

**OCEANPORT PLANNING BOARD
MINUTES
March 28, 2017**

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 11, 2017 and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Sullivan, Councilwoman Cooper, Mr. Savarese, Mr. Kleiberg, Mr. Proto, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mr. Foster, Mr. Kahle, Mr. Fichter, Ms. Halpern

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

BOARD BUSINESS:

1. Minutes of the meeting of February 7, 2017 were approved as presented on a motion from Mr. Whitson and a second from Councilwoman Cooper and approved by the eligible Board members.
2. Minutes of the meeting of February 28, 2017 were approved as presented on a motion from Mr. Whitson and a second from Mr. Kleiberg and approved by the eligible Board members.

OLD BUSINESS:

3. PB2016-07 Silkworth, William **CARRIED from March 14, 2017**
8 Shore Road
Block 72, Lot 13
Request for Modification of Special Condition

Chairman Widdis stated that Mr. Silkworth is requesting a modification of a special condition which was previously approved on November 10, 2016.

The following persons were sworn: William Silkworth and William White, Board Engineer/Planner.

Mr. DeNoia invited Mr. Silkworth to advise the Board of what he hoped to accomplish and why the Board should consider his request. Mr. Silkworth advised the resolution had 2 special conditions: install a drainage pipe along the southern edge of the property line to avoid runoff to neighbor's property; and two, receive a CAFRA permit. CAFRA designated the majority of the area where the pipe was to be located as wetlands and wetlands buffer, which is a non-disturbance zone. Therefore, he is prohibited from installing the pipe. He is proposing to create a swale in that area to draw water toward his property and the creek in the rear, and toward the street in the front yard.

Chairman Widdis reviewed the history of the application, approvals and conditions of the approvals. He asked Mr. White for suggestions. Mr. White stated the Applicant found an alternative solution to satisfy the concerns of the adjacent neighbor. The Applicant can regrade the area because it's minor maintenance. Mr. White stated he is satisfied with the change. Mr. Kleiberg asked if it would satisfy CAFRA. Mr. White stated the Applicant does not require CAFRA approval for the swale.

Chairman Widdis asked the Board members if they had any questions for the Applicant, which they did not.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Whitson made a motion to approve the amendment. Mr. DeNoia asked Mr. Whitson to place his reasons for approving the application. Mr. Whitson stated it was because the Board Engineer testified the swale was a green solution and it will ensure that there will be no runoff to neighboring property. Chairman Widdis stated the Board took into consideration the CAFRA decision. Mr. DeNoia summarized the reasons: it is an appropriate solution; it reconciles the positions between the CAFRA permit, the non-disturbance; and protecting the neighbor from runoff. The motion was seconded by Mr. Proto. Ms. Smith called roll:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Savarese, Mr. Kleiberg, Mr. Proto, Mr. Widdis
NAYS: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Kahle, Mr. Fichter, Ms. Halpern

Ms. Smith stated motion carried. For clarification, Ms. Smith asked if Mr. DeNoia would prepare a resolution amending the condition. Mr. DeNoia stated he would.

RESOLUTIONS:

4. PB2016-12, 83 Bridgewaters Drive. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the history of the application and resolution. Chairman Widdis asked if there would be a mechanism to control the height in the resolution. Mr. DeNoia remarked that all resolutions now include a condition to include a sheathing inspection. Chairman Widdis called for a motion, which was made by Mr. Whitson, seconded by Mr. Kleiberg and received the following roll call:

AYES: Mr. Whitson, Mr. Savarese, Mr. Kleiberg
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Kahle, Mr. Fichter, Ms. Halpern
INELIGIBLE: Mr. Sullivan, Councilwoman Cooper, Mr. Proto, Mr. Widdis

Ms. Smith stated the motion carried.

5. PB2017-01, 44 Algonquin Ave. As the resolution was made available to the Board previously, Mr. DeNoia summarized the history of the application and resolution. Chairman Widdis called for a motion, which was made by Mr. Kleiberg, seconded by Councilwoman Cooper and received the following roll call:

AYES: Mr. Whitson, Mr. Sullivan, Councilwoman Cooper, Mr. Savarese, Mr. Kleiberg
NAYES: None
ABSTAIN: None
ABSENT: Mr. Foster, Mr. Kahle, Mr. Fichter, Ms. Halpern
INELIGIBLE: Mr. Proto, Mr. Widdis

NEW BUSINESS:

6. PB2016-13 Market on Main
275 E. Main Street
Block 88, Lot 35
Discussion for Completeness Review and Determination for Design Waivers,
Requests and Exceptions

CARRIED from March 14, 2017

Mr. DeNoia explained that there are three types of deviations from development regulations: waivers, exceptions and variances. The applicant requested deviations from the normal completeness checklist. The Board Engineer reviews the request and reports to the Board if the deviations are permissible. Mr. White stated the Applicant proposes to remove the partial second story of the building and replacing it with a full second story and 2 stair towers at each end. The plan proposes 20 apartment units. He stated the crab apple trees are going to be removed, which are not desirable anyway. He stated the Applicant did not provide appropriate lighting, which is supposed to match the New Village Center. Chairman Widdis asked if the Applicant was going to provide new plans. Ms. Smith advised the attorney contacted her and told her that based on the comments from the Planner that the plans would be revised.

Mr. White went through the list of deficiencies. Existing/proposed sewer and storm drainage facilities: this building was built in the 1970's and the ordinances were much different than today's. The capacity is minimal. There was discussion regarding increased sewer due to additional bathrooms. Mr. Proto stated he wanted to see existing/proposed sewer and storm facilities considering the added capacity. Mr. Whitson stated the Board should not abrogate its responsibilities and let someone else approve it or reject it at a later time. He stated if the Applicant is adding 20 apartments, that is an increase on the drainage/sewage system, and the Board needs that information up front. Councilwoman Cooper concurred and expressed concern about drainage and sewage and agreed the information should be provided up front. Mr. Kleiberg wanted something from a mechanical engineer with regard to the sanitary sewerage. Mr. Savarese stated he wants the downtown developed, but also wants to make sure the sewer and drainage system can handle the increase. There was further discussion regarding preparing a resolution to require the Applicant to provide proposed sewer/drainage. Board members agreed not waive the requirement.

Mr. White next discussed sources of water supply. He explained that it is the incoming water supply. The Applicant should provide information regarding which streets will be opened, where they will tap into the water supply. Board members agreed not to waive the requirement.

Location, specification of all exterior lighting facilities. Mr. White stated part of the Village Center theme is to be well-lit to encourage pedestrian traffic. Mr. White stated the plans only show existing and the Applicant is not proposing any new lighting. Councilwoman Cooper noted that just recently, a pedestrian was hit by a car, which underscores the need for better lighting. Board members agreed not to waive the requirement.

Location and arrangement of all signs. Mr. Kleiberg stated that based on the experience with Jockey Club Estates and the New Village Center signs, the Board should not be negligent now. Mr. DeNoia asked for clarification, believing that signage would be covered by zoning ordinances. Mr. White stated the Applicant was trying to keep the old sign in front, which was supposed to be moved but hasn't been moved. There was discussion between Mr. DeNoia and Mr. White regarding whether the signs were non-conforming. Mr. White stated if the Board doesn't grant a variance, the Applicant must conform.

Development schedule. Mr. White explained that it is a schedule of how the development will occur. Will the first floor remain occupied while the second story is built? Chairman Widdis stated that residents and current tenants should know the development schedule. Councilwoman Cooper asked if the development schedule prevents the Applicant from starting construction and then walking away from it, dragging it out.

Mr. White said a schedule won't keep anyone from walking away. Ms. Smith advised that site plan approval is only valid for one year. Board members agreed not to waive the requirement. Mr. DeNoia asked for reasons for the decision. Councilwoman Cooper stated there are very few businesses in the Village Center, and if they need to close for a period, they need to know in order to make other plans. Mr. Kleiberg noted it's a matter of public safety, and that the Police Dept. should know when the buildings are going to be vacant. Chairman Widdis stated the public needs to know.

Submission of an environmental impact statement (EIS), which is required for all commercial and industrial developments. Mr. White stated the site is totally developed. There's no wetlands or buffers and nothing to worry about. He thought the waiver could be granted. Mr. Proto agreed to the Engineer's recommendation. Mr. Whitson stated the EIS is important and should not be waived. Mr. Sullivan agreed with Mr. White's recommendation. Councilwoman Cooper stated the EIS is important and would like to have it. Mr. White and Mr. DeNoia discussed whether a modified EIS would be acceptable and what would be sufficient. Mr. Kleiberg agreed with Mr. Whitson's opinion that the EIS should not be waived. Mr. Savarese said a modified EIS would suffice. Chairman Widdis asked what would be sufficient for a modified EIS. Mr. White suggested letting the Applicant submit plans and see if it is sufficient. Mr. DeNoia suggested denying the waiver and making a determination after submission. Board members agreed not to waive the requirement.

Chairman Widdis asked if the Applicant would provide information on traffic. Mr. White stated he requested testimony to be provided.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions for this witness only for which there were none.

ADJOURNMENT:

As there was no further business, the meeting was adjourned at 8:18 p.m. on a motion by Mr. Proto, which was seconded by Councilwoman Cooper and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary