OCEANPORT PLANNING BOARD
MINUTES
June 24, 2014

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 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, Councilman Gallo, Mr. Gruskos, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mr. Johnson, Mr. Fichter, Ms. DeSousa

Ms. Smith advised that Mr. Savarese had called to advise he would be arriving late.

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 13, 2014 were approved with correction to show Mr. Johnson seconded the motion on Board Business Item #3 on a motion from Mr. Whitson and a second from Mr. Sullivan and approved by the eligible Board members
2. Minutes of the meeting of May 27, 2014 would be provided at the next meeting.
3. Correspondence – Ms. Smith advised that an email was sent out to the Board concerning a proposed amendment to Little Silver’s zoning ordinance should the Board have any comments. Ms. Smith also advised that a public notice had been received from the Contractor for Conway Railroad’s right of way for DEP permitting work being performed and that the application was on file in the Clerk’s office should anyway wish to review it. Lastly Ms. Smith advised that Jason Fichter had submitted his resignation letter due to outside obligations and professional conflicts.

NEW BUSINESS:

1. PB2014-05 Chachko, Barbara
   501 Port Au Peck Avenue
   Block 29, Lot 14
   Request for Bulk Variances for a Fence

Barbara Chachko, Owner and Applicant was sworn in. William White, Board Engineer/Planner was also sworn in. Ms. Chachko gave the history of ownership and described the purpose of the application was to install a fence for privacy and safety for her family and dog to use the yard, the need for relief from the front yard setback as her property was on a corner lot and therefore had 2 front yards, described that she was seeking a 6’ solid fence along the back length of the property along Port Au Peck Avenue and a 5’ picket fence along Ithaca Avenue and where the gate would go. Ms. Chachko handed out pictures of what the fence would look like.

Chairman Widdis asked then the problem was the height of the fence. Mr. White responded yes, because its front setback the requirement is 4’ and 50% open.

Chairman Widdis invited questions/comments from the Board.

Mr. Kahle asked if the existing wood fence would be taken down. Ms. Chachko answered that there were no longer any fences.

Mr. Sullivan asked if the scalloped was 5’ at the lowest point and was told no, 4’ at the lowest.

Mr. Whitson asked if the idea was to keep the dog in and was told no, also for privacy. Mr. Whitson cautioned that when it snowed and banked against the fence it was no longer 5’ high and to be careful.

Mr. Kahle asked about the fence along Ithaca and asked if it was going to be in the right of way at all. Mr. White pointed out no - it would be out of the right of way and on the Applicant’s property.

Mr. White asked as the survey was from 2002 were there any other changes other than the removal of the fences and was told yes, there was no fencing at all in the yard.

PUBLIC:

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

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

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

Ms. Smith stated the motion carried.

2. PB2014-06 Houlis, Ann Marie
   42 Morris Place
   Block 61, Lot 15
   Request for Bulk Variances for Single Family Home

Ann Marie Houlis and Andre Houlis, Applicants and Owners, were sworn in. Mrs. Houlis explained that their home had been destroyed by Super Storm Sandy and described the proposal to reconstruct the home which would no longer have a basement because of FEMA requirements, described the proposed house and some additions to provide for storage to replace the lack of a basement.

Chairman Widdis asked Mr. White to address the comments in his review letter for the Board.

Mr. White summarized his review letter and the variances being sought including lot area, lot width, front yard setbacks on 2 frontages and average front yard setbacks all of which were pre-existing conditions due to undersize lot with no opportunity to purchase land from adjacent lots to make the lot conforming.

Chairman Widdis asked questions about the total square footage, if there would be a garage, the location of the driveway, the existing pool, the height of the house, the elevation of the first floor.

Mr. Kahle asked Mr. White about the frontage on Morris Place and the setback for the porch and house. Mr. Kahle asked the Applicant where the pool equipment would be located and was told in the same location by the corner of the house. Mr. Kahle asked if the house position was moved to create more room for the pool. Mrs. Houlis responded no, the architect had reviewed why the house was placed on the lot crooked originally and didn't make sense to keep in same footprint. Mr. Kahle asked if they slid the house to the left 2' would eliminate the need for the variance on River Street.

Mr. Kleiberg commented that he looked at site and thought that where the house was proposed was better than if they moved it the 2'.

Mr. Kahle asked about the houses next door with the front setbacks would they be impacted and changing that up the street if other houses were repaired. Discussion ensued on the requirement for the averages and how many of the existing houses were as close to the street.

Mr. DeNoia asked if the Board was requiring the Applicant to demonstrate anything for that condition. Mr. White answered yes, through a survey that would show the averages and explained to the Applicant what would need to be accomplished.

PUBLIC:

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

Mr. Gruskos asked if a vote could be made without the required information. Mr. White answered if they were not able to comply they would have to come back before the Board. Afterwards, Mr. Gruskos made a motion to approve the application which was seconded by Mr. Kleiberg and received the following roll call:

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

Ms. Smith stated the motion carried.

COURTESY PRESENTATIONS:

3. AP Developers – Fort Monmouth Marina Site – Fuller Brooks, part owner of AP Developers, was sworn in and explained that his company was in exclusive negotiations with FMERA for the operation of the Fort Monmouth marina site, that they were the owners of the pocket liquor license, described the proposed improvements to the property including opening of the boat slips and operating a restaurant at the site, the challenges that arose during the purchase process so they would be leasing the property until the purchase could go through.

Chairman Widdis asked was the purpose for his appearance informational or for site plan approval. Mr. Brooks answered no, it was not required but objective was to develop the property beyond current work, to work with the Oceanport Building Department and to let everyone know what they were doing. Mr. White added that the project had passed Zoning and building permits in place. Chairman Widdis asked if they eventually had to come to the Board for Site Plan approval. Mr. White answered when they develop in the future it would most likely require site plan.

Mr. Brooks referring to a survey document that was distributed to the Board continued to describe the site and the proposed improvements, answer questions including total planned seating capacity, parking availability, the size of the deck, safety fencing/railing, accessibility of bathroom facilities, what areas indoor/outdoor, would the marina sell bait and ice, would boats be stored at site over the winter and where, when Oceanport would have jurisdiction of the property, concerns for parking capacity, boat trailers, impacts to the adjacent residence, hours of operation – lunch and dinner and marketing to a mature audience.

4. Monmouth Park Concert Venue – Dennis Drazin, Darby Development, gave his affiliations and was sworn in. Mr. Drazin stated he was present to provide the Board with information concerning improvements being proposed at the site for a restaurant and a concert venue, plans submitted to NJDCA for review; while local review not required it was the Developer's desire to have local input. Mr. Drazin circulated to the Board a current plan of the proposed improvements and advised that they were aware of 2 areas of concern – ingress/egress which had been decided to stay with the current entrances and the signage was planned not for digital but the same concept historically used at the site. Mr. Drazin referring to the concept plan then described the 2 proposed projects – a concert venue with 7500 seating capacity planned to open in May 2015 with a limited offering of 15-20 concerts with the ultimate goal being to offer 30 concerts of various natures, intention to build a boardwalk that would provide concessions, described the proposed location for the boardwalk adjacent to the picnic area, operating season, event times between 7 pm and over at a time that would not impact the town and why they believed it would draw people to the community and that the other concept restaurant would service the concert attenders.

Chairman Widdis asked if there was any questions from the Board or public on the concert venue.

Mr. Whitson asked about the average number of people that attend the racetrack and was told 10,000 people with 30-40,000 on Haskell and Father's Days. Mr. Whitson stated than 7500 wouldn't be a problem in terms of flow. Mr. Whitson expressed concern for impacts of lighting and sound on the Jockey Club development as those residents would be vocal and should be considered.

Mr. Kahle added that when the concerts *end* would also be important time and because the earlier the less effect on the residents and asked if they had an end time and was told about 10 pm.

There was discussion on the volume of attenders and the capacity of the facility to meet that volume and the impacts of sound on adjacent neighborhoods.

Chairman Widdis asked Mr. White if he had any comments. Mr. White stated for the record full disclosure that his firm Maser Consulting was working on the project but because the site was under State jurisdiction there was no conflict.
There was discussion on whether plan review could go to the town and the delays the Developer experienced with the DCA and the town being able to advocate for local review.

Mr. Drazin continued with his presentation with a display of the concept plans and description of the proposed restaurant, materials to be used, capacity and menu of American and Italian style foods.

Mr. Nau, Construction Manager for the restaurant, was sworn in and gave an update to the Board on the status of the plan review with the NJDCA, requirements for sprinkler system and last request for paperwork was about 2 weeks ago and a letter was received advising that permits were to be issued in the next 7 days. Mr. Nau advised that the whole project was being coordinated with the contractor doing the venue with the restaurant work to start first.

Chairman Widdis asked Mr. Drazin what the approximate height of the Grandstand was and was told almost 100'. Chairman Widdis commented then it would be way lower. Mr. Nau added that he doubted the restaurant and concert venue would be visible from Oceanport Avenue.

Mr. Whitson asked how a 100 seat restaurant would service 7500 people. Mr. Drazin responded that there were other concession areas inside.

Chairman Widdis asked what would be the hours of operation for the restaurant and was told they were finalizing that item but one concept was for dinner time and Sunday brunches for the fine dining. The concession for the golf area would be open when the golf course opens and run to about 10 p.m. Chairman Widdis asked about the total square footage, number of floors.

Mr. DeNoia asked questions about whether the project was a Capital presentation and if it needed a resolution advising if it was consistent with the Master Plan. Discussion ensued on whether it was funded by taxpayer dollars, which it wasn't, and therefore was not a capital presentation and was then merely a courtesy review. Mr. Drazin confirmed it was a courtesy presentation and that the project was not funded with taxpayer dollars but would request the Board make a determination that the proposed improvements were consistent with the Master Plan.

Mr. Whitson made the motion that the presentation made was not inconsistent with the Master Plan which was seconded by Mr. Sullivan and received the following roll call:

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

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 9:25 p.m. on a motion by Mr. Sullivan which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary