

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

Vice Chairman Whitson 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."

Vice Chairman Whitson led the flag salute.

OATH OF OFFICE: Ms. Smith administered the oath of office to new Board member Daphne Halpern.

MEMBERS PRESENT: Mr. Sullivan, Mr. Foster, Councilwoman Cooper, Mr. Savarese, Mr. Kleiberg, Mr. Kahle, Mr. Fichter, Ms. Halpern, Mr. Whitson

MEMBERS ABSENT: Mr. Proto, Mr. Widdis

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

BOARD BUSINESS:

1. Minutes of the meeting of January 24, 2017 were approved as presented on a motion from Mr. Foster and a second from Mr. Kleiberg and approved by the eligible Board members.

NEW BUSINESS:

2. PB2017-01 Lesser, David
44 Algonquin Ave
Block 130, Lot 10
Request for Bulk Variance

Mr. DeNoia stated for the record that service had been reviewed, was in order and the Board accepted jurisdiction. Mr. Lesser was sworn and testified that he owned the property with his wife, Jenna Lesser. Mr. White, Board Engineer/Planner, was sworn.

Mr. Lesser testified that the property's stamped, concrete driveway was deteriorating, and he had decided to replace it. He indicated that they were planning to widen the driveway to allow for entrance/exit from the garage, adding parking spaces and room to play basketball. Mr. White indicated that the Gravatt Consulting Group plan shows the existing survey and the requested variance. The existing impervious coverage is 38% where 37% is permitted in the zone. The Applicant is proposing 41% coverage. Mr. Lesser explained their wish to park in the driveway and maneuver in and out of the garage. It will keep cars off the street. He would also like to install a half-court basketball. He stated that the previous concrete driveway drained to the street, which does not drain especially well. He didn't think that the change would be a detriment to the drainage. He stated the benefits of the project significantly outweigh the detriment of runoff into the street.

Mr. White asked if Gravatt had calculated the impervious coverage. Mr. Lesser confirmed that it was. Mr. Savarese stated the plans looked like more than 41% impervious coverage. Mr. Foster asked if the driveway and parking area were being bumped out closer to Lot 2. Mr. Lesser confirmed that he was. Mr. Foster asked the distance from Lot 2's property line. Mr. Lesser stated it was 6' from his shed to the property line of Lot 2 and the expansion does not approach Lot 2 more than his shed. Mr. White stated that 5' is required, which means he meets the minimum requirement. Mr. Kleiberg asked if the

condensing units and generator were already there and if the shed was going to stay. Mr. Lesser stated they would.

PUBLIC:

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

Mr. Foster made a motion to approve the application with the caveat that the driveway be no closer than 5' to the side yard and that the final numbers are given to the Board as an as built, which was seconded by Mr. Kahle. Ms. Smith called roll:

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

Ms. Smith stated motion carried.

OLD BUSINESS:

3. PB2016-12 Mahler, Doug & Holly **CARRIED from February 7, 2017**
83 Bridgewaters Drive
Block 96, Lot 1
Request for Bulk Variances

This application has a D use type variance and the Board must act as a Zoning Board. As such, Mr. Sullivan and Councilwoman Cooper exited the meeting at 7:45 p.m.

- A-5 AIA Floor Plans, prepared by Parallel Architectural Group, dated 9/16/16, 5 pages**
A-6 Height elevations, prepared by Parallel Architectural Group, dated 2/24/20, 1 page
A-7 Architectural Plan of Front Elevation, 1 Sheet, prepared by Parallel Architectural Group, dated 9/16/16.
A-8 Architectural Plan of Rear Elevation, 1 Sheet, prepared by Parallel Architectural Group, dated 9/16/16.

John R. Tatulli, Attorney for the Applicant, appeared before the Board on behalf of the Mahlers. Vice Chairman Whitson asked if there had been any changes. Mr. Tatulli stated there were none. He provided an overview of the last hearing, where the site plan engineer testified about the variance required for the retaining wall and front and rear yard setback. He introduced Antonio Scalise of Parallel Architecture.

Ms. Smith noted for the record that Mr. Savarese, Mr. Fichter and Ms. Halpern had listened to the previous hearing and submitted certifications and are able to participate in the hearing this evening.

Mr. Scalise was sworn in, presented his qualifications and was accepted as an expert in the field of architecture.

Mr. Scalise explained that his clients tried to salvage the existing building, but based on design constraints, were unable to do so. The house is in a flood zone and the Applicant is asking for a height variance. The BFE is 10' and the DFE is 12.4'. He explained that the finished elevation will be 13'. He introduced **Exhibit A-6** to show what the height means. He stated the basement is approximately 5'8" and the finished floor based on flood is 13'. The 13' elevation created an A frame which is about 8" over the 35' requirement. The cupola will bring natural light into the second floor area. Based on the flood

documents, the height is 43.20. The Applicant is proposing 43.21. The Applicant requested 10' ceilings on the first level and 9' ceilings on the second floor. The cupola is not living space, but there is a U shaped walking area. Mr. Scalise described the open space plan on the first floor, the first and second floor decks, and outdoor shower. He described the second floor rooms and balconies. The attic has some limited storage. Mr. Kleiberg stated the Illustrated Book of Development Definitions defines the structure as a dormer, not a cupola. He also read the Means definition. He disliked that the ridge is higher than the house. Mr. Scalise stated there are many historical homes that have this type of dormer. He introduced **Exhibit A-8**, which illustrates the rear elevation. He explained that the shape of the dormer is a design aspect.

Mr. Foster noticed a step from the attic to the cupola. He asked how the attic was going to be finished, with paneling or a finished structure. Mr. Scalise stated it could be either sheetrock or paneling. He explained the details of the cupola windows. Mr. Foster asked about the ceiling height of the attic. Mr. Scalise stated it would be pretty low. He stressed the aesthetic value of the dormer. Mr. Savarese asked if the break line was about 7' above the door of the cupola. Mr. Scalise agreed. Mr. Savarese asked if he was going up 13' instead of 12' 4". Mr. Scalise agreed. Mr. Savarese suggested revisions to reduce the height. Mr. Scalise stated changes could be done, but he'd like to discuss it with his clients. Mr. White asked the elevation of the crawl space. Mr. Scalise stated it's meant to be at grade going out the back. Mr. Scalise stated crown of the road is 7.3 and crawl space is at 6.33. Mr. White stated the plans show 8. Mr. Scalise again stated it was meant to be grade for the flood vents. Mr. White wanted to locate the flood vents.

Bruce Jacobs, Engineer/Planner for the Applicant from Gravatt Consulting Group, was sworn at the previous meeting and remained under oath. He explained that the crawl space was set at 8, which means the flood vents would be at or about 9. Mr. White asked what the lowest adjacent grade was. Mr. Jacobs explained that at the back of the building it is 8. Mr. White and Mr. Jacobs discussed the elevation at the rear of the property. Mr. White asked where the stairs were from the finished floor of 13 down to 8. Mr. Jacobs stated those were upper level stairs. There was further discussion regarding access to the 2nd story deck. Vice Chairman Whitson asked for the height of the main ridge line. Mr. Scalise responded that it was 36. Vice Chairman Whitson asked for the height of the dormer. Mr. Scalise stated it was 40. Mr. Kleiberg requested additional information on the height of the slab and crawl space. Mr. Jacobs stated elevation. Mr. Kleiberg asked what the finished grade was outside. Mr. Jacobs stated 10.5, 10.7 in the front and 8 in the back. Mr. Kleiberg ask about the height of the flood vents. Mr. Scalise stated 12 inches. Mr. Kleiberg stated that there will be a constant foot of water in the crawl space. Mr. White stated that is FEMA regulations.

Mr. DeNoia paused and asked that the exhibits introduced thus far be identified and described for the record. Mr. Scalise described and marked **Exhibits A-5, A-6, A-7 and A-8**.

Mr. Kahle also asked for clarification on the elevation of the slab and location of the flood vents and if the water will be pitched front to back so that water runs out the back. Mr. Scalise stated it would. Mr. Foster asked how the water would flow to the back if it's even grade at the front and below grade in the back. Mr. Scalise stated there may be an error with the crawl space elevation. The intention is for the crawl space to be at grade and meet all FEMA regulations.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As no one from the public had any questions, Vice Chairman Whitson closed that portion of the meeting.

Mr. Tatulli requested a brief recess to confer with his clients. At 8:20 p.m., the Board adjourned for a five-minute recess. At 8:27, the Board returned to regular session with all previous members present.

Mr. Tatulli stated that Mr. Scalise would clarify the grading issue. Mr. Scalise stated that the crawl space elevation and back elevation are at 8'. It would just be a slight incline to promote positive pitch

away. Mr. Tatulli advised that after speaking with his clients and in consideration of the Board's concerns, the cupola height will be reduced. Mr. Scalise asked if they removed 1 foot from the height between the first and second floor if it could be deemed a conditional approval, which would result in a 35' height for the main ridge. The dormer/cupola could also be reduced to 3' above the 35' mark. Mr. White stated that the change would result in a change from 39.6 ft to 37.6, which would change the request from a D variance to a C variance. Mr. DeNoia stated that rather than providing a conditional approval, the Architect should modify the application to show the Board exactly what would be built so a motion could be made consistent with the changes. Mr. Scalise asked Mr. White for clarification on his height calculation. There was discussion between Mr. White and Mr. Scalise regarding the height measurement. Mr. DeNoia requested a specific number for him to include in a resolution. Mr. Scalise stated the main ridge will be 35' and the cupola will be 3', so the total will be 38' taken from the crown of the road at the center of the lot. Mr. Kleiberg asked if the Applicant would provide resolution compliant plans. Mr. Tatulli stated yes.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions for this witness only for which there were none. Vice Chairman Whitson opened the meeting for any comments from the public. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Mr. DeNoia recapped the application, stating that the variance has changed from a D variance to a C variance. The retaining wall variance request remains. His final request was for exact information on the rear yard setback. Mr. Jacobs, Engineer for the Applicant, remaining sworn in from the last hearing, stated the average setback is 76.2 ft. and the Applicant is proposing 62.2 ft.

Vice Chairman Whitson summarized the 3 variances being requested – height, retaining wall and average rear yard setback and asked for a motion on the application, which was made by Mr. Fichter with the revisions as noted, which was seconded by Mr. Foster. Ms. Smith called roll:

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

RESOLUTIONS:

Board members questioned who was eligible to vote on the resolutions. Ms. Smith stated that Mr. Savarese, Mr. Fichter would not be eligible to vote on any of the resolutions, and Ms. Halpern would not be eligible to vote on PR-17-08.

4. PR-17-06 Caruso, Carmine (219 Comanche Drive). As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Kahle made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

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

Ms. Smith stated the motion carried.

5. PR-17-07 Sopenoff, Adam & Jasmine (1217 Turf Drive). As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Foster made a

motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

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

Ms. Smith stated the motion carried.

6. PR-17-08 Kelly, Noel (245 Monmouth Blvd). As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Kleiberg made a motion to approve the resolution which was seconded by Mr. Kahle and received the following roll call:

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

Ms. Smith stated the motion carried.

PETITIONS FROM THE PUBLIC:

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

ADJOURNMENT:

As there was no further business, the meeting was adjourned at 8:48 p.m. on a motion by Mr. Foster, which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary