OCEANPORT PLANNING BOARD
MINUTES
May 27, 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, Mr. Johnson, Councilman Gallo, Mr. Kleiberg, Mr. Sullivan, Mr. Savarese, Mr. Widdis

MEMBERS ABSENT: Mr. Fichter, Mr. Gruskos, Mr. Whitson, Ms. DeSousa

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 February 25, 2014 were approved as presented on a motion from Mr. Kleiberg and a second from Mr. Kahle and approved by the eligible Board members.

NEW BUSINESS:

2. PB2014-05 Fahmie, Thomas & Stemmerman, Andrew
   19 Pocano Avenue
   Block 39, Lot 2
   Request for Bulk Variances for Side Yard Setback **CARRIED TO JUNE 24, 2014**

A-1 Colored Rendering of West View of House, prepared by Robert M. Iamello, AIA
A-2 Colored Rendering of South View of House, prepared by Robert M. Iamello, AIA
A-3 Construction Drawings, 5 Sheets, prepared by Robert M. Iamello, AIA, dated May 1, 2014

Andrew Stemmerman and Thomas Fahmie, Applicants & Owners, were sworn in. William White, Board Engineer/Planner was sworn in.

Mr. DeNoia stated that there were documents submitted with the Application which did not need to be marked for the record as they were a part of the application. Mr. DeNoia continued that it would appear that the 2 renderings shown would need to be described and marked for the record. With regard to the James Higgins planning testimony – that document would not be allowed to be marked as an Exhibit, however the Applicant could use as an outline for their testimony.

Mr. Stemmerman explained the purpose of their application was to address the issue of the prior owner's use of the unimproved right of way as a driveway by relocating the driveway to the front of the house at the recommendation of the Board Engineer.

Mr. Stemmerman presented and described three documents for inclusion as Exhibits which were marked as Exhibits A-1, A-2 and A-3.

Mr. Stemmerman testified that they had purchased the property which was damaged by Super Storm Sandy and that the prior owner used the paper street adjacent to the property on the west side as a driveway. They were proposing to vacate that use and relocate the driveway to the front of the house and move the entrance to the west side of the house with a deck due to the closeness of the street and eliminate the garage. Their main goal was to lift up the house which they put up on piers and the stairs to the west side of the house and in doing so it was more aesthetically pleasing and utilize the property a little nicer for the better of the neighborhood.

Mr. Fahmie testified that one of the reasons they changed the access to the side of the house from the front of the house was by doing so they lose access to the 2-car garage.

Chairman Widdis asked Mr. White they are seeking 2 variances for side yard. Mr. White answered yes, and other pre-existing conditions for front yard and side yard but the reason before the Board was because of the deck and entrance expanded the side yard non-conformance.

Mr. Stemmerman added that was pretty much it but also asked for them to consider that their neighbor was the adjacent park and that with the lifting of the house that they had to have some type of access into the house.

Mr. Fahmie added that the park would gain back the area being used.

Chairman Widdis asked then their intent was to remove the stone that was their now.

Mr. Stemmerman answered that the stone was there from being brought in to remediate an oil spill that happened as a result of the storm. Mr. White confirmed that a No Further Action letter had been issued and that the work had been done by the County.

Mr. Fahmie stated that what they would like to do if the town would provide the soil they would seed it as the park is very low. Mr. Stemmerman added that if the Borough could provide the soil as it was tricky to get clean soil. Chairman Widdis stated that would not concern the Board but would have to be worked out with the town.

Mr. Stemmerman further testified that they would be taking down everything they could except a certain wall as the house had black mold and they would rebuild... the architect shows in A-3 what they were rebuilding – a 2-story house, 3 bedrooms, 2 ½ baths. The rendered drawing they submitted was a hand drawn colorized view of the house.

Mr. DeNoia asked they were not completing demolishing the structure and was told no, some of it could be saved and take down as little as possible.

Chairman Widdis asked them to describe how big the house would be on the first floor, second floor as the print was so little on the plans he could not read them.

Mr. Stemmerman described the rooms planned for each floor, where the heating and air conditioning would go, that it would probably have gas, forced hot-air for heating.

Chairman Widdis asked if they had anything else to add. Mr. Stemmerman responded no, it was pretty straight forward.

Chairman Widdis asked for questions from the Board.

Mr. White stated that there was some conflict between what was shown on the Variance Plan prepared by Widdis and the architectural plans as far as the side yard setbacks. Mr. Stemmerman answered that if you scaled it, the surveyor took the measurement from the front porch on the existing house and that the architectural plan was the correct plan.

Mr. White stated then the side yard setback on the western side was for 3.33’ with a combined side yard of 13.75’.

Mr. White asked about the lower level and what the architectural treatment would be – what would be seen from ground floor level. Mr. Stemmerman answered lattice like the house to the rear that they had done.

Chairman Widdis asked what they would do in terms of the garage doors. Mr. Stemmerman answered that they be designed in a way because it was lattice it would just be a visual, as it was on piers not block foundation. Chairman Widdis asked then the garage doors would be mechanical. There was discussion on whether the doors would be solid or partially open which was still being researched by the Applicant.

Mr. Sullivan asked questions about the total lot area and the total footprint of the house.

Mr. Johnson expressed concern that the house actually faced the park and from the street side the view was of the side of the house and that the front of the house needed to be more aesthetically pleasing. Mr. Fahmie explained that they had considered that but the steps to reach the 1st floor were a problem with the house lifted there wasn't enough room before the street.

Chairman Widdis asked what was the height of the house. There was discussion on what the total height was as it was not shown on the plan – only the height of the plate to 31.26'.

Mr. White stated that the Zoning Officer's denial letter had not addressed height and as the Zoning Officer had the full set of plans assumed he had reviewed so Mr. White did not address it in his review letter as the plans provided to the Board did not provide that information.

Mr. Stemmerman answered that he had provided the elevation certificate.

Chairman Widdis stated he would like to know the apex of the house to the ground, how high that was as he could not read the plans which had been reduced so low.

Mr. Kleiberg stated that the new plate height was at 31.267' and he could not make out the pitch of the roof. Mr. White pointed out Sheet 1A of the architect's plan showed to the peak was 32.9'.

Chairman Widdis stated it was not the responsibility of the Board to figure out the numbers and wants the Applicant to provide to the Board what the height was going to be whether it was noticed for or not.

There was further discussion on what the height could be based on the numbers provided and whether the 40' height without a variance applied to this application which it would not as the house was being changed.

Chairman Widdis stated that it appeared that there may be an issue with the height and that the total height should be calculated and provided to the Board.

Mr. Savarese commented that he agreed with Mr. White that the driveway belonged in the front and and stated one thing they were doing was asking for a variance on the side of the park and that they didn't have to do that if they moved the entrance to the other side of the house it would have a 9' and change setback would be more conforming to the code, on top of that if they look where they're putting the 10' deck was not that useful as the view was not across from the park, put the deck in the back of the house, have a smaller deck, spend less money and have a better view. Mr. Savarese also suggested that if they move the house and turn to the side how it would improve the house.

Mr. Savarese concluded that it was his opinion that there was no reason to ask for the variance on the park side when there was room on the other side. There was discussion on how that would be accomplished without seeking variances.

Mr. Stemmerman stated that the finances considered, the way they have the house was aesthetically nice and they would be selling the house.

Mr. Kleiberg asked questions about the utilities, if house would have 1 or 2 zones, where would the HVAC be located which would have to be above base flood and was concerned how it would look and was told probably in the back below the deck.

Chairman Widdis advised that the Board should know that information as well and that they had to be concerned with how it would appear to the owner in the back.

Mr. Stemmerman asked do they need to know that tonight.

Chairman Widdis responded that he believed they would have to come back as .the Board needs to the Board needs to know the height.

Mr. Kleiberg asked if they were proposing a generator and was told no.

Councilman Gallo asked if there would be any access to the house from the garage and was told no.

Chairman Widdis asked if there would be internal walls and was told no.

PUBLIC:

Chairman Widdis opened the meeting to the public for any questions or comments.

Lorraine Lynch, 29 Pocano Ave., was sworn in and stated she had seen what they did with the house on the water and was curious to see what this house would be like and commented that she was surprised to see the house facing the park and felt that it just wasn't right. Ms. Lynch also asked about the topsoil as they had for many years had a puddle in front that the birds swam in and wondered if that would be impacted by the topsoil being brought in. Mr. White responded that it grade would go back to where it was now and that stone taken out and that the grass would be less impervious than the stone, it would be better. Ms. Lynch concluded by urging the Board to reconsider the direction that the house would face as it just didn't seem right to her for it to look out over the park.

Robert Lynch, 29 Pocano Ave., was sworn in and asked if the footprint was the same and was told yes. Mr. Lynch asked questions about the existing driveway and the setbacks on that side of the property. Mr. Stemmerman showed Mr. Lynch the survey which showed the driveway located on the paper street and part of the park and that the proposal was to vacate that and in doing so when they take the…got to remember you have to add 5' to the landing needing an additional 12 steps and that it would be closer to the road than most homes and why they proposed it on the side. Mr. Stemmerman continued that to have it on the other side it was so close to that driveway.

Mr. Lynch asked if was 10' from the side of the house to the property line. Chairman Widdis stated 10' from the bump out. Mr. Lynch asked then after that there's a driveway. Mr. Fahmie added that there's also a telephone pole right there. Mr. Lynch commented that he didn't realize it was that much between the house and the driveway for 21 Pocano and so that driveway was property of 21 Pocano and was told yes, that lot was a flag lot.

Mr. Stemmerman added that when they looked at it with the telephone pole and the wire that comes down was why they decided to put the entrance on that side of the street.

Mr. Lynch asked there would be a small deck on the back, at the rear. Mr. Stemmerman answered small deck at the back with a small porch. Mr. Lynch asked then the front porch would be 9'. Mr. Stemmerman said no, the front porch was 5.6'. Chairman Widdis asked was the front porch on Pocano and was told no, the front was on the side. Mr. Lynch asked if the deck was for the entire length of the house. Mr. Stemmerman answered it was and around to the back.

Mr. Kahle asked if there was anything in the zoning that says the entrance has to be on the street side which Mr. White would review.

Chairman Widdis said that the next meeting was June 10th and that they would like to have a definite measurement of the height from the street which was how the ordinance requires and also provide other elevations from the landscaping perspective and that legible plans be provided.

Mr. Kahle commented that if the Board was going to have a problem with the house entrance being on the side that the Applicant should be told now so they could plan.

Mr. Stemmerman asked say they finish it on the front on Pocano and there would be 4' to the street and the cars would be parking in the street which they only have 50' of frontage. Mr. Savarese pointed out that they have 19' from the setback to the garage. Chairman Widdis stated same and that from the concrete was another 10'. There was additional discussion on how other towns address designs for 50' wide lots and a similar property on Cayuga that had been in front of the Board,

Mr. Kahle asked if the Applicant could accommodate the moving of the front door did the Board have a problem with them having a porch deck on the side. Mr. Savarese stated that they shouldn't be approving a variance from a self-created hardship and that there was room in the back.

Mr. DeNoia commented that Mr. White would be reviewing the Code but his own experience with other towns was prohibition that the house not face anything but out to the street.

After discussion, it was decided that the application would be carried to the June 27, 2014 meeting with no additional notice required in order for the Applicant to have sufficient time to obtain the information the Board was requesting and still be submitted on file 10 days prior to the meeting. Should the Applicant decided to not to proceed that they would request that their application be withdrawn.

Mr. DeNoia did caution the Applicant that a new notice may be required should the information requested by the Board expand the application for variances.

RESOLUTIONS:

3. PB2014-04 Watkins, Beth - 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. Savarese and received the following roll call:

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

Ms. Smith stated the motion carried. **PR-14-09**

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.

Ms. Smith reminded the Board of the need to complete their annual Financial Disclosure Statement.

Mr. Kleiberg asked if the Zoning Officer had responded to the Board's question about the Village Center materials being used. Ms. Smith answered no but she would follow up with him.

Mr. Johnson asked about the Board's question for development at 25 Main Street. Ms. Smith answered no, she apologized for forgetting that one and would follow up with that one as well.

Chairman Widdis advised the Board that a Subcommittee would be meeting with Kiely Group, the proposed contract purchasers of Russell Hall to provide guidelines on what the Board would be seeking with the Site Plan. Mr. DeNoia stated that no variances would be discussed and that an Agenda would be requested prior to the meeting.

Mr. Johnson commented that he was not concerned with Russell Hall but had concern with the RPM Development for the Officer's Housing and the affordable housing component. There was discussion on the changes in the affordable housing rules, whether Fort Monmouth was impacted and the Governing Body's intent to propose Fort Monmouth obligations be consistent with the rest of the State.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:35 p.m. on a motion by Mr. Johnson which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary