

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

DISCUSSION: Master Plan Re-Examination dated December 1, 2010

Planning Administrator Marianne Wilensky explained that the Master Plan Re-Examination which was sent to the Board dated December 1, 2010, has been revised with some corrections and now has a revision date of December 13, 2010.

Township Planner James Higgins explained that the rear yard setback along Bowne Road has been adjusted to allow for better use of the lots.

Craig Gianetti, attorney for the Martelli application, noted that there is a stipulation for an open space lot along Bowne Road to allow a better rear yard setback for the homes that back onto Bowne Road.

Ms. Wilensky explained that an open space lot along the roadway allows the lots with rear yards along Bowne Road to not have any frontage on Bowne Road and will not require variances for rear yard setbacks. The homes will face the interior road.

DISCUSSION: Ordinance #2164

Township Planner James Higgins explained Ordinance #2164, which corresponds with the Master Plan Re-Examination that was on the agenda for adoption. He referred to Section 1, 21-24A.3.e. which referred to lots that have frontage on Bowne Road. Those lots have driveways that access the interior road. There will be an open space lot along the Bowne Road right of way. The open space lot will be ten feet wide and shall consist of plantings and/or a berm at the discretion of the Planning Board at the time of site plan approval.

Planning Administrator Marianne Wilensky said that the ordinance reflects the requirements from the June court settlement. Normally, an ordinance would be recommended to Council in a Planning Board caucus session. However, since the Master Plan Re-Examination may be adopted in the regular Planning Board meeting, this ordinance has been placed on the agenda to follow that approval, as it will then be in conformance with the Master Plan.

REGULAR MEETING: 7:30 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
Christopher Healy
Estelle Klose
Thomas Means, Chair
John Verrilli

MEMBERS Stephen Levy, Alternate II
ABSENT: George Sarios

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.

MINUTES FOR APPROVAL The **minutes from the meeting of September 27, 2010**, were moved by Thomas Means and seconded by Fred Brody.

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

MINUTES FOR APPROVAL The **minutes from the meeting of October 25, 2010**, were moved by Thomas Means and seconded by Anthony Andrisano.

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

RESOLUTION MEMORIALIZATIONS

<u>Alphonso and Antonetta Silvestri</u> Block 25.01, Lots 3, 15 139 Whalepond Road Oakhurst	MOVED: Means SECOND: Goode FAVOR: Andrisano, Brody, Garofalo, Goode, Verrilli, Means OPPOSED: None INELIGIBLE: Gallelo, Healy, Klose ABSENT: Levy, Sariosis
Minor Subdivision Approval	

APPLICATION CARRIED to January 24, 2011

<u>Seaview Square, LLC</u> Block 141, Lots 1, 23 Highway 35 and Route 66 Wanamassa	<u>Mona Benun</u> Block 60, Lot 8 80 Wickapecko Drive Wanamassa	<u>Brian and Rosemarie Patterson</u> Block 1.02, Lot 60 5 Cindy Lane Wayside
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PUBLIC HEARING: Master Plan Re-Examination

Board Planner James Higgins explained that the Master Plan Re-Examination involves property that fronts on Deal Road and Bowne Road which has been known at the Martelli property. It was approved as a single family residential development. Subsequent to the approval, the applicant sued the Planning Board and the Governing Body. An agreement was reached by the courts in June 2010 for 29 units.

The area will be designated as an overlay zone to permit 2.1 units per acre. The interior lots will be 7,500 square feet with the lots along Bowne Road being 9,000 square feet. There are two deep, narrow lots adjacent to the Martelli property on the south side that are currently zoned R-2. This zoning will be changed to R-3.

A motion to recommend adoption of the Master Plan Re-Examination dated December 1, 2010, revised December 13, 2010, was made by Thomas Means and seconded by Anthony Andrisano.

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

Referral to Township Council on Ordinance #2164

Board Planner James Higgins explained that Ordinance #2164 spells out the changes to the zone in the settlement that will be in conformance with the Master Plan. Planning Administrator Marianne Wilensky said that the ordinance adjusts the zoning to meet the requirements of the settlement for Martelli that was reached by the court in June of 2010.

A motion to recommend to Township Council the adoption of Ordinance #2164, noting that it is in conformance with the Master Plan, was made by Thomas Means and seconded by Fred Brody.

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

CARRIED CASES

Woodland Farm

Block 60, Lots 3, 4
60 Wickapecko Drive
Wanamassa
Zone R-1

This is an application for a conditional use and preliminary and final site plan approval in order to operate as a farm.

Attorney for the applicant: Jennifer S. Krimko, 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 applicant is seeking to utilize a portion of the property as a wood lot that is subject to a State-approved Woodland Management Plan.

Board Engineer William Fitzgerald noted that the plan has inconsistencies in the area that will be reforested. The plan refers to preserving an existing wood lot but does not have a schedule for reforestation. The plan does not have much detail about the existing structures on the site. If there is a homestead on the property, it needs to be marked as such.

Jennifer S. Krimko, Esquire, representing the applicant, explained that she attended a technical review meeting with Mr. Higgins and Mr. Fitzgerald. Some significant changes have been made to the plan since that time. There will be ten separate reforestation areas and one single-family residence. Another residence on the property will be removed. There is a garage apartment that will be removed, but the building will remain as a garage. Land will be dedicated for the right of way, but there is no plan to re-grade it.

Ms. Krimko had the following placed into evidence:

Evidence A-1 - An engineering plan prepared by Nelson Engineering revised through November 19, 2010.

Evidence A-2 - Woodland Management Plan revised through August 5, 2010

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

Evidence A-4 - A letter from the Department of Environmental Protection, dated September 25, 2009, from the Regional Forester stating that the applicant meets the requirements.

Evidence A-5 - An email from Michael LeMana dated March 3, 2008, forwarding an email from John Klischies, C.F.

Ms. Krimko presented David Boesch, Certified Landscape Architect for the applicant. Mr. Boesch referred to **evidence A-3**, which was an aerial photograph of the

subject site fronting on Wickapecko Drive and Roseld Avenue. It showed that land also abuts Harvey Brook to the east.

The photograph showed the garage as the structure closest to Wickapecko Drive. All the residential vestiges from that building will be removed to make it only a garage. There is also a dwelling in the center of the property that will be removed in its entirety.

One acre of the property will be dedicated to the homestead and will contain a principle structure and a basketball court. The balance of the land will fall under farmland. The driveway to Roseld Avenue will be eliminated, with the only access being on Wickapecko Drive. A right of way dedication will be made on both Wickapecko Drive and Roseld Avenue. There is a requirement for a 25' farm setback limitation to the perimeter of the property against the residential properties. The State requires them to maintain the trees in that buffer. The bulk of the wetland area is on lot 3. The reforestation will be on lot 4, which has clusters of trees.

The topography from the property to the street on Roseld Avenue drops significantly and would require a good deal of re-grading for the dedication. Currently, there will be no change in grading. Mr. Boesch said that he was not aware of any proposed changes to the homestead house.

Ms. Krimko presented Michael LaMana, testifying as a Consulting Forester for the Society of American Foresters. Mr. LaMana explained that he is a licensed Tree Expert with the DEP and the Township Forester for Toms River.

Mr. LaMana said that he was contacted by the applicant, Mr. Ashkenazi in 2007 or 2008 and asked to look at the property to see if it was viable for a Woodland Management Plan as he was interested in generating some salable commodities. After visiting the site, Mr. LaMana felt that a Woodland Management Plan would be good for the site. Forestry management is a form of agriculture which is unobtrusive. A Woodland Management Plan was prepared dated December 30, 2008, and had to meet the muster of the DEP. Mr. LaMana said that he was unaware that it there would also be a municipal component because the plans are usually exempt from zoning review.

The application was approved by the Forestry Service as long as they follow all the items that need review. Mr. LaMana said that he met with Mr. Fitzgerald and Mr. Higgins in a Technical Review meeting and he is aware of the changes requested by them. In response to the issue of brush piles that should be removed, typically, the brush is spread around on the property. If the professionals think it is unsightly, it can be removed.

Mr. LaMana said that they have elaborated discrete planning units in terms of the agricultural areas. There is woods and old lawn areas that are in-seeding with natural trees. Ms. Krimko explained that in-seeding is when an area is left in its natural state to let the trees grow naturally.

Mr. LaMana said that they like to allow trees to grow naturally. They come back periodically to inspect the property and if there are no seedlings, those portions of the land will be reforested with seedlings. There have been 200 seedlings planted already. The property has 8.5 acres of woods and 2.5 acres of open area that is scheduled for planting. The land is divided into ten blocks of land that will be replanted. The desired planting is 400 seedlings per acre. There is a very simple Wetland Management Plan. There are many large trees on the site that are debilitated and falling down and a lot of downed-trees that have been harvested.

Mr. LaMana explained that when he first inspected the site there were many large trees that had fallen and people took the wood. The sale of firewood from this site was just an incidental sale to clean up the site.

Mr. Higgins asked what physical characteristic occur on the site in terms of impact on the neighbors.

Mr. LaMana said that during the first five years they should expect the harvesting of fallen trees only. People may come to the property to get wood or Woodland Farm may harvest wood themselves. He estimated that there are 280 to 300 cords of wood on the property that could be removed. The size of a cord is 4' X 4' X 8'.

Mr. Higgins asked who will insure that they comply with the plan and if the approval could be terminated at any time.

Mr. LaMana said that Foresters inspect the site three times annually. The property owners are required to follow the plans and can harvest up to five cords per year over the ten year plan. If they do more, that would violate the DEP requirements and they would lose their approvals. Harvesting is a wintertime event. The plan goes with the land and could be sold with the land. If someone decides to build on the property, it is a change of use.

Chairman Thomas Means noted that in order to be a farm, they have to generate \$500.00 income from the property. Planning Administrator Marianne Wilensky said that if the level of activity changes on the property, they will have to return to the Board.

Chairman Means said that he visited the property and found that the primary residence is in disrepair and the appearance of the property needs to be cleaned up.

Mr. Higgins asked if firewood will be stored on the site. If it is, they would have to provide a plan showing the storage area.

Mr. LaMana said that he did not have the answer to that question, but noted that the harvested green wood is usually sold to a processor.

Chairman Means asked if bonds are required to be posted. Ms. Krimko said that the property will be visited by the Tax Assessor. Things must be done accordance with the plan. The Assessor will not give them the tax exemption if the representations are not followed. Because the Tax Assessor is going to be reviewing the Farm Tax Application, it will be an indirect affirmation that it is true in addition to the Forrester's visit three times a year.

Ms. Krimko noted that any green trees that are removed need to sit. Mr. Higgins pointed out that this is the reason that a storage area needs to be designated.

Ms. Krimko said that there will not be a staging area for the sale of wood. Prior to 2008, there was fallen wood sold to neighbors. Mr. Higgins pointed out that fallen trees rot and he questioned the harvesting of them. Mr. LaMana said that the lesser the degree of contact with the ground the longer the trees last before they rot. The property has Sweet Gum, Pin Oak, and Red Maple trees. There are also a lot of undesirable weed trees.

Chairman Means carried this application to the meeting of January 24, 2011.

NEW CASE

Marcelo Gruberg
Block 33.33, Lot 6
1806 Bellmore Street
Oakhurst
Zone C-3

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

Attorney for the applicant: Maxwell X. Colby, Esquire

The Board's information packet, containing the reports of the Board's professionals in in-house departments, was marked into **evidence B-1**.

The Board Planner James Higgins's report was marked into **evidence B-2**. Mr. Higgins explained that the applicant has a 12,000 square foot lot containing a small office building on Bellmore Street. The property to the rear has a retaining wall. The applicant is proposing to expand the building and add more parking.

Board Engineer William Fitzgerald said that he reviewed the plans and finds only some technical issues that need addressing. There needs to be a sight triangle shown on the plan. Currently, the site lighting consists of four spotlight bulbs on the side of the building. A lighting plan must be submitted.

Representing the applicant, Maxwell X. Colby, Esquire, presented Bernard Gruberg, son of the applicant. Mr. Gruberg explained that he and his father work out of the office and worked together to design an addition to the building. They have offices for their business that sells vitamins and minerals, which are shipped from another location. There are two to four employees at the office. The addition is to expand the office space.

Mr. Colby had the site plan marked as **evidence A-1**. He presented his engineer, Elizabeth Waterbury, who referred to sheet 1 of the evidence. Ms. Waterbury explained that the applicant's property backs up to an ice cream store. There is a retaining wall on the ice cream store's property, three-to-four feet from the property line. The property to the south there is another office building and parking. There is a retail center on the north side with access from Highway 35. Across the street are residential homes.

Ms. Waterbury referred to a Bing aerial map, which was marked as **evidence A-2**. She pointed out the property with the residential homes across the street and noted that the subject property looks very similar to the homes. The site to the south has a parking area about ten feet from the curbline.

Ms. Waterbury said that the applicant's plan is to expand the building, but have it meld with the residential look across the street. After construction, the size of the proposed building will be 2,250 square feet and it will look like a residential home with a front porch. There is a lawn and hedge on the north side property line that will screen it from the north.

One parking space has been added in the front. The parking area will be widened and re-striped in the back of the building to add two additional spaces. A handicapped access will be added. The trash enclosure will be moved closer to the Scoops Ice Cream property. From an aesthetic planning standpoint, there will be no detriment from the addition. The retaining wall in the rear is about as high as the refuse area, so it will not be seen. The office generates very little trash and they will only need two cans.

Mr. Higgins asked why the applicant needs outdoor access to the basement. Ms. Waterbury explained that the Gruberg's do all their own outdoor maintenance. They need a place for storage of the lawn mower and the snow blower.

In regard to the stormwater system, Ms. Waterbury said that they are looking to recharge the natural roof area. The property is four feet above the water table. There are currently two lights on the south side of the building and one on the north side. She will work with Mr. Fitzgerald to design a plan that fits the proposed new ordinance requirements. Ms. Waterbury said that the site is well landscaped and some additional foundation plantings will be added.

Mr. Colby presented Donald Passman, Architect for the applicant, and had the architectural plans, dated August 5, 2010, four sheets, marked as **evidence A-3**. Mr. Passman explained that the existing building is a 1 ½ story Cape Cod on an 800 square foot footprint. The proposed addition will have a basement for storage of equipment for yard maintenance. The outside basement access door will be moved to the other side of the building. The addition will also be 1 ½ stories and will have a residential look. A handicap ramp will be added as well as a bathroom. The addition will be used for office space and will have a front porch to give it a residential look. It will match the existing building with vinyl siding.

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

FAVOR: Andrisano, Brody, Gallelo, Garofalo, Goode, Healy, Klose Verrilli, Means
OPPOSED: None

A motion of approval was made by Thomas Means and seconded by Christopher Healy.

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

Memorialization will take place on January 24, 2011.

Meeting Adjourned 9:20P.M.

Margo Simpson
Board Secretary
Recording Secretary