

Planning Board Meeting 03-03-22

## TOWNSHIP OF OCEAN

### Planning Board

March 3, 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: Robert Beck            Anthony DeCondo            Dr. Shawn Denning JR  
                                  Donald Lippincott        Dr. Ben LoParo            Peter Nese  
                                  John Petrosilli            Aaron Shapiro

Board Secretary Mrs. Clune: Let the record reflect that Mr. Nese is on speakerphone.

Members Absent: Kenneth Boulderstone    Nicholas Bonamassa            Ralph Dawes

#### Professionals Present:

Steven Yost, Haines & Yost

Jason Worth, T&M

#### APPROVAL OF BILLS:

- Mr. Shapiro made a motion to approve the bills and Mr. Beck seconded.

#### ROLL CALL

Mr. Shapiro: Yes        Mr. Beck: Yes            Mr. DeCondo: Yes            Dr. Denning: Abstain  
 Mr. Lippincott: Yes    Dr. LoParo: Yes            Mr. Nese: Yes            Mr. Petrosilli: Yes

**APPROVAL OF MINUTES: Re-Org & Planning Board Meeting of January 6, 2022**

- Mr. Shapiro motions to approve the minutes from the January 6, 2022 Meeting, and Dr. LoParo seconded. All in Favor.

#### **CORRESPONDENCES:**

- **List attached.** Mr. Worth discussed that a letter was sent out in regard to subdivisions, that all subdivisions within the county do need to be referred to the county planning board for review and approval before local boards can sign off.

#### **INFORMALS: NONE**

#### **OLD BUSINESS: NONE**

#### **NEW BUSINESS**

##### **a.) Ordinance amending and supplementing Chapter 410 "Accessory Buildings, Structures, and Uses"**

Mr. Worth discusses the ordinance. That the minimum side yard setback in the PRD zone is 5ft. This ordinance allows people to put their generator next to their air conditioning units along the same side of their house. Mr. Shapiro inquires about what adjacent defines as. Mr. Worth notes it has to be on the same side of the house, nearest as possible to the house fitting in the manufactures specifications.

Dr. Denning discusses concerns with regard to noise. The houses are very close together and according to Generac the manufacture, the ideal distance from the generator to the house is 20ft. On top of having an air conditioning unit, and generator on top of each other, it will be very loud. Based on where it has to go, it might not logically be able to be on the side of the house, it might have to go somewhere else, like the back of the house. Dr. LoParo states the HOA will not let it go in the back. Dr. Denning discusses from an ordinance standpoint, we should not be legislating based off HOA. Mrs. Clune wanted to let the record reflect, when a neighbor gets mad concerning noise, and goes to the HOA, which then goes to code enforcement, that there is no recourse for noise. We do not have a noise ordinance.

Dr. Denning notes that there are already 100's of generators in Greenbriar already, with each cycle depending on models, either weekly or monthly. That the ordinance should read, Monday or Tuesdays at noon is when you cycle your generator unless specific maintenance is required. Mr. Beck notes that he believes it runs for only 10 minutes once a week. Dr. Denning discusses to the board that there are other alternatives if someone has a hardship and does not have 5ft. He believes the ordinance should encourage sound location.

Dr. LoParo discusses why the ordinance is written the way it is. The current ordinance classified generators as accessory structures, so residents were being denied when they did not meet the setbacks. This new ordinance writes what is fair and reasonable, that the generator next to the air-conditioning unit as long as it does not protrude on the property line. Residents were previously approved in the past at that length prior to the most recent ordinance.

Dr. Denning inquires about shrinking down the testing frame. Dr. LoParo believes that it is a HOA matter.

Dr. Denning encourages sound dampening in new purchases.

Mr. Worth stated that he has spoken to other towns and code enforcement officers and there has not been issues about complaints.

Dr. LoParo discusses that this ordinance is only for plan residential area communities. It does not apply for the rest of the town. They are still working on that. It is much harder for the rest of the town for purposes such as lot size, floodplain, etc.

Dr. LoParo suggests making a recommendation to the HOA such as, sound dampening and alternating days of cycle testing.

Dr. Denning discusses that a decibel cap should apply. That industry standard is 68 decibels that would prohibit someone from getting a diesel generator.

Mrs. Clune states that, that would require someone in the office to be trained. That a calibrated noise machine would apply and someone would need to be certified to operate it. Board has discussion of what HOA decides.

#### **MOTION TO APPROVE**

- Mr. Beck motioned to approve, seconded by Dr. LoParo.

#### **ROLL CALL**

|               |                     |                  |                     |
|---------------|---------------------|------------------|---------------------|
| Mr. Beck: Yes | Dr. LoParo: Yes     | Mr. DeCondo: Yes | Dr. Denning: No     |
| Mr. Nese: Yes | Mr. Petrosilli: Yes | Mr. Shapiro: Yes | Mr. Lippincott: Yes |

Dr. LoParo noted suggestions for, HOA to reduce noise levels, sound dampening on generators, and narrowing testing windows within the compound.

#### **ROLL CALL FOR SUGGESTIONS**

Mr. Shapiro recapped the suggestions that will be sent to the HOA for sound dampening on every generator and for narrowing the testing time.

- Mr. Shapiro made a motion for suggestions, seconded by Dr. Denning.

#### **ROLL CALL**

|                  |                  |                     |                     |
|------------------|------------------|---------------------|---------------------|
| Mr. Shapiro: Yes | Dr. Denning: Yes | Mr. Beck: Yes       | Mr. DeCondo: Yes    |
| Dr. LoParo: Yes  | Mr. Nese: Yes    | Mr. Petrosilli: Yes | Mr. Lippincott: Yes |

#### **OPEN TO PUBLIC**

- Mr. Beck motioned to open to the public, seconded by Dr. Denning. All in favor
- No one came forward

#### **CLOSED TO PUBLIC**

- Dr. Denning motioned to close to the public, seconded by Mr. Shapiro. All in favor.

**MOTION TO ADJOURN**

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

**MEETING ADJOURNED AT 7:49PM**

**NEXT SCHEDULED MEETING WILL BE APRIL 7, 2022 @ 7:00PM**

Laurie Clune  
Board Secretary