

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

REGULAR MEETING: 7:35 P.M. Public Meeting Room  
Deal and Monmouth Roads  
Oakhurst

MEMBERS	Jane Grabelle	MEMBERS	Mario Delano, Alt. III
PRESENT:	Warren Goode, Chair, left 9:20 PM	ABSENT:	Jennifer Lombardi
	Russell Malta		Richard Van Wagner
	David Messer		
	Henry Schepiga, Vice Chair		
	Tracy Berkowitz, Alt. I, left 9:55 PM		
	Leon Pflaster, Alt. II		
	Brian Lefferson, Alt. IV		

OTHERS PRESENT	Mark A. Steinberg,	Zoning Board Attorney
	Marianne Wilensky,	Planning Administrator
	William Fitzgerald,	Board Engineer
	James Higgins,	Board Planner
	Margo Simpson,	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, the Coaster, and the Atlanticville, posted in the Township Hall, and filed in the Office of the Township Clerk on July 11, 2008.

**MINUTES FOR APPROVAL** A motion was made by Jane Grabelle and seconded by Tracey Berkowitz to approve the **minutes from the meeting of May 14, 2009**.

In Favor: Berkowitz, Grabelle, Lefferson, Malta, Messer, Pflaster, Goode  
Opposed: None  
Ineligible: Schepiga  
Absent: Delano, Lombardi, Van Wagner

### **RESOLUTION MEMORIALIZATIONS**

<b><u>Bruce Horn</u></b> Block 211, Lot 2 1901 Logan Road Wanamassa	MOVED: Grabelle FAVOR: Berkowitz, Grabelle, Goode, Lefferson, Malta, Messer OPPOSED: None INELIGIBLE: Pflaster, Schepiga ABSENT: Delano, Lombardi, Van Wagner
<b>Bulk Variance Approval</b>	

<b><u>Mayer Chemtob</u></b> Block 9, Lot 11 205 Park Avenue Elberon Park	MOVED: Grabelle FAVOR: Berkowitz, Grabelle, Goode, Malta, Messer OPPOSED: None INELIGIBLE: Lefferson, Pflaster, Schepiga ABSENT: Delano, Lombardi, Van Wagner
<b>Bulk Variance Approval</b>	

<b><u>Daniel O’Gorman</u></b> Block 95, Lot 2 62 Park Boulevard Wanamassa	MOVED: Grabelle FAVOR: Berkowitz, Grabelle, Goode, Lefferson, Malta, Messer, Pflaster, OPPOSED: None INELIGIBLE: Schepiga ABSENT: Delano, Lombardi, Van Wagner
<b>Bulk Variance Approval</b>	

**Victor and Joanne Grazi**  
Block 55, Lot 4  
101 Crosby Avenue  
Deal Park  
**Bulk Variance Approval**

MOVED: Grabelle SECOND: Berkowitz  
FAVOR: Berkowitz, Grabelle, Goode, Malta, Messer,  
OPPOSED: None  
INELIGIBLE: Lefferson, Pflaster, Schepiga  
ABSENT: Delano, Lombardi, Van Wagner

**Umberto Rescinio**  
Block 1.15, Lot 6  
101 Rolling Meadows Blvd. S.  
Wayside  
**Bulk Variance Approval**

MOVED: Grabelle SECOND: Berkowitz  
FAVOR: Berkowitz, Grabelle, Lefferson, Malta,  
OPPOSED: None  
INELIGIBLE: Goode, Messer, Pflaster, Schepiga  
ABSENT: Delano, Lombardi, Van Wagner

**Edward and Linda DeRosa**  
Block 1.10, Lot 12  
29 Rolling Meadows Blvd. S.  
Wayside  
**Bulk Variance Approval**

MOVED: Grabelle SECOND: Berkowitz  
FAVOR: Berkowitz, Grabelle, Lefferson, Malta,  
Pflaster  
OPPOSED: None  
INELIGIBLE: Goode, Messer, Schepiga  
ABSENT: Delano, Lombardi, Van Wagner

**Gold Coast Automotive**  
Block 3, Lots 7, 8, 9  
2123 Highway 35  
Oakhurst  
**Use Variance Approval**

MOVED: Grabelle SECOND: Berkowitz  
FAVOR: Berkowitz, Grabelle, Lefferson, Malta,  
Messer, Pflaster  
OPPOSED: None  
INELIGIBLE: Goode, Schepiga  
ABSENT: Delano, Lombardi, Van Wagner

**Gold Coast Automotive**  
Block 3, Lots 7, 8, 9  
2123 Highway 35  
Oakhurst  
**Bulk Variance Approval**

MOVED: Grabelle SECOND: Berkowitz  
FAVOR: Berkowitz, Grabelle, Lefferson, Malta,  
Messer, Pflaster  
OPPOSED: None  
INELIGIBLE: Goode, Schepiga  
ABSENT: Delano, Lombardi, Van Wagner

**Gold Coast Automotive**  
Block 3, Lots 7, 8, 9  
2123 Highway 35  
Oakhurst  
**Site Plan Approval**

MOVED: Grabelle SECOND: Berkowitz  
FAVOR: Berkowitz, Grabelle, Lefferson, Malta,  
Messer, Pflaster  
OPPOSED: None  
INELIGIBLE: Goode, Schepiga  
ABSENT: Delano, Lombardi, Van Wagner

**CARRIED to the meeting of July 9, 2009**

**Harold Dweck**  
Block 53, Lot 5  
228 Crosby Avenue  
Deal Park

**Aaron Haleva**  
Block 26.04, Lot 18  
387 Beecroft Place  
Oakhurst

**Stephen DeLuca**  
Block 22, Lot 57  
244 Roosevelt Ave.  
Oakhurst

**William Blanchfield**  
Block 40, Lot 123  
41 Dwight Drive  
West Deal

**Joao Cerqueira**  
Block 3, Lot 25  
2 Branch Road  
Oakhurst

**August and Maureen Heckman**  
Block 33.30, Lot 1  
712 Dow Avenue  
Oakhurst

**CARRIED to the meeting of August 27, 2009**

**Joseph Vassallo**  
Block 10, Lot 2.01  
104 Norwood Avenue  
Elberon Park

**CONTINUED CASES**

**Steven Shamie**  
Block 69, Lot 13  
606 Corlies Avenue  
West Allenhurst  
Zone R-5

This is an application to erect a shed with variances for side and rear yard setbacks for a shed.

The Board's information packet was marked as **evidence B-2**. Planning Administrator Marianne Wilensky felt that the shed can be located where no variances are required. Board Engineer William Fitzgerald agreed and added that the applicant shows no physical reason why he cannot place the shed in a conforming location.

Steven Shamie explained that he needs an oversized shed because of all the items he needs for his handicapped mother and her aids. He reduced the height and size from the first proposal after the neighbor in the rear complained about the height. There are six people in the house with no storage. There is a basement with a very low ceiling that is not good for storage.

Chairman Warren Goode noted that the applicant is asking for side and rear yard setbacks that are far in excess of the requirement and the height of the structure is in question. He told the applicant that he would have to provide good, legal planning reasons for the Board to approve his request. Board Attorney Mark Steinberg told the applicant that he needs to provide positive reasons to grant the variances.

Mr. Shamie felt that he had addressed the concerns of the neighbors. There are already three structures in the area of the rear corner of the property where he wants his shed. Putting his shed there would be more conforming to the neighborhood. Originally, he wanted to put a garage in that location, but changed his mind when the neighbors objected. The current plan benefits him and the neighbors and creates no detriment.

Mr. Fitzgerald told the applicant that there are specific standards that do not allow what he wants to do. The Board asked to know what the hardship is that would allow them to approve this request. Mr. Steinberg pointed out that the applicant has a conforming lot. Ms. Wilensky said that there is nothing physically in the way so that the applicant cannot put the shed in a conforming location.

Mr. Shamie explained that he has reduced the shed by 83 feet from the first proposal. As far as the height, he will fill in around the shed to level the area.

Mr. Fitzgerald pointed out that changing the grade has to be taken into consideration and reviewed.

The Chairman carried the application to the meeting of August 27, 2009, and recommended that the applicant try to move the shed to a conforming location.

**Oakhurst Partners, LLC**  
Block 33.34, Lots 5, 6  
1709 Route 35 North  
Oakhurst  
Zone C-3

This is an application for a 'd' variance and preliminary and final site plan approval with variances.

Attorney for the applicant: Jennifer Krimko, Esquire

The Board's information packet was marked as **evidence B-2**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record.

Jennifer S. Krimko, Esquire, representing the applicant, explained that the applicant's Engineer met with the Board Engineer and the Engineer for the adjoining property to discuss outstanding engineering issues. Ms. Krimko presented Elizabeth Waterbury, Engineer for the applicant.

Ms. Waterbury explained that an engineering meeting was held in the rain to coordinate with the adjacent property owner about the drainage for Bellmore Avenue. The applicant is willing to put in curbing and re-stone the street.

Board Engineer William Fitzgerald said that everyone agreed as to what should be done and they need to speak to the Department of Public Works about Bellmore Avenue because it has a stone surface and they recommended that the stone is better on this dead-end street. Curbing will also be installed.

Mr. Fitzgerald said that it is unlikely that the road would ever get approval from the Department of Environmental Protection. They are looking to improve what is there without impacting anything that the DEP would be concerned with.

Ms. Waterbury pointed out that the improvements to Bellmore Street would be considered off-site improvements. The site will adequately handle trucks. Information was provided to the Department of Transportation because the trash area will be in the front of the property and DOT input was necessary on this issue.

Ms. Waterbury said that she reviewed the ordinance to narrow down the uses to a comfort level to find tenants. She compared this site to the uses in the C-5 zone. She also reviewed the Institute of Traffic Engineers Standards. The objective was to limit the uses on the site to those that would require less parking. There was a great deal of conversation regarding this issue. The listing prepared by Ms. Waterbury was entitled '*Oakhurst Partners Proposed Uses*' and was marked into **evidence A-5**. A copy of the list was circulated to the Board Members for review. Ms. Waterbury noted that uses such as business offices, travel agents, or insurance agents are light parking uses.

Mr. Higgins noted that the parking requirements are geared to the use, not the zone.

Ms. Krimko pointed out that they were trying to demonstrate that there are uses that are less intense and demand less parking.

Chairman Goode said that it appeared that the only thing that could be on this site legally would be a furniture store or mattress store. He had a great concern with the parking on this site.

Ms. Krimko presented Gerald Richter, a real estate broker and principal of Oak Partners. Mr. Richter explained that he is the owner of many L.L.C.'s. He purchased the subject property as a furniture store with minimal parking. The property is well situated between Deal Road and West Park Avenue. The buildings have been ignored for many years. There are two buildings on the site separated by an alleyway. One corner of the property is owned by someone else.

Mr. Richter said that rents for furniture stores cannot compete. He needs a broader spectrum of uses for the building. Tenants always want to know how much parking is available and need to know that it is adequate. In leasing, parking is a self-regulated situation. All businesses run differently and require different parking.

Ms. Krimko said that the applicant is willing to come back to the Board each time that a tenant changes. There will be two or three tenants in the building. People do not plan far in advance in selecting a location. Limiting the uses too much would be committing economic suicide.

Mr. Richter explained that he purchased the property in 2005 or 2006 and rented it to Boise Office Furniture, but they will be leaving in the near future.

Chairman Warren Goode noted that the problem would be resolved if the applicant would purchase lot 7.

Mr. Richter said that he approached the owner of lot 7. That owner has plans to build an office building on that property, which has been submitted to the Planning

Board. If the adjoining property could be purchased, eighteen parking spaces could be added to the subject site. At one point in negotiating with the owner, the owner placed an astronomical price on the lot and then changed his mind and refused to sell.

The subject property was purchased with the knowledge that there was a renovation approval in place. In thinking that there would only be an administrative procedure to reactivate the approval, it was found that it was not possible and a new application was made.

Mr. Richter said that he was under the impression that there was 60% retail approved for the site. There is a limit as to how much a tenant will pay depending on the parking.

Chairman Goode felt that the property was purchased as-is and the parking cannot be changed and it cannot be made into something that it is not. The site has a problem with parking. He noted that it would be possible to reduce the size of the building to meet the requirement.

Mr. Richter said that by broadening the uses there is more of a chance for tenancy. There will be about twenty parking spaces, which is a dramatic increase over what is there now. There is an improvement to the parking ratio and an improvement to the appearance of the building on the Highway. He felt that it would be better to open it up so that he is in the position to look at a lot of different uses with the intent of being very selective with tenants because it hurts the tenant and the landlord if there is not enough parking.

Ms. Krimko said that the applicant is seeking to improve a dilapidated building with a 500 square foot addition and triple the parking by adding fourteen parking spaces.

Board Member Brian Lefferson felt that it is impossible to know how many cars will be going in and out. Board Member David Messer questioned when the applicant would start the work if it is approved.

Mr. Richter said that he would start construction as soon as he gets an approval. He would like to start with the site work and the parking, which would open up the site. It is the intent to have the building look good to help get decent tenants. It will be a first class property and well maintained.

The building on the north side is 6,000 square feet and could be separated into two units. There will be a 500 square foot addition between the two buildings to join them together and make it look nice. Mr. Richter said that he would prefer one tenant, but it could be as many as three.

Board Member Russell Malta was very concerned with the parking issue and the in-and-out traffic. He said that he would be more comfortable if he knew what uses would be on the site.

Vice Chairman Henry Schepiga felt that if there are three low-intensity uses, then this is a good plan. This is a Highway location and could be a problem.

Board Member David Messer thought that there should be a definitive list of uses for this site.

Chairman Goode carried this application to the meeting of August 27, 2009.

### **CARRIED CASES**

**Lisa Palandrano**  
Block 133, Lot 4  
8 Oak Drive  
Wanamassa  
Zone R-6

This is an application to keep a pool, deck, shed, and fence with variances for side yard setbacks for the pool and deck; rear yard setbacks for pool and shed; and front yard setback for a fence.

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record. Planning Administrator Marianne Wilensky said that this application came to fruition through a complaint from someone who lives out-of-state. There have never been any complaints from the neighbors about the subject property.

Board Engineer William Fitzgerald had no concerns with the request for the variances, but recommended putting in a variety of plantings in front of the fence.

Lisa Palandrano explained that she has some plantings in front of the fence and is willing to plant more if necessary. The fence was erected about eighteen years ago when they moved into the house. The pool was put in about seventeen years ago and her father built the deck. None of her neighbors have ever complained about her yard.

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

In Favor: Berkowitz, Grabelle, Malta, Messer, Pflaster, Schepiga, Goode  
Opposed: None

A motion of approval was made by Jane Grabelle and seconded by Russell Malta with the condition that the applicant will supply a landscaping plan subject to the approval of the Board Engineer. All plantings must be planted no later than October 15, 2009.

In Favor: Berkowitz, Grabelle, Malta, Messer, Pflaster, Schepiga, Goode  
Opposed: None  
Ineligible: Lefferson  
Absent: Delano, Lombardi, Van Wagner

To be memorialized on July 9, 2009.

### **NEW CASES**

#### **L. Waldron, L.L.C**

Block 3, Lots 13, 14, 15  
2105 Highway 35  
Oakhurst  
Zone C-3

This is an application for a 'd' variance in order to allow an indoor play and entertainment center for children. A 'c' variance for number of parking spaces has also been requested.

The request for preliminary and final site plan approval has been bifurcated.

Chairman Warren Goode disqualified himself from this application. Vice Chair Henry Schepiga chaired this application.

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record.

Board Planner James Higgins read his report into the record and noted that the applicant is seeking to utilize 4,102 square feet of an existing building for a children's play and birthday party area.

Board Engineer William Fitzgerald read his report into the record and expressed concern with parking on-site because there is the Manhattan Steak House on the same property.

Planning Administrator Marianne Wilensky explained that this site has a history of site problems. They have been sent code violation notices. Currently, the property owner has not complied to a notice that was sent on April 15, 2009, and the site needs to be cleaned up.

Attorney for the applicant, Jennifer S. Krimko, Esquire, explained that the applicant is seeking to open a play gym called JungleRRRific. She placed the following into evidence:

- Evidence A-1** - The survey dated February 11, 2009.  
**Evidence A-2** - The architectural floor plan, one page, dated January 9, 2009.  
**Evidence A-3** - Seven mounted pictures of other buildings in the area along with an aerial photograph of the subject site.  
**Evidence A-4** - Four mounted photographs of the existing site.

Ms. Krimko presented Andrew Janiw, Planner for the applicant. Mr. Janiw explained that the existing site is on the northbound side of Highway 35. The applicant is proposing 4,100 square feet for a JungleRRRific Play Gym for three-to-seven year olds. There will be two playrooms and a party room. During the week they will have open playtime. On the weekends they will book parties for up to fifteen children.

Ms. Krimko noted that they will be open until 6:30 PM on Saturday and Sunday. This will not conflict with the restaurant hours. The applicant agrees to comply to the recommendations of the Board Engineer in his report.

Mr. Janiw felt that the property is suited for the proposed use because there is a former retail building to the north and also across the street. Behind the subject site is a bank. He referred to four photographs, which were previously marked as **evidence A-4**, showing the mixed commercial uses and noted that there are two vacant portions of the subject site. The C-3 zone permits gymnastics and similar uses. This facility will be for younger children and will not become a 'hang-out'. The applicant is seeking a use variance and a parking variance. There are 94 parking spaces required for this property and there are currently 92.

Ms. Krimko pointed out that there will never be more than two parties per day and they will be scheduled back-to-back. The restaurant peak hours are evening time and the applicant's peak hours will be daytime.

Mr. Janiw explained that he reviewed the Master Plan and felt that the utilization of the site for the proposed use is appropriate. The proposed use will operate like a gym, which is a permitted use and is suited to this site. The ordinance does not include or exclude the use. The parking is only two spaces shy of the requirement.

Mr. Higgins noted that the zoning ordinance has no requirement for parking for this use. Mr. Janiw agreed and said that if the requirement were 1-to-200 it would total 94 spaces. There are currently 92 spaces on the property.

Mr. Higgins thought that possibly the parking could be re-stripped to nine-foot wide stalls to allow more parking, but a variance would be required for parking space size.

Ms. Krimko presented Jeffrey Rosen, Franchisor for JungleRRRific. Mr. Rosen said that they hold no parties after 6:00 P.M. He felt that thirty parking spaces will be adequate for the use.

Board Member Brian Lefferson voiced concern for safety of the children being dropped off. Mr. Rosen said that they routinely have Safety Officers at the doors.

Board Member David Messer questioned the number of children in the facility at one time in relation to the use of the gym and the party room. Mr. Rosen said that they do not utilize both at the same time. When parties are booked, the gym is not used for any other people. Parties are only held on weekends.

The applicant was instructed to make application for preliminary and final site plan for the next meeting.

A motion to close the public hearing on the use variance and the parking variance was made by Russell Malta and seconded by Jane Grabelle

In Favor: Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga  
Opposed: None

A motion of approval of the use variance was made by Russell Malta and seconded by Jane Grabelle.

In Favor: Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga  
Opposed: None  
Ineligible: Goode (disqualified)  
Absent: Berkowitz, Delano, Lombardi, Van Wagner

A motion of approval for a variance for the number of parking spaces was made by Jane Grabelle and seconded by Russell Malta.

In Favor: Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga  
Opposed: None  
Ineligible: Goode (disqualified)  
Absent: Berkowitz, Delano, Lombardi, Van Wagner

To be memorialized on July 9, 2009.

**Anat Horovits**

Block 33.31, Lot 13  
714 Dow Avenue  
Oakhurst, Zone R-4

This is an application to keep a hedgerow with a variance for hedgerow over 4' high in a front yard setback.  
This is a corner lot.

In the absence of Chairman Warren Goode, Vice Chair Henry Schepiga chaired this application.

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record. Planning Administrator Marianne Wilensky felt that the fence should be moved back behind the hedge.

Board Engineer William Fitzgerald recommended that the property be brought into conformance by trimming the hedge.

Ms. Anat Horovits explained that she planted 100 bushes behind the fence so that she would have privacy. If they are trimmed, there will be no privacy when she is in the pool.

The Board Members all agreed that the applicant can either keep the bushes where they are and trim them to four-feet, or move the fence behind the bushes and let them grow to five-feet.

Three Polaroid photographs of the fence were marked as **evidences A-1, A-2, and A-3**.

After a great deal of discussion, Ms. Horovits agreed that she will move the fence behind the bushes, unless it is cost-prohibitive. In that case, she will trim the bushes to a conforming height.

A motion to close the public hearing was made by Jane Grabelle and seconded by Russell Malta.

In Favor: Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga  
Opposed: None

A motion of approval was made by Jane Grabelle and seconded by Russell Malta.

In Favor: Grabelle, Lefferson, Malta, Messer, Pflaster, Schepiga,  
Opposed: None  
Ineligible: None  
Absent: Berkowitz, Delano, Lombardi, Van Wagner, Goode

To be memorialized on July 9, 2009.

**Morris Abraham**  
Block 17, Lot 48  
190 Larchwood Avenue  
Oakhurst  
Zone R-4

This is an application to erect a 6' high fence on a wall with a variance for fence/wall combination of 8' 10" where a maximum of 6' is allowed.

This is a corner lot.

In the absence of Chairman Warren Goode, Vice Chair Henry Schepiga chaired this application.

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record.

Planning Administrator Marianne Wilensky pointed out that the applicant has a shed in the front yard that is not permitted. He was sent a notice to move it and has not yet moved it. Ms. Wilensky also recommended that the fence be buffered by plantings, which should be placed during the fall planting season.

Morris Abraham said that he was not aware that the shed was an issue. He thought he only needed a variance for the retaining wall. He said that he hired Harry Rothstein to design the plan and was told by Mr. Rothstein that everything was conforming, which is not the case.

He explained that he lives in the city and once school is out the family moves to Oakhurst for the summer. At that time, he will move the shed. He placed the shed in its current location because his property slopes and the shed needs to be level.

Vice Chairman Henry Schepiga advised the applicant that in moving the shed a Building Permit is required. If he cannot locate it in a conforming location on the property, he can ask for a variance for the shed location.

Mr. Schepiga carried this application to the meeting of July 9, 2009, and instructed the applicant to move the shed and submit a landscaping plan for in front of the fence.

Meeting adjourned 10:45 PM

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Margo Simpson  
Board Secretary  
Recording Secretary