

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

DISCUSSION: **Lighting Ordinance** – Planning Administrator Marianne Wilensky explained that the residential component of the lighting ordinance was sent to the Board Members and their comments will be considered in preparing the final document. It will be finalized and sent to the Township Manager and Township Council.

DISCUSSION: **Environmental Commission** – Planning Administrator Marianne Wilensky explained that it is a requirement that one of the Planning Board Members also be a Member of the Environmental Commission. Currently, Tony Andrisano, who holds that position, would like to relinquish that position. Ms. Wilensky asked the other Board Members to consider taking over that commitment.

DISCUSSION: **Ordinance #2140** – Planning Administrator Marianne Wilensky explained that the ordinance will update the fee schedule and clean up some issues to bring it into compliance with the regulations of the State of New Jersey.

In addition, SEARCH Day Program has approached the municipality because they want to purchase the closed St. Mary's School building to expand their programs. Some of the things they want to utilize the school for are not in currently in the definition of Parochial School in the zoning. The revision to the ordinance will take the same definition that is used for the Schroth School in the industrial zone, which has some vocational training and life skills. The zoning will be for rehabilitation and vocational training centers for the physically and/or neurologically disabled.

A motion to **recommend Ordinance #2140 to Township Council**, with the comment that it is consistent with the Master Plan, was made by Thomas Means and seconded by George Sarios. All Members of the Planning Board were in agreement.

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

MEMBERS Anthony Andrisano
PRESENT: Fred Brody, Alternate I
William Garofalo
Warren Goode, Vice Chair
Estelle Klose
Stephen Levy, Alternate II
Thomas Means, Chair
George Sarios, left 8:55 PM
John Verrilli

MEMBERS Carlo Gallelo
ABSENT: Joanne Nadell

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 to **approve the minutes from the meeting of September 14, 2009**, was made by Thomas Means and seconded by Warren Goode.

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

RESOLUTION MEMORIALIZATIONS

<u>Moutis, L.L.C.</u> Block 33.34, Lot 7 Talmadge Ave. at Bellmore St. Oakhurst Preliminary and Final Site Plan Approval	MOVED: Means SECOND: Goode FAVOR: Garofalo, Goode, Klose, Levy, Verrilli, Means OPPOSED: None INELIGIBLE: Andrisano, Brody, Sariosis ABSENT: Gallelo, Nadell
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CARRIED TO November 23, 2009

<u>Seaview Square, LLC</u> Block 141, Lots 1, 23 Highway 35 and Route 66 Wanamassa Subdivision	<u>Seaview Square, L.L.C.</u> Block 141, Lots 1, 23 Highway 35 and Route 66 Wanamassa Signs	<u>Lumber Liquidators</u> Block 34, Lot 6 1604 Highway 35 Oakhurst
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NEW CASE

<u>James D. Hiers, Sr.</u> Block 22, Lot 63 336 Elberon Boulevard Oakhurst Zone C-4	This is an application for a minor subdivision to create two lots with variances.
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Board Attorney Sanford Brown, Board Planner James Higgins, and Board Engineer William Fitzgerald disqualified themselves from this application. In their absence, John Marmora, Esquire, represented the Board and Wayne McVicar, P.E. sat in as Acting Engineer for the Board. Board Member William Garofalo was also disqualified.

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1**. Planning Administrator Marianne Wilensky read the reports of the in-house departments into the record. Wayne McVicar, P.E. read his report into the record.

Applicant J. David Hiers, Sr., presented Charles Surmonte, Engineer for the application. A letter from Mr. Surmonte was marked as **evidence A-1**. He explained that the subject property is on the west side of Elberon Boulevard. Mr. Surmonte had the subdivision plan marked as **evidence A-2** and explained that the subject site is a 24,000 square foot lot with a cottage and other out-buildings including two sheds, in the rear. The front house will remain and the other buildings will be removed.

The subdivision will remove the non-conformity of the rental units in the rear. The bulk of the lots in the area are 50' wide. Rather than subdividing the lot into two 50' lots, the depth of the lot would be better developed with a flag lot. The front lot will be 75' wide and the stem for the 100' X 110' lot in the rear will be 25'. The requirement for the zone is for a 90' width.

Chairman Thomas Means said that he visited the site and walked the lot. He felt that the subdivision will be a vast improvement for the property.

Mr. Hiers explained that he gutted the front house and started to do renovations with the intention of restoring it. He did not continue.

Mr. Surmonte pointed out that there is an existing Holly tree that will have to be removed for the driveway. Mr. Hiers noted that the tree has other trees growing into it and if it were cleaned up, it would be deformed.

Mr. Surmonte continued to explain that the first six lots on the same side of the street are 2,400 to 5,600 square feet. The lots across the street run from 3,100 to 8,700 square feet.

Mr. McVicar noted that both lots will need variances for lot width, street right of way, and paving width in addition to a variance for the front house for front yard setback.

Mr. Surmonte said that one of the design waivers requested was for location of trees on the lot. He felt that there are many trees on the property in poor shape that will most likely be removed once a new owner purchases the lot. Mr. Surmonte agreed to plant three street trees rather than two.

Mr. McVicar explained that he visited the site and felt that there are nine trees that can be saved and they should be indicated on the map.

Mr. Surmonte said that the drainage plan is not fully shown on the plan. The driveway will drain to Elberon Boulevard. All utilities are in the street and will access the new lot under the driveway.

Mr. Fitzgerald pointed out that the driveway for the existing house is too close to the property line. Mr. Surmonte said that the driveway has a two-foot setback. He scaled it to see if he could get a better setback. Since the driveway needs to be ten-feet wide, the driveway will have to remain in the same location.

Planning Administrator Marianne Wilensky noted that when the lot is sold and someone comes in for permits to construct a home, at that time they will have to submit a full grading plan to the Township Engineer for review. She also noted that there should be a time-frame as to when the out-buildings will be removed.

Mr. Hiers agreed to remove the building that will straddle the line before the subdivision is filed. Ms. Wilensky said that there should be a deed restriction that the buildings on the new lot will have to be removed prior to the issuance of a building permit.

Mr. Surmonte noted that the subdivision will be filed by deed. Ms. Wilensky pointed out that there needs to be a easement dedicated for future road-widening of 8.5'. Mr. Surmonte said that in response to the Public Works comments, there can be a 4' X 6' concrete pad at the end of the driveway to be used as the refuse area.

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

FAVOR: Andrisano, Brody, Goode, Klose, Levy, Sarios, Verrilli, Means
OPPOSED: None

A motion of approval was made by Thomas Means and seconded by Estelle Klose.

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

To be memorialized on November 23, 2009.

Township of Ocean Sewerage Authority

Block 22, Lot 75

224 Roosevelt Avenue
Oakhurst
Zone C-1

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

Attorney for the applicant: John Bonello, Esquire

The Board's information_packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1**. Mr. Fitzgerald

read the report of Board Planner James Higgins, dated September 28, 2009, into the record. He explained that the applicant's application is to replace an existing sodium hypochlorite storage facility. Mr. Fitzgerald read his own report, dated October 1, 2009, into the record.

John Bonello, Esquire, representing the applicant, explained that the application is to replace a building that stores sodium hypochlorite. The original building burned down a number of years ago and was replaced with a temporary building. The Department of Environmental Commission is encouraging the applicant to erect a permanent building. The new building will be 9,500 square feet and will be used for piping the chemicals.

Mr. Bonello explained that there is a stormwater pipe along the property line that is used by the Township. No recorded easement was found in a title search. The proposed building will encroach into the buffer area of the pipe. The applicant agrees to take full responsibility for the pipe on their property. It will be finalized in a filed easement.

Mr. Bonello presented William Schmeling, Executive Director of the Township of Ocean Sewerage Authority. Mr. Schmeling said that the application is to replace a temporary building with a permanent building, which provides the final treatment before it goes to the outfall. He agreed that they will formalize and maintain the easement.

Chairman Thomas Means noted that in the report of the Board's Engineer, he stated that there were trees from the approval of 1994 that were never planted in addition to some fencing. Mr. Fitzgerald added that he thinks at this time a different tree should be planted.

Board Attorney Sanford Brown reminded the applicant that they need to provide testimony that the use conforms to the character of the area.

Mr. Bonello explained that the use has been there a very long time and there will not be an enlargement. It is simply a replacement of a building that burned down. It is consistent with what is in the area.

Mr. Bonello presented Timothy Gilman, Engineer for the application. Mr. Gilman had an aerial photograph from Google placed into **evidence A-1**. He explained that the building will be in the extreme south/east part of the property. That area is important because it is the primary area for discharge and the chemicals go in just before discharge. It is a good location for the delivery trucks. There is a control valve that will allow any spilled chemicals to be discharged.

The structure will be a pre-cast, 9,500 square foot building that will contain the appropriate controls for piping as per the NJDEP requirements. It will be a flat-roofed structure and will match the other structures in the compound. The height will be 9'.

Board Member George Sarios asked about the plan that shows piping to be removed. Mr. Fitzgerald explained that there is an existing pipe that has to be relocated because of the elevation of the catchment.

Mr. Gilman explained that the applicant needs to upgrade to meet the DEP requirements for the safety of the neighborhood and the watercourse. The existing building is made of wood and is deteriorating. It will be replaced with a modular pre-cast concrete building. A copy of the plans, dated March 2009, revised through July 2009, was marked as **evidence A-2**. He referred to page 7, which was the demolition plan, and showed the area where the structure will be removed and be replaced.

Mr. Gilman continued to explain that the NJDEP requires that there has to be a containment area for any leakage that might come out of a truck. There will be a concrete pad with a trench drain and a grate to catch and hold 5,000 gallons.

The stormwater easement drains West Morgan Avenue and also drains a significant portion of the facilities onsite. The title search did not find a filed easement. Therefore, TOSA will file an easement that they will be responsible for.

Board Member Estelle Klose asked about the items that were previously approved and whether they will be included in this application.

Mr. Schmeling said that they agree to put up some type of fence screening on the gates on the West Morgan Avenue side to make it more aesthetic.

From the audience: Richard Cero, 218 West Morgan Avenue, explained that when TOSA had the fire and relocated the tank, he was told that it was in a temporary location and would be moved back. Mr. Cero said that the structure is on his property line. It was not that close before the building burned down and they did not plan the trees to buffer it. He asked if the building could be moved back to where it originally was.

Mr. Gilman said that there will be no fence behind the building. They will plant Leyland Cypress trees, four-feet apart at eight-feet tall.

Mr. Gilman explained that in the past, the treatment was done with chlorine, but as required by the NJDEP, was changed to sodium hypochlorite, which is much safer. The building cannot be moved back to its original location because there is insufficient room and it does not work for the delivery trucks. Mr. Higgins noted that they do not need a setback variance.

The screening will be done after the construction. It is anticipated that it can be planted in October 2010.

Mr. Bonello noted that the applicant is subject to public bid for the project, so a definite time-frame cannot be given.

Mr. Fitzgerald said that they have to relocate storm drain, get site ready to receive the building and the pad, and await the delivery of the building. He felt that the trees could be planted before the building is in place. Mr. Gilman said that the trees cannot be planted in the heat of the summer. After discussion, it was agreed that the trees must be planted no later than November 15, 2010.

Mr. Gilman said that a tree by the gate needs to be removed because it is in conflict with the delivery vehicles and they need a pad large enough for the truck to be completely on top of.

A motion to close the public hearing was made by Thomas Means and seconded by Anthony Andrisano.

FAVOR: Andrisano, Brody, Goode, Klose, Levy, Sarios, Verrilli, Garofalo, Means
OPPOSED: None

A motion of approval was made by Thomas Means and seconded by Estelle Klose with the conditions that the trees will be planted no later than November 15, 2010, and West Morgan Avenue will not be used as a construction entrance.

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

To be memorialized on November 23, 2009.

CONTINUED CASES

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 Anthony Andrisano and George Sarios were disqualified from this application.

Thomas Hirsch, Esquire, said that his testimony has all been presented. The critical issue from the Board was the question of utilization of Hidden Meadows Drive during construction. Since the last meeting, the applicant has obtained a construction easement from St. George Greek Orthodox Church. Mr. Hirsch explained that he was not involved with the negotiation of that easement because he represents both property owners. The temporary construction easement should alleviate the concerns about the access through Hidden Meadows Drive. The easement has been reviewed by the Board's professionals. In addition, the Hidden Meadows Condominium Association has asked for some conditions regarding storage of construction items and parking.

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-4**. Board Attorney Sanford Brown noted that the easement has a provision that allows the Church to end the agreement if the applicant does not comply with the easement. There are also conditions from the Hidden Meadows Condominium Association to safeguard them from parking, storage, and the construction easement. There is also a time-frame for the easement.

Mr. Brown said that he prepared a draft copy of the resolution and gave it to Mr. Hirsch and the attorney for Hidden Meadows Condominium Association for review. After review and discussions with the Board Planner, Board Engineer, and the Condo Association Attorney, there are still items that need to be modified.

Mr. Brown pointed out that the estimate to the Shade Tree Fund is \$31,500.00. They will get a dollar-for-dollar credit for hard-costs only, not soft-costs, for the cost of the easement through the Greek Church property. Those costs will be deducted from the \$31,500. The donation the applicant is making to the Church is not one of those costs.

From the audience: Kenneth Sauter, Esquire, attorney for Hidden Meadows Condominium Association, said that the Association would like to express its appreciation that their concerns were taken into consideration. He questioned how enforcement will be handled.

Ms. Wilensky said that if they do not meet the conditions it would be violation of zoning and would go through her Department.

Mr. Sauter said that at the pre-con meeting the condition of Hidden Meadows Drive should be documented prior to the start of construction. He also wanted assurance that the contractors vehicles would stay on the easement.

From the audience Michele Mastrangelo, 84 Tanya Circle, asked what the other agency approvals are that the applicant needs to get. Mr. Fitzgerald said that they need approvals from the Sewerage Authority and Monmouth County Planning Board among others.

Ms. Mastrangelo asked when the units can be rented to non-age restricted people. Mr. Brown said that when the bonding is set, they can start renting to the non-age restricted public. The units have to be completed within one-year from the time they apply to COAH.

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

FAVOR: Brody, Goode, Klose, Levy, Verrilli, Garofalo, Means
OPPOSED: None

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

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

Memorialization took place in the same vote.

Brian and Rosemarie Patterson

Block 1.02, Lot 60
5 Cindy Lane
Wayside
Zone I-1

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

Attorney for the applicant: Peter S. Falvo, Jr., Esquire

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-2**. Board Planner James Higgins read his report into the record. He noted that the applicant wants to expand an existing one-story building to include a 2,992 square foot office on the first floor and a total of 6,152 square feet of warehouse on the first floor in addition to a loft area along the rear of the building. There will be three separate office/warehouse units.

Board Engineer William Fitzgerald read his report into the record. He noted that there was an approval for another applicant, R & S Realty, with a condition that Cindy Lane would be improved. That applicant was required to provide the improvement plan. Any approval of the current application should be conditioned that this applicant would pay his pro rata share for the road improvements.

Mr. Falvo presented Anthony Ercolino, Architect for the applicant and placed the architectural plan, revised through September 28, 2009, into **evidence A-6**. Mr. Ercolino explained that they have reduced the size of the second floor addition. The basic building is a rectangular masonry building. In the back, there is a masonry area and some wooden structures that will be removed and replaced with an addition on the north side. There will be a warehouse and some smaller warehouse areas on the rear of the existing building. There will also be a loft storage area.

The size of the building has been reduced from 9,617 square feet to 9,144 square feet. The office area was reduced from 5,928 square feet to 2,992 square feet and the warehouse was increased to 6,152 square feet from 3,689 square feet.

There will be no exterior access to the loft area and there will be no windows. Skylights will be used for light. The height of the building will be 22' 9" to the peak of the roof. Sheet A-2 showed the west elevation with no windows. The skylights will be high and might be able to be seen from the second floor of the houses in the rear. The front elevation showed a raised roof for the loft area in the rear.

Chairman Thomas Means noted that the homes in the rear will be faced with a horrendous solid wall without windows. He did not think the design was good planning. He felt that he needed to look at the site from the perspective of the homes in the rear. Chairman Means felt that 136' of 18' high wall.

Board Member Stephen Levy did not think it was a good design.

Vice Chairman Warren Goode questioned whether the height of the interior of the building could be lowered.

Mr. Falvo explained that the applicant has had equipment stolen, so he fenced in the yard. Now he wants to bring the storage inside the building. Architectural treatment could be added to the building. The height has been reduced since the original submission. Mr. Falvo invited the Board Members to go to the site and look at the building from the side where the houses are. Perhaps the height could be brought down several feet, but there are trees along the property line as a buffer.

Mr. Fitzgerald suggested dormers to make it look more residential.

Mr. Falvo presented Christine Cofone, Professional Planner for the applicant. Ms. Cofone said that she reviewed the plans that were dated October 8, 2009, along with the Master Plan. There is a hardship due to the size of the lot, creating bulk variances. The Master Plan characterizes the area, stating that priority should be given to updating the area. The property is in an I-zone that has been improving. The Master Plan also talks about the lack of landscaping on Cindy Lane and the visual impact. The applicant's added landscaping will have a positive impact to the area. The applicant is willing to

change the plan and come up with something that the Board will approve. In upgrading the area, the Board needs to take into consideration sensitive applications. She felt that the Board can grant the variances in conjunction with this application. The benefits of this application significantly outweigh the detriments. The homes in the rear were built after the I-zone was developed. Many of the variances cannot be modified. She explained that the applicant has a challenging site. The criteria for promoting the general welfare, creating a desirable visual environment, and efficient use of the land have been met.

The landscaping will be tripled from 12% to 36%, which enhances a desirable visual environment. The floor area ratio will be increased from 13% to 30% where 54% is the requirement.

Mr. Higgins said that the Board has to look at the negative impact of the building being so close to the property line, which could be improved with landscaping and architectural interest.

Mr. Ercolino said that perhaps he could push the second story towards the front of the building. Chairman Means commented that Mr. Ercolino's suggestion was worth looking into.

Ms. Cofone said that the proposal will make the site more viably economical. The site could handle a second story if it is designed right.

Chairman Means carried this application to the meeting of December 14, 2009.

Meeting Adjourned 11:00 P.M.

Margo Simpson
Board Secretary
Recording Secretary