

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

DISCUSSION: **COAH**

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 COAH 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 Warren Goode. All Board Members present were in favor.

DISCUSSION: **Farah**
Block 26.04, Lot 9
76 Monmouth Road

Planning Administrator Marianne Wilensky explained that the applicant, Mr. Farah, is seeking to utilize the old Reveda Dance Studio building as a butcher shop and grocery store. Mr. Farah is proposing to remove the old garage behind the building and put in a parking area.

Board Planner James Higgins said that it is a 50' wide lot with access to the rear of the building through a 14' wide driveway. He was concerned with the volume of customers for a food store. The lot is not wide enough for two lanes and there is only room in the back for 11 or 12 parking spaces.

Board Engineer William Fitzgerald noted that Monmouth Road is a very busy road and the subject driveway has poor sight distance. He felt that the driveway is not safe because if someone starts to come in and someone is going out, there is a problem. Mr. Fitzgerald suggested that the applicant speak to the neighbor next door and see if there can be a cross-easement to use their driveway and have a one-way in and a one-way out.

Chairman Thomas Means felt that the proposed use on this site would be a problem.

The applicant agreed to approach the neighbor and discuss the driveway.

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

MEMBERS Carlo Gallelo
PRESENT: Warren Goode, Vice Chair
 Christopher Healy
 Stephen Levy, Alternate II
 Thomas Means, Chair
 John Verrilli

MEMBERS Anthony Andrisano
ABSENT: Fred Brody, Alternate I
 William Garofalo
 Estelle Klose
 George Sariosotis

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 August 3, 2010.

REORGANIZATION

Warren Goode nominated **Thomas Means** as **Chairman** from July 1, 2010, through June 30, 2011. The nomination was seconded by Stephen Levy. There were no other nominations.

In Favor: Gallelo, Goode, Healy, Levy, Verrilli
Opposed: None
Abstained: Means
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

Thomas Means nominated **Warren Goode** as **Vice Chairman** from July 1, 2010, through June 30, 2011. The nomination was seconded by Stephen Levy. There were no other nominations.

In Favor: Gallelo, Goode, Healy, Levy, Verrilli
Opposed: None
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

Motion was made by Thomas Means and seconded by Warren Goode to approve the following **meeting dates for the year from July 1, 2010 through June 30, 2011:**

<u>Regular</u>	<u>Workshop</u>
July 26, 2010	
August 23, 2010	
September 27, 2010	
October 25, 2010	
November 22, 2010	
December 13, 2010	
January 24, 2011	
February 28, 2011	February 14, 2011
March 28, 2011	March 14, 2011
April 25, 2011	April 11, 2011
May 23, 2011	May 9, 2011
June 27, 2011	June 13, 2011

In Favor: Gallelo, Goode, Healy, Levy, Verrilli
Opposed: None
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

Motion was made by Thomas Means and seconded by Warren Goode to appoint **Sanford D. Brown, as Planning Board Attorney** from July 1, 2010, through June 30, 2011.

In Favor: Gallelo, Goode, Healy, Levy, Verrilli
Opposed: None
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

Motion was made by Thomas Means and seconded by Christopher Healy to appoint **James Higgins as Planning Board Planner** from July 1, 2010, through June 30, 2011.

In Favor: Gallelo, Healy, Levy, Verrilli
Opposed: None
Abstained: Goode
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

Motion was made by Thomas Means and seconded by Carlo Gallelo to appoint **William Fitzgerald as Planning Board Engineer** from July 1, 2010, through June 30, 2011.

In Favor: Gallelo, Goode, Healy, Levy, Verrilli
Opposed: None
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

Motion was made by Thomas Means and seconded by Warren Goode to appoint **Margo Simpson as Planning Board Secretary** from July 1, 2010, through June 30, 2011.

In Favor: Gallelo, Goode, Healy, Levy, Verrilli
Opposed: None
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

SWEARING IN OF PROFESSIONALS: Board Attorney Sanford Brown swore in Planning Administrator Marianne Wilensky, Board Planner James Higgins, and Board Engineer William Fitzgerald for the upcoming year.

MINUTES FOR APPROVAL

A motion was made by Thomas Means and seconded by Warren Goode to approve the **minutes from the meeting of May 10, 2010.**

In Favor: Goode, Healy, Levy, Verrilli, Means
Opposed: None
Ineligible: Gallelo
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

A motion was made by Thomas Means and seconded by Warren Goode to approve the **minutes from the meeting of June 28, 2010.**

In Favor: Gallelo, Levy, Verrilli, Means
Opposed: None
Ineligible: Goode, Healy
Absent: Andrisano, Brody, Garofalo, Klose, Sariosotis

RESOLUTION MEMORIALIZATION

Brian & Rosemarie Patterson
Block 1.02, Lot 60
5 Cindy Lane
Wayside
**Preliminary and Final
Site Plan Approval**

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

CARRIED to
September 27, 2010

Mona Benun
Block 60, Lot 8
80 Wickapecko Drive
Wanamassa
Zone R-1

Alphonso and Antonetta Silvestri
Block 25.01, Lots 3, 15
139 Whalepond Road
Oakhurst

NEW CASES

Seaview Square, LLC

Block 141, Lots 1, 23
Highway 35 and Route 66
Wanamassa
Zone C-4

This is an application for a minor subdivision 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.

After reading his report into the record, Board Planner James Higgins noted that there is a concern from the Environmental Commission that plantings need to be replaced on the property.

Board Engineer William Fitzgerald voiced concern about the maintenance and repair of the Ring Road. He had no drainage concerns because the applicant is not seeking any site changes at this time.

Peter S. Falvo, Jr., Esquire, representing the applicant, explained that the subject site is the portion of Seaview Square where the original Acme building was located. Subsequent to the original approval, there had been an approval for two other buildings to be located in this area. That approval will be withdrawn without prejudice.

The rest of the Seaview Square site will be handled under a different application by Mr. Falvo's associate, Rick Brodsky, Esquire. Any repairs to the Ring Road will be taken care of by Mr. Brodsky's application.

Mr. Higgins noted that there is periodic flooding to the roadway by Route 66 that also needs to be addressed.

Mr. Falvo said that he has submitted easements to Planning Administrator Marianne Wilensky. Ms. Wilensky responded that she received them on the Friday prior to this meeting. Mr. Falvo was dismayed that they had not been delivered sooner, as he had instructed them to be sent a week prior.

Mr. Falvo explained that the easements have existed for over 35 years and there has never been a problem, nor has anyone complained about cross access to the different parking lots.

The County of Monmouth has contracted to purchase the subject lot after the subdivision is approved. They will be given an easement to the access through the road. The site was originally used for an Acme Market and then by a radio station. Currently, 3,800 square feet of the building is occupied by the Monmouth County Probation Department.

Mr. Fitzgerald explained that the easements he is referring to are for maintenance of the Ring Road. There should also be an easement to use it as a public access.

Board Attorney Sanford Brown said that the focus of the discussion of the Ring Road is that there are five points that differed between what the corporate council for the Mall wants and what the Township of Ocean wants.

Mr. Fitzgerald noted that the discussions Mr. Brown referred to precipitated because the applicant wanted to separate the shopping center into numerous lots. The Ring Road is under one ownership and if things get too far from the approved site plan, there could be a problem with maintenance.

Mr. Falvo said that the Ring Road will be part of a different application.

Chairman Thomas Means noted that the lot that Mr. Falvo is seeking to subdivide from the rest of the mall is separate from the rest of the mall and people will not be parking in the rest of the center because it is separate.

Mr. Brown felt that Mr. Falvo should resolve the easement and drainage issues in the future as this subdivision is only for one lot. All the other conditions deal with the rest of the center.

Mr. Fitzgerald agreed that the road maintenance, upkeep, and drainage could be addressed in the future.

Mr. Falvo said that the other subdivision application is being withdrawn without prejudice. The easement issues will be resolved before another application is made.

Mr. Fitzgerald asked about the issue of the proposed addition to the subject building. Mr. Falvo said that there were two buildings and an addition approved for this lot. Those approvals will be vacated without prejudice.

From the audience: Theresa Healy, a representative of Monmouth County said that they have not seen any easements and only received the site plan last week. One thing that is needed is a handicap accessible sidewalk.

Mr. Fitzgerald noted that the sidewalk should be a condition of approval.

Mr. Brown said that there is a concern that there must be an easement. Mr. Falvo said that he will work out the easement with the County.

Chairman Means felt that if the sale does not go through, the subdivision should become void.

The subdivision plan, dated December 2, 2009, revised August 12, 2010, was marked into **evidence A-1**.

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

IN FAVOR: Gallelo, Goode, Healy, Levy, Verrilli, Means
OPPOSED: None

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

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

Memorialization will take place on September 27, 2010.

RSC Realties, LLC

Block 3, Lots 5
2127 Highway 35
Oakhurst
Zone C-2

This is an application for minor site plan approval with variances.

Attorney for the applicant: Gerald N. Sonnenblick, 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 Engineer William Fitzgerald said that the applicant needs NJ Department of Transportation permits in order to change the Highway access. He felt that the Board should not hold up the application because of the access.

Gerald Sonnenblick, Esquire, representing the applicant, explained that the building will be used for a Mini Cooper dealership and nothing will change on the site. Ray Catena has purchased the site. He likes his dealerships to look a certain way, so he will make improvements to the building.

Mr. Sonnenblick said that they have a two-stage plan. First, there is a plan for now so that they can get the Dealership open. They will apply to the NJDOT to improve the Highway access. If they get the approval, they will return to the Board with the new access plan in the future.

Mr. Sonnenblick presented James Kennedy, Engineer for the applicant. Mr. Kennedy placed the following into evidence:

- Evidence A-1** - A 2007 Ortho areal photograph from Monmouth County.
- Evidence A-2** - Mounted photographs of the existing site, taken within the last two weeks.
- Evidence A-3** - A site plan dated August 2, 2010.
- Evidence A-4** - Pedestrian & Landscape Plan, Option I, dated August 17, 2010.
- Evidence A-5** - Pedestrian & Landscape Improvement plan, Option II, dated August 17, 2010.
- Evidence A-6** - A potential landscape plan, dated August 19, 2010.

Mr. Kennedy referred to **evidence A-1** and explained that it is an aerial photograph of the site showing a 71' X 110' building of 8,000 square feet and there is parking throughout the site.

The entrance to the building is shown at the front of the site. Signage is in the middle of the building in the grassed island. There is no real landscaping on the site and no sidewalk or any way to keep the cars away from the doors.

The mounted photographs in **evidence A-2** showed six pictures of the existing conditions. The old Porsche Audi sign can be seen on the building. It was 40' long and 5' high for a total of 200 square feet.

The site plan (**evidence A-3**) showed landscaping in the area of the sign, but it had to be removed because it was in the right of way. There will be a five-foot sidewalk around the entirety of the building for safety. The doors on the north, south, and west of the building will be modified. The rear will have overhead doors for the service of vehicles. The parking stalls will be re-striped on the north property line. The four stalls that will be removed when the overhead doors are installed will be relocated along the north property line.

After discussions with the Board's professionals, a new plan (**evidence A-4**) was drawn showing a sidewalk around the building and the stalls moved from the back of the building to along the north property line. Parking stalls will be removed from the front of the building to increase safety. The west façade parking stalls have been removed. A display area will be added to the north and south. The stalls along the south property line will be diagonal with the circulation one-way around the building.

Customer parking will be located on the south side of the property in the diagonal stalls. The building will be barrier free on the southwest corner of the building. The parking calculation requires 40 spaces where 34 exist and 48 are proposed. Currently, there are unattractive lights that will be replaced with light fixtures with LSI technology and a full cutoff. They will light the pavement and not the property.

Mr. Kennedy referred to a colored rendering that was marked as **evidence A-7**. The building will be a black and red Mini dealership. The lighting will conform to the ordinance. There will be four wall-mounted lights on the north side of the building that will be ½ fixtures to provide for the control of glare.

The refuse will be moved from the south side of the property to the north side along the north property line to make it more convenient for better truck access for pick up. The area will be screened from public view.

Currently, the entrance and exit to the site are not being changed. Mr. Kennedy referred to previously marked **evidence A-5**, the Pedestrian & Landscape Improvement plan, Option II, dated August 17, 2010. This plan showed a refinement of the site to narrow the ingress and egress to better channelize traffic and allow more green in the front of the building. The sign will be a monument style sign.

Board Planner James Higgins noted that the monument sign should be within a curbed area and added that he would like to see 25' of green area.

Mr. Fitzgerald felt that the site needs to be 'dressed-up'. He pointed out that there are arrows on the pavement in front of the building indicating one-way. He felt that they should be removed because if someone misses the southern driveway and has to enter in the northern driveway, then they cannot get to the parking on the south side of the building.

Mr. Sonnenblick explained that the second access plan will be submitted to the New Jersey Department of Transportation. If they approve it, the applicant will return to the Board to get Board approval for it. If the DOT does not approve it, they will remain with the current Phase I access.

Mr. Kennedy continued to explain that the graveled area in the rear of the site will be for storage of inventory of vehicles, but it will be reduced in size from the current graveled area.

Vice Chairman Warren Goode questioned the use of gravel for the storage area of new vehicles and if there should be a concern with the number of vehicles parked there.

Mr. Fitzgerald explained that it is clean gravel and should not be a problem. However, the area needs to be reduced to the limits that the Township Engineer previously approved. If it were paved, it would change the stormwater management. Clean stones are a good alternative. The area must be bonded and inspected by the Township Engineer. The number of vehicles stored there should not matter. However, the Board should know how much lighting will be in the storage area.

Mr. Higgins noted that the approval will not be memorialized until September 27th.

Mr. Sonnenblick felt that the applicant should be able to start the work prior to the memorialization, noting that they already have permits for some of the work.

Director of Community Development Marianne Wilensky explained her department takes care of the permits and that the work that has been started includes the new doors, which she has signed off on. They have permits for some of the work. However, she did not have the authority to approve the site work changes, which is why the applicant is before the Board. The Board approvals will have to be bonded for through the Township Council.

Mr. Sonnenblick disagreed on the need for a Developer's Agreement. He felt they only needed a calculation for the cost of inspections.

Ms. Wilensky explained that in Ocean Township a Developer's Agreement is a requirement. Chairman Thomas Means said that revised plans need to be submitted to show the landscaping.

Mr. Kennedy noted that the client wants the work completed by October 1st for the grand opening. Revised plans will be submitted as soon as possible. The landscaping plan can be submitted by the end of the week.

Mr. Sonnenblick felt that if the application is approved at this meeting, the memorialization is only a piece of paper and the order of things do not have to be done in any specific order.

Ms. Wilensky reiterated that the Township requires bonding and a Developer's Agreement prior to the start of the work. The next Council meeting is September 13th. She said she would be willing to ask Council if they can consider the Developer's Agreement without the resolution of approval. Revised plans are needed to get the bonding amounts from the Township Engineer.

Mr. Sonnenblick reluctantly said that the target date for the opening might have to be changed.

Mr. Fitzgerald said that a condition of approval should be that no Certificate of Occupancy will be issued until there is proof that they have made application to the DOT.

Mr. Kennedy explained that previously marked **evidence A-6**, which was a conceptual layout of the landscaping, is now moot after the discussions at this meeting.

Mr. Kennedy said that the existing sign on the property is 128 square feet. The proposed sign will be 80 square feet. There will be three signs, but there will be an overall reduction in the size of the signage.

Mr. Higgins asked if the façade changes are for only the front of the building. Mr. Kennedy said the façade changes are for the front and the north and south sides, but not for the rear because the overhead doors have been added to the rear. The rear will be painted to match the rest of the building.

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

IN FAVOR: Gallelo, Goode, Healy, Levy, Verrilli, Means

OPPOSED: None

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

IN FAVOR: Gallelo, Goode, Healy, Levy, Verrilli, Means

OPPOSED: None

INELIGIBLE: None

ABSENT: Andrisano, Brody, Garofalo, Klose, Sariosis

Memorialization will take place on September 27, 2010.

Meeting Adjourned 9:30 P.M.

Margo Simpson
Board Secretary
Recording Secretary