

CAUCUS SESSION: 7:15 P.M. Second Floor Conference Room
Deal and Monmouth Roads, Oakhurst

REGULAR MEETING: 7:30 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
Margo Simpson, Board Secretary
Recording Secretary

OTHERS ABSENT: James Higgins, Board Planner

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 June 18, 2010.

REORGANIZATION

Henry Schepiga nominated **Warren Goode as Chairman** from July 1, 2010, through June 30, 2011. Nomination was seconded by Jane Grabelle. There were no other nominations.

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

Warren Goode nominated **Henry Schepiga as Vice Chairman** from July 1, 2010, through June 30, 2011. Nomination was seconded by Jane Grabelle. There were no other nominations.

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

Warren Goode moved to recommend adoption of the following **meeting dates** for the period **running from July 1, 2010, through June 30, 2011:**

July 8, 2010	November 9, 2010	March 10, 2011
August 26, 2010	December 9, 2010	April 14, 2011
September 23, 2010	January 13, 2011	May 12, 2011
October 14, 2010	February 10, 2011	June 9, 2011

Motion was seconded by Henry Schepiga.

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

A motion to appoint **Mark A. Steinberg, Esquire, as Board of Adjustment Attorney** for the period running July 1, 2010, through June 30, 2011, was made by Jane Grabelle and seconded by Henry Schepiga.

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

A motion to appoint **James Higgins as Board of Adjustment Planner** for the period running July 1, 2010, through June 30, 2011, was made by Jane Grabelle and seconded by Henry Schepiga.

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

A motion to appoint **William Fitzgerald as Board of Adjustment Engineer** for the period running July 1, 2010, through June 30, 2011, was made by Warren Goode and seconded by Henry Schepiga.

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

A motion to appoint **Margo Simpson as Board of Adjustment Secretary** for the period running July 1, 2010, through June 30, 2011, was made by Warren Goode seconded by Jane Grabelle.

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

Chairman Warren Goode swore in Board's Professionals Marianne Wilensky and William Fitzgerald for the upcoming year.

APPROVAL OF MINUTES: A motion to approve the **minutes from the meeting of June 23, 2010**, was made by Warren Goode and seconded by Henry Schepiga.

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

CARRIED to August 26, 2010

Yeshiva of Ocean

Block 34.03, Lots 5.01, 5.02
1001 Deal Road
Wayside

Beth Medrash of Asbury Park

Block 216, Lot 19
1515 Logan Road
Wanamassa

CARRIED CASES

Phillip Voorhees

Block 35, Lot 90
34 Brandywine Road
Wayside
Zone R-2

This is an application to keep a driveway and driveway columns with variances for driveway width and column height in a front yard.

Board Member Leon Pflaster disqualified himself from this application.

The Board's information packet, which contained the reports of the Board's professionals and in-house departments, was marked as **Evidence B-1**. Planning Administrator Marianne Wilensky read her report into the record. She explained that the applicant's driveway was not built as it was originally approved. In addition, the applicant has added two 4' 10" pillars at the end of the driveway. The driveway is stone and was supposed to have a walkway along side it. The walkway was not installed and instead the entire area was stoned.

Board Engineer William Fitzgerald read his report into the record. He said that he is not a proponent of large driveways.

Phillip Voorhees explained that he did not complete the driveway as per the original plan because he ran out of money. Instead of putting in the walkway, he stoned the entire area. He felt that whether it is part of the driveway or the walkway, the function still remains the same.

Vice Chair Henry Schepiga said that he visited the site and that the driveway looks very good. However, if it is approved and someone in the future wants to pave it, they should be made to return to the Board for approval.

Ms. Wilensky pointed out that the stone could easily be removed to make the driveway conforming. The Board needs to establish reasons why they would be granting the variance. The affect of a walkway next to a driveway and a full driveway are the same but there are different zoning requirements for driveways and walkways.

Mr. Fitzgerald said that an approval could be conditioned on someone coming back to the Board in the future if they wanted to pave it, but that is something that is difficult to enforce. The original plan shows a bituminous driveway. There is less stormwater runoff with a stone driveway.

Mr. Schepiga noted that there is a retaining wall and asked if the drainage would change if the driveway were to be paved. Mr. Fitzgerald explained that there are dry wells and other drainage items on the property that were not formalized in the original approval, but they seem to work well. Water from the roadway cannot get on to this property. Drainage conditions would not change if the driveway were paved.

Board Member David Messer asked about the location of the pillars. Mr. Fitzgerald felt that the pillars are no problem.

Mr. Voorhees explained that narrowing the driveway would cause a problem maneuvering a car, leaving no margin for error. The curb area is angled from the rest of the driveway. He asked the Board member if they would like to visit his property to see what the situation is. Mr. Voorhees said at one point he had six drivers with six cars and the driveway was very difficult. It will not work if it is narrower.

Mr. Fitzgerald noted that the applicant has a problem backing out of his side-entry garage. Normally the back-up area is 34' and he has 32', making it difficult to maneuver.

Mr. Voorhees said that he deviated from a straight driveway to save a tree. If someone were to pull straight into the driveway, they would hit the house. It curves to the garage area.

Board Member Brian Lefferson asked if the applicant can swing around to get into his garage or if he needs to maneuver. Mr. Voorhees said that he can access the third garage with his small car, but if he wants to get into the first garage he has to maneuver.

Ms. Wilensky noted that the original plan did not work for the driveway, so it was changed. If the Board approves this application, they need to give reasons why. It must be put in the resolution that the driveway must remain stone and if someone wants to pave it in the future they must come back to the Board.

Board Attorney Mark Steinberg, Esquire, said that he did not recommend a deed restriction on residential properties because it sometimes makes a difference with the mortgage. The only problem with making it a condition of approval that the future paving of the driveway must come to the Board is that some people do not know that they need to get permits to pave their driveways and do it without approvals.

Chairman Warren Goode noted that there have been many times when the Board approved things that are not policeable. The application is a situation where the driveway could get paved at some point in time.

Chairman Goode questioned whether a stone driveway has negative impact on the stormwater system or the environment.

Mr. Fitzgerald said that there is less runoff with a gravel driveway. The applicant's driveway slopes to the back and does not drain to the street.

Mr. Goode noted that the original approved plan shows a paved driveway. Mr. Voorhees said that it was never his intention to pave the driveway. He said the plan was to have a stone driveway with a walkway wrapping around the house from the garage to the front door. Now he does not have the money to do that. He said that he had no objection to a deed restriction. The stone driveway works and matches the type of house. Eventually, he would like to put in the paver walkway.

Mr. Fitzgerald said that the original plan was never engineered and he could not represent that it works correctly. He felt that a deed restriction is the only way a future owner will know that the driveway cannot be paved.

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

A motion of approval was made by Henry Schepiga and seconded by Russell Malta with the condition that the applicant will file a deed restriction that the driveway must remain stone.

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

The resolution will be memorialized on August 26, 2010.

Steven Mauro
Block 33.14, Lot 1
712 West Park Avenue
Oakhurst
Zone T-1

This is an application to construct an addition with a basement with a variance for a rear yard setback.

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 had no engineering concerns with this application.

Planning Administrator Marianne Wilensky said that the applicant had a previous approval for a sunroom. Now they want to make the room the same size, but make it a four-season room with a basement below.

Steven Mauro said that the only change he wants to make to the previous approval is to add a basement that will be used as a playroom for his daughter. The

exterior will look similar to the house and the room will have a cathedral ceiling and six windows. It will be used as a dining room.

Board Attorney Mark Steinberg pointed out that the property is angled and the addition is more like a side-yard setback than a rear yard setback. Ms. Wilensky noted that the property has street frontage on three sides and is not parallel to any of the streets, which gives it an unusual angle.

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

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

Mr. Steinberg had brought a positive resolution to the meeting. He read it into the record. A motion of approval was made by Henry Schepiga and seconded by Jane Grabelle.

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

The memorialization took place in the same vote.

Ellen Conner / Elizabeth Bennett

Block 25.06, Lot 14
514 Garwood Street
Oakhurst
Zone R-4

This is an application to construct a second floor addition and a one story addition with variances for front 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** and the reports were read into the record.

Elizabeth Bennett explained that they have a partial second story and want to make a full second story on their house so that they have four bedrooms. They also want to add a family room on to the back of the house.

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

Mr. Steinberg had brought a positive resolution to the meeting. He read it into the record. A motion of approval was made by Henry Schepiga and seconded by Jane Grabelle.

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

The memorialization took place in the same vote.

Maraliese Beveridge

Robert Carver

Block 9, Lot 78
217 Alpern Avenue
Elberon Park
Zone R-4

This is an application to keep a driveway with a variance for driveway width on Helen Court on both the west and north sides of the property and fence height in a front yard.

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 told the Board that the applicant's driveway was built without approvals on this lot with three front yards. She said that the Board Engineer met with the applicants to discuss how they could improve their plan by narrowing and defining the driveway. She said she had no problem with the plan as revised after their meeting. However, she felt that there should be a time limit on the removal of the driveway.

Board Engineer William Fitzgerald explained that Helen Court has a 20' right of way. It is more like a service driveway than a road. Parking on the street is difficult. The proposed plan is an improvement over what is on the site now and addresses the sight triangle.

Maraliese Beveridge explained that they lost parking when they put the addition on their home. There is a driveway in the front of the house on Alpern Avenue that will be removed as per a condition of the original approval.

Ms. Wilensky pointed out that the road is under a paving moratorium and if the applicant needs to obtain a Street Opening Permit they would have to pay a penalty. She advised them to contact the Director of Public Works.

Ms. Beveridge said that the driveway will be directly across the street from another wide driveway. She showed the Board a photograph of it which was not marked into evidence. She said that they need a big driveway because they need to be able to park off-street. They have the people lined up to do the work as soon as they get the approval.

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

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

A motion of approval was made by Henry Schepiga and seconded by Russell Malta with the condition that the work must be completed by October 31, 2010.

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

The memorialization will take place on August 26, 2010.

CONTINUED CASE

David and Wendy Jemal
Block 44, Lots 7, 8.02
404 Maple Avenue
Deal Park
Zone R-2

This is an application to construct a new home with variances for lot width, lot depth, front yard setback for the house, pool, poolhouse, and pool patio, lot coverage, hedge height in a front yard, construction in a flood plain, and a change in grade of more than two feet.

Planning Administrator Marianne Wilensky announced that at the previous hearing the recording system failed and there is no recorded record of that hearing. The applicant has agreed to start over with her presentation from that evening.

Attorney for the applicant, Jennifer S. Krimko, Esquire, explained that this application was heard in May and June. Since that time, there have been revisions to the plan which show a conforming driveway and changes to the fencing.

The original calculations had a mistake in the buildable lot area dealing with the removal of the flood hazard area from the calculation. State regulations are more stringent than the municipal regulations. The applicant has obtained State approvals.

There is no visible indicator of the location of the flood plain or wetlands on the subject property. It is a technical variance because the ordinance requires that it is subtracted out.

Ms. Krimko said that per the State requirements, the hedge row can be extended to the south to the neighbor's hedge. There are environmental concerns as to why the pool house has to be placed in the proposed location.

Ms. Krimko presented Charles Surmonte, Engineer for the applicant, who explained that the southern 1/3 of the property is relatively flat. When the Flood Hazard Permit was obtained, the flood plain had to be expanded to meet the no-net-fill requirement. The topography rises as the property goes north.

Ms. Krimko presented Joseph Mele, Architect, Engineer, and Land Surveyor, who represented himself as a professional in erosion and sediment control. Mr. Mele said that he is the one who obtained the Flood Hazard Permit from the State. The proposed pool, according to the Department of Environmental Protection, is a 'permit by rule' in the flood plain. If the pool and the pool house were to be reversed, it would create a different situation in the flood plain and not be permitted. The 100-year flood elevation is 27.2. The current elevation grade for the shed is 34 and 29 for the pool house. The permit applies to the current 100-year flood plain line, not a proposed flood plain line.

Board Engineer William Fitzgerald noted that the structures could be put on piers with no net fill. He said that he had no objection to the variance, but felt the information needs to be clear on the record.

Mr. Mele said that if they put the pool house and shed on piers they would have to go back to the State for another permit.

Ms. Krimko presented Cheryl Bergailo, Planner for the application. Ms. Bergailo said that she spoke with the Township Planner for clarification on the ordinance. She said it is her understanding that the intent of the ordinance is to exclude a percentage when calculating lot coverage and flood plain is involved. The lot, despite the prevalence of wetlands and flood plain, looks like a typical lot where you cannot see any wetlands or flood plain. The intent of the ordinance is preserved in so far as the size of the structure matches what the zone plan intends. If they were to strictly comply, the structures on the property would have to be highly undersized.

Board Member Brian Lefferson noted that there is a stream that runs behind the subject property and he asked if the construction will impede anything in the stream.

Ms. Krimko said that the applicant has gotten the permits from the DEP and they regulate the stream.

Mr. Fitzgerald asked about the height of the poolhouse. Ms. Krimko called David Feldman, Architect for the application. Mr. Feldman said that the height will not exceed 15' on the east side and 14' on the street side. The roof pitch listed on the plan as 12 over 12 is incorrect. It will be 6 on 12.

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

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

A motion of approval was made by Warren Goode and seconded by Jane Grabelle with the following conditions:

1. The architectural plans will be revised to correct the roof information;
2. The hedgerow along Maple Avenue will be maintained at a height of 8';
3. The bushes along Sherman Avenue will be removed or relocated to a conforming location

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

The memorialization will take place on August 26, 2010.

Pitti Bimi This is an application to keep façade signs with a variance
Block 22, Lot 81 for number of signs over maximum.
264 Norwood Avenue
Deal Park Attorney for the applicant: Marc D. Policastro, Esquire
Zone C-1

Board Attorney Mark Steinberg, Esquire, explained that the application for Pitti Bimi is for signs. After they were heard before the Board, it was realized that they had finished the back of the property and the signs exceed the property parameters. Those items need site plan approval. The Board of Adjustment does not have jurisdiction and the applicant must go to the Planning Board. He instructed the Board to dismiss the application without prejudice.

A motion to dismiss the application of Pitti Bimi without prejudice was made by Henry Schepiga and seconded by Jane Grabelle.

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

Meeting adjourned 10:10 P.M.

Margo Simpson
Board Secretary
Recording Secretary