

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

**DISCUSSION: Closed Session Minutes**

Planning Administrator Marianne Wilensky explained that the closed session minutes are kept in a separate minute book. When it is determined that they can be released, they are placed in the regular minute books. The minutes from the meetings of March 14, 1991, March 11, 1993, September 8, 1994, November 7, 1996, June 12, 1997, and March 10, 2005 can be moved into the regular minutes if the Board is in agreement. The minutes had been mailed to the Board for their review.

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

Planning Administrator Marianne Wilensky explained to the Board that August and Maureen Heckman were heard before the Board on July 8, 2009, for a variance for a fence that they had put up without permits. When they were heard in July, the Board asked them to move the fence back 15'. The application was carried to the meeting of September 10, 2009, to give the applicant time to consider their options. On September 10<sup>th</sup>, when the applicant was called, no one was there to represent the case. The Board had no choice but to dismiss it for lack of prosecution.

After that meeting, Ms. Wilensky sent the applicant a letter telling them that the Board had dismissed their application for lack of prosecution. Mr. Heckman contacted Ms. Wilensky and told her that he was at the meeting on September 10<sup>th</sup> at 7:00 PM. No one was in the building. The agenda was posted and he thought that he read on it that his application was carried to the October 8, 2009 meeting.

Ms. Wilensky told him that the memorialization will take place at the meeting of October 8<sup>th</sup> and they can reapply because it was only dismissed. He would have to ask Township Council if he wants to have the fees waived. The money spent on this application for reviews and the resolution currently totals \$293.00.

Board Attorney Mark Steinberg told the Board Members that they must vote on the memorialization. The Board cannot overturn their vote. The applicant will have to reapply.

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

MEMBERS Jane Grabelle  
PRESENT: Warren Goode, Chair  
Russell Malta, left 9:05  
David Messer, left 9:05  
Henry Schepiga, Vice Chair  
Richard Van Wagner, arr. 8:30  
Tracy Berkowitz, Alt. I  
Leon Pflaster, Alt. II, left 9:05  
Mario Delano, Alt. III  
Brian Lefferson, Alt. IV

MEMBERS Jennifer Lombardi  
ABSENT:

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 Warren Goode and seconded by Henry Schepiga to approve the **minutes from the meeting of September 10, 2009**.

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

**APPROVAL TO MOVE CLOSED SESSION MINUTES INTO THE REGULAR MINUTES**

A motion was made by Warren Goode and seconded by Henry Schepiga to move closed session minutes into the regular minutes from the **meeting of March 14, 1991**.

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

A motion was made by Warren Goode and seconded by Henry Schepiga to move closed session minutes into the regular minutes from the **meeting of March 11, 1993**.

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

A motion was made by Warren Goode and seconded by Henry Schepiga to move closed session minutes into the regular minutes from the **meeting of September 8, 1994**.

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

A motion was made by Warren Goode and seconded by Henry Schepiga to move closed session minutes into the regular minutes from the **meeting of November 7, 1996**.

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

A motion was made by Warren Goode and seconded by Henry Schepiga to move closed session minutes into the regular minutes from the **meeting of June 12, 1997**.

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

A motion was made by Warren Goode and seconded by Henry Schepiga to move closed session minutes into the regular minutes from the **meeting of March 10, 2005**.

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



Chairman Warren Goode had listened to the recording of the meeting of June 11, 2009, in order to be eligible to vote on this application.

The Board's information packet, containing the reports of the Board's professionals and in-house departments, was marked into **evidence B-2**. Board Engineer William Fitzgerald said that he was satisfied with the landscaping plan provided. The plantings should be in place no later than December 15, 2009.

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

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

A motion of approval was made by Warren Goode and seconded by Jane Grabelle.

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

To be memorialized on October 29, 2009.

### **CARRIED CASES**

**Bob Nekrasz** This is an application to replace and enlarge a front entry with a variance for a front yard setback.  
Block 140.14, Lot 5  
201 Parkview Avenue  
Colonial Terrace  
Zone R-4

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1**. Planning Administrator Marianne Wilensky had pictures that the applicant's contractor had taken marked into **evidence A-1**. Board Engineer William Fitzgerald had no engineering concerns with the applicant's request to enlarge his front porch.

Bob Nekrasz explained that he is not expanding the size of the roof. He is only enlarging the pad for safety reasons because it is very small and people fall off it.

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 Warren Goode and seconded by Jane Grabelle.

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

To be memorialized on October 29, 2009.

**Kimberly Aldarelli** This is an application for a second story addition with variances for rear yard setback and stories above grade.  
Block 25.18, Lot 6  
184 Elmwood Road  
Oakhurst  
Zone R-4

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1**. Planning

Administrator Marianne Wilensky explained that the applicant is seeking to add a second story to her home. Because the garage is under the house, it will technically be a third story. The footprint is not changing. Board Engineer William Fitzgerald had no concerns with this application.

Kimberly Aldarelli said that the entire house will be re-sided and re-roofed.

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 Warren Goode and seconded by Jane Grabelle.

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

To be memorialized on October 29, 2009.

**Richard and Denise Buckley**

Block 25.29, Lot 8  
230 Pinecrest Road  
Oakhurst  
Zone R-4

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

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1**. Planning Administrator Marianne Wilensky explained that the applicant is asking for approval for a shed that is six inches over the required height. It is a stock shed. Board Engineer William Fitzgerald had no concerns with the shed.

Richard Buckley explained that the shed is a stock sized shed. He will side it with the same vinyl to match the house.

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 Henry Schepiga and seconded by Jane Grabelle.

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

To be memorialized on October 29, 2009.

**Camp Allsport**

Block 141, Lot 24  
1700 Brielle Avenue  
Wanamassa  
Zone I-1

This is an application for a 'd' variance and for minor site plan approval to locate swimming pools, decks, fencing, and a playground.

Attorney for the applicant: Rick Brodsky, Esquire

Board Member Brian Lefferson and Mario Delano disqualified themselves from this application.

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1**. Board

Planner James Higgins and Board Engineer William Fitzgerald read their reports into the record.

Rick Brodsky, Esquire, representing the applicant explained that the applicant is seeking a 'd' variance and preliminary and final site plan approval. Mr. Brodsky explained that the applicant has an existing summer camp on the adjacent property. The application is the installation of two temporary pools and a playground to be utilized by the campers. The applicant has been transporting the campers to other locations for swimming. A 'd' variance is needed because the use is not permitted in the zone.

The pools will be covered and locked at night with all required fencing erected. The area will be used in conjunction with the camp and will be removed at the end of the summer camp season in August. All the recommendations of the Board Engineer can be met.

Mr. Brodsky presented the applicant, David Dweck, who explained that next summer will be the fifth season for his camp. The camp ages range from 4 year olds to 13 year olds. It is an eight week summer camp with sports that are oriented for the boys and fine arts for the girls. The hours of operation are 9:00 AM to 4:00 PM.

The camp currently operates out of 1750 Brielle Avenue in a 31,000 square foot building. The employees of the camp include six or seven division heads and two counselors per fourteen children. The people who run the camp are teachers, social workers, Rabbis, and counselors.

Mr. Dweck said that he uses the swimming as an accessory to the camp. He does not want to continue bussing the campers to someplace else for swimming. There will be two pools that will be used starting at 9:15 or 9:30 AM for sets of 14-15 campers for swimming. The older campers will swim later in the day for 40-minute sessions.

There is a street between the building and the play area. When the children cross the street to go to the baseball field, there is a grade counselor with the children and a crossing guard to keep it fully safe.

Mr. Brodsky noted that there is an arrangement for the camp to use the nearby baseball field as well. The pools will be above ground with decks that will be erected in the beginning of the season. There will be life guards.

Mr. Dweck said that the four and five year-olds need a place to play that that is away from the older children. There needs to be a gated area for the smaller children with swings and a slide. There will be 450 children in the camp. Coaches from the local schools are hired to work at the camp. There can be 30 campers in each pool at any given time.

Vice Chairman Henry Schepiga asked what the lifeguard requirement is. Mr. Dweck said that the state requires one lifeguard for the first 30 swimmers and one additional lifeguard for each additional 15 swimmers. There will also be four to five staff members. The pools will be 18' X 45' X 52" deep. The younger children are required to wear barbets.

From the audience: Brian Lefferson proceeded to the microphone to ask a question. Board Attorney Mark Steinberg felt that since Mr. Lefferson is a Board Member and disqualified himself from this application, he should explain his reason.

Mr. Lefferson said that he cuts the lawn at the home Mr. Dweck rents. He has no dealings with Mr. Dweck himself, only with his landlord, but felt he should excuse himself from the application.

Mr. Lefferson asked what the playground area will consist of. He was told that the next witness would provide that testimony.

Mr. Brodsky presented David Boesch, Project Manager, and placed the following into evidence:

- Evidence A-1** Aerial photograph of the site.  
**Evidence A-2** A colored copy of the site plan, dated February 27, 2009, revised through May 7, 2009.

Planning Administrator Marianne Wilensky pointed out that the site plan submitted to the Board did not have a revision date on it. Mr. Boesch said that the first page is the same, the revision date is because they had to add a second page for Freehold Soil Conservation District.

- Evidence A-3** The site plan that was on file in the office of Planning, dated February 27, 2009.

In referring to the aerial photograph of the site, Mr. Boesch explained that the site is an 11.5 acre, vacant parcel of land. The applicant is proposing to use one acre of that parcel, which is adjacent to Siciliano Way with vacant land to the south.

Mr. Boesch referred to the colored copy of the site plan, detailing two pools and a fenced-in play area of 40' X 40' with pathways. The playground will be covered with Astroturf. The pool area will be within a 6' chainlink fence and the area will also have an Astroturf coating to keep it clean around the area for the children. The pools will be 18' X 45' X 52" deep to the coping. The water will be at a depth of 48". There will be a four-foot wooden deck with railings around both pools.

The playground area will have a rubberized surface which is cushionable for safety. The gates will be self-closing and locking. Each night the pools will be covered and locked. The power for the pumps will run from an electric pole. JCPLC has agreed to allow a meter on the pole for their use. The water for the pools will be trucked in.

Mr. Boesch noted that the soil in this area is very porous and sandy. If the Board feels it necessary, the applicant will install a drywell. When the pools are drained, the water would enter Siciliano Way and drain to the south to the dead end of Siciliano Way. There is rip-rap at the end of the roadway that drains into an area that circumnavigates Seaview Square. The pools will be emptied once a season.

Vice Chairman Henry Schepiga questioned how often the water would have to be trucked in to refill the pools. Board Engineer William Fitzgerald felt that putting in a well would be a better alternative than trucking in water.

Board Member Russell Malta asked if the fencing will be removed each season. Mr. Boesch said that the applicant would prefer to leave the fencing in place and only remove the pools and decking for storage.

Board Attorney Mark Steinberg noted that a variance is needed for lack of a landscaping plan. Mr. Boesch said that there is an existing hedge row that will be maintained. The applicant is willing to do whatever the Board asks. However, they do not want to screen the pool area because they feel a clear view is necessary for safety.

Board Planner James Higgins felt that a landscaping plan would not be necessary since there will only be a fence remaining when the pools are removed. The property cannot be seen from Seaview Square or from Brielle Avenue.

Mr. Brodsky presented Andrew Janiw, Planner for the applicant, and placed a board with two aerial photographs and a photograph taken on February 26, 2009, into **evidence A-4**. Mr. Janiw explained that the site is in a C-4/RFFF zone. The proposed use will be related to the adjacent property, which is a sports facility.

The site is an eleven acre vacant parcel of land adjacent to the ball parks. The improvements will be on the northern corner of the property adjacent to the industrial building. The neighbors of this site are retail and industrial. The ball fields across the

street are mostly utilized at night. The proposed use will be an accessory use to the adjacent property.

The location is not a true industrial area because the immediate area is a sports area and the use is in conformance with the Master Plan and it reconciles the positive and negative criteria.

Board Member Malta noted that it is prudent to condition this approval on the continued operation in the adjacent building. Chairman Warren Goode suggested that the approval have a one-year time frame to make sure it works. At that time, the applicant may return for extensions of time.

Mr. Higgins felt that another condition of approval should be the removal of debris from the subject site. The owner of the property would have to take responsibility to remove the items stored there. Planning Administrator Marianne Wilensky pointed out that the Code Enforcement Officer noted the debris in his report. Ms. Wilensky felt that the applicant should not be allowed to get permits unless the debris is removed.

Vice Chairman Schepiga also felt that the applicant should return the site to its original condition if the use is abandoned by removing the improvements. There should be a time frame for the removal.

Mr. Fitzgerald noted that when they go to remove the improvements they will have to make an application to Freehold Soil for their approval, which takes quite a bit of time. Mr. Fitzgerald recommended the time frame should be 120 days from the date of abandonment.

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 of the use variance was made by Henry Schepiga and seconded by Russell Malta.

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

A motion of approval of the bulk variance for no landscaping plan was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion of approval of the minor site plan was made by Henry Schepiga and seconded by Russell Malta.

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

To be memorialized on October 29, 2009.

**1712 Route 35, LLC** This is an application for a 'd' variance and for preliminary  
Block 34, Lot 15 and final site plan approval.  
1712 Highway 35  
Oakhurst Attorney for the applicant: Kenneth L. Pape, Esquire  
Zone C-2

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-2**.

Kenneth Pape, Esquire, explained that the testimony presented showed a new circulation plan to triple the on-site stacking and a landscaping plan to increase the landscaping on the site. The applicant is asking for unique signage for a car wash the use of a menu board with signage to guide the people through the site.

Mr. Pape presented the applicant, Jack Aaronson. Mr. Aaronson explained that the customers have to make a decision from three packages of services, which are on the menu board. They should be able to look at the signs and decide which package they want so that they know what lane to utilize. The signage is to assist people on the site. There are multiple lanes that eventually feed into one lane.

There is a vacuum area, which has been moved from its previous location. There is a stop sign with an alternate lane merge. The customers will go into the building and can watch while their car goes through the wash. They pay the cashier inside the building.

Board Member Brian Lefferson asked if the water will be recycled. Mr. Aaronson said that the current recycle system is antiquated and will be replaced with a new one.

Board Planner James Higgins noted that there are cement pads close to the property line for the vacuum system that require a variance. Also, a contribution of \$1,400.00 to the Shade Tree Fund must be made.

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

In Favor: Berkowitz, Delano, Grabelle, Lefferson, Schepiga, Van Wagner, Goode  
Opposed: None

A motion of approval of the use variance was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion of approval of the bulk variances was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion of approval of the minor site plan was made by Henry Schepiga and seconded by Jane Grabelle.

In Favor: Berkowitz, Delano, Grabelle, Lefferson, Schepiga, Van Wagner, Goode  
Opposed: None  
Ineligible: None  
Absent: Lombardi, Malta, Messer, Pflaster  
To be memorialized on October 29, 2009.

Meeting Adjourned 9:30 P.M.

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Margo Simpson  
Board Secretary  
Recording Secretary