

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 Tracy Berkowitz, Alt. I
PRESENT: Warren Goode, Chair ABSENT: Jennifer Lombardi
Russell Malta Richard Van Wagner
David Messer
Henry Schepiga, Vice Chair
Leon Pflaster, Alt. II
Mario Delano, Alt. III
Brian Lefferson, Alt. IV, left 7:37 PM

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 Jane Grabelle to approve the **minutes from the meeting of October 29, 2009**.

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

RESOLUTION MEMORIALIZATIONS

Harold Dweck
Block 53, Lot 5
228 Crosby Ave.
Deal Park
Bulk Variance Approval
MOVED: Grabelle SECOND: Delano
FAVOR: Delano, Grabelle, Goode, Lefferson, Malta,
Messer, Pflaster
OPPOSED: None
INELIGIBLE: Schepiga
ABSENT: Berkowitz, Lombardi, Van Wagner

Dave and Mary Tieto
Block 140.14, Lot 6
200 Belmont Avenue
Colonial Terrace
Bulk Variance Approval
MOVED: Grabelle SECOND: Delano
FAVOR: Delano, Grabelle, Goode, Lefferson, Malta,
Messer, Pflaster
OPPOSED: None
INELIGIBLE: Schepiga
ABSENT: Berkowitz, Lombardi, Van Wagner

Joao Cerqueira
Block 3, Lot 25
2 Branch Road
Oakhurst
Bulk Variance Approval
MOVED: Grabelle SECOND: Delano
FAVOR: Delano, Grabelle, Goode, Lefferson, Malta,
Messer, Pflaster
OPPOSED: None
INELIGIBLE: Schepiga
ABSENT: Berkowitz, Lombardi, Van Wagner

David Leventer

Block 8.02, Lot 21
52 Larchwood Ave.
Oakhurst

**Bulk Variance
Approval**

MOVED: Grabelle SECOND: Delano

FAVOR: Delano, Grabelle, Goode, Lefferson, Malta,
Messer, Pflaster,

OPPOSED: None

INELIGIBLE: Schepiga

ABSENT: Berkowitz, Lombardi, Van Wagner

CARRIED

to February 11, 2010

Stella Kennedy

Block 38.03, Lot 14
3 Upton Place
Wayside

Oakhurst Partners, LLC

Block 33.34, Lots 5, 6
1709 Route 35 North
Oakhurst

Walter J. Clifford

Block 105, Lot 21
1306 Maple Avenue
Wanamassa

Joan Kittler

Block 25.09, Lot 8
196 Delaware Avenue
Oakhurst

CARRIED

to March 11, 2010

Pitti Bimi

Block 22, Lot 81
264 Norwood Avenue
Deal Park

James and Jennifer Policastro

Block 73, Lot 9.02
517 Beechwood Avenue
West Allenhurst

APPLICATION WITHDRAWN

Edward K. Juliano

Block 40.07, Lot 12
2604 Logan Road
West Deal

CARRIED CASE

George Bariscillo

Block 39.10, Lot 1
2 Randi Lane
Wayside
Zone R-2

This is an application for a change in grade of two feet or more and to keep a shed with a variance for a front yard setback of 1.5 feet where a minimum of 50' is required and 47' was previously approved.

Board Attorney Mark A. Steinberg, Esquire, disqualified himself from this application. Planning Board Attorney Sanford Brown, Esquire, sat in as acting Board Attorney for 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** and the reports were read into the record.

George Bariscillo explained that he wants to re-landscape his back yard, which drops off drastically from the swimming pool.

Board Engineer William Fitzgerald explained that the applicant's back yard has a very sustained slope and it needs to be flattened by the pool so that he can have a walkway around the pool. He did not foresee any drainage problems.

Mr. Bariscillo presented his contractor, Michael Haybeck, who said that he can comply with all the recommendations of Mr. Fitzgerald as stated in his report.

A motion to close the public hearing was made by Henry Schepiga and seconded by Russell Malta.

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

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

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

Memorialization will take place on February 11, 2010.

CARRIED CASE

Joseph Vassallo
Block 10, Lot 2.01
104 Norwood Avenue
Elberon Park
Zone R-1

This is an application to construct an addition to an accessory structure with variances for side and rear yard setbacks.

Attorney for the applicant: Jeffrey D. Ullman, Esquire

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.

Jeffrey Ullman, Esquire, representing the applicant explained that after holding hearings on an appeal of the denial of a building permit for this property, the applicant agreed to present an application for something reasonable. The applicant has substantially scaled down what he originally proposed to only enclose the pump equipment. The rear portion of the barn that was razed many years ago will be replaced. The applicant also wants to return the barn to its original appearance. The reconstruction can start when the weather permits. The addition in the rear will look like the rest of the barn.

Chairman Warren Goode noted that the plan the applicant submitted had a note on it that the barn was to be removed.

Mr. Ullman explained that the survey was drawn by Mr. Santry in 1991 for Mrs. Bailey when she made the application for the subdivision. The plan shows the barn in the rear of the property. Opposite the barn on the south side is a one-story frame building. Mrs. Bailey made the application and drew the lot line between the two buildings. The second structure was removed at that time. The resolution of approval did not have a condition for removal of the barn. It was only mentioned in the findings of fact and was not put in the deed.

Mr. Ullman noted that the barn is a very charming, 100-year-old historic structure in which the brother of John Wilkes Booth was married. Mr. Vassallo did not know that the barn had to be taken down when he purchased the property.

Mr. Ullman continued to explain that in 2002 the Township took Mr. Vassallo to court because the barn had not been removed. The Township had issued numerous summonses about the alleged failure to remove the barn. The courts stated that the barn did not have to come down. The applicant now wants to make a compromise and resolve the problem. The applicant is asking that the barn be recognized.

Mr. Ullman said that the barn affects two neighbors. The Sultans live to the south and the addition will not affect them. The neighbor to the rear will see the enclosed equipment.

Board Member Mario Delano asked about the distance from the barn to the neighbor's house. Mr. Ullman said that it is a very substantial distance. Planning Administrator Marianne Wilensky had an aerial photograph of the property marked as **evidence B-2**.

From the audience, Leon Sultan, 110 Norwood Avenue, explained that he has been a neighbor of the applicant for ten years. He purchased the property from Mrs. Bailey. A stipulation of the subdivision was that a mother/daughter house that was on his property would be removed. It was taken down at the time of the subdivision. Section 3 of the stipulation of the subdivision stated that the two-story barn and the one-story frame building were to be removed. The house was removed, but the barn remains. Mr. Sultan questioned why the house on his lot had to be removed and the barn did not.

Chairman Goode noted that there is a distinction between an accessory structure and having more than one house on a lot. Ms. Wilensky noted that if the

house were to remain on the lot, the Planning Board would not have had the jurisdiction to hear the subdivision. It would have gone to the Board of Adjustment because of two homes on one lot.

Board Attorney Mark Steinberg pointed out that for some reason the condition of approval did not get into the resolution. It is only in the findings of fact, which is what was said at the meetings. The subdivision went through without the barn coming down and the Town did not pick it up. The Township tried to enforce it in municipal court and they chose not to proceed in that manner. It 'fell between the cracks' and it is now years later and the Town has not been able to enforce the condition.

From the audience: Carolyn Dayon, 18 Saxony Drive, said that she is the neighbor to the rear and the barn is close to her property. The addition will make it closer. There is garbage and trash and it is an eyesore that can be seen from all her second story windows. She felt that the barn lowers the value of her home.

Ms. Wilensky suggested additional plantings along the rear property line. Board Engineer William Fitzgerald said that plantings could be a condition of approval and he would make sure that they were planted properly.

Mr. Ullman said that there is a zigzag in the property line and there are trees along the line.

Mr. Steinberg noted that timing will have to be included in the conditions of approval. There is a tarp on the building that needs to be removed by a specific date. The building will have to be restored by a specified date. The Board should also have some architectural drawings of the barn to review.

Ms. Wilensky had the applicant's plan marked as **evidence A-1**. They showed the proposed pump room.

Mr. Ullman said that they are only seeking to enclose the pump equipment that is currently outside. The building will remain with the same style. It will have new windows and siding. He agreed to submit a plan for the next meeting to address landscaping and architectural drawings. He will speak with Mr. Fitzgerald about the plantings.

From the audience: Linda Sultan, 110 Norwood Avenue, asked what the use of the barn is.

Mr. Ullman said that the barn is for storage. The addition is for the pump house for the well. There are existing pumps and tanks for the irrigation system. They now sit outside the barn in the rear.

Ms. Dayon felt that she has no privacy in her yard with the barn there.

Mr. Ullman pointed out that the barn is adjacent to Ms. Dayon's basketball court where children play outside at night with flood lights.

Chairman Goode pointed out to Ms. Dayon that lighted basketball courts are not permitted and instructed her to remove the lights.

Chairman Goode carried this application to the meeting of March 11, 2010. Mr. Steinberg said that if the applicant provides the required plans he can bring a positive resolution to the next meeting.

CONTINUED CASE

Joseph Vassallo
Block 10, Lot 2.01
104 Norwood Avenue
Elberon Park
Zone R-1

This is an application for an appeal of the Zoning Officer's decision.

Attorney for the applicant: Jeffrey D. Ullman, Esquire

This application was carried to the meeting of March 11, 2010.

NEW CASES

David Marshall

Block 103, Lot 7
1307 Franklin Parkway
Wanamassa
Zone R-6

This is an application to add a second floor addition with a covered front entry with a variance for the front yard setback for the house and porch.

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.

David Marshall explained that he has owned his house for more than four years. It is a small Cape Cod that his family has outgrown and they need more space. They like the neighborhood and the schools and do not want to move.

Mr. Marshall said that he wants to increase the size of the home on his 50' X 100' lot by adding a second floor addition with a cantilever for additional space. He also wants to cover the existing front porch and reside the house. The roof will be new. The end result will be three bedrooms and two baths. One of the existing bedrooms will be turned into a dining room.

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 Henry Schepiga and seconded by Jane Grabelle.

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

The memorialization will take place on February 11, 2010.

Suzanne Chiaffetella and Keith Kossman

Block 34, Lot 69
5 Kenneth Drive
Wayside
Zone R-3

This is an application to erect a fence with a variance for construction in a flood plain.

No one appeared to represent this application. Planning Administrator Marianne Wilensky explained that she spoke to the applicant in the afternoon and they indicated that they intended to proceed. She said that the application is within the required time limit and can be carried to the next meeting.

Chairman Warren Goode carried this application to the meeting of February 11, 2010.

Sandy L. DeMarco

Block 35, Lot 87
38 North Woods Road
Wayside
Zone R-2

This is an application to construct a gazebo roof with a variance for lot coverage.

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.

Mr. Sandy DeMarco explained that he has a beautiful patio, but it is very hot. He wants to have protection from the sun in the form of a sun cover for functionality. He said that the pavers get very hot too.

A motion to close the public hearing was made by Henry Schepiga and seconded by Russell Malta.

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

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

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

The memorialization will take place on February 11, 2010.

Meeting adjourned 9:10 P.M.

Margo Simpson
Board Secretary
Recording Secretary