

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

REGULAR MEETING: 7:30 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS Jane Grabelle
PRESENT: Warren Goode, Chair
Russell Malta
David Messer
Richard Van Wagner, arr. 8:10
Tracy Berkowitz, Alt. I
Leon Pflaster, Alt. II
Mario Delano, Alt. III
Brian Lefferson, Alt. IV

MEMBERS Jennifer Lombardi
ABSENT: Henry Schepiga, Vice Chair

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
Marianne Wilensky, Planning Administrator
William Fitzgerald, Board Engineer
James Higgins, Board Planner, left 8:17 PM
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 September 2, 2009.

MINUTES FOR APPROVAL A motion was made by Warren Goode and seconded by Jane Grabelle to approve the **minutes from the meeting of October 8, 2009.**

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

RESOLUTION MEMORIALIZATIONS

Richard and Denise Buckley

Block 25.29, Lot 8
230 Pinecrest Road
Oakhurst

Bulk Variance Approval

MOVED: Grabelle SECOND: Berkowitz

FAVOR: Berkowitz, Goode, Grabelle, Malta,
Messer, Pflaster

OPPOSED: None

INELIGIBLE: Delano, Lefferson

ABSENT: Lombardi, Schepiga, Van Wagner

Kimberly Aldarelli

Block 25.18, Lot 6
184 Elmwood Road
Oakhurst

Bulk Variance Approval

MOVED: Grabelle SECOND: Berkowitz

FAVOR: Berkowitz, Goode, Grabelle, Malta,
Messer, Pflaster

OPPOSED: None

INELIGIBLE: Delano, Lefferson

ABSENT: Lombardi, Schepiga, Van Wagner

Bob Nekrasz

Block 140.14, Lot 5
201 Parkview Avenue
Colonial Terrace

Bulk Variance Approval

MOVED: Grabelle SECOND: Berkowitz

FAVOR: Berkowitz, Goode, Grabelle, Malta, Messer,
Pflaster

OPPOSED: None

INELIGIBLE: Delano, Lefferson

ABSENT: Lombardi, Schepiga, Van Wagner

Morris Abraham
Block 17, Lot 48
190 Larchwood Avenue
Oakhurst
Bulk Variance Approval

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

Camp Allsport
Block 141, Lot 24
1700 Brielle Avenue
Wanamassa
Use Variance Approval

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

Camp Allsport
Block 141, Lot 24
1700 Brielle Avenue
Wanamassa
Bulk Variance Approval

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

Camp Allsport
Block 141, Lot 24
1700 Brielle Avenue
Wanamassa
Minor Site Plan Approval

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

1712 Route 35, LLC
Block 34, Lot 15
1712 Highway 35
Oakhurst
Use Variance Approval

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

1712 Route 35, LLC
Block 34, Lot 15
1712 Highway 35
Oakhurst
Bulk Variance Approval

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

1712 Route 35, LLC
Block 34, Lot 15
1712 Highway 35
Oakhurst
Minor Site Plan Approval

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

CARRIED TO December 10, 2009

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

Joseph Vassallo
Block 10, Lot 2.01
104 Norwood Avenue
Elberon Park
Bulk Variance Application

George Bariscillo
Block 39.10, Lot 1
2 Randi Lane
Wayside

CONTINUED CASES

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

Board Member Mario Delano disqualified himself from this application. Board Members Russell Malta, David Messer, and Leon Pflaster had listened to recordings of previous meetings in order to be eligible to vote on 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-4**. Board Planner James Higgins and Board Engineer William Fitzgerald summarized their reports into the record. Mr. Fitzgerald questioned the parking on the site and the fact that the applicant has stated that there are certain uses that would fit on the site. He felt that the site on the Highway is not a large site like the mall where they can have shared parking. There needs to be numbers for the uses that are permitted. Enough information has not been supplied.

Jennifer S. Krimko, Esquire, representing the applicant, felt that the leasing industry is parking driven. For more parking-intensive uses, the tenant has to consider the parking available. The parking situation on the site will be improved with this application. The applicant is proposing to upgrade the site and without availability of parking for the uses, this site is not viable. She pointed out that the site is not doing well as a furniture store.

Ms. Krimko presented Maurice Rached, Traffic Engineer for the application. Mr. Rached said that he agrees with the comments of the Board's professionals, commenting that they all think alike, but get different results. Mr. Rached said that he relied on the Institute of Traffic Engineers (ITE) Handbook in doing his calculations. There are 138 uses permitted in the C-3 zone. Seventy-one of those uses are not suitable for the site. Several of the uses that would be suitable are not in the ITE and he had to render an opinion as to whether they are appropriate.

Board Member David Messer asked how the peak parking uses relate the size of the buildings.

Mr. Rached said that he considered the whole facility as the use to determine parking requirements and considered the most conservative uses. Different uses have different peak times. The more diversified the uses, the more sharing of parking. If they all had the same peak hours, they would need more parking on the site.

Mr. Rached suggested that there be a condition that the entire building cannot be leased to one tenant because it would work better with two or three different uses in the building.

Board Member Brian Lefferson asked if a Barber Shop would be considered. Mr. Rachad said that a barber shop could have five or six employees and could have ten clients getting haircuts or waiting for haircuts. That would require more parking demand.

Chairman Warren Goode felt that the concept of the Zoning Ordinance is not being followed regarding the parking requirements. He questioned Mr. Rached about the requirements of the ordinance. Mr. Rached indicated that the ordinance is not accurate regarding parking.

Chairman Goode said that he was uncomfortable with the small area and the parking and had some serious concerns because there is no other parking available at this location.

Ms. Krimko felt that the ordinance is broadly swept in that it does not break out any retail except for furniture stores. All others are 1/200.

Mr. Rached said that the parking requirements in the rest of New Jersey are based on studies done twenty to thirty years ago. Parking was very different many years ago. Shopping used to get very busy on Friday evenings, which is not so today. People do a lot of shopping electronically. Where 40 spaces were necessary in the past, 20 spaces would be required now. Shopping center's parking depends on the mix of uses. Some centers would require 6.8 per 1000 while others could require 2.0 or 2.9. It depends on the area and the mix. Smaller shopping centers are very different in that people make short stops. A laundry or furniture store would be appropriate. The applicant is asking for some flexibility.

Ms. Krimko said that it is not realistic to do a traffic study for all the uses. She felt that the Board should rely on the expertise of Mr. Rached.

Chairman Goode felt that the uses on the list are egregious and the Board cannot afford to go wrong on their decision. The applicant is asking to squeeze in twice as much as the ordinance permits. The employees would have to park across the street in the restaurant parking lot or on the street. Some people might double-park or stop on the highway.

Chairman Goode said that he does not want to be held responsible for a mistake. The request is not close to conforming to the ordinance.

Planning Administrator Marianne Wilensky suggested that perhaps the ordinance needs to be reviewed.

Mr. Rached said that he will visit a few facilities in town and bring back data regarding parking. He will do a tally on how many cars park during the day. He will find sites that have a variety of uses, but will stay away from clearly intense uses.

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

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, a basketball court and a shed with variances for:		
		Required	Proposed
	Front yard setback – pool patio	50'	38.3"
	Change in grade of 2' or more		

Attorney for the Applicant: Jennifer S. Krimko, Esquire

Board Member Mario Delano disqualified himself from this application. Board Members Jane Grabelle had listened to the recording to a meeting she missed in order to be eligible to vote on 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-3**. Board Engineer William Fitzgerald read his report into the record.

Jennifer S. Krimko, Esquire, representing the applicant, presented Charles Surmonte, Engineer for the application. She had the plot plan, dated October 14, 2009, marked as **evidence A-15** and the architectural plans, dated October 15, 2009, into **evidence A-16**.

Ms. Krimko explained that the applicant has revised the original plan to remove the tennis court and the house is now fully conforming.

Mr. Surmonte explained that the house has been redesigned and shifted to the west. The tennis court has been replaced with a basketball court. The topography of the property rises up about three-feet quickly. There will be a two-foot retaining wall about two-feet into the property. There is an existing driveway that is cut into the hill. The pool fence will need a variance for only a portion of the yard.

Mr. Fitzgerald explained that the lot has an irregular shape. The applicant wants to give the property a better look. He will remove the old driveway and fill it in to match the rest of the yard.

Board Member David Messer noted that the wall at the corner of Crosby Avenue should be checked for a proper sight triangle. Mr. Fitzgerald said that it appeared that the sight triangle is good, but that perhaps to be safe it should be cut back a little more.

A motion to close the public hearing was made by Russell Malta and seconded by Tracey Berkowitz.

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

A motion of approval was made by _____ and seconded by _____

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

To be memorialized on December 10, 2009.

CARRIED CASES

Dave and Mary Tieto This is an application to add a one-story addition, covered porch, second-story addition, and a driveway with variances for front yard setbacks on both Hillcrest Road and Belmont Avenue, rear yard setback, driveway width, and change in grade of two-feet or more.
Block 140.14, Lot 6
200 Belmont 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** and the reports were read into the record.

Dave Tieto explained that he has three children and is looking to make improvements to his house to accommodate the family. He wants to change the garage into a family room and add a master bedroom above it. He also wants to build a new garage. The existing driveway, which is taking up a good deal of the back yard with asphalt, will be removed. The existing driveway is very close to the intersection, which is very busy.

Mr. Tieto presented his Architect, Donald Passman. Mr. Passman had his drawings, five sheets, revised through October 13, 2009, placed into **evidence A-1**. He noted that the applicant needs a rear yard variance and a front yard setback variance on both streets. The new front porch will require a variance. It will be a gabled roof over the porch with columns. It has been designed with two gables for aesthetics. The new garage and driveway will be added.

Mr. Passman placed two photographs into evidence. A picture of the neighbor's house along with the applicant's house was marked as **evidence A-2** and a photograph of the northern neighbor's driveway was marked as **evidence A-3**. The driveway variance is a consequence of the layout of the house and the topography requiring an 'L' shaped driveway. The change in grade of two-feet or more is for a spot by the house to allow proper runoff. The impervious surface will be reduced by 7% with the removal of the old driveway.

Chairman Warren Goode asked why the driveway needs to be in an 'L' shape and cannot go straight out to the road.

Mr. Fitzgerald explained that the driveway would be too steep if it went straight out from the garage and the cars would drag when they got to the road surface.

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

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

A motion of approval was made by Richard Van Wagner and seconded by Russell Malta.

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

To be memorialized on December 10, 2009.

Joao Cerqueira This is an application to keep a driveway with a variance for
Block 3, Lot 25 a width of 26' where a maximum of 20' is allowed.
2 Branch 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** and the reports were read into the record.

Planning Administrator Marianne Wilensky explained that the applicant has constructed a driveway that does not conform. The property is on the corner of West Park Avenue and Branch Road. It is a beautiful driveway, but wider than permitted. It also extends into the right of way. The applicant has agreed to cut back the driveway and plant six evergreens to soften the look.

Joao Cerqueira agreed to comply with all the recommendations of the Board's professionals.

Board Engineer William Fitzgerald said that the plantings should be placed no later than April 30, 2010.

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

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

A motion of approval was made by Richard Van Wagner and seconded by Russell Malta with the condition that the plantings must be done no later than April 30, 2009.

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

To be memorialized on December 10, 2009.

David Leventer This is an application to keep a driveway with a
Block 8.02, Lot 21 variance for a width of 21.9' in a front yard where a
52 Larchwood Avenue maximum of 20' is allowed.
Oakhurst
Zone R-1/Cluster

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

Board Engineer William Fitzgerald noted that aesthetically, the applicant has a very nice driveway, but it exceeds the width requirement.

Planning Administrator Marianne Wilensky passed photographs of the driveway to the Board Members for their review. The photographs were marked **evidences A-1 through A-4**.

Mr. Fitzgerald felt that the error occurred when the driveway was being installed and they lined it up with the edge of the house and just took it out to the street.

Applicant David Leventer explained that the contractor lined it up with the house and made the driveway very aesthetically appealing.

Chairman Warren Goode felt that the appearance of the driveway made the difference de minimus and that it looks very nice.

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

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

A motion of approval was made by Jane Grabelle and seconded by Richard Van Wagner.

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

To be memorialized on December 10, 2009.

Meeting adjourned 9:10 P.M.

Margo Simpson
Board Secretary
Recording Secretary