

**OCEANPORT PLANNING BOARD
MINUTES
July 9, 2013**

Chairman Widdis called the meeting to order at 7:30 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 17, 2013, 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. McCarthy, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Ms. DeSousa, Mr. Widdis

MEMBERS ABSENT: Mr. Savarese, Mr. Fichter, Mr. Gruskos

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 May 28, 2013 were approved as presented on a motion from Mr. Whitson and a second from Mr. McCarthy and approved by the eligible Board members

OLD BUSINESS:

1. Resolution Memorializing PB2013-04 – Varca, Robert & Patricia (**PR-13-14**)

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. McCarthy and received the following roll call:

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

2. Resolution Memorializing Board Recommendations for Monmouth County Wolf Hill Recreation Area (**PR-13-13**)

As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. McCarthy made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

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

NEW BUSINESS:

3. PB2013-05 Ardito, David & Lisa
477 Driveway
Block 76, Lots 12 & 12.01

Request for Bulk Variance for Height of Principal Structure and Impervious Coverage

The following persons were sworn in: Lisa Ardito, Owner and Applicant; Mark V. Shourds, Engineer and Planner for the Applicant and William White, Board Engineer and Planner. Mr. Shourds presented his qualifications to the Board and was accepted as an expert in engineering and planning.

Ms. Ardito gave a brief history of their purchase of the property, challenges including removal of an oil tank delaying their occupancy of the home, subdivision to purchase land from adjacent property owner, the design of planned improvements to the property which had to be redesigned based on impacts of Super Storm Sandy and changes in the Borough's zoning ordinance and design for flood elevation requirements.

Mr. Shourds testified that he was contracted by the Applicant initially to prepare a DEP CAFRA Permit Application for the proposed improvements and gave a description of the proposed improvements, the process of determining the design and the proposed height in light of the ABFE's put out by FEMA and CAFRA's requirements for setting elevations for the house and garage, the reason for the length of the driveway due to little availability to park on street and from a planning purpose designed the house to work with the character of the neighborhood and other waterfront lots having significant lot coverage.

Chairman Widdis asked if he could discuss the features of the house. Mr. Shourds responded that he was not the architect and therefore not able to speak about the specifics of the design with the exception of the pitch of the roof. Mr. Kleiberg asked for a map of the elevations and was directed to the plans provided.

Mr. Shourds further testified concerning the items presented by Mr. White's review and how the Applicant would address.

Mr. White asked Mr. Shourds to address how high the structure was compared to the existing roadway. Mr. Shourds responded that the road was elevation 5' and that the driveway elevation was 10' and that there would be a retaining wall that they would buffer and they could install a second retaining wall. Chairman Widdis asked what kind of retaining wall. Mr. Shourds answered that the walls hadn't been designed yet. There was discussion on the slope to achieve the additional elevation needed and how the Applicant was addressing the slope, ability to maneuver a vehicle, sight at roadway elevation, the narrowness of the driveway.

Mr. White then asked about the existing impervious coverage of the entire tract and the proposed. There was a discussion on the impact of the subdivision lot that added to the original property and a revision to the plan that corrected the original data submitted concerning impervious coverage. Mr. White stated that the testimony was that the proposed coverage was similar to other lots and asked if they measured and was told no, only visually inspected.

Mr. White next questioned the part of the ordinance that requires an average of the rear and front yard setbacks and that visual inspection would not satisfy the requirements of the ordinance and Board. There was a lengthy discussion on the issue and why the data would have to be provided to determine whether a variance for that bulk requirement would be necessary and the question on whether the notice provided was sufficient for the Board to accept jurisdiction to hear the application. Mr. DeNoia explained the procedure for carrying an application and when new notice would have to be provided to meet the requirements for jurisdiction. Afterwards the Board's general consensus was that the Board could not proceed with the hearing.

Ms. Ardito asked if the Board would allow questions and comments from the public so that should there be items the Board would want addressed they would have the opportunity to do so, afterwhich it was decided that yes the public would have an opportunity to be heard.

Chairman Widdis opened the meeting to questions from the public.

PUBLIC:

Aldo Mayro, 465 and 469 Adrian Avenue, was sworn in and commented that he did not have a huge problem with the 37' height but asked about the problem staying within 40% impervious coverage and proposing 67% and asked if there was a way to reduce the impervious coverage. Mrs. Ardito explained why they designed it the way they did to create a lower maintenance property.

Valerie Mayro, 465 and 469 Adrian Avenue, was sworn in and expressed shock on the amount of impervious coverage and asked how they were enhancing the area and what materials were being used, and commented on CAFRA requirement of driveway's to be permeable.

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

Based on the comments of the Board and the public and the necessity to document data on average setbacks, the Applicant requested that the application be carried to the August 13, 2013 meeting subject to additional data on average front and rear setbacks with new notice required if data indicates a variance needed for that aspect of the application.

INFORMAL:

Richard McComber, Attorney for Acute Care Health Systems, explained the purpose for the informal.

Mr. DeNoia outlayed preliminary ground rules for informal presentations and specifically what the Municipal Land Use Law allows to be discussed informally before a planning board.

More information was to be obtained to clarify the uncertainty that subdivision wasn't necessary based on the Army's ability to subdivide.

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 9:41 p.m. on a motion by Mr. Whitson which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary