

CAUCUS SESSION: 7:00 P.M. Public Meeting Room  
Deal and Monmouth Roads  
Oakhurst

DISCUSSION: Minor Site Plan Subcommittee Application  
**Italian American Association of Township of Ocean**  
Block 189, Lots 6 & 9

Board members Carlo Gallelo and Ray Menell, Alternate II, disqualified themselves from this application and left the room.

Planning Administrator explained that the applicant wishes to extend the roofline above the bocce ball courts. It will not increase square footage or decrease the setback on the property. A walkway already exists. The subcommittee had no problems with the application and unanimously recommended it for approval to the Board.

DISCUSSION: Minor Site Plan Subcommittee Application  
**Ocean 35 Developers, LLC**  
Block 140, Lot 109

Planning Administrator Marianne Wilensky explained that the applicant erected a façade sign after receiving approval from the Board but did not follow the restrictions set forth in the resolution of approval. The sign was placed in a two layer box that is too large and the sign does not fit. The applicant is now proposing a three layer box in order to better fit the sign. The Board agrees with this proposed plan. A formal approval is not required.

REGULAR MEETING: 7:30 P.M. Public Meeting Room  
Deal and Monmouth Roads  
Oakhurst

MEMBERS	Anthony Andrisano	MEMBERS	Fred Brody
PRESENT:	Carlo Gallelo	ABSENT:	William Garofalo
	Warren Goode, Vice Chair		Estelle Klose
	Christopher Healy		John Verrilli
	Stephen Levy, Alternate I		
	Thomas Means, Chair		
	Ray Menell, Alternate II		

<b>OTHERS PRESENT:</b>	Sanford Brown, Esquire,	Board Attorney
	James Higgins, P.P.,	Board Planner
	William Fitzgerald, P.E.,	Board Engineer
	Marianne Wilensky,	Planning Administrator
	Rachel Goncharko,	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 September 22, 2011.

#### **APPROVAL OF MINUTES:**

A motion to approve the **minutes from the meeting of August 22, 2011**, was made by Thomas Means and seconded by Warren Goode.

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

**CASES CARRIED TO October 24, 2011**

**Township of Ocean**

Block 142, Lot 38.02  
3603 Sunset Avenue  
Ocean

**3413 Rose Avenue, LLC**

Block 182, Lot 4  
3413 Rose Avenue  
Ocean

**CONTINUED CASE**

**Martelli at Wayside, LLC**

Block 37.16, Lots 33, 33.01, 34, 35, 36, 46, 47  
Bowne Road and Deal Road  
Wayside

This is an application for preliminary and final major subdivision approval with variances.

Zone R-2/HD and R-1

Attorney for the applicant: Craig M. Gianetti, Esquire

Attorney for the applicant, Craig M. Gianetti, Esquire, presented the applicant's engineer A.J. Garrito, P.E.

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-2**.

Exhibit A-3 was marked into evidence. It is a colored rendering of the landscaping plan dated April 29, 2011, revised September 16, 2011.

The Board Planner, James Higgins, P.P., read his report into the record. He asked for a detail of the identification signs and on-site review for some of the landscaping.

The Board Engineer, William Fitzgerald, P.E., commented on the changes that have been made to the proposed pond. The pond has been altered to include more topographic variation and landscaping to make it more visually interesting. Mr. Fitzgerald also commented on the groundwater recharge system in the pond. He said that the State of New Jersey requires this system to maintain water levels. Mr. Fitzgerald wants these details for the system satisfied before any approvals can be made.

Chairman Means asked if there are water problems on neighboring properties. Mr. Fitzgerald said that Deal Road has drainage issues. That area is prone to ponding and the applicant's plans and studies show that their development will improve this situation.

Mr. Gianetti said that Mr. Garrito is still under oath from the last public hearing on June 8<sup>th</sup>, 2011. Mr. Garrito presented two more exhibits marked as A-4, Identification only, which shows the entrance sign detail to scale. Mr. Fitzgerald asked if the sign is located on private property. Mr. Garrito responded that it is on private property and that there will be an easement in the deed and a Homeowner's Association will maintain it.

Mr. Garrito presented Exhibit A-5 which had six photographs showing the frontage on Bowne Road. On the northerly side the applicant would like to remove the existing landscaping and construct a sidewalk. A 3- 4' tall berm is also proposed along the frontage.

The Exhibit was marked into **evidence A-4**.

Mr. Garrito said that there are two areas of concern. The flooding that currently occurs will be lessened after development because all the water will be stored in the basin. Mr. Garrito referenced Lot 14 and Lot 32 on Ascot Drive which are existing low points. They have proposed catch basins.

Mr. Garrito said that the original plan had a detention basin and the neighbors had issues with groundwater. He said that all the water that they were concerned about putting in the ground will now be put in a lined pond. A recharge system around the pond takes water out of the pond and puts it back into the ground.

Vice Chairman Goode confirmed that the recharge system will be maintained by a homeowner's association.

Chairman Means asked if there will be a wall around the pond for safety. Mr. Garrito said that the wall they are proposing is for aesthetics only and they are not proposing any fences.

Mr. Garrito explained how the recharge system works. It is designed so that it will automatically start once the water level hits 4 feet. Mr. Fitzgerald affirmed that the pond will not overflow.

Mr. Fitzgerald brought up the curvature of the roadway in the development. He would like details as to whether the loop will have hard or soft corners. He also said that there will be safe sight distances around the loop as well as restricted parking on the street. Sight triangles on the properties will be added.

Mr. Gianetti presented Tom Dwyer from Maser Consulting. Mr. Dwyer is a professional geologist specializing in hydrogeology. He prepared the report entitled "Stormwater Hydrogeological Report" dated August 2011. The report, marked A-7, was previously submitted. Mr. Dwyer presented an exhibit, marked as A-6, Identification only. The exhibit, showing Figure 2 from the report dated August 2011, exhibit A-7, shows the water levels measured over time. Exhibit A-6 is an updated version of Figure 2 in the Report. The original plan proposed an unlined pond where water would be able to infiltrate through during wet seasons. The lined pond will eliminate this problem. Groundwater levels will be maintained and when recharge occurs it can be controlled.

An updated version of Figure 7 from the Report was marked as A-8, Identification only. The exhibit shows predicted dry-season groundwater elevations. The recharge will occur between July and December. For safety purposes, there will be a high water level sensor to trigger the recharge system.

Board Attorney Sanford D. Brown, Esquire brought up legal matters for post development. Mr. Brown confirmed that a Homeowner's Association would be in charge of maintaining the pond. He asked what would happen if the Homeowner's Association did not comply and there was a failure to monitor the pond. The Township would require the applicant to file an easement giving the Township the ability to fix the problems and take a lien against all the properties if the applicant does not correct the problem. Mr. Gianetti said that this would be fine. Mr. Brown said that all the details of the agreement would be worked out.

Mr. Gianetti marked exhibit into **evidence A-8**. (Figure 7 updated)

Mr. Gianetti asked if the Board was leaning towards an approval and if Mr. Brown could create a positive resolution for the next hearing. Chairman Means said that he would approve of Mr. Brown preparing a positive resolution in anticipation of an approval at the next meeting. They agreed to have the plans submitted by 8:30 a.m. on October 11, 2011.

Mr. Higgins asked the Board if they are satisfied with the proposed berm. Chairman Means and Vice Chairman Goode agreed that they are.

Chairman Means carried the case to October 24, 2011.

### **CARRIED CASES**

**Pitti Bimi**

Block 22, Lot 81  
264 Norwood Avenue  
Oakhurst  
Zone C-1

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

Attorney for the applicant: Marc Policastro, 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**.

The Board Planner, James Higgins, read his report. He said that the applicant has addressed most of his concerns but that there is very narrow access to the building which poses a problem. Tractor trailers cannot fit in the parking lot to do deliveries.

Chairman Means asked where the landscaping is going to go. Mr. Higgins said it will be in the back of the property.

The Board Engineer, William Fitzgerald, read his report. His main concern is the lighting in the back. He said that they must meet the minimum requirements. Mr. Fitzgerald is also concerned that trash recycling areas do not appear on the plans.

Mr. Fitzgerald addressed the existing attached garage. The only entrance to the garage is an overhead-type door. Mr. Fitzgerald said that the garage needs a code compliant entrance. The attorney for the applicant, Marc Policastro, Esquire, said that a door can be added.

The safety of exiting and entering the driveway is of concern to Mr. Fitzgerald. Pedestrians cannot see vehicles exiting the driveway. A speed bump will slow cars down, but Mr. Fitzgerald wants more safety measures. Chairman Means asked if mirrors could be implemented. Mr. Fitzgerald suggested having a bell go off when cars go around the loop.

Mr. Policastro presented Christine Cofone, P.P. as the planner for the applicant. Ms. Cofone said that it's a tough site because of existing conditions.

Ms. Cofone presented an exhibit marked as A-1, for Identification only, that shows the existing sign plan and details dated October 12, 2009 and revised through May 3, 2010. The exhibit shows the location of six signs, two on the front and two on both the North and South elevations. They are seeking a C-2 variance for multiple, smaller signs that would be consistent with the existing signs for nearby stores. Other stores in the area, including Gold Tinker and Coco Paris, have multiple, smaller signs.

Mr. Policastro said that an agreement with the adjoining property owner has already been executed to have the signs.

Ms. Cofone addressed parking space width. They are seeking a variance for 9 foot wide spaces where ten feet are required. She said that it would not be a hardship to restripe the parking spaces from 9 feet to 10 feet wide, but there is no need for wider spaces because the parking lot does not have heavy turnover.

Ms. Cofone presented an exhibit marked as A-2, Identification only, dated May 6, 2010 and revised through September 16, 2011. It is part of a plan set that was previously submitted. The speed bump and the signage are improvements to the existing conditions. She said that they are proposing to make the parking lot "employee only" parking.

Chairman Means asked if customers use the parking lot. Ms. Cofone said that they do not. Chairman Means asked how many employees work there and Ms. Cofone said there are usually no more than 6 employees present at one time. Mr. Higgins said that he often sees as many as 14 cars in the parking lot. Ms. Cofone said that she does not know who is parking in the lot other than the employees. Mr. Fitzgerald said that improvements were made to the site but there is no record to show how much the lot was expanded. He said that he had hoped to get this information from the applicant at this meeting. Ms. Cofone said that the applicant may not have this information. Ms. Cofone said that she does not understand how this information will help the Board.

Ms. Cofone addressed the trash recycling areas. She said that dumpsters will be placed in the rear of the property taking up two parking spaces.

Mr. Policastro said that an astronomical amount of time and money has been spent on this application and asked the Board to consider the application without that information.

Planning Administrator, Marianne Wilensky, said that she gave Mr. Higgins a plan with a survey reference from an application that was filed by the owner in 2004. Ms. Wilensky said that the site plan based on the survey shows a lot less pavement than what is there now.

Chairman Means asked how they will control parking. Ms. Cofone said that they will use signs that designate the parking lot as employee only parking. She also said that the owner patrols parking when she is on site. Vice Chairman Warren Goode said that he has no confidence that self-policing will work to control parking. Mr. Goode asked what will happen in the summer when more people are in town. Mr. Policastro and Ms. Cofone said that they could not guarantee that non-employees will not park there. Mr. Goode said that he does not believe that the problem will be solved by designating the parking lot for employees only.

Board member Christopher Healy asked how many spaces they are proposing. Ms. Cofone said they are proposing eleven spaces. Mr. Goode said that he could not count that many spaces on the plan. Ms. Cofone said that by eliminating the two spots in front of the garage, one spot for the shed, and two for the dumpster, they are left with six parking spaces. Chairman Means said that the elimination of parking spaces may solve the problem because there will only be enough parking spots for the employees. Mr. Goode said that customers may use the turnaround for parking and that eliminating actual parking spaces will not solve the parking problem or make it safer.

Ms. Cofone said that they are asking for a parking variance to have less spaces than the thirty-three required. She said that having that many spaces is not possible for this property.

Ms. Cofone said that by eliminating parking spaces in the back of the building, employees will have to park on the street and will take valuable parking spaces away from customers. She said that it is beneficial to have employees park in the back. Mr. Goode said that he agrees that it would be beneficial, but that there is no practical way to restrict the parking. Ms. Cofone said that there is no way to restrict the parking one-hundred percent of the time.

Ms. Cofone said that the statutory language says that when you grant a variance the detriment has to outweigh the benefit. She said that in this case, it is a tough site in an older commercial corridor. They are doing a number of things to mitigate the negative aspects of the property to make it safer.

Mr. Healy asked if there is anything else that can be done other than a speed bump and a sign. He suggested painting to alert people that it is not a driveway. Mr. Fitzgerald said that the physical conditions of the property would make it difficult to do that, as the on street parking and the buildings make it difficult to see the driveway from the street.

Mr. Higgins stated for the record that Ms. Cofone was mistaken when she said that the detriments must outweigh the benefits and that it actually is the benefits must outweigh the detriments.

Ms. Cofone continued to go through the variances. She said that they are providing as much new landscaping as possible to accommodate Mr. Higgin's request.

Ms. Cofone said that they would like a waiver to be granted for no sodding and no sprinkler system. She said that because it is in the rear of the property there is no detriment to not having an underground sprinkler system. Chairman Means said that he is concerned about not having a sprinkler system. Mr. Higgins said that every time a waiver is granted to eliminate the sprinkler system all the plants die.

Ms. Cofone said that they need a lot coverage variance. Being that they are existing buildings, they are asking for a C-1 hardship variance. She said that there is no detriment to having the accessory buildings and extra lot coverage.

Chairman Means said that he would like to come to an agreement on the number of parking spaces. Ms. Cofone said that after the eliminations for the recycling area and the garage, there would only be six parking spaces. Chairman Means said that this eliminates the problem, leaving only enough parking spaces for the employees. Mr. Fitzgerald said that one spot must be designated for ADA accessibility.

Mr. Higgins said that the engineer for the applicant will testify about the ability of a garbage truck maneuvering around the parking lot.

Ms. Cofone addressed the issues in Mr. Fitzgerald's report. She agreed to satisfying all his requirements regarding lighting, an ADA accessible parking space, providing an enclosure for the dumpsters, providing proper signage for the parking lot, providing some sort of sprinkler system for the landscaping, and adding a door to the garage.

Mr. Fitzgerald said that the turnaround in the parking lot must be big enough for trucks to turn around. He also would like the dumpsters to be shown on the plan and what the lot coverage is.

The file plan was marked into **Evidence A-1**.

Chairman Means carried the case to October 24, 2011.

**Eagle Advanced Holdings, LLC**

Block 182, Lot 79, 80  
1100 Eagle Avenue  
Ocean  
Zone O-1/ 20

This is an application for preliminary and final site plan approval with variances in order to construct an office building.

Attorney for the applicant: Todd A. Cohen, 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**.

The Board Engineer, William Fitzgerald, and the Board Planner, James Higgins, read their reports into the record.

Attorney for the applicant, Todd A. Cohen, presented the engineer for the applicant, Charles Surmonte, P.E..

The plan set was marked into **Evidence A-1** and an exhibit was marked as **Evidence A-2**. It is a colored rendering of Sheet-6 in the plan set. Mr. Surmonte gave an overview of the project and location of the site on Eagle Avenue. Chairman Means asked where the existing house is located on the site. Mr. Surmonte said that it's located on the extreme south end of the property. Mr. Surmonte said that they are proposing a building and a circulating parking field with 33 spaces.

Mr. Surmonte said that they are proposing a wall that would be 2-3' tall. The grade proposed for the parking lot necessitates that wall. They are trying to balance the grade of the site with the grades of the parking lot and the drainage system. He said that they are asking for a number of variances, most of which are necessitated by the shallowness of the lot which is about 100 feet. The building they are proposing will be set back 20 feet from the front property line which is in line with the building on the property to the north.

Mr. Surmonte said that they proposed a change in grade and, they are also seeking a variance for the size of the building. They want the building to be a medical building and it cannot meet the 6,000 square foot minimum. Mr. Surmonte referred to Detail Sheet 11 of the plan which shows the proposed free standing sign at the northerly driveway. The

sign will be set back 14-15' off the curb line. Chairman Means asked why they have placed the sign at the driveway as opposed to closer to the building. Mr. Surmonte said that the majority of the cars will be coming from Allaire Avenue, so drivers can see the sign approaching the driveway.

Mr. Surmonte said that they are seeking relief on the depth of the front yard landscaping as well as the width of the parking spaces. They are asking for nine foot wide parking spaces where the ordinance requires ten foot wide spaces. This will provide for more utilization of the space in the parking lot that does not have a high turnover rate. Mr. Goode asked if there will be hairpin striping. Mr. Surmonte said that that can be included. Mr. Surmonte said that there will be access points at either end of the parking lot so that drivers can circulate through it.

Mr. Surmonte said that they will comply with the sod in the right of way and incorporate a sprinkler system as requested by Mr. Higgins. He said that they want to retain the oak tree that is already on the street and add three more trees along the street.

Mr. Surmonte said that they are proposing a fence just inside the rear property line and then a retaining wall a foot inside that. He proposes placing the wall right up to the property line. Mr. Fitzgerald said that he has no issues with the wall being against the property line as long as it's a structural wall. He suggests putting the fence on top of the wall to fix the maintenance problem. Mr. Higgins suggests changing the height of the fence from six feet tall to four feet tall to eliminate the variance.

Chairman Means asked how the applicant would like to handle the donation to the Shade Tree Fund. Mr. Cohen said that the applicant would prefer the lower donation.

Mr. Cohen said that the applicant is willing to accommodate all the requests and considerations in Mr. Fitzgerald's and Mr. Higgins' reports.

Mr. Higgins noticed that on the floor plan it depicts two large offices on the first floor and the second floor holding medical records, a medical legal office and support offices for the medical office on the first floor. He said that the whole building is medical and would require a variance for parking. Mr. Cohen said that he does not believe a variance is needed as no patients will be going to the second floor. Planning Administrator, Marianne Wilensky, explained that it is all part of the same medical use. Mr. Higgins said that they will need a variance for five parking spaces. Mr. Cohen said that he would need to consult his client on this matter.

Mr. Fitzgerald said that the architectural plans show a basement. Ms. Wilensky said that the requirements are that the floor plans must show if there is a basement so that it can be determined if there is storage space in the basement that may be used to free up space other places in the office.

Board Attorney, Sanford Brown, asked Mr. Cohen is they need to renotice for the parking variance. Mr. Cohen said that he would renotice.

Chairman Means carried the case with further notice required to October 24, 2011.

**Seaview Square, LLC by  
Rent Receiver Grubb & Ellis  
Management**

Block 141, Lots 1 & 23  
Route 35 & 66  
Ocean  
Zone C-4

This is an application for minor site plan approval in order to change the landscaping in the parking lot islands.

Attorney for the applicant: Peter S. Falvo, Jr., Esquire

Rick Brodsky, Esquire represented the applicant in place of Peter Falvo, 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**.

The Board Planner, Jim Higgins, P.P., and Board Engineer, William Fitzgerald, P.E., read their reports.

Chairman Means asked if the islands will have a sprinkler system. Mr. Higgins said that the plants they are proposing can survive without a sprinkler system.

Mr. Brodsky presented representatives from Lawns by Yorkshire, Burke Hammond and Steve Wuzensky, landscape designers who prepared the plans for the applicant.

The plan set was marked into **evidence A-1**.

Mr. Goode asked why the applicant did not choose to go along with the suggestions of Mr. Higgins and Mr. Fitzgerald regarding the specific plants to be used in the landscaping. Mr. Brodsky said that the revised plans were based on what was discussed at the technical review meeting with Mr. Higgins and Mr. Fitzgerald, but it is not consistent with what they provided in their reports.

Mr. Higgins said that at the meeting he said they could keep the Barberry even though it is considered an invasive species. Mr. Brodsky said that he was under the impression that they were not allowed because they are invasive and that the applicant is also concerned with the size of the thorns on the wintergreen.

Mr. Brodsky said that they are choosing plants based on the feasibility of installation and irrigation.

Mr. Higgins asked if the Board would allow the drafting of a positive resolution if they can come to an agreement on the landscaping. The Board agreed. Board Attorney, Sanford Brown, Esquire, said that they will have to come back to the Board after they have come to an agreement and he will prepare a positive resolution.

Mr. Higgins said that many of the trees on the property have disappeared, whether due to death or snow plowing. He said that they need to be replaced and maintained. He requested the applicant submit an existing and final plan of the landscaping.

Planning Administrator, Marianne Wilensky, said that she will set up a technical review meeting with Mr. Brodsky for the end of the week and then they will have ten days to submit the revised plans.

Chairman Means carried this application to October 24, 2011.

**Italian American Association of  
the Township of Ocean**

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

This is an application for Minor Site Plan  
Subcommittee approval to extend a roofline.

Board members Ray Menell and Carlo Gallelo left the meeting at 10:43 p.m. as they are disqualified from the application.

The Minor Site Plan Subcommittee unanimously recommended approval of this application to the full Board.

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

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

Meeting Adjourned at 10:45 P.M.

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Rachel Goncharko  
Board Secretary  
Recording Secretary