

**OCEANPORT PLANNING BOARD
MINUTES
September 13, 2016**

Chairman Widdis called the meeting to order at 7:34 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, Mr. Foster, Councilwoman Cooper , Mr. Kleiberg, Mr. Kahle, Mr. Sullivan, Mr. Savarese, Mr. Proto, Mr. Whitson, Mr. Widdis

MEMBERS ABSENT: 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 August 9, 2016 were approved as corrected on a motion from Mr. Whitson and a second from Mr. Wible and approved by the eligible Board members.
2. Referral from Governing Body – Proposed Amendment to Zoning Ordinance #968. Mr. White summarized the content of the current ordinance. The purpose of the amendment is to streamline the collection process for COAH development fees. Discussion followed regarding how the COAH development fee is determined based on the value of the structure. Councilwoman Cooper explained that the new process will shorten the wait time by approximately 10 days. Mr. Kleiberg made a motion to support the proposed ordinance and affirmation that it is consistent with the Master Plan, which was seconded by Mr. Foster and approved by the Board unanimously.
3. Clark Caton Hintz, Borough Planners – Draft Review of Master Plan updates.

Kendra Lelie, Professional Planner, appeared before the Board with a recommended update to the Master Plan's Goals, Principles and Policies. She explained there are three components to the Master Plan: Goals and Objectives, Land Use and Facilities. East Main Street Urban Design and Monmouth Park Redevelopment will be discussed during the next meeting. She explained that a Master Plan is a plan of elements, open space, natural resources, utilities, economic development and land use. A Master Plan is required for the Planning Board to make informed decisions. The last full Master Plan was created in 1974, although modifications have been made. This Master Plan update will incorporate resiliency plans for Oceanport. Superstorm Sandy was an example of how municipalities were impacted by natural disaster. The Master Plan updates will lay out strategies for the Borough to rebound from hazardous situations. The comprehensive recommendations cover health and well being, economy and society, infrastructure/environment, leadership/strategy, land use, and community facilities. After an open house, public input was incorporated in the proposed changes. The recommended changes provide a specific approach to obtaining goals of the Master Plan. Ms. Lelie noted statistics regarding aging population, vulnerable population and diversity in housing. She discussed the proposals regarding zoning for educational and medical uses. Regarding economy and society, community identity is important to Borough residents. Other input from residents included connectivity between parks and accessibility to public facilities. The proposal recommends streamlining the process for businesses to come to the Borough. Other items addressed in the recommendation were protection of natural resources, infrastructure,

transportation and communications. She emphasized the importance of implementing the Master Plan and applying the principles to meet the goals and objectives. She stated that on October 11th, a public hearing for the Master Plan, Monmouth Park Redevelopment and East Main Street will be held. Chairman Widdis suggested a copy of the proposal be available at Borough Hall for the public to review.

Chairman Widdis asked about the depth of review for Ft. Monmouth. Ms. Lelie replied that she relied on the recommendations from the 2008 Master Plan Amendment. Mr. Wible asked if the Board will be voting to adopt or modify the proposal, and Ms. Lelie replied the Board would be. He asked about potential liability if the Board adopted the Master Plan but then chose not to follow the guide. Ms. Lelie stated that the guidelines are not a zoning ordinance, but it will be a reference for individuals to guide them. Mr. Wible asked about environmental issues and the success and sustainability of the community, in particular with regard to the sustainability of horseracing and Monmouth Park. Ms. Lelie stated that Monmouth Park issues will be presented at the September 27th meeting. Regarding environmental issues, Ms. Lelie stated the review looks at vulnerable areas and implementing green infrastructure. If the Board feels there are other issues that need a specific policy recommendation, that can be added to the proposal. Mr. Kahle asked what level of input the Board has regarding the Monmouth Park redevelopment. Ms. Lelie stated that the State overrides the zoning and the benefits of a redevelopment plan for this area is that the Borough has planned for it and its on record what the Borough wants to see there as part of the overall plan. Councilwoman Cooper advised that the Governing Body has worked with Mr. Drazin, advisor to the Thoroughbred Horsemen, and incorporated ideas for the track's development.

Mr. Whitson asked if the impact of Ft. Monmouth was considered on the infrastructure and traffic. Ms. Lelie stated there was some discussion regarding a circulation element that has a traffic impact study. It will be touched upon more as part of the East Main Street plan especially with the opening of Oceanport Avenue and why they are recommending that a circulation element be done. Chairman Widdis commented that the traffic issues will eventually need to be addressed. Chairman Widdis opened the meeting to the public for questions for which there were none. He also recommended that the public read the proposal and provide feedback.

Ms. Smith advised that the Maple Place School will be having an event on the September 27 meeting date, leaving the library unavailable. She suggested the Borough's Blackberry Bay Park Pavilion as an alternate meeting location. As there were no objections, Ms. Smith will perform the necessary advertisements to relocate the September 27, 2016 meeting to the Pavilion building.

OLD BUSINESS:

CARRIED from August 9, 2016

4. PB2016-08 Kelly, Michael
7 Main Street
Block 110, Lot 24
Request for Bulk Variances

A-6 Plot Plan prepared by Charles Surmonte, PE, PP dated March 24, 2016, last revised August 29, 2016.

A-7 Architectural Plan (1 sheet) prepared by Jeremiah J. Regan, AIA, dated February 8, 2016, last revised August 29, 2016.

A-8 Colored Rendering of Revised Conceptual Plan, prepared by Jeremiah J. Regan, AIA undated.

Jennifer Krimko, Attorney for the Applicant, provided a brief review of the previous hearings. The revised plans adopted the recommendations suggested by members of the Board. The grading with

regard to the garage was revised. The calculation of the habitable area on the first floor was corrected to comply with the Borough's ordinance. The parking area was changed to two spaces for each unit. She introduced **Exhibits A-6, A-7 and A-8**. Ms. Krimko reviewed the project proposal. There is a vacant lot and the Applicant is proposing a two family duplex. The original application requested variance relief for side setback, lot width, rear setback, driveway width and the minimum habitable area. The minimum habitable area was eliminated.

Mr. Surmonte, Engineer for the Applicant, was previously sworn and remained under oath. He testified that the building was enlarged. It was moved forward approximately 3 feet. The side yard setbacks are less and do not require a side yard setback variance. The rear yard setback variance is still requested. The building was elevated slightly, and the parking in front was expanded. The proposed condition will not create any runoff to the neighboring properties. Mr. White stated lot width is a pre-existing non-conforming condition. Rear setback is 103.6 feet, the lot is proposed at 52.9. Ms. Krimko stated the revised plans improve the condition by mitigating it by three feet. Mr. White stated the driveway is 26 feet, where 24 is permitted. Ms. Krimko stated the Applicant can comply with the remaining items on Mr. White's letter. Mr. Whitson asked for clarification on the driveway width. Mr. Foster asked for clarification regarding the height of the building. There was discussion regarding the height of the building from the crown of the road, which is 34 ft. 7 inches.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions.

Murray Massre, 5 Main Street, Unit 2, thanked Mr. Kelly for providing plans. He asked if an engineer would be provided to address water management and if a plan would be submitted. Mr. White stated there was no need for water management report required because the site is contained within itself by the two side yard swales.

William White, Planning Board Engineer, was sworn.

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

Jeremiah Regan, Architect for the Applicant was previously sworn and remained under oath. He testified that the revised plans increase the first floor to meet the minimum habitable area while not increasing any variances relating to setbacks. The first floor habitable floor area for each unit is 1,064 sq. feet. Chairman Widdis asked for the total square footage. Ms. Krimko stated the habitable area is 2,603 for Unit 1 and 2,575 for Unit 2. Mr. Regan testified the habitable area was increased by expanding the back and by expanding the left and right side units on the first floor. The second floor also increased slightly. The attic was expanded, with potential living space and meets the criteria of a habitable attic, not a third story. Mr. Whitson questioned the calculation of habitable area for Unit 1. Ms. Krimko stated that was an error and the habitable space would be corrected to be 2,653.

PUBLIC:

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

Chairman Widdis asked the Board for any additional questions or comments to which there were none.

PUBLIC:

Chairman Widdis opened the meeting to the public for comments on the application.

Murray Massre, 5-2 Main Street, was sworn. He expressed concerns regarding water management and flooding. He visits the proposed site during rainy periods and it is saturated and flooded. He asked if an engineer would provide a water management plan to alleviate his concerns regarding flooding. Mr. White stated that there is no ordinance requiring a water management plan for an application of this

size. Chairman Widdis stated however, that there is a requirement for a grading plan. Mr. White stated he reviewed the grading plan and will be reviewed again by the building department. His review concluded that there will be no impact on neighboring properties. Freehold Soil will be involved with the application because more than 5,000 sq. feet will be disturbed. There is also a CAFRA permit, so the DEP reviewed the grading for the Application. Chairman Widdis stated there will be no additional plans. He reinforced the fact that there will be multiple reviews of the Application. Mr. Wible advised that the plans are available for review at Borough Hall.

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

Councilwoman Cooper made a motion to approve the Application as presented, which was seconded by Mr. Kleiberg. Mr. DeNoia noted the three variances were for lot width, rear yard setback and driveway width. The motion received the following roll call:

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

Ms. Smith stated the motion carried.

RESOLUTIONS:

5. PB2016-09 O'Neill, Michael - 21 Gooseneck Point Road. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Chairman Widdis made a motion to approve the resolution subject to a certification from a licensed surveyor at the time of the sheathing inspection indicating the final as-built building height as measured from the crown of the road to the center of the lot indicating with the bulk height requirement of zoned district or consistent with any height variance approved by the Board, which was seconded by Mr. Kahle and received the following roll call:

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

Ms. Smith stated the motion carried.

6. PB2016-10 Cartwright, Robert – 425 River Street. As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution. The approval of the application is subject to submission of a new architectural plan consistent with the testimony at the hearing, indicating the half story is less than one-third of the story below; reducing the height of the third floor to reduce the height variance; additional terms contained in the 7/26/16 review letter by the Borough Engineer. The Applicant must submit revised site plans consistent with the testimony at the hearing, indicating removal of the shed; showing 3 designated parking spaces in the front yard, adding a 4.5 spot grade off the center line and identifying the variance from the front yard setback. Applicant must submit a certification from a licensed surveyor at the time of the sheathing inspection indicating the final as-built building height as measured from the crown of the road to the center of the lot indicating with the bulk height requirement of zoned district or consistent with any height variance approved by the Board. The Applicant must remove the stairs from the plan for compliance with the side yard setback. A motion to approve the application was made by Mr. Whitson, which was seconded by Mr. Savarese. Board members

Whitson, Wible and Foster commented that their vote was with the understanding this was a unique application and would expect applicants to be consistent with what was voted on in the future and received the following roll call:

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

Ms. Smith stated the motion carried.

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

Roseann Letson, 37 Morris Place, asked for a definition of sheathing and was advised it is plywood on the exterior of the house. The Board is asking for a surveyor to certify how high the roof is. There was discussion regarding buildings that were completed, but exceeded the variances awarded, thereby resulting in a new application for another variance after the house was built. The condition to have a surveyor's certification at the time of sheathing will prevent having an additional variance.

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 9:28 p.m. on a motion by Mr. Wible which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary