

**OCEANPORT PLANNING BOARD
MINUTES
June 23, 2015**

Vice Chairman Whitson 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 29, 2015, and by the posting of same on the municipal bulletin board and Borough Web Site."

Vice Chairman Whitson led the flag salute.

MEMBERS PRESENT: Mayor Mahon, Mr. Kleiberg, Mr. Kahle, Mr. Sullivan, Mr. Whitson

MEMBERS ABSENT: Councilman Gallo, Mr. Fichter, Mr. Savarese, Mr. Widdis

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

BOARD BUSINESS:

1. Correspondence – Ms. Smith advised of letter received from Lisa Ardito, 477 Driveway, requesting the Board to consider not permitting Jeffrey Egarian, PE to appear before the Board in the future. Mr. DeNoia responded that the request was not appropriate and that the Board could not act as requested.

OLD BUSINESS:

CARRIED to August 11, 2015

1. PB2014-07 – Parent, Kimberly
23 Branch Avenue
Block 139, Lot 44
Request for Minor Subdivision with Variances

Ms. Smith advised that the Applicant had performed the required new service which had been reviewed and was in order. Ms. Smith stated she had advised Ms. Krimko, Attorney for the Applicant that several Board members had reported they would be unable to attend leaving 4 eligible Board members to hear the continuance of the application. Ms. Krimko submitted a request that the Application be carried to the August 11, 2015 meeting with no additional notice required due to the minimal number of Board members to be in attendance which was granted by the Board with no objections.

NEW BUSINESS:

2. PB2015-10 – 460 Adrian Ave LLC
460 Adrian Avenue
Block 76, Lot 3
Request for bulk variances for construction of new dwelling, garage and pool

A-1 Aerial Shot of Neighborhood pulled from Google Earth by Charles Surmonte, undated.

Michael Laffey, Attorney for the Applicant, appeared and described the application to tear down an existing Sandy-damaged house and construct a new house and that their Engineer was present to testify to the need for bulk variances.

William White, Board Engineer/Planner, was sworn in.

Charles Surmonte, Professional Engineer for the Applicant, having been before the Board previously on numerous occasions was accepted as an expert in the field of engineering.

Mr. Surmonte began testimony by describing the property, existing structures, dimensions, the need for bulk variance relief for minimum lot width of 75' where 100' required, minimum lot area of 7,500 s.f. where 10,000 s.f. required, described the proposed structure and the desire to also install an in-ground pool with decking that generates an impervious lot coverage of 43.73% where 40% permitted for which

variance relief was being sought, relief for a solid 6' fence along the Driveway frontage where 50% open fence permitted, relief for the pool being in the front yard due to the nature of the lot having two frontages and a front yard setback of 7' where 30' required, relief for the pool's side yard setback of 7' where 10' required, relief for a generator platform required to have sufficient distance from the building thereby needing a proposed 9' side yard setback where 10' required and the reason for the chosen location so that generator was located away from neighbors and lastly relief for maximum building height of 36.70' proposed where 35' required as the desired minimum finished floor elevation was 13.5 when 12.4 was required for that zone reasoning safety factors.

Mr. Surmonte next indicated on an aerial photograph of the site an existing non-conforming detached garage presently at a 3' setback from the right of way which was also shown on the submitted survey of the site.

Mr. DeNoia interrupted testimony briefly so that Mr. Surmonte could be sworn in for all testimony given that night by himself including that which had been made prior to being sworn in.

Mr. Surmonte then described the Google aerial photograph which was marked as **Exhibit A-1**. Referring to A-1, Mr. Surmonte demonstrated the characteristics of the neighborhood and how the proposed improvements to the subject site were appropriate for the neighborhood.

Mr. Laffey stated that concluded the engineer's testimony and invited any questions.

Mr. White asked what was the proposed height of the structure. Mr. Surmonte answered from the crown of the road 36.73' Mr. White asked if there were any adjustments that could be made to reduce the height for compliance such as changing the pitch of the roof or reducing ceiling heights from 9' to 8'. Mr. Surmonte answered that those designs had been considered but deferred to the Applicant.

Vice Chairman Whitson asked for questions from the Board.

Mr. Kleiberg asked if the fence at the rear was proposed at 6' as the plan appears to say 8'. Mr. Surmonte testified that it was definitely 6' for the record.

Vice Chairman Whitson stated they are seeking 9 variances. Mr. Laffey answered yes, 2 of which are existing. Vice Chairman Whitson questioned the number of variances and asked if the existing house were proposed how many variances would be necessary. Mr. Surmonte reviewed and answered 3 existing non-conformities. Mr. Laffey added that one of the variances for the pool setback they were willing to shift the additional 3' to be conforming.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Christopher Ilvento, Owner and Developer for the Property, was sworn in and testified as to the proposed improvements and the number of variances required for them, 3 of which were existing non-compliance and the others being minor in nature such as the generator platform setback, the code that requires fencing for pools and not permitted to be around the pool in a front yard, the process by which he evaluates the neighborhood when considering the design and that the increased finished floor was desired for purposes of flood insurance and for likeness with neighbors homes.

Mr. Sullivan asked if they lowered the pitch of the roof how would it affect the appearance of the house. Mr. Ilvento responded that he would make it work like he's had to with other homes. Mr. Sullivan expressed concern that changing the pitch would have a negative impact on how the house looks.

Mr. Kahle asked Mr. Surmonte about the down spouts and diverting of stormwater away from neighbor's property. Mr. Surmonte answered that Mr. White had asked him to further detail the side yard swales to accomplish drainage to the street.

Mr. Kleiberg asked what type of generator would they use as the clearance is different depending on the brand. Mr. Ilvento answered the platform was proposed to accommodate a brand that required the distance from the house.

Mayor Mahon commented he had no problem with the height as proposed as if anything was done to the roofline it changes the design. He would prefer that they shift the house to the 12.4' FF rather than the proposed 13.5' FF but would understand as he'd rather they not clip the roof line to accomplish that. Mayor Mahon further commented that he would prefer to see the 6' fence along Driveway be moved in 2' to avoid issues with plowing of the road in the winter and also that his plan does look like the fence says 8' instead of 6'. Mr. Laffey showed on the larger scale plan its legible as 6' which satisfied Mayor Mahon's concern. Mayor Mahon reiterated that he would still like to see fence moved as other properties nearby had done the same. Mayor Mahon noted that for the generator it was more expensive to put it on the side away from the electrical meter and service. Mr. Laffey answered that as he testified they had put it there to be away from the neighbor. Mayor Mahon asked if there were any retaining walls proposed for the structure, was told no and asked was the patio the step down and sidewalk to the pool area which Mr. Ilvento answered yes.

Mr. Ilvento commented that with the walkup attic in Oceanport because they can't have basements it was just another means for storage.

Mr. Kleiberg asked about the habitable attic and the windows on each end were going to be... Mr. Ilvento answered they would be egress.

Mr. Whitson asked if they knew when the other pools in the area had been built and was told no.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Mr. Laffey requested a 5 minute recess to discuss with his client the Board's comments on the roof.

The Board took a 5-minute adjournment at 8:02 pm.

At 8:07 pm the Board resumed the meeting with all previous members again present.

Vice Chairman Whitson asked how many of the 9 variances were being generated because of the pool. Mr. Laffey answered 2. Vice Chairman Whitson asked and the lot coverage? Mr. Laffey said that too so 3. Vice Chairman Whitson asked and the 6' fence. Mr. Laffey responded that they would still want the fence without the pool.

Mr. Laffey advised the Board of his discussion with the Applicant and that they would revise the fence to be shifted in the additional 2' to be blend in with the neighborhood.

Mr. Laffey continued as to the height of the house they were proposing the 13' finished floor elevation and asked Mr. Surmonte to explain why. Mr. Surmonte responded that the Applicant's main reason for the 13' was for the freeboard maximum discount on the flood insurance as the property was in a flood zone. Mr. Laffey spoke as to the pool that if it was an issue for the Board members they were willing to pull it back but felt that it looked best where proposed on the property but again, were willing to pull back 3' to remove that variance request.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions or comments.

Noel Kelly, 245 Monmouth Blvd., adjacent property owner to the south, was sworn in and asked where the water runoff would go, would it go out to the street, does he have to install a tank of some kind to take care of the water.

Mr. Surmonte responded that the driveway would drain directly to the street and that on the side yards they were creating swales along both so the roof would drain to Adrian and the roof drainage from the rear would go to the driveway and that none should runoff onto his property.

Mr. White commented that was the purpose of his request for additional detail on the swales for the grading plan and should be made a condition of any approval.

Mr. Kelly stated he had submitted plans to build a house on the lot next door and he would probably be coming in for variances.

Mr. DeNoia asked what was the final decision on the pool location. Mr. Laffey answered that they would shift the pool the 3' to make the setback comply and address comment G of the Engineer's review letter.

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

Vice Chairman Whitson noted for the record that he still had concern that the application was seeking 9 variances and thought it was extreme.

Mayor Mahon made a motion to approve the application subject to the pool being moved the 3' to meet the 10' required setback, that the fence be pulled back at least 2' from the edge of pavement, that the drainage plan be subject to approval by the Board's Engineer and that the finished floor elevation be reduced to 13.00' which was seconded by Mr. Kleiberg and received the following roll call:

AYES:	Mayor Mahon, Mr. Sullivan, Mr. Kahle, Mr. Kleiberg
NAYES:	Mr. Whitson
ABSTAIN:	None
ABSENT:	Councilman Gallo, Mr. Widdis, Mr. Fichter, Mr. Savarese

Ms. Smith stated the motion carried.

PETITIONS FROM THE PUBLIC: Vice Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Vice Chairman Whitson closed that portion of the meeting.

Mayor Mahon brought up discussion on the problem with this neighborhood and that this was the 3rd property that had come in with issues since he's been sitting on the Board and asked was there a reason to make adjustments to the zoning regulations so the variances weren't required. There was discussion on the issue after which it was the consensus of the Board to continue to have some control and input in that neighborhood as it impacts so much including runoff and setbacks to neighbors.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:27 p.m. on a motion by Mayor Mahon which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary