

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

DISCUSSION: **NEW BOARD MEMBER**

Newly appointed Planning Board Member **Christopher Healy** was introduced to the Board. Mr. Healy replaces **Anthony Andrisano** as the Environmental Commission representative on the Board. Mr. Andrisano will move into the position vacated by Joanne Nadell who resigned for personal reasons.

DISCUSSION: **Lumber Liquidators**

Planning Administrator Marianne Wilensky explained that the approval for **Lumber Liquidators** had time table as a condition of approval. They were to submit revised plans by a specific date. They did not. They were noticed that their approval was null and void and summons' were sent out for a running violation with a UCC fine that now totals \$272,000.00. The Regional Manager from Virginia came to see Ms. Wilensky and paid the requested escrow of \$3,000.00. She will keep the Board posted on the status.

DISCUSSION: **Burger King**

Planning Administrator Marianne Wilensky explained that the **Burger King** has removed the playground that was in front of their building. The original Burger King was approved in the 1970's. In 1992 they got approval from the Planning Board to remove the landscaped area in the front and construct a playground. They now want to landscape the area and put in one tree. They will essentially be going back to their original approval.

After discussion on this matter, the Board agreed that Ms. Wilensky can grant an administrative approval with the condition that the Board Planner should oversee the planting plan.

Closed session minutes are on page

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: Carlo Gallelo
 William Garofalo
 Warren Goode, Vice Chair
 Estelle Klose
 Stephen Levy, Alternate II
 George Sariosis
 John Verrilli

MEMBERS Thomas Means, Chair
ABSENT: Fred Brody, Alternate I

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.

MINTUES FOR APPROVAL A motion was made by Warren Goode and seconded by Anthony Andrisano to approve the minutes from the meeting of February 22, 2010.

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

CARRIED to April 26, 2010	Mona Benun Block 60, Lot 8 80 Wickapecko Drive Wanamassa Minor Subdivision	Seaview Square, L.L.C. Block 141, Lots 1, 23 Highway 35 and Route 66 Wanamassa Subdivision
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CONTINUED CASES

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.

In the absence of Chairman Thomas Means, Vice Chair Warren Goode chaired this meeting.

Attorney for the applicant: Peter S. Falvo, Jr., Esquire, explained that the applicant has revised the architectural plans to address the Board's concerns from the last meeting.

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

Board Planner James Higgins explained that the applicant has changed the roof in the rear to be a pitched roof. The height of the exposed vertical wall has been reduced from 18' to 10' and 12'.

Board Engineer William Fitzgerald said that his previous report still stands because the applicant has not changed the site plan.

Mr. Falvo presented Anthony Ercolino, Architect for the applicant. Mr. Ercolino explained that there have been revisions to the west elevation to reduce the size of the walls in the back to 10' and 12'. The primary use of the downstairs will be warehouse and the offices will be on the second floor. The windows and doors have been removed from the back and there is no sidewalk. The wall will be flush with piers and three roof ridge heights. The warehouse area roofs will be lower than the office area roof. The upstairs office space will be accessed through the center space downstairs.

Mr. Falvo noted that if someone were to want more office space, there would not be enough parking. He agreed that there can be a condition of approval to limit the office use. The warehouse area only has skylights and no windows.

Mr. Falvo presented David Boesch, Project Manager of the applicant. Mr. Boesch noted that the site plan remains essentially the same. The sidewalk in the rear has been removed. The applicant can comply with the recommendations of the Board Engineer.

Mr. Higgins felt that there should be more landscaping in the island in front of the building. He was also concerned with the safety of two parking spaces in the front.

Mr. Falvo agreed that the front landscaping could be 'beefed-up'. The parking stalls in the front can be designated for employees. There will be a loading area on the south side of the property.

Mr. Boesch noted that there are 21 parking spaces proposed where the requirement is 20. One can be eliminated from the front of the building. The lighting also needs to be addressed.

Regarding the stormwater analysis, Mr. Boesch explained that his preliminary report from last October indicates the runoff from the site will be reduced along the entire hydrograph.

Planning Administrator Marianne Wilensky told the Board that the applicant was before them due to violations on the property. There are things that need to be removed. The enforcement is on hold bending the outcome of the hearings. If they are approved and do not comply, then there will be a problem. Therefore, there needs to be timing included in the approval.

Vice Chairman Warren Goode asked about the buffering in the rear of the building. Mr. Boesch said that there are eight significant deciduous trees on the neighbor's property. The applicant is proposing a double staggered row of evergreens, 6' to 8' at planting. They will be Norway Spruce and Douglas Firs, 10' on center.

Board Attorney Sanford Brown pointed out that as a condition of approval, no outdoor storage should be permitted. Mr. Fitzgerald said that all issues should be finalized no later than 60 days after approval.

A motion to close the public hearing was made by Warren Goode and seconded by Carlo Gallelo.

IN FAVOR: Andrisano, Gallelo, Goode, Klose, Levy, Sariosis, Verrilli, Garofalo
OPPOSED: None

A motion of approval was made by Warren Goode and seconded by Anthony Andrisano with the following conditions:

1. Revised plans will be submitted within two weeks.
2. Everything will be finalized within sixty days.
3. There will be no outdoor storage.
4. The applicant will comply with the recommendations of the Board Engineer.
5. One parking space in the front will be eliminated.

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

Memorialization will take place on April 26, 2010.

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.

In the absence of Chairman Thomas Means, Vice Chair Warren Goode chaired this meeting.

Attorney for the applicant: Jennifer S. Krimko, Esquire, questioned whether the objecting owner of Towne Shoppes had the right to protest this application. She said that she was of the opinion that they did not have a standing because this application has no impact on their property.

Ms. Krimko explained that at the last hearing she had a Traffic Engineer begin testimony that only proceeded for a short time. She asked the Board to disregard that testimony and she presented Maurice Rached as her Traffic Engineer.

Board Attorney Sanford Brown said that the Board can take into consideration the last testimony.

Mr. Rached said that he is the Director of Transportation Services for Maser Consulting. He referred to a parking study, dated December 2, 2009, which was previously marked as **evidence A-9**. This report addressed the parking demand on the site. In preparing this report, three areas are addressed: 1. Ordinance requirements; 2. National requirements per the International Traffic Engineers (ITE); and 3. Conditions on the site.

Per the ordinance requirements based on the proposed use of 4,683 square feet of retail and 2,500 square feet of medical, the required parking is 40 spaces. The existing spaces number 36 and the applicant is proposing 35. The ITE requirements calculate the use demand at 21 spaces.

On June 30 and July 9, 2009, a parking study was undertaken to count cars for several hours. On June 30 the average number of cars was 42 with a maximum of 50 cars. This count was done for the subject site and the adjacent site, which has 6,290 square feet of medical use and 3,146 square feet of office use. On July 9 the cars totaled 47 with a maximum of 54. The two sites together have 120 spaces. Only a portion of the subject site will be changed from office to pharmacy.

The requirement for parking for the pharmacy is five per 1000 to equal 24 spaces. The ITE requires ten parking spaces for this use. Based on the parking provided, it should be adequate.

The second study, which was previously marked as **evidence A-10**, had a focus on cut-through traffic. Any traffic that can use a cut-through will use it. If cars exit the site and want to go to Highway 35 south, they will take the Highway north to the jughandle or they will cut through the shopping center to West Park Avenue. Potentially there will be eight cars cutting through in the AM peak hours and 17 in the PM peak hours.

There will be improvements to the site. The circulation will be changed to one-way in the front of the building. The non-conformance along Highway 35 will be removed and the parking will be angled. One-way circulation will reduce conflicts and make it safer. The access to Highway 35 will be closed and the access will be maintained in the center of the subject site and the site to the south. The lighting will also be improved.

Mr. Rached felt that the proposed plan is a great plan and a great improvement to the site. He felt that whatever happens on this site will create cut-through traffic, but the impact on the adjacent property will be minimal.

Vice Chair Goode asked if Mr. Rached had taken into consideration the vacancies on the property when he did this survey. Mr. Rached said that he had considered the vacancies and the building to the south, which has 3,146 square feet of office and 6,290 square feet of medical use. He said that he was on-site prior to the meeting this evening between 5:00 and 7:00 P.M. He saw only one vehicle making a cut-through.

Board Member George Sarios noted that from his own experience, people who cut through the Towne Shoppes often make several stops there before finishing the cut through.

From the audience: Peter B. Bass, Esquire, whose office is in the building to the south, placed into **evidence O-1** a copy of the original site plan dated September 8, 1983. He noted a common easement for ingress and egress. He pointed out that the applicant is assuming there is a cross-easement for parking.

Mr. Rashed said that his testimony stated that 35 parking spaces are adequate for the subject site. A cross-easement would make it better.

Mr. Bass placed a photograph of a sign on the south side of the applicant's building into **evidence O-2**. The sign read 'Reserved Parking ...'. He also placed a photograph of the south side of the applicant's building into **evidence A-3**. This photograph showed that there are three 'Reserved Parking' signs on the south side of the building.

From the audience: Michael Steib, Esquire, representing the owner of Town Shoppes, noted that the plan shows parking spaces on the adjacent property. He asked how many spaces are needed for the medical offices.

Mr. Rached noted that the plan shows the parking going through the easement. The deed is what prevails, and the deed is very clear. The medical use in the building will need 11 parking spaces. Ten spaces are needed for the pharmacy.

Mr. Steib felt that the site does not have enough parking without the cross-easement.

Mr. Rached said that the site has enough parking spaces. Thirty-five spaces are enough for the site to work efficiently. They need the existing easement for the driveway to continue to operate the way it currently does. There is an easement for access and it is recorded.

Mr. Steib noted that the counts were done after the schools were out for the summer. Mr. Rached pointed out that dentists and chiropractors tend to have more clients when school is out.

Mr. Steib referred to the traffic report dated February 9, 2010, where Mr. Rached called the access to the Towne Shops a roadway, and suggested traffic bumps and signage to control traffic on the site.

It was pointed out to Mr. Steib that the southern portion of the shopping center is on Bellmore Street, which ends at the beginning of the Towne Shoppes parking lot. Although it looks like the same parking lot, it is actually a public roadway to that point.

Ms. Krimko that they cannot control what the public will do. The easement is referred to in previously marked **evidence A-2**, which was a letter under the signature of James Higgins, and the original approval, previously marked as **evidence A-3**.

Mr. Rached said that if you look at the two parcels today, they comply with the ordinance, which is 120 spaces and will be reduced to 119 when the one front space is eliminated. Shared parking is good for the public and good strategy.

Mr. Steib questioned whether a co-applicant is necessary because of the easement.

Mr. Rached noted that if the easement is altered that would be the case. The easement in question is not being altered.

Vice Chairman Goode carried this application to the meeting of April 26, 2010.

NEW CASE

Ocean 35, LLC
Block 140, Lot 109
731 Highway 35
Wanamassa
Zone C-2

This is an application for amended final site plan approval.

Attorney for the applicant: Rick Brodsky, Esquire

In the absence of Chairman Thomas Means, Vice Chair Warren Goode chaired this meeting. Board Attorney Sanford Brown explained that an adjacent property owner, Mr. Moore, did not receive a notice of the hearing. A Certified letter was mailed to him. The white mailing receipt and a copy of the green return signature card are in the file, but he said that it is not his signature and he does not recognize the name of the person who signed for it.

Planning Administrator Marianne Wilensky explained that she spoke to Mr. Moore on March 16th and told him that someone named E. Shaer signed for it.

Mr. Brown said that proper notice was made under the law. Mr. Moore is at the hearing and in the audience. Mr. Brown felt that the hearing should proceed.

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 applicant has submitted revised plans that are an improvement over the plans that were previously approved by the Board. They fit within what the Board likes to see along the Highway. The only flaw with the plan is that there are doors that open into the drive aisle and the landscaping.

Board Engineer William Fitzgerald pointed out that there are two or three items remaining open from the original approval for this site. He agreed with Mr. Higgins that the doors that open into the drive aisle are a problem.

Mr. Fitzgerald explained that Public Works has stated that there is a portion of the site that is a vacation of a right of way that will have a drainage line in it going northeast to the lake. Public Works does not want the maintenance of this drainage area.

Rick Brodsky, Esquire, explained that the application is for an amended approval with respect to the property known as the 'old Ritz Diner property'. There was an approval about two years ago for a retail building on the site. The contract purchaser of the property would like to make certain changes to attract the best tenants. They have revised the previously approved architectural plans. The changes are not tremendously significant. There will be a small change to the landscaping and no change to the square footage.

Mr. Brodsky presented Jon Buletza, Engineer for the applicant. Mr. Buletza referred to a colored rendering of the approved landscaping plan, which was marked as **evidence A-1**. The plan also showed the storm drain area. He explained that the building was approved for 15,670 square feet of floor area and required 78 parking spaces for retain use. There are 66 spaces proposed with 12 green-banked spaces. The applicant has received the permits from the New Jersey Department of Transportation and Monmouth County Planning Board approval.

Changes to the plan were driven by the increased building height, which will be 20.5'. There will be a change to the northern buffer. It is required to be 10' wide, but the front portion of the property, back 40' will be eliminated to allow lot 107 more visibility. The same number of plantings will be used to make the rest of the buffer more dense.

The secondary access doors that concerned the Board Planner and Engineer open to a 1.3' space and then a curb of the one-way drive aisle. There are two access doors that come out of the building on the north.

After much discussion regarding the access doors, Mr. Buletza referred to a plan showing the building, which was marked as **A-2 ID only**. He said that he will address all the comments of the Board Engineer and Board Planner. He will provide a four-foot concrete walk along the north side of the building with a landing at each door with a step down. The pavement width will be reduced to 11' so that the buffer can remain at 10' wide.

Mr. Higgins noted that there is not a problem on the south side because there is a two-way drive aisle there and enough room.

Mr. Brodsky said that his client is willing to remove the doors if the Board would prefer.

From the audience: Madaline Badalaty said that she owns the building that the subject property surrounds. She asked if there will be a buffer around her property because she will be surrounded by a parking lot. She also asked about the drainage in that area.

Mr. Higgins noted that the requirement is for a 10' buffer around the property. Mr. Buletza explained that in that area there will be a low retaining wall and a ten-foot buffer of trees. He added that there will be a system of storm drains that will capture the runoff.

Mr. Brodsky presented James Monteforte, Architect for the applicant, who placed the architectural plan into **evidence A-3**. He showed that the doors in question were behind spaces A and B. They can be removed.

Mr. Monteforte explained that the applicant has tamed down the architecture from the original approval to make it less ornate. The sides of the building will have windows that go back about 40' to make it look more appealing. The ceilings have been raised. He placed a colored rendering of the elevation into **evidence A-4**. Each wing is lower than the center area, which will be 29'10" to the top in the middle. The building will have standing seam fixed awnings in green. The building will be stucco in a sand color with brick accents.

From the audience: Dan Moore, 600 Lakeview Avenue, asked if the landscaping on the north side will change and if the lighting will be the same. He noted that there was a lot of testimony about the height of the original building.

Mr. Higgins explained that the buffer will remain at 10' and will be denser with trees than the original approval. The height does not need a variance. Mr. Fitzgerald noted that the lighting plan has not changed from the original approval.

Mr. Moore said that he was concerned with impervious surface because there is a streambed that is about five feet deep with water at about 8" deep. When there is a storm, the bed can fill to five feet deep in fifteen minutes. Floatables need to be kept out of the water.

A motion to close the public hearing was made by Warren Goode and seconded by George Sarios.

IN FAVOR: Andrisano, Gallelo, Goode, Klose, Levy, Sarios, Verrilli, Garofalo, Healy
OPPOSED: None

A motion of approval was made by Warren Goode and seconded by Estelle Klose with the following conditions:

1. Revised plans will be submitted to show the removal of the doors.
2. Revised plans will show the plantings around the dentist office.

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

Memorialization will take place on April 26, 2010.

Meeting adjourned 10:15 P.M.

Margo Simpson
Board Secretary
Recording Secretary