

CAUCUS SESSION: 7:15 P.M. Council Chambers
Deal and Monmouth Roads
Oakhurst

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

MEMBERS Mario Delano, Alt. III
PRESENT: Warren Goode, Chair
Brian Lefferson, Alt. IV
Russell Malta
Richard Van Wagner

MEMBERS Tracy Berkowitz, Alt. I
ABSENT: Jane Grabelle
Jennifer Lombardi
David Messer
Leon Pflaster, Alt. II
Henry Schepiga, Vice Chair

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
Marianne Wilensky, Planning Administrator
William Fitzgerald, Board Engineer
Allison Coffen, 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 March 31, 2010.

RESOLUTION MEMORIALIZATIONS

Ocean Senior Citizen Housing Corporation

Block 22, Lot 32
67 Skinner Drive
Oakhurst

Minor Subdivision Approval

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

Ocean Senior Citizen Housing Corporation

Block 22, Lot 32
67 Skinner Drive
Oakhurst

Bulk Variance Approval

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

Ocean Senior Citizen Housing Corporation

Block 22, Lot 32
67 Skinner Drive
Oakhurst

Conditional Use Approval

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

MINUTES FOR APPROVAL A motion was made by Warren Goode and Seconded by Richard Van Wagner to **approve the minutes from the meeting of April 28, 2010.**

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

CARRIED to June 15, 2010

Walter J. Clifford

Block 105, Lot 21
1306 Maple Avenue
Wanamassa

Pitti Bimi

Block 22, Lot 81
264 Norwood Avenue
Deal Park

Steven Mauro

Block 33.14, Lot 1
712 West Park Avenue
Oakhurst

Phillip Voorhees

Block 35, Lot 90
34 Brandywine Road
Wayside

Maraliese Beveridge

Robert Carver
Block 9, Lot 78
217 Alpern Avenue
Elberon Park

Ellen Conner

Elizabeth Bennett
Block 25.06, Lot 14
514 Garwood Street
Oakhurst

CARRIED CASES

David and Wendy Jemal

Block 44, Lots 7, 8.02
404 Maple Avenue
Deal Park
Zone R-2

Attorney for the applicant: Rick Brodsky, Esquire

This is an application to construct a new home with variances for lot width on Sherman Avenue; lot depth, front yard setback for house, poolhouse, and hedge row in front yard on Maple Avenue; front yard setback for a pool and pool patio; lot coverage; lot width; driveway side yard setback; construction in a flood plain; and change in grade of more than two feet.

The Board's information packet, containing the reports of the Board's professionals and in-house departments, was marked into **evidence B-1**. Planning Administrator Marianne Wilensky read her lengthy report dated May 12, 2010, explaining the long list of variances, into the record. She also noted that the applicant has been sent a notice from Code Enforcement to clean up the property.

Board Engineer William Fitzgerald read two reports into the record. The first report was dated February 12, 2008. It was written in regard a previous application which had been withdrawn. It dealt with the necessity of the applicant to obtain permits from the New Jersey Department of Environmental Protection for the wetlands and the flood hazard area. The applicant now has gotten these permits, however, they show a fence that the DEP approved, but it does not specify details of the fence. They should ask for approval for the specific aluminum fence. All other wetlands considerations have been satisfied.

Mr. Fitzgerald did not agree that the driveway needs to be as large as the applicant is requesting.

Rick Brodsky, Esquire, representing the applicant, explained that the applicant will be razing the existing single family structure on the property and erecting a new single family house, pool, and poolhouse. The property is an existing non-conforming property. It is a corner lot with two front yards and a width of 100' where 125' is the requirement. There are a number of setback variances that are the result of the corner property and the width is challenging.

Mr. Brodsky explained that the applicant came before the Board a number of years ago prior to the DEP delineating the wetlands on the site. Since that time, the applicant has successfully completed the journey to DEP and has gotten the wetlands delineated and obtained the DEP permits.

There are certain circumstances which drive the nature of the application. The size and number of bedrooms is based on the number of children. The pool is therapeutic for a child with disabilities.

Mr. Brodsky responded to the comment from Ms. Wilensky regarding a notice from Code Enforcement. He explained that there is a shed on the property that was blown down during a winter storm. The shed will be removed and the area cleaned up.

Mr. Brodsky presented Enny Aminian, Project Manager for the engineer, Charles Surmonte. The property plan dated December 14, 2006, and revised through December 29, 2009, was marked into **evidence A-1**. The plan showed that the site is located at the corner of Maple Avenue and Sherman Avenue. There is a 2 ½ story house that will be demolished in order to construct a two-story dwelling. There is an existing driveway from Sherman Avenue that will remain untouched. The house has a 3000 square foot footprint. In the back of the property there is a flood hazard area where a pool, pool patio, and pool house will be located.

Mr. Brodsky presented David Feldman, Architect for the applicant, who had the architectural plan marked as **evidence A-2**. The plan was revised through October 5, 2009. The home was designed with seven or eight children in mind. One of the children is handicapped. There are also two full-time caregivers for the children. One is for the handicapped child and the other is for the remainder of the children.

There is a high water table on the property, so no basement is proposed and the footprint has been maximized. The house will be comprised of a large dining room for the big family, a kitchen with breakfast area, den, study, living room, foyer and laundry room on the first floor. There will be eight bedrooms upstairs for the children and the two caregivers in addition to the master bedroom. The house will have a wrap-around porch that will not conform to the setback requirement, but will improve the existing setback.

The facade of the house will be clapboard siding and architectural roof shingles. The poolhouse is within the front yard and is needed for storage off-season since there is no basement. It meets the height requirements of the ordinance. The pool patio will infill the space between the home and the pool and will be made of pavers. The cabana provides a buffer from the street to the pool.

Ms. Wilensky noted that storage is a consideration and there does not appear to be any storage area for bicycles and other outdoor items.

Mr. Feldman said that the property drops from north to south and the elevation from Maple Street drops down toward the pool. There is a deck off the back of the home that is 4.5' to 5' above grade. There will be storage under the deck.

Board Member Russell Malta noted that on the plan the deck appears to be a porch. Mr. Feldman explained that the first five feet of the deck is covered. There is about eight feet more that is not covered. Under that area it will be enclosed for additional storage with a concrete floor. It will be 20' X 15' and 4.5' high.

Mr. Brodsky presented Cheryl Bergailo, Planner for the application. An aerial view of the subject property and surrounding properties was marked as **evidence A-3** and a photo board was marked as **evidence A-4**. Ms. Bergailo said that she reviewed the site plan in relation to the variances. The proposal is similar to the property next door. In addition, across the street block 43, lot 2 has a sport court and a hedge row. It is common for houses in this area to have pools and pool houses. There is a need for privacy in the form of landscaping.

Ms. Bergailo listed the variances requested and felt that they could be granted under the c.1. criteria by reason of extraordinary situation. She felt that the lot is affected by three conditions: 1. It is a corner lot with two 50' front yard setback requirements; 2. The lot is deficient in width; and 3. There are freshwater wetlands in the rear yard. More land cannot be purchased to make the lot wider.

The pool will be set back behind the building line of the house. In reviewing the site plan, she determined that no matter how the structures are located on the property variances will be necessary. The aesthetic impact of the location of the poolhouse is that the lawn chairs will not be seen from the street. There will be privacy. The pool must be east/west because the area is too short to make it north/south. The proposed pool will meet the needs of the family and the handicapped child. A similar situation was approved on the lot next door to the property.

The applicant is proposing to extend an existing hedge row from the neighbor's property to add geometry to the look.

Ms. Bergailo continued to explain that the lot coverage is necessitated by the wetlands buffer because wetlands have to be deducted from the building area. If there were not wetlands, the building coverage would be compliant. Therefore, it will not appear to be over-built. The setback on Maple Avenue will be improved.

The impact of locating the house structure on Maple Avenue will affectively screen the property and will mitigate the Mass of the poolhouse and provide privacy. The driveway is existing and would be a financial hardship to remove it. It provides a place for the children to play.

Chairman Warren Goode explained to the applicant that lot coverage is extremely important to the Board. The applicant is asking for 27% where 22% is required, which is a major increase.

Board Member Russell Malta noted that the applicant will be removing all the structures on the property to build a 6,000 square foot house. Taking out the driveway would not be a hardship and could be accomplished at the same time that everything else is removed.

Planning Administrator Marianne Wilensky noted that the hedge that is by the driveway is illegal and will have to be removed. The hedge runs along Maple Avenue to the north side of the wetlands. She noted that there would be a gap in the hedges between there and the neighbor's hedge.

Ms. Bergailo said that in terms of continuity of the hedge, they are allowed to plant native trees in the wetlands to connect the two hedges to make it continuous. She also noted that a passerby would not be able to tell that they were over in lot coverage.

Chairman Goode carried this application to the meeting of June 15, 2010.

NEW CASES

Yeshiva of Ocean

Block 34.03, Lots 5.01, 5.02
1001 Deal Road
Wayside
Zone R-3/PRD

This is an application for a use variance to convert an office building to use as a Yeshiva and for minor site plan approval with variances.

Attorney for the Applicant: Jennifer Krimko, Esquire

Jennifer S. Krimko, Esquire, representing the applicants noted that since there were only four Board Members present she did not want to proceed with a use variance hearing.

Chairman Warren Goode carried this application to the meeting of June 15, 2010.

Cindi and Kirk White

Block 25.28, Lot 3
240 Woodcrest Road
Oakhurst
Zone R-4

This is an application to construct a detached garage with a rear yard setback and a driveway extension with a variance side yard setback.

Attorney for the applicant: Joseph G. Hughes, 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. Planning Administrator Marianne Wilensky read her report, dated May 12, 2010, into the record and explained that there is a part of the driveway that is a problem and needs to be removed. The cars that park there are in the right of way and off the applicant's property.

Joseph Hughes, Esquire, representing the applicants, agreed that the driveway will be narrowed to 20'. The applicant is proposing to construct a detached garage that will match the character of the house and be consistent with the neighborhood where there are currently six homes with detached garages. The location of the garage was chosen because there are four 100-year-old trees on the other side of the property and the applicant does not want to remove the trees.

Mr. Hughes presented the mother of Mrs. White, Roxann Bodine, who explained that since her daughter is out of town on business, she volunteered represent the application. It has been the intention to correct the driveway problem with this approval. The garage will match the existing house with siding and roof color. The location of the garage was chosen for two reasons. The driveway is currently on that side of the house and in the yard on the other side of the house there are large trees that they do not want to remove. The driveway will be stone. It is the character of the neighborhood to have detached garages.

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

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

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

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

To be memorialized on June 15, 2010.

Meeting adjourned 9:15 P.M.

Margo Simpson
Board Secretary
Recording Secretary