

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

DISCUSSION:

1) 37 Larchwood Avenue

Planning Administrator Marianne Wilensky explained that the Board had informally made a determination in 2008 that cabanas and pool houses were not permitted to have both a bathroom and HVAC because it could be considered a separate dwelling unit. This was to prevent problems with student rentals in the winter months. It has been enforced this way since then. Two applications went before the Board last year in order to have both in a pool house or cabana. Now, the owner of 37 Larchwood Avenue is building a pool house with a bathroom and HVAC. The HVAC is for winterization of the piping. The owner also claims that the bathroom is not a true bathroom because it has no bath or shower. This could result in a possible ordinance change to define "bathroom", which would take some time. Construction has stopped on this property, but Ms. Wilensky explained that she would like to let them proceed in the interim before the ordinance is changed. The Board agreed that they can proceed and then work on the ordinance to address the definition of "bathroom" and "HVAC".

2) 181 Chatham Avenue

Ms. Wilensky explained that the owners of this property were granted a variance last October. The plans filed for the permits were different from those approved by the Board. The layout is different with a substantially larger kitchen and area that could easily be closed off for a separate living unit. She said that while the square footage is the same, the layout is different than what was approved. The Board agreed that the owner should return to the Board in order to explain the changes that were made.

3) 333 Park Boulevard

Ms. Wilensky explained that the owners of the property received variances in July, 2015 for a basketball court, fencing, sheds and drainage. The resolution outlined strict time requirements, which have all been missed. Now they are proposing to install the fence within 10 days and the drainage and landscaping within 30 days. The Board discussed the options, including issuing summonses to the owner. It was agreed that summonses would be issued but it would be dismissed if they complete the work within 30 days.

REGULAR MEETING: 7:45 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS

PRESENT: Maureen Bonney, Alt I
John Fuller, Alt IV
Jane Grabelle
Eric Menell
John Napolitani, Alt II
Henry Schepiga, V Chair
Peter Siano, Alt III
James Worrell
Warren Goode, Chairman

MEMBERS

ABSENT: Russell Malta
Richard Van Wagner

The Board's information packet containing the reports of the Board professionals was marked B-1. Planning Administrator Marianne Wilensky, PP read her report. Board Engineer William Fitzgerald, PE summarized his report, noting that he has always recommended a minimum 15' setback of fences in the front yard for sight purposes. The applicant, Joshua Bard said that he is proposing the 6' vinyl fence with small ornamental grass and crushed sea shells for a beach-look. He said that it won't be a hazard for pedestrians or traffic. The fence is needed for his three children and dog. He said that the additional 10' makes a huge difference in the size of his yard.

Mr. Bard submitted four photographs marked into evidence as follows:

- A-1 Photograph of the eastern edge of the property line.
- A-2 Photograph of the view from the west.
- A-3 Photograph of the front curb line.
- A-4 Photograph of the plantings

Mr. Fitzgerald said it has always been his recommendation for a 15' setback for aesthetics and the safety of pedestrians. He said that it is not generally allowed and has been a consistent requirement for corner lots. Mr. Menell asked why he wants a solid fence. Mr. Bard said that it is for the privacy and safety of his children.

Chairman Goode said that the Board wants the fence setback at 15' per Mr. Fitzgerald's recommendation. Mr. Bard asked the Board to reconsider as his neighbors are fine with it and there is no one in the audience in opposition. He said that the fence at 15' would really reduce the size of his usable property. Mr. Fitzgerald said that there needs to be something unique for the Board to consider, noting that this lot is a square corner lot and is not unique.

Mr. Bard asked if there was a way to appeal the Board's decision. Board Attorney Mark Steinberg said that he can appeal to Superior Court should the Board deny his application.

They discussed options for the fence, with Chairman Goode suggesting that he carry to the next month in order to investigate other options and decide what he wants to do. Mr. Bard said that he wants the Board to take a vote tonight.

A Motion to close the public hearing was made by Jane Grabelle and seconded by James Worrell.

In Favor: Bonney, Grabelle, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

The Board took a break beginning at 8:03 PM at Mr. Bard's request. Returning at 8:15 PM, Chairman Goode made a motion to re-open the public hearing. The motion was seconded by Vice Chairman Schepiga.

In Favor: Bonney, Grabelle, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

Mr. Bard said that he decided to amend his application to chamfer the two corners at a 45 degree angle with the fence at a 10' setback. Mr. Fitzgerald said that the chamfer is nice for the neighbors and noted that the mathematical average of the setback is 15' with the chamfered corners. Mr. Schepiga said that the proposed plantings are not attractive when they are not thriving. Mr. Bard said that he has already purchased them and that he knows how to maintain them. Ms. Wilensky said that he must submit a landscape plan subject to the Board Engineer's approval.

A Motion to close the public hearing was made by Henry Schepiga and seconded by James Worrell.

In Favor: Bonney, Grabelle, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

A motion to approve the application conditioned upon the submission of revised plans and a landscape plan was made by Henry Schepiga and seconded by Jane Grabelle.

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

Joseph Romano

Block 140 Lot 25
1205 Spruce Avenue
Wanamassa
Zone R-6

This is an application to keep a 6' solid wood fence, a paver patio and pergola on this corner lot with variances for front yard setback under minimum.

The Board's information packet containing the reports of the Board professionals was marked B-1. Planning Administrator Marianne Wilensky, PP read her report. Board Engineer William Fitzgerald, PE summarized his report, noting that the color of the fence makes it noticeable because it does not match the color of the house and there is no landscaping on the Appleby Drive side.

The applicant, Joseph Romano, said that the fence and patio were installed about 20 years ago and if he had known he needed a variance he would have applied for one before they were installed. He said that when he received the violation notice, the Zoning Officer said that the fence looks new. He explained that that is because he maintains it. He said that he wants to keep the chain link fence because he has grandchildren that bring their dog and he does not have to worry about them running into the street. Mr. Romano said that he is willing to add landscaping or paint the fence, suggesting painting it the same color as the house. After discussion of different paint and landscaping options, Mr. Romano agreed to paint the exposed part of the fence a beige color to match the house and plantings approved by the Board Engineer to be maintained at a maximum of 4' high behind the chain link fence. The painting will be completed 30 days from memorialization and the planting completed by October 15, 2016. Revised plans will be submitted.

A Motion to close the public hearing was made by Henry Schepiga and seconded by James Worrell.

In Favor: Bonney, Grabelle, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

A motion to approve the application conditioned upon the submission of revised plans and landscaping approved by the Board Engineer was made by Henry Schepiga and seconded by Jane Grabelle.

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

Mark Massry

Block 10.01 Lot 1
101 Larchwood Avenue
Oakhurst
Zone R-1

This is an application to construct a pool house and basketball court and to keep a trash enclosure on this corner lot with variances for rear yard setback under minimum and front yard setback under minimum.

Attorney for the applicant: Jennifer S. Krimko, Esquire

The Board's information packet containing the reports of the Board Professionals was marked B-1. Planning Administrator Marianne Wilensky read her report and Board Engineer William Fitzgerald summarized his report.

Attorney for the applicant, Jennifer S. Krimko, Esquire said that the sight triangle easement will be re-recorded in order to account for the change in the driveways since it was originally filed.

Ms. Krimko submitted the following items into evidence:

- A-1 Variance Plan revised through May 2, 2016
- A-2 Pool House Plans revised through January 28, 2016
- A-3 Photo of existing hedge and an aerial photo

The engineer for the applicant, Chet Surmonte explained that they are relocating the basketball court and constructing a 20' x 26' pool house with paver decking. The pool house is setback against tall hedges. Mr. Surmonte said that two trees are proposed to be removed at the south west corner of the pool patio for construction purposes. Chairman Goode asked about the trees shown in the aerial photo. Ms. Krimko said that the trees are no longer there, but plans will be submitted documenting what has been removed and they will propose replacement. With regard to the hedges in front of the trash enclosure, they will be maintained and relocated out of the sight triangle and the trash enclosure will be modified.

Mr. Surmonte said that the pool house is tucked in the corner to accommodate the location of the pool and the swing set. It will have the least impact on the surrounding neighbors as there are tennis courts on the properties that surround it.

A motion to close the public hearing was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Bonney, Grabelle, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

A motion to approve the application conditioned upon the submission of revised plans subject to the Board Engineer's approval was made by John Napolitani and seconded by Henry Schepiga.

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

Hollywood Golf Club

Block 40 Lots 1, 2, 34, 82, 83,
84, 88, 100, 111
510 Roseld Avenue
West Deal
Zones R-1, R-2 & R-3

This is an application for minor site plan approval in order to erect a storage building with "d" and "c" variances.

Attorney for the applicant: Jennifer S. Krimko, Esquire

Board member James Worrell left the dais as he is disqualified on this application.

The Board's information packet containing reports of the Board professionals and in-house departments was marked B-1. Board Planner James Higgins summarized his report. He said that the applicant is proposing to construct a storage building which is located 500' away from the nearest property line. A D-3 use variance is needed for the height of the building at 25.42' high. In addition, portions of the golf course are located in the R-2 and R-3 zones in which a D-1 variance is necessary. Mr. Higgins explained that at some point in time these properties were mistakenly transferred to different zones, though they have always been part of the golf course. The only thing on these lots is fencing, though information is needed as to the type of fence. An aerial photograph showing the proposed location of the shed was marked into evidenced A-2. Mr. Higgins referred to A-2 to point out those additional lots.

Board Engineer William Fitzgerald summarized his report. It was noted that the reports of the Environmental Commission and the Deal Lake Commission were reviewed and included as appropriate into their reports.

Attorney for the applicant, Jennifer S. Krimko, Esquire submitted the following items into evidence:

- A-1 Minor Site Plan dated 11/20/15
- A-3 Photo of the fence on Lot 111
- A-4 Photo of the fence on Lot 82
- A-5 Photograph of the existing maintenance building.

Ms. Krimko noted that the colors will match the existing maintenance building, which is tan with brown trim.

The engineer and planner for the applicant, Jason Fitcher, PE, PP, explained that the building will be centrally located. The building is needed for the storage of large maintenance equipment, that is currently stored uncovered in the same location. It will make for a cleaner site. The building will not have utilities or electricity. Mr. Fitcher explained that the D-1 variance pertains to the lots that are not in the R-1 zone. He said that those lots are undeveloped and wooded and serve as buffers to the neighboring properties. He said that the proposed building poses no substantial detriment to the public and the benefits outweigh any negative impacts.

The architectural plans dated November 5, 2015 were marked into evidence A-6. Ms. Krimko noted that they are not submitting a landscape plan as the golf course is extraordinarily landscaped.

A motion to close the public hearing was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Bonney, Grabelle, Menell, Napolitani, Schepiga, Siano, Goode
Opposed: None

A motion to approve the D-1 and D-3 use variances was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion to approve the minor site plan and bulk variances was made by Henry Schepiga and seconded by Jane Grabelle.

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

Meeting adjourned at 9:20 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary