

CAUCUS SESSION: 7:15 P.M. First 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
John Fuller
Paul Mayerowitz, Alt IV
Henry Schepiga, V Chair
Peter Siano, Alt II
James Worrell
Warren Goode, Chair

MEMBERS

ABSENT: Russell Malta
Eric Menell
John Napolitani, Alt I
Richard Van Wagner

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

Chairman Warren Goode 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 July 13, 2016.

RESOLUTION

Chairman Goode read a resolution thanking past Board Member Jane Grabelle for her many years of service to the Board. A motion was made by Chairman Goode and seconded by Henry Schepiga and unanimously approved by the Board to adopt the resolution.

RESOLUTION MEMORIALIZATIONS

4N Investors

Block 209 Lots 15, 16
1119 Highway 35 North
Ocean
Use Variance Approval
Bulk Variance Approval
Preliminary and Final Site Plan
Approval

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

Emily Kassin

Block 47 Lot 5
333 Holly Terrace
Deal Park
Bulk Variance Approval

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

Michele Tringali

Block 25.07 Lot 5
191 Ampere Avenue
Oakhurst
Bulk Variance Approval

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

Charles and Augusta Rini

Block 33.22 Lot 7
1908 Waverly Street
Oakhurst
Bulk Variance Approval

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

Ellyn Rosati

Kyle Breese
Block 25.34 Lot 14
445 Brookside Avenue
Oakhurst
Bulk Variance Approval

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

JURISDICTION TRANSFERRED to the Planning Board – New Notice Will Be Provided

**Park Avenue Tennis Center, LLC
& Township of Ocean**

Block 3 Lot 17
615 West Park Avenue
Oakhurst

CASES CARRIED to September 15, 2016

**St. George Greek
Orthodox Church**

Block 1.02 Lot 73
1033 West Park Avenue
Ocean

**Lakeside Adult Medical
Day Care Center, LLC**

Block 140 Lot 81
1001 Wickapecko Drive
Wanamassa

Nicholas Case

Block 33.06 Lot 2
162 Whalepond Road
Oakhurst

Jay and Tracey Berkowitz

Block 129 Lot 7
1320 Laurel Avenue
Wanamassa

Salvatore Spiezio

Block 4 Lot 9
6 Brooke Street
Oakhurst

CASE CARRIED to October 20, 2016

Morris Dweck

Block 43 Lots 1, 2
300 Parker Avenue
Deal Park

CASE TO BE RE-OPENED WITH NEW NOTICE

Joshua Bard

Block 33 Lot 78
700 Auth Avenue
Oakhurst
Zones R-4

This is an application to erect a 6' solid fence in the front yard of this corner lot with a variance for a front yard setback of 15' where the minimum required setback is 30'.

A Motion to re-open the public hearing was made by Warren Goode and seconded by Henry Schepiga.

In Favor: Bonney, Fuller, Schepiga, Siano, Worrell, Goode
Opposed: None

The Board's information packet containing the reports of the Board professionals was marked B-2. Planning Administrator Marianne Wilensky read her report and Board Engineer William Fitzgerald summarized his report. He suggested that the applicant consider adding some evergreen plantings as the proposed scotch broom is tough to maintain.

The applicant, Joshua Bard, said that he now agrees to the 15' setback for the fence and agrees to revise the landscaping plan per Mr. Fitzgerald's suggestions.

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

In Favor: Bonney, Fuller, Schepiga, Siano, Worrell, Goode
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by James Worrell.

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

To be memorialized on September 15, 2016.

CARRIED CASES

R . Christopher Chambers
Sara Griesbach
Block 9 Lots 53, 56
247 Howard Avenue
Shadow Lawn Manor
Zone R-4

This is an application to demolish an existing garage, build two-story additions, and to construct a driveway with variances for front yard setback under minimum, rear yard setback under minimum and driveway width over maximum in a front yard.

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

The Board's information packet containing reports of the Board professionals was marked B-1. Planning Administrator Marianne Wilensky said that she has no written report, but explained that the application was filed a year ago for Lot 56 with several revisions since then. Now there is a conceptual agreement to purchase adjoining property from the Township of Ocean. She explained that she spoke to the Township Manager who advised her that they have not yet come to an agreement as to what can be built on the additional land. She said that she does not know what restrictions there may be as part of the sale. Board Attorney Mark Steinberg said that there are other issues than the sale, such as required variances, that can be discussed tonight.

Vice Chairman Henry Schepiga disqualified himself on this application as his wife is a member of the Township Council. He left the dais.

Mr. Falvo said that the applicant is the only bidder on the property and there is a council meeting scheduled for September 8, 2016 in order to accept the bid. Ms. Wilensky explained that the Township is not a co-applicant, but has authorized the applicant to proceed. Mr. Steinberg said that the Board can operate under the assumption that the sale will go through, but it is not known if there will be any restrictions on the lot.

Board Engineer William Fitzgerald, PE read his report.

Mr. Falvo submitted the following items into evidence:

- A-1 Site plan
- A-2 Survey
- A-3 Drainage study dated April 1, 2016 revised through August 5, 2016
- A-4 Architectural plans dated July 28, 2015 revised through August 10, 2016

Dave Boesch, the project manager, was sworn in. He referred to the site plan to describe the lots which consist of vacant Lot 53 and Lot 56 with the current homestead. Mr. Boesch explained that variances are eliminated by acquiring the additional land,

such as lot area, lot width and lot coverage. In addition, the existing detached garage is slightly over the property line. The proposed driveway width is to allow for two parking spaces and a walkway for bringing cans to the curb. The width is 14' at the curb so the initial appearance from the street is like a single lane driveway.

Mr. Steinberg and Mr. Falvo discussed the possible restrictions on the lot, including the location of utility lines. Mr. Steinberg said that the restrictions will be clear after the sale. The possibilities for the proposed application will depend upon what can be done on the additional lot. Chairman Goode suggested that the applicant have a technical review meeting with Mr. Fitzgerald prior to the next hearing. Chairman Goode carried this application to September 15, 2016.

Vice Chairman Schepiga returned to the dais.

Eric Epstein

Block 9 Lot 2.01
71 Larchwood Avenue
Oakhurst
Zone R-1

This is an application to keep a tennis court with a variance for a change in grade of 2' or more.

The Board's information packet containing the reports of the Board professionals was marked B-1. Board Engineer William Fitzgerald, PE read his report. He said that he has no real engineering concern over the change in grade, but suggested that the applicant dedicate a 10' easement in the rear of the property.

The applicant, Eric Epstein, said that he built the tennis court and wants to keep it for his children to play on. He said that he has no objections to the easement.

Board member Maureen Bonney asked if the drainage was made worse by the change in grade. Mr. Fitzgerald said that it is not worse, explaining the drainage flows of the subdivision that this property is part of. A copy of the tax map showing the lots of the subdivision was marked B-2.

Board member John Fuller asked why the easement is necessary. Mr. Fitzgerald said that it would ensure nothing going in that area that would interrupt the flow of drainage.

Four photographs of the tennis court were marked into evidence A-1.

John Anderson, Esquire, representing Gizella Collier who owns lot 6.01 of the Collier subdivision, said that they are opposing this application and want to make sure that water is properly controlled on his property. Mr. Anderson said that Collier has submitted an application to the Planning Board requesting to remove the condition requiring a drainage easement on Lots 4.01 and 6.01.

Mr. Anderson questioned Mr. Epstein regarding the installation of the 60' X 120' tennis court, which was not built as proposed on the plot plan. Mr. Anderson submitted the following items where were marked into evidence:

- O-1 Letter from Zoning Officer dated December 16, 2015
- O-2 Violation notice from Zoning Officer dated January 25, 2016
- O-3 Board of Adjustment application

Mr. Anderson referred to Mr. Fitzgerald's report and asked him to list all the items he reviewed as part of this application. Mr. Fitzgerald read the documents reviewed and said that he also reviewed the Collier subdivision file to see if the easement on Lots 4.01 and 6.01 had been filed. Mr. Fitzgerald said that the construction of the tennis court

does not prohibit drainage flows as shown on the drainage plan from the 2012 subdivision. Mr. Fitzgerald said that the easement on Mr. Epstein's property would protect the property to the east, where runoff flows from Lots 1 and 2.01. He said that it is not necessary, but the Board may wish to request it. He said that they do not have to impose any conditions, but it may be a good idea for possible drainage issues in the future.

Andrew Stockton, PE was sworn in to testify as the engineer for the subdivision and the engineer who prepared the plot plan for the new home and tennis court on Mr. Epstein's lot. The grading, drainage and utility plan for the Collier subdivision revised through August 10, 2012 was marked into evidence O-4.

Mr. Anderson said that Mr. Fitzgerald is suggesting an easement that would cause a burden on Mrs. Collier and the other properties in the subdivision. Vice Chairman Schepiga said that they can grant the variance without the easement. Mr. Anderson said that they want to avoid any easements that would conflict with the current Planning Board application to relieve them of the drainage requirements for Lots 4.01 and 6.01.

Chairman Goode carried this application to November 3, 2016 in order for the Planning Board to hear the Collier application.

The Board took a break at 9:25 PM and resumed at 9:30 PM.

Keith A. DiLello, Jr.
Block 3.03 Lot 24
27 Branch Road
Oakhurst
Zone R-5

This is an application to erect a one story addition with variances for side yard setback under minimum and total side 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, commenting that what is proposed will look nice.

The applicant, Keith A. DiLello, Jr., submitted three photographs of the front of the house that were marked into evidence A-1. Mr. DiLello explained that he is a career fireman in Asbury Park and needs the width for a two-car garage in order to leave in the middle of the night on emergency calls.

Chairman Goode said that he has no issue with the size of the proposed addition or granting the variance for side yard setback.

Mr. DiLello said that the addition will match the rest of the house, which is also being re-sided. Mr. DiLello submitted two photographs of the home being re-sided that were marked into evidence A-2 and A-3.

A motion to close the public hearing was made by Henry Schepiga and seconded by John Fuller.

In Favor: Bonney, Fuller, Mayerowitz, Schepiga, Siano, Worrell, Goode
Opposed: None

Ms. Wilensky mentioned the sheds on the property. One shed will be removed and one shed will be relocated to have proper setbacks. The Board agreed that this

must be completed within 30 days of the issuance of the certificate of occupancy for the addition.

A motion to approve the application was made by Henry Schepiga and seconded by Maureen Bonney.

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

To be memorialized September 15, 2016.

Charles Rizzie
Joseph Cinque
Block 153 Lot 23
9 Ellen Court
Wanamassa
Zone R-3 Cluster

This is an application to erect keep a pool patio with variances for side and rear setback of 6' where a minimum of 10' is required.

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

The applicant, Charles Rizzie, said that they want to keep the walkway as it was constructed. Mr. Fitzgerald explained that a 6' wide sidewalk qualifies as a patio, even though it does not function that way.

A motion to close the public hearing was made by Henry Schepiga and seconded by Maureen Bonney.

In Favor: Bonney, Fuller, Mayerowitz, Schepiga, Siano, Worrell, Goode
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by James Worrell.

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

To be memorialized September 15, 2016.

Meeting adjourned at 9:45 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary