy:** Mr. 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. **Statement of Mayor's Appointments and Administer Oaths of Office:** Mr. Kennedy administered the Oaths of Office to the following persons:
- Patricia Cooper, Class I (Mayor's Designee), 1 year term
 - Joseph Foster, Class II (Environmental Liaison), 3 year term
 - Thomas J. Tvrdik, Class III (Council Liaison), 1 year term
 - Leslie B. Widdis, Class IV (unexpired term, 12/31/24)
 - Kevin Calver, Jr. Alternate I, 2 year term

Mr. Kleiberg serving in the position of Alternate II for an unexpired term ending 12/31/2023 was not present.

VI. **Roll Call:**

Attendee Name	Title	Status
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	Present
Michael Dailey	Class IV	Present
Kevin Calver Jr	Alternate I	Present
Robert Kleiberg	Alternate II	Absent
Jeanne Smith	Board Secretary	Present
Kevin Kennedy	Board Attorney	Present
Robert Mannix for William White	Board Engineer/Planner	Present

- VII. **Election of Chairman:** Mr. Dailey nominated Mr. Whitson to serve as Chairman for 2023 which was seconded by Mr. Foster and unanimously approved by the Board with Mr. Whitson abstaining.
- VIII. **Election of Vice-Chairman:** Councilman Tvrdik nominated Mr. Kahle to serve as Vice Chairman for 2023 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-23-01 RESOLUTION APPROVING ANNUAL MEETING SCHEDULE**

RESULT:	ADOPTED AS AMENDED [UNANIMOUS]
MOVER:	James Whitson, Chairman
SECONDER:	Patty Cooper, Mayor's Designee
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis L, Davis, Dailey, Calver
ABSENT:	Widdis C, Kleiberg

2. PR-23-02 APPOINTMENT OF BOARD ATTORNEY FOR CY2023

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	James Whitson, Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Widdis L, Davis, Dailey, Calver
ABSENT:	Widdis C, Kleiberg

3. PR-23-03 APPOINTMENT OF BOARD ENGINEER/PLANNER FOR CY2023

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

Council Update: Councilman Tvrdik provided the Board with a brief update on the announcement that Netflix had been the bidder selected for purchase of the mega parcel on the former Fort, attendance at the FMERA Board meeting at which the contract was awarded and a summary of parcel from the Purchase Sale and Redevelopment Agreement (PSARA): The Mega Parcel is an approximately 292± acre parcel of land containing former residential, administrative and R&D buildings, warehouses, workshops and additional general-purpose facilities in the Boroughs of Eatontown and Oceanport.

XI. Old Business:

1. PB2022-24 White, Joseph – Ms. Smith advised the Board of receipt of a letter from the Applicant's attorney withdrawing the application. There was no reason provided. No objections.
2. Resolution of Dismissal without Prejudice - White, Joseph, 274 Port Au Peck

RESULT:	ADOPTED [8 TO 0]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Leslie B Widdis L, Class IV
AYES:	Whitson, Kahle, Cooper, Foster, Widdis L, Davis, Dailey, Calver
ABSTAIN:	Tvrdik
ABSENT:	Widdis C, Kleiberg

3. Resolution of Approval - 51 Algonquin Ave – As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and its conditions. Mr. Kahle commented that he did not recall a condition for a timer on the pool lots which the Board agreed. Mr. Foster made a motion to approve the Resolution as amended, which was seconded by Mr. Davis and received the below roll call:

RESULT:	ADOPTED AS AMENDED [7 TO 0]
MOVER:	Joseph Foster, Environmental Commission Liaison
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Foster, Davis, Dailey
ABSENT:	Widdis C, Kleiberg
INELIGIBLE:	Tvrdik, Widdis L, Calver

XII. New Business:

1. PB2022-27 Marra, Ralph

Block 14, Lot 13

7 Bayview Place

Applicant is seeking to construct a 6' high vinyl solid fence, around pool, 49.93' of which is located in the secondary front yard along Monmouth Blvd where 4' and 50% open fence is permitted.

EXHIBITS:

A-1 Land Development Application

A-2 "Variance/Permit Plan" prepared by Land Control Services, LLC, dated Sept. 1, 2022

A-3 "Location Survey" prepared by Land Control Services, LLC, last revised August 22, 2022

A-4 Colliers Engineering Review letter dated

A-5 Photographs, 12 Sheets, taken by Applicant, undated

The following person(s) were sworn in: Robert Mannix, Acting Board Engineer/Planner for William White unable to be present.

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, A-4**.

Robert Witek, Applicant's Attorney, gave opening remarks, submitted Photographs of the site, 12 Sheets which were marked as **Exhibit A-5** and a brief summary of the application to install a 6' solid vinyl fence where 4' is permitted and not less than 50% open.

Ralph Marra, Applicant/Owner, was sworn in and testified. Mr. Marra testified that he has been the owner for 42 years, the property currently has an existing fence that they recently applied to replace that surrounds the pool. They additionally wanted to add another length of fence at the front of the property which he was advised by the Zoning Officer of the time that it required a variance.

Mr. Witek asked Mr. Marra to describe each of the photographs. Mr. Marra testified that he had taken the photographs which depict the existing conditions of his neighbor's unsightly property. He desires to install the fence as a buffer and would like the fence to match the currently existing fence which will be located along the eastern portion of the property in the front yard area along Monmouth Blvd. The property is overgrown, has abandoned vehicles and has an abandoned inground pool and just wants to hide it. There was an overgrowth of vegetation, scrub wood/pines originally where the proposed fence is to be located.

Mr. Witek commented that the unique property has a second front yard where the fence is required to be 4' height and 50% open and would require a C-1 variance.

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

Mr. Mannix asked questions about the length of the fence which differs on the plan which shows it into the right of way and wanted to be sure the Applicant understands that the fence would need to stop short of his property line. There was discussion about where the property line was in relation to the right of way versus the road pavement.

Ms. Smith, Zoning Officer, was recognized by the Chairman, commented that the application was for 58' of fence with 49' feet being located in the front yard and it should be noted that the fence would need to stop 1' from the property line for a total of 31' feet from the curb line which Mr. Marra was acceptable to.

Mr. Mannix requested that a construction detail of the fence be added to the plan.

Ms. Cooper asked this was the only section being discussed and was told yes.

Mr. Davis requested that some trees be installed in front of the fence as a buffer to break it up.

Mr. Foster asked questions about the setbacks and the driveway of the next door neighbor and cars in the yard to which Mr. Marra responded they are not registered and was told that as long as they are titled they have a right to stay there. Mr. Foster asked no portion of the fence would run along Monmouth Blvd and was told correct.

Mr. Kahle suggested that the Applicant seek a variance for the existing shed so it could be replaced in the same place. Mr. Witek appealed to the Board for same with no objections.

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. Davis made a motion to approve the application with conditions including installation of the fence 1' off property line and minimal landscaping along fence which was seconded by Mr. Foster.

Motion to Approve Application as Amended

RESULT:	ADOPTED [8 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Class II
AYES:	Whitson, Kahle, Cooper, Foster, Tvrdik, Widdis L, Davis, Dailey, Calver
ABSENT:	Widdis C, Kleiberg

XIII. Petitions from the Public: Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Whitson closed that portion of the meeting.

XIV. Adjournment: As there was no further business, the meeting was adjourned at 7:47 pm on a motion by Councilman Tvrdik which was seconded by Chairman Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary