OCEANPORT PLANNING BOARD
MINUTES
April 14, 2015

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 29, 2015, and by the posting of same on the municipal bulletin board and Borough Web Site.”

Chairman Widdis led the flag salute.

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

MEMBERS ABSENT: Mayor Mahon, Mr. Savarese

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

BOARD BUSINESS:

1. Minutes of the meeting of March 24, 2015 were approved on a motion from Mr. Whitson and a second from Mr. Johnson and approved by the eligible Board members.

OLD BUSINESS: None

NEW BUSINESS:

2. PB2015-06 CATEL Inc.
   440 Port Au Peck Avenue
   Block 20, Lot 1
   Bulk variance for First Floor Elevation

Chairman Widdis advised that the application would not be heard this evening in order to provide time for the Board’s conflict engineer to review the application. Mr. DeNoia later advised that service had been reviewed and was in order and therefore jurisdiction had been accepted and the application would be carried to the May 12, 2015 meeting with no additional notice required.

3. PB2015-07 Marks, Cynthia
   413 Milton Avenue
   Block 81, Lot 1
   Bulk variance for Front yard setback

The following persons were sworn in: Cynthia Marks, Applicant and Owner, Todd Dangler Applicant’s son-in-law and William White, Board Engineer and Planner.

Mr. DeNoia stated for the record that notice had been reviewed, was in order and the Board had jurisdiction. Mr. DeNoia also provided guidance on the process and how the applicant should demonstrate the need for the relief.

Cynthia Marks, Owner and Applicant, explained that her house was damaged during Super Storm Sandy, that the house had been elevated and there are 11 stairs, the roof would cover the stairs in the winter and now there is no protection to get down the stairs. Mr. Dangler testified that in order to get into the house there needed to be 11-12 additional steps and they were trying to construct a roof over the front of the house in order to get the stairs within a tighter space to keep the stairs from going completely across the house which would be aesthetically unpleasing but in order to condense into a U shape and make stairs wide enough they need to exceed the allowable setback by 2'. Mr. Dangler added that he thought the proposed solution would be better for the character of the neighborhood. Also, it used to be 2 steps up and now it was 11-12 steps in total to get to ground elevation.

Chairman Widdis asked the Applicant to review the plan provided and its depiction of the proposed improvements.

Mr. Dangler referring to the plan described the allowable building area for the porch, the desire to have a roof over the porch and that the stairway built by the government contractor that lifted the house left her with a set of narrow wooden steps that when it snows the door can't be opened.

Chairman Widdis asked then the stairs shown on the plan would be taken out. Mr. Dangler answered yes, they would have a landing that would then turn back and down to where the original sidewalk was; would be using cultured stone finish around porch area, the rest of the foundation they had brought the siding down and would be further obscured by landscaping.

Mr. White advised the Board that the typical front yard setback was 30' but the ordinance permits an additional 6' into the front yard for porches thereby making the front yard setback for a 1-story porch permitted at 24'. The Applicant is seeking a 22' front yard setback.

Chairman Widdis asked at the time they went to raise the house and got a building permit did they give any indication.

Mr. Dangler explained that they hadn't been involved in the elevating of the house which had been handled completely through the RREM program and the government's contractor for the project. They were left with no front or rear porch to access the house and wouldn't replace what had been there. Discussion ensued on who the government contractor was and the RREM process. They were left with 3 entries with no access but a board. Mr. Dangler continued that they could have made the porch fit within the 6' for a porch but would have been left with maximum 36" steps which was not sufficient given the physical constraints and any handicap requirements.

Chairman Widdis asked for questions from the Board.

Mr. Johnson had no questions but felt it would improve the appearance.

Mr. Fichter commented that the logic on how they got to the 2' made sense.

Mr. Whitson asked about Mr. White's comment concerning grading and if it had been addressed. Mr. Dangler testified that there had been no grading done during the house elevation and that the piles of direct there presently were to top dress the lawn and build up a landscaping bed around the foundation of the house. Mr. White had no additional concerns.

PUBLIC:
Chairman Widdis opened the meeting to the public for questions or statements. As no one from the public wished to be heard Chairman Widdis closed that portion of the hearing.

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

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

Ms. Smith stated the motion carried.

RESOLUTIONS:

4. PB2015-05 – Denholtz, Steven. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Johnson made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

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

5. PB2015-06 – Ruane, Brian. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Fichter made a motion to approve the resolution which was seconded by Mr. Whitson and received the following roll call:

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

Chairman Widdis advised that the Agenda needed to go back to CATEL Inc application.

Mr. DeNoia stated that there were 2 additional items to the conflict engineer. First, in order to carry the matter to a date certain, the Board had to accept jurisdiction which required that notice had been served which it had and had been reviewed and was in order and therefore jurisdiction had been accepted. Secondly was the issue with regard to the Applicant being an entity that is an “LLC” and that entities must be represented by an attorney or there’s an issue of an individual practicing law without a license. Further because the notice was done properly pursuant to the Tax Assessor’s list felt it wasn’t fair to the Applicant to not carry given notice was in order and gives the conflict engineer the time to review. Chairman Widdis made a motion to accept jurisdiction and carry to the May 12, 2015 meeting with no additional notice required which was seconded by Mr. Whitson and approved by the Board.

Mr. DeNoia then gave the Board an update on concluded litigation for the appeal of Sea Girt Avenue LLC, summarized the complaint and its counts, and that the Court’s decision was in favor of the Oceanport Planning Board and plaintiff’s appeal was dismissed. Discussion ensued on whether another appeal could be made on an issue of reverse condemnation, the value of the land and if any further action was necessary which there was not at this time.

PETITIONS FROM THE PUBLIC: Chairman Widdis opened the meeting to Petitions from the Public. 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 8:14 p.m. on a motion by Mr. Whitson which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary