

**OCEANPORT PLANNING BOARD
MINUTES
September 22, 2010**

Chairman Widdis called the meeting to order at 7:30 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. McCarthy, Councilman Bertekap, Mr. Savarese, Mr. Kleiberg, Mr. Sullivan, Mr. Gervolino, Ms. Flor, Mr. Fichter, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mr. Ibex

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

Chairman Widdis advised those present to hear the matter for 223 Comanche that the application was rescheduled for the October 13, 2010 meeting due to a deficiency in the notice and that new plans were also being prepared.

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| 1. PB File: 2010-08
Salvatore & Anne Marie Massaro
Block 40, Lot 4
223 Comanche Drive
Request for Bulk Variances to construct single family home | RESCHEDULED for October 13, 2010 |
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BOARD BUSINESS: Ms. Smith advised that the minutes for August 11, 2010 would be taken at the October 13, 2010 meeting.

OLD BUSINESS: None

NEW BUSINESS:

2. PB File: 2010-07
Stacy Shade
Block 133, Lot 11
1274 Eatontown Boulevard
Request for Certificate of Non-Conformity

**A-1 Aerial Photograph of Site issued by Monmouth County Planning Board,
dated 1969**

The following persons were sworn in: Stacy Shade, Applicant, Nancy Goldie, Witness and Steven Kozusko, Realtor for the Purchase. The Board's Professional Engineer and Planner, Mr. White, was also sworn in.

Mr. DeNoia gave an explanation of the purposes of the application which was to document that a two-family home was operating prior to the implement or change in zoning to a single family in order to demonstrate to someone acquiring the property that it was a legitimate use. Mr. DeNoia also read from the statute the requirements to obtain a Certificate of Non-Conformity, that burden of proof was on the applicant to provide proof of when the zone became single-family, witness testimony that the property was a two-family and proof the use had never been abandoned.

Stacy Shade, Applicant, asked if they did not have all the necessary documentation for this hearing would they be permitted to return with it at the next meeting.

Mr. DeNoia provided guidance concerning the procedures for testimony, requesting a decision or requesting adjournment to another hearing and the potential result of each of those actions. Ms. Shade gave a description of the units including number of rooms.

Chairman Widdis asked if she had any knowledge of when or whether any additions had been made to the building to which Ms. Goldie responded that she had no recollection of any additions being constructed.

Ms. Shade began to review documentation previously provided to the Board including a 1969 aerial photograph from the Monmouth County Planning Board depicting the size of the building which was marked as **Exhibit A-1**.

Ms. Shade reviewed additional documents including utility bills, aerial photographs from Monmouth County, copies of Certificates of Occupancy, Borough tax assessment, contracts of purchase consistently identifying the property as a two-family in order to establish the use continued and was not abandoned.

Mr. Kleiberg asked Mr. White if there were sewers there before 1970. Mr. White did not recall, Ms. Goldie answered she believed they had sewer and Ms. Shade referred to sewer records that show the property being serviced by sewer in 1970.

Nancy Goldie, formerly Nancy Parker, Witness for the Applicant, stated that her parents lived at the house next door at 1272 Eatontown Blvd. since 1946 and until their death, her mother's last year. She testified that she was born in that house in 1949 and lived there until 1969 and testified to the families that lived in each of the units and her recollection was always of the building being a 2-family dwelling.

Mr. Gervolino asked if she could recall any construction on the house, siding, roofing, any additions, windows.

Ms. Goldie stated she did not recall any of those just that the building had been repainted white.

Mr. Whitson asked for clarification that she was an adult prior to 1969 and that she was testifying that the house was a two-family house.

PUBLIC:

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

Mr. Whitson made a motion to approve the request with the condition that if the use were ever abandoned or torn down to be re-built it would revert back to a single-family house which was seconded by Mr. Savarese and received the following roll call:

AYES:	Mr. McCarthy, Mr. Savarese, Mr. Kleiberg, Mr. Sullivan, Mr. Gervolino, Mr. Whitson, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	None
INELIGIBLE:	None

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

3. PB File: 2010-09
Joseph Talerico
Block 136, Lot 28
1246 Turf Drive
Request for Bulk Variances for Shed

- A-1 Survey of Property prepared by Leon S. Avakian, Inc. not dated.**
A-2 Illustration of Shed

Joseph Talerico, Applicant, was sworn in and gave a description of the application to construct an 18'x10' shed, the variances needed and the reason for the placement on the property due to tree roots. Mr. Talerico submitted a Survey of Property prepared by Leon S. Avakian, Inc., no date showing the proposed location for the shed which was marked as **Exhibit A-1**. Mr. Talerico also presented for the record an illustrated drawing of the shed from the manufacturer which was marked as **Exhibit A-2**.

Mr. Widdis asked questions including where it would be placed, would there be a foundation and why the large size of shed.

Mr. Talerico responded that he had only a 1-car garage, large outdoor equipment and car could not be parked in garage because his tools and equipment were in there, lawn chairs and tables for winter storage and a large extension ladder collapsed was just over 15' in length.

Mr. Widdis asked if there was anywhere else on the lot he could place it so that it would conform which Mr. Talerico answered not really due to tree locations and roots.

Mr. Whitson asked what was on the property line with the adjacent neighbor that might block the view of the shed from the neighbor. Mr. Talerico answered a 6' stockade fence.

Mr. Gervolino asked for the height of the shed and what did the neighbors have on their side of the fence.. Mr. Talerico answered he thought the shed was just under 15' and that the neighbors had a 2-car garage about 15-20' away and in the side yard there was a garden.

Mr. Savarese asked questions about reorienting the shed location to remove the variances which Mr. Talerico responded that tree roots were the concern due to the closeness of the tree and some roots were above ground.

Mr. Kleiberg asked if it would be on a foundation or gravel bed. Mr. Talerico answered poured cement slab.

Mr. McCarthy asked if he would have power to the shed. Mr. Talerico answered no.

Mr. Savarese asked wouldn't he put a light or a motion sensor on it. Mr. Talerico answered not now but maybe in the future.

Ms. Flor asked if any of the neighbors had similar sheds close to the lot lines. Mr. Talerico said he could not be sure but thought that the neighbor on the other side had a shed that might be close to the lot line.

PUBLIC:

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

There were additional questions from the Board about possible locations to lessen the rear yard variance and there was discussion about the tree roots, the position of the shed door with a tree very close in front of the door, the height of the shed and concerns that it was large and the height of the fence along the back of the driveway.

Chairman Widdis asked for a motion for which there was none.

Ms. Flor commented that she didn't think the shed was 15' and asked if they couldn't get a better estimate of the height.

Chairman Widdis advised Mr. Talerico that from the comments of the Board and the lack of a motion may be due to concerns that the shed was too large and offered some suggestions that the Applicant might make for the Board to consider. Chairman Widdis advised Mr. Talerico of his options to proceed. Mr. DeNoia explained to Mr. Talerico what could result if he were to ask the Board to vote that night and the vote was a denial.

At the Applicant's request, the matter was carried to the October 13, 2010 meeting with no new notice required to allow time to prepare a revised plan.

RESOLUTIONS:

3. 275 Port Au Peck Associates, LLC, - As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which, Mr. McCarthy made a motion to approve the resolution which was seconded by Mr. Savarese and received the following roll call:

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

4. T-Mobile Northeast - 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. McCarthy, Mr. Kleiberg, Mr. Gervolino, Mr. Whitson, Mr. Widdis
NAYES: Mr. Savarese, Mr. Sullivan
ABSTAIN: None
ABSENT: None
INELIGIBLE: None

PETITIONS FROM THE PUBLIC: None

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:37 p.m. on a motion by Mr. McCarthy which was seconded by Ms. Flor and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary