

**OCEANPORT PLANNING BOARD
MINUTES
June 28, 2016**

Chairman Widdis 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 15, 2016, publication on January 21, 2016 and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

MEMBERS PRESENT: Mr. Wible, Councilwoman Cooper, Mr. Kleiberg, Mr. Proto, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: Mr. Foster, Mr. Kahle, Mr. Savarese, Mr. Sullivan, Mr. Fichter

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

BOARD BUSINESS:

1. Minutes of the meeting of June 14, 2016 were approved as presented on a motion from Mr. Whitson and a second from Mr. Wible and approved by the eligible Board members.

2. Fort Monmouth Plan Amendment #7 – Mr. White briefed the Board on the proposed Amendment which would allow a privately operated commercial recreation facility (fitness center) in Building #114. It is a 7.5 acre tract with an existing building of over 32,000 sq. feet. He explained FMERA's definition is a private recreation club available to any member of the public willing to pay the membership fee. The Amendment calls for an additional 52,000 sq. feet. It located in an R-1 zone. The Amendment permits an overlay zone. There are two other buildings on the property, 562 which is an NJNG facility, and 752, which is a sewage lift station which will be demolished. The water tower is no longer in use, but the proposal is to install some type of signage such as Oceanport, Fort Monmouth or the name of the business that occupies the building. Chairman Widdis requested information regarding the size and height of the building. Mr. White advised there is no plan to change that aspect of land use in the reuse plan. Chairman Widdis asked what the 52,000 sq. foot expansion would be. Councilwoman Cooper advised that it is proposed indoor recreation. Mr. Kleiberg asked if there would be a difference in traffic between a commercial business and a commercial recreation and its impact on the area. Chairman Widdis stated traffic is a problem and the height on the addition will be a problem. Councilwoman Cooper asked if the concern about the water tower or the addition. Mr. Kleiberg and Chairman Widdis stated that both were a concern.

Chairman Widdis expressed a concern regarding hours of operation. Mr. White stated the Board was reviewing use, not a site plan. Mr. Wible asked if the Board was considering use and the doubling of the building. He asked when the Board will be responsible for the approval of land use and zoning. Mr. White advised that once the proposals are through the FMERA process, the purchaser will appear before the Board for bulk variances and site plan approval. The Board has no jurisdiction with regard to use with D variances. Mr. White stated the Board must follow FMERA's land use regulations. Mr. Wible asked if the purchaser would want to build something inconsistent with R-1 if they would have to appear before the Board for bulk variances. Mr. White advised that there is an overlay for the entire area. Mr. Wible asked what the specifications for the zone were. Chairman Widdis pointed to Page 2 of the Amendment, which outlined maximum and minimum sizes. Mr. White advised that FMERA would provide initial approval for bulk variances, this Board is a secondary approval. Mr. White stated a sign is permitted to be 48 sq. feet with a maximum height of six feet. Mr. Widdis opened the meeting for

public questions. As no one wished to be heard, Chairman Widdis closed that portion of the meeting. In general, the Board has concerns over size, height, traffic, hours of operation and the signage on the water tower and recommends to the Governing Body that these concerns be brought to FMERA's attention.

NEW BUSINESS:

3. PB2016-06 Two Swans, LLC
189 Monmouth Blvd
Block 72, Lot 2
Request for Bulk Variances – Height and Side Yard

A-1 Aerial Photograph of Property, taken in March of 2016

A-2 Sheet 2 of 4, Site Layout & Grading Plan, prepared by Kennedy Consulting Engineers, LLC, dated Jan. 19, 2015, last revised February 29, 2016.

Rick Brodsky, Attorney for the Applicant, presented and gave a history of the site and previous appearance before the Planning Board. The Board previously granted approval for new construction on the site. The Applicant has determined a need for increased storage. The Applicant is requesting a variance to allow a detached garage in the front yard.

Mr. DeNoia stated for the record that service had been reviewed, was in order and the Board accepted jurisdiction.

William White, Board Engineer/Planner was sworn in.

James Kennedy, Applicant's Engineer & Planner, was sworn in, presented his qualifications having been previously qualified by the Board was accepted as an expert in both planning and engineering.

Mr. Kennedy proceeded to testify first by describing an aerial photograph of the property and surrounding area which was marked as **Exhibit A-1**. Mr. Kennedy testified that A-1 demonstrates the physical characteristics of the property, narrowness of the lot, and wetlands feature that constrains the east side.

Mr. Kennedy then presented Sheet 2 of 4 Site Layout and Grading Plan, which was marked as **Exhibit A-2**, and testified to the characteristics of the lot. The newly colored portion depicts the proposed 800 sq. foot garage, which is set back 245 feet from Monmouth Blvd. The Applicant is requesting a variance for a proposed accessory structure in the front yard, side setback, and a building height variance. He stated there is a reduction in impervious coverage. The location of the garage is aesthetically pleasing and does not block the front door to the home. There was discussion regarding a door on the structure. Mr. White asked if the Applicant applied for a revised CAFRA permit. Mr. Kennedy advised that they have applied for a new permit and it is pending. Chairman Widdis invited questions from the Board. Mr. Wible asked if the original garage was similar, but attached as opposed to unattached. Mr. Kennedy indicated the location of the original garage on the property. There was further discussion regarding the location and height of the pre-Sandy building. Mr. Proto asked if the Applicant was going to live in the house or if it was being sold. Mr. Denholtz was sworn and testified that the house was listed for sale, but he and his wife intend on living in the house. He will ensure that the listing is removed. Mr. Proto stated his concerns regarding communication between Mr. Denholtz and Mr. Brodsky about the listing.

Mr. Whitson asked about the breezeway. Mr. Kennedy explained that the breezeway is a roof structure. It's open on both sides. Cars will not be parked there. Councilwoman Cooper asked if the former garage was going to be some type of living space. Mr. Kennedy confirmed. She asked what type of roof is on the breezeway. She was provided a closer look at the renderings. Councilwoman Cooper also asked which neighbors are going to be facing at the new garage. Mr. Kennedy advised the

wooded area would be preserved. She also asked if there would be additional landscaping. Mr. Kennedy said there would be and that Mr. Denholtz is working with a landscaping architect. Mr. Kleiberg asked if there would be a dividing wall between the two car garage and the storage area. Mr. Kennedy advised there is. Mr. Kleiberg asked if there would be a stairway to the attic/loft area. Mr. Kennedy advised no. Mr. Kleiberg asked if any utilities would be installed. Mr. Denholtz advised only electric would be installed. Mr. Kleiberg asked where lighting would be on the outside. There will be no floodlights.

Chairman Widdis asked if the former one car garage would now be a living space. Mr. Kennedy advised it will be a bedroom, utility room and a small foyer. Chairman Widdis asked about the Borough's requirements for height for a cupola. Mr. White advised there were none. Chairman Widdis asked if the overhangs were included on the site plan. Mr. Kennedy advised they were not. It was permitted encroachments. Chairman Widdis asked if the square footage of the building has changed anything for the Board's purposes. Mr. Kennedy explained that because the original garage was attached, it was always included in the gross square area of the structure. Chairman Widdis asked if in the future, the building would become a three car garage, and perhaps it should be classified as a three car garage with the Applicant using it as it wants. Mr. Kennedy stated the Applicant's intention is to use it as storage. Mr. White asked what the base flood elevation (BFE) was. Mr. Kennedy stated BFE was 10 and the proposed finished floor is 8.2. The garage will be vented unless it can be raised. He then checked the 2014 BFE and found it was 8. So, the garage is .2 above the 2014 BFE. There was further discussion regarding the BFE.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions of this witness only. As no one wished to be heard, that portion of the hearing was closed and the Board moved to the next witness.

Lance Blake, Architect for the Applicant, was sworn in, presented his qualifications and was accepted by the Board as an expert in Architecture.

He testified the eaves of the new structure would be a maximum of three feet. He explained that the breezeway is a covered connection with a pitched roof which will mimic the pitch of the structure. The materials were blended because it's a low building. The height of the garage is driven by the practical nature of the shallow pitch. Chairman Widdis invited the Board to question Mr. Blake. Mr. Kleiberg asked if anything was below the BFE would be water resistant. That was confirmed. Mr. Whitson asked if there were any drainage problems for neighbors. Mr. White stated that issue was addressed on the initial application and the change to the garage will not affect drainage. Chairman Widdis asked what the size of the garage would be. Mr. Blake testified it is approximately 800 sq. feet, with a length of 34.3 feet and depth of 23.3 feet. Chairman Widdis asked what the height of the cupola would be. Mr. Blake testified that it will probably be in the five foot height range. It will not exceed five feet. The width will probably be in the area of 3 ft. 6 inches by 3ft. 6inches. It will not be lit. Mr. Wible stated the plans provide ¼ inch scale and the eave overhangs are almost 4 feet, not three and the top of roof to the top of the dome is 5 1/2. Mr. DeNoia suggested relying on the testimony and having the Architect resubmit plans to reflect the testimony. Mr. Blake advised he would keep the overhang at three feet. Mr. Wible asked whether the variances would be needed if the breezeway was eliminated and the garage was attached. Mr. Kennedy stated if it became part of the principal structure, it would meet the setback requirements. Mr. Blake asked if the breezeway was enclosed, would that comply. Mr. Kennedy stated that it would, however, that isn't what the Applicant wants. There was further discussion regarding changing the garage to become part of the principal structure. Chairman Widdis expressed his concern regarding the impact of lighting on neighbors. He asked that Mr. Kennedy keep that in mind during his planning.

PUBLIC:

Mr. Widdis opened the meeting to the public for questions of this witness only. As no one wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Kennedy explained the C-1 and C-2 analysis of the variances. He again stated the property was unique because it is narrow. In order to provide practical storage solution, a C-1 variance was appropriate. The building height is driven by trying to meet the flood elevation. The location in the front of the property is again due to the narrowness and environmental impact.

PUBLIC:

Chairman Widdis opened this portion of the meeting to the public for comments from the public.

Rosanne Letson, 37 Morris Place, asked if there was a for sale sign on the property. Mr. Brodsky stated there is a for sale sign there, which has been there for some time, which will be removed. The property is not for sale.

Lisa Denholtz, Applicant was sworn. She commented that the house has not been for sale for some time. She denied any type of disingenuous conduct. She stated that the couple's five children will be visiting them. They have been working with an interior designer and a lighting designer for over a year.

As there were no else from the public to be heard, Chairman Widdis closed that portion of the hearing.

Chairman Widdis requested a motion. Mr. Foster made a motion to approve the application for three variances: a side yard setback of 15.3, height of 18.5 for an accessory structure, and an enhanced structure location in the front yard. Chairman Widdis added to the motion that the garage will be 34.3 and 23.3 depth, the overhangs will be three feet and the main structure of the cupola is going to be 5 feet tall and 3 ft. 6 inches sq. There will be a hip roof on the garage. Mr. Wible asked if there should be a designation of a two or three car garage. It will be used as the Applicant sees fit. Mr. Kleiberg seconded the motion. The Clerk called roll:

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

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

Rosanne Letson, 37 Morris Place, asked how many meetings a Board member is permitted to miss before he/she is considered no longer on the Board. Mr. DeNoia advised that the issue is addressed in the bylaws, but ultimately, the Board has no ability to remove a member. Members are appointed by the Mayor. The Board has to show good cause why someone should be removed. Beyond a particular amount, the member would have to indicate why he/she should be allowed to continue. Councilwoman Cooper will advise the Mayor of the issue.

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

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:57 p.m. on a motion by Mr. Wible which was seconded by Mr. Proto and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary