

**OCEANPORT PLANNING BOARD
MINUTES
October 24, 2017**

Chairman Widdis called the meeting to order at 7:32 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 11, 2017 and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Whitson, Councilwoman Cooper, Mr. Kleiberg, Mr. Sullivan, Mr. Kahle, Mr. Widdis

MEMBERS ABSENT: Mr. Foster, Mr. Savarese, Mr. Fichter, Ms. Halpern

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

BOARD BUSINESS:

1. Minutes of the meeting of September 26, 2017 were approved as corrected on a motion from Mr. Whitson and a second from Councilwoman Cooper and approved by the eligible Board members.
2. Fort Monmouth Reuse Plan Amendment #9 Recommendations

Mr. White, Board Engineer/Planner, was sworn and provided an overview of the proposed amendment which would allow alternate development uses for 2 parcels known as "the Barracks" and ± a 7.5 acre Municipal Parcel both of which were located within the Eatontown portion of the former fort, near Saltzmann Ave and the Avenue of Memories. The Amendment proposes maintaining 5 buildings and moves Eatontown DPW into one of them. The proposal for the "Barracks" area is to build an artists' colony in those 6 buildings and place 12 temporary apartments (up to 6 months). Mr. White stated the Amendment is consistent with Eatontown's P-1 public land zone. Chairman Widdis asked why the Amendment came up. Mr. White explained that typically, a party interested in the parcel approaches FMERA with their proposal and FMERA issues an amendment to accommodate the RFOTP. There was discussion regarding the previously proposed wetlands park. Chairman Widdis expressed a desire to have FMERA make a presentation to the Board with more information and suggested that be included in the comments to the Governing Body. There was discussion regarding the short-term residential artist units. Chairman Widdis reiterated his concern about making decisions in a vacuum. Councilwoman Cooper commented that FMERA is not very forthcoming with information. For example, it has been 3 or 4 months since FMERA received RFOTPs for Barker Circle, and no information has been provided regarding the 5 proposals received.

OLD BUSINESS:

3. PB2017-12 Lane, Raymond
27 Elizabeth Drive
Block 139, Lot 20
Request for variances to construct addition to one car garage

A-2 Plan prepared by MSA Architects, dated July 7, 2017 (1 sheet)

A-3 Floor Plan prepared by MSA Architects, dated July 7, 2017 (1 sheet)

The following persons were sworn in: Raymond Lane, Applicant and Owner; Michele Delvecchio, Architect for the Applicant. Ms. Delvecchio presented her qualifications and licensing, history of her experience appearing before boards for similar matters and was accepted as an expert in the field of architecture. There was discussion regarding whether the application was a continuation. Ms. Smith advised the Applicant's last appearance was a request for design waivers in order to deem application complete which were granted. Ms. Delvecchio testified the design waiver was granted to waive providing a topographical survey and grading plan for the entire property and only providing that information for the affected area.

Ms. Delvecchio summarized the lot characteristics and the variances being requested for side-yard setback for 4.17' where 10/15' required; combined side yard setback of 19.5' where 25' is required and 29.5' is existing. Chairman Widdis asked for the date of the plan, to ensure the Board had the latest update. Ms. Delvecchio introduced and described **Exhibits A-2 and A-3**. Mr. DeNoia asked Ms. Delvecchio if she had observed the neighborhood and if she had any opinion on whether or not there would be a negative impact on the neighborhood or adjoining property. Ms. Delvecchio stated there was no negative impact to neighbors or the community based on her opinion that it was beneficial by keeping vehicles off the street.

Chairman Widdis asked for questions from the Board.

Councilwoman Cooper noted that it is a two car garage, and the Applicant has 3 cars, so one would still be in the driveway. She asked how many drivers there were in the household. Mr. Lane stated he was the only driver.

Mr. Whitson asked if there would be any plumbing in either garage. Mr. Lane replied no. Mr. Whitson asked if there would be lights on the side closest to the neighbor. Mr. Lane replied he would not.

Mr. Kahle stated the Applicant would be reusing the existing pavers and asked what distance they could be up to the property line. Mr. White replied 5' for driveways, but there's no setback for sidewalk. Chairman Widdis asked if the pavers would be moved. Ms. Delvecchio stated there will be no expansion to the existing asphalt driveway.

Mr. Kleiberg asked if electric would be installed. Mr. White stated there would be electricity.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions only. As there was no one from the public who appeared to be heard, Chairman Widdis closed that portion of the hearing.

Chairman Widdis opened the meeting to the public for statements on the application. As there was no one from the public who appeared to be heard, Chairman Widdis closed that portion of the hearing.

Mr. White advised he identified 2 additional variances. The lot is undersized in width and area: 15,000 sq. ft. is required, 12,435 sq. ft. pre-existing condition; width requirement is 125' and 90' pre-existing condition. There was discussion regarding notice. Ms. Smith advised the notice included those 2 pre-existing conditions. Chairman Widdis also noted that the proposed garage is very close to the neighbor's, and any type of construction or maintenance would be very narrow. Mr. DeNoia requested comments from Board members before voting on the application. Mr. Kleiberg stated that as long as the side yard setback was 4.17, the variance would be fine. Mr. Kahle stated that in spite of granting the design waiver for topography and grading plans, that special consideration should be taken with the neighbor. Mr. White suggested that if the Board grants approval, that the Board make a condition that the existing topography be maintained. Mr. Whitson expressed a concern over the number of variances, he noted that there were no objectors to the plan. Councilwoman Cooper expressed concern about the small side yard setback and asked the Applicant if he spoke with the neighbor who would be impacted. Mr. Broege confirmed that. Chairman Widdis called for a motion to approve the application,

which was made by Mr. Sullivan, which was seconded by Mr. Kleiberg. Mr. Sullivan added the condition that there will be no adverse effect from runoff on the neighboring property and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Mr. Kleiberg, Mr. Kahle
NAYES: Councilwoman Cooper, Mr. Widdis
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

NEW BUSINESS:

4. PB2017-15 Family Promise of Monmouth County
501 Malterer Avenue
Block 110, Portion of Lot 1
Request for Design Waivers for Preliminary and Final Site Plan with variance

Sean Delany, Bowman Consulting, Applicant's Engineer, was sworn, presented his credentials and was accepted as an expert in Engineering and Planning. Mr. White explained that the Application is for submission waivers. The Applicant is asking for 7 items to be waived so the Application can be deemed complete. Chairman Widdis stated that the Applicant should address the items in Mr. White's 10/23/17 letter. Tom Esposito, Project Manager for Family Promise was sworn. He explained the purpose, operation and staffing of Family Promise and its Day Center. Mr. Delany provided details regarding design waivers for existing sewer. Mr. Whitson asked about the age of the sewer and storm drains. Mr. Esposito stated that the sewer will be replaced in about 3 or 4 years, but will connect to the same conduit. Mr. White stated new trunk lines are being installed, which will serve Family Promise as well as the Borough's new municipal complex. The survey did not show any sewer easement. Mr. Whitson asked if the Applicant had video of the sewer. Mr. Delany said they had not. Mr. Whitson suggested that roots had probably infiltrated the lines and the Applicant should have them examined. Mr. Delany addressed items in Mr. White's letter and explained the Applicant's reasons for requesting each of the design waivers. The footprint will not change, amount of effluent will not change, landscaping plans will be provided, exterior lighting will remain, the development schedule will be testified to at the hearing, the proposed improvements are limited, basically to meet accessibility requirements, so there is no environmental impact. Mr. Whitson asked how many people will occupy the building. Mr. Esposito stated there is an average of 7 or 8 guests, plus staff. Mr. Esposito explained how Family Promise would like to move in as quickly as possible. A delay in moving would have a negative impact on the Day Center.

Mr. White addressed each design waiver request. He did not see a problem with the Board issuing the waiver for existing sewer and storm drainage. Mr. Whitson expressed his concern about granting design waivers in general. Mr. Kahle requested confirmation that there was no increase in fixtures. Mr. Delany replied that based upon the DEP's criteria, the flow will remain unchanged. Mr. Kleiberg asked for pipe size and to ensure that it was clear.

Mr. Whitson made a motion to deny the first design waiver request, which was seconded by Mr. Kleiberg and received the following roll call:

AYES: Mr. Whitson, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Widdis
NAYES: Mr. Sullivan
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

Regarding design waiver 2, Mr. White stated that TRWRA is not operating the sewer system, but FMERA is. He stated that TRWRA will not take over operations until new mains are installed. Therefore, the information is only available from FMERA. Chairman Widdis made a motion to *grant* the design waiver, which was seconded by Mr. Kahle and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

Regarding design waiver 3, Mr. White stated a site visit could resolve the landscaping issue and then address it at the time of site plan approval. He recommended approving the waiver. Mr. Whitson made a motion to *deny* the waiver request, which was seconded by Councilwoman Cooper and received the following roll call:

AYES: Mr. Whitson, Councilwoman Cooper, Mr. Kahle, Mr. Widdis
NAYES: Mr. Sullivan, Mr. Kleiberg
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

Regarding design waiver 4, Mr. White noted that it's dark at night and there is a good distance to walk from the building to the parking lot. Mr. Whitson made a motion to *deny* the waiver request, which was seconded by Mr. Kahle and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

Regarding design waiver 5, Mr. Whitson asked how long it would take to prepare a development schedule. Mr. White stated it would depend on how many tasks are planned. Chairman Widdis made a motion to *deny* the design waiver, which was seconded by Mr. Whitson and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

Regarding design waiver 6, Mr. White advised that the survey was recent. Mr. Kahle made a motion to *grant* the design waiver, which was seconded by Mr. Kleiberg and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

Regarding design waiver 7, Mr. White advised that that there would be a minimal Environmental Impact Statement. Mr. Whitson made a motion to *deny* the waiver, which was seconded by Mr. Kleiberg and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

5. PB2017-02 Brown, Peter **CARRIED from October 10, 2017**
93 Main Street
Block 110, Lot 6
Request for Bulk Variances and Expansion of Non-conforming use

Chairman Widdis advised the public that this matter would not be heard this evening and would be carried to the November 28, 2017 meeting with no additional notice required as only 3 members of the Board eligible to hear this D-use variance were present and a minimum of 5 members is required.

6. PB2017-16 Zolofra, Mario
548 Shrewsbury Ave
Block 66, Lot 1.01
Request for Side-yard setback variance for mechanical equipment

A-1 – Photograph of A/C condenser, taken by Mr. Zolofra, dated November 23, 2017
A-2 – Photograph of A/C condenser, taken by Mr. Zolofra, dated November 23, 2017

Mario Zolofra, Owner and Applicant, appeared and was sworn in, gave a description of the application for a side yard setback variance for air conditioner condensers installed at 7.5' where a minimum of 10' required. He explained that it wasn't until the end of the project that it was realized that the air conditioners needed to be raised to the base flood elevation. Mr. Zolofra introduced **A-1** and **A-2**, and described the photographs.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions. As there was no one from the public who appeared to be heard, Chairman Widdis closed that portion of the hearing. Chairman Widdis asked for questions from the Board.

Chairman Widdis opened the meeting to the public for statements on the application. As there was no one from the public who appeared to be heard, Chairman Widdis closed that portion of the hearing.

Mr. Kleiberg made a motion to approve the application for side yard setback which was seconded by Mr. Kahle and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern

Ms. Smith stated the motion carried.

RESOLUTIONS:

7. PR-17-23 (Market on Main, PB2016-13) - 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, Councilwoman Cooper, Mr. Kleiberg, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese, Mr. Fichter, Ms. Halpern
INELIGIBLE: Mr. Kahle, Mr. Sullivan

Ms. Smith stated the motion carried.

8. PR-17-24 (Broege, PB2017-14) - Mr. DeNoia summarized the Resolution after which Chairman Widdis made a motion to approve the resolution which was seconded by Councilwoman Cooper and received the following roll call:

AYES: Mr. Whitson, Councilwoman Cooper, Mr. Kleiberg, Mr. Widdis
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Savarese Mr. Fichter, Ms. Halpern
INELIGIBLE: Mr. Kahle, Mr. Sullivan

Ms. Smith stated the motion carried.

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

Karen Long, 32 Revere Drive, commented that there were a lot of proposals for apartments. She said the Borough should consider them more closely in the future.

Ms. Smith stated for the record that Mr. Brown did provide new notice and asked if his request to carry to November 28th was granted. Chairman Widdis stated it would be. Ms. Smith stated no new notice would be required.

As no one else 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 9:14 p.m. on a motion by Councilwoman Cooper which was seconded by Mr. Whitson and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary