

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

REGULAR MEETING: 7:50 P.M. Public Meeting Room  
Deal and Monmouth Roads  
Oakhurst

MEMBERS Tracy Berkowitz, Alt. I, left 10 PM  
PRESENT: Jane Grabelle  
Warren Goode, Chair  
Brian Lefferson, Alt. IV  
Jennifer Lombardi  
Russell Malta  
Henry Schepiga, Vice Chair  
Richard Van Wagner, arr. 8:13 PM

MEMBERS Mario Delano, Alt. III  
ABSENT: David Messer  
Leon Pflaster, Alt. II

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 June 11, 2009.

### REORGANIZATION

Henry Schepiga nominated **Warren Goode** as **Chairman** from July 1, 2009, through June 30, 2010. Nomination was seconded by Jane Grabelle. There were no other nominations.

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

Warren Goode nominated **Henry Schepiga as Vice Chairman** from July 1, 2009, through June 30, 2010. Nomination was seconded by Jane Grabelle. There were no other nominations.

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

Warren Goode moved to recommend adoption of the following **meeting dates** for the period **running from July 1, 2009, through June 30, 2010:**

July 9, 2009	November 12, 2009	March 11, 2010
August 27, 2009	December 10, 2009	April 8, 2010
September 10, 2009	January 14, 2010	May 13, 2010
October 8, 2009	February 11, 2010	June 10, 2010

Motion was seconded by Henry Schepiga.

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

A motion to appoint **Mark A. Steinberg, Esquire, as Board of Adjustment Attorney** for the period running July 1, 2009, through June 30, 2010, was made by Jane Grabelle and seconded by Tracey Berkowitz.

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

A motion to appoint **James Higgins as Board of Adjustment Planner** for the period running July 1, 2009, through June 30, 2010, was made by Jane Grabelle and seconded by Henry Schepiga.

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

A motion to appoint **William Fitzgerald as Board of Adjustment Engineer** for the period running July 1, 2009, through June 30, 2010, was made by Warren Goode and seconded by Jane Grabelle.

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

A motion to appoint **Margo Simpson as Board of Adjustment Secretary** for the period running July 1, 2009, through June 30, 2010, was made by Warren Goode seconded by Jane Grabelle.

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

Board Attorney Mark Steinberg, Esquire, swore in the Board's Professionals for the upcoming year.

**MINUTES FOR APPROVAL** A motion was made by Jane Grabelle and seconded by Tracey Berkowitz to approve the **minutes from the meeting of June 11, 2009**.

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

#### **RESOLUTION MEMORIALIZATIONS**

**Lisa Palandrano**

Block 133, Lot 4  
8 Oak Drive  
Wanamassa

**Bulk Variance Approval**

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

**Anat Horovits**

Block 33.31, Lot 13  
714 Dow Avenue  
Oakhurst

**Bulk Variance Approval**

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

**L. Waldron, L.L.C**  
Block 3, Lots 13, 14, 15  
2105 Highway 35  
Oakhurst  
**Use Variance Approval**

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

**L. Waldron, L.L.C**  
Block 3, Lots 13, 14, 15  
2105 Highway 35  
Oakhurst  
**Bulk Variance Approval**

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

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

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

**1712 Route 35, LLC**  
Block 34, Lot 15  
1712 Highway 35  
Oakhurst

**Mr. and Mrs. Abe Cohen**  
Block 10, Lot 25  
200 Park Avenue  
Oakhurst

**Camp Allsport**  
Block 141, Lot 24  
1700 Brielle Ave.  
Wanamassa

**Morris Abraham**  
Block 17, Lot 48  
190 Larchwood Ave.  
Oakhurst

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

**Joan Kittler**  
Block 25.09, Lot 8  
196 Delaware Ave.  
Oakhurst

**CONTINUED CASE**

**Harold Dweck**  
Block 53, Lot 5  
228 Crosby Avenue  
Deal Park  
Zone R-2

This is an application to erect a single family dwelling, a pool, a pool patio, and a cabana with variances for front yard setback for the house, pool and pool patio, a change in grade and the height of a fence/wall combination.

Attorney for the Applicant: Jennifer S. Krimko, Esquire

Board Members Jane Grabelle and Jennifer Lombardi have listened to the recording of the previous meeting in order to be eligible to vote on this application.

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.

Board Engineer William Fitzgerald felt that the variances are caused on the property due to the location of the tennis court.

Jennifer S. Krimko, Esquire, explained that the plans have been changed to eliminate some variances and reduce the severity of some variances. She placed the architectural plans, revised through June 1, 2009, into **evidence A-7** and a rendering of the proposed house into **evidence A-8**.

Chairman Warren Goode said that he did not see the relevance of the architectural plans to the variances. Ms. Krimko said that the changes to the plan must be placed on the record.

Ms. Krimko presented Cathy Zuckerman, Architect for the applicant. Ms. Zuckerman explained that a portion of the house has been shaved off and the outside cabana has been removed and replaced with a shed.

Ms. Krimko presented Charles Surmonte, Engineer and surveyor for the applicant and placed the following into evidence:

**Evidence A-9** The proposed plan revised through May 29, 2009, showing the relocation of the house to better conform to the requirements.

- Evidence A-10** Exhibit B, which was a depiction of a lot with the same dimensions as if it were an interior lot rather than a corner lot.
- Evidence A-11** Exhibit A, which showed a rectangular lot of 132' X 170' which would not need variances, to show that the improvements would fit on a lot of 29,260.

Board Attorney Mark Steinberg asked why there is a need for the fence/wall combination. Ms. Krimko explained that the grade is configured in a small area where the fence/wall variance is needed. Board Engineer William Fitzgerald felt that it could be moved back so that a variance is not needed.

Mr. Surmonte explained that the driveway could be moved six inches to eliminate the need for the variance. There is an odd area at the corner of Crosby Avenue and Holly Terrace, 40' back from Holly where there is a 30" change of grade. It will be reduced to 24" to eliminate the need for the variance.

Planning Administrator Marianne Wilensky noted that the air conditioning unit is placed in an unusual location in front of the tennis court, far from the house and it is not screened. Ms. Zuckerman said that the unit will be screened.

Ms. Krimko presented Paul Gleitz, Planner for the applicant, who explained that the subject site is a corner lot with two front yards, which gives it a larger setback requirement. In addition, it is not a square lot. The frontage on Crosby Avenue is 202' and 124' on Holly Terrace. The goal is to try to keep the density of the property in character with the neighborhood. Through use of an aerial photograph he said that he was able to look at the neighborhood. There is a curvilinear grid pattern in the area and some odd-shaped roads.

He passed out a packet of photographs corresponding with the following exhibits:

- Evidence A-12** An aerial photograph showing the neighborhood. Properties were marked in different colors to show the different sizes.
- Evidence A-13** A photo-board, dated April 2009, with twelve photographs and an aerial photo. The pictures on this board were of properties in the area that have obtained variances approvals.

Mr. Gleitz said that most of the lots shown are corner lots with similar situations. Variances were granted for property on the corner of Parker Avenue and Holly Terrace in 2005 and for 11 Crosby Avenue, which is catty-corner to the subject lot, in 2001 and 2002.

- Evidence A-14** Photographs of additional properties that obtained approvals.

Mr. Gleitz noted that 406 Grant Avenue received approvals in 2004 and 101 Sherman Avenue, which is on the corner of Washington Drive, got two approvals in May of 1995 and July of 1995.

Board Member Jennifer Lombardi did not think this testimony was relevant because the Board did not know if the houses were new construction or the size of the lots.

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

### **CARRIED CASES**

**William Blanchfield**  
Block 40, Lot 123  
41 Dwight Drive  
West Deal  
Zone R-3

This is an application to erect an addition with a variance for a front yard setback.

This application was not recorded on the recording system due to an error by the secretary.

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.

William Blanchfield explained that he has a large family and is in the need of more living space when the entire family comes to the house. He wants to expand the living room and add a master bedroom on the second floor.

Board Engineer William Fitzgerald noted that the applicant's driveway needs to be cut back from the property line. The applicant agreed to reduce the driveway.

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

In Favor: Berkowitz, Grabelle, Lombardi, Malta, Schepiga, Van Wagner, Goode  
Opposed: None

A motion of approval was made by Henry Schepiga and seconded by Jane Grabelle

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

To be memorialized on August 27, 2009.

<b><u>August and Maureen Heckman</u></b> Block 33.30, Lot 1 712 Dow Avenue Oakhurst Zone R-4	This is an application to keep a 6' high fence with a variance for a front yard setback of 0' when a minimum of 30' is required.  This is a corner lot.
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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 recommended that the applicant's fence should be moved back.

Board Engineer William Fitzgerald said that he typically looks at the fence impact on the sight distance and requires 20' from the curblineline to the landscaping on the outside of the fence.

August Heckman explained that when he purchased the house there was a six-foot solid picket fence where the existing fence is located. It was in a state of disrepair. He placed two photographs of the old fence into **evidences A-1 and A-2**. He replaced the fence with a six-foot cedar fence with lattice on top. One of the main benefits of the property was the fence on the corner lot. It is ten-feet from the curb.

Ms. Wilensky explained that originally there was a fence permitted for an above-ground pool. At some point after that, the fence was changed. None of the fences were grandfathered.

Mr. Heckman said that he has two children and a dog and they live on a corner lot. When he replaced the fence he did not change the distance from the curb. He did not think it visually impacted the property to the south.

Maureen Heckman said that she feels safe when her children are in the back yard because of the fence.

Board Attorney Mark Steinberg explained to the applicants that the Board is not asking them to remove the fence. They are telling them that the fence needs to be moved back 15'.

Chairman Warren Goode said that technically, the ordinance requires the fence to be at a 30' setback and the Board will accommodate the applicant at 15'. Mr. Fitzgerald explained that there are standards for sight distance that have to be clear. Mr. Steinberg noted that landscaping in front of the fence will take up some of the space.

Ms. Wilensky explained that a four-foot chain-link fence, a four-foot picket fence, or a four-foot estate fence are permitted.

Mr. Heckman said that he does not want to reduce the size of his back yard. He would consider plantings instead of the fence. He asked to be carried to the next meeting and will submit a new plan.

Chairman Goode carried the application to the meeting of September 10, 2009.

**Aaron Haleva**  
Block 26.04, Lot 18  
387 Beecroft Place  
Oakhurst  
Zone R-3

This is an application to erect a new home with a variance for lot width.

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 explained that the applicant is seeking to construct a new home. They previously received approval to construct a home, but have changed the design and since the resolution states that they must construct 'in strict conformance with the plans submitted', they must return for another approval as a variance is needed for lot width. There are no variances needed for the house.

Board Engineer William Fitzgerald read his report into the record. He pointed out that the Board needs to make sure that no adjoining neighbors will be adversely impacted by the development of the subject lot.

Sara Haleva, wife of the applicant, explained that they worked hard to make a plan that conforms to the requirements, but they cannot change the width of the lot. A water table test indicated that they are five-feet above the seasonal high water table. The water from the property will be directed towards the street, which will help the drainage to the adjoining properties.

Ms. Haleva continued to explain that currently there are two houses on the property that are in disrepair. They will be removed and a new house will be an improvement.

From the audience: Sharon Hardy, 374½ West Park Avenue, said that she lives on the property behind the subject lot. She felt that a new house there will be a big improvement to the neighborhood. Her only concern was the removal of excess trees.

From the audience: Thomas Hardy, Sr., 374 West Park Avenue, had a concern with any water that might be added to his driveway. Aside from that, he had no other concerns with the proposal.

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

In Favor: Berkowitz, Grabelle, Lombardi, Malta, Schepiga, Van Wagner, Goode  
Opposed: None

A motion of approval was made by Jennifer Lombardi and seconded by Henry Schepiga.

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

To be memorialized on August 27, 2009.

**NEW CASES**

**L. Waldron, L.L.C** This is an application for preliminary and final site plan approval.  
Block 3, Lots 13, 14, 15  
2105 Highway 35  
Oakhurst Attorney for the applicant: Jennifer S. Krimko, Esquire  
Zone C-3

Chairman Warren Goode disqualified himself from this application. Vice Chair Henry Schepiga took the chair.

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 Engineer William Fitzgerald said that the applicant has addressed all issues of concern. They are proposing a new refuse storage, but the adequacy of the area behind the restaurant has to be addressed because the containers are always outside of the enclosure. The applicant's engineer has addressed the stormwater basin issues.

Board Planner James Higgins explained that there are a number of pre-existing non-conforming issues. A width-of-parking-space variance is necessary because they are nine-feet wide at the Board's suggestion. There should be up to ten additional street trees planted along Highway 35. Ms. Krimko agreed to this for the applicant.

Jennifer S. Krimko, Esquire, representing the applicant, said that the landlord will increase the pick-up of the containers. She placed the site plan, dated June 17, 2009, into **evidence A-1**. She noted that the plan meets the requirements of the Board's professionals.

A motion to close the public hearing was made by Jane Grabelle and seconded by Richard Van Wagner.

In Favor: Berkowitz, Grabelle, Lefferson, Lombardi, Malta, Schepiga, Van Wagner  
Opposed: None

Board Attorney Mark Steinberg read a prepared resolution into the record. A motion of approval of the bulk variances was made by Jennifer Lombardi and seconded by Henry Schepiga.

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

Board Attorney Mark Steinberg read a prepared resolution into the record. A motion of approval of the site plan was made by Jennifer Lombardi and seconded by Richard Van Wagner.

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

Memorialization took place in the same vote.

**Synagogue of Oakhurst Community Center, Inc.**

Block 12.01, Lot 1

280 South Lincoln Avenue  
Oakhurst  
Zone R-2

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

Attorney for the applicant: R. S. Gasiorowski, Esquire

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 Attorney Mark Steinberg, Esquire, explained to the Board that the applicant was previously granted a use variance with certain conditions to continue to worship at the subject site. The main condition was that they required site plan approval within a certain amount of time. They did not apply for the site plan approval and the use variance expired and was revoked by the Board.

Subsequent to that, their attorney, Ron Gasiorowski, filed a complaint in the Superior Court of New Jersey. He has now filed an application for the use variance, asking for it to be renewed, along with a site plan application.

Mr. Steinberg recommended to the Board, in order to expedite this hearing, that Mr. Gasiorowski would just highlight the previous approval and would not have to go into extensive testimony again because nothing has changed and the Synagogue operates in the same manner.

Ron Gasiorowski, Esquire, representing the applicant, explained that this site has a tortured history. The use that is presently on the site has been there for 25 to 30 years, but the physical plan has changed from the original nursery school and has been renovated and modernized. There has been a great deal of concern about the nature of the parking in the rear.

Because this is an Orthodox Synagogue, the congregants walk to Synagogue. The Board had previously agreed that they would rather see a larger buffer and a smaller parking lot. Ultimately, the Board passed a resolution revoking the previous approval without prejudice.

Mr. Gasiorowski said that his client met with the Board's professionals at a workshop meeting and were told by the professionals that a plan showing five parking spaces and one handicapped stall and a landscaping plan should be submitted.

Mr. Gasiorowski explained that they filed a prerogative writ questioning the Board's approval to revoke the use variance approval and they were told to return to the Board with an application. Currently, the applicant is asking for a reaffirmation of the previous use variance approval. This is a neighborhood Synagogue and the applicant has agreed to restrict the use to an Orthodox Synagogue.

Mr. Steinberg had the previous resolution, dated May 10, 2007, marked as **evidence A-1** and read the findings of fact into the record. The resolution voiding the conditional use was marked as **evidence A-2** and a transcript of the hearing of October 16, 2008, revoking the use variance, was marked as **evidence A-3**.

Mr. Gasiorowski presented Morris Dweck, Synagogue President, and a member of the Synagogue from 1978 or 1979. He affirmed that all the conditions at the Synagogue are the same as when the conditional use variance was approved.

Board Planner James Higgins and Board Engineer William Fitzgerald read their reports into the record. Mr. Fitzgerald recommended that the parking lot be shifted six-feet to the east to get a better buffer. The refuse area should be moved behind the barrier-free stall. The AASHTO [American Association of State Highway and Transportation Officials] easement needs to be formalized. The lighting should be on 13' poles with shoebox, downward, single-headed lights. All exterior lights should be motion controlled to go off in five minutes. The chain-link fence with slats on the east

side of the parking lot should be replaced with a solid-face fence. It will help with the headlights.

Mr. Higgins noted that there is a variance necessary for a sign on the building. It is not permitted because it is a residential zone.

Mr. Gasiorowski presented Charles B. Rush, Engineer for the applicant, who explained that he met with Mr. Higgins and Mr. Fitzgerald for guidance. All the items recommended by the Board's professionals will be done.

From the audience: John Verrilli, 165 Larchwood Avenue, suggested there could be 'no parking' signs installed on Bauer Avenue. Besides that, he had no concerns with the application.

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

In Favor: Grabelle, Goode, Lefferson, Lombardi, Malta, Schepiga, Van Wagner  
Opposed: None

A motion of approval to reinstate the conditional use variance was made by Jennifer Lombardi and seconded by Henry Schepiga.

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

A motion of approval of the bulk variances was made by Henry Schepiga and seconded by Russell Malta.

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

A motion of approval of the site plan was made by Jane Grabelle and seconded by Henry Schepiga with the following conditions:

1. Revised plans will be submitted within sixty days.
2. Any subsequent revised plans will be submitted within thirty days.
3. The improvements will be completed no later than October 1, 2010.

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

Memorialization to take place on August 27, 2009.

Meeting adjourned 10:55 P.M.

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Margo Simpson  
Board Secretary  
Recording Secretary