

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

DISCUSSION: **Time of Decision Rule**

Planning Administrator Marianne Wilensky had sent out to the Board Members a Mayor's Advisory from the League of Municipalities about the Time of Decision Rule to review.

She explained that the way it works now is that if there is a case started that is a permitted use and the Board decides that it is a terrible combination with an adjacent property, the Township Council could change the ordinance if there has been no decision made. There has been talk for a long time about changing this rule. The change would be that once an application is deemed complete, the zoning for it cannot be changed.

When an application is submitted, there is a forty-five day period to deem it complete. Within that forty-five day time frame if the application is determined to be unfavorable, steps to change the zoning could be made during that time frame.

Board Member George Sarios felt that it is not right to change zoning on an applicant.

Ms. Wilensky said that the Board could pass a resolution with their comments on this subject or make a recommendation to Council.

Board Engineer William Fitzgerald felt that the best path to take would be to make sure the zoning is what they want.

Ms. Wilensky said that she would follow up to see where the decision stands.

DISCUSSION: **Seaview Square**

Planning Administrator Marianne Wilensky explained that the application of Seaview Square was supposed to continue this evening, but they submitted revised plans one day short of the requirement. The plans are technically new plans. Board Attorney Sanford Brown said that he will talk to the applicant's attorney about re-filing so that the Board members who missed the previous meetings do not have to listen to the recordings of those meetings.

DISCUSSION: **Deal Golf Club**
Minor Site Plan Subcommittee Application

Planning Administrator Marianne Wilensky explained that the applicant is seeking approval to add sand silos in the middle of a bunker of buildings. The Minor Site Plan Subcommittee had been sent the application and they unanimously agreed on an approval.

CLOSED SESSION

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 unanimously agreed upon.

REGULAR MEETING: 7:35 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS Anthony Andrisano
PRESENT: Fred Brody, Alternate I
Carlo Gallelo
William Garofalo
Warren Goode, Vice Chair
Estelle Klose
Stephen Levy, Alternate II
George Sarios
John Verrilli

MEMBERS
ABSENT: Thomas Means, Chair

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.

RESOLUTION MEMORIALIZATIONS

John and Patricia Burke

Block 37, Lot 42
320 Green Grove Road
Wayside

Minor Subdivision approval

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

CARRIED TO March 22, 2010

Seaview Square, L.L.C.

Block 141, Lots 1, 23
Highway 35 and Route 66
Wanamassa
(Subdivision)

Brian and Rosemarie Patterson

Block 1.02, Lot 60
5 Cindy Lane
Wayside

CARRIED CASE

Manolakis Professional Plaza, LLC

Block 33.16, Lot 3
1915 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

In the absence of Chair Thomas Means, Vice Chair Warren Goode chaired this meeting. 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 read his report, dated February 17, 2010, into the record. Board Engineer William Fitzgerald read his reports, dated November 23, 2009, December 11, 2009, and February 22, 2010, into the record.

Mr. Fitzgerald explained that the plan has been revised since he had a technical meeting with the applicant. Public Works had a concern about the accessibility of the refuse and storage area. The applicant has supplied a lighting plan, but Mr. Fitzgerald felt that the lights should be increased from 16' to 24' and changed to metal hyalite.

Mr. Fitzgerald noted that the Traffic Report is limited to the pharmacy use and there are other uses in the building.

Planning Administrator Marianne Wilensky pointed out that the Zoning Officer's report stated that he did not find any approvals for the medical use in the building.

Jennifer Krimko, Esquire, representing the applicant, submitted the following evidence:

- Evidence A-1** Copy of deed for a cross access easement dated September 15, 1983.
- Evidence A-2** A letter dated June 7, 1983, from James W. Higgins regarding the original subdivision of the lot next door.
- Evidence A-3** A resolution dated July 25, 1983, approving the subdivision and granting parking for medical offices in the subject building.
- Evidence A-4** A resolution for the adjacent property owner to increase the building size with a signage variance granted on May 13, 1996.
- Evidence A-5** A letter dated April 16, 1996, from Mr. Higgins regarding the previous application.
- Evidence A-6** Plans prepared by Maser, eight sheets, dated August 24, 2009, revised January 12, 2010.
- Evidence A-7** Architectural plans by Hazelrigg, one sheet, dated November 24, 2009.
- Evidence A-8** Colored rendering of the landscaping plan, sheet five of eight.

Ms. Krimko presented Dan Busch, Engineer for the applicant. Mr. Busch explained that the existing site is .59 acres at the south-east corner of Highway 35 and Carol Avenue. The site consists of offices for a chiropractor (1040 square feet) and a dentist (1460 square feet). The remainder of the building, which is 4683 square feet, is proposed for the pharmacy use. The site has right-in and right-out access from the Highway in the middle of the site. There is parking on the north side of the access drive between the subject site and the site to the south in addition to parking on Carol Avenue.

The driveway in the center of the existing site will be eliminated. Cars exiting the site have to go north on Highway 35 or east on Carol Avenue. There will be one-way circulation in the front of the building with angled parking. The parking on the rest of the site remains the same. The parking will total 36 spaces.

Mr. Busch said that the current handicapped parking stall does not meet the requirements because it is on a slope. It will be relocated to the north-east corner of the building. The sidewalk will be widened and relocated on the east side of the building for the handicapped spaces.

The pharmacy will be located on the southwest corner of the building. The 13 stalls on the north side will be used only for the medical uses. There is currently a space in the rear on the south-east corner of the building that will be removed and replaced with a landscaped island. The tree that will be removed from this area will be replaced on the Highway 35 side of the building. A trash enclosure will be added on the east side of the building. This area will also act as the loading zone. The supplies for the pharmacy will be delivered there in vans.

Light fixtures will be added to the site and the existing fixtures will be re-lamped to add wattage.

From the audience: Peter Bass, Esquire, representing EFM Realty, owners of the property to the south, asked about the turning radius into the front parking lot from the Highway. He also noted that the access to the parking lot to the building to the south is directly across from the applicant's access to the front parking lot. He was concerned for safety and accident prevention.

Mr. Busch explained that there will be a 16' to 17' aisle width with a turning radius of 15'. The driveway is about 30' wide. He felt that any vehicles coming into the site from the Highway and turning into the front parking lot would turn before the entrance to the parking lot to the south. The proposed design will pull cars away from that area.

From the audience: Michael Steib, Esquire, representing Comart Realty, questioned the length of the average car and the ability to pull into the drive lane. He noted that the ID sign is on the north corner and people will see the sign too late and pull into Carol Avenue to get to the pharmacy.

Mr. Busch said that the existing sign is in that location and will not be moved.

Mr. Steib noted that a tree is to be removed from the rear of the site and relocated to the front. He felt that it will interfere with cars backing out of parking stalls. He questioned the number of stalls needed and the number of employees for the pharmacy.

Mr. Busch explained that based on the medical demand, they need 16 to 17 spaces. The balance of the 18 or 19 spaces will be for the pharmacy. The pharmacy will have eight day employees and five in the evenings.

Mr. Steib asked if there is a cross-easement parking agreement and if there will be designated parking stalls. He also questioned the first parking space on Carol Avenue, asked how close to Highway 35 it is, and the safety of that stall.

Mr. Busch said that it was his understanding that the entire site utilizes cross parking. The parking stall on Carol Avenue is sixty feet from the curblin.

Mr. Steib remarked on the relocation of the handicapped parking stalls to the east side of the property and questioned how far from the Dentist's and Chiropractor's office they are. He asked if there was a requirement for the placement of the handicap stalls and also wanted to know if there had been any templates created for the loading zone and the use of trucks there.

Mr. Bush explained that the handicapped stalls will be on the north east side of the building and will be about fifty feet from the entrances. Two spaces are required for the medical use and one for the pharmacy. The one for the pharmacy will be in front of their door. The location is based on the fact that the parking on the north side of the building is on a slope. The handicap stalls should not be on a slope. Templates were not used for the design of the loading area.

Ms. Krimko noted that the parking stalls on Carol Avenue currently exist and will not be moved. The applicant will have to go to the Department of Transportation for the closing of the access in front of the building. They will look at all compliance. If necessary, a truck template could be provided.

Vice Chair Warren Goode suggested eliminating the southern most parking stall in the front of the building.

Mr. Fitzgerald noted that the sign is on the northern corner of the property. If people turn on to Carol Avenue it will be natural to drive around the building to get to the pharmacy. He felt that the proposed changes to the site will be an improvement to the circulation.

Ms. Krimko presented Robert Hazelrigg, Architect for the applicant. Mr. Hazelrigg referred to plans that had been marked as **evidence A-7**. The building has an existing dental office and chiropractor in the northeast side of the building. Here is a wall in the center of the front of the building that is non-load bearing and will be removed to create

an open area. There will be a new entrance on the south side of the building, replacing the entrance on the front of the building. The uses in the building will include the chiropractor's office at 1,040 square feet, the dentist's office at 1,460 square feet, and the new pharmacy at 4,683 square feet. Other than changing the doors, there are no other proposed changes to the exterior of the building.

Ms. Krimko presented John Jahr, Traffic Consultant with Maser Consulting. Mr. Jahr referred to a parking analysis report revised through December 2, 2009.

Mr. Bass noted that Mr. Jahr did not write the report. Mr. Jahr said that it was written under his supervision and direction and he was involved with every part of its creation.

The following were marked into evidence:

Evidence A-9 Parking analysis revised through December 12, 2009
Evidence A-10 Traffic letter dated February 9, 2010

Mr. Jahr said that the study was done in order to determine whether there was adequate parking. He said that he visited the site three times on June 30, July 9, and February 22. There are 120 parking spaces on the two sites and never more than 54 were utilized. On the date of this meeting he was at the site from 3:00 to 6:00 PM and there were never more than 51 vehicles. Currently, there is sufficient parking and in the future there will be sufficient parking.

Mr. Jahr continued to explain that after the parking was counted he looked at the occupancy of the buildings focusing on the smaller piece of property. Based on the square footage of the proposed building use, the parking availability will be 35 spaces and the demand will be 22 spaces.

Vice Chair Goode carried this application to the meeting of March 22, 2010.

NEW CASE

Hollywood Golf Club
Block 60, Lot 8
510 Roseld Avenue
West Deal
Zone R-1

This is an application for a minor site plan subcommittee approval in order to construct sand silos.

The Minor Site Plan Subcommittee recommended approval of this application to erect sand silos on the Hollywood Golf Club. They said that the approval should be conditioned on all previous conditions of approval being met.

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

Meeting Adjourned 9:15 P.M.

Margo Simpson
Board Secretary
Recording Secretary