

**OCEANPORT PLANNING BOARD
MINUTES
May 23, 2012**

Acting Chairman Whitson called the meeting to order at 7:34 p.m. and announced that the meeting had been advertised in accordance with the Open Public Meetings Act.

Acting Chairman Whitson led the flag salute.

MEMBERS PRESENT: Mr. Kahle, Councilman Johnson, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Mr. Whitson

MEMBERS ABSENT: Mr. McCarthy, Mr. Savarese, Ms. DeSousa, Mr. Widdis

OFFICIALS PRESENT: Jeanne Smith, Board Secretary, Rick DeNoia, Board Attorney, William White, Board Engineer and Planner

BOARD BUSINESS:

1. Minutes of the meeting of May 9, 2012 were approved as presented on a motion from Mr. Kleiberg and a second from Mr. Kahle and approved by the eligible Board members.

OLD BUSINESS: None

As the Applicants for the new business had not arrived yet, the Board adjourned for a 5-minute recess at 7:36 p.m., which was unanimously approved by the Board members present. Mr. Whitson called the meeting back to order upon the arrival of the Applicants at 7:38 p.m. with same Board members present.

NEW BUSINESS:

1. PB File: 2012-05
Lee MacArthur & Philip O'Brien
Block 77, Lot 5
253 Arnold Avenue
Request for Bulk Variance(s) to construct accessory structures – pool, fence and deck with a front yard setback of 15' where 30' required

Philip O'Brien and Lee MacArthur, Owners and Applicants, were sworn in. Board Engineer William White was also sworn in.

Ms. MacArthur explained that they were before the Board because they wanted to put a pool in their backyard but because their property was the shape of a pizza slice their backyard is along another street and has the setback requirements of a front yard which were 30' and that they were requesting a variance for a 15' setback for the fence, pool and deck.

Mr. White said the property was a corner lot having 2 frontages and a side yard and no rear yard and the side yard itself was about 10' between the house and the side yard and asked where the proposed to put the pool filter and heater. Mr. O'Brien answered that they hadn't decided on a heater yet but the filter would be installed within the setback that they were requesting. Mr. White asked then it wouldn't be towards the neighbor to the west but more to the north at Milton Avenue which Mr. O'Brien answered correct and that they had spoken to the Whitakers, their neighbor and they had no objections.

Mr. White asked if they were proposing any outdoor lighting such as spotlights around the pool. Mr. O'Brien indicated no they were not planning any lighting. Ms. MacArthur added that they were adding a

new deck and that the posts might have decorative lighting. Mr. White commented that that would be more of a low-level lighting and not commercial character.

Mr. White added that should the Board look favorably upon the Applicants, he would like a signed and sealed copy of the survey as well as a grading plan as required by the Construction Official. Ms. MacArthur questioned what was a grading plan. Mr. White answered that it was a plan showing proposed changes in grade so as to not impact neighboring properties with water runoff.

Mr. Fichter asked what type fence they would install. Ms. MacArthur replied they were proposing a 4' fence doing what was required and that the style would be slats and that their plan was to slightly elevate the pool with a deck surround and the fence from there. Mr. Fichter asked if that was the coping of pool? Mr. O'Brien responded yes, it would be the side of the pool and that they were trying to minimize impacts to the trees and their roots with probably one tree sacrificed in this effort. Mr. Fichter asked if they would install any vegetation like a hedge row along Milton Ave. Mr. O'Brien answered that they had a privet hedge but they were considering adding additional landscaping for aesthetics.

Mr. Kleiberg asked they were raising the finished grade 2 ½ feet above the existing grade. Mr. O'Brien answered correct. Mr. Kleiberg asked then the 4' fence on top of that so it would be 6 ½ feet from the ground to the top of the fence? Ms. O'Brien said they hadn't ironed out those details and asked for guidance. Mr. Kleiberg answered that the fence had to be 4' non-climbable and asked would there be a stone wall under it and was told yes.

PUBLIC:

Acting Chairman Whitson opened the meeting to the public for comment on the application and as no one from the public was present closed that portion of the hearing.

Councilman Johnson made a motion to approve the application seeking relief of the front yard setback which was seconded by Mr. Sullivan and received the following roll call:

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

Ms. Smith stated the motion carried.

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

ADJOURNMENT: As there was no further business, the meeting was adjourned at 7:49 p.m. on a motion by Councilman Johnson which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary