OCEANPORT PLANNING BOARD
MINUTES
November 28, 2012

Chairman Widdis called the meeting to order at 7:30 p.m. and announced that the meeting had been advertised in accordance with the Open Public Meetings Act.

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Kahle, Mr. McCarthy, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Ms. DeSousa, Mr. Widdis

MEMBERS ABSENT: Mr. Savarese, Mr. Fichter

OFFICIALS PRESENT: Jeanne Smith, Board Secretary, Rick DeNoia, Board Attorney, William White, Board Engineer/Planner

BOARD BUSINESS:

1. Minutes of the meeting of October 10, 2012 were approved as presented on a motion from Mr. Whitson and a second from Mr. McCarthy and approved by the eligible Board members.

Mr. DeNoia noted for the record and the public that 2 of the applications being heard that evening were for matters whose hearings began before Superstorm Sandy and were scheduled to continue at meetings that were cancelled due to the storm. Mr. DeNoia alerted both Applicants' Attorneys that notices of the change in meeting dates and locations were posted at the building and on the Borough's website. Both representatives accepted the provided notification and determined to proceed.

OLD BUSINESS:

1. PB File: 2012-06
   105 Horseneck Point Road
   Block 109, Lot 14
   Request for Bulk Variance(s) for Minimum Lot Width, Side Yard Setback and Rear Yard Setback for the demolition of existing dwelling and construction of new single family dwelling

A-5 Survey of Property with Topography & Plot Plan with Grading For Variance, prepared by Ronald W. Post Surveying, Inc. dated August 25, 2012, last revised November 12, 2012

A-6 Correspondence from Maser Consulting dated August 22, 2012

The following persons were sworn in: Therese Cresanti-Daknis, Applicant, Michael Mickens, Designer & Builder for the Applicant, William White, Board Engineer and Planner.

Mr. Berube, Attorney for the Applicant, submitted for the record *Survey of Property with Topography & Plot Plan with Grading For Variance, prepared by Ronald W. Post Surveying, Inc. dated August 25, 2012, last revised November 12, 2012* which was marked as **Exhibit A-5.** Mr. Berube gave a brief summary of the last hearing and the concerns expressed by the Board, advised how the plan was revised to address the Board's concerns – relocated to meet existing setbacks, relocation of the proposed structure forward and a proposed trench system to address Mr. White's concerns for stormwater runoff management.

Mr. Berube asked Mr. Mickens a series of questions to which Mr. Mickens testified that the architectural rendering on the Plot Plan was an accurate representation of the architecturals, described the difference between the plan shown at the prior hearing of a 2-car garage reduced to a 1-car garage and the subsequent result of a reduced footprint. Mr. Berube also advised that the issue raised at the last hearing concerning a conflict in the numbers shown on the plan differing from the architecturals had been addressed and would be provided on the set for the building department.

Mr. Berube concluded that based on the revisions the only variance being requested was the pre-existing front lot width of 78' where 120' was required. Mr. Berube added that the question concerning a variance for the shed in the rear yard was no longer relevant as Superstorm Sandy had obviated that need as the shed was no longer there.

Mr. White commented that they had addressed his concerns regarding the grading and ingress/egress.

Chairman Widdis asked to confirm that the first floor elevation was in compliance which it was and asked what the garage was which Mr. White answered was 8.5'.

At Mr. DeNoia's recommendation, Mr. Berube requested that Mr. White's August 22, 2012 letter of review be marked for the record which was marked as **Exhibit A-6.**

Councilman Johnson stated he had no questions but thanked the Applicant for addressing the concerns of the Board

Ms. DeSousa questioned whether a rear yard setback was still required. Mr. White explained that after additional surveying that provided distances for decks that were attached to the principal structure and therefore was part of the existing structure, the average rear setback to the principal structure was 144.4' which the Applicant had met based on the amended plan.

Mr. Whitson complimented the Applicant for making the changes.

Chairman Widdis opened the meeting to the public for comments or statements.

PUBLIC:

As no one from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Chairman Widdis asked if there would be a difference in the house proposed to which Mr. Mickens answered it would be the same house but slightly wider to address the minimum habitable first floor area requirement. Chairman Widdis asked about the garage and was told it was 26'8 ¾" x 14'8 ¾". There was some discussion about the differences in the plan and it was decided that the revised updated set would be provided during the building permit process.

Mr. Kleiberg stated that at the last hearing he had asked if the house would be on pilings and was told yes and asked the builder how they would sink them which the builder answered by vibrating the pilings in instead of pounding.

Councilman Johnson made a motion to approve the application as revised which was seconded by Mr. Kahle and received the following roll call:

AYES:	Mr. Whitson, Mr. Kahle, Mr. McCarthy, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Savarese, Mr. Fichter
INELIGIBLE:	None

Ms. Smith stated the motion carried unanimously.

NEW BUSINESS:

2. PB File: 2012-15
   167 Monmouth Blvd.
   Block 71, Lot 4
   Request for Bulk Variance(s) for Height for elevating existing dwelling

The following persons were sworn in: Peter A. Goodhue, Architect, Douglas and Dana Miller, Applicants. Mr. Goodhue presented his qualification and various Boards he had appeared before and was accepted as an expert in the field of architecture.

Mr. DeNoia advised that the service had been reviewed, was found to be in order and the Board therefore had jurisdiction to hear the matter.

Mr. Goodhue gave a brief history of the property, including discrepancies with elevations of the first floor shown on the owners' elevation certificate provided at purchase and the true physical elevation, the results of a new elevation certificate which indicated a lower first floor elevation than was previously shown. Mr. Goodhue described the improvements that the Applicants had made to the home and the extent of the resulting damage from Superstorm Sandy, the remediation of the damages and the Applicants' desire to elevate the house; the Construction Official's opinion that the house wouldn't be subject to the Borough's Ordinance of an additional 2' above the flood elevation for that zone and debates over how high to raise.

A discussion proceeded amongst the Board, Mr. White and the Applicants on the appropriate height to elevate, the impact the damages had on future value of the house if they didn't raise, what impact the raising of the house would have aesthetically and practically such as grading and access to the garage and the Applicants' uncertainty as to what was the best height to elevate to.

Mr. Whitson commented that the Board was uncertain as well as to what to allow should they approve one height and then a future storm flood above that elevation.

Mr. White and Mr. Kleiberg commented that another consideration would be the change in construction code that would apply over a certain height.

Mrs. Miller asked if they would qualify for any assistance from FEMA for the raising of the house. Mr. White recommended she attend the town hall meeting scheduled for the next night where FEMA representatives would be in attendance to answer questions.

Chairman Widdis questioned if the hearing should be delayed until better information was available to make a decision.

The Applicants asked why they couldn't be given a range of up to 3' and they may only go up 2'.

Mr. DeNoia commented that typically the application specifies information and that's what would have to be built.

Mr. Goodhue commented that they could make the home look more aesthetic if they could bring 2' of fill into the front yard not knowing how the Engineer would view that. Mr. White stated they would need to provide a grading plan.

Mrs. Miller asked if the Board would consider 2' as it was doubtful they would go 3.2' and that they applied for that in the event they needed to but had only 2' in mind.

Mr. Goodhue asked whether the grading plan review could be expedited and whether or not a permit could be issued to get the work started. Mr. White stated that a grading plan would have to be provided and reviewed by him satisfactorily before any of that. Additional discussion followed on the proposed 3.2’ to raise and the allowed first floor elevation of 12.4’ and the terms of any approval that may be granted.

Chairman Widdis asked for questions from the Board members.

Mr. Kleiberg asked then they are raising to the 12.4’ and was told yes.

Mr. Sullivan commented that they should grant the height.

Mrs. Miller asked about the neighbor next door that would be building new would have the same height limit? Mr. White answered yes.

Chairman Widdis opened the meeting to questions from the public.

PUBLIC:

As no one from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Mr. Whitson made a motion to approve the application with a 12.4’ first floor elevation, subject to submittal of a grading plan approved by the Borough Engineer and height no greater than 38’ which was seconded by Mr. Sullivan and received the following roll call:

AYES:	Mr. Whitson, Mr. Kahle, Mr. McCarthy, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Savarese, Mr. Fichter
INELIGIBLE:	None

Ms. Smith stated the motion carried.

3. PB File: 2012-09
   David & Lisa Ardito
   Block 76, Lots 12, 13 & 14 – 473 & 477 Driveway
   Request for Lot Line Adjustment

Rick Brodsky, Attorney for the Applicant, gave a description of the application requesting a lot line adjustment with neighboring property Lots 13 & 14, described each of the lots, stated that both lots would remain conforming to the zone and to whom and why the adjustment would be beneficial. There was a question concerning setbacks but was testified that the structure was to be removed and the new structure would meet the setback requirements.

Ms. DeSousa asked about Lot 10.01 – the Riparian Grant and if it would be effected. Mr. Brodsky answered no, it was not associated.

Councilman Johnson stated he had no questions but asked what height was planned for the new structure. Mr. Brodsky answered that it had not been determined and would depend on a grading plan.

Chairman Widdis opened the meeting to questions or comments from the public.

PUBLIC:

As no one from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Councilman Johnson made a motion to approve the application as revised which was seconded by Mr. Kleiberg. There was discussion on the motion concerning the existing front setback encroachment and whether or not it should be mentioned in the resolution. Ms. Smith called the roll:

AYES:	Mr. Whitson, Mr. Kahle, Mr. McCarthy, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Savarese, Mr. Fichter
INELIGIBLE:	None

Ms. Smith stated the motion carried.

4. PB File: 2012-14
   Oceanport Center LLC
   Block 88, Lots 26.01 – E. Main Street
   Request for Amended Site Plan

A-1 Layout & Dimensional Control Plan, Amended Preliminary and Final Major Site Plan, Oceanport Village Center, prepared by Hammer Land Engineering, Sheet 2 of 12, dated May 5, 2011, last revised September 7, 2012
A-2 Portion of Site Plan Before Proposed Change
A-3 Depiction of Proposed Amendment to Site Plan for Driveway Access on Port Au Peck Avenue
A-4 Truck Turning Template Plan, prepared by Hammer Land Engineering, Sheet 1 of 1, dated August 26, 2011, last revised October 24, 2012.
A-5 Port Au Peck Avenue Sight Line Exhibit, prepared by Hammer Land Engineering, dated October 24, 2012
A-6 Memorandum, Port Au Peck Avenue Driveway Analysis, prepared by Henry Ney, P.E. of H. Ney Associates, LLC, dated October 23, 2012

The following persons were sworn in, presented their qualifications and were accepted for their field of expertise: Nicholas Verderese, Traffic Expert and Joseph Hanrahan, P.E.

Peter Falvo, Attorney for the Applicant, began with the submittal of documents which were marked as **Exhibits A-1, A-2, A-3, A-4, A-5 and A-6.**

Mr. Falvo asked questions of Mr. Hanrahan who testified concerning the existing approval for the site, a brief background of the original site plan application, the portions of the site plan completed including the center island on Main Street, a description of the site, a description of the proposed amendment to the site plan to allow for a full movement driveway on Port Au Peck Avenue and associated improvements including roadway striping and site triangle. Mr. Hanrahan testified that making a right turn out looking left there was a 430' site distance to the left in accordance with AASHTO requirements and making a left turn looking right there was a 500' distance to the right – again a clear site distance. Mr. Falvo asked if those site distances met or exceeded AASHTO requirements which Mr. Hanrahan answered yes. Mr. Falvo asked Mr. Hanrahan to address the issue raised concerning the radii of the entrance in order to provide access for truck turning movements and for fire engine entering which Mr. Hanrahan confirmed was as shown on Exhibit A-4. Mr. Falvo asked then does A-4 demonstrate adequate access for fire vehicles or emergency vehicles to access the site which Mr. Hanrahan confirmed yes, acceptably. Mr. Hanrahan further testified concerning the curb ramps and crosswalks all being ADA compliant, the relocation of "stop" bars further back from the sidewalk as requested by the Board Engineer would not present a problem and that requirement would be provided, that the site plan would also show a proposed stop bar and stop sign at the proposed site access from Port Au Peck Avenue, that the plan would be updated to delineate the internal 2-way access aisle with a double yellow centerline and in general that from a site plan perspective they had agreed to address all of the Engineer's conditions with the exception of the interconnection with the adjacent commercial site which concluded his testimony.

Mr. White asked what the purpose of the island in the center of the driveway off Port Au Peck Avenue. Mr. Hanrahan advised that there was an existing utility pole at that location so the island was to protect the pole. Mr. White asked for dimensions of the island which Mr. Hanrahan provided. Mr. White questioned the fact that the fire truck would have to jump it to get in. Mr. Hanrahan answered that the wheels would not have to jump just the body of the truck would overhang the curb.

Mr. White advised the Board why the interconnection between the adjacent commercial site was requested. There was discussion between Mr. White, Chairman Widdis and Mr. Falvo on the issue and the necessity of permission from the adjacent property owner and the fact that the interconnection was not part of the original approval presented by Mr. Falvo. Mr. White advised that the interconnection was discussed in a Memorandum of Understanding between the NJ Sports & Exposition Authority and the Borough that permitted in exchange for the little plaza area at the corner of E. Main Street and Port Au Peck Avenue, access was allowed out to the public right of way on a sub-street to the north made sometime prior to the original application for the site plan. Mr. Falvo argued that the radius' on the right of way portion of the property just dead-ended was the best they could do there. Mr. White responded that it may need a grade modification. There was additional discussion on how ,the requirement could be implemented, what had brought the issue about and a statement by Mr. Whitson that the matter was discussed during the original site plan application at which he was present.

Chairman Widdis and Mr. White discussed how to proceed and Mr. Falvo's argument that the issue was being based on assumptions of future action by the adjacent property owner which no one could say would actually ever happen and why he believed the Applicant should not have the burden placed on him to work it out.

Mr. White commented that it was up to the Board and was fine with whatever the Board decided. There was additional discussion on the memorandum of understanding and how it should be addressed until Chairman Widdis asked that they move on from the subject at that time and started the question process which Mr. Falvo conceded.

Chairman Widdis asked for questions from the Board.

Mr. Kleiberg commented on the backup of traffic that occurs every night as the intersection was and was concerned with adding a driveway that will create additional backup.

Councilman Johnson asked how many 2 bedroom apartments on the site and was advised that there (18) 1-bedroom, (9) 2-bedroom and (9) 3-bedroom units. Councilman Johnson asked if the proposal would eliminate any parking spaced and was told no, the number of parking spaces had been changed.

Ms. DeSousa asked if any thought had been given to commercial delivery vehicles serving the retail and whether access for those type of vehicles should be limited to E. Main Street to avoid backups when entering through a driveway from Port Au Peck. Mr. Falvo responded that the Engineer testified that a right hand turn by commercial vehicles was supported from Port Au Peck Avenue and gave an example scenario.

Mr. Kahle asked why the access driveway wasn't brought up at the first application and was told no one for the Applicant had been present for that application and did not know.

Mr. Sullivan asked if ingress/egress was being sought for left turn in and left turns out as well which Mr. Hanrahan answered yes. Mr. Sullivan commented that he drove that route every day and a lot of the time the traffic was backed up from the light.

Mr. Whitson asked if they had thought about moving the utility pole from the island. Mr. Hanrahan answered no, they designed the driveway around the hole. Mr. Whitson commented that he thought that was an accident waiting to happen. Mr. Whitson asked if they had discussed the application with any emergency services such as First Aid. Mr. Falvo gave scenarios of access of emergency vehicles through E. Main Street and the fact that there was an island emergency services may have to go against traffic.

Mr. Whitson commented that he had concerns with getting emergency vehicles into the site, concern for the utility pole in the middle of the driveway island and had additional questions for traffic expert.

Mr. Falvo commented further on the alternative ways of accessing the site for emergencies.

Chairman Widdis asked how far the driveway curb cuttings were from the corner at the traffic light which Mr. Hanrahan estimated was about 250'. Chairman Widdis stated that there's a lot of traffic there and for anyone wishing to make a left out of there would be a dash. Mr. Falvo responded that the testimony was that the site distance was 500'. Mr. Hanrahan scaled from plan and advised that from center to center it was 300'.

Chairman Widdis asked about the connections and sidewalks. There was discussion as to where those were located around the property.

Chairman Widdis opened the meeting to questions from the public on that witness only.

PUBLIC:

Henry Schulz, Jockey Club, was sworn in and then complimented the Developer on the atractiveness of the development, asked if Port Au Peck was a County route and wouldn't they need a variance from the County but was told no, it was not County and additionally the application was not for variance(s) but for site plan approval. Mr. Schulz expressed concern about improvements to Port Au Peck other than striping which Mr. Hanrahan responded would only be striping improvements. Mr. Schulz asked if the road would be striped to provide a left-turn lane and was deferred until the Traffic Engineer testified.

As no one from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Nicholas Verderese, Traffic Engineer, testified concerning traffic studies that were performed at various times over a period of years, the focus of the latest traffic analysis to specifically address the proposed access, gave a brief history of the conditions of the intersection and roadways at the time of the initial Site Plan application, discussed the current striping and the proposed striping for left turn lane which would be added to the plan as requested by Mr. White, described the length of the turn lane, the potential for back up of traffic in summer and track seasons and the need to wait for a courtesy gap or a regular gap in the traffic. Mr. Verderese continued that there were no issues from a site aspect and the reason for the driveway was to draw traffic directly off of Port Au Peck without having to drive up E. Main Street to come into site and how that would relieve the traffic at the intersection. Mr. Verderese commented that the prior Applicant, NJSEA, probably had not looked at the site from the perspective of a retailer who would want to draw traffic off of Port Au Peck for the site to be a viable site.

Mr. Falvo asked Mr. Verderese if the studies had been performed during AM/PM peak hours. Chairman Widdis questioned Mr. Verderese had done the work if Mr. Ney had done the work. Mr. Verderese explained the professional relationship and that he had worked with Mr. Ney on the studies. Mr. Verderese continued testimony referring to the Traffic Study on when the studies were done and the results obtained by the study.

Chairman Widdis asked Mr. Verderese asked if he had any step-up for the summer traffic. Mr. Verderese answered that he had nothing prepared from the summer or when the track was open. Chairman Widdis asked if there was a way to get the data. Mr. Verderese answered that he could obtain historical data. There was additional discussion on how that information could be obtained and the impact that more recent developments would have on that data including the miniature golf course and the concert venue planned by the racetrack.

Mr. Kahle asked if the driveway could be limited to access for those going westbound only. Mr. Verderese stated they could consider it. Mr. Falvo presented the scenario of what that vehicle would have to do to leave the site by going to the north end of the site and exit out through E. Main Street and perform a turn-around to flip onto E. Main Street south to get back to Port Au Peck Avenue going west.

Mr. Kleiberg asked questions about road widths, traffic lane widths, traffic lane lengths, the back up behind those turning left from eastbound in a single lane, how many vehicles that would fit into the turn lane to which Mr. Verderese responded. Mr. Kleiberg commented that presently he does the turnaround Mr. Falvo spoke of and his concern that the driveway on Port Au Peck would be a mess. Mr. Kleiberg also added that the intersection for a long time had had no traffic light but was put up after several accidents and that the County has been discussing improvements to that intersection for a long time.

Councilman Johnson asked about lines of sight and wouldn't the utility pole hinder the line of site looking east up Port Au Peck Ave which Mr. Verderese explained was close to the curb and that a driver would actually be looking from behind the pole. Councilman Johnson asked questions about speed limits on both Port Au Peck Avenue and East Main Street, expressed concerns with children living in the units above the retail at the site having to cross Port Au Peck which had a higher speed limit than E. Main Street's 25 mph. Mr. Verderese answered that volume was more likely to be on E. Main Street and why he believed it wasn't an issue.

Ms. DeSousa commented that everyone wants the site to be viable and succeed as it would benefit all of Oceanport but expressed concern about the island directly in the middle of the proposed access from Port Au Peck whether turning left or right onto Port Au Peck and because of traffic volume thought it would be helpful if traffic were restricted from making the left turn off Port Au Peck Ave and allow only right hand only east and west.

There was discussion on how the island could be modified to address those concerns.

Mr. White brought up the charge by Mayor and Council to install bicycle lanes along Port Au Peck including at the site of the proposed access. There was discussion on whether the width of the roadway would accommodate a bicycle lane, a left turn lane and lanes for through traffic and how it would be accomplished by working with the Board's Engineer.

Mr. Kahle asked again would the Applicant consider an entrance only going westbound on Port Au Peck. Mr. Falvo answered that the reason it's being requested was that they have a very good tenants looking to come in but have said without the entrance in and out of Port Au Peck they were not interested. Mr. Falvo stated that they were willing to modify the proposed plan so that the entrance only allowed for a right-turn in and a right-turn out from Port Au Peck Avenue westbound and a left turn in and that a "pork chop" island would accomplish tht.

Chairman Widdis stated that they were proposing the left turn lane at the light going west would remain at 50' and would hold about 10 cars which Mr. Verderese answered yes. Chairman Widdis stated that they are also proposing putting in another left turn lane into the site from Port Au Peck Ave eastbound which Mr. Verderese responded yes and referred to the plan that depicted it and explained the design.

Chairman Widdis asked Mr. Verderese if he had any concern about the utility pole to which Mr. Verderese answered no.

Mr. McCarthy asked about the traffic counts from October and how different might they have been if done in September. Mr. Verderese responded that he hadn't the numbers in front of him and did not want to posture at what he thought it would be. Mr. Verderese added that with the left turn removed that would reduce the delay. Mr. McCarthy commented that as more things added to the property it would increase traffic as well as the Borough's possible future improvement of Gatta Park.

Mr. Falvo commented that with all of that development that at some point the Engineer would suggest that with that increase traffic they would propose adding to Port Au Peck Avenue a 3rd lane or widening of the road.

Mr. Whitson asked about the striping and design of the striping and its measure of success to stop drivers from ignoring them and asked about the bicycle lane width and if there would be enough room for all those lanes. Mr. Verderese answered yes, the bicycle lane would be reduced to the width that was from the proposed driveway up to the intersection which was 4' there now. Mr. Whitson questioned could they legally narrow the bike lane and whose permission they had. Mr. Verderese responded that the bicycle lane was 4' wide for about 200' and then fanned out to 6'. Mr. Whitson stated but they would be using some of the 6' and whose permission did they have. Mr. Verderese answered that they would have to get it approved by the Council.

Mr. White stated that the roadway was about 40' wide at that point and expressed concern about the lane widths and whether or not there was sufficient width to accommodate. Mr. White also questioned why the traffic study used PM counts and the impact of summer traffic counts and the stacking of vehicles because of change, the left-turn into the site was a concern, not concerned with those wanting to turn left out of the site onto Port Au Peck Avenue.

Ms. DeSousa asked Mr. Hanrahan if there would be project signage and was told no.

Chairman Widdis opened the meeting to questions from the public on that witness only.

PUBLIC:

Laurie Cook, Resident in Jockey Club, asked about the left turn access when the traffic light was there to accommodate and questioned why if it was estimated 20-25% would use the left turn beyond the traffic light why have it at all. Mr. Verderese responded that they were creating another opportunity for entrance and was a benefit because it would move 25% cars out of the intersection

As no one else from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Mr. Falvo stated that concluded their testimony, they were willing to provide revised drawings for the Board to review based on the Board's comments, also mentioned Mr. White's statement that he would conference with his traffic engineer and requested that comments also be solicited from Traffic, Fire and First Aid Departments.

Chairman Widdis stated he would like to see data for the summertime.

Based on the requests of the Board and the availability of the Applicant's Professionals, it was decided that the application would be carried to the December 12, 2012 meeting with revised plans to be prepared and solicitation of comments from emergency services provided as soon as possible to Mr. Falvo.

The Board adjourned for a short recess at 10:12 p.m., which was unanimously approved by the Board members present. Chairman Widdis called the meeting back to order at 10:17 p.m. with all previous members once again present.

5. PB File: 2012-11 – Leo, Gerald & Lauren
   21 Gooseneck Point Road
   Block 74, Lots 26 & 28.01
   Request for Amended Site Plan

A-1 Site Location Plan, Monmouth County GIS, http://maps.co.monmouth.nj.us/GIS/PropertyView/ *retrieved* on November 28, 2012

A-2 Colored Rendering of Sheet A1 of Architectural Plans prepared by Unger & Mahns Architects, dated August 1, 2012, last revised October 5, 2012

A-3 Photo Board showing depictions of the Property and surrounding properties, prepared by Gordon Gemma, P.P., dated November 28, 2012

Steve Gouin, Attorney for the Applicant , explained the purpose for the hearing before the Board seeking relief for the construction of a single-family home. The following persons were sworn in and presented their qualifications and accepted in the field: Michael Mahns, Architect for Applicant and Gordon Gemma, Professional Planner for Applicant.

Mr. Mahns submitted two documents that were marked as **Exhibits A-1 and A-2.**

Mr. Mahns gave descriptions of the features of the property including that the existing shed was proposed to be removed, the proposed garage would be attached; that the lot's grade was low in comparison to the adjacent neighbors and the proposed fill to address the wetness of the lot. Mr. Mahns explained the elevations for first floor, garage floor, etc. to meet requirements for the zone and the height variance relief being sought.

Mr. Mahns then described the variances being sought for lot area, lot width, front yard setback, side yard setback, aggregate side yard setback and rear yard setback, the constraints of the lot and described the process by which the design and location of the structure were chosen. Mr. Mahns testified that the application would reduce existing nonconformities including the side yard setback on the westerly side and the water side being brought to compliance with the removal of the shed.

Mr. Gouin asked Mr. Mahns to discuss the height matter. Mr. Mahns explained the impact of Hurricane Sandy and the necessity to bring the first floor elevation up to comply with the Borough's code and thereby increasing the height as the Applicant's desire was to retain the designed ceiling heights for 1st and 2nd floor as well as provide an adequate attic space for mechanical equipment and maintain the architectural design of the house and the surrounding neighborhood..

Mr. Gouin asked Mr. Mahns to explain the design for an attached garage. Mr. Mahns responded that it was a program requirement of being able to bring groceries into the house or other packages from the car without having to go back outside.

Addressing Mr. White's letter, Mr. Gouin asked Mr. Mahns questions including describe what on the property would be removed and was testified that the existing shed in the southeastern corner would be removed and the existing structure and that the dock would remain. Mr. Mahns also described what materials would be used for the construction of the dwelling and driveway. Mr. Mahns described how the downspouts would be directed and that they would be working with the Engineer to develop a grading plan and address requirements for stormwater runoff to comply with DEP requirements. Mr. Mahns stated that most likely the sewer service would be new connections and not working off existing connections.

Chairman Widdis asked questions about the size of the proposed house, the existing house and its age, elevation of the garage at 8.0 and why that complied with FEMA's requirements.

Mr. Whitson asked how they would address drainage away from neighboring properties. Mr. Mahns answered that the fill would allow water runoff to be captured from both the Applicant's property and the neighbors and would be directed towards the street.

Ms. DeSousa asked if there was living area over the garage and was told no, it would be used for storage and pointed out that the fixed stair to the 3rd floor attic required a variance unless replaced with a pull-down stair. There was discussion on the fixed stair and the needed variance which was added to the requested relief.

Mr. Kleiberg asked if there would be a crawl space and where would the equipment be installed. Mr. Mahns answered where and what equipment would be used.

Ms. DeSousa asked where the pool equipment would be located and was told likely along the westerly side and condensers on the easterly side but would depend upon if the pool would be built and where CAFRA and FEMA would require it.

Chairman Widdis asked if there was any fencing planned in the river area. Mr. Mahns answered no except for whatever fencing requirements for the pool.

Chairman Widdis opened the meeting to questions from the public on that witness only.

PUBLIC:

Kathy Grato, 29 Gooseneck Point Road, was sworn in and asked what were the setbacks along the sidelines, and the notice letter that mentioned retaining walls to be installed. Mr. Mahns gave the setback information and responded that Mr. White had mentioned that in his letter and that in order to lessen the impact of the height of the building on the property there was a small raised terrace about ½' higher than the adjacent grade which would provide green space around the pool as well as a retaining wall along the parking area so that the lot was not being completely filled but only the areas mentioned so that grade along southeasterly side would be unchanged and intent was to keep what was along the road similar to what was there. Ms. Grato asked what would be the finished height of the garage and was told approximately 24' to the ridge. Ms. Grato asked about the dock that was said would remain which Mr. Mahns answered that there were no changes proposed to the dock. Ms. Grato commented that she was surprised because it straddled with her lot and thought with the new owner it would be addressed. Mr. Mahns answered he believed the previous owner had made an application for medication but was not known the status. There was discussion as to the site plan that showed the dock to be removed but it was explained by Chairman Widdis that it was not the Board's jurisdiction and was a title issue. Mr. Gouin interjected that Mr. Gemma's testimony would address the dock.

Michael Abboud, neighbor to the west, asked if the mechanical equipment would be over the setback lines. Mr. Mahns answered he believed the ordinance permitted it but it would be squeezed in and mentioned locations where it could go.

Will Grato, 29 Gooseneck Point Road, asked about drainage and grading. Mr. Mahns answered that their intent was to match the grade with his property and the property to the left. Mr. Grato stated that was concerning and asked if he knew about the storm drain on the property. Mr. Mahns answered yes, and that in consultation with the civil engineer for the CAFRA application that issue came up and was advised that the State preferred to see it higher as in lesser storms would actually prevent some of the water from coming in to the storm drain and also explained how the water along the side with his property would be redirected to the front and how that would be accomplished through pitch so as not to impact the neighbor's property. There was additional discussion on the drain and why it wouldn't be raised.

Chairman Widdis added that a grading plan would have to be approved by the Engineer as part of the construction permit process and changes would be made as needed. There was discussion on the existing flooding problem and Mr. White explaining to Mr. Grato how it would be reviewed.

Chairman Widdis asked about the height of the retaining walls and was told average 1 ½ ' from the back towards the front but no higher than 30" or a guard would be necessary so there intent was to grade where needed to keep under the 30" where they could.

Mr. Kleiberg asked if the house setback from the river was consistent with the other houses which Mr. Mahns answered yes, as calculated by the surveyor and provided the numbers.

Gordon Gemma, Professional Planner for the Applicant, testified concerning the variance relief being sought, which were pre-existing non-conformities, the relief being sought for height in order to meet the flood elevation requirements to reach 12.4', the elevation of the existing grades and the

Mr. Gemma submitted a photo board depicting the existing lot and surrounding properties to demonstrate the "hole" that the "Applicant's property was in which was marked as **Exhibit A-3.** Mr. Gemma continued with reasoning for increasing the grade of the property to bring it to similar grade as the adjacent properties. Mr. Gemma testified further regarding the unique dimensions of the lot, the variances required because of the lot's characteristics and the undue hardship created by the lot's dimensions, and demonstrated why the positive criteria outweighed any detriments and that the relief would not be anything outside of what was existing if in fact would reduce the existing non-conformities.

PUBLIC:

Ms. Grato asked how the Applicant's proposed height compared with the neighbor and was told comparable and why it would fit in aesthetically. Mr. Gemma added that the measured height may be the same number however, because height may have been measured from a different point and could not be compared by the number and explained further how fill on a lot would change the calculation for height as defined in the Ordinance.

As no one else from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Mr. Gouin reiterated that the grading plan would be submitted for the building permit and Engineer's review before any permits were issued.

There was additional discussion on the amount of water that the property experienced during Storm Sandy and that of others in the area.

Mr. White requested that additional shots be provided from the lot and the adjacent lots to aid in the grading plan review.

Mr. Whitson made a motion to approve the application as presented which was seconded by Mr. McCarthy and received the following roll call:

AYES:	Mr. Whitson, Mr. Kahle, Mr. McCarthy, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Savarese, Mr. Fichter
INELIGIBLE:	None

Ms. Smith stated the motion carried.

RESOLUTIONS:

6. PB2012-10 - Amoroso, Renee and Michael. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Councilman Johnson made a motion to approve the resolution which was seconded by Mr. Whitson and received the following roll call:

AYES:	Mr. Whitson, Mr. McCarthy, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Ms. DeSousa, Mr. Widdis

NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Savarese, Mr. Fichter
INELIGIBLE:	Mr. Kahle

Ms. Smith stated the motion carried.

PETITIONS FROM THE PUBLIC: Chairman Widdis opened the meeting to Petitions from the Public and as no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 11:23 p.m. on a motion by Mr. Whitson which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary