OCEANPORT PLANNING BOARD
MINUTES
February 7, 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.

MEMBERS PRESENT: Mr. Sullivan, Mr. Foster, Councilwoman Cooper, Mr. Kleiberg, Mr. Kahle, Mr. Proto, Mr. Whitson

MEMBERS ABSENT: Mr. Savarese, Mr. Fichter, 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 10, 2017 were approved as presented on a motion from Mr. Kleiberg and a second from Mr. Foster and approved by the eligible Board members.

OLD BUSINESS:

1. PB2016-11 Kelly, Noel **CARRIED from January 10, 2017**
   245 Monmouth Boulevard
   Block 76, Lots 1 & 2
   Request for Minor Subdivision with variances

A-7 Plot Plan prepared by E. M. Waterbury & Associates, PA, dated August 29, 2016, last revised January 26, 2017
A-8 Soil Erosion/Sediment Control Grading, Utility and NJDEP/FHA applicability plan prepared by E.M. Waterbury & Associates, PA, dated August 29, 2016, last revised January 26, 2017
O-1 Photograph view from Adriane Ave. toward Driveway of Property by Mr. Kearney, dated January 25, 2017
O-2 Photograph after Nor'easter, by Mr. Kearney, dated January 24, 2017
O-3 Photograph after Nor'easter, by Mr. Kearney, dated January 24, 2017

Michael Laffey, Attorney for the Applicant, advised that since the last appearance before the Board, changes to the project had been made, which reduces the number of variances required.

Elizabeth Waterbury, Professional Engineer for the Applicant, remaining qualified as an expert and under oath from the last hearing, submitted for the record Exhibits **A-7** and **A-8**, and described the revisions made to plans in response to the Board's requests at the last meeting. She reviewed the information provided to the Board at its January 10th, 2017 meeting. Mr. White had requested that Ms. Waterbury find the average setbacks. She reported that the average setback from the Adrian Ave. curb line was 33' 8". The proposed setback is 40' 12". Setback from Driveway was 28' 3 ½". The proposed setback is 28' 6 ½ ". Front yard setback remains at 30'. Rear setback is at 25' from the property line, with 28' 6 ½" from the road. Open landing and stairs are at the permitted 6', which eliminated a previously requested variance. Lot coverage was reduced from 40 to 39%. Building coverage was reduced to 25% as permitted. Remaining variances are related to the lot dimension, which is non-conforming. As requested, the plan was revised to reflect all coverages. The location of HVAC was

added to the plan and to the coverage. In an effort to marry the grading to the adjacent Lot 3, Ms. Waterbury added a wall that would put a peak on the property line and allow the water to run down both sides. She added Grating Note 1 to Sheet 3 which says prior to construction, contractors will confirm grades along the common property line of Lot 3 and provide information to coordinate with the engineer. Mr. White stated that the number of variances needed has been reduced from 5 to 3, minimum lot area, minimum lot width and retaining wall setback. Mr. White also discussed the drainage plans for Lot 3 to minimize runoff onto Lots 1 & 2.

Vice Chairman Whitson asked for questions from the Board members.

Mr. Foster asked about the grading and runoff on Lot 1. Ms. Waterbury replied that the plan shows proposed grading in order to marry the grading for Lots 1, 2 & 3 so as not to create a ponding issue. Vice Chairman Whitson sought confirmation that the testimony relative to the common ownership stands true. Ms. Waterbury confirmed that testimony has not changed.

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for questions for this witness only.

Dan Kearney, 448 Milton Ave., asked if a decision has been made whether the location was one or two lots. He submitted photographs of the property for the Board's review, which were taken after the last rainstorm. Mr. DeNoia explained the procedure for submitting the photos into evidence and how Mr. Kearney could present them to the witness for questioning. Mr. Kearney was sworn by Mr. DeNoia. He introduced and described Exhibits **O-1, O-2,** and **O-3**. He asked how the proposed drainage system between Lots 2 and 3 would alleviate the problem on Lot 1, which occurs approximately 6 times a year. Ms. Waterbury stated that their proposal would not change that problem. She testified that she surveyed the area on January 25th and polled the property owners as to where the water went after the storm. She explained the flooding occurred due to tidal flooding and their impact to that is minimal, if any. She further explained that the DEP is very specific as to how much fill can be applied when flooding is due to rainwater. This plan does not impact tidal flooding. The area that filled with water is where the house is proposed. It is an area that is permitted to be filled. He asked how this project was going to fix the flooding problem. Ms. Waterbury stated the Applicant is not required to correct an existing condition. The Borough addresses the issues through zoning. There was discussion regarding Ms. Waterbury's polling of the neighbors.

Amy Stark, 253 Monmouth Blvd, asked questions concerning the water. She said a certain amount of water gets absorbed into the ground. She stated that because of building coverage on small lots, there's less space for the water to go. Ms. Waterbury replied that it was the same percentage either way, 25% of two lots is equal to 25% of the whole lot. She explained that the DEP has encouraged separation between buildings to allow for more absorption.

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

Vice Chairman Whitson asked if the Board had any questions for this witness. Mr. Kahle asked how much fill will be brought in. Ms. Waterbury stated there probably won't be any fill because there will be dirt taken out for the footings which would be used. Mr. Kahle asked what the plans were for leaders and gutters and if this property is raised, wouldn't the property to the south be flooded. Ms. Waterbury stated that under Grading Note 2, all roof leaders are to be directed toward the streets and not directed or drained onto neighboring properties. The plan includes a high ridge grading from 6 ft. to 5.5 with water shedding off toward the roads.

Mr. Kleiberg asked if the owner would testify as to his plans for Lot 2. Vice Chairman Whitson stated he would leave the order of witnesses to Mr. Laffey.

Alison Coffin, Professional Planner for the Applicant, was sworn in and having been before the Board on several occasions was accepted as an expert in professional planning. Ms. Coffin testified regarding the Applicant's proposal to construct a home on an undersized lot. The Applicant owns two adjacent, non-conforming lots. Lot 1 is 10,062 sq. ft., which has four frontages on Monmouth Blvd., Milton Ave., Adrian Ave. and Driveway. Lot 1 has a single family home. Lot 2 is an undersized 5,000 sq. ft. thru lot with non-conforming frontages on Adrian and Driveway. If merged, the properties would not create a fully conforming lot. The front of the home, proposed and existing are oriented differently. Lot 2 requires a variance for area and frontage because it is undersized for both. The Applicant is also requesting relief for the proposed retaining wall. She opined the variances should be approved under the C-1 standard and the benefits outweigh the detriments.

Vice Chairman Whitson asked Mr. White if he had any response to Ms. Coffin's planning opinion. Mr. White stated that it hasn't been determined if Lot 2 is an existing lot. He stated it isn't a pre-existing condition because it is one lot by the doctrine of merger. Vice Chairman Whitson asked if Mr. White had any response regarding positive and negatives of the application. Mr. White stated there is only one 5,000 sq. ft. lot on the block and discussed dimensions of other lots in the block.

Mr. Proto asked for clarification regarding whether the Board was considering one lot or two lots. Vice Chairman Whitson stated that will be the Board's decision at a later stage. Mr. Foster also asked for clarification as to the status of the doctrine of merger and tax roll issues. Mr. Laffey stated the property shows as two lots and receives two separate tax bills. It is Mr. Laffey's position that the lots have not merged. Mr. Kahle asked if the Applicant was trying to take one non-conforming lot and turn it into two non-conforming lots. Mr. Laffey stated he believes the two non-conforming lots already exist. Mr. Kahle asked how the deed reflected the property. Mr. Laffey recalled testimony where the property had common ownership, but that is not the only factor to determine whether or not the lots had merged. Vice Chairman Whitson stated that it was his recollection that the property has changed ownership 4 times since 1982 as one lot. Councilwoman Cooper requested confirmation that ownership has been transferred as one lot. Vice Chairman Whitson asked Ms. Coffin, as a matter of planning, was it better to have two non-conforming lots or one. Ms. Coffin stated it depends on how it fits in with the surrounding area.

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Noel Kelly, Applicant and Owner, 1029 Gary Terr, Secaucus, was sworn in and testified that he purchased the property in January 2015 when it was presented to him as two lots. He investigated the tax records, which confirmed there were two lots. He requested a survey, which showed the property as one lot, 100 x 100 and then 2 smaller lots of 25 x 100. He testified the first time he became aware that the Borough considered the lots merged was when he applied for a building permit. He stated the shed located on Lot 2 is 8' x 12' and is not a permanent structure. His plan is to sell one of the lots. He stated he would need to make some repairs to Lot 1, but not expand the structure.

Vice Chairman Whitson invited questions from the Board members. Councilwoman Cooper asked if Mr. Kelly was living in the home. Mr. Kelly stated he uses it as a summer home and rents it in the winter if possible. Mr. Kleiberg asked if there was electric or water or other utilities in the shed. Mr. Kelly stated there were not. Vice Chairman Whitson asked if the attorney representing him for the purchase of the property had advised him of the doctrine of merger. Mr. Kelly stated he did not.

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for questions for this witness only.

Dan Kearney, 448 Milton Ave, asked how the taxes on the lots have been historically, as one lot or two. Mr. Kelly responded that he receives 2 bills. Mr. Kearney asked how the property was considered since

1982. Mr. Kelly stated when he actually had to have it changed to two lots, and it was considered 245 Monmouth Blvd., as one lot.

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

Mr. Foster asked the bill merged back. Mr. Kelly clarified that for a time they were only sending one bill for the one lot.

Mr. Laffey advised that he had no additional witnesses and then proceeded with final arguments stating that if the Board determined the lots merged, the Applicant will not get approval to build. If the Board determines that lots have not merged, he believes the Applicant is entitled to the variances required to build on the lot. He discussed several court cases that supported the Applicant's position. He argued that because the lots front on different streets, even though they are non-conforming lots and have common ownership, they don't fit Loechner and they have not merged as a matter of law.

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for comments on the application.

Dan Kearney, 448 Milton Ave, stated that regardless of the merger issue, that in a very water stressed area are two undersized lots. It's not the right spot for it.

Debra Kearney, 448 Milton Ave., was sworn. She recalled the last meeting where the attorney discussed court cases and the years they were decided. He didn't refer to the years this evening. She noted that one case he referred to was actually decided prior to the creation of the zoning in Oceanport. She doesn't think putting twice the size house on a property is a great idea. She knows that prior to Sandy, there was a post rail fence on the property. She noted the property was purchased for $385,000 in 2015, which she didn't consider a lot for the neighborhood. She didn't know why the owners thought they could have two lots.

Amy Stark, 253 Monmouth Blvd., was sworn and commented on the variance for lot area from 10,000 ft. to 5,000 ft. is huge. It's a major variance. She did not agree with subdividing lots and making them smaller. She also disagreed that it was in keeping with the area.

Christina Verti, was sworn. She stated she is the contract purchaser for 460 Adrian Ave, directly adjacent to applicant's lot. She stated the proposed building is 10' from her property line, which causes a lot of concern. She stated when her and her husband looked at the area, they thought it was a great area. When they were considering the purchase, she wondered what the plans were for the vacant lot. She never thought there would be someone else's house 10' away from her house. It changes the whole look of the street. She's very concerned about resale value because of the close proximity. She has concerns about drainage. She didn't see how there was much direction to go without affecting her property. She is concerned about that there's a whole other house and driveways, traffic, cars. Just not what they envisioned when they contracted to buy the house.

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

Vice Chairman Whitson asked the Board for their comments. Mr. Proto stated he was intimately familiar with the flooding issues in the area. He stated that Planning Board is responsible for planning the future of the town and couldn't see how approving a 5,000 sq. ft. lot accomplishes that goal. Vice Chairman Whitson express concern regarding the Loechner doctrine and finds it applicable due to common ownership and it has been sold 4 times since 1982 as one unit. Ms. Waterbury provided confirmation of

common ownership. The shed location indicates by use that it is being used as one lot. Currently, it is a somewhat non-conforming lots. If approved, there would be two very non-conforming lots.

Vice Chairman Whitson stated the first issue to be resolved is whether or not the lots have merged. Mr. DeNoia reviewed the court cases that Mr. Laffey presented. He outlined the deviations between those cases and stated he believes the Board has the ability to interpret whether the criteria was met. He stated the cases differed in that the Chiricello case involved back to back lots, whereas in this application, the lots are back to side. He suggested whether or not these two lots were used as one lot is not controlled by tax bills. The Board must determine whether or not the lots have been used as one lot for the last 40 years. He mentioned other court cases for the Board to consider. If the Board decides they are separate lots, it has an issue of a variance for an undersized lot. Proof is still needed that the positives outweigh the negatives. The Board needs to determine if it is consistent with the zone. He provided further guidance to the Board in order to make their decision. Mr. Laffey and Mr. DeNoia discussed whether the lots had merged and the application for a subdivision.

Vice Chairman Whitson called for a motion regarding the merging of the lots. Mr. Kahle made a motion that the lots have merged and it is one lot, which was seconded by Councilwoman Cooper. Ms. Smith called roll:

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

Ms. Smith stated motion carried. During the roll call, members stated their reasons for their votes. Members stated that the Loechner doctrine is applicable, that the lots have been under common ownership since 1982 through four sales and have been used as one lot.

Vice Chairman Whitson called for a motion to consider allowing a subdivision and variances. Mr. Kahle made a motion to deny the application for a subdivision and variances, which was seconded by Councilwoman Cooper. Ms. Smith called roll:

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

Ms. Smith stated the motion carried. During the roll call, members stated their reasons for their votes. Members stated that the subdivision would create 2 non-conforming lots, water runoff, the 50' frontage and that it would be detrimental to the Board's overall goals and objectives. Mr. Foster voted to approve the subdivision because there are 50' lots throughout the Borough, water runoff is not the issue in the area and that there is frontage on two streets and it would not be a major impact on the neighborhood.

At 8:53 p.m., the Board adjourned for a five-minute recess. At 9:00 p.m., the Board returned to regular session. Ms. Smith called roll with all members present.

NEW BUSINESS:

2. PB2016-14 Sopenoff, Adam & Jasmine
   1217 Turf Drive
   Block 130, Lot 10
   Request for Rear Yard Variance

A-1 – Photograph of backyard from 2nd floor, dated February 7, 2017, taken by Applicant
A-2 – Photograph of backyard from 2nd floor, dated February 7, 2017, taken by Applicant

Jasmine Sopenoff, Applicant and Co-Owner, was sworn in and described the application for an attached 2nd story deck. Mr. White, Board Engineer/Planner was sworn. The application requests approval a 10' by 18' deck with an 8' rear setback. Mr. White stated that this lot and the lot next door is somewhat pie shaped. The required rear yard setback is 40', the existing is about 17.5'. Mr. Foster asked if the deck could be moved back. Ms. Sopenoff explained the deck is off the kitchen and couldn't be moved because a bathroom and bedroom were next to it. There is an existing patio beneath that was covered by a metal awning that has been removed. The deck will be the same dimensions as the patio. Mr. Kahle asked if there was a deck before. Ms. Sopenoff replied there wasn't. Mr. Kahle asked if she has spoken to her rear neighbor about the deck. Ms. Sopenoff stated the required letters were sent out. He asked about the lighting on the deck. Ms. Sopenoff stated the existing spotlights will remain. Mr. Kleiberg asked how far off the side of the house the sliding door was. Ms. Sopenoff replied approximately 3' to 4'. Mr. Kleiberg suggested moving the end of the deck toward the edge of the sliding door. Councilwoman Cooper requested clarification regarding the second story deck with a patio underneath and if the patio would remain. Ms. Sopenoff confirmed that. Mr. Kahle agreed with Mr. Kleiberg that moving the deck further away from the property line would be more pleasing. Mr. Kleiberg asked what materials would be used, Ms. Sopenoff replied it would be wooden.

Dominic Pillari, Applicant's father, was sworn. He explained it would be a wood frame deck, and it could be moved over. Mr. Kleiberg asked if there would be a cover and if posts would be down the outside of the deck. Mr. Pillari confirmed both. Mr. Kleiberg asked if there would be ledger board to the house. Mr. Pillari confirmed that it would be. Mr. Kleiberg stated Mr. Pillari would have to testify about adjusting the location with exact dimensions. There was discussion regarding modifying the plans so the Board can make a motion consistent with the changes. The deck will be attached to the existing ledger and moved toward the center of the house to the edge of the existing slider, approximately 5'. The railing will be at the edge of the slider. Mr. Foster asked about footings. Mr. White replied that there will be footings. Mr. Foster asked if the footers would be concrete. Mr. White stated that is a question for the construction official. Mr. Kahle stated the Applicant should supply the Building Department with a signed, sealed set of plans by an architect which shows the footings and how the deck will be built. Mr. White stated that decision is up to the construction official and how much detail he needs. Mr. Kahle stated the homeowner can draw up a set of construction plans that meet the requirements set by the building inspector. Vice Chairman Whitson asked for confirmation that there will be no additional lighting. Ms. Sopenoff stated there would be no additional lighting. There was discussion between Vice Chairman Whitson and Mr. Pillari regarding distance between the Applicant's property and Lot 1. Vice Chairman asked why the Applicant had not discussed the proposed deck with the neighbors. Mr. DeNoia noted that the Applicant had served proper notice on the neighbors. Councilwoman Cooper asked questions about the photographs. The Applicant introduced and described **A-1** and **A-2.**

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for questions for this witness only.

Scott Moeller, 1214 Turf Dr., asked if the deck did not meet code. Vice Chairman Whitson stated it was before the Board because it was close to the property line. Mr. Moeller asked what the reasons for the code. Vice Chairman Whitson stated the codes are for the common good. Mr. DeNoia explained that every municipality has development and zoning regulations, which determines a uniform utilization of land. There are two types: land use and bulk. He explained the application process and variance

request process. Councilwoman Cooper asked Mr. Moeller how far his deck was from the fence in the photograph. Mr. Moeller stated 5' or 6'.

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

PUBLIC PETITION:
Vice Chairman Whitson opened the meeting to the public for comments or questions.

Scott Moeller, 1214 Turf Dr., was sworn. He praised the new owners efforts and improvements made by the Applicant. He feels the houses are way too close to have a 2nd story deck. He stated it won't look right and won't fit in the neighborhood.

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

Mr. Proto asked the Applicant about the rear patio and if there was any thought given to building a staircase down from the sliders and using the existing patio instead of adding the 2nd story deck. Ms. Sopenoff stated it seemed logical, that the home should have something to be able to go out to. A lot of bi-level homes on the street have the 2nd story deck. There was additional discussion regarding the 2nd story deck. There was discussion regarding repositioning the deck and the existing patio.

Mr. Foster made a motion to approve the application subject to revised plan showing proposed deck shifted towards the center of the house where railing will align with slider door which was seconded by Mr. Sullivan. The motion received the following roll call:

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

Ms. Smith stated the motion carried.

3. PB2016-12 Mahler, Doug & Holly
   83 Bridgewaters Drive
   Block 96, Lot 1
   Request for Bulk Variances

Ms. Smith advised that 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 9:27 p.m.

A-1 Architect's Colored Rendering consisting of 3 sheets, prepared by Parallel Architectural Group, undated.
A-2 Plot Plan/Variance Plan, 4 Sheets, prepared by Gravatt Consulting Group, dated August 24, 2016, last revised Dec. 15, 2016.
A-3 Rendering prepared by Parallel Architectural Group, aerial and overlay of existing structure
A-4 Turning Exhibit, 1 Sheet, prepared by Gravatt Consulting Group, dated Aug. 24, 2016

John R. Tatulli, Attorney for the Applicant, appeared before the Board on behalf of the Mahlers seeking to demolish the existing residence and construct a new, two and a half story single family home requiring variances for rear yard setback and height variance. The planned in-ground pool does not

affect any setbacks. A CAFRA permit has been obtained. Mr. DeNoia asked Mr. Tatulli to explain who Anthony Scalise was. Mr. Tatulli explained that Mr. Scalise is the Architect and initially applied on behalf of the Applicants. Ms. Smith explained she received a letter amending the application.

Mr. Douglas Mahler and Mrs. Holly Mahler were sworn. Mr. Mahler testified they recently purchased the property. He explained that the house was damaged by Super Storm Sandy, which was the reason for the demolition and new construction.

Mr. Tatulli introduced and described **Exhibit A-1**.

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for questions for this witness only.

Rich Kuhn, 15 Bungalow Pl., stated he did not have an opportunity to review many of the details. Vice Chairman Whitson and Ms. Smith stated the plans were available for review at Borough Hall for 10 days prior to the hearing. He asked what the height of the floors were. Mr. Tatulli stated the Architect will testify regarding that.

As no one else from the public has any questions, Vice Chairman Whitson closed that portion of the meeting.

Bruce Jacobs, Engineer/Planner for Applicant, was sworn in, presented his qualifications and was accepted as an expert in the field of engineering and planning. Mr. Jacobs described the location of the property and its characteristics. He explained the challenges presenting to the lot because of its location near Relwolf Ave. He explained that the Applicant is requesting a variance for a retaining wall. He described a swale and the curb line along Relwolf Ave. He introduced and described **Exhibits A-2** and **A-3** and provided details regarding average rear and side setbacks. Variances are required due to the unique shape of the property. He testified that the plans are appropriate for the density of the zone, and the plan provides for adequate air, light and open space.

He introduced and described **Exhibit A-4**, which addressed the Board Engineer's question regarding entering and exiting the garage. Mr. White stated the Exhibit showed that a vehicle could access the site easily, but doesn't show the vehicle exiting the site. Mr. Jacobs stated that the roadway is lightly traveled, and cars could still exit. Vice Chairman Whitson asked how many total variances are being requested. Mr. Tatulli stated the Applicant was requesting 2 bulk C variances, 1 height variance and 1 D variance. Mr. Jacobs addressed items in Mr. White's letter dated January 17, 2017, regarding the driveway, the swales, fencing around the pool. He explained the Base Flood Elevation was 10' and the plans show flood vents that will conform with code. Mr. White stated that as a possible condition of approval, the Applicant should install a guard on the retaining wall for vehicular and pedestrian safety.

Vice Chairman Whitson asked for questions from the Board for Mr. Jacobs. Mr. Foster asked if it wouldn't make more sense for the driveway to be modified to be straighter. Mr. Jacobs stated the idea was to keep the driveway as far away from the intersection as possible. Mr. Kahle asked how the Applicant determined the location of the front of the house as compared to the other homes in the area. Mr. Jacobs replied that surveyors were sent to determine front and rear setbacks of houses within 200' of Bridgewaters Dr. He will amend the plans to include only those three lots in the average. Vice Chairman Whitson asked what the height of the house was. Mr. Jacobs stated the Architect will address that, but the height is 39.6' to the top of the cupola, where the ordinance requires 35. Mr. Foster stated that he visited the site and noted there was a wetlands area and asked if there was any plan to preserve the natural growth. Mr. Jacobs stated that the vegetation along the creek is to be maintained. The disturbance will be limited to the pool area. Mr. Kahle asked what the requirements were for the pool area where the retaining wall will be. Mr. White stated the pool is at-grade, not attached to the house so it's not part of the principle structure.

PUBLIC:
Vice Chairman Whitson opened the meeting to the public for questions for this witness only.

Rich Kuhn, 15 Bungalow Pl., asked questions about the elevations of the property. Mr. Jacobs replied that at the center of the lot in the vicinity of the existing house the elevation is 9.4'. He explained it decreases to about 3' along the wetlands. Mr. Kuhn asked what the proposed elevation of the property. Mr. Jacobs replied that it will go from elevation at 7.3' to 10.75'. He reviewed different elevations at different points on the plan. Mr. Kuhn asked if the crawl was planned as 8' above the current property elevation. Mr. Jacobs stated the elevation point is about 1 foot above grade.

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

Mr. Foster asked where the elevations were taken from. Mr. Jacobs stated they were from NAVD-88.

ADJOURNMENT: Vice Chairman Whitson invoked the 10 o'clock rule, where no new witnesses will be sworn. Mr. Tatulli requested that the application be heard on the next available meeting, which is February 28th. There was discussion regarding obtaining a quorum for the application. Ms. Smith will ask the absent Board members to listen to the recording so they would be eligible to vote on the application. Vice Chairman Whitson stated the application will be carried to February 28th with no need for additional notice.

RESOLUTION:

4. PB2015-10.1 460 Adrian Ave., LLC. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the resolution, which included three conditions: the installation of an inlet in the side yard of the property for storm water discharge; the applicant received notice that flood insurance costs may be increased and that a copy of the resolution be recorded with the deed. Vice Chairman called for a motion to approve the resolution, which was made by Mr. Foster made a motion to approve and was seconded by Mr. Proto.

The motion received the following roll call:

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

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 10:07 p.m. on a motion by Mr. Proto, which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary