**OCEANPORT PLANNING BOARD**
**MINUTES**
**May 13, 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.

**OATH OF OFFICE**

The Oath of Office was administered to Richard Gallo, Class III, one year unexpired term.

**MEMBERS PRESENT**: Mr. Kahle, Mr. Johnson, Councilman Gallo, Mr. Kleiberg, Mr. Sullivan, Mr. Whitson, Ms. DeSousa, Mr. Savarese, Mr. Widdis

**MEMBERS ABSENT:** Mr. Ficher, 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 February 11, 2014 – Mr. Johnson asked for a correction on the vote call for Village Center on page 4, minutes with correction were approved on a motion from Mr. Whitson and a second from Mr. Johnson and approved by the eligible Board members.
2. Ms. Smith advised that the meeting minutes of February 25, 2014 were not complete and would be ready for the next regular meeting.
3. Minutes of the meeting of March 11, 2014 were approved as presented on a motion from Mr. Whitson and a second from Mr. Johnson and approved by the eligible Board members.
4. Zoning Ordinance - definition of “story” – Chairman Widdis advised that the Board had directed Ms. Smith to prepare a Memo to the Mayor and Council with the recommendation to amend the Zoning Ordinance to include the following definition of “story”:

   The definition of “Story” from the current ordinance:

   STORY- The vertical distance from top to top of two successive tiers of beams or finished floor surfaces, and for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is no ceiling, to the top of the roof rafters.

   Proposed definition to address at grade floors that are not habitable:

   STORY-The vertical distance from top to top of two successive tiers of beams or finished floor surfaces, and for the topmost story, from the top of the floor finish to the top of the ceiling joists, or where there is no ceiling, to the top of the roof rafters. "Story" is defined as habitable space and does not include a ground floor garage or storage area that is less than 7 feet 11 inches.

5. Discussion on Village Center – Site Plan Compliance – Mr. Kleiberg stated that the Developer was putting up siding when the plans called for “hardy board” and was concerned with the appearance after weather over the years. Discussion ensued. Chairman Widdis asked Ms. Smith to contact the Construction Official to verify if the correct materials were being used and if not the Developer would have to correct or return before the Board.

6. Mr. Johnson asked a question about the property on Main Street that has the 6 apartments and asked for it to be investigated if they had received authorization to pave the entire front yard for a parking lot. Discussion ensued. Afterwards Chairman Widdis asked Ms. Smith to speak with the Zoning Officer on the matter and get back to the Board with an answer.

**NEW BUSINESS:**

7. PB2014-04 Watkins, Beth
   31 Bradley Avenue
   Block 92, Lot 6
   Request for Bulk Variance for Rear Yard Setback

**A-1 Google Aerial Photograph of Area, 3 Sheets, taken by Applicant on May 13, 2014**

Beth Ann and William Watkins, Applicants and Owners, were sworn in. William White, Board Engineer/Planner was also sworn in.

Mrs. Watkins explained that they wanted to put up a 20x22' addition at the rear of the house that would need a 15.4' rear yard setback where 25' was required. The addition would consist of an office, a bathroom and living space due to their expanding family and Mr. Watkins working from home.

Chairman Widdis asked if house would be 1-story and was told yes.

Mr. Savarese asked Mr. White about his letter referring to the rear yard as 14'. Mr. White responded that the survey wasn't to scale and wanted to be conservative as he wasn't sure the house was exact to the rear property line.

Mr. Kahle suggested that they stipulate that it has to be 15' to be determined by a survey.

Chairman Widdis advised the Applicant that because the survey with sketch was "self-prepared" and that the Board was concerned about its accuracy and would require that an updated survey be provided at the time of building permit to be sure its accurate to which the Applicant agreed.

Mr. Savarese asked questions about why the addition was located where it was, what walls would be coming down, room location and outside access.

Mr. Johnson asked what led them to the dimensions 20'x22' as it would help him if the dimensions were reversed to increase the rear yard setback. Ms. Watkins answered that they had bought the house about a year ago with future plans to go "up" and therefore they had made improvements on the 1st floor that included rearranging the kitchen layout with windows and if they were to change the dimensions of the addition it would cover the kitchen windows and they couldn't do 21' feet as building materials didn't come standard with that dimension. There was additional discussion about the other houses in the neighborhood that have similar "bump outs". Ms. Watkins described an aerial photograph of the neighborhood that she took from Google Earth for the Board's information which was marked as **Exhibit A-1.**

Mr. DeNoia stated that there was one other item that needed to be addressed concerning the notice of the application. Mr. DeNoia advised that the notice was completed correctly as in the members of the public that should have been noticed, the mailings were correct, however, the notice itself depicted the correct address but the Block and Lot identifiers were reversed. Mr. DeNoia continued that the deviation was minor and was not deemed to be significant and that the Board had accepted jurisdiction.

Mr. Kleiberg asked what type of foundation and was told a crawl space; asked if the addition would be on a crawl and was told yes; asked if there was a high water problem over there and was told that there was a sump pump in the existing crawl and that they would be installing another sump pump in the crawl space of the addition.

Ms. DeSousa asked what the height of the addition would be and if there would be any storage space above. Ms. Watkins responded that it would match the existing house and would have storage space above. Ms. DeSousa asked about the sliders shown off the den. Ms. Watkins stated they were removing the sliders. Ms. DeSousa asked would there be any patio surface off the addition and was told not immediately but a deck might be planned down the road. Ms. DeSousa suggested that if they planned for a deck she would hate to see them have to come back for a variance. There was a lengthy discussion on whether a variance would be required.

Chairman Widdis stated that the Board could not grant a variance for something that had not been noticed for the neighbors which Mr. DeNoia confirmed.

**PUBLIC:**
Chairman Widdis opened the meeting to the public for any questions or comments and as no one from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Chairman Widdis asked if there would be any exterior lighting. Ms. Watkins answered that there was existing lighting that would be relocated and lighting on the side. Mr. DeNoia commented that standard condition was that lighting would not impact adjacent neighbors. Mr. DeNoia asked if the addition would be consistent with the homes in the neighborhood and was told yes; asked if they felt there would be any negative impact on the neighbors and was told no; asked if they believed it had any impacts on the zoning plan and was told yes.

Chairman Widdis asked Mr. White questions about the part of the Ordinance that allows work that doesn't expand beyond the existing non-conformity.

Mr. Johnson made a motion to approve the application with the stipulation that the rear yard setback be a minimum of 15' which was seconded by Mr. Kleiberg. Discussion on the motion included Mr. Savarese request that the approval stipulate that the addition be connected to the house. Mr. Johnson amended his motion to include which was seconded by Mr. Kleiberg as amended and received the following roll call:

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

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.

**EXECUTIVE SESSION:** Litigation – Sea Girt Ave., LLC.
At 8:05 p.m., the Secretary read a resolution authorizing the Board to enter Executive Session on a motion by Mr. Johnson, seconded by Mr. Whitson and approved by the Board.

At 8:13 p.m. the Board returned from Executive Session on a motion by Mr. Johnson and a second by Mr. Savarese and approved by the Board.

Chairman Widdis continued the discussion on the section of the Code that allows for certain construction without a variance where the non-conformity is not expanded. Afterwards the Board asked the Secretary to research the history on the Ordinance for the Board's further review.

Ms. Smith reminded the Board members that they would be receiving by email the log on information to complete their annual financial disclosure statement online through a new system that was established by the State.

Ms. Smith gave a summary of the upcoming applications and meeting dates.

Mr. Johnson reported on behalf of the Environmental Commission on an invitation to a Rutgers Professor to do a presentation on rain barrels which he had attended at another municipality and recommended that the Board would find it informative and if the Board was interested he could make arrangements to make a presentation to the Board.

**ADJOURNMENT:** As there was no further business, the meeting was adjourned at 8:20 p.m. on a motion by Mr. Savarese which was seconded by Councilman Gallo and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary