

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

DISCUSSION: Ordinance #2231

Planning Administrator Marianne Wilensky explained that signs are not permitted to have moving parts or change messages more than once every 24 hours. This proposed ordinance is for an exemption for municipal signs in order to display emergency messages or community messages. The Township Council has already approved some signs, such as at Town Hall and Joe Palaia Park, to change more than once every 24 hours. The Chief of Police can change the signs immediately in the event of an emergency. The Board unanimously recommended to Council the proposed ordinance, noting that while not in conformance, it is consistent with the purpose and intent of the Master Plan.

DISCUSSION: Minor Site Plan Subcommittee Application

Falcon Realty LLC
Block 33.15 Lot 1

Planning Administrator Marianne Wilensky explained that this law office used to be a residential home that never had air conditioners with outside units. Now it is a commercial property that backs up to residential properties. She said that the subcommittee members had no issues with the application and a positive resolution with no conditions was prepared. The subcommittee members unanimously recommended approval of this application.

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

MEMBERS PRESENT: Anthony Andrisano
Joseph DiBenedetto, Alt II
Carlo Gallelo
William Garofalo
Estelle Klose
Stephen Levy
John Verrilli
Thomas Means, Chair

MEMBERS ABSENT: Fred Brody
Warren Goode, V Ch
Ray Menell, Alt I

OTHERS PRESENT: Sanford Brown, Esquire, Board Attorney
James Higgins, P.P., Board Planner
William Fitzgerald, P.E., Board Engineer
Marianne Wilensky, Planning Administrator
Rachel Montemarano, 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 and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on August 1, 2014.

RESOLUTION MEMORIALIZATIONS

VB Ocean Ave., LLC
Block 140 Lot 67.05
Dorset Road
Wanamassa

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

Board Attorney Sanford Brown explained that the attorney for Morris Sutton, Jennifer S. Krimko, sent an e-mail regarding condition "C" on page 5 of the resolution. Mr. Brown explained that the term 'Board Administrator' will remain, with "discretionary approval" pursuant to the tree ordinance. The tree removal will be completed prior to the issuance of a building permit rather than with the filing of the subdivision. The Board members agreed to these changes to the resolution with the following vote.

Morris Sutton

Block 9 Lots 6.01, 7.01
47 Larchwood Avenue
65 Larchwood Avenue
Oakhurst

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

CONTINUED CASE

Woodland Family Farm, LLC

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

This is an application for conditional use approval and minor site plan approval for a previously approved conditional use.

Attorney for the applicant: Jennifer S. Krimko, Esquire

The Board's information packet was marked B-2. Board Planner James Higgins summarized his report, noting that the applicant is now proposing to eliminate the garage. He also said that the applicant does not want to provide the 5' dedication on Wickapecko Drive and that the Board should decide whether or not it should still be required, but that it is not a detriment to leave it the way it is. Board Engineer William Fitzgerald summarized his report, noting that his concern is that it would be the only farm in town without a homestead.

The Attorney for the applicant, Jennifer S. Krimko, Esquire explained that the application has always been to remove the homestead lot. The difference now is that they are proposing to remove the structure. Ms. Krimko referred to the definition of 'farm' in the Township's ordinance, quoting that a 'single-family dwelling may be part of a farm'.

Ms. Krimko submitted the Conditional Use Site Plan revised through August 13, 2014 into evidence as A-5.

Chairman Means said that he has a problem with removing the homestead lot. When the application was first approved the name Woodland Family Farm implied that there would be a homestead. Now that they are proposing to remove the structure, it will have no resemblance of a farm. Ms. Krimko said that the application meets the requirements of the state statute and it meets the conditions of the Township's ordinance. Chairman Means said that by removing the homestead lot, the owner saves on taxes, but that it puts a burden on the Town to make up for it. Ms. Krimko said that the Planning Board does not have the authority to make a decision based on the tax implications. Board Attorney Sanford Brown explained that if all the requirements are met under the conditional use permit, the Board should approve the application. He said that that is what happened three years ago when the application was first approved with the homestead lot. Is the Board now required to approve the requested change?

Ms. Krimko and Mr. Brown discussed case law cited in the Municipal Land Use Law regarding conditional use permits and the New Jersey State Statutes for farmland assessment. Ms. Krimko said that the Board is not operating under the NJSA statutes, but is operating under the Municipal Land Use Law and the local land development ordinance. She said that the applicant meets the requirements for the Planning Board and will deal with the tax exemption separately with the tax assessor.

Mr. Garofalo expressed concern for the overall concept. He said that the idea of the regeneration process for the sale of firewood is a good concept, but that is not what is

happening. Ms. Krimko said that the lot meets all the requirements of a woodland management lot.

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

In Favor: Andrisano, DiBenedetto, Gallelo, Garofalo, Klose, Levy, Verrilli, Means
Opposed: None

Ms. Krimko explained that this new application is for a new conditional use integrating the homestead lot. She said that it meets all the requirements of the conditional use and site plan with no variances.

Board member Estelle Klose asked if the Freehold Soil issue raised in the Environmental Commission's report was addressed. The board unanimously agreed to re-open the public hearing.

Ms. Krimko said that an application to Freehold Soil was filed and the approval will be submitted when it is received.

A motion to close the public hearing was made by Thomas Means and seconded by Carlo Gallelo.

In Favor: Andrisano, DiBenedetto, Gallelo, Garofalo, Klose, Levy, Verrilli, Means
Opposed: None

Chairman Means made a motion to grant a three year extension, keeping the homestead lot and removing the structure with the condition that non-farming areas within the 25 feet of tract boundaries be maintained with periodic inspections funded by an escrow account. The application must be made no later than 90 days of the three year extension deadline of February 2017. The motion was seconded by Carlo Gallelo.

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

To be memorialized September 22, 2014.

CARRIED CASE

Selma LLC
Block 34 Lot 14
1710 Highway 35
Ocean
Zone C-2

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

Attorney for the applicant: Rick Brodsky, Esquire

The Board's information packet was marked B-1. Board Planner James Higgins summarized his report. He said that the stone veneer is closer than approved but you cannot tell. The freestanding sign is blocked by the car wash sign so they are proposing to raise the sign 5' but take off the ornamental piece. Mr. Higgins recommended granting the additional height and keeping the ornamental piece. In addition, Mr. Higgins recommended extending the completion date to September 30, 2014 as the only thing yet to be completed is the remainder of the stone veneer.

Attorney for the applicant, Rick Brodsky said that the applicant agrees to all the items in Mr. Higgins' report.

Board Engineer William Fitzgerald summarized his report, noting that they should look at the trees on the property. Mr. Higgins agreed that there are some trees that are in bad shape. Mr. Brodsky agreed.

Board Attorney Sanford Brown asked if the remainder of the work can be completed by September 30, 2014. Mr. Brodsky said that the applicant has indicated yes.

Board Member Estelle Klose asked about the color of the canopies. Mr. Higgins said that they were supposed to be burgundy, but that the canopies look okay as they are.

A motion to close the public hearing was made by Thomas Means and seconded by William Garofalo.

In Favor: Andrisano, DiBenedetto, Gallelo, Garofalo, Klose, Levy, Verrilli, Means
Opposed: None

A motion to approve the application was made by Thomas Means and seconded by William Garofalo.

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

To be memorialized September 22, 2014.

NEW CASE

Falcon Realty, LLC

Block 33.15 Lot 1
714 West Park Avenue
Oakhurst
Zone T-1

This is an application for minor site plan subcommittee approval in order to install three air conditioning condenser units to the office building.

Planning Administrator Marianne Wilensky explained the application to install air conditioning units to the office building. The subcommittee members unanimously recommended this application for approval and a positive resolution with no conditions was prepared.

A motion of approval and memorialization was made by Thomas Means and seconded by Carlo Gallelo.

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

Meeting adjourned at 8:40 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary