

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

DISCUSSION: **John Burke**

Planning Administrator Marianne Wilensky explained that John Burke has a subdivision application on the agenda for December 14, 2009. She noted that since John is a local resident and former Planning Board Member, that perhaps there might be some Board Members who will be ineligible. Chairman Thomas Means said that he is a personal friend of John Burke and asked if he should disqualify himself. Board Attorney Sanford Brown felt that since there is no monetary connection between them, Mr. Means does not have to disqualify himself.

George Sarios noted that John Burke's son does work for him and he is employed by the company that John owns. Mr. Brown suggested that he disqualify himself from the application.

No other Board Members had any relationship with the applicant.

DISCUSSION: **Master Plan ReExamination dated September 2009**

Planning Administrator Marianne Wilensky explained that for the third time they have a re-examination of the Stormwater Management Plan that was originally approved eighteen months ago and revised six months later. The Monmouth County Planning Board required some minor changes and needs re-adoption because it is an element of the Master Plan. The changes are only in wording and the maps remain the same. It is on the agenda for adoption during the public hearing.

DISCUSSION: **Environmental Commission Member**

Planning Administrator Marianne Wilensky explained that the Planning Board Membership is very convoluted in the Municipal Land Use Law. The Law states that someone from the Environmental Commission must be on the Planning Board. Currently, that Member is Anthony Andrisano, who would like to relinquish his Environmental Commission position. Ms. Wilensky asked the Board Members to consider taking that position.

DISCUSSION: **Closed Session - Litigation**

RESOLUTION

WHEREAS, the Planning Board of the Township of Ocean, pursuant to the Open Public Meetings Act of 1975, intends to exclude the public from a portion of this meeting for the purpose of discussing litigation;

WHEREAS, during this closed session appropriate minutes will be maintained, and

WHEREAS, no formal action will be taken by the Planning Board during this closed session,

NOW, THEREFORE, BE IT RESOLVED, that pursuant to the exceptions contained in the Open Public Meetings Act of 1975, the Planning Board will now go into closed session for the purpose of discussing litigation.

BE IT FURTHER RESOLVED that the appropriate minutes shall be taken and at such time as the confidentiality of these minutes is no longer necessary they will be released to the public.

BE IT FURTHER RESOLVED that no formal action will be taken by the Planning Board during this closed session.

Motion to enter into closed session was made by Thomas Means and seconded by Fred Brody. All members were in agreement.

REGULAR MEETING: 7:33 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS Anthony Andrisano
PRESENT: Fred Brody, Alternate I
Estelle Klose
Stephen Levy, Alternate II
Thomas Means, Chair
George Sariosotis
John Verrilli

MEMBERS Carlo Gallelo
ABSENT: William Garofalo
Warren Goode, Vice Chair
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 was made by Thomas Means and seconded by Anthony Andrisano to approve the **minutes from the meeting of October 26, 2009.**

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

RESOLUTION MEMORIALIZATIONS

James D. Hiers, Sr. MOVED: Means SECOND: Levy
Block 22, Lot 63 FAVOR: Andrisano, Brody, Klose, Levy, Sariosotis, Verrilli,
336 Elberon Boulevard Means
Oakhurst
OPPOSED: None
Minor Subdivision INELIGIBLE:
Approval ABSENT: Gallelo, Garofalo, Goode, Nadell

Township of Ocean Sewerage Authority MOVED: Means SECOND: Andrisano
Block 22, Lot 75 FAVOR: Andrisano, Brody, Klose, Levy,
224 Roosevelt Avenue Sariosotis, Verrilli, Means
Oakhurst
OPPOSED: None
Preliminary and Final Site Plan INELIGIBLE:
Approval ABSENT: Gallelo, Garofalo, Goode, Nadell

PUBLIC HEARING: Master Plan Re-Examination

A motion to adopt a Master Plan re-examination entitled **Stormwater Management Plan for the Township of Ocean, Monmouth County, New Jersey, prepared by Maser Consulting, PA, dated June 2005, revised October 2007, revised September 2009** was made by Thomas Means and seconded by Anthony Andrisano.

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

CARRIED TO **Seaview Square, LLC** **Seaview Square, L.L.C.**
December 14, 2009 Block 141, Lots 1, 23 Block 141, Lots 1, 23
Highway 35 and Route 66 Highway 35 and Route 66
Wanamassa Wanamassa
Subdivision Signs

CARRIED CASE

Lumber Liquidators

Block 34, Lot 6
1604 Highway 35
Oakhurst
Zone C-2

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

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-1** and the reports were read into the record.

Board Planner James Higgins emphasized in his report that the signage on the subject site is an issue in that there are too many signs. He also pointed out that the parking requirement for the site is 129 spaces while 51 spaces exist. In addition, details for the exterior of the building are missing.

Board Engineer William Fitzgerald noted that there is an existing large puddle that was supposed to be corrected through a previous application on this site. The puddle takes up about five parking spaces.

Peter S. Falvo, Jr., Esquire, representing the applicant, explained that Lumber Liquidators is a lessee of 1/6 of the building, which is 1,400 square feet of an existing warehouse. The applicant can address many of the comments of the Board's professionals, but is not in a position to make drainage and lighting improvements. The tenant will have to address the landlord for those issues. If they are not willing to fix them, the tenant will have to move.

Mr. Falvo continued to explain that the original approval for the building was in 1986 and the site exists today the same as when it was approved at that time. No new pylon signs will be added; only an insert will be added for Lumber Liquidators. The applicant is willing to give up some of the signage on the north face of the building, but wants to keep the Lumber Liquidator sign that will be over the door on an awning. The applicant has been in the building for about a year in the northeast corner of the building.

Planning Administrator Marianne Wilensky noted that the applicant moved into the building and did construction work without permits.

Mr. Falvo presented David Boesch, Project Manager and Landscape Architect for the applicant and placed the following into evidence:

- Evidence A-1** - The applicant's plans, five sheets, revised through October 14, 2009.
- Evidence A-2** - Architectural plans, five sheets, revised through October 13, 2009.
- Evidence A-3** - A mounted and rendered copy of sheet 4 of evidence A-1.
- Evidence A-4** - An areal photograph of the subject site.

Mr. Boesch referred to the areal photograph and noted that the property in question is between Raymour Flanigan Furniture to the north and the vacant Ocean Fitness building to the south with The Villas at Poplar Brook to the west.

There are currently three wall signs on the front, each taking up 1/3 of the building. They will not be changed. On the north face of the building, the applicant would like to reface the western panel face. There are currently three signs on the north side, two of which will be removed. The applicant's entrance will be in the back of the building and they would like to keep the awning sign that is over the door.

Mr. Higgins explained that the retail entrance to Lumber Liquidators will be in the rear of the building with a directory in the front. Mr. Fitzgerald noted that they only need one sign to direct people to the rear entrance and then one to identify the location. Mr. Boesch agreed. Chairman Thomas Means suggested that the sign on the north side of the building could have an arrow on it pointing to the rear.

Mr. Boesch continued with an explanation that there will be a surface panel on the free-standing sign with the applicant using only a portion of the existing sign. Mr.

Higgins noted that the existing pylon sign encroaches on the property to the south. Mr. Boesch said that the base of the sign is on the applicant's property, only the sign itself encroaches on the property to the south and it has always been that way.

Mr. Falvo noted that the sign on the awning above the door is navy blue.

Mr. Boesch agreed that after a storm event there is a puddle in the northwest portion of the parking lot. When Raymour Flannigan built a wall there, the applicant was at a loss to get rid of the water. Mr. Fitzgerald suggested a dry well.

Chairman Thomas Means pointed out that the puddle takes up four or five parking spaces on a site that is deficient in parking spaces. He felt that the problem needs resolution.

In regards to the landscaping, Mr. Falvo noted that the plan shows some landscaping. Mr. Boesch said that they are using the original Ancar landscaping plan, showing a reproduction of that design.

Mr. Boesch noted that the Board's professionals pointed out an issue of vehicle / pedestrian interaction in the northwest side of the building. He proposed a STOP sign and painted stop bar on the pavement. Additionally, there will be a handrail that will extend out eight feet from the building so that pedestrians will have to come out of the building's shadow before they can cross the parking lot. A crosswalk will also be painted at that location. The rear parking spaces will be changed to 90 degrees so that they do not back out into other parking spaces.

Mr. Fitzgerald felt that the building needs cleaning up on the south side and should be painted. The south side should be better lit as there is currently only one light on that side. Mr. Falvo said that the applicant is willing to restripe the parking area, but will not paint the building.

Ms. Wilensky explained that the Code Enforcement Officer has been working with the landlord for the last year. The landlord has done a few items, but not everything asked of him.

Mr. Boesch said that there will be three wall-mounted lights on the south side of the building. There will be limited spillage to the property next door.

Mr. Fitzgerald suggested a higher mount for the lights to get better distribution. The area is a one-way and possibly a few parking spaces could be added there. The spaces could be striped at 8' widths with a 13' drive aisle with some firelane striping close to the building.

Mr. Higgins noted that the approved plan shows a two-way drive aisle on the south side of the building with no room for added parking.

Mr. Falvo explained the lay-out of the building. Sherman Williams is in the south end of the building. There is a fabric store that uses 1/3 to 1/2 of the building in the middle and Lumber Liquidators is on the north side. After the approval, they will expand to take 5,256 square feet on the north side and the rear of the building.

Mr. Higgins felt that the proposed use most likely would not require a lot of parking, but the issue needs to be addressed in the resolution of approval because it should be for this tenant only.

Mr. Falvo pointed out that most of the use of the building for the applicant is for storage. There will be 1,218 square foot retail showroom and the balance will be warehouse. Mr. Higgins felt that it should be identified that way on the plan.

Mr. Falvo presented the applicant's Architect, James Monroe, who explained that the applicant will utilize 5,256 square feet of the building. The showroom will be 57'8" X 21'1" and the rest of the applicant's space will be warehouse. The employees will be one person in the store area and one person in the warehouse. This type of business lends more towards storage of materials than people coming in to buy things. He referred to sheet A-5 of the architectural plans showing the different areas of the building.

Mr. Fitzgerald pointed out that 1,218 square feet of the existing warehouse will be turned into the showroom.

Mr. Monroe noted that there is a 30' wide area around the building which is suitable for a fire lane.

Mr. Falvo presented Patrick Splitt, Regional Manager for Lumber Liquidators, who explained that there are currently four other Lumber Liquidators in New Jersey. Most often when they open a facility, the landlord does the tenant buildout. In this case, they were told that they had to do it themselves and were not aware that they needed building permits.

Chairman Means instructed Ms. Wilensky to encourage the Code Enforcement Officer to continue with enforcement issues on the site.

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

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

A motion of approval was made by Thomas Means and seconded by Stephen Levy with the conditions that the drainage and lighting issues will be addressed and the parking lot will be restriped.

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

Memorialization will take place on December 14, 2009.

NEW CASE

Italian American Association of the Township of Ocean

Block 189, Lots 6, 9
1110 Highway 35
Wanamassa
Zone C-3

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

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-1** and the reports were read into the record.

Board Planner James Higgins explained that the increase in parking requirement is a technical issue. The application is to enclose the bocce courts, which will not increase the parking itself, but because it will now be a covered area, the requirement numbers change. The requirement is 109 spaces where 91 spaces are provided.

Board Engineer William Fitzgerald suggested that the applicant realign the trash enclosure so that the dumpsters can be better placed in it. The area also needs to be cleaned up and there should be better illumination.

Planning Administrator Marianne Wilensky noted that at the end of this business day she received a telephone call from the Code Enforcement Officer who told her that the area has been cleaned up to his satisfaction.

Peter S. Falvo, Jr., Esquire, representing the applicant, presented David Boesch, Project Manager for the application and placed the following into evidence:

- Evidence A-1** - The site plan, dated September 25, 2009, revised through November 12, 2009.
Evidence A-2 - Architectural sheet L-1, dated May 16, 2007, revised through November 5, 2009.

Evidence A-3 - Aerial photograph of the subject site.

Evidence A-4 - A rendered version of A-1 of the plans.

Mr. Boesch referred to the aerial photograph which had been marked as **evidence A-3**. In the photograph the irregularity of the lot was visible. The extent of the proposed improvements includes covering the bocce courts and an enlargement of the trash enclosure area. The area will be changed from an awkward angle so that the enclosure will face the approaching vehicle.

There is a one-way drive-aisle on the north side of the building that will have a STOP bar and striping. There is a light pole in the rear parking lot that will be moved after the enclosure of the bocce courts.

Mr. Falvo noted that the lighting will be brought to the lighting ordinance standards. He presented Michael Cernigliaro, an officer of the Italian American Association. Mr. Cernigliaro explained that they have two alternate plans for the enclosure; one is a lean-to affect with open arches and the second is an enclosed structure. The cost will play a large part in the decision. They are looking for protection from rain and sun. He referred to an architectural plan which was marked into **evidence A-5**.

A motion to close the public hearing was made by Thomas Means and seconded by George Sariosotis.

FAVOR: Andrisano, Brody, Klose, Levy, Sariosotis, Verrilli, Means
OPPOSED: None

A motion of approval was made by Thomas Means and seconded by Anthony Andrisano.

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

Memorialization will take place on December 14, 2009.

Meeting Adjourned 9:10 P.M.

Margo Simpson
Board Secretary
Recording Secretary