OCEANPORT PLANNING BOARD
MINUTES
September 23, 2014

Chairman Widdis called the meeting to order at 7:33 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 23, 2014, 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. Johnson, Councilman Gallo, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Ms. DeSousa, Mr. Widdis

MEMBERS ABSENT: Mr. Gruskos, Mr. Savarese

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 September 9, 2014 were approved on a motion from Mr. Whitson and a second from Mr. Johnson and approved by the eligible Board members.

2. Planner’s Review for Consistency with Master Plan on a Proposed Zoning Ordinance Amendment - Special Exception Uses on Fort Monmouth.

   Chairman Widdis stated that Mr. White had reviewed the proposed Ordinance and how it impacts the Master Plan. Mr. White reported that prior to the base closure there were never any plans to develop Fort Monmouth nor conceived it would have to be worried about. In 2005 the BRAC noticed of the base closure, the Board participated in a Vision Plan for the Fort’s redevelopment. The Vision Plan was amended to the 1974 Comprehensive Master Plan as an update. One of its points was to preserve the historic structures within the historic area of Fort Monmouth which would be parade grounds and surrounding areas including the old garrison. When people talk about structures and setbacks a structure is a mailbox structure likewise a helipad is a structure. While the Ordinance refers to heliport Mr. White took it as helipad/heliport and the Board may want to have that further clarified by the Council. Mr. White’s understanding of the intent was to keep what was out there historically and right now was just a pad, nothing over there unlike West Long Branch and Monmouth Park but was considered a structure as defined by the Zoning Ordinance. Mr. White continued that Master Plans do not usually provide definitions of certain terms so went to Zoning Ordinance which was very clear and concise that helicopter landing pads were basically a structure. So it is his understanding was that the proposed ordinance was consistent with the Master Plan based on what was before them.

   Chairman Widdis asked for questions from the Board for Mr. White.

   Mr. Kleiberg asked if it could be changed from heliport to helipad. Mr. White answered the Board can make any recommendation to the Council they choose but his opinion was that what was intended with regards to the proposed ordinance was to keep what was out there, not to expand or change it but to maintain the pad.

   Mr. Whitson asked under the definition of heliport under the 2nd line it says the taking off or maintaining of one or more helicopters and it was his understanding that there would be no storage of helicopters so could they adjust that also. Mr. Whitson continued that under Article I3 there was nothing about flight path, commercial tours, lighting and decibels. Mr.

White answered that those items usually were addressed at site plan review as well as the DOT. Mr. Whitson asked if the Borough could limit the flight path. Mr. White answered he was not familiar with it. Chairman Widdis added that it was his understanding that the helicopter would take off and land utilizing as much of the river as possible as opposed to flying over land. There were additional comments on the flight path for the West Long Branch site and who set that.

Chairman Widdis stated he thought the Board should make recommendations to the Council of what should be in the Ordinance to which there were no objections from the Board.

Chairman Widdis continued that they would like to include the definition of helipad assuming that's what it would be in the Ordinance as it doesn't describe anything in the Ordinance and following that it was his understanding that a helipad was just for takeoff and therefore would suggest that no storage of helicopters or fuels and would like that included in suggestions to the Council. There was discussion on the appropriate means to advise the Council guided by Mr. DeNoia with information on how the Council could choose to act.

Chairman Widdis stated then what needs to be done is that they support the consistency with the Master Plan and that it should be bifurcated for a resolution approving consistency with the Master Plan and secondly make recommendations to Council. Mr. Johnson asked why it would have to be bifurcated. There was discussion on whether to do as one action or separate actions with Mr. DeNoia's recommendation that it probably best done as one with a finding that it was consistent with the Master Plan and the Board's recommendation that the Governing Body consider the following design standards at the time of the final hearing.

Chairman Widdis asked for a motion. Mr. Johnson asked to make a Statement to which there were no objections. Mr. Johnson gave the following statement: "We are being asked tonight to vote upon a proposed zoning ordinance amendment to make sure it's consistent with the Master Plan. We have heard from our Engineer and he deems that the ordinance is in fact with our town's Vision Plan for Fort Monmouth and therefore the Borough's Master Plan. I would strongly urge the Board to accept these findings and respond to the Town Council that we agree with the determination. The Kiely offices are exactly the kind of development we need here in Oceanport. A longtime local business leader with deep roots in the area has an impeccable reputation that I guarantee will have Russell Hall looking like the majestic building that it once was. From what I understand Kiely Realty is looking to invest in other properties on the Fort Monmouth campus and we should be doing everything and anything we can to see that they invest here in our town. I realize that some of us may have some reservations about the heliport but as I mentioned to someone earlier today, I don't like the fact that my Sunday football games are interrupted by the loud Jersey skiffs going by my window but it was my decision to purchase the house on the water. Hopefully my fellow Board members will agree with me at this point and I would like to make a motion that we agree with Mr. White's findings." The motion was seconded by Mr. Whitson. Chairman Widdis asked if he wanted to add some design standards to his motion. Mr. Johnson answered he would rather that they didn't. Mr. DeNoia said if he preferred they could vote on that and then someone else do a second motion recommending certain items. Mr. Johnson answered that was fine.

The motion received the following roll call:

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

Mr. Whitson made a motion to include recommended design standards as outlined by Chairman Widdis including limiting decibels, size of helicopters, definition of helipad and limitations of a helipad, no storage of helicopters, an approved flight path, no fueling or storage of fuel at the site, no secondary business such as tours which was seconded by Mr. Kleiberg. Mr. DeNoia commented that all of those items would also be better expressed by the Board members as members of the public at the hearing to be held so they can express the why for the recommendations. Mr. Kleiberg asked do we just send the Chairman on their behalf so there would be no quorum. Mr. DeNoia advised that as long as the members were not attending for the purpose of meeting as a Board and attending as members of the public a quorum would not apply.

Chairman Widdis asked for discussion on the motion.

Ms. DeSousa asked by agreeing with the motion does she agree with all those conditions to be added to the ordinance and expressed concern that the flight path was out of their jurisdiction. Chairman Widdis stated it may be. Mr. Kleiberg added that it was just for suggestions for clarification only. Ms. DeSousa asked if by agreeing she was not saying there should be a specific flight path. Mr. Kleiberg commented they were just asking the Governing Body to look into it. Mr. DeNoia added that the intent was to advise the Governing Body in multiple ways.

Mr. Sullivan expressed concerns with approving the heliport and we're making all those suggestions to the Council, how can they make a business out of it and if they can't store helicopter where are they going to keep the helicopter. There was discussion on how that was known.

The motion received the following roll call:

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

NEW BUSINESS:

1. PB2014-10 Kornafel, Kathryn
   93 Cayuga Avenue
   Block 27, Lot 15
   Request for Bulk Variances for House Elevation and associated improvements

A-1 Sheet A-1 Revisions prepared by Joseph Peters, AIA dated September 9, 2014 and last revised September 21, 2014
A-2 Photographs of Existing Dwelling, 3 Sheets, taken by Mr. Kornafel on 9/22/2014

Board member Johnson advised that he had been noticed on the application and recused himself from the matter.

Kathyrn Kornafel, Applicant and Owner, Anthony Condouris, Architect for Applicant, were both sworn in. Mr. Condouris presented his qualifications and was accepted by the Board as an expert in the field of architecture.

Mr. DeNoia asked that the record reflect that notice had been reviewed and was in order and that the Board had jurisdiction. Mr. White was sworn in as the Board Planner and Engineer.

Mrs. Kornafel described for the Board the proposal to elevate the house in response to Super Storm Sandy damage, remove the existing garage and place parking under the house, a proposed front porch and an expanded deck at the rear of the house.

Chairman Widdis asked for information on the existing compared with the proposed and what variance(s) were being sought.

Mr. Condouris described the existing non-conformities including minimum lot area, minimum lot width, minimum lot depth and the existing non-conformity of the detached garage which was being eliminated. Mr. Condouris described proposed improvements seeking relief for rear yard setback of 9.67’ where 25’ required.

Chairman Widdis asked about the maximum height which definition was recently changed to measure from the crown of the road. Mr. Condouris answered yes, it had been measured from the crown of the road and relief was being sought for height of principle structure proposed 37.5’ where 35’ permitted. Mr. Condouris stated they were also seeking relief for maximum lot coverage for principal structure proposed 27.5% where 25% permitted as well as minimum front yard setback proposed 19.3’ where 30’ permitted and maximum lot coverage proposed 55.1% where 40% permitted.

Mr. Condouris testified that the existing house was 1,835 s.f. and with addition of 117 s.f. to the west side of the house for a total of 1,952 s.f. and described the portions of the proposed front porch that exceeded the allowable 6’ into the front yard setback for porches.

Mr. Condouris further testified to the positive impacts to the site with the removal of the accessory structure from the front yard.

Mrs. Kornafel described and submitted photographs of the existing house which were marked as **Exhibit A-2.**

Mr. Condouris continued describing the proposed improvements including the area under the elevated house, the additional living space, no expansion of the 2nd floor, the plans indicating the rear, front and side elevations of the structure and the expanded deck.

Chairman Widdis asked why they needed the additional 2.7’ for height. Mr. Condouris responded that because they were seeking to put parking under the house they needed a minimum 8’ ceiling for that area.

Mrs. Kornafel further commented that she was seeking the additional height in order to minimize the flood insurance premiums.

Mr. Condouris also testified the purpose of the porch was to provide curb appeal.

Chairman Widdis asked about the circular driveway and the impervious coverage. Mr. Condouris referring to the plan described the difference in lot coverage was a total of 11’ between the garage and the proposed circular driveway.

Mrs. Kornafel testified that they were unable to make the existing lot non-conformities as the properties on both sides were fully developed.

Chairman Widdis asked for questions from the Board.

Mr. Kleiberg asked about the top of the lowest level and a car could get in with 7'. Mr. Condouris responded that custom doors would have to be made. Mr. Kleiberg asked about the side yard setback not including the condensers or generator and what was the structure of the house next door which Mrs. Kornafel confirmed was their garage.

Mr. White directed the Board on the height of the dwelling and the language of the ordinance that allows the Board to set the height for non-conforming lots.

Mr. White asked about the average front and rear setbacks for structures within 200' on the same block as the information was not available on the plan and was not sure it was a variance or not. Mr. Condouris responded that the surveyor had not gone out. Mrs. Kornafel testified that she had measured the distance for the front yards for 87 and 89 Cayuga and it was pretty close. There was discussion on whether the Board should accept the information provided.

Mr. Kahle expressed concern about the expansion in the rear impacting the neighbors to the left and right. Mrs. Kornafel commented no, as it was no different going up and the new deck is on the other side of the house.

Mr. White then addressed the circular driveway which was not allowed per the ordinance as for that lot width only 1 driveway entrance permitted. Mrs. Kornafel explained that they had done it for aesthetic purposes only. Mr. White also addressed the requirement for 5' side yard setback for driveways and no setback proposed for the new driveway. Mrs. Kornafel answered that there's no green space there now and they were going to dress up with plants.

Chairman Widdis commented the Ordinance requires 5' off the property line and once that was met the turning radius of the circular driveway would be further exacerbated. Discussion ensued. Afterwards the applicant agreed to amend the plan to revise the proposed driveway to be in line with the ordinance requirements with only one curb cut.

Ms. DeSousa commented that with the reconfigured driveway the impervious coverage variance impact would be lower too. Ms. DeSousa expressed concern that the proper evidence wasn't provided to the Board concerning the average front and rear yard setbacks and would not want to set a precedent.

Mr. Whitson asked how close the generator was to the property line and was told 5'. He asked if it could be moved away from the neighbor's house and was told it was the neighbor's garage.

Mr. Kahle asked about the first floor elevation of 12.4' which Mr. White answered could be addressed with the Zoning Officer/Construction Official. Mr. Kahle asked about space behind garage – used for storage and access under the porch in the back. Mr. White stated only 3 things permitted for that area: parking, stairs, storage.

Councilman Gallo asked if the existing driveway would be completely ripped up and re-pour the new one and was told most likely would be done with pavers or asphalt.

Mr. Sullivan commented that he liked the proposed improvements.

Mr. DeNoia asked with regards to the driveway and being conforming would they be eliminating variances. Mr. Condouris answered it would remove the 5' side yard setback. Mr. DeNoia asked how it would impact the relief for impervious coverage. Mr. Condouris estimated it would drop from 54.6% to 51.6%.

PUBLIC:

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

Chairman Widdis opened the meeting to comments from the public.

William Johnson, 89 Cayuga Ave, commented that the removal of the garage and the addition of the porch and the bump out would be a positive improvement to the neighborhood.

Ms. DeSousa stated she agreed but felt it was important to get the proofs on the record.

As there was no one from the public that wished to be heard, that portion of the hearing was closed.

Chairman Widdis asked for the Board's action.

Mr. Whitson stated he felt that the matter should be held until sufficient proof could be provided to demonstrate the variances needed for the average front and rear setbacks.

Ms. DeSousa expressed the same concern with not knowing the facts for the variances.

There was additional discussion on the concerns. Afterwards the majority of the Board determined that the Applicant should provide a revised plan of the driveway and the averages of the front and rear yard setback data so that the proper information was available for the record.

This matter was carried to the October 14, 2014 meeting with no new notice required.

Mr. Johnson resumed his seat at the dais at 8:40 p.m.

RESOLUTIONS:

1. PB2014-08 Langston, Lori. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Johnson made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

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

2. PB2014-09 Kornafel, Kathryn. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Sullivan made a motion to approve the resolution which was seconded by Mr. Kahle and received the following roll call:

AYES:	Mr. Kahle, Mr. Johnson, Councilman Gallo, Mr. Kleiberg, Mr. Sullivan, Ms. DeSousa, Mr. Whitson, Mr. Widdis
NAYES:	None
ABSTAIN:	None

ABSENT: Mr. Gruskos, Mr. Savarese

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

Helen Peaff, 2 Pocahontas Ave, appeared seeking information on the water main extensions for her street. Chairman Widdis advised that the Planning Board had no matters related to that and that perhaps she should check with the Mayor and Council.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:41 p.m. on a motion by Mr. Johnson which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary