

Planning Board Meeting 04-07-2022

TOWNSHIP OF OCEAN

Planning Board

April 7, 2022

7:00P.M

FLAG SALUTE

STATEMENT: Pursuant to the provisions of the New Jersey, Open Public Meetings Act, adequate notice of the meeting was properly provided by sending copies of the notice of meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Planning Board was held on the above date and time; Chairman Donald Lippincott called the meeting to order.

ROLL CALL

Members Present: Kenneth Baulderstone	Robert Beck	Nicholas Bonamassa
Ralph Dawes	Anthony DeCondo	Dr. Shawn Denning Jr
Donald Lippincott	Dr. Benjamin LoParo	Peter Nese
John Petrosilli	Aaron Shapiro	

Professionals Present:

Steven Yost, Haines & Yost

Jason Worth, T&M

APPROVAL OF MINUTES – Regular meeting minutes of March 3, 2022

- Mr. Shapiro motioned to approve minutes, seconded by Dr. Denning. All in favor.

APPROVAL OF MINUTES – Regular meeting minutes of November 15, 2021

- Mr. Shapiro motioned to approve minutes, seconded by Dr. Denning. All in favor.

APPROVAL OF BILLS – Attached.

- Mr. Beck motioned to approve the bills, seconded by Mr. Shapiro. All in favor

CORRESPONDENCES:

- List attached.

INFORMALS: NONE

OLD BUSINESS: NONE

RESOLUTIONS: NONE

NEW BUSINESS

a. Docket No. 02-22-PB Matthew J. Mercuro, 3 Central Avenue; Block 86 Lot 69, Minor Subdivision Time Extension.

Gregory Hoch Esq. representing applicant Mr. Mercuro. Mr. Hoch was in front of this board in August of 2021. Currently there is a house on this lot with a tenant residing in it. Essentially this house needs to come down for the subdivision, but the landlord tenant court had been closed due to Covid. We are here tonight because the statute states we need to record this map within 190 days, which just expired. We are asking for more time, to get the tenant out, knock the house down, which then would allow us to move forward with recording the map and our subdivision. Mr. Hoch is also requesting if the board would allow them to move forward with recording the map, but no building permits be issued until the house is torn down.

Mr. Yost indicates that there are two different provisions. One would be 1 year from the date of the original approval. The next would be an extension equal to the amount of delay, meaning things out of their control with direct or indirect problems with a governmental agency. Mr. Yost stated the resolution was from September 2, 2021, that would give the applicant until next September. Mr. Beck noted if it were retroactive from the approval, technically they would only be getting 6 months.

Mr. Worth noted you could go 1 year from the date of expiration if the applicant proves reasonable satisfaction that they were prevented from perfecting the subdivision. That would push it to March 11, 2023. Dr. LoParo mentioned he would rather do that as it gives them more time.

OPEN TO PUBLIC

- Motioned by Dr. Denning, seconded by Mr. Shapiro. All in favor.

No one came forward.

CLOSED TO PUBLIC

- Motioned by Dr. Denning, seconded by Mr. Shapiro. All in favor.

MOTION TO APPROVE

- Mr. Shapiro motioned to approve time extension until March 11, 2023, seconded by Dr. Denning.

ROLL CALL

Mr. Shapiro – Yes Dr. Denning – Yes Mr. Baulderstone – Yes Mr. Beck – Yes
 Mr. Bonamassa – Yes Mr. DeCondo – Yes Dr. LoParo – Yes Mr. Nese – Yes
 Mr. Lippincott – Yes Mr. Petrosilli – Yes

Mrs. Clune – Board Secretary shared that alternate board member #1 is Mr. DeCondo and alternate board member #2. Is Mr. Dawes.

b. Ordinance No. 2022-6 An Ordinance of The Township Of Ocean County of Ocean State of New Jersey Amending Various Sections of Chapter 336 of The Township Code Entitled “Streets and Sidewalks”

Mr. Worth summarized that ordinance 2022-6 is an update to the road opening ordinance for the town. It will establish a 3-year moratorium for road openings that had been recently paved. It also updates the fees that are going to be collected for administration costs and allows for inspections for those repairs to see that all work is done. It includes required notification, that if the town paves a road, it will notify residents and utilities companies at least 2 months in advance. Lastly, sets certain standards for restoration of trenches.

Dr. Denning inquired if this applies to municipal streets and county roadways. Mr. Worth noted just municipal.

MOTION TO APPROVE

- Motioned by Dr. Denning, seconded by Mr. Shapiro. All in favor.

c. Ordinance No. 2022-7 An Ordinance of The Township of Ocean, County of Ocean State of New Jersey Amending and Supplementing Various Provisions of Chapter 410 of The Township Code Entitled “Zoning” and Specifically Article IV Thereof Entitled “Accessory Buildings, Structures, and Uses”

Mr. Worth discusses that this ordinance is similar to last months in respect to generators. This ordinance is for all other residential zoning districts within the town. With similar standards, as many setbacks within the town does not allow for generators. This ordinance is creating a similar standard, as the generator will have to be on the same side of the house as the AC unit. This will prevent getting a variance approval from the zoning board if a setback issue arises. If there is no AC unit and a setback issue comes forth, they will require a variance. Also in this ordinance includes swimming pools. The town's ordinance currently reads that a swimming pool itself can be 10ft from a property line but all equipment has to meet the setbacks. There are instances that the pool can be by the property line but the equipment has to be 30ft away from it. Therefore, this allows the pool equipment to match the setback for the pool.

Dr. Denning noted that he is disappointed that this ordinance from Greenbriar originally is now going to be for the rest of the town. There is nothing in this ordinance about noise dampening, testing times, and or shrubbery for noise enclosure. That this has the potential to be a nuisance to surrounding neighbors. He recommends to the board, standardized testing times, some kind of dampening, and decibel limitations per manufactures specifications. Mr. Bonamassa inquires if the sound of the generator falls under the noise ordinance for the whole town. Dr. Denning states it is specifically exempted by this ordinance.

Mr. Worth states that it is exempt from noise requirements because the generators are to be permitted to be used for weekly testing and emergencies for when the power is out or medical reasons.

Dr. Denning recommends limiting the generators to no more than 70 decibels per the manufactures code, to encourage vegetation enclosure when possible, and to standardize testing times to a shorter window, one day a week.

Mr. Beck included that he does not agree with Dr. Denning, that people with generators should not be required to test on certain days.

Chairman Mr. Lippincott inquired if the resolution is passed, what about potential changes. If a problem arises, would we be able to revisit and restrict further.

Mr. Worth responded that the township committee would have to revisit it.

Dr. Denning's concern is that once you have installed all these generators, it will be hard to go back. Currently there are no issues, but issues will arise when it becomes more popular. Dr. Denning stated if you look at the specifications sheet from Generac, they recommend placement of 20ft from the house. Now we are putting it even closer to dwellings.

Chairman Mr. Lippincott refers back to Mr. Worth inquiring if any other municipalities have had any issues concerning this.

Mr. Worth noted no, generally speaking, it is all about placements. Many homes and lots do not meet the setbacks, so this is focused on placements.

MOTION TO APPROVE

- Mr. Beck motioned to approve this ordinance as presented tonight and if there are any major problems that arise, it can be revisited at a later time. Motion seconded by Mr. Nese.

ROLL CALL

Mr. Beck – Yes Mr. Nese – Yes Mr. Baulderstone – Yes Mr. Bonamassa – Yes

Dr. Denning – No Dr. LoParo – Yes Mr. Petrosilli – Yes Shapiro – Yes

Mr. Lippincott – Yes

- d. **Ordinance No. 2022-8 An Ordinance By The Township Committee of Township of Ocean County of Ocean State of New jersey Amending The Township of Ocean's Code of Ordinances To Repeal Chapter 180 of The Township Code Entitled " Flood Damage Preventions" To Adopt A New Chapter 180 Entitled "Flood Damage Preventions;; To Adopt Flood Hazard Maps; To Severability and An Effective Date.**

Mr. Worth discusses to the board, that this is a complete rewrite on the townships flood plain ordinance, which is required by the DEP and FEMA. It is based on their model ordinance and is required to be adopted by the township by May 10th of this year. Any municipalities that do not comply will be kicked from the program. Some noted changes from the past ordinance is, regulating any work on structures within the flood plain, it creates a new flood plain development permit that people are going to have to acquire. It is more for the township to oversee and to regulate what is being built within the flood plain. This is also going to be for regulating minor

and incidental work being done within the home. (Ex: cabinets, roof, siding) FEMA'S goal is to make every home as safe as possible and to avoid claims. It is important that we stay in compliance with the NFIP that we stay within the community rating system program. The township is in the CRS program, as a class 6, meaning that all residents who have flood insurance gets a 20 percent discount because of everything the township does and we want to maintain that.

Dr. Denning inquires if this will be a large portion of the town and not just residents on the water. Mr. Worth states, yes, it will be any portion of the town within the flood zone.

MOTION TO APPROVE

- Motioned by Mr. Shapiro, seconded by Mr. Beck.

ROLL CALL

Mr. Shapiro – Yes Mr. Beck – Yes Mr. Baulderstone – Yes Mr. Bonamassa – Yes

Dr. Denning – Yes Dr. LoParo – Yes Mr. Nese – Yes Mr. Petrosilli: Yes

Mr. Lippincott – Yes

OPEN TO PUBLIC

- Motioned by Dr. Denning, seconded by Mr. Shapiro. All in favor.

No one came forward.

CLOSED TO PUBLIC

- Motioned by Dr. Denning, seconded by Mr. Shapiro. All in favor.

Mr. Yost wanted the record to reflect that no members of the public were in attendance, so therefore the board did not need to open to the public for comments.

Dr. Denning also wanted the record to reflect that he voted yes for the flood policy ordinance but does not like it, but for the greater good of everyone receiving discounts is the reason he voted yes. He understands the burden it might cause for residents performing minor work and having to get permits.

Chairman Mr. Lippincott also agrees with Dr. Denning, and wanted the record to reflect that various board members did vote yes for it, only because it is mandated and that residents can save and receive flood insurance at a discounted rate for the greater good. That they are aware it will cause hindrances in the township and that they regret that but see no choice.

MOTION TO ADJOURN

- Motioned by Dr. Denning, seconded by Mr. Bonamassa. All in favor.

MEETING ADJOURNED AT 7:51 P.M

NEXT SCHEDULED MEETING WILL BE MAY 5TH 2022 @ 7:00 P.M

Laurie Clune
Board Secretary