

The architectural plans by L&M Design, LLC dated February 22, 2013 consisting of 9 pages were marked into evidence A-7. Ms. Krimko said that the applicant will comply with all the issues outlined in Mr. Higgins' report.

The architect for the applicant, Laura Giardino of L&M Design, referred to a color rendering of the plans, to describe the architecture and design of the proposed homes. The materials will be natural earth tones with brick, stucco or stone veneers.

Gina Knesser, 429 Harnell Avenue, asked if there were plans for the one-story homes on the property adjacent to Harnell Avenue. Ms. Krimko said that the rear portion of the home is one-story but that there are no one-story homes proposed.

Mr. Higgins asked if homeowners will be able to expand the homes, such as an addition over the patio. Ms. Giardino said that they have not anticipated additions, but that the placement of the patio notch could be changed.

Ms. Krimko said that she brought all the witnesses from the previous hearing for questions from the public. Chairman Goode opened the hearing to the public for questions. No one from the public had questions for the witnesses.

Board Engineer William Fitzgerald, P.E. said that the neighbors' concerns remain to be addressed with plan revisions and that they should be able to review the final plans before the closing of the public hearing. He requested that the plans be on file ten days before the next hearing and suggested that a resolution be prepared for memorialization at the same hearing. Board Attorney Sanford Brown, Esquire said that he would be willing to draft a resolution for the next hearing.

Ms. Krimko requested to close the public hearing to the affirmative testimony with the exception of changes that are made. Mr. Brown said that they will close the public hearing with the understanding that anything that is revised can be questioned.

Mr. Verrilli asked the traffic engineer Karl Penke if a traffic signal will be needed at the intersection of West Lincoln and Monmouth Roads for the increase in traffic activity. Mr. Penke said that an analysis showed an increase of 15 to 20 vehicles during peak hours, which will not be a perceivable difference in traffic. Therefore, a signal will not be necessary.

Chairman Goode made a motion to close the public hearing to all questions with the exception of revisions made to the plans. It was seconded by Fred Brody.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Klose, Menell, Verrilli
Opposed: None

Chairman Goode carried the application to April 22, 2013. Revised plans are to be submitted by April 12, 2013.

Stephen Levy returned to the dais.

CARRIED CASES

Deal Development Corp
Block 34 Lot 3.02
807 Deal Road
Ocean
Zone C-2

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

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

Board Planner James Higgins, P.P. disqualified himself from the application and left the room.

The Board's information packet was marked as B-1.

Peter McArthur, Esquire of Azrach & Associates in Pompton Plains, addressed the Board as the attorney representing Madison Lease, LLC which has filed a Board of Adjustment application for the adjacent property at 805 Deal Road. Mr. McArthur said that he reviewed the file for this application and viewed the notice for Preferred Acquisitions which was hand delivered on March 6, 2013 and post-marked February 28, 2013 while the rest of the notices were post-marked February 1, 2013. He requested that the Board require the applicant to re-notice. Attorney for the applicant, Peter S. Falvo, Jr., Esquire explained that another property was noticed twice and Preferred Acquisitions was missed. They noticed the property owner, who retained Thomas Hirsch, Esquire as their attorney. Mr. Falvo believes they gave adequate notice. He said that Mr. Hirsch had no objections based on the notice and that they provided him with color renderings of the plans and information about the easement. Mr. Falvo said that he has not heard back from Mr. Hirsch with any issues and he is not present at the hearing tonight. Board Attorney Sanford Brown, Esquire asked Mr. Falvo if he had any letter correspondence. Mr. Falvo said that he has a letter dated March 7, 2013 faxed by Mr. Hirsch and that he spoke to him on the phone on March 7th and 8th. Nelson Engineering faxed Mr. Hirsch a copy of the site plan showing the easement. Mr. Falvo said that on March 8th Mr. Hirsch advised him he had forwarded all the information to his client. Mr. Brown said that due process notice was given to the property owner and recommended to Chairman Goode that he accept jurisdiction of the application and that there is no violation. Chairman Goode accepted jurisdiction of the application.

Board Engineer William Fitzgerald, P.E. read his report. Planning Administrator Marianne Wilensky said that there are violations for a shed without permits and lighting on the rooftop.

Mr. Falvo marked the following items into evidence:

- A-1 Site Plan dated 6/28/12 revised through 2/27/13 consisting of 10 sheets
- A-2 Survey dated 10/26/12
- A-3 Architectural Plans dated 10/16/12 consisting of 4 sheets
- A-4 Color rendering of the survey
- A-5 Color rendering of Sheet 4 of the Site Plan
- A-6 Signage plan dated 1/31/13
- A-7 8 1/2" x 11" photo of the site from Bing Maps
- A-8 Letter from the Traffic Expert dated 10/12/12
- A-9 Resolution of approval for Minor Subdivision dated 01/27/91

Project manager for the applicant, Dave Boesch of Nelson Engineering, referred to A-4 to describe the site as the 7-11 store on the north side of Deal Road. Currently it is a 2,400 sq ft, one story convenience store. He said that there are 2 two-way driveways with an unstructured circulation pattern.

Mr. Boesch said that the applicant is proposing to expand the building for additional storage and public restrooms. He described the changes proposed to the parking area, with traffic circulation around the building to the loading area, and creating two exits and only one entrance into the parking lot. He said that there will be low landscaping in the front and screening material along the east and north sides of the lot. Mr. Boesch referred to A-7 to show the existing vegetation along the easterly side of the lot which they propose to maintain rather than replant. There is a 6 ft high wood fence owned by the town homes behind. They initially wanted to erect another fence but decided not to due to potential maintenance problems between the fences. He said that there will be six parking spaces in the back. Ms. Klose asked if there will be an entrance in the back. Mr. Boesch said no, but there would be a sidewalk to the front entrance if patrons do park in the back. He said that the back will be for storage, the office and the restrooms. The front will remain for retail use. The site is currently under a septic system but they are proposing to switch to municipal service.

Mr. Falvo explained that the three surrounding lots are all developed and cannot be bought to create a larger lot in order to get rid of some of the non-conformities.

Mr. Boesch said that an underground stormwater management system is proposed. The sign will be increased to 64 sq ft and moved back to the required 15' setback.

Chairman Goode asked if a similar application had been filed before. Planning Administrator Marianne Wilensky said that the application was withdrawn.

Chairman Goode asked how many parking spaces are currently on the lot. Mr. Boesch said that there are 13 spaces and they are proposing 13 spaces. Mr. Boesch said that the existing impervious coverage is 16,885 sq ft and they are proposing 23,160 sq ft.

Chairman Goode carried the application to April 22, 2013.

Mr. Higgins returned to the room.

Ocean Sunset 35, LLC

Block 137 Lots 28, 29
911-919 Highway 35
Ocean
Zone C-3

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

Attorney for the applicant: Stephen R. Nehmad,
Esquire

The Board's information packet, containing the reports of the Board's professionals and in-house departments, was marked as B-1. Board Planner, James Higgins, P.P. and Board Engineer, William Fitzgerald, P.E. summarized their reports.

Jeffrey Spalt, P.E., P.P. of Dynamic Engineering was sworn in as the engineer for the applicant. He marked the site plan set, consisting of 17 sheets, dated 9/28/12, revised through 2/12/13 into evidence as A-1. An aerial photograph of the site was marked into evidence A-1A. Mr. Spalt referred to the photograph and described the site in its current condition as blighted and that it needed redevelopment.

A color rendering of the site plan dated 3/11/13 was marked into evidence A-2. Mr. Spalt said that the plan is to demolish everything on the site. Environmental testing was performed and remediation will be done in accordance with state regulations. Mr. Spalt described the proposed building which will be a 12,900 sq ft, 1 story building. There will be a drive-thru in the south east corner of the building, with traffic moving in a counter clockwise direction around the building. Mr. Spalt said that access to the site is being consolidated to two access points, on Route 35 and Sunset Avenue. There will be no left turns out of the exit on Sunset Avenue and it has been moved further back from the Route 35 intersection.

A color rendering of the architectural elevation plan dated 3/11/13 was marked into evidence A-3. Mr. Spalt referred to A-3 to show what the proposed building will look like. Mr. Spalt went through the requested variances, including number of parking spaces and parking space width. Chairman Goode requested that the parking have hairpin striping and Mr. Spalt agreed.

An exhibit of the signage details was marked into evidence A-4. Mr. Spalt described the proposed signage. An electronic reader board was proposed, but has been withdrawn and the applicant is now proposing a manual reader board to advertise for seasonal specials. Mr. Higgins said that he is not in favor of the manual sign. The Board confirmed that the reader board would be withdrawn and the mezzanine would be deed restricted.

Donald Brockel, 710 Laurel Avenue, Chairman of the Deal Lake Commission, expressed concern for the stormwater management. He presented 7 photographs taken on March 8, 2013, marked into evidence O-1, showing the property to describe the drainage. Attorney for the applicant, Stephen R. Nehmad, Esquire said that they are significantly reducing the water quantity. Mr. Spalt said that they are providing an inlet to collect water which will reduce the runoff rate and volume, and improving the water quality. Mr. Fitzgerald said that they have met all the standards for the unit. He explained

that they will have to file a stormwater maintenance manual with the town. Mr. Brockel submitted a report by Stephen Souza of Princeton Hydro which was marked into evidence O-2.

A motion to close the public hearing was made by Warren Goode and seconded by Anthony Andrisano.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Klose, Levy, Menell, Verrilli
Opposed: None

A motion of approval was made by Warren Goode and seconded by Estelle Klose.

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

To be memorialized April 22, 2013.

Meeting adjourned at 10:30 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary