

**OCEANPORT PLANNING BOARD
MINUTES
July 12, 2016**

Chairman Widdis called the meeting to order at 7:27 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 15, 2016, publication on January 21, 2016 and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Wible, Mr. Foster, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Sullivan, Mr. Savarese, Mr. Fichter, Mr. Proto, Mr. Whitson, Mr. Widdis

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

BOARD BUSINESS:

1. Minutes of the meeting of June 28, 2016 were approved as presented on a motion from Mr. Whitson and a second from Councilwoman Cooper and approved by the eligible Board members.
2. Ms. Smith advised the Board concerning an application on file from the NJDOT to the NJDEP seeking permits for dredging of 3 area channels including Oceanport Creek entry channel which were available for their review.

NEW BUSINESS:

3. PB2016-08 Kelly, Michael
7 Main Street
Block 110, Lot 24
Request for Bulk Variances

A-1 Survey of Property, 7 Main Street, prepared by Charles Surmonte, PE & PLS, dated March 23, 2015.

A-2 Plot Plan, 7 Main Street, prepared by Charles Surmonte, PE & PLS, dated March 24, 2016.

A-3 Floor Plans, Elevations, 7 Main Street, prepared by Jeremiah J. Regan, AIA, dated February 8, 2016.

A-4 Photographs, 4 Sheets, taken by the Applicant and downloaded from Google Earth.

A-5 Computer generated rendering of the proposed structure, prepared by Jeremiah J. Regan, AIA, dated July 12, 2016.

Mr. DeNoia stated for the record service had been reviewed, was in order and the Board accepted jurisdiction.

William White, Board Engineer/Planner was sworn in.

Jennifer Krimko, Attorney for the Applicant, presented and entered **Exhibits A-1, A-2, A-3, A-4 and A-5**. Jeremiah J. Regan, Architect for the Applicant, was sworn in, presented his qualifications and was accepted as an expert in architecture.

Ms. Krimko explained the proposal to construct a new two family dwelling at the site, which is a permitted use. Testimony will be provided regarding the need for variances for rear yard setback, minimal habitable area, front yard parking and existing lot width. Mr. Regan testified the proposal was for a two story, three bedroom duplex with an attached garage, front porch and rear deck. He stated the property is in a flood zone and the first floor is elevated to meet the code requirements. The crawl space will be flood resistant with venting and flood relief. The current lot width is 108.6 feet where 140 is required. Parking is proposed in front of the structure to avoid an increase in impervious coverage. With regard to minimal habitable area, 1,000 feet is required. The proposal calls for 776 feet and 778 feet. The garage takes up a substantial amount of the first floor footprint. The second floor is over 1,000 sq. feet. If the structure was larger, the building would be closer to the side yards and the house would not fit.

Mr. Kleiberg asked what the flood plain elevation was. Mr. White replied it was 8.0. Mr. Regan stated that the first floor was 11 feet, which is 3 feet above the flood plain. Mr. Kleiberg asked what was going to be installed around the crawl space. Mr. Regan replied it would be a vinyl board and batten. Mr. Whitson asked why the application was for a two family home as opposed to a one family. Mr. Regan stated that was the Applicant's request. Mr. Wible asked if the plan was for a single family home, would it require any variances. Ms. Krimko stated that any home built would require a rear and side setback variances and the planner will explain further. Chairman Widdis pointed out a misprint where one crawl space was labeled as a basement instead of a crawl space. Chairman Widdis asked for an explanation of the difference in sizes between the units. Mr. Regan advised the second floor was bumped out a few feet and makes the master bedroom on the second unit larger.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions for this witness only.

Jacqueline Deprins-Bradford, 5 Main Street, was sworn. She expressed concern regarding the number of variances. In particular, the Applicant is below the required lot width of 140 feet. She expressed concern regarding the square footage of the units. There was discussion between Ms. Deprins-Bradford and Ms. Krimko regarding drainage, grading and fill. Ms. Krimko advised the Planner will speak about each variance and the justification for each.

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

Charles Surmonte, Applicant's Engineer, was sworn in, presented his qualifications having been previously qualified by the Board was accepted as an expert in engineering. He testified there is no vacant property available for purchase to bring the site into conformance with lot width requirements. He stated that the property currently drains from the street to the creek. The proposal is to introduce 2 to 2 ½ feet of fill for the garage floor. The grade will be raised from 5 or 5 ½ to 7.7. The fill will be transitioned so that at the back of the building, the elevation will only be about a foot above existing grade up to about 4.8. Centering the building on the site allows for side yard swales so runoff will not impact neighbors. Mr. White asked if the adjacent properties were draining onto this property, which Mr. Surmonte confirmed. Mr. Whitson asked if the application was for a one family unit would less parking be required. Mr. Surmonte confirmed. Mr. Whitson asked if it were a one family unit, could the house be moved and reduce the rear yard setback issue. Mr. Surmonte advised it probably would. Parking was calculated under RSIS based on the number of bedrooms. Mr. Surmonte testified that if a larger single family home with smaller bedrooms was built, could still require the same amount of parking. Mr. Kleiberg had a question about wetlands. Mr. Surmonte was not certain. Mr. White stated the Applicant will need a CAFRA permit. Mr. Fichter commented that the building height has a foot of play and asked

if the slope of the driveway would accommodate it. There was discussion regarding adding fill to increase the height.

Chairman Widdis asked how far the building was from the street. Mr. Surmonte stated there was a 38 foot dimension to the right side covered porch. Chairman Widdis asked about the depth and width of the driveways. Chairman Widdis asked about the existing grades. Mr. Surmonte stated it ranged from six feet at the front of the property line down to about three. There was additional discussion regarding fill.

PUBLIC:

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Jacqueline Deprins-Bradford, 5 Main Street, reiterated her concerns regarding the grading and drainage. She stated the water came up from the creek. She mentioned concerns about a bulkhead. Ms. Krimko advised the bulkhead is not being modified. She also stated that the Applicant's property will continue to receive the flow from other properties. Mr. White explained the difference between tidal and fluvial flooding. No matter what changes the Applicant makes, it will not change the tidal flooding on Ms. Deprins-Bradford's property. Ms. Deprins-Bradford asked about the proximity of the project to her property. Ms. Krimko explained the Applicant does not need a variance for side yard setback.

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

Allison Coffin, Professional Planner for Applicant, was sworn in and having been qualified previously by the Board was accepted as an expert in Planning. Ms. Coffin testified the property is vacant and is deficient only in its width condition and in a mixed use area. The two-family, three bedroom units proposed are a permitted use. She advised the Applicant is seeking variance relief for lot width, rear yard setback, minimum first floor habitable area and driveway width, which are C variances. The hardship variance is appropriate when a lot's unique shape or other issues where a strict interpretation of the ordinance would create an undue hardship on the Applicant. A flexible C standard is justified when the purposes of the Municipal Land Use Law (MLUL) are being advanced by the proposed variances and the benefits outweigh any detriments. She opined that variances requested could fit under the C-1 hardship standard or the C-2 standard. The lot width cannot be remedied. Due to the depth of the lot, it cannot meet the front and rear yard setback requirements. The two-family home would act as a transition to multi-family. Ms. Coffin testified that the application meets MLUL purposes. The lot exceeds the minimum lot area required for two units. The density is appropriate for the zone. The proposed rear yard setback would not impact the use and enjoyment adjacent neighbors' rear yards, nor would it impact their enjoyment of their waterfront properties. There is significant landscaping and vegetation at the site.

Regarding the habitable floor area on the first floor, Ms. Coffin testified that there is no detriment caused by that variance to the neighbors. The building coverage limit is 25 percent, the current proposal is 13.7 percent. The smaller footprint protects light, air and open space by allowing for greater setbacks. With respect to the variance request for the driveway width, there is no detriment. The extra width allows for more maneuvering room in the proposed parking spaces.

Chairman Widdis asked if Board members had any questions. Mr. Foster asked if the Applicant considered building two bedroom luxury instead of three bedrooms. Ms. Krimko stated that the building will be luxury and that reducing the number of bedrooms would not eliminate the need for the variances. She stated that three bedrooms would be more marketable and accommodate the needs of individuals who want to live in Oceanport, but are unable to afford a detached, single family home. Mr. Kahle asked if there was sufficient parking. Ms. Krimko stated that parking could be added if the building was moved closer to the river. Mr. White stated under RSIS, two spaces are required. The Applicant is providing three. There was discussion regarding density to the east and west of the site and size of condominiums to the east. Mr. Savarese expressed concern over the possibility of four or

five people residing in the units and there being only one living room. Ms. Coffin stated that the ordinance has a minimum square footage and these units exceed that minimum. Mr. Savarese stated a one-family would look nicer. He suggested the Board approve a larger footprint on the ground floor so that the unit is more compatible to the area. Mr. Wible asked what the square footage was for a three bedroom unit in the zone. Mr. White stated 1,000 for the first floor, 1450 total square footage for a two family. There was discussion regarding the size of the previous building.

Chairman Widdis stated his concern about the parking. He would like a better plan for parking. Mr. Fichter suggested having a "banked" space. Mr. White asked what would trigger allowing the spot to be activated. Mr. Surmonte stated that if the building was moved back 4 to 5 feet and double the turnaround space, that could address the parking issue. There was discussion regarding alternative parking plans. Mr. White expressed dissatisfaction with grass pavers and agreed with Mr. Savarese's suggestion to install pavers. Ms. Krimko stated that the two turnarounds of 9x18 feet each, will be modified to 18x18 and be pavers set in concrete instead of asphalt. There would now be four parking spaces for each unit instead of three. There will be no impact on impervious coverage and/or drainage.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions for this witness only.

Jacqueline Deprins-Bradford, 5 Main Street, asked questions concerning the distance between the side wall of the property and the property lines of the old. Chairman Widdis responded 27.9 on the east side. Ms. Deprins-Bradford expressed her concern regarding the first floor habitable area. Ms. Deprins-Bradford asked for clarification of the location of the pavers. Ms. Krimko explained the addition to the driveway and that two portions will be made of pavers.

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

Mr. Wible asked Mr. Regan, the Applicant's Architect to explain the floor plan to determine how the calculations of 776 and 778 square feet were made. Mr. Regan stated the dimensions are approximate, within a few inches. Mr. Wible stated his calculations resulted in 708. There was discussion regarding the square foot calculations and interior versus exterior measurements. Ms. Krimko stated that without impacting side yard setback, the building could be made wider to reach 1,000 square feet. Mr. Wible expressed his preference for a larger building.

Ms. Krimko asked for time to speak with her client.

RECESS:

At 9:05pm the Board adjourned for a 5-minute recess to allow Ms. Krimko to speak with her client.

At 9:11pm the Board resumed the regular meeting with all members present on the dais.

Ms. Krimko thanked the Board and the public for their comments. She requested an adjournment to the August 9, 2016 meeting without further notice in order to revise the plans to raise the finished floor of the garage, add the paver parking space in the front and to expand the first and second floors.

The Board approved adjournment until the August 9th meeting with no additional notice required.

Chairman Widdis acknowledged member from the public who still had questions, asked Ms. Krimko if her professionals would be returning, was advised not all if necessary.

Jacqueline Deprins-Bradford, 5 Main Street, had questions about the increase in the first floor square footage. Ms. Krimko explained the first floor will be expanded as much as possible and because of that addition, the same square footage will be added on the second floor. Ms. Deprins-Bradford asked if the

Applicant was attempting to force fit two units when one unit would be fully conforming. Ms. Krimko stated that one unit would not completely conform.

RESOLUTIONS:

4. PB2016-06 Two Swans LLC - As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution with corrections including a maximum of three foot overhangs, the height of the garage at 18.5, no lights will be used in the back, the cupola base will be 3 feet by 6 inches by 3 feet by 6 inches and it will be unlit, after which Mr. Whitson made a motion to approve the resolution with the above conditions which was seconded by Mr. Wible and received the following roll call:

AYES: Mr. Whitson, Mr. Wible, Councilwoman Cooper, Mr. Kleiberg, Mr. Widdis

NAYES: Mr. Proto

ABSTAIN: None

ABSENT: None

INELIGIBLE: Mr. Foster, Mr. Savarese, Mr. Sullivan, Mr. Kahle, Mr. Fichter

Ms. Smith stated the motion carried.

Chairman Widdis asked the Secretary to update the Board on upcoming meeting presentations for the Master Plan.

Ms. Smith advised that the Borough obtained grants for and is preparing three planning studies relating to post-Sandy resiliency. They will be presented to the Planning Board in September. The first meeting will be on updating the Master Plan goals and objectives. The second meeting will focus on the East Main Street neighborhood study and a redevelopment plan for Monmouth Park. On October 11th, there will be a hearing to amend the Master Plan.

PETITIONS FROM THE PUBLIC: Chairman Widdis opened the meeting to Petitions from the Public. 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 9:25 p.m. on a motion by Mr. Wible which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary