OCEANPORT PLANNING BOARD
MINUTES
September 14, 2011

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. Kahle, Mr. McCarthy, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Councilman Johnson, Mr. Savarese, Mr. Gervolino , Ms. Flor, Mr. Fichter

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

BOARD BUSINESS:

1. Minutes of the meeting of July 13, 2011 were approved as presented on a motion from Mr. Whitson and a second from Mr. Sullivan and approved by the eligible Board members.

2. Minutes of the special meeting of August 17, 2011 were approved as presented on a motion from Mr. Whitson and a second from Mr. Sullivan and approved by the eligible Board members.

OLD BUSINESS: None

NEW BUSINESS:

3. PB File: 2011-06
   Barbara D'Onofrio
   Block 86, Lot 4
   8 Spring Lake Ave
   Request for Bulk Variance(s) for improvements to single family home

   A-1 Survey of Property, prepared by Charles Surmonte, P.E. & P.L.S., dated December 7, 2010

Barbara D'Onofrio, 533 Seven Bridges Road, Little Silver, Property Owner and Applicant was sworn in. Mr. White, Board Engineer and Planner was also sworn in.

Ms. D'Onofrio submitted for consideration a Survey of Property prepared by Charles Surmonte, P.E. & P.L.S., dated December 7, 2010 which marked as **Exhibit A-1**. Ms. D'Onofrio gave an overview for the Board to explain the reason she was before the Board. She explained that she bought the house for her daughter and grandchildren in May 2010. Due to disrepair they were in the process of replacing the roof and realized that the front porch, which was very small, was in a dangerous condition so they decided to reconstruct the front porch but a little larger in Fall 2010. She said her contractor called to get the setback information and that the contractor would keep the porch there. She continued that because they didn't have a survey they were not aware of a 5' easement along the front so they couldn't just go back the 20' feet and she didn't know that until the town noticed her and advised she would need to go for a variance.

Mr. White asked Ms. D'Onofrio if she was referring to the fact that the property line is not at the curb line but behind it, which she answered yes. Mr. White stated that the area was not called an easement but a right of way which was used for the access to utilities.

There was discussion amongst Mr. White, Chairman Widdis and the Applicant about the 30' setback from the property line, the age of the house, the allowance of 24' for a porch to the front property line.

Mr. White asked about the existing shed that was not conforming to the side setback.

Ms. D'Onofrio responded that it was there when she purchased the property and after seeing it noted in his review letter they were moving shed to conform.

Mr. Sullivan commented that he drove by the house and that it looked very nice.

Mr. Kahle asked if they obtained a permit for the siding on the house. There was additional discussion regarding the improvements done and which work required permitting and which did not.

Mr. McCarthy commented that he didn't see the variance as standing out or look untoward.

Ms. D'Onofrio stated that the neighbors thanked them for the improvements as it used to be an embarrassment to the neighborhood.

As there were no additional questions from the Board, Chairman Widdis opened the meeting to questions from the public.

PUBLIC:

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

Mr. Sullivan made a motion to approve the application for front setback relief where 24' was required 19.3' existing subject to the condition that the shed be relocated to conform. The motion was seconded by Mr. Whitson and received the following roll call:

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

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

4. PB File: 2011-07
   Karen Long
   Block 65, Lot 20
   32 Revere Drive
   Request for Bulk Variance(s) for construction of new fence in front yard

   A-1 Sheet of 7 Photographs, taken by Applicant, April 14, 2011
   A-2 Survey of Property prepared by Charles C. Widdis, P.E., L.S., dated June 12, 1979, last revised January 8, 1992
   A-3 Survey of Property prepared by Charles C. Widdis Co., Inc., dated August 11, 2011

Mr. Sullivan recused himself from the matter at 7:47 p.m.

Karen Long, 32 Revere Drive, Property Owner and Applicant was sworn in. Mrs. Long described and submitted for consideration a Sheet of 7 Photographs taken by Applicant April 14, 2011 which was marked as **Exhibit A-1,** Survey of Property prepared by Charles C. Widdis, P.E., L.S., dated June 12, 1979, last revised January 8, 1992 which was marked as **Exhibit A-2** and a Survey of Property prepared by Charles C. Widdis Co., Inc., dated August 11, 2011 which marked as **Exhibit A-3**.

Mrs. Long explained that she was seeking relief from the requirement that a fence in the front yard must be no more than 4' and 50% open as she was requesting to replace a formerly existing 6' fence in her front yard. She testified as to reasons why including security from trespassers, privacy and a screen from her neighbor's rear yard activities which were directly adjacent to her side yard and windows. She further testified that the unique location of her lot at the end of the cul-de-sac did not present any sight hazards.

Chairman Widdis asked what type of fence would be put up and what height.

Mrs. Long answered comparable – no good side/bad side and that she wanted it to compliment both properties and that she was requesting a 6’ fence – what was there and referred to the photographs of the previous fence.

Mr. White asked Mrs. Long where exactly would she be placing the fence – on that one property line?

Mrs. Long answered she wanted to replace what was actually there and referred to A-2 where it was highlighted.

Mr. White commented that the fence along the side and rear yards wouldn’t require a variance just the portion along the front yard of the southerly property line.

There was additional discussion concerning to what point the fence would go in the cul-de-sac, how close to the property line a fence could be installed to avoid issues with maintenance of that portion of her property

Mr. Kleiberg commented that he didn't see any problem after visiting the property.

Mr. McCarthy asked Mr. White how the front yard was calculated which was answered by Mr. White.

Mrs. Long added that she thought of extending it to the end of her southerly property line but wanted to stop short of 16’ in order to allow the children in the neighborhood to use the hill particularly for their sleds as the children enjoy it.

Chairman Widdis stated then the fence would end 16’ from the front corner which Mrs. Long agreed to.

Mr. Kahle commented it looked fine to him and asked Mr. White if any notice or conflict would occur with utility access should they need to get in for servicing. Mr. White answered that typically the sewer authority would remove a panel to access and then put the panel back in.

As there were no additional questions from the Board, Chairman Widdis opened the meeting to questions from the public.

PUBLIC:

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

At the Chairman’s request Mr. White described for the Board what was being considered.

Mr. Whitson made a motion to approve the application for the installation of a 6’ fence in the front yard area mainly along the southern property line starting at a point 16’ from the southeastern property corner to the point of the front yard setback. The motion was seconded by Mr. Kleiberg and received the following roll call:

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

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

Mr. Sullivan resumed his seat at 8:10 p.m.

RESOLUTIONS:

5. 350 Oceanport Ave, LLC – As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Kleiberg made a motion to approve the resolution which was seconded by Mr. Kahle and received the following roll call:

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

   Ms. Smith stated the motion carried.

6. PB2011-04 (Silvestre) - 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. Whitson, Mr. Kahle, Mr. Kleiberg, Mr. Sullivan, Mr. Widdis
   NAYES: None
   ABSTAIN: None
   ABSENT: Councilman Johnson, Mr. Savarese, Mr. Gervolino, Ms. Flor, Mr. Fichter
   INELIGIBLE: Mr. McCarthy

   Ms. Smith stated the motion carried.

7. PB File: 2011-05 (Barnwell) - 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. Whitson, Mr. Kahle, Mr. Kleiberg, Mr. Sullivan
   NAYES: None
   ABSTAIN: None
   ABSENT: Councilman Johnson, Mr. Savarese, Mr. Gervolino, Ms. Flor, Mr. Fichter
   INELIGIBLE: Mr. McCarthy, Mr. Widdis

   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.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:20 p.m. on a motion by Mr. Sullivan which was seconded by Mr. Whitson and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary