BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● OCTOBER 9, 2018

Regular	**Maple Place School**	**7:30 PM**

2 Maple Place, Oceanport, NJ 07757

I. Call to Order: Chairman Widdis called the meeting to order at 7:30 p.m.

II. Open Public Meetings Statement: Chairman Widdis 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 16, 2018 and by the posting of same on the municipal bulletin board and Borough Web Site."

III. Flag Salute: Chairman Widdis led the audience, members of the Board in the flag salute.

IV. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
William Sullivan	Mayor's Designee	Present	
Robert Proto	Council Liaison	Present	
Joseph Foster	Environmental Commision Liaison	Present	
John (Jack) Kahle	Class IV	Absent	
MIchael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Daphne Halpern	Class IV	Present	
Thomas Tvrdik	Alternate I	Present	
Michael O'Brien	Alternate II	Present	
Jeanne Smith	Board Secretary	Present	
William White	Board Engineer/Planner	Present	
Kevin Kennedy	Board Attorney	Present	

V. Board Business:

1. Approval of Minutes, September 25, 2018

Chairman Widdis advised that due to a technical problem the minutes would be provided at the next meeting.

VI. Old Business - None:

VII. New Business:

A. PB2018-08 502 Branchport Ave, Block 65, Lot 32: Reconstruction of single-family home with demolition of two walls that were required to stay in place to maintain the non-conforming side yard setback now seeking relief from:
Side Yard Setback of 5.62' where 10' required

EXHIBITS:

A-1 Land Use Development Application
A-2 Zoning Denial Letter, dated August 30, 2018
A-3 Plot/Grading Plan prepared by Land Control Services, LLC, revised March 26, 2018
A-4 Location Survey prepared by Land Control Services, LLC, dated January 19, 2007
A-5 Site Plan, Project Information, Specifications, 4 Sheets, prepared by Shore Point Architecture, PA, dated December 11, 2017, last revised September 7, 2018
A-6 Maser Consulting Review Memorandum, dated September 25, 2018
A-7 One Sheet of 4 Photographs of previous existing structure, dated April 2018
A-8 Proposed Front Elevation, prepared by Shore Point Architecture, PA, dated Oct. 9, 2018

Mr. Sullivan recused as he was within the 200' radius of the property and Mr. Tvrdik recused himself due to personal relationship. Mr. Kennedy stated that service had been reviewed, was in order and the Board accepted jurisdiction. He introduced and identified Exhibits A-1 through A-6. William White, Board Engineer/Planner was sworn.

Robert Hicks, Esq., Javerbaum Wurgaft Hicks Kahn & Wikstrom, Applicant's attorney, appeared. He advised the property was granted a variance in 1989 which allowed subdivision of the undeveloped next door property. He introduced Andrea Fitzpatrick, Applicant's architect, who was sworn and provided her qualifications. She introduced and identified Exhibits A-7 and A-8. Ms. Fitzpatrick stated the photos are of the elevation of the structure prior to demolition. She stated the house had been demolished to the foundation and hence, the property lost its existing non-conforming wall on the south side of the property. There was discussion regarding the erroneous removal of the wall. Ms. Fitzpatrick provided a general overview of the project including maintaining a one-story building, adding a small addition, keeping the existing 2 curb cuts and improve the driveway, relocate the garage, proposed front porch, rear deck, materials, roofline and gables.

Ms. Fitzpatrick reviewed the Engineer's report, and advised that the applicant agreed as a condition of approval to provide height from the crown of road. Ms. Fitzpatrick provided testimony regarding basement finished floor elevation, and plans have been revised to reflect that information. There was brief discussion regarding whether the property was in a flood zone which it was not due to its elevation.

Ms. Fitzpatrick provided testimony stating the benefits of the application outweigh any detriments addressing areas including light, air and open space and their effort to not increase the area of building towards the setback line by using a hip roof and overhang and keeping one-story structure; securing for safety, fire, flood and the installation for current code, replacement of battery operated smoke detectors with hardwired units and voluntary installation of a sprinkler system; improvement to aesthetics of home through good design techniques, front porch, gable roof and material upgrades; and an effort to reuse the site foundation minimizing site disturbance versus construction of new. Chairman Widdis asked for questions from the Board.

Mr. Kleiberg asked why it was all framed out before coming to the Board. Chairman Widdis asked how it got so far. Mr. White commented it was a communication error. Chairman Widdis asked about the 2 driveways and 2 curb cuts and the distance from the lot line. Mr. White stated it was about 5’ and there was no issue with that, it was pre-existing and they were sliding it over making it better. Chairman Widdis commented that it was a busy street. Mr. White reminded of the ordinance requiring a turn around.

PUBLIC:
Chairman Widdis opened the meeting to questions from the public for this witness. As there was no one, closed that portion of the meeting. Chairman Widdis opened the meeting to comments from the public for this application. As there was no one, closed that portion of the meeting.

Chairman Widdis commented it was unfortunate that the wall came down but felt the Applicant was in a hard place and called for a motion.

1. Motion - Approve application as stated subject to standard conditions as read by the Board Attorney

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Proto, Council Liaison
AYES:	Widdis, Whitson, Proto, Foster, Kleiberg, Halpern, O'Brien
ABSENT:	Kahle, Savarese
RECUSED:	Sullivan, Tvrdik

VIII. Resolutions:

1. PB2018-06 Resolution of Approval - Tecumseh Ave, Block 8, Lot 18

Chairman Widdis stated for the record that Mr. Sullivan and Mr. Tvrdik had returned to the dais.

As the resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution after which Mr. Foster made a motion to approve the resolution which was seconded by Mr. Kleiberg.

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Proto, Council Liaison
AYES:	Widdis, Whitson, Proto, Foster, Kleiberg, Halpern, O'Brien
ABSENT:	Kahle, Savarese
RECUSED:	Sullivan, Tvrdik

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from thePublic. As no one from the public was present, Chairman Widdis closed that portion of the meeting.

X. Adjournment: As there was no further business, the meeting was adjourned at 8:00 **p.**m. on a motion by Ms. Halpern which was seconded by Mr. Whitson and approved by the Board.

Respectfully submitted,

Jeanne Smith Board
Secretary