

**OCEANPORT PLANNING BOARD
MINUTES
April 11, 2017**

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 11, 2017 and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

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

MEMBERS ABSENT: Mr. Savarese, Mr. Proto, Ms. Halpern

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

Chairman Widdis noted that Mr. Savarese's mother passed away last week, and mentioned that she was an active member of the community and volunteered frequently for the town. He expressed his condolences.

RESOLUTION:

1. PB2016-07 Silkworth, William (8 Shore Road). As the Resolution was made available to the Board previously, Mr. DeNoia summarized the history of the application and Resolution. Chairman Widdis called for a motion, which was made by Mr. Kleiberg, seconded by Councilwoman Cooper and received the following roll call:

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

Ms. Smith stated the motion carried.

BOARD BUSINESS:

1. Referral from Governing Body – Proposed Amendment to Zoning Ordinance. Chairman Widdis stated the amendment was to allow ownership of poultry. The Board's responsibility is to review the document and determine whether it should be consistent with the Borough's Master Plan. Chairman Widdis explained that members of the public will not be permitted to comment on the proposed Amendment at this meeting. However, residents would be permitted to comment at the Mayor and Council meeting on April 20th.

Mr. DeNoia explained that only the Governing Body may create ordinances. The Governing Body requested input from the Planning Board, because the Board is responsible for creating the Master Plan. The discussion is not a public hearing. It is a referral process. The Board reviews the proposal and makes comments and recommendations to the Governing Body.

Mr. White, Planning Board Engineer/Planner was sworn. He reviewed the 1974 Master Plan and subsequent reexams. He stated there was no specific language regarding chicken or fowl raising, but a section of the land use states that changing technological patterns may necessitate modifications in the Land Use Plan. He said the proposed amendment is a result of society eating healthier.

Chairman Widdis stated there were sections of the proposed amendment that don't represent the intent of the change. He said there was no definition of fowl. If it is for chickens only, then that should be clear. He expressed concern about residents along the river. Ms. Smith advised Chairman Widdis that he should be focusing on Section II. Mr. Whitson expressed concern for the setback from property line that a chicken coop could be right of within 5 feet of a property line. Mr. White stated the coop would be an accessory structure. Ms. Smith explained that the amendment will remove poultry as a prohibited animal anywhere in town because currently its only permitted in the B-2 District. There was additional discussion regarding the language. Mr. DeNoia explained that the language removes the prohibition of raising chickens, meaning chickens can be raised anywhere in the Borough. Councilwoman Cooper offered to bring the concerns of the Board to the attention of the Governing Body.

Chairman Widdis asked each member whether he/she believed the proposed amendment was in consistent with the Master Plan. Councilwoman Cooper stated it was because the Master Plan provides for flexibility and allowing chicken to be raised is a reflection of healthier lifestyles. Mr. Kleiberg stated it was consistent with the Master Plan, although he had some reservations regarding the verbiage. Mr. Kahle also agreed that it was consistent with the Master Plan. Mr. Foster agreed that it was consistent due to the socio-conditions that are prevailing and supports healthier eating. Mr. Sullivan, Mr. Whitson and Mr. Fichter agreed it was consistent with the Master Plan. Chairman Widdis disagreed. He felt it would be problematic for neighbors and worried about enforcement.

Ms. Smith stated a motion was needed to decide on whether the proposed amendment was consistent with the Master Plan, which was made by Mr. Kahle, seconded by Mr. Fichter and received the following roll call:

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

Ms. Smith stated the motion carried.

Chairman Widdis wanted to make certain that Councilwoman Cooper could bring the Board's concerns to the Governing Body. He requested that the minutes of this meeting be prepared and presented to the Governing Body. Mr. DeNoia and Councilwoman Cooper recommended attending the Mayor and Council meeting to express concerns. There was discussion regarding enforcement.

PUBLIC:

Chairman Widdis opened the meeting to the public for questions. As no one 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 7:58 p.m. on a motion by Mr. Whitson, which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary