

**OCEANPORT PLANNING BOARD
MINUTES
November 24, 2015**

Chairman Widdis called the meeting to order at 7:30 p.m. and gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 29, 2015, and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Foster, Councilman Gallo, Mr. Savarese, Mr. Kleiberg, Mr. Kahle, Mr. Sullivan, Mr. Fichter, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mayor Mahon

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

BOARD BUSINESS: None

OLD BUSINESS:

1. PB2015-17 Galway Builders
157 Comanche Drive
Block 41, Lot 6
Request for Bulk Variance for Average Front Yard Setback

Doug Freiberger, Attorney for the Applicant appeared to present.

Chairman Widdis asked Ms. Smith to advise for the record eligible members for the matter. Ms. Smith stated that the following members were eligible: Mr. Whitson, Councilman Gallo, Mr. Kleiberg, Mr. Fichter and Mr. Kahle.

Chairman Widdis stated he had not been present for the prior hearing and therefore recused himself from the matter. Vice Chairman Whitson assumed the Chair.

William White, Board Engineer and Planner was sworn in for the record.

Mr. DeNoia asked who was the engineer and was advised Brent Papi.

Mr. DeNoia stated the application had 2 parts to it, applied last time but there was information missing concerning average front yard setbacks and because it was not carried to a date certain so the Applicant re-noticed for tonight to request the additional variance.

Darren Davis, Managing Director of Galway Builders, was sworn in for the record. Mr. DeNoia stated jurisdiction was in order and matter could proceed.

Mr. Freiberger gave a brief summary of the last hearing at which the application had been approved but was conditioned upon demonstrating to the Board that they had met the average setback requirement by ordinance, however, upon additional review afterwards, they are back before the Board seeking relief for the setback of 49' where the average was 142.3 feet as demonstrated by plan entitled "157 Comanche Drive 200 foot setback plan" prepared by East Point Engineering, LLC dated November 5, 2015. Mr. Freiberger referring to the plan pointed out the vast variety of setbacks for surrounding lots and that they placed the house to be in line with the houses on the nearest lots with the exception of Lot 5.03 and submitted that for the Board's consideration.

Vice Chairman Whitson asked for questions from the Board.

Mr. Fichter asked if the engineer's plan was based on a survey as it was prepared by an engineer and would like to know where the information came from. Mr. Davis testified that they had it resurveyed by Landmark Surveying.

Councilman Gallo asked there was no change in the house since the last time and was told the average was at 47 and they were at 49.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for statements or comments on the application. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Vice Chairman Whitson invited any additional comments or questions from the Board.

Mr. Fichter asked Mr. White if he had seen the survey and was told no, it could be made a condition. Mr. Davis stated he would get that information.

Mr. Fichter made a motion to approve the application subject to provision of a survey supporting the engineer's plan which was seconded by Mr. Kleiberg. The motion received the following roll call:

AYES:	Councilman Gallo, Mr. Kleiberg, Mr. Kahle, Mr. Fichter, Mr. Whitson
NAYES:	None
ABSTAIN:	None
ABSENT:	Mayor Mahon
INELIGIBLE:	Mr. Foster, Mr. Sullivan, Mr. Savarese, Mr. Widdis

Ms. Smith stated the motion carried.

PETITIONS FROM THE PUBLIC: Vice Chairman Whitson opened the meeting to Petitions from the Public.

Roseanne Letson, 37 Morris Place, asked if there was a date that the Borough's Planner and the AcuteCare matter had been rescheduled and was told not at this time. Ms. Letson asked if it would be posted on an agenda and put on the website so they would know to attend and was told yes.

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

ADJOURNMENT: As there was no further business, the meeting was adjourned at 7:41 p.m. on a motion by Mr. Kleiberg which was seconded by Mr. Fichter and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary