

**OCEANPORT PLANNING BOARD
MINUTES
September 24, 2013**

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 17, 2013, and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Kahle, Mr. McCarthy, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Mr. Savarese, Mr. Fichter, Mr. Widdis

MEMBERS ABSENT: Councilman Johnson, Ms. DeSousa, Mr. Gruskos

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

BOARD BUSINESS:

1. Minutes of the meeting of June 9, 2013 were approved as presented on a motion from Mr. Whitson and a second from Mr. McCarthy and approved by the eligible Board members
2. Minutes of the meeting of July 11, 2013 were approved as presented on a motion from Mr. Whitson and a second from Mr. Kleiberg and approved by the eligible Board members

OLD BUSINESS: None

NEW BUSINESS:

1. PB2012-04.1 Meloni and Barone
Vacant Lot – Hill Court
Block 133, Lot 17
Request for Bulk Variances
- A-1** Resolution PR-12-08 Memorializing the Application of Concetta Meloni and Marie Barone, Interpretation Pursuant to NJSA 40:55D-70B, Merger with Adjacent Lot in Common Ownership, Hill Court, Block 133, Lot 17, dated November 19, 2012
- A-2** Correspondence from Martin McGann to Mr. Emanuel Giorgio and Ms. Helaine A. Karp dated August 22, 2013.
- A-3** Aerial Photograph prepared by Beacon Planning and Consulting Services, LLC, not dated.
- A-4** Set of 4 Photographs of Surrounding Houses taken by Beacon Planning and Consulting Services, LLC, dated September 20, 2013.

Martin McGann, Attorney for the Applicant, gave a statement concerning the Applicant's appearance before the Board about one year ago and that the Board granted an exception to the Doctrine of Merger and presented the approving resolution for the record which was marked as **Exhibit A-1**. Mr. McGann continued that as a result the lot was undersized and could not conform to the ordinance's bulk requirements and that a letter on behalf of the Applicant had been sent to adjacent property owner inquiring as to any interest to purchase the property which was marked as **Exhibit A-2**.

Mr. McGann then requested clarification on how the rear and side yard setbacks were being designated as it was a corner lot. Mr. White advised that the Zoning Officer's determination was that the property was not a corner lot as it does not face on 2 different roadways and therefore the northern property line was the rear yard.

Mr. McGann described the lot's dimensions in comparison with the zoning requirements and described the variances being sought for minimum lot area, lot depth and lot width.

Andrew Janiw, Professional Architect for the Applicant, was sworn in, presented his qualifications and was accepted by the Board as an expert in architecture. Mr. Janiw gave a brief summary of the application and then presented an aerial photograph of the neighborhood which was marked as **Exhibit A-3**. Mr. Janiw presented additional exhibit and described the 4 photographs of surrounding houses which was marked as **Exhibit A-4**. Mr. Janiw testified that the proposed dwelling was a single family dwelling which was consistent with the zone district and it would be consistent with the character of the neighborhood. Mr. Janiw further testified that in his opinion there would not be a substantial impairment to the master plan and nor would there be a substantial detriment to the public good, the zone plan, the neighborhood or the adjacent properties. Mr. Janiw also testified that the surrounding lots were already developed and therefore no additional land was available for purchase to bring the lot to conformance. Mr. Janiw provided planning testimony as to the positive and negative criteria required under the statute for the requested variances including adequate light, air and open space, the apparent vacancy of the lot in a developed neighborhood and that the design of the building was consistent with the character of the neighborhood, was consistent with the use of the zone and had not created any detriment to the zone and requested that the Board grant the C1 hardship variances for lot area, lot width and lot depth. Mr. McGann asked Mr. Janiw to testify concerning the negative impacts. Mr. Janiw testified that the dwelling was designed to honor the setbacks for the zone, the height complied with the zone and that there were no negative impacts to light, air and space which concluded his testimony.

William White, Board Engineer/Planner was sworn in. Mr. White asked questions about how the lot was measured and that the lot should be approached as lot on one roadway and not a "corner" lot because it only fronts on one street and also to be aware that the definition of height in the ordinance had been changed. Mr. White's additionally commented that the site was not yet graded and that a grading plan would have to be submitted which the Applicant agreed to provide.

Mr. Savarese asked about the elevation of the 1st floor at the rear of the house because the lot was on a hill and to also address the sunken living room's elevation.

Mr. Kahle asked if there would be sidewalks. Mr. White commented that no sidewalks were required for this site as it was not included in the original subdivision and explained why.

Chairman Widdis opened the meeting to questions from the public.

PUBLIC:

Eileen Burke, 25 Monmouth Road, on behalf of the condo association, asked if the subject property would affect the perfection of the lot across the street done by subdivision and was advised no and why.

Andrea Abbott, 1294 Eatontown Blvd., asked questions about storm water runoff and how that would be addressed which Mr. White advised would be done through a required grading plan to address runoff and would be done at the time of the construction permit application. Ms. Abbott also asked the lot level and concerns about the height of the house.

Helaine Karp-Giorgio, 8 Hill Court, adjacent house, asked questions about the size of the house for the size of the lot and compared with other lots and houses in the neighborhood.

As the Applicant had no other witnesses, Chairman Widdis opened the hearing for comments from the public.

Andrea Abbott appeared and expressed concerns with drainage, the inability of the 1 storm drain in the area to handle any runoff and that additional drains should be made available.

Hank Wollman, owner of 11 Hill Court, urged due diligence by the Board on the water drainage and expressed his opinion that the Applicant should have to address drainage at time of application and not at time of building permit application.

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

Mr. Whitson made a motion to approve the application subject to approval of grading and drainage plan directing water to Hill Court approved by the Borough Engineer which was seconded by Mr. Fichter and received the following roll call:

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

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.

At 8:23 p.m. Ms. Smith read a Resolution authorizing the meeting to enter Executive Session for the purposes of litigation on a motion made by Mr. McCarthy and seconded by Mr. Savarese and approved by Board.

At 8:45 p.m. the Board returned from Executive Session and re-opened the Regular Meeting on a motion by Mr. McCarthy which was seconded by Mr. Savarese and approved by the Board.

Ms. Smith then advised the Board on a matter concerning the elevating of a home impacted by Super Storm Sandy which was being supported with concrete block piers rather than a traditional foundation and issue raised that zoning ordinance language needed elaboration concerning the requirement to minimize the appearance of elevated homes. After discussion the Board directed Mr. White to develop additional language to address all types of support systems for the next meeting.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:50 p.m. on a motion by Mr. Whitson which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary