

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

DISCUSSION: Planning Administrator Marianne Wilensky told the Board Members that a **special Board of Adjustment meeting has been scheduled for April 28, 2010**, to hear the application of Ocean Senior Citizen Corporation for a minor subdivision.

DISCUSSION: Planning Administrator Marianne Wilensky explained to the Board Members that a number of months ago they approved an application for **Harold Dweck** which included several variances. Now Mr. Dweck wants to downsize the home and increase the size of the swimming pool. Since the resolution of approval states that he his plan must be in strict conformance with the plans submitted to the Board, she asked the Board if he should come back or if they are willing to allow him to downsize the home and reduce the intensity of the variances.

The Board Members discussed the request and decided that the applicant does not have to return to the Board and Ms. Wilensky can give them an administrative approval to change the plan.

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

MEMBERS PRESENT: Tracy Berkowitz, Alt. I
Jane Grabelle
Warren Goode, Chair
Brian Lefferson, Alt. IV
Russell Malta
David Messer
Leon Pflaster, Alt. II
Henry Schepiga, Vice Chair

MEMBERS ABSENT: Mario Delano, Alt. III
Jennifer Lombardi
Richard Van Wagner

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 13, 2009.

RESOLUTION MEMORIALIZATIONS

Joan Kittler

Block 25.09, Lot 8
196 Delaware Avenue
Oakhurst

Bulk Variance Approval

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

Stella Kennedy

Block 38.03, Lot 14
3 Upton Place
Wayside

Bulk Variance Denial

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

Suzanne Chiaffetella
Keith Kossman
Block 34, Lot 69
5 Kenneth Drive
Wayside
Bulk Variance Approval

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

CASES CARRIED to May 12, 2010

Walter J. Clifford
Block 105, Lot 21
1306 Maple Avenue
Wanamassa

David and Wendy Jemal
Block 44, Lots 7, 8.02
404 Maple Avenue
Deal Park

CONTINUED CASES

Jennifer and James Policastro
Block 73, Lot 9.01
517 Beechwood Avenue
West Allenhurst
Zone R-5

This is an application to demolish an existing home and erect a new single family home with variances for lot area; lot width; lot depth; front, rear, and side yard setbacks; total side yard setback, and lot coverage.

Board Attorney Mark Steinberg, Esquire, noted that at the last hearing the application was carried because the site plan and the architectural plan did not match. The plans have been revised to match. There are two additional variances necessary for rear yard setback for a cantilever and for the minimum square footage of 620 square feet where 700 square feet is the requirement. The rest of the testimony remains the same.

Jennifer Policastro said that the house cannot be enlarged due to the size of the lot.

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

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

Chairman Warren Goode read a resolution of approval into the record. A motion of approval was made by Warren Goode and seconded by Henry Schepiga.

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

Memorialization took place in the same vote.

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.

	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
Side yard setback	20'	10'	10'
Rear yard setback	40'	35.3'	21.7'

Attorney for the applicant, Jeffrey D. Ullman, Esquire, placed an architectural plan into **evidence A-2**. Mr. Ullman explained that the entire rear property line has a thick row of Arborvitae except in the area where there is a shed. He does not feel that the applicant should add any more screening. The neighbor to the rear has a basketball court with light stanchions that illuminate it at night.

Planning Administrator Marianne Wilensky noted that the lights for the basketball court are illegal. She has not pursued the issue yet, but she will.

Mr. Ullman said that it is the applicant's intent to have the barn match the house. The applicant had intended to put solar panels on the roof, but has decided not to. Eight photographs were placed into evidence:

- Evidence A-3 -** A photograph of the Vassallo house as it currently looks.
Evidence A-4 - A photograph of the barn as it currently looks.
Evidence A-5 - A photograph showing the row of arborvitae looking northwest along the property line.
Evidence A-6 - A photograph showing the arborvitae line with the jog where the shed is located.
Evidence A-7 - A photograph of the row of arborvitae showing more detail.
Evidence A-8 - Another photograph of the row of arborvitae.
Evidence A-9 - A photograph of the neighbor's shed.
Evidence A-10 - A photograph of the light stanchions.

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 Henry Schepiga.

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

The memorialization will take place on April 28, 2010.

Joseph Vassallo This is an application for an appeal of the Zoning
Block 10, Lot 2.01 Officer's decision.
104 Norwood Avenue
Elberon Park
Zone R-1

Attorney for the applicant, Jeffrey D. Ullman, Esquire, said since the application for the variance has been granted, this application is now moot and will be withdrawn.

CARRIED CASES

August and Maureen Heckman This is an application to keep a 6' high fence
Block 33.30, Lot 1 in a front yard with a variance for a front
712 Dow Avenue yard setback of 15' where a minimum of 30'
Oakhurst is required. This is a corner lot.
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 this application was previously scheduled last summer but was dismissed without prejudice because of a communication lapse with the applicant. They refilled the application in November of 2009. The original submission was for a six-foot high fence with a zero-foot setback.

Since the time they filed, there has been a storm and a portion of their fence was blown down. While they were putting it back up, they moved it back to a fifteen-foot setback.

Ms. Wilensky's report indicated said that she recommended approval of the application with the conditions that the applicant should submit a plan showing street-side plantings planted no later than June 15, 2010.

Board Engineer William Fitzgerald recommended that the plantings should be for two shrubs on the south side of the gate and four shrubs on the north side of the gate. The fence is a solid timber fence with lattice on top.

August Heckman said that they need the fence for privacy and safety for their dog. There was a six-foot fence in the original location when they moved into the house. They replaced it with a new fence in the same location, not knowing that it was in violation or that they needed a permit. If the fence were at the required setback, it would be farther back than the setback of 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 Warren Goode and seconded by Henry Schepiga with the condition that five copies of a planting plan will be submitted to the Planning Administrator and the plantings will be in place no later than June 15, 2010.

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

The memorialization will take place on April 28, 2010.

Anne and Mark Cirlincione
Block 33.31, Lot 11
714 Talmadge Avenue
Oakhurst
Zone R-4

This is an application to keep a 6' high fence in a front yard with a variance for a front yard setback of 23' where a minimum of 30' is required. This is a corner lot.

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 suggested that the applicant submit a planting plan and that the plantings be in place no later than June 15, 2010.

Board Engineer William Fitzgerald recommended the plantings of eight evergreens on the outside of the fence.

Anne Cirlincione said that they want the fence for safety and privacy from the house to the rear of them because the neighbor's yard is unsightly.

Ms. Wilensky noted that she is familiar with the property behind the Cirlincione's lot and has had the Construction Officer go to the property to inspect. It appears that the house is a rental and when the season changes there are items left outside.

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 Russell Malta.

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

The memorialization will take place on April 28, 2010.

Dmitriy Posternak

Block 198, Lot 4
1201 Franklin Avenue
West Deal
Zone R-4

This is an application to replace an existing 6' stockade fence with a 6' PVC fence. A variance is necessary for a front yard setback of 1' where a minimum of 30' is required. A variance was previously granted on August 12, 1999.

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 wishes to keep a six-foot high white PVC fence. They had started to install it as a replacement for another fence that they had gotten approval for in 1999. They did not get a permit to install the new fence.

When they were stopped by the Zoning Officer he determined that since the original approval stated the fence had to be in strict conformance with the plans submitted to the Board at that time, they could not replace it with a PVC fence without returning to the Board.

The 1999 approval required plantings on the outside of the fence which were not there when she visited the site for her review for the current application. The fence is one-foot from the property line and there is not enough room for plantings. There needs to be plantings on the street side because a white fence is very bright.

Board Engineer William Fitzgerald recommended that the fence be moved to a ten-foot setback with evergreen plantings on the outside.

Dmitriy Posternak explained that the old fence was falling apart and they decided to replace the wood fence with a vinyl fence. He said that he was granted approval for the fence in 1999 and thought that he could just replace it. There were plantings on the outside of the fence, but they died and were removed when they started to replace the fence. Part of the new fence is already installed and has been a tremendous amount of work for him and his wife.

Mrs. Posternak said that they have a very small back yard and do not want to move the fence back. She felt that there is room to plant in front of the fence.

Mr. Posternak had a sketch of his yard marked as **evidence A-1**. He noted that he has a very unusually shaped property and a lot of it is not usable with evergreens and bushes in one corner.

Board Member Russell Malta explained to the applicant that even though it looks like he has more property in front of the fence, there is about an eight-foot right of way that is not his property.

Mr. Posternak said that it is his understanding that there are two-feet in front of the fence that is his property.

Ms. Wilensky said that it is hard to determine from the survey whether there is one foot or two feet in front of the fence.

Mr. Fitzgerald pointed out that this property at the corner of Franklin Avenue and Logan Road is very difficult. He recommended that the minimum approval should be for a four-foot setback and the required sight triangle at the corner because there can be a visibility issue.

Chairman Warren Goode added that a one-foot setback is not satisfactory and the Board does not as a rule approve such small setbacks. There is no room for a buffer and the viewing safety must be considered. It does not matter what was approved in 1999. The Board has to consider what the regulations are now.

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 with the following conditions:

1. The fence will be moved back to a four-foot setback.
2. The fence will be moved by August 15, 2010.
3. The plantings will be in place by October 1, 2010.
4. A plan will be submitted showing the fence moved back and the plantings on the outside.

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

The memorialization will take place on April 28, 2010.

Pitti Bimi

Block 22, Lot 81
264 Norwood Avenue
Deal Park
Zone C-1

This is an application to keep façade signs with a variance for number of signs over maximum.

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 pointed out that that there is a driveway next to the building with a visibility problem looking to the north. Some driveway safety should be installed in the form of traffic a calming bump, a STOP bar, and a pedestrian sign.

Attorney for the applicant, Marc D. Policastro, Esquire, presented Christine Cafone, Planner for the applicant. Ms. Cafone explained that the applicant is seeking a c2 hardship variance for a total of six signs: two on the front of the building; two on the north face of the building; and two on the south face of the building. There are two businesses in the subject building: Spoiled Pink and Pitti Bimi. The signs on the north and south elevations of the building total 4% each for the elevations. The signage on the front elevation, which faces east, is 3%. All the signs are less than the required size permitted and the signs are identical and are attractive on the façade of the building being an aesthetic benefit to the visual impact of the building.

Ms. Cafone noted that the character of the area is that all the buildings have signs on the front and side facades. It is a C1 commercial zone for retail sales where adequate signage is important for sales. There are no detriments to granting the variance.

Vice Chair Henry Schepiga asked about the lighting of the signs. Mr. Fitzgerald said that the signs are internally lit. Mr. Schepiga felt that they should be turned off at night at a reasonable hour and asked for the hours of operation.

Mr. Policastro presented the applicant, Helen Wright Bertoli, who noted that the hours of operation vary daily. Sunday the stores are open from Noon to 5:00 PM. On

Monday through Saturday they open at 10:00 A.M. Monday, Tuesday, Thursday, and Friday they close at 6:00 P.M. On Wednesday they are open until 8:00 P.M.

Mr. Schepiga noted that there are homes across the street from the stores and felt that the lights should be turned off at a fair and equitable time.

Ms. Wright pointed out that the stores are located in a 'summer area' where people are out at night. She did not want her store to look closed. Currently, her lights go off at 1:00 A.M. After brief discussion on the subject of the lights, it was decided that the sign lights would be turned off at 11:00 P.M. and the window display lights could remain on.

Mr. Fitzgerald pointed out that on the north side of the building the sign soffit is over the property line by 9/10ths of a foot. A soffit is typically 18" and the sign is 18", which puts it over the property line on to somebody else's property. He felt that the Board cannot grant a variance for something that is not on the applicant's property. The applicant needs to obtain an easement from the adjacent property owner.

Mr. Policastro said that the applicant is willing to address all the items in Mr. Fitzgerald's report.

Board Planner James Higgins said that the Board needs to look at the parking lot that was built without approvals. Mr. Fitzgerald agreed noting that there needs to be striping in the parking lot and a lighting plan.

Chairman Warren Goode asked the applicant to submit a parking plan to address the concerns of Mr. Fitzgerald and Mr. Higgins. The application was carried to the meeting of May 12, 2010.

Gail Farca
Block 40, Lot 141
5 Dwight Drive
West Deal
Zone R-3

This is an application to add a second story dormer with variances for front and rear yard setbacks and lot coverage.

Planning Administrator Marianne Wilensky explained that the applicant wants to add a second story to her existing house on Dwight Drive. The lots on that street are not deep. This lot will need variances for front and rear yard setbacks. The property backs up to the golf course. There will be a cantilever, which increases the lot coverage to 29% where 28.2% exists and 25% is the requirement.

Board Engineer William Fitzgerald said that he had no engineering concerns with this application.

Attorney for the applicant, Lois D. Sutton, Esquire, placed the applicant's plan, revised through November 5, 2009, into **evidence A-1** and a letter from the applicant's architect dated March 23, 2010, into **evidence A-2**. The letter discussed the differences between the original plan and the revised plan.

Ms. Sutton presented the applicant Gail Farca, who explained that she wants to construct a second floor dormer with a two-foot overhang in the front and rear. She said she needs to meet the needs of her growing family of five children.

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: Lefferson
Absent: Delano, Lombardi, Van Wagner

The memorialization will take place on April 28, 2010.

Meeting adjourned 9:40 P.M.

Margo Simpson
Board Secretary
Recording Secretary