

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

MEMBERS ABSENT: Mario Delano, Alt. III  
Russell Malta  
David Messer  
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 9, 2010.

**MINUTES FOR APPROVAL** A motion was made by Warren Goode and seconded by Jane Grabelle to approve the **minutes from the meeting of October 14, 2010.**

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

**CARRIED TO December 9, 2010**

<b><u>Beth Medrash of Asbury Park</u></b> Block 216, Lot 19 1515 Logan Road Wanamassa	<b><u>259 Overbrook Group</u></b> <b><u>CDS Inc.</u></b> Block 22, Lot 43 259 Overbrook Ave. Oakhurst	<b><u>Christian &amp; Christina Kaunzinger</u></b> Block 140.12, Lot 4 2 Park Place Colonial Terrace
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**CONTINUED CASES**

<b><u>Christian and Megan Anderson</u></b> Block 109, Lot 17 2306 Sunset Avenue Wanamassa Zone R-6	This is an application for a patio and 6' fence on a corner lot with a variance for front yard setback for a patio and a fence.
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The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-2** and the reports were read into the record.

Board Engineer William Fitzgerald said that he looked at the applicant's driveway to see if it was in good enough condition for an overlay. He does not think it would be a good idea, however, the driveway is still good enough to drive a car on.

In addition, Mr. Fitzgerald recommended that the fence be placed at a setback of 15' from the curblin or 5' from the property line, whichever is greater. There should be an 8' X 8' chamfer along the driveway and screening along the fence.

The applicant is requesting a 6' fence, which Mr. Fitzgerald did not oppose, but he felt a 5' fence would look better.

The applicant, Christian Anderson, said that after the last hearing he looked at his driveway and feels that it is in usable condition. He can fill in some holes go make it level. He agreed to a 5' setback for the fence, but wants a 6' fence for privacy. He showed the Board photographs on a board that were of other 6' fences in the neighborhood.

Mr. Anderson said that he wants the fence to go across the driveway with gates so that he can use as much of the back yard as possible.

Mr. Fitzgerald disagreed, stating that the driveway should not be inside the fence and the fence should be chamfered at the side of the driveway.

Chairman Warren Goode told Mr. Anderson that he needs the driveway for off-street parking. He did not think it would be a good idea to put a fence across it.

Mr. Anderson agreed to place the fence outside the driveway, chamfer the corner, and put a variety of plantings on the outside per the recommendation of Mr. Fitzgerald.

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

In Favor: Berkowitz, Grabelle, Lefferson, Pflaster, Schepiga, Goode  
Opposed: None

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

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

Memorialization will take place on December 9, 2010.

### **CARRIED CASE**

**Ralph Sarno / Kathy Klemm**  
Block 3.02, Lot 9  
24 Branch Road  
Oakhurst  
Zone R-4

This is an application to keep a front entry with a variance for front 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.

Planning Administrator Marianne Wilensky explained that the applicant has a front deck that needs a front yard setback. She said that the deck was very nice, but needed plantings to screen it.

Board Engineer William Fitzgerald recommended planting Wintergreen Boxwoods at 12" to 15" at 18" on-center. Kathy Klemm explained that there are Swamp Maples in her yard that keep everything else from growing. Mr. Fitzgerald recommended Evergreen Barberry because they grow anyplace. He said that the Boxwood might also grow there.

Ms. Glynn said that they built the deck about thirteen years ago because the back yard is very sunny and there are shade trees in the front. She has elderly relatives who visit and they like to sit outside in the shade.

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

In Favor: Berkowitz, Grabelle, Lefferson, Pflaster, Schepiga, Goode  
Opposed: None

A motion of approval was made by Henry Schepiga and seconded by Jane Grabelle with the conditions that plantings will be placed around the deck no later than May 15, 2011.

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

Memorialization will take place on December 9, 2010.

<b><u>Congregation Sons of Israel</u></b> Block 34.03, Lots 2, 2.01 Poplar Road and Poplar Place Wayside Zone R-3/PRD	This is an application for Minor Site Plan approval with variances for an amendment to the conditional use approval.  Attorney for the applicant: Jennifer S. Krimko, Esq.
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Board Member Leon Pflaster disqualified himself from 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.

Board Planner James Higgins explained that the applicant is seeking approval to add two 'area ways' in front of the Synagogue. They are below grade and extend in the front yard. In the original approval, they received a front yard setback variance of 48' which will now be 41'. They will need a 'd' variance for the encroachment into the front yard. Mr. Higgins said that he had no problem with the plan.

Board Engineer William Fitzgerald said that he had a technical meeting with the applicant and all his concerns have been addressed. The 'area ways' probably need a variance for change in grade of more than two feet.

Jennifer S. Krimko, Esquire, representing the applicant, had a plan, revised through April 14, 2010, into **evidence A-1**. She presented David Boesch, Project Engineer for the applicant, who explained that there are two 'area ways' proposed on the south side of the building to introduce light into the structure through light wells. They will reduce the setback from 48' to 41'. The wells will be flush with the ground and there will be foundation plantings in front of them.

Mr. Fitzgerald explained to the board that 'area ways' are actually large window wells to allow light into the lower part of the building. There will be grates over them.

Mr. Boesch explained that there was a driveway to Hillel School on Poplar Place that existed years ago. They closed it off and only use the driveway on Deal Road. This applicant wants to reopen the driveway.

Vice Chair Henry Schepiga voiced a concern about safety if the driveway is reopened. Mr. Boesch said that the entire property is fenced.

A motion to close the public hearing was made by Warren Goode and seconded by Henry Schepiga.

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

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

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

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

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

A motion to approve the conditional use was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion to approve the bulk variances was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion to approve the minor site plan was made by Henry Schepiga and seconded by Jane Grabelle.

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

Memorialization will take place on December 9, 2010.

**Marc C. Maghrabi**  
**Albert C. Maghrabi**  
**Isaac C. Maghrabi**  
Block 14.01, Lot 9  
241 Roosevelt Avenue  
Oakhurst  
Zone R-4

This is an application to construct an in-ground pool on a corner lot with variances for front yard setback for a pool, walkway, and fence.

Attorney for the applicant: David Esses, 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 explained that the applicant's property is quite small. They want to add a small in-ground pool and fence, and remove a shed. She recommended that the fence on the north side of the property should be placed so as to not remove any trees. The removal of trees has become a sensitive area in the Town. They should be preserved when possible. Ms. Wilensky noted that currently there is a property maintenance issue with this property.

Board Engineer William Fitzgerald noted that there will be driveway work done in the right of way. The applicant must be considerate of the Township standards for work in the right of way.

Ms. Wilensky noted that the applicant will require a driveway permit. There is enough room to put in a conforming driveway that will not need a variance.

David Esses, Esquire, representing the applicants, noted that Mr. Fitzgerald's report suggested a fence with some architectural character. The applicant agreed to a vinyl fence. Mr. Fitzgerald noted that it must be pool code compliant. Ms. Wilensky said that a new, 20' wide driveway apron needs to be put in.

Mr. Esses explained that the applicant is seeking to put in a pool, patio, and fence that need front yard setback variances. A variance for a setback of 27' is proposed for the pool where 30' is required. The setback for the fence is proposed at 20' where 30' is required.

Mr. Esses presented Marc Maghrabi, who explained that he wants the pool to give his children something to do in the summer. It will be a small pool. The existing shed will be removed and there will be landscaping on the street-side of the fence. He said that he has contacted the winter tenants about maintaining the property.

Board Member Brian Lefferson suggested that the applicant enter into an agreement for yard maintenance with the tenants.

Vice Chair Henry Schepiga asked how the pool will be closed for the winter. He felt that there should be a safety cover on the pool because the house is a winter rental.

Mr. Esses said that the pool cover is listed in the contract with the pool company. It will be a loop-lock safety cover.

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

In Favor: Berkowitz, Grabelle, Lefferson, Pflaster, Schepiga, Goode  
Opposed: None

A motion of approval was made by Henry Schepiga and seconded by Jane Grabelle with the condition that the pool will have a safety cover.

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

Memorialization will take place on December 9, 2010.

**Salvatore and Josette DiBona**

Block 69, Lot 9

622 Corlies Avenue  
West Allenhurst  
Zone R-5

This is an application to install a new driveway and keep a deck with a trellis on a corner lot with variances for front and rear yard setbacks and for curb cut on street of higher classification

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 is seeking to add a driveway to their property on the Monmouth Road side, which is a road of

higher classification. It is required that a driveway must be on the lesser street. Ms. Wilensky suggested that the applicant make a circular driveway on Corlies Avenue.

Board Engineer William Fitzgerald said that he could not support a driveway on Monmouth Road.

Applicant Josette DiBona explained that they live on the corner of Corlies Avenue and Monmouth Road and their driveway is on Corlies Avenue. She said that there is less traffic on Monmouth Road and she wants to put a driveway there. When she backs out on to Corlies Avenue it is dangerous because people 'run the light' to get to the train station and go fast in front of her house. Corlies Avenue is a very heavily traveled road.

Mr. Fitzgerald felt that a circular driveway would be the best alternative so that they can pull out forward.

Salvatore DiBona felt that if there are two cars in the circular driveway, someone will still have to back out on Corlies Avenue. Someone recently ran into the fire hydrant. The cars turn off the 40 miles per hour road on to Corlies Avenue and are going fast. Monmouth Road has very little traffic coming north from Interlaken. He would like to see the intersection changed to a four-way-stop because people speed up to get through the light.

Ms. Wilensky noted that the proposed driveway on Monmouth Road is only 12' wide, which only accommodates one car. Therefore, one car would still be parked in the driveway on Corlies Avenue. There is a utility pole on Monmouth Road which limits the location of a driveway. Perhaps there could be a K-turn in the front of the house.

Mr. Fitzgerald noted that the applicant needs County approval to put a driveway on Monmouth Road. Mr. DiBona said that he contacted the County. They told him that he had to obtain Board approval first and then they would consider his request.

Mr. DiBona noted that there is a garage on Corlies Avenue which is too small for a car and is only used for storage. The speed limit on Corlies Avenue is 35 miles per hour and he felt that it should be lowered.

Chairman Warren Goode felt that the driveway should remain on Corlies Avenue with a turn-around driveway or a circular driveway.

From the audience: Gerald Imbrenda, 617 Beechwood Avenue, lives behind the applicant. He pointed out that there are many speeders coming north on Monmouth Road who speed up to try to make it through the traffic light from the 25 miles per hour zone in Interlaken to the 40 miles per hour zone after they cross the bridge. Monmouth Road is not a good place to be backing out of a driveway. There are no sidewalks on Monmouth Road. His children would have to walk into the street if there is a car in the driveway.

Chairman Goode carried this application to the meeting of December 9, 2010, and instructed the applicant to redesign the driveway in the front of the house.

**Sion Palacci**

Block 55, Lot 2  
140 Roseld Avenue  
Deal Park  
Zone R-2

This is an application to keep a hedge row in a front yard with a variance for a hedge over maximum height in a front yard.

Planning Administrator Marianne Wilensky explained that this application was filed on July 17, 2009, and originally scheduled for hearing on September 17, 2010, but was not heard due to notice issues. The applicant only submitted his notice papers at 4:25 P.M. on the date of this hearing. After she reviewed the notice, she called him at 5:00 P.M. and informed him that his notice was still not complete and the application

could not be heard this evening. He agreed in that conversation to meet her at the meeting at 7:30 P.M. to sign a time waiver. He did not appear.

A motion to deny this application was made by Warren Goode and seconded by Henry Schepiga.

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

Memorialization will take place on December 9, 2010.

### **NEW CASES**

#### **Camp Allsport**

Block 141, Lot 24  
1700 Brielle Avenue  
Wanamassa  
Zone I-1

This is an application for an expansion of a 'd' variance and for minor site plan approval with 'c' variances

Attorney for the applicant: Jennifer S. Krimko, Esquire

Board Member Brian Lefferson disqualified himself from this application.

Board Attorney Mark Steinberg, Esquire, explained to the applicant that there are only five Board Members to vote on the 'c' variance and asked if they wished to proceed. They did.

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 Planner James Higgins explained that the applicant had previously received approval for one year which included a condition that they would have to remove the pool in the winter and reinstall it in the summer. They want to change that condition and are seeking a five-year approval. They want to put two trailers on the property in the pool area and to allow the trailer and facilities to remain on the site year-round. The original use was approved by variance and requires a 'd' variance.

Jennifer S. Krimko, Esquire, representing the applicant, explained that they are not seeking to expand the non-conforming use; they are only asking to allow items to remain.

Mr. Higgins said that the applicant has proposed additional landscaping. The ordinance requires a trash area, which they say they do not need. Therefore, a variance is necessary. Another variance is necessary for minimum gross floor area and they need minor site plan approval. A condition of approval should be that if the applicant abandons the site, it must be brought back to a natural state.

Board Engineer William Fitzgerald explained that he met with the applicant and it was decided that for safety the best location for the trailers would be on the east side of the site.

Ms. Krimko said that this is the only use on the site. The applicant has installed utilities on this remote site and they would like to be able to keep everything on the property in the winter. The applicant is negotiating an extended lease with the owner of the property. Ms. Krimko had the colored site plan, dated October 26, 2010, marked as **evidence A-1**. She presented David Boesch, Project Manager for the applicant.

Mr. Boesch explained that the primary difference from the previous approval is the addition of two changing trailers for male and female. Increased buffering is proposed. There will be two 'sight corridors' on the property to allow police to be able

to see into the site. Temporary rest rooms can be added to the plan. A fence will be added per the recommendation of the Board Engineer.

Vice Chair Henry Schepiga expressed the importance of safety and wanted to make sure that the pools will be covered and locked when not in use for the camp. Ms. Krimko said that the pools are currently locked when not in use during the summer.

Ms. Krimko presented Andrew Janiu, Planner for the applicant. Mr. Janiu explained that the site is located in the C-4 Regional Shopping Center Zone. The zone permits recreational and child care uses. The Master Plan recognizes the need for recreational facilities in the Township and the proposed use is appropriate for this location. The use will not change from the original approval and will be adjacent to the main facility. The site is particularly suited for the use and the location is in the area where there is a park across the street. The two trailers are a compliment to the use so that the children can change their clothes as a convenience factor. Two 'c' variances are requested for the trailers and the trash area.

Ms. Krimko noted that the professional's reports speak of debris stored on the property that must be removed. She said that the owner of the property requested to meet with the construction department to see what debris needs to be removed.

Ms. Wilensky said that the debris was supposed to be removed before permits were issued as part of the original approval. The condition that the debris is removed needs to be tied into the issuance of the construction permits.

A motion to close the public hearing was made by Warren Goode and seconded by Henry Schepiga.

In Favor: Berkowitz, Grabelle, Pflaster, Schepiga, Goode  
Opposed: None

A motion of approval of a 'd' variance for use for five-years was made by Warren Goode and seconded by Henry Schepiga.

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

A motion of approval of a bulk variances was made by Warren Goode and seconded by Henry Schepiga.

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

A motion of approval for minor site plan was made by Warren Goode and seconded by Henry Schepiga.

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

Memorialization will take place on December 9, 2010.

Meeting adjourned 9:20 P.M.

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Margo Simpson  
Board Secretary  
Recording Secretary