OCEANPORT PLANNING BOARD
REORGANIZATION AGENDA
January 9, 2018

Mr. Widdis called the meeting to order at 7:30 p.m.

Mr. Widdis led the flag salute.

Mr. Widdis 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, The Link News and Star Ledger on December 12, 2017 and January 3, 2018 and by the posting of same on the municipal bulletin board and Borough Web Site.

OATHS OF OFFICE
Mr. DeNoia administered the oaths of office to the following individuals:

William Sullivan	Class I (Mayor's Designee)
Robert Proto	Class III (Council Liaison)
James Whitson	Class IV (Regular Member)
Michael Savarese	Class IV (Regular Member)
Daphne Halpern	Class IV (Regular Member), unexpired term
Thomas Tvrdik	Alternate I
Michael O'Brien	Alternate II

MEMBERS PRESENT: Mr. Whitson, Mr. Sullivan, Mr. Foster, Mr. Proto, Mr. Kahle, Mr. Savarese, Ms. Halpern, Mr. Tverdik, Mr. O'Brien, Mr. Widdis

MEMBERS ABSENT: Mr. Kleiberg

OFFICIALS PRESENT: Linda Landrigan, Acting Board Secretary; Rick Denoia, Esq., Board Attorney; William White, Board Engineer/Planner

ELECTION OF CHAIRMAN: Mr. Whitson made a motion to nominate Mr. Widdis as Chairman, which was seconded by Mr. Kahle and approved by the Board with Mr. Widdis abstaining.

ELECTION OF VICE-CHAIRMAN: Mr. Kahle made a motion to nominate Mr. Whitson as Vice Chairman, which was seconded by Mr. Foster and approved by the Board with Mr. Whitson abstaining.

APPOINTMENT OF BOARD SECRETARY: Mr. Whitson made a motion to nominate Jeanne Smith as Board Secretary, which was seconded by Mr. Kahle and approved by the Board.

BOARD BUSINESS:

1. **PR-18-01** Resolution approving 2018 Meeting Schedule which was moved by Mr. Foster, seconded by Ms. Halpern and received the following roll call:

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

   Ms. Landrigan stated the motion carried.

2. **PR-18-02** Resolution for Appointment of Board Attorney. Mr. Whitson made a motion to appoint Rick DeNoia which was seconded by Mr. Foster and received the following roll call:

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

Ms. Landrigan stated the motion carried.

3. **PR-18-03** Resolution for Appointment of Board Engineer/Planner. Mr. Whitson made a motion to appoint Rick DeNoia which was seconded by Mr. Kahle and received the following roll call:

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

   Ms. Landrigan stated the motion carried.

OLD BUSINESS:

4. PB2017-02 Brown, Peter **CARRIED from December 12, 2017**
   93 Main Street
   Block 110, Lot 6
   Request for Bulk Variances and Expansion of Non-conforming use

Chairman Widdis recused himself for this application.

Mr. Robert Witek, attorney for the Applicant, appeared and advised the Board that the Applicant will withdraw the application. He stated he will file a secondary application, requesting an interpretation of D-68 (use of property). It was his opinion that the use of the property as a two-family house pre-dates the adoption of the ordinance. Re-notice will be provided. Mr. DeNoia explained there are different levels of proof required from the Applicant. Ms. Halpern noted there was work being performed at the property. Mr. Witek advised that Mr. Brown did receive construction permits for some portions of the property.

Ron Kirk, 14 Center St., appeared and stated he had attended numerous meetings regarding this application. He stated the Applicant should have to make its presentation. Mr. DeNoia stated the Board does not have the authority to compel the Applicant to make its presentation.

Chairman Widdis re-entered the meeting at 8:00 pm.

RESOLUTIONS:

5. PR-18-04 Diamante, Genevieve. 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 Ms. Halpern and received the following roll call:

   AYES: Mr. Whitson, Mr. Sullivan, Mr. Kahle, Ms. Halpern,
   NAYS: None
   ABSENT: Mr. Kleiberg
   ABSTAIIN: Mr. Savarese
   INELIGIBLE: Mr. Foster, Mr. Proto, Mr. Tvrdik, Mr. O'Brien, Mr. Widdis

   Ms. Landrigan stated the motion carried.

6. PR-18-05 Fiore, Joseph
   Chairman Widdis advised this resolution would not be put forward for a vote. Mr. DeNoia explained that additional information was required and the resolution would be available for the next meeting.

PETITIONS FROM THE PUBLIC: Chairman Widdis opened the meeting to Petitions from the Public.

Karen Long, 32 Revere Dr., stated she has a gazebo on her property with no foundation, which was built about 35 years ago. Her understanding from the recent borough wide appraisal is that the gazebo is a ratable. Chairman Widdis explained that the Planning Board does not have jurisdiction and suggested that Ms. Long see the Tax Assessor at Borough Hall.

Mr. Kahle asked for clarification about the Brown application. Mr. DeNoia advised that under the Sunshine Law, the Board is precluded for discussing an application without the Applicant being present. Conceptual questions are permitted. Mr. DeNoia explained the proofs required to continue the use as a two family. There was lengthy discussion regarding interpretation, required variances and proofs required.

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

EXECUTIVE SESSION:
At 8:24 p.m., Mr. DeNoia requested the Board move into Executive Session to discuss pending litigation. Chairman Widdis asked for a motion to enter Executive Session to discuss pending litigations which was made by Mr. Whitson and seconded by Mr. Kahle. The motion received the following roll call and approval:

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

At 8:47 p.m., the Board returned from Executive Session and the regular meeting was reopened on a motion by Mr. Foster and seconded by Councilman Proto.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:49 p.m. on a motion by Mr. Whitson which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary