

**SPECIAL MEETING:**        7:00 P.M.        Public Meeting Room  
Deal and Monmouth Roads  
Oakhurst

MEMBERS  
PRESENT:     Robert Acerra  
                 Anthony Andrisano  
                 John Duthie, Alt II  
                 Warren Goode, V Chair  
                 Brian Lefferson

MEMBERS  
ABSENT:     Fred Brody  
                 Joseph DiBenedetto, Alt I  
                 Estelle Klose  
                 Stephen Levy  
                 John Verrilli  
                 Thomas Means, Chair

OTHERS PRESENT:     Sanford Brown, Esquire,     Board Attorney  
                                 James Higgins, PP,         Board Planner  
                                 Marianne Wilensky,       Planning Administrator  
                                 Rachel Montemarano,     Planning Board Secretary  
                                                                     Recording Secretary

Vice Chairman Goode announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice having been sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on February 8, 2016.

Board Member Fred Brody Arrived at 7:03 PM.

**RESOLUTION MEMORIALIZATIONS**

**Roller Road, LLC**  
**(Corner of Roller Road & Rose Avenue)**  
Block 182 Lot 2  
1414 S. Roller Road  
Ocean

MOVED:     Goode        SECOND:     Andrisano  
FAVOR:     Acerra, Andrisano, Duthie, Goode  
OPPOSED:     None  
INELIGIBLE:     Brody, Lefferson  
ABSENT:         DiBenedetto, Klose, Levy, Verrilli, Means

**Cindy Lane Family Ventures, LLC**  
Block 1.02 Lot 51.11  
Cindy Lane  
Ocean

MOVED:     Goode        SECOND:     Andrisano  
FAVOR:     Andrisano, Duthie, Goode  
OPPOSED:     None  
INELIGIBLE:     Acerra, Brody, Lefferson  
ABSENT:         DiBenedetto, Klose, Levy, Verrilli, Means

**NEW CASE**

**Toil NJ I, LLC**  
Block 35 Lots 6, 7, 8, 10, 11, 13,  
14, 46  
West Park Avenue at Green  
Grove Road  
Ocean  
Zone R-1

This is an application for preliminary and final major subdivision and site plan approval with variances.

Attorney for the applicant: Jennifer S. Krimko, Esquire

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked B-1. Board Planner James Higgins, PP summarized his report, noting that after he issued his report there was a technical review meeting in which many issues were addressed. He explained that the applicant will be amending the application to include two phases in order to address his concerns about the phasing of the project, which originally included three phases. The applicant is making a \$1.8 million donation to the Township's affordable housing project. A revised landscape plan will be

submitted for his review as the current plan does not meet the requirements of the ordinance. With regard to tree removal and replacement, the plan indicates that over 2,000 trees are being removed with 303 trees being replaced. A donation of \$634,000 would be the required donation to the Shade Tree Fund, though Mr. Higgins suggested that the Board consider some relief towards this requirement. Mr. Higgins noted that he has concerns for the proposed locations of the trailers and storage during construction near the West Park Avenue emergency access area.

Attorney for the applicant, Jennifer S. Krimko, Esquire said that supplemental groundwater testing will be submitted. The best time to complete that testing is at the end of February and it was not done in time to resubmit.

Board Engineer William Fitzgerald arrived at 7:20 PM.

Ms. Krimko submitted the following items which were marked into evidence as follows:

- |                  |  |
|------------------|--|
| A-1              | Site plan revised through October 16, 2015 consisting of 45 pages          |
| A-2              | Architectural plans including elevations and colors for various models     |
| A-3              | Elevation of proposed club house dated August 3, 2011                      |
| A-4              | Photographs of a similar development in Shrewsbury dated October 8, 2014   |
| A-5 for ID only  | Overall aerial exhibit dated 3/1/16  |
| A-6 for ID only  | Rendering dated 3/1/16   |
| A-7 for ID only  | Amenity plan rendering dated 2/22/16                                       |
| A-8 for ID only  | Lot depth exhibit dated 3/1/16   |
| A-9 for ID only  | Walk-out basement exhibit dated 3/1/16                                     |
| A-10             | Color rendering of sign dated 3/1/16                                       |
| A-11 for ID only | Alternative monument sign  |
| A-12             | Photo of retaining wall with safety fence at another Toll Brothers project |

Board Engineer William Fitzgerald, PE summarized his report, noting that he is waiting for the drainage information and would like updated parking counts. He recommended extending the sidewalks down West Park Avenue and striping or widening the road near the Intermediate School.

The engineer for the applicant, Andrew Comi of Kennedy Consulting, described the existing site, which consists of 82 acres, the majority of which is wooded. A large portion of the site closer to Route 18 will be left undisturbed as there are wetlands. The area closer to West Park Avenue and Green Grove Road will be developed. Mr. Comi said that the variances are largely due to the topography of the site. Ingress and egress is on Green Grove Road. Emergency access is on West Park Avenue, gated with an opticom system for Township emergency vehicles. Mr. Comi said that this area is no longer proposed to have access during construction. Each lot has 2 ½ parking spaces with a 2 car garage and driveway. The applicant is only proposing sidewalks on their frontage as well as substantial landscaping along West Park Avenue and Green Grove Road. Ms. Krimko said that the applicant agrees to supplement the landscaping in the buffers after construction per the Board Planner. Mr. Comi said that they are also proposing fencing in areas where screening is sparse. A 25 acre limit of disturbance will be clear cut and regraded in order to flatten the site for a safe slope. 46 acres of open space will remain.

Mr. Comi said that they have changed the phasing plan to include only two phases. The first phase will be the western 2/3 of the site including 52 units. The second phase will be the remaining 1/3 in the eastern part of the site including 23 units. The sanitary sewer will be completed during phase 1. Ms. Krimko said that the applicant has agreed to help three neighboring lots connect to the sewer system. Mr. Comi said that they have revised the location of the storage and sales trailer areas. Proposed lot 28 will

be for a construction trailer that will remain until the end of the project. Revised landscape and layout plans will be submitted for the next hearing.

With regard to the existing drainage, Mr. Comi said that 1/3 of the 25 acres drains towards West Park Avenue while 2/3 of the land to the south drains towards the wetland area. They are proposing two dry infiltration basins. Ms. Krimko said that drainage information will be submitted.

Fences and walls are proposed in order to handle the slope. A retaining wall is proposed along existing lot 9. It will appear sunken into the development with the existing vegetation. Mr. Comi said that this will allow them to keep the existing grade and not disturb the vegetation. A tiered wall will separate several lots along Blue Heron and Enclave Way. Landscaping will be used to visually screen the walls. Mr. Comi said that the walls will only visually affect the owners in this development. Mr. Comi referred to A-12 which shows an example of the retaining wall, which also has a black aluminum safety fence.

A variance for stories above grade is due to the walkout basement proposed for some of the homes. Mr. Comi said that it helps make up the change in grade between lots rather than having walls. Ms. Krimko said that Dr. Delaney, owner of an adjacent lot, has expressed concern about the walkout basements. She said that they could use grading and walls as an alternative to the walkout basement. Ms. Krimko said that they will have that plan prepared.

The entrance sign on Green Grove Road complies with the ordinance, but the wall feature does not. There will be lighting at intersections and every so often along the roadways. The lights will be traditional JCP&L lamp posts. There will be no interference with neighboring properties.

Vice Chairman Goode asked about the change in grade on the roadways. Mr. Comi said that it will have a maximum slope of 4% on the roadways and sidewalk. Mr. Fitzgerald said that this is a safe slope.

Mr. Fitzgerald said that they must have tree fencing clearly in place before any trees are cut down. He also said that there should be a walk-through to ensure that no trees are inadvertently removed. Mr. Comi agreed.

Mr. Fitzgerald suggested maximizing the curb for visitor parking by relocating some of the driveways. Mr. Comi said that it is Toll Brothers standard to have the driveways on the high side due to grading, but it can be considered.

Mr. Fitzgerald asked about lighting in the parking lot per the Police Department's report. Mr. Comi said that the applicant can agree to keep certain lights on for safety. Mr. Fitzgerald suggested a timer or motion sensor. Mr. Comi agreed, also noting that the clubhouse is equipped with motion sensors and cameras.

Mr. Fitzgerald suggested that the wall along existing Lot 9 be tiered, suggesting that they make the wall area more functional by adding larger steps for seating or additional landscaping. Mr. Comi said that they could consider moving it into the 50' buffer with additional landscaping.

Mr. Fitzgerald asked if there are any restrictions in the side yard of the oversized lots. Ms. Krimko said that no accessory structures are permitted on the lots with the exception of patios and patio screening. This will be part of the homeowner's association documents.

Mr. Fitzgerald said that the buffer along the lots on Pal Drive needs to be sufficient. Mr. Comi said that the applicant can agree to enhance this area.

Vice Chairman Goode asked about snow removal and road maintenance on the private roads of the development, saying that there have been issues with services in

these types of developments. He said that he wants it to be clear to the homeowner that they are responsible for a part of that cost. Ms. Krimko said that that will be part of the

Homeowner's Association and recorded with the master deed. Planning Administrator Marianne Wilensky said that she will speak to the Township Manager before the next hearing about the Township requirements and the requirements of the development. Board Attorney Sanford Brown, Esquire agreed that clarity is needed on what services are provided.

Mr. Fitzgerald said that the cul-du-sacs need to be larger so that they are maneuverable for emergency vehicles and moving trucks. Mr. Comi said that they will revise the plans.

Mr. Acerra asked if there is enough parking proposed for visitors. Mr. Fitzgerald said that there is enough parking per the Ordinance and RSIS standards. Mr. Acerra asked about the number of light poles, to which Ms. Wilensky said that JCP&L requires a letter approving the lighting. The plan is looked at by the Township Engineer and Township Manager. Mr. Acerra asked about the EC report, which recommends that the basin in the south be relocated. Mr. Fitzgerald said that it is not feasible to relocate the basin and where it is proposed is reasonable.

Mr. Lefferson asked about the open space to remain. Mr. Comi said there will be 46 acres of open space. Mr. Lefferson asked about the construction materials being located on West Park Avenue. Mr. Comi said that West Park Avenue will now be for emergency access only.

With no further questions from the Board, Vice Chairman Goode opened the hearing to questions from the public for Mr. Comi.

Gary Pess, 13 Pal Drive, asked when the fences on the boarder of the property will be erected. Mr. Comi said that they will be constructed after the tree removal. Soil erosion fencing will be put up at the limit of disturbance. Mr. Pess asked if the sewer pipes on Pal Drive can handle the additional 75 units. Mr. Comi said that they are working with TOSA and he is not aware of any issues with the pipe on Pal Drive or the pipe that they are tying into on their property. Mr. Pess submitted three photographs of the area behind lots 60, 62 and 63 that were marked into evidence O-1. A photograph of the area behind lot 65 was marked into evidence O-2 and a photograph of the area behind lot 64 was marked into evidence O-3. Mr. Pess said that those areas on exhibit A-6 are not a realistic depiction of what really exists, which is bare. Ms. Krimko said that they have agreed to walk the site and supplement the buffer as necessary. The tree removal of the entire area will be done all at one time and typical stabilization measures will be taken for the phasing. Ms. Krimko said that the phasing will be clearly outlined.

Scott Delaney, 1206 West Park Avenue, referred to A-12 asked about the height of the wall. Mr. Comi said that it is 64" maximum in height. The tallest wall proposed is 10' plus the fence. Mr. Comi explained that the wall closest to Mr. Delaney's house is 10' that tapers to 0'. The acreage of each lot is approximately 7,000 sq ft, about ¼ of an acre.

Robert Racziewicz, 14 Pal Drive, asked if there will be a flow study of the sewer. Mr. Comi said no. Mr. Fitzgerald said that any time you apply for a hookup to the sewer line, the sewerage authority should know if it can handle it. Mr. Racziewicz asked about the maintenance schedule for the basin. Ms. Krimko said that those details are deferred until after the final plans are submitted. Mr. Racziewicz said that homes on Pal Drive are going to be affected. Ms. Krimko said that the applicant is not allowed to have an impact on Pal Drive.

Rick Isaacson, 19 Pal Drive, referred to previous proposals to extend the drainage to Route 18 which would be less intrusive to the neighbors and better for water flow. Mr. Comi explained that that area is entirely wooded and wetlands and that type of proposal would not be permitted by the DEP. The soils are clay and the groundwater would not percolate. Mr. Isaacson said that he wants assurance that there will not be an increase in water on his property and what recourse he has if there is a problem. Mr. Fitzgerald said

that that is what is being studied now. Mr. Isaacson said that he hopes that the applicant will increase the landscaping and install the fencing as early as possible.

Roberta Cavallo, 53 Rolling Meadows Blvd, asked why they are clear cutting and suggested that the trees be relocated to the basin area. Mr. Comi said that that area is optimal for the basin, but that they are enhancing the screening of the basin.

Glenn Carr, 908 Green Grove Road, said that his biggest concern is the entrance to the development. Ms. Krimko said that the traffic expert will testify about that.

Ken Ledwitz, 1218 West Park Avenue, asked what he will see from his property. Mr. Comi said that the plan shows a retaining wall, but his property will be above it, so it will not be visible. Trees will be in the 50' buffer and there will be aluminum fencing on top of the wall. Mr. Higgins said that the buffer areas are going to be supplemented so that there will be a solid screen. Ms. Krimko suggested that Mr. Ledwitz meet with representatives from Toll Brothers to discuss the buffer.

Scott Delaney, 1206 West Park Avenue, asked if the applicant looked into all the options for the placement of the basin, even areas in wetlands. Mr. Fitzgerald described the three types of DEP permits, and Mr. Comi explained that there is not a general permit available to put the basin in isolated wetlands. He said that the DEP would not likely approve the basin in wetlands.

Sarah Kopp, 21 Pal Drive, said that the utility crossing appears to be along her property line. Mr. Comi said that they are tying into a manhole that is 2-3 feet behind her property. Mr. Higgins said that a variance would be needed if it is less than 50' away.

Tom Ross, 9 Northwoods Road, asked if all the drainage will be addressed in Phase 1 of the project. Mr. Comi said that both basins will be installed in phase 1, but some roadway items will not be installed until phase 2. Appropriate measures will be taken for sediment control. The applicant has received approval from Freehold Soil last month, which will be submitted.

Paul Mayerowitz, 117 Cedar Village Blvd, asked if 30' wide roadways are the minimum requirement. Mr. Comi said yes, 30' minimum is required by ordinance and it cannot be expanded. Mr. Mayerowitz asked if the top soil is stripped for sale. Mr. Comi said that a portion is saved for re-use, but does not know about re-sale. Mr. Comi said that there will be approximately 8" of top soil remaining. Mr. Mayerowitz asked about parking at the clubhouse, noting that the spots will be full when an event is going on. He suggested that there be more curb cuts for handicap access. He asked when homeowners association documents get submitted to the township. Ms. Krimko said that they get submitted post-approval for review by the Township Engineer and Attorney.

Ken Ledwitz, 1218 West Park Avenue, asked if sound studies have been performed and if the walls have any impact on sound. Mr. Fitzgerald said that noise annoyance is regulated by State Law.

With no further questions for the applicant's engineer, the Board took a break, resuming at 9:45 PM.

Ms. Krimko presented John Rea, PE of McDonough & Rea Associates, Inc. to present traffic testimony. Based on ITE standards, Mr. Rea's projection of traffic counts for this community is 43 driveway movements in the AM peak hours and 36 in the PM peak hours. Morning traffic flows north on Green Grove Road while evening traffic flows south. Due to heavy traffic at the 4-way stop at Green Grove Road and Wayside Road, traffic backs up 15-20 vehicles between 5:00 and 5:30 PM. Before 5:00 PM it is about 7-8 vehicles and after 5:30 PM it goes back down to 7-8 vehicles. Mr. Rea said that it will be difficult for people to make a left turn from this driveway, but most people will be turning right to go to West Park Avenue, Route 35, Route 18 or Hope Road. Mr. Rea said that he did the traffic study for Rolling Meadows many years ago and this generates less than a ¼ of that. This development being an active adult community does not generate a lot of peak hour traffic.

Vice Chairman Goode asked if they foresee any more traffic signals. Mr. Rea said that the 4-way intersection is beginning to approach a warrant for a traffic signal, but it is County jurisdiction and he does not think that they would approve a signal based on these projections right now. This development is only adding 2-3 cars through that intersection during peak hours. Vice Chairman Goode asked Mr. Rea to consider preparing a striping plan for the County. Ms. Krimko said that the applicant will look into it.

Vice Chairman Goode carried this application to the next regular meeting of March 14, 2016 for the purpose of announcing the next date when this application will be heard.

**DISCUSSION: Ordinance #2262**

Planning Administrator Marianne Wilensky explained that this ordinance has been introduced to Council in order to change the definition of entertainment and restaurants. There will be three types of restaurant uses, one including entertainment. The conditions of a restaurant with entertainment include always having food service during entertainment, no cover charge and no dance floor with only one type of entertainment at one time. The Board unanimously agreed that this ordinance is in conformance with the intent and purpose of the Master Plan, noting that it will help businesses thrive in the winter months.

Meeting adjourned at 10:20 P.M.

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Rachel Montemarano  
Board Secretary  
Recording Secretary