

**OCEANPORT PLANNING BOARD
MINUTES
July 14, 2010**

Chairman Widdis called the meeting to order at 7:34 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. Gervolino, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mr. Ibex, Mr. Sullivan, Ms. Flor, Mr. Fichter

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

BOARD BUSINESS: None

OLD BUSINESS: None

1. 275 Port Au Peck Ave. Associates, LLC
Request for Administrative Correction on Resolution for
Preliminary Major Subdivision Approval – Condition #9

Chairman Widdis recused himself from the matter due to a conflict. Mr. Whitson assumed the Chair.

Robert Inglima, Jr., Attorney for the Applicant, explained the reason that they were before the Board, gave a summary of the transcripts of the 2 hearings, testified as to why they believed that the subject condition should not have been included in the resolution of approval and respectfully requested that the Board consider their request to administratively correct and error in the resolution.

Mr. Whitson stated the Board attorney at that time was Pat Menna and asked if anyone had spoken with him.

Mr. DeNoia responded that he had spoken with him and asked if it had been a form or how this possibly could have been inadvertently as they suggest and Mr. Menna's statement was he believed it could be dealt with administratively upon hearing with regard to the transcripts and that it was specifically put in the resolution with his knowledge and it was his opinion that the condition was based upon a strong concern by the public and the Board for that particular issue. Mr. DeNoia continued that he advised Mr. Menna that there were transcripts that each Board member could read and make a decision based on that which Mr. Menna was comfortable with. Mr. DeNoia stated unfortunately for whatever reason, length or volume, no Board member was able to read them and that there were not sufficient members to vote on the matter.

Mr. Inglima acknowledged the decision and asked when would they be able to return. It was decided that the matter would be carried to the September 22nd meeting with the Applicant providing hard copies of the transcripts from the 2 hearings to be provided to each Board member and that if there was an opening available on the August 11th meeting they would be advised to appear on that day.

Mr. DeNoia swore in the Board's professional, William White, Professional Engineer & Professional Planner

NEW BUSINESS:

2. PB File: 2010-06
John and Ellynn Kahle
38 Burnt Mill Circle
Block 131, Lot 12
Bulk variance for rear yard setback for shed

John Kahle, Applicant, was sworn in. Mr. Kahle described the application to expand an existing shed with a rear setback of 7' where 10' was required. Mr. Kahle explained that next to the shed was a deck with a roof on it and that he would like to make the existing shed bigger, take both roofs down and tie them together.

Mr. McCarthy asked what material the shed was made of. Mr. Kahle answered a concrete foundation with 4 walls and roof. Mr. McCarthy asked if the expansion area would have a foundation. Mr. Kahle responded that there were existing footings from the deck that would be used.

Mr. Bertekap asked if it would have the same roof. Mr. Kahle answered he would be putting a metal roof on it.

Mr. McCarthy asked what would be the height of the structure. Mr. Kahle answered 13' 4".

Mr. Savarese asked if he would be leaving the wall up. Mr. Kahle answered yes. Mr. Savarese asked if it was a shed or a big cabana. Mr. Kahle answered storage in the winter and in the summer it would have a table. Mr. Savarese asked if there was plumbing. Mr. Kahle answered there was plumbing and electric and water.

Mr. Gervolino asked how long the existing shed had been there. Mr. Kahle answered more than 18 years.

Mr. Whitson asked what type of fence was in the back. Mr. Kahle answered chain link.

Mr. Whitson asked if the structure would be built in the same footprint. Mr. Kahle answered yes.

Mr. DeNoia asked he was talking about a pre-existing condition that he was going to replicate. Mr. Kahle answered yes.

PUBLIC:

As there was no one from the public Mr. Whitson closed that portion of the hearing.

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

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

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

Mr. Whitson stepped down and Chairman Widdis resumed as Chairman.

3. PB File: 2010-04
Eric and Michele Leiner
39 Gooseneck Point Road
Block 74, Lot 22
Request to construct accessory structure with bulk variances

A-1 Photographs of 37 Gooseneck Point Road, 3 pages, taken by Applicant on July 14, 2010

A-2 Photographs of 29 Gooseneck Point Road, 5 pages, taken by Applicant on July 14, 2010

A-3 Plan entitled “Proposed Additions and Renovations to Leiner Residence”, prepared by Anthony M. Condouris, AIA, dated March 2, 2010

Mr. Philip San Filippo, Attorney for the Applicant, identified the parties to be heard. Eric Leiner, Owner/Applicant, 39 Gooseneck Point Road was sworn in.

Mr. San Filippo asked questions of Mr. Leiner that described the existing conditions of the property and its structures, the purpose of the proposed detached garage to provide additional storage as they presently must use an off-site storage unit for their seasonal items, what utilities would be located in the structure including water and electric, why they chose the proposed location on the site, constraints by the NJDEP, the presence of other properties on the same street that have accessory structures in the front yard.

Mr. Leiner presented a set of Photographs of 37 Gooseneck Point Road, 3 pages, taken by the Applicant on July 14, 2010 which were marked as **Exhibit A-1**. Mr. Leiner described the photographs depicting two accessory structures in the front yard of the adjacent property to the west, taken from the street at different angles

Mr. Leiner presented a set of Photographs of 29 Gooseneck Point Road, 5 pages, taken by the Applicant on July 14, 2010 which were marked as **Exhibit A-2**. Mr. Leiner described the photographs depicting an accessory structure in the front yard of a property three lots west of the subject property, taken from the street at different angles.

Mr. San Filippo asked additional questions of Mr. Leiner regarding the design of the structure, and locating the structure at the front setback for a principal structure.

Mr. McCarthy asked about the photographs of the adjacent lot to the west and if those accessory structures were on his side of the property. Mr. Leiner answered one structure was and the other was on the other side.

Mr. Savarese stated he did not understand why they were asking for a side yard variance as they could locate the structure at the setback and still not be in front of the house and that he would rather not see that variance.

Mr. San Filippo responded that they had received Mr. White's letter and that he discussed that issue with Mr. Leiner and he has agreed to eliminate the side yard setback variance and that they would provide a revised plan depicting the structure at 10' from the side yard.

Mr. Widdis asked if the garage would still be 20x30. Mr. San Filippo answered yes.

Mr. Kleiberg asked what size waste line would be on the sink. Mr. San Filippo deferred to Mr. Condouris who was sworn in by Mr. DeNoia, offered his credentials and was accepted by the Board as an expert in the field of architecture.

Mr. Condouris gave a description of the proposed structure – dimensions, design to match the principal structure, location 50' off the property line, how the design of the driveway would change to accommodate the relocation to 10' from the side yard. Mr. Condouris also testified that a regular sink's waste line would be 1 ½" but a slop sink would be a 2" line.

Mr. Kleiberg asked where would they be tying the waste line into...was the 2" line underground and tying into existing sewer. Mr. Condouris answered he did not know that they haven't gone that far. Mr. Kleiberg stated his concern was if it were a 3" line then it could be a bathroom. Mr. Condouris acknowledged his concern and testified that the line would be no more than 2".

Mr. McCarthy asked if there would be any perimeter lighting. Mr. Condouris answered that there would be residential lighting in the front by the doors and no need for any lighting on the rear.

Mr. Savarese asked if they would carry the ornaments to the front. Mr. Condouris answered that would be a good idea.

Mr. Whitson asked why they needed plumbing in the garage. Mr. Condouris answered that they wanted a slop sink. Mr. Whitson stated his concern was that down the road, with a future owner, that it be easy to convert to an apartment.

Mr. Kleiberg commented that was why he asked if it were 3" because if it were they could but at 2" they couldn't as you can't flush down a 2" pipe.

Mr. Whitson asked about the restraint of 150' from the high tidewater line and how far the garage was from the water line and why they didn't place it closer to the house. Mr. Condouris answered so that they could tie it in to the existing driveway.

Mr. Gervolino asked questions about the adjacent accessory structures and the proposed structure, which was closer to the street, would they be back to back. After some discussion and review of the photographs, Mr. Condouris stated that the proposed subject would be closer to the street but not by much.

Mr. Widdis asked if they would provide landscaping around the structure. Mr. Leiner answered that he had already planned to landscape the area and agreed to provide a vegetative buffer. Mr. DeNoia asked if the Board wanted a landscape plan which the Board said no.

Mr. McCarthy asked if there were a lot of plantings, trees at the street line. Mr. Leiner stated there were large trees and bushes/trees but no hedge.

Mr. San Filippo advised with regards to Mr. White's letter that they could supply a recent survey and that to the question as to whether it accurately reflected today's conditions, the survey was done prior to applications made to DEP for a boat dock and though there are more recent versions of the survey the conditions remain the same with the exception of the areas on the river.

Mr. San Filippo stated that they would provide an updated survey and that if the Board were to approve the application they would provide an updated survey to address Mr. White's comments.

For purposes of the record, Mr. San Filippo asked Mr. Leiner to certify that the survey that was provided and the basis of the plan accurately reflects the current existing conditions with the exception of the boat dock area along the river which Mr. Leiner stated yes.

Mr. San Filippo summarized the application and stipulated that if Flood Hazard applies they would obtain the permit, they would provide site conditions – the setback lines, the 24'x30'x15' garage, any runoff from the gutters and leaders on the garage would be discharged onto the lawn area and not to adjoining properties and they would show the location of the utilities and that the electric would be

run underground, the waste line would be no more than 2” and that they would provide details for the entrenching and submit a grading plan and call before they dig.

Mr. Whitson asked if they would stipulate that the structure was never to be used as living space. Mr. San Filippo answered yes.

PUBLIC:

As there was no one from the public Mr. Whitson closed that portion of the hearing.

Mr. Leiner lastly described the Plan entitled “Proposed Additions and Renovations to Leiner Residence”, prepared by Anthony M. Condouris, AIA, dated March 2, 2010 which was marked as **Exhibit A-3**.

Mr. Savarese made a motion to approve the application for construction of a 24’x30’ garage with a 50’ front setback, a 10’ side yard setback, a 2” waste line installed, that there would be no habitable living space, that landscaper buffer be provided and add architectural elements so that the east and the south elevations of the garage would have similar architectural features which was seconded by Mr. McCarthy and received the following roll call:

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

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

4. PB File: 2010-05
Anthony Burdi
50 Wolf Hill Avenue
Block 139, Lot 49
Request for construction of single family home with bulk variances

A-1 List of Changes proposed to 50 Wolf Hill Ave Application, prepared by Applicant

A-2 Architectural Plans, Sheets 1-7, prepared by Rick Thompson, AIA, dated June 4, 2010

A-3 Plot Plan of Tax Lot 49, Block 139 prepared by Geller Sive & Company dated February 22, 2010, last revised June 11, 2010

Mr. Widdis explained to the Applicant that the Board first had to address the issue of Res Judicata and asked the Applicant to describe to the Board the differences between the application before them and the prior application.

Mr. DeNoia swore in Anthony Burdi, Owner/Applicant, 50 Wolf Hill Avenue and Frank Burdi, witness.

Anthony Burdi presented for the Board was List of Changes prepared by himself which was marked as **Exhibit A-1**. Mr. Burdi reviewed the list of changes demonstrating the difference between the application that was denied and the application before them that night including increasing the proposed rear setback from 20’ to 31’ where 40’ was required by reducing the garage, reducing the breezeway, shifting the entire structure 6’ towards Wolf Hill Ave yielding a 30’ front setback on Wolf Hill

Avenue with a 6' open porch projecting 6' into the front yard as allowed by Code, eliminated need for a front yard setback variance by shifting entire structure to the north, elimination of a carport and reducing the overall square footage of the proposed dwelling from 3595 sq. ft. to 3487 sq. ft.

Mr. Widdis asked did the remove the stairs from the back. Anthony Burdi answered yes.

Mr. Whitson made a motion that the application be treated as a new application which was seconded by Mr. McCarthy and received the following roll call:

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

Anthony Burdi described the application for the construction of a single family home with breezeway and attached garage requesting variance.

Frank Burdi referred the Board to the provided architectural plans and described the various details of the interior and the exterior.

Anthony Burdi explained the relief being sought for front yard setback for a porch projecting 6' into the front yard setback...Mr. White interjected that no variance was necessary for the front yard as the Ordinance provides for open porches to project 6' into the front yard.

Mr. White then described the 3 variances for which relief was being sought including a rear yard setback of 31' where 40' required, existing lot area of 10, 780 sq. ft where 15,000 sq. ft. required and existing lot width of 82.5' where 125' required.

Mr. Savarese asked if they attempted to purchase any land from the surrounding property owners.

Frank Burdi stated that they were approached by the someone from Tax Lot 1 as the owner of the property had passed away and they were trying to offer to divide the large lot in the rear to each of the surrounding neighbors but it was quite involved and everyone would have to do it and it financially it was quite an expenditure for a young guy just starting out.

Mr. DeNoia asked was it reasonable to say that they attempted to inquire from adjacent landowners about the possibility and based upon logistics and the practicality that it was not a realistic option. Frank Burdi answered yes.

Mr. Whitson asked about the step that was proposed in front of the breezeway and what material would be used.

Frank Burdi responded that it would be a single step of stone and concrete and would match the stone from the rest of the house.

Mr. Kleiberg asked questions about the step, its elevations and its function as a breezeway which Frank Burdi addressed.

Mr. Gervolino asked questions about the bilco door and the elevations proposed there. Frank Burdi responded that they would not know until the door came in but their intention was to make it low-pitched so that it won't be seen from the street and the hope was to have one step.

Mr. Savarese commented that the use of one step and that they want to consider the safety of its use. Frank Burdi answered that they had considered that but there would be additional grading that should address that.

PUBLIC:

As there was no one from the public Mr. Whitson closed that portion of the hearing.

Anthony Burdi lastly described Architectural Plans, Sheets 1-7, prepared by Rick Thompson, AIA, dated June 4, 2010 which were marked as **Exhibit A-2** and a Plot Plan of Tax Lot 49, Block 139 prepared by Geller Sive & Company, dated February 22, 2010, last revised June 11, 2010 which was marked as **Exhibit A-3**.

Mr. Whitson made a motion to approve the application as presented which was seconded by Mr. Kleiberg and received the following roll call:

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

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

PETITIONS FROM THE PUBLIC: None

ADJOURNMENT: As there was no further business, the meeting was adjourned at 9:01 p.m. on a motion by Mr. McCarthy which was seconded by Mr. Savarese and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary