

**OCEANPORT PLANNING BOARD
MINUTES
April 25, 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. Whitson, Mr. Sullivan, Mr. Foster, Mr. Kahle, Mr. Savarese, Mr. Fichter, Ms. Halpern, Mr. Widdis

MEMBERS ABSENT: Councilwoman Cooper, Mr. Kleiberg

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

Chairman Widdis advised that Mr. Proto had resigned as a result to his recent appointment to Council.

BOARD BUSINESS:

1. Minutes of the meeting of March 28, 2017 were approved as presented on a motion from Mr. Whitson and a second from Mr. Sullivan and approved by the eligible Board members.
2. Minutes of the meeting of April 11, 2017 were approved as presented on a motion from Mr. Whitson and a second from Mr. Kahle and approved by the eligible Board members.

OLD BUSINESS: None

NEW BUSINESS:

3. PB2017-06 Spencer, Craig
34 Bradley Ave
Block 91, Lot 13
Request for Bulk variance – pool setback

A-1 Lot Coverage Calculations prepared by R.C. Burdick, P.E., P.P., P.C., dated February 16, 2017

Chairman Widdis announced that Mr. Foster had recused himself because he lives within 200' of the Applicant. Mr. Foster exited the room at 7:34 p.m.

William White, Board Engineer/Planner was sworn in. Mr. DeNoia stated for the record that service had been reviewed, was in order and the Board accepted jurisdiction.

Craig Spencer, Applicant and Co-Owner, was sworn in and described the application for an inground pool needing relief for proposed 6' setback from house where 10' required. He described the benefits of the proposed location: sunlight and privacy and no negative impact on his neighbors. Chairman Widdis asked if there would be additional structures to hold pool equipment and furniture. The Applicant stated there is an existing shed. Mechanical equipment will be placed adjacent to the shed. Chairman Widdis asked about lighting. The Applicant replied the pool is equipped with one light and there is existing lighting on his deck, with no plans for additional lighting. Chairman Widdis expressed concern regarding safety. Mr. Fichter asked about access points to the pool. The Applicant explained pool access. There was discussion regarding nearby roofs and impervious coverage. Mr. White suggested that if the Board

were to approve the application, that it include a condition to verify the impervious coverage is under 40%. The Applicant stated it was 39.2% and referred to a document submitted with his proofs of service which he described and was marked as **Exhibit A-1**. There was discussion regarding location of the pool and compliance with Building codes. Ms. Halpern asked if there was a step down to the outdoor shower and made of what material. The Applicant stated it was concrete pavers on top of stone.

PUBLIC:

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

Mr. Whitson made a motion to approve the application, noting that the positives outweigh the negative, no adverse impact on neighbors, no additional lighting, minimal impact, positive benefit to the Applicant, which was seconded by Mr. Fichter. The motion received the following roll call:

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

Ms. Smith stated the motion carried.

Mr. Foster re-entered the room at 7:46 p.m.

4. PB2017-05 McGann, III, Martin
6 Cayuga Avenue
Block 26, Lot 6
Request for Bulk Variances

- A-1 Google Image, 1947 Aerial of Property**
- A-2 Plan View, prepared by Pillari, LLC, dated April 10, 2017, 1 Page**
- A-3 Photograph of Backyard and Rear of House taken April 15, 2017 by the Applicant**
- A-4 Google Image, April 20, 2017 Aerial of Property**
- A-5 Soil Conservation Letter from Charles Surmonte, P.E, dated March 16, 2013**
- A-6 Photograph of Rear Yard taken April 25, 2017 by the Applicant**
- A-7 Colored Rendering of Patio and Pergola**

Martin A. McGann, Jr., Attorney for the Applicant, appeared before the Board on behalf of the McGanns. Mr. DeNoia noted that Mr. White remained under oath. Mr. DeNoia stated service had been reviewed, was in order and the Board accepted jurisdiction. Mr. McGann, Jr. explained the application is for variances for lot coverage, total impervious coverage, pre-existing garage with side and rear yard setbacks and side yard variance for the proposed patio. He explained the history of the home. Mr. McGann, Jr. introduced and described **Exhibit A-1**.

Martin McGann, III, Applicant was sworn. Mr. McGann, Jr. asked questions regarding when the present home was built, residents and current status of the building. Mr. McGann, Jr. introduced **A-2**, which was identified and described by the witness. Mr. McGann, Jr. introduced **A-3**, which was identified and described by the witness. Mr. McGann, Jr. introduced **A-4**, which was identified and described by the witness. Mr. McGann, Jr. asked the Applicant about the drainage plan for the patio. The Applicant testified there are 2 built in drains on the patio, which will run into an existing drywell system. Mr. McGann, Jr. introduced **A-5**, which was identified and described by the witness. Mr. McGann, Jr. asked the witness about lighting. The Applicant testified subdued lighting will be installed in the stairs. Mr. McGann, Jr. asked what the Applicant proposed to address the side yard setback relief. The witness

testified that he spoke with his neighbor, and they have agreed to shared landscape/fencing. Mr. McGann, Jr. discussed building coverage, lot coverage and impervious coverage.

Chairman Widdis asked for questions from the Board. Mr. Savarese asked about the covering over the patio. Mr. McGann, Jr. introduced and explained **A-7**. Mr. Foster asked for a description of the lighting. The Applicant referred to **A-2** to describe where the lights would be.

Chairman Widdis opened the meeting to the public for questions regarding the Application. As no one from the public wished to be heard Chairman Widdis closed that portion of the hearing.

Mr. Foster made a motion to approve the application as presented and grant the variances as requested because there were no negative impacts on the Borough's planning or adjoining properties, which was seconded by Mr. Savarese. The motion received the following roll call:

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

Ms. Smith stated the motion carried.

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

EXECUTIVE SESSION:

At 8:10 p.m., Mr. DeNoia requested an Executive Session. Chairman Widdis asked for a motion to enter Executive Session to discuss pending litigation by Noel Kelly, which was made by Mr. Whitson and seconded by Mr. Kahle. The motion received the following roll call:

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

Ms. Smith stated the Board was in Executive Session.

At 8:22 p.m., the Board returned from Executive Session and the regular meeting was reopened on a motion by Mr. Whitson and seconded by Mr. Savarese.

ADJOURNMENT: As there was no further business, the meeting was adjourned at 8:22 p.m. on a motion by Mr. Whitson which was seconded by Mr. Fichter and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary