

CAUCUS SESSION: 7:00 P.M. Council Chambers
Deal and Monmouth Roads
Oakhurst

DISCUSSION: **Lighting Ordinance Update**

Board Engineer William Fitzgerald had previously sent the Board Members a copy of his initial draft of the proposed lighting ordinance for their review. He noted that the new energy codes limit the number of watts per acre, which means that the applicants have to be careful in how they light sites. One of the things he is considering is limiting the number of watts per square foot.

Mr. Fitzgerald said that he is reviewing other fairly comprehensive ordinances in order to develop the best possible lighting ordinance. The Board Members complimented Mr. Fitzgerald on his ability and put their trust in his expertise in designing a lighting ordinance.

REGULAR MEETING: 7:30 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Anthony Andrisano
Carlo Gallelo
William Garofalo
Warren Goode, Vice Chair
Stephen Levy, Alternate II
Thomas Means, Chair
Joanne Nadell

MEMBERS ABSENT: Fred Brody, Alternate I
Estelle Klose
George Sarios
John Verrilli

OTHERS PRESENT: Sanford Brown, Esquire, Board Attorney
James Higgins, Board Planner
William Fitzgerald, Board Engineer
Margo Simpson, Planning Board Secretary
Recording Secretary

OTHERS ABSENT: Marianne Wilensky, Planning Administrator

Chairman Thomas Means 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, the Coaster, and the Atlanticville, posted in the Township Hall, and filed in the Office of the Township Clerk on July 14, 2008.

MINUTES FOR APPROVAL

A motion to approve the **minutes from the meeting of February 23, 2009**, was made by Thomas Means and seconded by Anthony Andrisano.

FAVOR: Andrisano, Gallelo, Levy, Nadell, Garofalo, Means
OPPOSED: None
INELIGIBLE: Goode
ABSENT: Brody, Klose, Sarios, Verrilli

A motion to approve the **minutes from the meeting of March 23, 2009**, was made by Thomas Means and seconded by Joanne Nadell.

FAVOR: Andrisano, Levy, Nadell, Garofalo, Means
OPPOSED: None
INELIGIBLE: Gallelo, Goode
ABSENT: Brody, Klose, Sarios, Verrilli

APPLICATION CARRIED to May 11, 2009 **Seaview Square, LLC**
Block 141, Lots 1, 23
Highway 35 and Route 66
Wanamassa

RESOLUTION MEMORIALIZATIONS

Martelli at Wayside L.L.C.
Block 37.16, Lots 34, 36, 46, 47
Bowne Road and Deal Road
Wayside
**Amended major subdivision
Approval**

MOVED: Means SECOND: Andrisano
FAVOR: Andrisano, Garofalo, Levy, Nadell,
Means
OPPOSED: None
INELIGIBLE: Gallelo, Goode,
ABSENT: Brody, Klose, Sariosotis, Verrilli,

CONTINUED CASES

1800 Acquisitions, L.L.C.
Block 34, Lot 15
1800 Highway 35
Oakhurst
Zone C-2

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

Attorney for the applicant: Jennifer S. Krimko, Esquire

Board Member Stephen Levy disqualified himself from this application. Board Members Carlo Gallelo and Warren Goode listened to the recording of the previous meeting in order to be eligible to vote on this application.

The Board's information packet was marked as **evidence B-2-03/27/09**. This packet contained the reports of the Board's professionals were read into the record.

Board Planner James Higgins said that the number of parking spaces has been reduced to 66, which should be adequate for this site.

Board Engineer William Fitzgerald felt that the driveway still needed tweaking, which would result in the elimination of three additional parking stalls. The lighting also needed some changes. Aside from those two issues, he had no concerns with the approval of this application.

Mr. Higgins pointed out that they will need a variance for the directional office sign because directional signs are not supposed to have wording on them.

Jennifer S. Krimko, Esquire, representing the applicant, placed the following into evidence:

- Evidence A-10** Revised plans dated April 13, 2009;
- Evidence A-11** Architectural revision;
- Evidence A-12** Detail of the sign;
- Evidence A-13** Colored version of the landscape plan.

Ms. Krimko presented David Boesch, Project Manager for the applicant. Mr. Boesch explained that he changed the entrance to allow better access for service vehicles and lost two parking spaces. In accordance with the comments of the Board Engineer, it will be adjusted more, reducing the number of parking spaces to 63.

The fourteen lights under the front soffit have been reduced to four. There will be one light at each entrance. If there are more than four tenants, the number of lights will be adjusted so that there is one light for each tenant. This will reduce the wattage to bring it into conformance. The landscaping has been extended somewhat.

Ms. Krimko pointed out that the water mark on the front of the building has been removed per the request of the Board. Mr. Higgins felt that the proposed appearance of this building will be a benefit to the look of Highway 35. Mr. Fitzgerald agreed.

Ms. Krimko placed a colored rendering of the free-standing sign that is now in compliance into **evidence A-14**. She noted that the sign on the building will also be in conformance.

A motion to close the public hearing was made by Thomas Means and seconded by Joanne Nadell.

FAVOR: Andrisano, Gallelo, Goode, Nadell, Garofalo, Means
OPPOSED: None

A motion of approval was made by Thomas Means and seconded by Anthony Andrisano with the condition that revised plans will be submitted to show an alteration to the entrance and reduction in number of parking stalls.

Board Attorney Sanford Brown had prepared a positive resolution for this application.

FAVOR: Andrisano, Gallelo, Goode, Nadell, Garofalo, Means
OPPOSED: None
INELIGIBLE: (Disqualified): Levy
ABSENT: Brody, Klose, Sarios, Verrilli

Memorialization took place in the same vote.

NEW CASES

Michael Basso
Block 63, Lot 11
610 Palmer Avenue
West Allenhurst
Zone R-5

This is an application for a minor subdivision to create two lots with variances.

Attorney for the applicant: Mark Kitrick, Esquire

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals. Board Planner James Higgins read his report, dated April 24, 2009, into the record. He explained that the existing residence needs a front yard setback variance for the house. The applicant is asking for a driveway width variance of nine-feet where ten-feet is required.

Board Engineer William Fitzgerald read his report, dated April 23, 2009, into the record. Mr. Fitzgerald said that he was not convinced that the proposed yard drain would be adequate because there is no water table information and he could not support the request for a waiver of the soil borings. He felt that no basement should be allowed in the new house. His main concern with this application was the drainage issue and he recommended that no approval be granted to this applicant until the drainage has been addressed.

Mr. Fitzgerald felt that the stacking of the two parking stalls is not a good design and there is no reason to grant the variance for parking when two side-by-side parking spaces can be provided in front of the house. He noted that people with stacked parking have a tendency to park one car in the street. Mr. Higgins agreed that the driveway variance could be eliminated.

Mark Kitrick, Esquire, representing the applicant presented Michael Basso, who explained that he purchased the property in 1963.

Mr. Kitrick had a packet of photographs marked as **evidence A-1**. The photographs were of the subject property and other properties in the area. As he explained the photographs, the Board noted that they were not consistent in all packets and his testimony was difficult to follow.

Mr. Kitrick explained that the applicant's residence is a single story home, which was supposed to be the ninth picture in the packet. Other photographs showed the pack yard and an area of the property where water ponds. He said that the subdivision of this property will help the ponding problem.

Mr. Basso said that it is his intention to sell both properties when the lots are subdivided. The house has been vacant and for sale for two years. It is a small home and difficult to sell. Because of the size of the property the price is higher than anyone wants to pay. He would like to subdivide the lot and sell the house at a lower price. He is willing to address the drainage issues with the subdivision.

From the audience, Gladys Petko, 611 Palmer Avenue, explained that she lives diagonally across the street from the subject property. She said that the current house is built on a berm. There is a house directly behind the subject property that is huge and she felt it is an abomination to the neighborhood. She does not want to see another house like that constructed on this property. She felt that if the ceilings are lowered in the new house it could keep down the height of the house.

Mr. Higgins said that the height requirement for this zone is 30'. Mr. Kitrick said that it is the applicant's intention to build a 2,400 square foot house.

Ms. Petko said that she was under the impression that the subject lot was considered wetlands many years ago. The property behind it is constantly wet.

Mr. Fitzgerald explained that the lot might be soggy, but it is not a regulated wet area. The water table is very high and the land does not drain, which is problematic.

Chairman Means pointed out that this subdivision will not be granted if there are any drainage issues.

From the audience, Andrew Dorsett, 514 Deal Parkway, said that he lives one house away perpendicularly. He opposed the subdivision because of the drainage and if they remove water from the subject site it will only go to the neighbor's property. He also felt that there are several lots in the area of similar size that could be subdivided and he does not want to see a precedent set.

Chairman Means noted that the zoning in this area allows for 7,500 square foot lots and the Board cannot change that.

Mr. Dorsett said that there are nine mature trees that will have to be removed to construct the house. The trees that will be removed are a benefit to the water problem. There is a serious water problem in the area which causes people to still be pumping out basements a week after a rain.

From the audience, Edward Petko, felt that the largest issue is the water table and that there should be a percolation test. He also felt that a driveway variance should not be granted because parking cars in a single driveway does not work. If a driveway is put in front of the house, a large Ilex shrub and a tree will have to be removed.

Mr. Kitrick presented Charles Surmonte, Engineer for the applicant, who had just arrived and missed all the previous testimony.

Chairman Means told Mr. Surmonte that there a problem with the drainage and the Board Engineer felt that rather than taking up all of the Board's time, there should be a technical meeting between Mr. Surmonte and Mr. Fitzgerald regarding the drainage.

Chairman Means noted that the Board is favorably inclined to approve this subdivision with the exception of the drainage problems. He carried this application to the Planning Board meeting of June 1, 2009.

Meeting Adjourned 8:30 P.M.

Margo Simpson
Board Secretary
Recording Secretary