OCEANPORT PLANNING BOARD
MINUTES
November 9, 2011

Chairman Widdis called the meeting to order at 7:37 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, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Mr. Fichter, Mr. Widdis

MEMBERS ABSENT: Mr. McCarthy, Mr. Savarese, Mr. Gervolino , Ms. Flor

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

BOARD BUSINESS:

1. Minutes of the meeting of October 12, 2011 were approved as presented on a motion from Mr. Whitson and a second from Mr. Sullivan and approved by the eligible Board members.

OLD BUSINESS: None

NEW BUSINESS:

2. PB File: 2011-09
   Judy and Thomas Swick
   Block 40, Lot 12
   201 Comanche Drive
   Request for Bulk Variance(s) for improvements to single family home

Michael J. Monroe, Architect for the Applicants, presented his qualifications and was accepted by the Board as an expert in the field of architecture. Mr. Monroe, Judy M. Swick and Thomas Swick, Owners and Applicants were sworn in. William White, Board Engineer and Planner was also sworn in.

Mr. DeNoia stated for the record that he had conferred with the Secretary and the service for the application was reviewed and in order and the Board had jurisdiction to hear the application.

Mr. Swick described the proposed improvements to the existing structure which included proposed second floor additions and front and rear porch additions to the main structure.

Mr. Monroe, AIA gave in-depth details of the proposed improvements, the existing conditions of the lot, a revised plan eliminating improvements that would have required additional variances and that the application was only seeking relief from the side yard setback of 3.24' where 10' was required and 4.7’ was pre-existing. Mr. Monroe stated that a new survey was performed in order to address a tidelands issue with the State.

Chairman Widdis asked Mr. Monroe for additional details concerning the changes and the exterior which Mr. Monroe provided. Items discussed included architectural details of the design, features that improved views of the water, the increase in the footprint of 62 square feet, the square footage of each floor and types of rooms on each floor, attic space for storage provided in the tower feature, the lack of suitable storage available in the crawlspace and the overall design oriented towards the east view of the river.

Chairman Widdis asked how the height of the roof had been measured. Mr. Monroe answered from existing grade and that they were not bringing in any fill and the drainage would remain similar – the porches wrap around drainage locations and that all drainage would be directed onto the property which addressed one of Mr. White’s comments in his engineering review.

Mr. White asked Mr. Monroe regarding the setback from the water. Mr. Monroe responded that they were actually increasing the setback from the water. Mr. Monroe explained further that it was their approach to minimize the square footage to avoid the requirement of a CAFRA by rule permit.

Mr. Whitson asked questions about the tower / attic space and whether it was a 3rd floor which was not allowed by the Ordinance. Mr. Monroe responded that it was a finished attic and provided at length various types of spaces and their definition after which Mr. Whitson advised the Chairman that he had no further questions but did have concerns about a 3rd floor.

There was a discussion amongst the Board with Mr. White and Mr. Monroe regarding how the tower/attic area should be designated whether it be a 3rd floor, a ½ story, a habitable attic, the interpretation by the Zoning Officer of ½ stories, whether an additional variance was required for that area, that the space would be significantly occupied by the utilities of the structure, i.e., furnace, air handler as they could not be located in the crawl space and that the fixed stairway was more for ease of access and that the area was not intended for habitation. Mr. Monroe requested that if an additional variance was determined necessary that the Board consider it as the notice did state "and any other variances as the Board may deem necessary".

Mr. Fichter asked what the height was for the crawl space. Mr. Monroe responded that it was a low basement area in the front about 6' which was all below base flood elevation where they would not be able to put any duct work under the house and remaining 2/3 of the house towards the water was mostly dirt crawlspace at 2 ½'.

Mr. Fichter asked the difference between finished attic and unfinished attic was sheet rock. Mr. Monroe answered there were different determinations based on which code you look at – building code or zoning code and gave examples of scenarios.

Mr. DeNoia asked Mr. Monroe if there was a difference if the attic access was pull down or fixed stair. Mr. Monroe stated that he did not believe there was although it depends on individual towns from their zoning view but that it was all safe and met all building codes and they need the area for the equipment.

Mrs. Swick commented why she wanted the fixed stair and the finished attic as she would not have usable basement space or even space from an attached garage as theirs was detached and why access via a fixed stair was preferred and that she had purchased a telescope to use up there.

Mr. Kleiberg stated he had no problem with the habitable attic but questioned the cupola's height.

Chairman Widdis asked how close was the house on the property to the north to the Applicant's house. Mr. Monroe answered referring to the survey that it was 15' from the property line and that the proposed bay window was adjacent to the neighbor's deck area. There was additional discussion on the distances between the properties, the type of windows to be used for the bay, the factors considered to maintain privacy, concerns about access for maintenance and potentials for encroaching on the neighbor's property for maintenance and how that would be addressed. Mrs. Swick commented that they had spoken with the neighbors and that they had no issue with it. There was also discussion on how the architect could modify the design of the bay window.

Mr. Kleiberg asked if they would be doing anything with the garage. Mr. Monroe answered no, not at this time other than putting the same roofing and siding.

After the review of the Ordinance by Mr. White, it was determined that there was an exception in the ordinance for steeples, chimneys, etc. and that the cupola could be considered a steeple. It was noted to add that item to the Ordinance in the future.

Chairman Widdis asked if anyone was concerned with the bay window.

Mr. Sullivan commented that he was comfortable with it as long as they could get a ladder or scaffolding around it.

Mr. Kahle asked about the A.C. units – they couldn't be on that 3' setback side. Mr. Monroe advised that the A.C. equipment would be on the other side of the house and that after discussing with the neighbors on that side, the Applicants had agreed to install a solid PVC fencing and landscaping around it to reduce noise and appearance.

Mr. Kahle asked if there was concern about the driveway on the southern side. Mr. White stated that it was something the property owners would have to work out – put a fence straight down the property line.

As there were no additional questions from the Board, Chairman Widdis opened the meeting to questions from the public.

PUBLIC:

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

Chairman Widdis addressed the issue of the attic story and that they needed another variance.

Mr. Monroe stated that they were requesting a ½ story variance per the Ordinance.

Mr. Sullivan commented that he thought the attic should be sheet-rocked.

Councilman Johnson made a motion to approve the application with the conditions as discussed which was seconded by Mr. Sullivan and received the following roll call:

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

Ms. Smith stated the motion carried, application was approved.

RESOLUTIONS:

3. PB2011-08 (Zawadzki) – As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Whitson made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

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

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 8:24 p.m. on a motion by Mr. Whitson which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary