

**OCEANPORT PLANNING BOARD
MINUTES
September 9, 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, Mr. Widdis

MEMBERS ABSENT: Mr. Gruskos, Ms. DeSousa, 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 June 24, 2014 were approved with amendment to Board Business Item #1 on a motion from Mr. Kleiberg and a second from Mr. Kahle and approved by the eligible Board members.
2. Minutes of the meeting of July 8, 2014 were approved as presented on a motion from Mr. Whitson and a second from Mr. Johnson and approved by the eligible Board members.
3. Resolution #PR-14-12 Appointment of Conflict Engineer. The Board Secretary read the resolution for the record. Mr. Whitson 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,
Mr. Whitson, Mr. Widdis

NAYES: None

ABSTAIN: None

ABSENT: Mr. Gruskos, Ms. DeSousa, Mr. Savarese

Ms. Smith stated the motion carried.

4. Review of Proposed Zoning Ordinance Amendment – Special Exception Uses on Fort Monmouth. Ms. Smith advised that the Mayor and Council had introduced and approved an ordinance amending the Zoning Ordinance and in accordance with the Municipal Land Use Law, the Mayor and Council had forwarded to the Planning Board for determination on consistency with the Borough's Master Plan. Chairman Widdis asked if Mr. White had reviewed the amendment and was advised no. Chairman Widdis asked for the Board's consent to direct Mr. White to prepare an advisory on whether the proposed amendment was consistent with the Master Plan for the September 23, 2014 meeting to which there were no objections.

NEW BUSINESS:

1. PB2014-08 Langston, Lori
185 Monmouth Blvd
Block 71, Lot 7
Request for Bulk Variances for House Elevation and associated improvements

- A-1 Google Aerial Map prepared by Joseph Peters, AIA dated September 9, 2014
A-2 Photographs of Existing Dwelling, 3 Sheets, taken by Joseph Peters, AIA

Lori Langston, Applicant and Owner, Joseph Peters, Architect for Applicant, were both sworn in. Mr. Peters presented his qualifications and was accepted by the Board as an expert in the field of architecture.

Ms. Langston explained that she was before the Board seeking variances due to substantial damages to her home from Super Storm Sandy and other past storms and her proposal to elevate the house.

Chairman Widdis asked for Mr. White to address his review letter. Mr. White stated that the property was a corner lot with the one street being a paper street, unimproved, and triggering the new setbacks are due to elevating the house and the lot itself was undersized and his review shows that the property was in existence prior to the creation of the zoning ordinance and therefore the 2nd frontage only required ½ of the front setback for that side. Mr. White reviewed the dimensions of the new landing compared to the existing.

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 and acknowledged that his testimony prior to being sworn in was under oath.

Mr. White also addressed the section of the ordinance that requires average front and rear yard setbacks, reviewed what the existing neighbors approximate setbacks were, the width of the right of way and the narrowness of the lot's building area.

Mr. Peters presented and described photographs which were marked as Exhibits A-1 and A-2. Mr. Peters described the property's dimensions and the inability of the property owner to purchase land from adjacent neighbors to be compliant. Mr. Peters further testified that a majority of the property was covered in wetlands. Mr. Peters also testified that the existing house was established on extremely large girders that hang down below the floor almost 3 feet and would like to raise them out of harms way before the next storm and if they only raised to the 12.4' elevation the girders would be wet as the water during Sandy was above 11' elevation. Mr. Peters also testified that several variations were considered for the main entrance which was presently on the side of the house with a very small porch in order to provide the house with a front entrance and bit larger porch while minimizing setback encroachments. Mr. Peters stated that he felt the conditions the requirements for a hardship and that the Flex C applies and that the proposed improvements would be a positive impact on the surrounding neighborhood.

Chairman Widdis asked Mr. White what the elevation was for the town. Mr. White answered different areas in town and for the subject site it was 12.4'

Mr. Whitson asked how many feet would the house be raised and was told approximately 6'.

Mr. Kahle asked about the 2' setback off of Seminole and asked if it was an existing apron that was currently shown over the line and would the new apron be over as well. Mr. White responded that all properties have aprons that provide access to the right of way and no it would not need a variance. Ms. Langston commented that it was a ramp into the garage.

Councilman Gallo asked if the garage floor would also be raised. Mr. Peters answered that the garage floor would stay at the same level and the elevating would provide more height in the garage.

Mr. Kleiberg asked if it was the first of the 3 houses that were built there and was told they did not know. Mr. Kleiberg asked where the condenser units would be for the a.c. as they'd have to be raised. Ms. Langston stated same place but up on a platform.

Chairman Widdis asked if the parking was occurring in the unimproved road and was told yes and would not change. Chairman Widdis asked the garage would not change and was told correct.

Chairman Widdis asked what would be the height of the house after it was raised. Mr. Peters answered 38' 3". Chairman Widdis commented then they don't need a variance. Ms. Smith commented yes, they do need a variance for height because they're going higher than the required elevation. Mr. White added that they would be at 40' above the centerline of the road.

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.

Mr. Sullivan made a motion to approve the application which was seconded by Mr. Johnson and received the following roll call:

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

Ms. Smith stated the motion carried.

2. PB2014-09 Klem, Karlyn and James
115 Horseneck Point Road
Block 109, Lot 17
Request for Bulk Variances for Average Front / Rear Yard Setbacks

James Klem, Applicant and Owner, was sworn in. Mr. Klem described for the Board the application for a variance that was needed for the average front and rear setback requirement in the ordinance, proposing 98' front where average was 133' and 118' rear where the average was 128'. Mr. Klem stated that they were proposing a single family home roughly in the middle of the property, described the total square footage.

Mr. White asked Mr. Klem why they were rebuilding. Mr. Klem answered that their home had been substantially damaged during Super Storm Sandy and they had experienced several obstacles including insurance and a DEP CAFRA permit for the rebuild process and that when they had designed the house and its location they had taken into consideration the adjacent neighbors and hadn't been aware of the ordinance requirement. Mr. Klem referring to an aerial shot that was submitted with the application, described the adjacent properties and the location of the houses on those and the skew of the averages.

Mr. White asked how long the Applicant had lived there. Mr. Klem answered he was born there and that parents' had owned in since 1965.

Mr. White asked over time had the development of that neighborhood changed with houses being closer to the water and was told yes.

Mr. Kleiberg referring to the aerial asked if the aerial showed the existing house and was told yes, asked where the proposed house would fall.

Councilman Gallo asked if the house was still there and was told no, asked what the width of the lot was and was told 152'.

Chairman Widdis asked what the height of the house would be. Mr. White answered the finished floor was shown at 13' and that the height was 32.26'±

Chairman Widdis asked why the house was proposed on an angle as opposed to straight. Mr. Klem answered it was proposed to mirror the waterline and also when they looked at the house on the right by angling the house it allows that adjacent property owner a westerly view and lastly because the house was directly across from Park Street and prior house used to have headlights that shined into house and the noise hit straight on so they designed the new house so that the garage was positioned to shield from that.

Chairman Widdis stated he understood why but he thought it would be better straight away, squared.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public.

John Bonforte, 111 Horseneck Point Road, asked what the Board refers to as the front of the house – the street side? And was told yes.

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

PUBLIC:

Chairman Widdis opened the meeting to comments from the public.

John Bonforte, 111 Horseneck Point Road, stated he understood that the Board had to follow the Code but urged the Board to consider the Klem's situation a hardship, stated that he was happy with where the house was proposed, and respectfully asked the Board to consider the application a hardship and grant it on that basis.

Donald Lawes, 121 Horseneck Point, stated he was the neighbor to the east and that he agreed with the application 100%.

Mr. Sullivan made a motion to approve the application which was seconded by Mr. Johnson and received the following roll call:

AYES: Mr. Kahle, Mr. Johnson, Councilman Gallo, Mr. Kleiberg, Mr. Sullivan,
Mr. Whitson, Mr. Widdis

NAYES: None

ABSTAIN: None

ABSENT: Mr. Gruskos, Ms. DeSousa, Mr. Savarese

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 8:27 p.m. on a motion by Chairman Widdis which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary