

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

DISCUSSION: **Italian American Association of the Township of Ocean**

Planning Administrator Marianne Wilensky explained that the Italian American Association made an application to 'clean up' some details regarding their site. They were originally destined for the Board of Adjustment, but it has now been determined that they will be a Planning Board applicant. When they were headed to the Board of Adjustment, Board Attorney Mark Steinberg had made a determination that any officers of the IAATO would be disqualified and anyone who is a member would have to be disqualified on any Ansell Firm application because Peter Falvo is the attorney for the IAATO.

Board Attorney Sanford Brown said that there is no case law on this point. He agreed with the logic of Mr. Steinberg, but has reviewed some former decisions and has decided that only officers will have to be disqualified, not regular Members.

DISCUSSION: **Lighting Ordinance Revisions**

The proposed lighting ordinance, prepared by Board Engineer William Fitzgerald, had previously been sent to the Board Members for review and input. Chairman Thomas Means felt that it looked good. Some Board Members noted that it does not address residential lighting. Mr. Fitzgerald said that he did not address residential lighting, but he can add it and forward it to the Board.

Planning Administrator Marianne Wilensky said that when received she will forward the residential standards to the Board Members. After their input, she will put the documents into ordinance form for forwarding to Township Council. The Environmental Commission will get to review it at that time also, if forwarded to them by the Township Manager.

REGULAR MEETING: 7:32 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Anthony Andrisano
William Garofalo
Warren Goode, Vice Chair
Estelle Klose
Stephen Levy, Alternate II
Thomas Means, Chair
Joanne Nadell
John Verrilli

MEMBERS ABSENT: Fred Brody, Alternate I
Carlo Gallelo
George Sarios

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

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 28, 2009.

MINUTES FOR APPROVAL A motion was made by Thomas Means and seconded by Warren Goode to approve the minutes from the meeting of August 24, 2009.

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

RESOLUTION MEMORIALIZATION

Anthony and Barbara D'Esposito
Block 33.08, Lots 6.01, 7.01
Vernon Street and Van Note Pkwy
Oakhurst
Minor Subdivision

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

CONTINUED CASE

Ocean Seniors
Block 1.02, Lot 72
20 Hidden Meadows Drive
Wayside
Zone AR3-PRD

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

Attorney for the applicant: Thomas Hirsch, Esquire

Board Members Estelle Klose, Joanne Nadell, Stephen Levy, and John Verrilli listened to the recordings of the meetings they missed in order to be eligible to vote on this application.

The Board's information packet was marked as **evidence B-3**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record.

Thomas Hirsch, representing the applicant, explained that at the last meeting there were questions raised about the staging area for the proposed project. Since that time, a staging plan has been submitted showing all the staging to be on the applicant's site with nothing along Hidden Meadows Drive.

The only issue remaining open was the easement for temporary access to the subject site through the St. George Greek Orthodox Church property. Mr. Hirsch noted that he is the attorney for both the subject site and the Greek Church, so he was not involved in the negotiations. The applicant, Arthur Corsini, met on-site with the Director of the Church to discuss the easement. The Church Board had significant concerns about the easement, but an agreement was reached which included Ocean Seniors making a contribution to the Church and a list of conditions. Another attorney has drafted an easement that must be approved by the Church Board.

The cost for the temporary road is estimated at \$42,800 and is dependent on the Greek Church putting in their portion of the temporary road for their own construction. If the easement is not granted and the applicant must use Hidden Meadows Drive, they have agreed to be careful to not damage the roadway.

Mr. Hirsch asked that the Board would be agreeable to give the applicant some leeway in the form of a reduction in the contribution to the Shade Tree Fund.

Chairman Thomas Means said that the Board would be amiable to reduce the amount considering how much money the applicant will have to pay for the easement roadway.

Mr. Hirsch presented the applicant, Arthur Corsini. Mr. Corsini explained that he met with the Director of the Greek Church, Savos Tsivicos, who had concerns with the applicant's use of the easement disrupting the construction on the Greek Church property. After reviewing the plan, they came to a meeting of the minds. A written document was prepared that must be presented to the Church Board. A donation amount was agreed to. Mr. Tsivicos wanted language in the easement stating that interruption of the operations of the Church would require termination.

Mr. Hirsch noted that if something drastic happens and the Church does not accept the easement agreement, the applicant's project still must go forward.

From the audience: Kenneth Sauter, Esquire, representing the Hidden Meadows Condominium Association, questioned activity on Hidden Meadows Drive.

Mr. Hirsch said that his client has agreed to repair any damage to Hidden Meadows Drive caused by his clients construction.

Chairman Means said that the easement is the motivation to get the work done as soon as possible. If the applicant does not get the easement, very restrictive language will have to be added to the resolution.

From the audience: Lowell Reichmond, 106 Tanya Circle, was concerned with the construction vehicles using Hidden Meadows Drive because the last time the applicant did construction they did not pay for the repairs and the homeowners had to pay \$200 per household to repair the road. He did not feel that they should have to pay for the repairs. He was also concerned with additional traffic being generated from the site.

Chairman Means explained that the law does not permit the Planning Board to turn down an application because of traffic. There is case law regarding this issue.

From the audience: Michele Mastrangelo, 84 Tanya Circle, was concerned about the traffic and the hours of the use of the Greek Church school. She felt that the Board should have their own traffic study.

Board Planner James Higgins said that the Board is not permitted to consider the impact of traffic if it is a permitted use in the zone. Case Law says that the Board cannot consider traffic. The applicant had a Traffic Engineer who prepared a Traffic Study. It is the same Traffic Engineer who did the Traffic Study for Hidden Meadows Drive and the Greek Church.

Ms. Mastrangelo asked if the current units at Ocean Seniors meet the COAH requirements. She was under the impression that if they did, they could be available to be rented as COAH units.

Mr. Hirsch said that the current units are not COAH. The new units will be COAH and must meet strict COAH requirements.

Planning Administrator Marianne Wilensky said that the ordinance states that once the COAH units are under construction, the age restriction can be lifted on the existing units. Once they post a bond for the COAH units that guarantees that they will be built, they would be able to rent the existing vacant units without age restriction.

Ms. Mastrangelo said that according to S25-77 that allows these units, there is a stipulation that 50% of the available units can be rented to residents of Ocean Township. Mr. Higgins explained that the Township Council addressed lifting the age restriction before the Governor signed S25-77.

Ms. Mastrangelo pointed out that the Mayor had sent an open letter to the public stating that the municipality wants to preserve trees. She does not feel that the applicant's tree donation should be reduced.

From the audience: Mary Woolley, 110 Tanya Circle, asked why the applicant cannot use the existing un-rented units for lower rental units. She was also concerned that there will be no visitor parking.

Mr. Hirsch said that his client is complying with the ordinance that the Township adopted to allow relief of the age restriction that was previously approved.

Mr. Fitzgerald explained that there is a State law that designates the number of parking spaces required.

From the audience: Dianne Swensen, 370 Daniele Drive, said that she was under the impression that the age restriction would be lifted once they receive approval to do the construction, yet they are advertising already for the units.

Mr. Corsini said that they are trying to pre-market to get a waiting list.

Mr. Sauter said that Hidden Meadows Condo Association raises questions because of the history. It is critically important to the Association to know if there will be access through the Church. He asked what will happen if an easement is not accepted. The concerns are all regarding Hidden Meadows Drive.

Chairman Means said that if the easement is not accepted, the Board will place restrictions in the approval.

Chairman Means carried this application to the meeting of October 26, 2009.

CARRIED CASE

Moutis, L.L.C.

Block 33.34, Lot 7

Talmadge Avenue at Bellmore Street

Oakhurst

Zone C-3

This is an application for preliminary and final site plan approval with variances in order to construct an office building.

Attorney for the applicant: Thomas J. Hirsch, Esquire

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record.

Thomas Hirsch, Esquire, representing the applicant, presented Charles Surmonte, Engineer for the application. Mr. Surmonte had the architectural plan, dated February 13, 2009, marked as **evidence A-1** and the site plan marked as **evidence A-2**. He explained that the property is close to Highway 35 on the corner of Talmadge Avenue and Bellmore Street.

In reading his report, Board Planner James Higgins noted that the applicant's first submittal of plans have been significantly improved with a revised set of plans. This is a 10,000 square foot lot with 100' of frontage on Bellmore Street and 100' of frontage on Talmadge Avenue. The requirement is 20,000 square feet. The applicant is proposing a two-story, 2,683 square foot building, which is smaller than normal for the C-3 zone. It is more the size of a typical residence.

Mr. Higgins recommended that no medical or dental offices be in the building because of the number of parking spaces. Thirteen spaces are required and twelve are provided.

Board Engineer William Fitzgerald read his report into the record. He felt that there should be as much green on the site as possible. He recommended that the rear yard setback be reduced from 10' to 8'. The building behind the site is close to the property line there and the reduced setback will be no problem. He felt that the barrier free stalls should be moved to the north side of the parking lot. The parking lot could be moved to the east for more green area.

Mr. Surmonte explained that the applicant spent considerable time designing an attractive building to fit on this lot. If the stalls are moved two-feet to the east, it will block the view of the front of the building. He referred to the architectural rendering that had been marked as **evidence A-1** and pointed out that the front entrance is chamfered at a 40 degree angle. They do not want the view of the back of the cars to interfere with the view of the front of the building.

Mr. Surmonte said that the applicant agreed to add two feet of green by the parking area. Bellmore Street has no curb on the west side. The street is 16' wide. The applicant will widen it to 24', gravel it, and put in a curb.

Mr. Fitzgerald noted that Bellmore Street cannot be paved because of the wetlands requirements.

Chairman Thomas Means asked how this proposed site will tie in with the improvements to the site next door that is currently before the Board of Adjustment. Mr. Higgins said that the two sites will tie in nicely.

Mr. Hirsch explained that the building will be two rental units, one on each floor. The total height of the building will be 32'. There is a third floor for the mechanicals and no basement. The variances are related to the undersize of the lot. The green area has been maximized. The size of the building is a perfect transition from the residential area to the east.

Mr. Surmonte spoke of the existing trees on the site and asked for relief from the donation to the Shade Tree Fund. Chairman Means said that the donation to the Shade Tree Fund can be reduced to \$1,500.00.

A motion to close the public hearing was made by Thomas Means and seconded by Warren Goode.

IN FAVOR: Goode, Klose, Levy, Nadell, Verrilli, Garofalo, Means
OPPOSED: None

A motion of approval was made by Thomas Means and seconded by Warren Goode.

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

Memorialization will take place on October 8, 2009.

Meeting Adjourned 8:55 P.M.

Margo Simpson
Board Secretary
Recording Secretary