OCEANPORT PLANNING BOARD
MINUTES
JANUARY 14, 2014

Mrs. Smith 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 8, 2014, and by the posting of same on the municipal bulletin board and Borough Web Site."

Mrs. Smith led the flag salute.

OATHES OF OFFICE:
The following individuals were sworn in:

John Kahle	Class I (Mayor's Designee)
William Johnson	Class II (Environmental Commission Liaison)
Jerry Bertekap	Class III (Council Liaison)
James Whitson	Class IV (Regular Member)

MEMBERS PRESENT: Mr. Kahle, Mr. Johnson, Councilman Bertekap, Mr. Sullivan, Mr. Kleiberg, Mr. Fichter, Ms. DeSousa, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mr. Gruskos, Mr. Savarese

OFFICIALS PRESENT: Jeanne Smith, Board Secretary, Rick DeNoia, Board Attorney and William White, Board Engineer and Planner

ELECTION OF CHAIRMAN: Mr. Whitson moved to appoint Christopher Widdis Chairman for 2014. Mr. Kahle seconded the motion which was approved by the Board.

ELECTION OF VICE CHAIRMAN: Mr. Johnson moved to appoint James Whitson Vice Chairman for 2014. Mr. Kleiberg seconded the motion which was approved by the Board with Mr. Whitson abstaining.

APPOINTMENT OF BOARD ATTORNEY: Chairman Widdis asked for a motion to appoint Rick DeNoia Board Attorney for 2014 which was moved by Mr. Whitson and seconded by Mr. Johnson and unanimously approved by the Board.

APPOINTMENT OF BOARD SECRETARY: Chairman Widdis asked for a motion to appoint Jeanne Smith as Board Secretary for 2014 which was moved by Mr. Fichter and seconded by Mr. Whitson and unanimously approved by the Board.

APPOINTMENT OF BOARD ENGINEER/PLANNER: Chairman Widdis asked for a motion to appoint William White, Maser Consulting as Board Engineer/Planner for 2014 which was moved by Mr. Johnson and seconded by Mr. Fichter and unanimously approved by the Board.

BOARD BUSINESS:

1. A Resolution Approving the 2014 Meeting Schedule was approved on a motion from Mr. Whitson and a second from Mr. Johnson and approved by the Board. **PR-14-01**

2. Minutes of the meeting of September 24, 2013 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:

1. PB2012-14.1 Village Center LLC **CARRIED from Dec. 10, 2013 MEETING**
   Block 88, Lot 26.01
   Request for Site Plan Amendment with Variance

A-7 Enlarged Version of A-2 Site Layout Rendering Plan prepared by Hammer Land Engineering dated November 26, 2013
A-8 Enlarged Version of A-2 Site Layout Rendering Plan prepared by Hammer Land Engineering dated November 26, 2013, last revised December 10, 2013
A-9 Transformer Exhibit prepared by Hammer Land Engineering dated December 10, 2013
A-10 Landscape Plan, Sheet 4 of 12 of Amended Preliminary and Final Major Site Plan, prepared by Hammer Land Engineering dated May 2, 2011, last revised February 15, 2013
A-11 Photographs Depicting View From Main Pylon Sign at Intersection, 4 Sheets, prepared by Joseph D. Hanrahan, PE
A-12 Photographs Depicting View From Sub Pylon Sign #1 Along East Main Street, 1 Sheet, prepared by Joseph D. Hanrahan, PE
A-13 Main Pylon Sign – Sight Line Plan & Profile, prepared by Hammer Land Engineering dated January 3, 2014
A-14 Plan of Partial East Elevation – PVC Screens prepared by DIGroup Architecture, dated November 26, 2013
A-15 Plan of Partial West Elevation – Pylon Original prepared by DIGroup Architecture, dated November 26, 2013
A-16 Plan of Partial West Elevation – Pylon Reduced, prepared by DIGroup Architecture, dated November 26, 2013
A-17 Correspondence from Joseph D. Hanrahan, PE, dated January 2, 2014

Peter Falvo, Attorney for Applicant, stated that they would be continuing a hearing from November 26, 2013. Chairman Widdis added that the hearing was first heard on Nov. 26, 2013 and continued at the December 10, 2013 at which there were only 4 eligible members present resulting in a request by the Applicant to be carried to the next meeting. Chairman Widdis advised that all 9 members present have met the requirements to hear the application.

Mr. Falvo introduced and described additional documents that were marked as **Exhibits A-7, A-8, A-9, A-10, A-11, A-12, A-13, A-14, A-15, A-16.**

Mr. Falvo called Mr. Hanrahan, P.E. and reminded him that he was still under oath.

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

Mr. Hanrahan testified that the changes being sought to the Site Plan were to address issues not previously contemplated at the original Site Plan application and were construction details come about through the construction process. Mr. Hanrahan described the proposed changes as outlined in Exhibit A-17 including moving the sidewalk in the rear of the building to the curb line and move green space closer to the building and would be used for placement of the air condition condensers, proposal to screen the condensers with solid white PVC fencing 48” with minor 7/8” gaps between panels to let condensers breath as shown on Exhibit A-14, the sidewalk at the rear of the building was proposed changed from paver to concrete due to heavy traffic area and loading and unloading to businesses, light fixtures along rear of building at the curb line would not work due to the overhang that butts out from the building being proposed to wall packs on the building, landscape changes to address 11 trees Originally proposed along the rear curb line need to be relocated or removed as they would not work in that location because of the changes to the sidewalk, proposed relocation was along the boundary of the site with the adjacent park, removal of 2 trees from the transformers landscape island as shown on A-10 and proposed on A-9 to screen the transformers with ornamental grasses, 9 shrubs proposed to be removed due to conflict with utility equipment needed in that space, 3 trees from the Port Au Peck Avenue frontage to the East Main Street frontage to provide unobstructed view of the proposed main pylon sign and screen further the Jockey Club site to the west, 2 trees to be removed to provide unobstructed view of the secondary pylon sign along Port Au Peck Avenue and were proposed to be replaced on the adjacent park property, the need to change the diagonal walks along East Main Street frontage due to the unanticipated change in elevation of the top of the curb to the building creating a greater slope, Exhibit A-7 depiction of steps added to help transition the changing floor grades with no impacts to compliance with ADA requirements and the relocation of the ADA parking stalls to the southerly most southern island off the Port Au Peck driveway to provide greater accessibility.

Mr. Falvo then discussed the concerns from the Board with the height of the proposed pylon signs resulting in the preparation of Exhibits A-11 and A-12 photographs depicting elevation views.

Chairman Widdis asked Mr. Falvo to hold off on the sign portion of the hearing and to first address the site plan changes.

Mr. Hanrahan discussed in greater detail the proposed changes to the lighting at the rear of the building to remove ornamental fixtures and replace with wall packs on the building. Mr. White stated keyword was downward focus. Mr. White summarized the landscape changes in total sum was removal of 2 trees and 23 shrubs. Mr. Hanrahan commented that the 23 shrub removal was correct but proposal was to replace them with ornamental grasses. Mr. White expressed concern with the proposed relocation of trees along the property line with the park due to the walking path recently installed along that property line in the park and that the approval would need to come from Mayor and Council.

Ms. DeSousa asked about the maintenance of the ornamental grasses was to cut them down thereby eliminating the screening function. Mr. Hanrahan responded that it would be for a period of 2 months.

Councilman Bertekap asked about the concrete pad in the back discussed at the last meeting to be colored but didn’t see it on the plan.

Mr. Kleiberg asked about the 4’ fence and would it be open to the sides and was told no, they would extend the fence back to the building. Mr. Kleiberg asked about the disconnects and the electrical inspection access. Mr. Kleiberg asked if the fence could be higher than 4’ to minimize people throwing garbage. Mr. Kleiberg commented that he liked the lighting and the fence to be of the same material being used for the lights. There was discussion on how to make it look like it went with the rest of the building. Mr. Kleiberg commented that the ADA parking was supposed to be closer to the building. Mr. Hanrahan explained that the original location would have required one to go around the entire building to get to the retail entrance. There was additional discussion with Mr. White as to the appropriateness of the new location.

Mr. Johnson asked how many condensers would there be. Mr. Johnson asked if the residents would be using the dumpsters and was told yes. Mr. Johnson asked about the retail store on the end and was there a loading zone and was told that it would be in the parking lot and that no changes for that had been made from the original proposal.

Mr. Fichter stated he liked the grasses but thought that something evergreen should be used. Mr. Hanrahan answered they were open to different options. Mr. Falvo commented to keep in mind that JCP&L required a certain distance from the condenser. Mr. Fichter added that it would be nicer to see something year round.

Mr. Johnson asked if there should be a traffic bumper around the condensers. Mr. Kahle stated he had the same concern. Mr. Hanrahan stated they could add bollards.

Mr. Fichter asked what would be between the fence and the sidewalk and was told riverstone; Mr. Fichter asked about the outside. Mr. Hanrahan answered same – no landscape was ever planned for those areas.

Mr. Kahle and Chairman Widdis asked if the condensers would be exposed and was told they were beneath the overhang of the building.

Chairman Widdis stated that the garbage situation would be of paramount concern and wanted to make sure that sufficient collection would be made and how to encourage the residents to use properly. Mr. Falvo answered that there were no changes proposed to the dumpsters but that the number of pickups would be made as necessary and that maintenance personnel would assist with that.

Mr. Whitson asked how high were the transformers and asked if shrubs would screen year round and why not use those instead of grass that only screened 10 months of the year.

Mr. Sullivan stated he liked the grasses and that in the winter it wouldn't be noticed.

Chairman Widdis asked about the materials of the fence around the dumpsters. Mr. Hanrahan answered it was chain link with vinyl inside. There was discussion on whether or not to use a solid vinyl gate instead and the maintenance issue.

PUBLIC:
Chairman Widdis opened the meeting to the public for any questions on that witness.

Rich DeCaprio, 8 Iselin Lane, asked about the changes in elevation of the curb and asked if the stormwater management plan had been changed and would it impact runoff. Mr. Falvo stated that the street was built prior to the site development. Mr. Hanrahan added that no changes were found to have an impact.

As no one else from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Mr. Falvo asked Richard Alderiso, Project Architect, questions about the screenings for the condensers and what would be visible, that a gate would be included to allow access for maintenance of the condensers. Mr. Falvo asked Mr. Alderiso questions about the proposed heights of the pylon signs, the proposed reductions in the height, the amount of lumens given off by the signs which would be internally lit, bulbs would be fluorescent 80w each. Mr. Falvo encouraged the Board to drive Main Street and observe the lighting of the existing fixtures and assured that the lighting of the signs would not be as bright as the street fixtures.

Mr. Alderiso also testified that the width of the signs would be about 44" x 20" for a 10 total on the sign and was about as small as it could go or it defeated the purpose of having a sign. Mr. Alderiso stated that the smaller pylon signs were proposed at 14' x 8' on E. Main Street and also on Port Au Peck Ave.

Chairman Widdis asked if that concluded the testimony on the signs. Mr. Falvo advised that the Planner, Christine Cofone had provided the planning testimony last hearing.

Mr. Whitson asked about two black marks on the plan and was told they were most likely benches.

Mr. Falvo stated for the record that they were only seeking 3 stand-alone signs. Mr. White interjected that they were seeking approval for the 3 free standing signs but there was also signage along the facade and the awnings proposed and was advised yes.

Mr. Fichter asked concerning A-16 if they had considered doing a monument sign instead of a pylon. Mr. Falvo answered that no because there was landscaping planned around the base. There was discussion about the type of signs used at other developments such as the Grove. Mr. Falvo answered if the Board wanted that they could come up with something. Mr. Fichter thought that a monument sign would be better. Mr. Alderiso asked what would the Board what distance would they want from the grade to the base of the sign. Mr. White referenced the monument signs used for Jockey Club and cautioned the Board to be careful what was decided.

Chairman Widdis asked for a measurement of the sign itself on A-16 from the top of the apex to the bottom of the sign and was told about 14'.

Ms. DeSousa interjected and asked why each store needed its own sign and used the Grove as an example which only identified "the Grove" and not the individual stores. Mr. Falvo responded that they had greater exposure. Ms. DeSousa stated but these stores were 10' from the curb. There was discussion on the tenants that were seeking signage and the difference between the 2 developments, the size of the signs on the buildings at the Grove and the offset from the road. Discussion ensued.

Mr. Kahle asked about the sign for the 7-Eleven which had a sign on the front and back and then the free standing sign and asked if they had considered putting a small monument sign before the entrance. Mr. Falvo stated that they could put it before the entrance. Chairman Widdis added that the sign was in the wrong spot and should go on the east side of the driveway for safety reasons. Mr. Kahle stated it didn't appear that there would be a sign on the east side of the 7-Eleven – no – because it was a side and asked if it would be considered frontage. Mr. White answered no, it was considered back in 2005 that the backside was to be finished without signage.

Mr. Whitson asked if there was any free standing signage approved in the original application and was told no.

Mr. Falvo argued that the NJSEA didn't know what they were doing when they designed the site. Ms. DeSousa commented that when the Applicant purchased the property did they not do their due diligence and pull the plan to see what would be allowed.

Mr. Fichter stated that when it was approved it kind of adopted the need for signs and thought Mr. White had a good point but that the Applicant also had a good point on the need for signage and thought the signs didn't need to be so big and preferred a monument type sign and thought that the traffic going by would likely be the same every day and would know the site so on that side large signs wouldn't be needed.

Mr. Johnson stated that he thought an inordinate amount of pylon signs being proposed, that the building would have signs on the front and the back and that the pylon signs were overkill and thought the large sign would be a distraction. Mr. Johnson said he would be agreeable to 1 standalone sign on Port Au Peck Ave at the back by the driveway. Mr. Alderiso stated that the problem with that was the bank which was completely shielded and landscaped and without a sign.

Mr. Kleiberg stated he wasn't on the Board when the original application was approved but the Board at the time said no to standalone signs, what markings of the site would be an advertisement, said a monument sign would be fine but anything else would be too much.

Mr. Falvo asked Mr. Hanrahan to come back to address the issue of the sight lines and referring to A-13 to provide a description of the profile view and sight line from the nearest residence to the pylon sign which showed that there was a landscape berm along the residences and what the view would be to the pylon sign. Mr. Falvo asked about A-11 photographs showing the sights at various heights in the location of the sign which Mr. Hanrahan described the perspective of the shots, the filtering obscured the view of the sign. Mr. Hanrahan further stated that the site to be successful needed the signage as it was not a retail area and why he felt the design of the signs would compliment the development and that the size of the sign was important and that the speed was 40mph and a larger sign was needed for the sight time and that he signage was critical for the success of the project.

Chairman Widdis asked how far the sign would be from the building. Mr. Hanrahan scaled it and advised from the closest point was approximately 70'.

Mr. Whitson asked how much signage was planned or permitted not including the 3 stand-alone signs. Mr. Falvo answered that hadn't built in any because it would depend on how much space a tenant would take. Mr. Whitson stated that if the argument was that there wasn't enough signage without knowing how much they already had. Discussion ensued.

Chairman Widdis opened the meeting to the public for any questions on that witness.

PUBLIC:

Dr. Sam Zimmerman, 6 Iselin Lane, President of the Jockey Club Homeowner's Association, asked Mr. Hanrahan how he thought the signage would be an enhancement. Dr. Zimmerman asked if the Owner was aware when he purchased the property the theme and no free standing signs were allowed and was told he didn't know. Dr. Zimmerman asked if he thought Pier Village was a mixed use and asked if they knew what type of signs they have to which Mr. Hanrahan said he did not. Dr. Zimmerman showed a picture of the Pier Village sign was only the words "Pier Village".

John Chakowski, 8 Haskell Way, asked Mr. Hanrahan if he had the appropriate training to take the photographs and have the right sight line which can be impacted by magnification. Mr. Chakowski stated that there was a statement that tenant were reluctant to move in and asked how many tenants would not move in without the signage and was told 2. Discussion ensued.

Gloria Cook, 8 Iselin Lane, asked the 2 anchor stores are the ones that want the free standing signs and was told yes. Ms. Cook stated that the Owner had been working on the project for some time and was said to have retail experience and why was the issue of signage just coming up now and was told because they didn't have tenants until now.

Curtis Gost, 30 Iselin Lane, stated that they were told the lights would be lit with 80w bulbs but not how many which would make a difference. Mr. Hanrahan answered he did not know how many bulbs.

Rich DeCaprio, stated there were 2 pending leases and asked if those leases have contingency in them that if there was no success in getting the signs they had the right to withdraw and was told yes.

Jean Zimmerman, 6 Iselin Lane, asked if they thought the site development met the intent of the Ordinance.

Mr. Falvo stated he had no other witnesses.

Chairman Widdis opened the meeting to comments from the public.

PUBLIC:

Sam Zimmerman, 6 Iselin Lane, was sworn in and commented that only about 5 residents were noticed for the project, that he had looked at the plans when he moved into the development and thought the architect had done a nice job on the design and didn't understand why they would want to put up those big signs and detract from the attractiveness of the site and that they all in the Jockey Club objected.

Henry Schultz, 40 Iselin Lane, was sworn in and stated he had followed the variance application for the last 5 months, and that it appeared that the application was being approved by variance and didn't understand why the condenser issue was not originally thought of and resolved, thought the pylon signs were against the character of the neighborhood and that like some on the Board he thought a monument sign would be more in favor of if done tastefully to match the building exterior and that approving the variance would set a standard with Monmouth Park trying to do development and that it shouldn't be approved.

Christine Hewitt, 19 Iselin Lane, was sworn in and commented on the statements made that the signs would make the site successful and disagreed as she believed the success would be by word of mouth, quality of retailers was what would make it a success – not big signs.

Ray Babarian, 4 Iselin Lane, was sworn in and commented that the Jockey Club development added about $25 million in rateables and tax revenue and that the houses sold readily and had not since the development started and that the signage would not make it a success.

Melissa Haring, 16 Iselin Lane, was sworn in and commented that when people looking for bank and 7-Eleven they used GPS or phones not signs.

Rich DeCaprio, 8 Iselin Lane, asked about the change in grades statements and how could that not require a change in the stormwater management plan. Mr. DeCaprio also stated that the shopping center next door and the economic feasibility of those stores and it was the will of the owner not to rent to tenants – not the location or the demand.

Flori Cook, 38 Iselin Lane, commented that she was excited about the development going in and was grateful for the quality of construction and thought that when they purchased it would be in line with what they were buying into and that the signage threw a wrench in to it and that they shouldn't try to make it like 35 and 36 but that what would attract was a very pretty place in a nice residential area. Ms. Cook stated that as for the anchors she had no problem with signs for the anchors but didn't think the large sign at the corner was necessary and asked the Board to take into consideration the neighbors.

Henry Schultz, stated when the project was approved he thought the corner was to be a dedicated park space and offered comments on the park area in the ordinance, what should be allowed in that area and that to put a large sign in the middle of it was not pleasant. Mr. Schultz also commented that the other shopping center had a pylon sign for years that didn't appear to help the success of that center and was under great disrepair.

As no one else from the public wished to be heard Chairman Widdis closed that portion of the meeting.

Mr. Falvo summarized the hearing stating that it was apparent that there was a difference in opinion on the importance of the signage but from their side of the table the signs were important for them to secure tenants for the building. Mr. Falvo continued that it was obvious they did not like the pylon sign and offered an alternative sign that would reduce the pylon sign to a monument type sign with a base similar to the building so that it matched and reduce the narrowness from that depicted in A-16 in order to satisfy prospective tenants. Mr. Falvo stated that they were proposing for the subpylon signs at a height of 14' – 6' of which was the sign and that it could be reduced to a monument type and be moved to the east of driveway on Port Au Peck Avenue. Mr. Falvo reiterated the importance of the need for the signs and why the felt it was important in order to attract consumers. Mr. Falvo offered that the main pylon sign could also be reduced and made subject to the Engineer's approval or resubmitted to the Board for their review. He continued that there was a lot invested in the site and that all the parking was in the rear and they would have to rely on consumers to walk around to the front and that he felt they had addressed the Board's concerns for the site plan changes in the rear. Mr. Falvo also reiterated that they had LOI's from proposed retailers that allowed them to opt out if no signage were approved. Mr. Falvo concluded by saying if the Board wished not to vote on the sign variance before reviewing the change to monument type that they could live with that but no sign at all created a problem.

Mr. Whitson asked if they had to have 3 signs or if they could have 1. Mr. Falvo answered that the 2 anchors wanted the smaller signs.

Chairman Widdis asked if he was looking for a moment on the signs.

Mr. Falvo referring to A-16 stated it showed the sign height reduced from the ground to the apex at 23' and that based upon A-5 in evidence the sign was 12' x 24' and that they could close the gap between the sign and the base and have the sign just sit on top of the base.

Mr. Kleiberg stated he did not want to do a verbal and wanted to see a drawing.

Ms. DeSousa stated she would like to see a sign that didn't advertise every tenant.

Mr. Falvo asked if they could vote on everything else and hold the vote for the signs until they came back.

Mr. Johnson asked if they could just do the site plan…

Mr. DeNoia stated he didn't think that would be a problem.

Ms. DeSousa stated it was because some of the trees were being moved for the signs.

Mr. DeNoia stated that based on what he was hearing it should all be done at once.

Chairman Widdis told Mr. Falvo he thought he should come back with a redesigned sign and have the Board members provide comments.

Mr. Kahle stated that he thought the 2 anchor store signs should be dropped down to grade level with a maximum height of 6'-7', low as possible and dress up the bottom.

Mr. Kleiberg asked about the end for the convenience center would it just be for 7-Eleven. Mr. Falvo answered no, it was designed for 2 for both anchor.

Discussion ensued on whether to bring the application back for the signs and site amendments or separate it so that the Applicant could get the gas line installed which would need the site amendments decided upon. Afterwards it was decided to bifurcate the sign variances and the tree removal portions impacted by the signs from the site plan amendments noted in the Engineer's letter.

Mr. Whitson made a motion to approve amendment of the site plan as referenced by items 1, 2, 3, 5, 6 and 7 of the January 2, 2014 letter with all other items to be addressed at meeting of February 11, 2014 which was seconded by Mr. Kleiberg and received the following roll call:

AYES:	Mr. Whitson, Mr. Kahle, Mr. Johnson, Councilman Bertekap, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Gruskos, Mr. Savarese
INELIGIBLE:	None

Ms. Smith stated the motion carried.

Chairman Widdis stated for the public that the hearing for this matter would continue at the February 11, 2014 meeting with no additional notice required.

2. PB2013-09 – Fontanella, Joseph & Beverly **CARRIED from Dec. 10, 2013 MEETING**
165 Monmouth Boulevard
Block 71, Lots 3 & 3.01
Request for Bulk Variances for # of Stories and Side Yard Setback

A-11 Architectural Plans prepared by Anthony Condouris, AIA, dated September 25, 2013

Chairman Widdis stated for the record that the next matter had been carried from the December 10, 2013 meeting and that Mr. Kahle, Mr. Johnson and Councilman Bertekap would not be sitting for the application.

Mr. Fontanella presented to the Board a modification of the original plan presented to the Board for relief and submitted revised drawings showing the removal of the bump out and wrap around porch which were marked as **Exhibit A-11**.

Mr. Fontanella advised the Board that they were now looking to do was to put the 2-story modular construction on top of the foundation that was built and they were present seeking a variance because the block foundation height was over 6' thereby being considered a "story" and needing relief from the 2 ½ story permitted where 3 story being proposed. Mr. Fontanella further advised that the 1st story would not be habitable but would house 2 vehicles and storage space and that the project would still remain under the 35' height bulk requirement and that the height was measured from the crown of the road to comply with the ordinance.

Chairman Widdis stated then the first floor elevation was going to be 14.6' with ceiling height…Mr. Fontanella stated the goal was for 8' ceilings.

Chairman Widdis asked what was the bump out. Mr. Fontanella answered it was an area of about 20'x60'. Mr. White interjected that it was a side yard originally proposed at 3.1' and was being reduced to 9.5'.

Allison Coffin, Professional Planner for the Applicant, testified of the existing condition of the site, pre-existing non-conformities, the reduction in the non-conformity with the side yard, and that the variance relief being sought could be granted as a C(1) – a hardship due to the non-conformity of the lot width, the fact that the property was damaged in Super Storm Sandy and was required to be elevated to a base elevation as a property subject to flooding events and could also be granted under the terms of a C(2) variance which advance promoting public safety and preserving safety from flood, described the benefits of the proposed improvements being substantial as there was such a public interest in rebuilding after Super Storm Sandy that the Legislature passed legislation to actually provide exemption from variances for those rebuilding. Ms. Coffin also detailed why she believed that the project would not be a detriment to the zoning ordinance or Master Plan as the project was still in compliance with the height requirement of 35' and that the project also proposed reducing the existing non-conformity of the side yard setback.

Mr. Whitson asked about **Exhibit A-11** which indicated numbers that conflicted with the testimony and a Exhibit A-5. Chairman Widdis asked which numbers were correct. Mr. Fontanella answered that the foundation was currently at 9.88' and the 2.7' had been reduced to 9.8' of the side yard and the other side yard was at 10.2' which conformed.

Chairman Widdis asked what the total square footage of the house and was told just under 3,000 s.f., also asked for confirmation that the 1st story would not be habitable space which Mr. Fontanella affirmed. Chairman Widdis asked how they were addressing the exposed foundation to which Mrs. Fontanella described how far the siding would come down and the rest would be riverstone.

Mr. Kleiberg asked where the existing foundation was in comparison with the previous and was told it followed the original footprint.

Mr. Fichter asked where the a.c. condensers would be located and was told that hadn't been decided yet but would comply.

Chairman Widdis asked that they be cognizant of outside lighting and impact on adjacent neighbors.

Chairman Widdis opened the meeting to questions and comments from the public.

PUBLIC:

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

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

AYES:	Mr. Whitson, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Gruskos, Mr. Savarese
INELIGIBLE:	Mr. Kahle, Mr. Johnson, Councilman Bertekap, Ms. DeSousa

Ms. Smith stated the motion carried.

There was a 5-minute recess approved by the Board. Afterwards Chairman Widdis advised that all previous members present were once again seated.

NEW BUSINESS:

3. PB2013-10 – Donatelli, Guy and Carol
   10 Ausable Avenue
   Block 1, Lot 7
   Request for Bulk Variance for Lot Width

Mr. DeNoia stated that notice had been reviewed, was in order and that the Board had jurisdiction.

Carol Donatelli, Applicant and Owner, was sworn in and then explained the purpose for the application was reconstruction of a single family dwelling damaged by Super Storm Sandy on a lot seeking relief for an existing non-conformity for lot width of 51’ where 120’ required and that the additional frontage was on an unimproved right of way of Ausable.

Mrs. Donatelli testified that they had petitioned the owner of the adjacent lot to purchase additional land. Ms. Smith confirmed that the application file did contain a letter from the owner of the adjacent lot that was vacant was not available for purchase thereby the Applicant was unable to obtain additional land to bring the lot into conformity.

PUBLIC:

Chairman Widdis opened the meeting to the public for any questions or comments and 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 application which was seconded by Mr. Johnson and received the following roll call:

AYES:	Mr. Whitson, Mr. Kahle, Mr. Johnson, Councilman Bertekap, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Gruskos, Mr. Savarese
INELIGIBLE:	None

Ms. Smith stated the motion carried.

4. PB2013-08 – Vencel, Michael
36 Sagamore Avenue
Block 9, Lot 4
Request for Bulk Variance for Setbacks

Mr. DeNoia stated that notice had been reviewed, was in order and that the Board had jurisdiction.

Michael Vencel, Owner and Applicant, and Deborah Degnan, spouse, were sworn in and then explained the purpose for the application was to allow installation of an in-ground pool on the property seeking relief for side yard and rear yard setbacks of 7' where 10' required.

Chairman Widdis asked why they needed it to be 7' and could they modify it to meet the code. Mr. Vencel answered that they had made a previous investment of a slate patio just last year and had not planned on putting in a pool but had a child and were spending a lot of time at home and the slate patio would have to be torn up to change the pool.

Chairman Widdis asked what was the size of the pool and was told 28' x 14' including stairs.

Mr. White confirmed that the code required 10' from all structures and property lines.

Mr. White asked if they shifted the pool away from the property line where would the pool be located and it would fall in front of the stairs into the house.

Ms. DeSousa asked if the pool was a drop in that was a set size or was it going to be a liner and was told it would be concrete with a liner.

Mr. Kahle asked if there would be a heater and was told yes and that it would be located near where the a.c. condensers were located.

Mr. Kahle asked about the drainage. Mr. White stated more information was needed and would be addressed at the time of the grading plan and building permit.

Mr. Johnson explained that there was concern that no runoff be directed onto neighbor's property.

PUBLIC:
Chairman Widdis opened the meeting to the public for any questions or comments and as no one from the public wished to be heard Chairman Widdis closed that portion of the meeting.

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

AYES:	Mr. Whitson, Mr. Kahle, Mr. Johnson, Councilman Bertekap, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Gruskos, Mr. Savarese
INELIGIBLE:	None

Ms. Smith stated the motion carried.

RESOLUTION:
1. PB2013-07 – Rescinio, Susan & Michael. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Sullivan made a

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

AYES:	Mr. Whitson, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Mr. Widdis
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Gruskos, Mr. Savarese
INELIGIBLE:	Mr. Kahle, Mr. Johnson, Councilman Bertekap, Ms. DeSousa

Ms. Smith stated the motion carried.

PETITIONS FROM THE PUBLIC: Chairman Widdis opened the meeting to Petitions from the Public and as no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

LITIGATION: The Board entered into Executive Session at 11:01 p.m. for the purpose of pending litigation on a motion by Mr. Whitson and seconded by Mr. Kleiberg and approved by the Board.

At 11:07 p.m. the Board returned from Executive Session and re-opened the Regular Meeting on a motion by Mr. Kleiberg which was seconded by Mr. Sullivan and approved by the Board.

Chairman Widdis made a motion to amend the Resolution of Approval for the Supko application to allow for the granting of a variance for 3 stories where 2 ½ were permitted as it was recently brought to their attention that it was not included, the 1st story was not habitable space and all other items of the variance were in order which was seconded by Mr. Whitson and received the following roll call:

AYES:	Mr. Whitson, Mr. Kahle, Councilman Bertekap, Mr. Kleiberg, Mr. Sullivan, Mr. Fichter, Ms. DeSousa, Mr. Widdis
NAYES:	None
ABSTAIN:	Mr. Johnson
ABSENT:	Mr. Gruskos, Mr. Savarese
INELIGIBLE:	None

Ms. Smith stated the motion carried.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 11:12 p.m. on a motion by Councilman Bertekap which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary