

CAUCUS SESSION: 7:15 P.M. Second Floor Conference Room
Deal and Monmouth Roads
Oakhurst

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

MEMBERS

PRESENT: Maureen Bonney, Alt I
John Fuller, Alt IV
Jane Grabelle
Russell Malta
Eric Menell
John Napolitani, Alt II
Peter Siano, Alt III
Richard Van Wagner
James Worrell

MEMBERS

ABSENT: Henry Schepiga, V Chair
Warren Goode, Chair

OTHERS PRESENT Mark A. Steinberg, Esq., Zoning Board Attorney
James Higgins, PP, Board Planner
William Fitzgerald, PE, Board Engineer
Marianne Wilensky, PP, Planning Administrator
Rachel Montemarano, Board Secretary
Recording Secretary

Russell Malta served as chairman in the absence of Chairman Goode and Vice Chairman Schepiga.

Chairman Malta announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice was sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on December 10, 2015.

CASES CARRIED to January 21, 2016

Laurene Feeney

Block 118 Lot 7
1406 Unami Avenue
Wanamassa

IL Investments, LLC

Block 26.02 Lot 3
6 Calvin Terrace
Oakhurst

Alfred Slinger

Block 33.40 Lot 7
1627 Westfield Avenue
Oakhurst

Coach's Enterprises

d/b/a Otto's

Block 34 Lot 11
1610 Highway 35
Oakhurst

Emily Kassin

Block 47 Lot 5
333 Holly Terrace
West Deal

CASE CARRIED to February 18, 2016

St. George Greek Orthodox Church

Block 1.02 Lot 73
1033 West Park Avenue
Ocean

Morris Dweck

Block 43 Lots 1, 2
300 Parker Avenue
West Deal

Jack and Deborah Ades

Block 8 Lot 32
11 Old Farm Road
Oakhurst

MINUTES FOR APPROVAL

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of September 10, 2015.**

In Favor: Bonney, Grabelle, Malta, Menell, Napolitani, Van Wagner, Worrell
Opposed: None
Ineligible: Fuller, Siano
Absent: Schepiga, Goode

A motion was made by Jane Grabelle and seconded by Maureen Bonney to approve the **minutes from the meeting of September 30, 2015.**

In Favor: Bonney, Grabelle, Malta, Napolitani, Siano, Worrell
Opposed: None
Ineligible: Fuller, Menell, Van Wagner
Absent: Schepiga, Goode

A motion was made by Jane Grabelle and seconded by Maureen Bonney to approve the **minutes from the meeting of October 7, 2015.**

In Favor: Bonney, Grabelle, Malta, Menell, Napolitani, Van Wagner, Worrell
Opposed: None
Ineligible: Fuller, Siano
Absent: Schepiga, Goode

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of October 13, 2015.**

In Favor: Bonney, Grabelle, Malta, Menell, Napolitani, Siano, Worrell
Opposed: None
Ineligible: Fuller, Van Wagner
Absent: Schepiga, Goode

RESOLUTION MEMORIALIZATIONS

John and Virginia Pulverenti

Block 140.01 Lot 3
210 Lakeview Avenue
Ocean
Bulk Variance Approval

MOVED: Grabelle SECOND: Worrell
FAVOR: Bonney, Grabelle, Malta, Menell, Worrell
OPPOSED: None
INELIGIBLE: Fuller, Napolitani, Siano, Van Wagner
ABSENT: Schepiga, Goode

Stephanie Cesario

Block 120 Lot 14
1407 Camp Avenue
Ocean
Bulk Variance Approval

MOVED: Grabelle SECOND: Worrell
FAVOR: Bonney, Grabelle, Malta, Menell, Worrell
OPPOSED: None
INELIGIBLE: Fuller, Napolitani, Siano, Van Wagner
ABSENT: Schepiga, Goode

Yeshiva Gedola Na'os Yaakov, Inc.

Block 216 Lot 19
1515 Logan Road
Wanamassa
Use Variance Denial

MOVED: Grabelle SECOND: Worrell
FAVOR: Bonney, Grabelle, Menell, Napolitani, Van Wagner, Worrell
OPPOSED: None
INELIGIBLE: Fuller, Malta, Siano
ABSENT: Schepiga, Goode

CONTINUED CASE

Arnie Bollhardt
Block 141 Lot 11
920 Highway 35
Ocean
Zone C-4

This is an application to change a condition of an approval granted May 22, 1997 and for minor site plan approval.

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

The Board's information packet was marked B-3. Attorney for the applicant, Peter S. Falvo, Jr., Esquire said that he objects to the Board Engineer's report. He said that he only received the report today, but due to the passage of time between the last hearing, a report could have been issued earlier. Chairman Malta said that the objection was noted, but that he would like to hear the report.

Board Planner James Higgins, PP read his report. Board Engineer William Fitzgerald PE summarized his report, which included excerpts from minutes of previous hearings and comments from his June report. He said that the concept of shared parking is not readily workable.

Mr. Falvo referred to previous hearings in which the Board wanted the applicant to repair the parking lot and site lighting so the professionals and the applicants met on site to discuss the improvements. A cross access easement was also proposed. He said that, to date, no one has experienced an issue with parking, but if the use of Lot 10 should change, then they would have to come back to the Board.

The ownership and uses of the lots were discussed, as the sites have not been under common ownership over the years. Mr. Falvo said that it has not been a problem, but should the use of Lot 10 change to something that requires more parking, they will come back to the Board. Even though a cross access easement has been proposed, Board Attorney Mark Steinberg said that the Board's professionals do not think it will work. They discussed the parking requirements, to which Mr. Falvo said that the parking requirements are impractical and there has not, and will not be, a parking problem.

With no further witnesses to present, Chairman Malta asked if there were any questions from the Board Members.

Board Member Richard Van Wagner asked if a planner will be testifying. Mr. Falvo said no. Mr. Van Wagner asked if the owner had agreed to the conditions in 1997. Mr. Falvo said that he assumes so. The resolution was not recorded and Mr. Steinberg explained that the sites were going to be operated together.

Project manager for the applicant, Dave Boesch of Nelson Engineering, explained that what existed were 10' wide single striped parking spaces. The applicant restriped the lot with 9' wide hairpin striped spaces. There are a total of 28 parking spaces, with two spaces gained by restriping. The ADA spaces are not striped correctly with a 1' discrepancy. Mr. Fitzgerald and Mr. Boesch discussed ADA parking space sizes.

Board Member Maureen Bonney asked about the site lighting affecting houses behind the site. Mr. Falvo said that they have submitted a plan showing what is behind the property. Planning Administrator Marianne Wilensky said that that sheet was part of the plan set that was withdrawn. Mr. Falvo presented it as an exhibit that was marked into evidence A-3. The exhibit is Sheet 2 of 2 of the site plan dated June 30, 2015 revised through November 25, 2015. Mr. Boesch explained that the plan was specifically prepared to show what is behind this property. The Burger King is to the North, the furniture store is to the South, a residence is to the West and the Burke construction office and equipment yard is to the South-West. Further to the West are offices and a parking lot that extends towards the residence. Mr. Boesch said that there are 4 wall pack lights on the Burke construction office building. They are also proposing wall pack lights for this site. He described them as having a sharp cut off so as to not let light

upwards. While there was no study submitted, the lighting design shows that there will be insignificant spillage onto the surrounding properties, especially considering the fence for shielding.

With no further questions for Mr. Boesch from the Board or the public, Chairman Malta opened the hearing up for public comment. Paul Mayerowitz, 117 Cedar Village Blvd., said that he is surprised by the testimony and the issues, such as parking, that are being discussed. Mr. Mayerowitz said that he does not believe that the business will only be selling lingerie. Mr. Steinberg said that the Board has no jurisdiction as to the use because it is a permitted use. Mr. Mayerowitz said that Naughty But Nice, LLC is not licensed by the State of New Jersey to do business in New Jersey. Mr. Steinberg said that the Board is not concerned with that. Mr. Mayerowitz said that there is a store on Route 35 that could be considered sexually oriented and has not been cited violations for 15 years. He said that just because it hasn't been enforced in the past, doesn't mean it shouldn't be enforced now as they are not complying with the ordinance.

Debbie Mansfield, Bendemere Avenue, asked who decides what can go into the building. Ms. Wilensky explained that this application is before the Board because an application for a business license was denied by the Zoning Officer because of the conditions in the 1997 resolution. Should the conditions be lifted, the applicant will have to apply for another business license. Ms. Mansfield asked how she can voice an objection to the use. Ms. Wilensky suggested she send a letter with her concerns.

With no more questions or comments from the audience, Mr. Falvo said that if the Board does not lift the restrictions, they are forcing this property to only be used as a furniture store. Mr. Higgins said that Lot 10 would have to be improved and brought into conformance in order to operate on its own. The lots are tied together because of its existing inadequacies. Mr. Falvo said that the applicant will not grant any further extensions of time.

A motion to close the public hearing was made by Jane Grabelle and seconded by Maureen Bonney.

In Favor: Bonney, Grabelle, Malta, Menell, Napolitani, Van Wagner, Worrell
Opposed: None

Mr. Steinberg said that the Board needs to decide whether to lift the restrictions and consider if there has been sufficient testimony. He noted that the common ownership restriction has already been violated.

Ms. Bonney made a motion to remove both restrictions with the filing of a cross access easement, lighting as testified to today and to Mr. Fitzgerald's satisfaction, and the parking width variance. Jane Grabelle seconded the motion.

Mr. Van Wagner said that it is hard to vote in favor of removing the restrictions since the Board's Planner is saying that there is no planning basis for it. Chairman Malta said that he will not vote in favor of the application without a physical connection between the two properties.

In Favor: Bonney, Grabelle
Opposed: Malta, Menell, Napolitani, Van Wagner, Worrell
Ineligible: Fuller, Siano
Absent: Schepiga, Goode

With five opposing votes, the application was denied.

CARRIED CASES

Dennis Tactaquin

Block 105 Lot 10
1315 Birch Avenue
Wanamassa
Zone R-6

This is an application to construct a driveway with a variance for a side yard setback of 1' where a minimum of 5' is required and change of grade of 2' or more.

The Board's information packet containing the reports of the Board's professionals was marked B-1. Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald summarized his report, noting that in this area of Wanamassa gaining off-street parking is a benefit. He said that the design of the driveway is properly done by a professional engineer and that he has no problem with the application with the exception of a few changes to the plan as expressed in his report.

Mr. Tactaquin said that he has been in the house since 2004 and with growing kids, the driveway would benefit the family, especially during the winter when they are plowing the streets and parking on his side of the street is restricted.

John Buletza, PE, the engineer for the applicant, said that the proposed driveway is 11' wide and 34' long on the right side of the property. A retaining wall on the right side of the driveway is proposed, requiring a variance for change in grade of 2' or more. There is a short, steep slope up to the house and he was able to design the driveway with a lower slope than the driveways on the lots on either side. The slope at the top of the driveway will be about the same as an ADA ramp. He said that he believes the driveway will be compatible with those in the neighborhood.

A motion to close the public hearing was made by Eric Menell and seconded by James Worrell.

In Favor: Bonney, Grabelle, Malta, Menell, Napolitani, Van Wagner, Worrell
Opposed: None

A motion to approve the application was made by John Napolitani and seconded by Jane Grabelle.

In Favor: Bonney, Grabelle, Malta, Menell, Napolitani, Van Wagner, Worrell
Opposed: None
Ineligible: Fuller, Siano
Absent: Schepiga, Goode

Sandra Reeves

Block 76 Lot 2
491 S. Edgemere Drive
West Allenhurst
Zone R-5

This is an application to keep a fence and a playset with variances for front yard setback under minimum and construction in a flood plain.

The Board's information packet containing reports of the Board's professionals was marked B-1. Planning Administrator Marianne Wilensky read her report. Five photographs of the property taken before the playset was constructed were marked into evidence A-1. Board Engineer William Fitzgerald, PE summarized his report, explaining that a DEP permit has been obtained which is sufficient to justify granting the flood hazard variance for the fence. He explained that the playset would fall into the category of a DEP permit by rule that requires no notification prior to construction. He has no engineering concerns with the application.

Sandra Reeves explained that she rented the house to help take care of her grandson and now she has a second grandson. She told the owner that she needed a fence because there is a steep drop-off that is a safety concern for little kids. She was

told that she needed to get a permit and that the fence would have to allow water to run through it. She said that she began the paperwork for the permit, but installed the fence anyway for safety reasons because she was told that it would take a long time before she could get before the Board.

Ms. Reeves said that she had no idea that she could not have the playset. She said that once she was contacted about it, she moved it as far back as she could. She said that she would be willing to take down the playset if it is an issue, but needs the fence for safety reasons. The playset is located to the side of the house, but is considered the front yard for zoning purposes. Ms. Wilensky explained that when she first went out to the site, the playset was located closer to the street. Now the playset is much further back. Mr. Fitzgerald said that if it was any further back, it would not be permitted by the DEP.

Ms. Wilensky said that the playset is painted blue and red and is very noticeable from the street. Ms. Reeves said that she has gone to great expense to deal with the DEP for the fence and is willing to landscape the fence and paint the playset. Ms. Reeves said that the fence was professionally installed and read a statement from the fence company regarding the material and installation. She said the wood post-and-rail fence blends in with the environment. Ms. Wilensky said that the issue is the wire insert. She suggested Ms. Reeves consider landscaping that won't grow more than 4' tall and won't impede the neighbors view of the water.

Chairman Malta said that his main concern is safety. He said that he is favorably inclined to vote to keep the fence with some screening. Ms. Wilensky suggested she consult someone regarding the landscaping. Chairman Malta said that Ms. Reeves should return with a proposal for landscaping and re-painting of the playset. Ms. Reeves agreed.

Chairman Malta carried this case to February 18, 2016.

Silmar Oliveira

Block 22 Lot 46
243 Overbrook Avenue
Oakhurst
Zone R-4

This is an application to erect a single family dwelling with a deck and inground pool with variances for lot width under minimum, stories above grade over maximum, side yard setback under minimum, lot coverage over maximum and construction in a flood plain.

Attorney for the applicant: Paul R. Edinger, Esquire

The Board's information packet containing reports of the Board's professionals was marked B-1. Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald summarized his two reports, noting that this area has had flooding problems for years.

The attorney for the applicant, Paul Edinger, Esquire said that they are proposing a single family home in an area that is prone to flooding but is well developed. He introduced the engineer for the applicant, John Buletza of Nelson Engineering. The NJDEP FHA individual permit plot plan revised through May 6, 2015 was submitted into evidence and marked A-1. Four sheets including aerial views of the property were marked into evidence A-2.

Mr. Buletza clarified that they do not need a variance for building height, but for number of stories. He described the property, which is entirely in a flood zone. The property is currently vacant but had had a home on it in the past that burned down. He referred to the aerial on page 3 of A-2 which shows that the house had a driveway, pool and deck. The proposed house is infill development, replacing what was there before. He referred to page 1 of A-2 to describe the surrounding lots which include single family residences. A commercial property and a vacant lot are closest to Poplar Brook. Eleven of the residential lots along Overbrook Avenue are deficient in lot width,

varying from 25' to 60' wide, while this property is 70' wide. Mr. Buletza said that the proposed development fits in with the surrounding developments on the street. He said that it was designed with the local ordinances in mind, and something that the Board would be happy with. They went to the DEP first and received a letter of interpretation of no fresh water wetlands on the property and a DEP individual permit. The letter of interpretation was marked into evidence A-3 and the permit was marked into evidence A-4. Mr. Buletza explained that that the individual permit is looked at with technical detail and strict scrutiny.

Mr. Buletza said that before coming to the Board, they designed the plan to meet all of the bulk requirements that they possibly could. The exception is lot width and number of stories, which is because they are raising the finished floor for the DEP permit. He explained that there was confusion over the AC units. The applicant will be moving the AC units to conform and is no longer requesting that variance. Without the flood hazard area, the proposed lot coverage is 26.6% where 27% is permitted in the zone. Mr. Fitzgerald explained that by ordinance the coverage is 100% because of the flood hazard area.

Mr. Fitzgerald said that the applicant sent letters to the neighboring properties offering the property for sale. Mr. Edinger said that they received no response. Mr. Fitzgerald noted that both properties next door are already developed.

Board Member Maureen Bonney noted that there is a lot of driveway in the front. Mr. Buletza said that the driveway fully conforms and that the applicant wants to be able to turn around.

Chairman Malta said that he agrees that some relief should be granted, but the applicant is not considering that the property is 100% in a flood zone. He suggested they discuss other options for coverage at the next meeting.

Chairman Malta carried this case to January 21, 2016 with no further notice.

Board Member Eric Menell left the meeting at 10:05 PM.

Glenn and Margaret Morgan
Block 64 Lot 2
708 Palmer Avenue
Allenhurst
Zone R-4

This is an application to erect a one-story addition with variances for rear yard setback under minimum and lot coverage over maximum.

The Board's information packet containing reports of the Board's professionals was marked B-1. Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald, PE summarized his report, noting that he has no engineering concerns with the application.

Margaret Morgan said that they have lived in Ocean for 50 years, but their favorite section is West Allenhurst where they have lived for the past 30 years. Mrs. Morgan explained that she is receiving treatments that cause weakness in her legs and spine, making it difficult to walk and go up stairs. They want to be able to stay in their home and want to add a first floor master bedroom and bathroom.

The architect for the applicant, Anthony J. Mauro, described the plans for the existing four bedroom home. A photograph of the home was marked into evidence A-1. They are proposing a new master bedroom suite as an addition to the first floor. They are keeping 36 sq ft of an existing deck and removing the rest for the addition. There is an existing sunroom that they do not want to convert because it is pre-fabricated and sits on a deck. It does not have proper insulation or foundation. They do not want to convert the existing garage for re-sale purposes, as all the other homes in the area have garages. Mr. Mauro also discussed keeping the existing powder room and door to the

deck for use of family and guests. He said that the siding and roof will match the existing home.

Glenn Morgan said that there is no heat or air in the sunroom and they do not want to change it.

A motion to close the public hearing was made by Jane Grabelle and seconded by Maureen Bonney.

In Favor: Bonney, Grabelle, Malta, Napolitani, Siano, Van Wagner, Worrell
Opposed: None

A motion to approve the application was made by John Napolitani and seconded by Jane Grabelle.

In Favor: Bonney, Grabelle, Malta, Napolitani, Siano, Van Wagner, Worrell
Opposed: None
Ineligible: Fuller
Absent: Menell, Schepiga, Goode

Board Engineer William Fitzgerald, PE left the meeting at 10:25 PM.

Beth and Mark Weaver
Block 130 Lot 8
1314 Vina Avenue
Wanamassa
Zone R-6

This is an application for a certification of use for two single family dwellings on one lot.

The Board's information packet was marked B-1. Board Planner James Higgins, PP read his report. He said that he reviewed all the documents that the applicants submitted and is convinced that this two family property was legal in 1920.

Mark Weaver submitted photos of the home taken by their real estate agent, Jennifer Jones in September of 2015 that were marked into evidence A-1. Mr. Weaver said that they have submitted municipal tax records that show previous owners back to 1918.

Board Attorney Mark Steinberg, Esquire referred to the municipal ordinance dated November 7, 1949 that made having two dwellings on one property illegal. This was marked into evidence A-2. He said that the current ordinance only allows one dwelling.

Mr. Weaver said that according to the US Census from 1940 there were two separate addresses and two renters. He said that the property was used as an income property and was owned by the owner of the neighboring property. He also referred to the Polk directory which lists 1314 Vina and 1314 1/2 Vina with two different renters.

Planning Administrator Marianne Wilensky said that there were a number of two-dwelling properties in Wanamassa that received certifications from the Board. The applicants reviewed some of the files and then did their own research to prove that their property was existing previous to the ordinance of 1949.

A motion to close the public hearing was made by Jane Grabelle and seconded by Maureen Bonney.

In Favor: Bonney, Grabelle, Malta, Napolitani, Siano, Van Wagner, Worrell
Opposed: None

A motion to approve the application was made by Jane Grabelle and seconded by Richard Van Wagner.

In Favor: Bonney, Grabelle, Malta, Napolitani, Siano, Van Wagner, Worrell
Opposed: None
Ineligible: Fuller
Absent: Menell, Schepiga, Goode

Meeting adjourned at 10:40 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary