BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JANUARY 9, 2024

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 with publication on December 14, 2023 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. **Oaths of Office:** As newly appointed members were not able to be present, this matter was tabled until the next meeting.

V. **Roll Call:**

Attendee Name	Title	Status
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Christopher Widdis C	Mayor's Designee	Absent
Joseph Foster	Environmental Commission Liaison	Present
Patty Cooper	Class IV	Absent
Leslie B Widdis L	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Kevin Calver	Alternate I	Present
Robert Kleiberg	Alternate II	Absent
Jeanne Smith	Board Secretary	Present
Kevin Kennedy	Board Attorney	Present
William White	Board Engineer/Planner	Present

VI. **Election of Chairman:** Mr. Kahle nominated Mr. Whitson to serve as Chairman for 2024 which was seconded by Mr. Foster and unanimously approved by the Board with Mr. Whitson abstaining.

VII. **Election of Vice-Chairman:** Mr. Whitson nominated Mr. Kahle to serve as Vice Chairman for 2024 which was seconded by Mr. Davis and unanimously approved by the Board with Mr. Kahle abstaining.

VIII. **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.

IX. **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. Ms. Barham Widdis asked about the time change that was made earlier last year. Ms. Smith advised that it would be for tonight's meeting and next meeting there would be a review of the Rules and Regulations to update items such as that.

X. **Board Business:**

1. **PR-24-01** RESOLUTION APPROVING ANNUAL MEETING SCHEDULE

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Foster, Widdis L, Davis, Dailey, Calver
ABSENT:	Widdis C, Cooper, Kleiberg

2. **PR-24-02** RESOLUTION APPOINTMENT OF BOARD ATTORNEY FOR CY2024

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

3. **PR-24-03** RESOLUTION APPOINTMENT OF BOARD ENGINEER/PLANNER FOR CY2024

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

XI. New Business:

4. PB2023-14 Giordano, Joseph
Block 124, Lot 2
44 Springfield Avenue
Proposed expansion of non-conforming structure
DFD 4/10/24

EXHIBITS:
A-1 Land Development Application
A-2 Plan entitled "Survey of Property" for Lot 2 of Block 124, prepared by Lakeland Surveying dated August 25, 2023
A-3 Site Plan entitled "Addition & Alteration to Giordano Residence,"4 Sheets, prepared by Parallel Architectural Group, last revised November 21, 2023
A-4 Colliers Engineering Review letter dated December 12, 2023
A-5 Zoning Denial Letter, 11/1/2023
A-6 Illustrated Rendering of Site, prepared by Parallel Architectural Group, dated January 9, 2024.

The following person(s) were sworn in: William White, Board Engineer/Planner.

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, A-5**.

Antonio Scalise, Applicant's Architect, was sworn in and accepted as an expert in architecture having previously been before the Board. Joseph Giordano, Applicant/Owner, was also sworn in.

Mr. Scalise described the application to improve an existing single story dwelling in bad condition and may have had a fire; improvements proposed including 2nd floor addition over 1st floor; described existing non-conforming conditions including lot size, lot area, lot width, lot coverage, first floor habitable area, proposed changes to existing driveway and walkways to reduce impervious coverage. Mr. Scalise reviewed the existing areas, dimensions, characteristics of the home and the approach to improve while addressing some of the non-conformities such as 1st floor habitable area and 2nd floor habitable area and impervious coverage. Mr. Scalise introduced a colored rendering of the site which was marked as **Exhibit A-6** and referencing same described materials to be used for siding, porch and addition.

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

Mr. White asked if there were any plans to change the grading of the lot. Mr. Scalise testified no changes were planned to the grading. Mr. White also reviewed the variance relief necessary including minimum lot area of 5,000 s.f. where 7,500 s.f. required, minimum lot width 75' where 50' existing; front yard setback to porch minimum of 24' required, 17.9' existing, minimum side yard setback 10' required, 4.2' existing; accessory rear yard setback, 5' required where 0.9' existing; side yard setback for accessory structure 10' required where 4' existing; 2nd story addition brings compliance on total floor area but relief needed for minimum area of first floor.

Ms. Barham-Widds asked questions about the garage – no changes; 1st floor – would be remodeled and they are staying within the footprint; will the owner live there and was told no, he would be selling.

Mr. Daly asked questions about water runoff and was told they would tie into what is there now, no changes to grading or footprint – porch being rebuilt in same footprint.

Mr. Davis asked if the drainage and roof leaders would be directed to the street and was told yes, 10' from the property line. Mr. Davis asked Applicant to consider proper walkways instead of stepping stones understanding that it may impact impervious coverage which the Applicant was agreeable. Mr. Davis asked questions about the dormer/gable, driveway location compliant.

Mr. Kahle asked questions about the garage setback variance and rear yard setback from main structure.

Chairman Whitson asked questions about the height and compliance with height requirement from center of road and any additional lighting.

Mr. Foster asked questions about the existing fencing and the encroachment with the neighbor on the one side. Mr. Foster also asked about the lighting which Mr. Giordano advised would be two lights, soft lighting. Mr. Foster asked if there would be any expansion of the existing non-conformities and was told no.

Mr. Davis asked about street trees, though not required, Applicant agreed to add 2 street trees.

PUBLIC: Chairman Whitson opened the meeting to the public for questions and then comments.

Kyle Arcomano, 46 Springfield Ave, was sworn in, stated he was not present to object to the addition of the 2nd story unless there were impacts to his property from the runoff if any changes made to the grading. He continued that they are presently in conflict with the Applicant regarding title to an area under question and wanted it to be a part of the record. Mr. Kennedy advised that while not under the Board's jurisdiction, recommended that they confer with their attorney and title company and work with the Applicant perhaps by providing each other copies of the surveys.

Mr. White reiterated that the Applicant has testified that they will not be changing the grading and that water runoff would be directed to the front and back, not to the side.

Ms. Barham Widdis asked Mr. Kennedy if any variances granted by the Board had an impact on the property line dispute. Mr. Kennedy responded that the Board would make decision based on what was submitted and if found that documents were wrong, they would need to return to address if it materially impacts the nature of the relief sought.

There was discussion about the proposed fence on the segment shared with the neighbor. Its proposed off the property about 4" and there is a 1" dispute. Consensus was that the Applicant shall install fence 4-6" off the property line which Mr. Arcomano confirmed was acceptable to he and his wife.

As there was no one else from the public, Chairman Whitson closed that portion of the meeting.

Mr. Davis made a motion to approve the application with conditions including planting of 2 street trees, rear and front downspouts connected to drain to the front and fence installed 4-6" off property line shared with Block 124, Lot 1 which was seconded by Mr. Kahle.

Motion to Approve Application with Conditions

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

XII. Old Business:

5. **PR-24-04** Recommendations – Mayor & Council, FMERA Plan Amendment #20: As the Resolution had been previously provided to the Board, Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

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

6. PB2022-20 Manvan LLC - Request for Extension of Approval PR-22-32
   190-192 Monmouth Blvd
   Block 65, Lots 40 & 41
   Minor Subdivision with Variances

Ms. Smith explained that the minor subdivision approval with variances expired after 190 days, however, based on the statute there is Board authority to extend the approval beyond the 190 days if the Applicant demonstrates that they were not able to obtain all required agency approvals - specifically Monmouth County Planning Board which was issued last month, Dec. 2023 which there were no objections by the Board.

7. **PR-24-05** Resolution approving Extension of Approval PR-22-32: As the Resolution had been previously provided to the Board, Ms. Smith summarized the resolution after which Mr. Davis made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Darren Davis, Class IV
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Foster, Widdis L, Davis, Dailey, Calver
ABSENT:	Widdis C, Cooper, Kleiberg

4. PB2020-21.1 Somerset/Parkers Creek
Parker's Creek Development
Signal Ave
Block 110.15, Lot 1

EXHIBITS:
A-1 Proposed Elevations, 2 Sheets, dated 3-30-2023, prepared by Pulte Group.
A-2 Elevation Comparison, 14 Sheets, dated 10-21-2021, prepared by Pulte Group
A-3 Architectural plans, prepared by Pulte Group dated September 9, 2022

James Mullen, Attorney with Pulte Group and Jacqueline Schaefler, Architect with Pulte Group was sworn in, presented qualifications and was accepted as an expert.
Mr. Mullen explained the purpose of their appearance before the Board regarding a minor change to the roof terrace for the 22 waterfront units of the 144 unit project.
Ms. Schaefler testified that the original designed depicted a railing around the top of the roof and it was their concern it may lead to water intrusion with a flat roof and were proposing a parapet wall instead of the railing and the unused portion of the roof deck to have a minimal slope hidden by the sides of parapet walls to provide for drainage and avoid ponding and potential water leaks. There would be no changes to the height and materials to be used would be the same.
Chairman Whitson invited questions from Mr. White and Board members.
Mr. White had no questions.
Mr. Foster asked about the other changes to the windows and was told this was only about the roof changes. Mr. Foster asked questions about the drainage, where it would be directed and was told it was the original gutter system tied to the drainage system – none of that was changing.
Mr. Kahle asked there would be no flat roof – Ms. Schaefler clarified there would be – but a portion of it would be slightly pitched to drain. Mr. Kahle asked questions about the stair tower, the pergola – which was an optional feature, no changes to the lower floors.
Mr. Davis asked questions about the elevations that were approved, the changes in the plans that impacted the windows. Ms. Schaefler advised that those changes were done by the previous party and not a part of their changes being requested. There was discussion regarding the number of changes in the windows, fascade, elevations, railing, the plans don't depict the elevations and any changes in height, if any, also does not depict how the water will drain for the flat roof.
There was a lengthy discussion regarding the conflicting plans from what was approved by the Board originally, the changes made different than the testimony at the hearing, use of materials for siding not approved by the Board and changes that were approved during construction for the completed units versus what was being brought to them that evening.
Mr. Davis expressed strong concerns that the plans did not adequately reflect the approved and the proposed changes, elevation details and lack of measurements, window changes, fascade changes and what was being asked to be approved. Ms. Smith commented that the focus for that evening needed to be on the roof changes as she had not verified that the other changes were approved by a prior official such as the window changes. Mr. Davis requested that they come back with better plans.
Mr. Dailey asked questions about the optional pergola and was concerned with it not being consistent, would there be different pergola sizes.
Ms. Schaefler submitted architectural plans prepared by Pulte Group dated September 9, 2022 which were marked as **Exhibit A-3.**
Mr. Dailey asked Ms. Smith about the elevation shown on A-3 says 35.1 and where was it measured from. Ms. Smith stated she could

not comment on the plan that was not in front of her, however, during her review there had been no issue with the height measured from the crown of the road nor the half story – only the façade and pergola.

Ms. Schaefler referring to A-3 testified to the roof elevations and measurements of the pergola.

Mr. Calver, newer to the Board, asked questions about what was previously approved and the number of changes from what was initially presented to the Board.

Ms. Barham-Widdis asked questions about what was approved between the hearing before the Board and the plans being presented and was Mr. Mullen aware that the changes between the two were not made by the Board. She also expressed concerns for safety without a railing and asked how high the wall would be.

Mr. Dailey commented that he would like to see them return with plans that provide the full picture and the elevations and Measurements.

Mr. Foster also expressed concern for the aesthetic changes that had been made since the Board's approval. There was discussion on how those changes were approved and the need to confirm with the construction department how those changes were approved.

Mr. Kennedy commented that there appears to be a disconnect between what was initially approved by the Board, what Pulte believes was approved by the Board and what was being requested currently. It appears the Board wants additional information and specific details on the progression of the changes.

Mr. Dailey asked Ms. Smith if the construction office could make changes to the approved façade without going back to the Board.

Ms. Smith responded that the ordinance provides for the Zoning Officer to make decisions on changes of a minor nature and what was minor was under the Zoning Officer's purview. Her review as Zoning Officer was that they were not minor, however the official at the time may have made the decision that the changes were minor in nature and did not need to be brought back to the Board. The appearance tonight did not involve any variances or a public hearing so there was no need to "carry' the application and it was the Board's purview whether to require a public notice.

Mr. Mullen commented it did not involve any variances or changes of significance and that a public notice wasn't necessary.

There was discussion after which it was decided that Mr. Kennedy and Mr. Mullen would discuss separately and make a determination to be sure the Board has sufficient information to make a decision and would be rescheduled based on that. Mr. Mullen agreed to extend the time for a decision by the Board.

XIII. **Petitions from the Public:** Chairman Whitson opened the meeting to Petitions from the Public.

Louis Fernandez, Riverside Ave, asked questions about the FMERA Plan Amendment #20 but was advised that the Board had no further purview and that it would be more appropriate to direct those questions to the Mayor & Council. Also, any documents were available upon written request to the Borough Clerk.

As no one else 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 8:23 pm on a motion by Mr. Davis which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary