OCEANPORT PLANNING BOARD
MINUTES
February 24, 2015

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 29, 2015, 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:
The following individual was sworn in:
Jason Fichter Alternate I

MEMBERS PRESENT: Mayor Mahon, Mr. Johnson, Councilman Gallo, Mr. Kahle, Mr. Sullivan, Mr. Fichter, Mr. Whitson

MEMBERS ABSENT: Mr. Kleiberg, Mr. Savarese, Mr. Widdis

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

BOARD BUSINESS:
1. Approval of Minutes of January 13, 2015 – Mr. Johnson asked for a correction on page 5 where his question should ask for conforming lot (instead of non-conforming). Mr. Johnson made a motion to approve the minutes as corrected which was seconded by Mayor Mahon and approved by the eligible Board members.

William White, Board Engineer and Planner, was sworn in.

OLD BUSINESS: None

NEW BUSINESS:
2. PB2015-03 Parker, Charlies
397 Port Au Peck Avenue
Block 11, Lot 26

A-1 Copy of Deed to Property and Filed Subdivision Map

Charles Parker, applicant and property owner, was sworn in. Mr. Parker described for the Board his desire to install an in-ground pool on the property and the relief being sought including side yard setback, front yard setback and lot coverage. Mr. Parker testified that according to the Zoning Officer if he could demonstrate that his lot was created prior to the ordinance the front yard setback could be reduced from 30’ to 15’. Mr. Parker pointed out the part of the code concerning front yard setback being 30’ but if lot was created prior to 1969 a front yard setback of 15’ was allowed. Mr. Parker presented for the record a copy of his deed and the Filed Map that created his lot prior to 1969 which were marked as **Exhibit A-1.**

Mr. Johnson asked but isn’t this a pre-existing condition.

Mr. White answered no, because the proposed pool encroaches into the front yard setback being that the property is on a corner it then has 2 front yards and that the Applicant's exhibits

Mr. Parker then addressed the relief needed for lot coverage which was limited to 37% with 39% being proposed. Mr. Parker testified that 37% was for a conforming lot (12,000 s.f.) in his zone, however, he has a pre-existing non-conforming lot (10,000 s.f.) and represented that his size lot was the same size as conforming lot size in the R-4 zone which allowed 40% lot coverage and reasoned that his proposed 39% would be in compliance for that lot size in the R-4 zone.

Vice Chairman Whitson asked for questions from the Board.

Mr. Johnson expressed his concern was with drainage issues known on that corner and would the project impact the drainage and asked the Board Engineer to help him understand.

Mr. White stated there are concerns for the drainage there, the lot being relatively flat and the patio, the pool was shown to pop up a bit and that he had spoken with Mr. Parker that he was concerned because it was so close to house and believes it may have to be re-graded so the water drains away from the house. Mr. Johnson added that they were more concerned for the Applicant as the neighbors were high enough not to be impacted but remembers the Applicant's past issues with water that had backed up into the house.

Mr. Parker stated he believed what he was proposing wouldn't change it a lot and he believes that the pool would actually reduce some of that by having the pool in its way and showed a photograph of the storm sewer inlet which all his gutters were directed towards.

Mr. Fichter asked where does it drain. Mr. White answered that the inlet at the corner was the top end and works its way down Port Au Peck Avenue. Mr. Johnson added that it originally was coming down Sagamore. Mayor Mahon said yes, it was coming down Sagamore and right up the driveway. Mr. Parker said it was bad but between the new sewer put in and his new driveway done, even the last snow storm that turned to rain was usually a perfect storm for him had no problems now and that he didn't believe the pool would affect it further.

Mr. Johnson asked if the neighbors behind had any issues. Mr. Parker said he had spoken to them about it and they were totally fine with it.

Councilman Gallo asked what the depth of the pool would be and was told the deepest was 5'9". Councilman Gallo asked if they were moving the fence and was told yes, one section of the fence to meet the required.

Mr. White pointed out the 2nd variance that required 10' setbacks from any property line as well as any dwelling and in this case they were about 6.5' from the side yard property line.

Mr. DeNoia asked how many variances were there and Mr. White answered 3. Mr. Parker asked if the one was a variance – for the front yard. Mr. White corrected himself and said the total is 2 not 3 and he had met the front yard setback.

Mr. White asked for a couple of extra spot grades in the area of the patio to make sure the Applicant's home wasn't impacted.

Mayor Mahon asked if a dry well could be put in to capture and run off to the yard.

Mr. White commented that because it was a split level house was lower and half underground and would not prefer recharge next to it.

Mr. Fichter agreed and said if anything to direct it back to the inlet which Mr. White affirmed and could be addressed with a yard drain and could deal with it at the plot plan stage of the project. Mayor Mahon added that it would be good to have some kind of trench drain from the bottom of the steps to the pool to the patio – something to capture it there and keep it from heading towards the door.

Mr. DeNoia opined that the purpose of this was that one of the problems with impervious coverage and the reason why zones have it is because when you eliminate where the water can go into the ground the water has to go somewhere and asked Mr. White to articulate how he would like that requirement stated. Mr. White stated that he would want an extension of the existing on-site drainage system to provide a structure near the southeast corner of the patio and create a sump or trench drain there.

Mr. Fichter added that he thought it was worth the proposed spot shot on the patio right at that step which was the same as the door sill elevation and asked Mr. White if he thought that was worth lowering. Mr. White answered yes, or again put in a sump or trench drain there. There was discussion on how to depict that in the resolution.

Vice Chairman Whitson asked about lighting that might impact the neighbors and was told the only additional lights would be LED lights in the pool.

Vice Chairman Whitson opened the meeting to the public for questions or statements.

PUBLIC:

Mr. Johnson asked to add one more comment and said he appreciated that the Applicant proposed the pool closer to his house as opposed to the neighbor's property line and that pool equipment that was quieter would be acting as a good neighbor.

As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Mayor Mahon made a motion to approve the application subject to the conditions discussed which was seconded by Mr. Johnson and received the following roll call:

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

Ms. Smith stated the motion carried.

RESOLUTIONS:

1. **PB2015-01 – Gervolino.** 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 Councilman Gallo and received the

following roll call:

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

2. **PB2015-02 – Veal.** As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mayor Mahon made a motion to approve the resolution which was seconded by Mr. Johnson and received the following roll call:

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

PETITIONS FROM THE PUBLIC: Vice Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public was present Vice Chairman Whitson closed that portion of the meeting.

Mayor Mahon asked the Chairman for the floor and was acknowledged.

Mayor Mahon stated that the Board had previously approved a resolution of approval for Fort Monmouth's Officers Housing Reuse Plan South presented by RPM Developers which approval was conditioned upon signed MOUs which to date had not been signed and may no longer be viable in their current form. Mayor Mahon continued that the Board should be aware of this as they may wish to reconsider their prior action at a future meeting.

Vice Chairman Whitson thanked the Mayor and asked if anyone else had comments on that.

Mr. Johnson stated that as it was known the original application was denied, certain members changed their vote after hearing about the MOUs signed and now that they are not signed he would request that the matter be added to the next available Agenda to which there were no objections.

Mr. Johnson asked to add one more item to which there were no objections and stated that a certain councilwoman had approached him about the development on E. Main Street – Oceanport Village Center which has 3 flag poles all the same height and asked if it was proper protocol that one flag pole be higher. Vice chairman Whitson stated yes, the American flag should be higher. Mr. Johnson asked if someone could reach out to them and notify them of that fact to which Ms. Smith responded yes.

Councilman Gallo advised the Board that the Council had introduced an ordinance to prohibit flag lots. Vice Chairman Whitson said thank you, he has wanted that for a long time. Mr. Johnson asked wasn't there an ordinance for that. Vice Chairman Whitson answered that it had been discussed and recommended to the Governing Body. Mayor Mahon added that it went back to February 2013 when it should have been part of a package of other items that were approved but was lost in the shuffle.

At 8:01 pm Mr. Johnson made a motion to go into Executive Session for the purposes of ongoing litigation related to Sea Girt Ave. LLC which was seconded by Councilman Gallo and approved by the Board.

At 8:13 pm the Board returned to the regular meeting on a motion by Mr. Johnson and a second by Mr. Kahle and approved by the Board.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:14 p.m. on a motion by Mr. Johnson which was seconded by Councilman Gallo and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary