OCEANPORT PLANNING BOARD
MINUTES
July 13, 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, Councilman Johnson, Mr. Savarese, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mr. McCarthy, Mr. Gervolino , Ms. Flor

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

BOARD BUSINESS:

1. Minutes of the meeting of May 25, 2011 were approved as corrected on a motion from Mr. Whitson and a second from Mr. Savarese and approved by the eligible Board members.

2. Coastal Monmouth Plan – Mr. Whitson provided a review summary of the Monmouth County Coastal Monmouth Plan and advised that there was little information pertaining to Fort Monmouth and nothing significant regarding the future. Mr. Whitson made a motion in support of the Coastal Monmouth Plan which was seconded by Mr. Kleiberg and approved by the Board.

OLD BUSINESS:

1. 350 Oceanport Ave, LLC
   Block 110, Lot 25
   Administrative Change Request

A-1 Color Rendering of Preliminary / Final Major Site Plan prepared by Kennedy Consulting Engineers, LLC dated September 10, 2007, last revised June 10, 2010

A-2 Photograph of Rear View of North Side taken by Applicant

A-3 Photograph of Rear Yard View from Southwest taken by Applicant

Charles Farkouh, Developer and Owner of 350 Oceanport Ave LLC , was sworn in.

William White, Board Engineer & Planner was also sworn in.

Mr. DeNoia summarized the circumstances and noted that the matter being considered did not require a public notice and why.

Mr. Farkouh explained that he was not the owner at the time of the original application for the project and proceeded to explain the purpose for his appearance before the Board. Mr. Farkouh, presented a Color Rendering of Preliminary / Final Major Site Plan prepared by Kennedy Consulting Engineers, LLC dated September 10, 2007, last revised June 10, 2010 which was marked as Exhibit A-1. Referring to Exhibit A-1, Mr. Farkouh explained that the original site plan misrepresented the actual conditions on the site and that most of the rear yard was wetlands and stated why he believed the original approval placing a condition that trees and shrubs be planted in the rear yard actually has them being planted in a wetland area and believed it to be an unreasonable condition.

Mr. Farkouh presented photographs depicting the actual conditions and described Photograph of Rear

View of North Side which was marked as Exhibit A-2 and Photograph of Rear Yard View from Southwest which was marked as Exhibit A-3 both taken by the Applicant, not dated. Mr. Farkouh further testified that the DEP does not allow work to be performed in the transition area of wetlands.

Mr. Farkouh summarized the reason for his request and concluded his testimony.

Chairman Widdis asked Mr. White to provide the Board with background information on the original approval.

Mr. White gave a statement regarding the plantings and the feasibility of installation as required under the original resolution of approval and commented that he had a landscape architect check the site and because of the groundwater the original species proposed probably wouldn't survive due to the saltwater inundation.

Chairman Widdis commented that the area there was low and that having the trees, shrubbery there was probably not productive and probably wouldn't grow in those conditions.

Chairman Widdis summarized the Applicant's request that the Board waive the requirement of plantings in the wetland area.

There was discussion on the condition requiring trees to be planted on the property in the rear yard and the requirement to have 5 additional trees to be planted in the park across the street. Mr. Whitson asked why the trees proposed in the rear yard couldn't be moved to the side yard. Mr. White stated that his staff had staked the side yard for locations where those trees could be placed.

Mr. Fichter commented that he was viewing on the plan a line that depicted where the wetlands began, he had visited the site and thought it looked good and was concerned that the trees not be shoehorned onto the site and stated he thought the trees should be planted across the street in the park.

Chairman Widdis commented that Maser should be the one to review and design and advise if it would look proper. Chairman Widdis asked if the plan reflected existing conditions.

Mr. Sullivan asked if the Linden trees had been planted which Mr. Farkouh answered yes. Mr. Sullivan commented that he did not believe additional trees should be planted in the near vicinity of the Lindens as they are a tree that grow quite large.

There was some additional discussion regarding the intersection and any site triangle issues that might be created with additional trees.

Mr. DeNoia and Mr. White advised that the Board would need to decide if all of the 10 trees and 15 shrubs should be installed. There was discussion that the Board wanted guidance from Maser.

Mr. Sullivan offered additional comments that during the original hearing the Board realized the building would be tall and that the intent had been to place the trees along Oceanport Avenue to create a corridor feeling and that he believed the shrubs could still be placed in the rear yard.

Mr. Kahle commented he understood Mr. Farkouh's reason for not wanting to tear up the existing landscape but was having difficult time visualizing the concept.

Mr. Savarese commented that the trees shouldn't be crowded in and that he didn't believe the additional trees should be installed in the east yard and also stated he didn't think they should require him to put the trees if unreasonable and that it shouldn't be required except what looked good and what made sense.

Mr. Kleiberg commented that Linden trees would grow quite large and he didn't see any sense putting in more trees just as Mr. Savarese stated.

Councilman Johnson commented that he liked the concept of creating a tree corridor to match the tree plantings to be installed in the park across the street.

There was lengthy discussion on where the trees would go to create the corridor, the proximity of the bridge and the wetlands, what was already there, Mr. White request for guidance from the Board on what they wanted, the Board's uncertainty on how many should be planted and where.

Mr. Farkouh reiterated that the landscape plan was beautiful but did not address the issue with the wetlands in the rear yard and why he did not want to plant more trees on the site. He continued that he wouldn't have a problem with more trees if he had units sold but he didn't have any contracts of sale and didn't want to just stick more plants in the ground.

Mr. Fichter commented that he wouldn't be opposed to ornamental trees being planted in place of Lindens.

Chairman Widdis offered the suggestion that they leave the site as it was with deleting all the shrubs and trees.

Chairman Widdis opened the meeting to questions from the public.

PUBLIC:

Adair Considine, 7 Main Street, was sworn in and commended the builder for not wanting to install the trees in the wetland areas and that it was beautiful as it was and that the use of evergreens shrubs, bushes that will remain all year long and other type trees will not be full during winters

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

Mr. Whitson asked if the builder was still willing to put trees in the park across the street to which Mr. Farkouh answered yes, wherever they want him to plant them.

Mr. Savarese commended the builder for doing the job that should be done, commented that the landscape plan was good, and made a motion to remove the original condition requiring the planting of 10 trees and 15 bushes in the rear yard subject to the placement of 3 additional trees for a total of 8 trees to be planted across the street in the Old Wharf Park under the direction of Mr. White which Mr. Sullivan seconded with the condition that the type of trees to be installed be Redman Lindens.

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

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

NEW BUSINESS:

5. PB File: 2011-04
   Block 139, Lot 48
   Branch Ave
   Request for Bulk Variance(s)

A-1 Variance Plan prepared by Joseph E. Maloney, PE, PP dated June 7, 2011, last revised July 7, 2011
A-2 Architectural Plans, Sheets 1-3, prepared by Monteforte Architectural Studio LLC, dated June 8, 2011.

Mario Silvestre, 4 Summerfield Avenue, Contract Purchaser for the subject property was sworn in.

For the record, Ms. Smith advised that the property was in the name of the Estate and that the Executrix for the Estate had duly signed and authorized the application and the appropriate paperwork was on file.

Mr. Silvestre gave testimony that he wished to construct a single story dwelling and described the number and types of rooms and that he was seeking relief for a lot width of 125 feet required where 106.5 feet existed. Mr. Silvestre presented a Variance Plan prepared by Joseph E. Maloney, PE, PP dated June 7, 2011, last revised July 7, 2011 which was marked as Exhibit A-1 and Architectural Plans, Sheets 1-3, prepared by Monteforte Architectural Studio LLC, dated June 8, 2011 which was marked as Exhibit A-2.

Chairman Widdis pointed out a shed in the rear yard which would require a variance as well unless relocated 15 feet off the property line and asked what would be done with the second shed that was on the property line.

Mr. Silvestre answered that he would like to keep it where it was but would move it to comply if necessary and as for the 2nd shed that was the neighbors he could not address it until he was the owner of the property.

Mr. Savarese commented that the shed should be knocked down or relocated.

Mr. Fichter had same questions about shed.

Mr. Whitson asked why the house was situated on the lot so far back from road.

Referring to A-1, Mr. Silvestre explained why the proposed house was placed in line with the house to the south and that the house on the corner facing Wolf Hill Avenue would put his house right in their backyard.

Mr. Whitson asked why the house wasn't located further back. Mr. Silvestre answered that was where his garden was going.

Mr. White asked Mr. Silvestre if he had approached his neighbors to attempt to acquire additional land to make his lot conforming.

Mr. DeNoia stated that from the Site Plan it appears both adjacent lots were developed with a home so there was no available land to purchase in order to increase the frontage on Branch Avenue for his property. Mr. Silvestre affirmed.

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. Kahle expressed concern with stormwater runoff being directed onto adjacent lots and it was his opinion that a drywell should be installed to address it underground.

Mr. White asked in the front yard or the rear yard. Mr. Kahle answered front yard so that overflow runs off into roadway.

Chairman Widdis explained to the Applicant what a drywell was and what was being suggested.

Mr. Kleiberg stated that if they were going to put in that foundation drainage would have to be put in around the whole thing and then the downspouts go into the foundation drainage which then went to the wet well.

Mr. White expressed concern because of the re-charge were right next to the house and the potential to force water back into the basement.

There was further discussion on the process and what would be required to address the issue and it was agreed that an approval would be subject to a stormwater management review with the Engineer.

Chairman Widdis stated to the Applicant that the Board would like him to address the shed – either remove or relocate. Mr. Silvestre answered that he would take down the shed but if he did want to move it how far and was told 15' from the side line and 10' from the rear line.

Mr. Whitson made a motion to approve the application subject to the condition that the drainage issues be resolved to the satisfaction of the Engineer, that the shed be moved from its current position to conform and that the lot not be divided at a future date.

Chairman Widdis advised the Applicant why the condition against future division was made.

The motion was seconded by Mr. Savarese and received the following roll call:

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

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

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 8:42 p.m. on a motion by Mr. Sullivan which was seconded by Mr. Whitson and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary