

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

DISCUSSION: **Wayside Methodist Church**  
Block 1, Lot 30  
1229 West Park Avenue

Planning Administrator Marianne Wilensky explained that the Wayside Methodist Church has been under violation for many years with a new sign. It is too large and needs approvals. They have no money and no one in the parish will take care of it.

T-Mobile has filed an application to erect a tower on the property. It would be simple for them to add the sign to their application, but they are not willing to do that because they only do cell phone work. They have put their application on hold until the Church gets their approval for a sign variance. Board Planner James Higgins said that the sign is no larger than 4' X 6' and is very low.

Board Attorney Mark Steinberg noted that if the Church makes an application for the sign with a site plan, it would go to the Planning Board. If they make the application in conjunction with the T-Mobile application, it would go to the Board of Adjustment. He volunteered to call the T-Mobile attorney and talk to him about adding it to their application.

DISCUSSION: **Special Meeting**

Planning Administrator Marianne Wilensky explained that the application of **Yeshiva of Ocean** had agreed to hold a Special Meeting on January 13, 2011. To date, they have not paid for that meeting. She has sent them a letter requesting payment by December 15, 2010. If they do not take the meeting, **Ray Catena** would like to have a Special Meeting.

In addition, due to the number of objectors for Yeshiva of Ocean, it is possible that the meeting might have to be moved to a larger room. It is very difficult to find a place that is adequate for a public hearing with appropriate microphones and a taping system. Ms. Wilensky said that she has looked into several places, but none are adequate.

REGULAR MEETING: 7:45 P.M. Public Meeting Room  
Deal and Monmouth Roads  
Oakhurst

MEMBERS PRESENT:	Mario Delano, Alt. III, left 8:55 PM Jane Grabelle Warren Goode, Chair Brian Lefferson, Alt. IV Russell Malta David Messer Leon Pflaster, Alt. II Henry Schepiga, Vice Chair Richard Van Wagner	MEMBERS ABSENT:	Tracy Berkowitz, Alt. I
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OTHERS PRESENT	Mark A. Steinberg, Marianne Wilensky, William Fitzgerald, James Higgins, Margo Simpson,	Zoning Board Attorney Planning Administrator, left 7:45 PM Board Engineer Board Planner Board Secretary Recording Secretary
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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 November 9, 2010.**

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

**RESOLUTION MEMORIALIZATIONS**

**Camp Allsport**  
Block 141, Lot 24  
1700 Brielle Avenue  
Wanamassa  
**Minor Site Plan Approval**

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

**Camp Allsport**  
Block 141, Lot 24  
1700 Brielle Avenue  
Wanamassa  
**Use Variance Approval**

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

**Camp Allsport**  
Block 141, Lot 24  
1700 Brielle Avenue  
Wanamassa  
**Bulk Variance Approval**

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

**Congregation Sons of Israel**  
Block 34.03, Lots 2, 2.01  
Poplar Road and Poplar Pl.  
Wayside  
**Minor Site Plan Approval**

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

**Congregation Sons of Israel**  
Block 34.03, Lots 2, 2.01  
Poplar Road and Poplar Pl.  
Wayside  
**Conditional Use approval**

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

**Congregation Sons of Israel**  
Block 34.03, Lots 2, 2.01  
Poplar Road and Poplar Pl.  
Wayside  
**Bulk Variance approval**

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

**Christian and Megan Anderson**  
Block 109, Lot 17  
2306 Sunset Avenue  
Wanamassa  
**Bulk Variance Approval**

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

**Ralph Sarno / Kathy Klemm**  
Block 3.02, Lot 9  
24 Branch Road  
Oakhurst  
**Bulk Variance Approval**

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

**Sion Palacci**  
Block 55, Lot 2  
140 Roseld Avenue  
Deal Park  
**Dismissal without prejudice**

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

**Marc C. Moghrabi**  
**Albert C. Moghrabi**  
**Isaac C. Moghrabi**  
Block 14.01, Lot 9  
241 Roosevelt Avenue  
Oakhurst  
**Bulk Variance Approval**

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

**CARRIED to**

**February 10, 2011**

**Beth Medrash of Asbury Park**

Block 216, Lot 19  
1515 Logan Road  
Wanamassa

**Salvatore and Josette DiBona**

Block 69, Lot 9  
622 Corlies Avenue  
West Allenhurst

**CARRIED CASES**

**Christian and Christina Kaunzinger**

Block 140.12, Lot 4  
2 Park Place  
Colonial Terrace  
Zone R-4

This is an application to erect a 5' fence on a corner lot with a variance for a front yard setback on both Lakeview and Parkview Avenues.

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 noted that the applicant's lot is a very difficult lot to have privacy on. They are requesting a solid face fence, but he recommended a board-on-board fence because it is a little more ornamental. They are proposing eight evergreen plantings along the fence. He suggested that the applicant make sure they plant the appropriate plants for each side of the fence. The northern side needs winter weather tolerant plantings.

Christina Kaunzinger explained that the proposed fence is the same fence that the neighbor across the street has and it is her first choice. Mr. Fitzgerald agreed that the fence will be fine.

Ms. Kaunzinger said that her property has three front yards. There is a pool with a chain link fence around it that takes up a lot of the back yard, but leaves no play area for the children.

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

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

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

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

To be memorialized on January 13, 2010.

**Stephen Schmelz**  
Block 141, Lot 7  
810 Highway 35  
Wanamassa  
Zone C4 RSSF

This is an application for a 'd' variance and for Minor Site Plan approval; 'c' variances are also required.

Attorney for the applicant: Edward Roy Rosen, 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.

Edward Roy Rosen, Esquire, explained that the applicant obtained a previous approval in 2004. The current application is for changes to the façade, which will move the front façade closer to the street.

Board Planner James Higgins explained that the applicant is seeking to modify the front façade and add a minor addition on the south side of the building and also add a handicapped ramp. He noted that there are currently cars with excessive signage displayed in the front of the building. They should not be stored there.

Mr. Higgins noted that there needs to be a sprinkler system in the area of the shrubbery. A number of plantings have died and need replacement.

Board Engineer William Fitzgerald said that he has no engineering concerns with the application. However, in reviewing the original approval, he found that they received preliminary and final approval for most of the items, but the lighting was only granted for preliminary approval. They have never returned for final approval on the lighting plan.

Mr. Fitzgerald noted that there is a new lighting ordinance that is about to be adopted by the Township and wants to make sure that the applicant will comply with the new requirements. Revised lighting should be installed in conjunction with the new plan. He said that the new ordinance addresses lighting in dealerships that he thinks the applicant will benefit from.

Mr. Rosen explained that the application is to permit alterations to the building and add new signage. The applicant has obtained a Dodge franchise, making the changes necessary. He is requesting six signs, where one is permitted. He has agreed to address the issue of the cars being parking in the front yard.

Chairman Warren Goode explained that the Board likes to see old issues addressed before they consider new items. The new application is relatively minor, but the open issues need to be taken care of first.

Mr. Rosen said that it was his understanding that the lighting plan was part of Phase II of the previous approval, which was never completed. It can be addressed with this application. His client will need to know what the new lighting requirements are in order to meet them.

Mr. Rosen said that his client does not want to install a sprinkler system in the shrubbery area. He noted that there are eight dealerships on Highway 35 and they all have cars displayed in the front yards. His client has agreed to address the cars in the front yard. However, there is a requirement that the price must be visible on used cars.

Mr. Rosen presented Jon Buletza, Engineer for the applicant. He had the site plan marked as **evidence A-1**, the architectural plan marked as **evidence A-2**, and a colored rendering of the site marked as **evidence A-3**.

Mr. Buletza explained that Seaview Jeep is a new and used car facility. There is an existing 14, 450 square foot, one-story building. The applicant is proposing to increase the size of the building by approximately 600 square feet by constructing an addition on the south side of the building. Landscaping that has died will be replaced.

Mr. Buletza said that the irrigation system was designed to water the grass. The planting beds did not have any water irrigation. Mr. Higgins said that a sprinkler system should also water the shrubs so that they do not die during a dry season. The landscaping plan is the same as was approved last time. They are required to replace the plants that have died.

Mr. Buletza said that the lighting plan, which was next to the last page in the plans, showed what is currently on the site. During an evening site survey it was determined that there are some lights that need to be repaired. The proposed Phase II lighting was shown on the last page of the plans. One of the proposed models has been discontinued. Some of the lights have not been installed. Mr. Buletza said that he is not familiar with the proposed new lighting ordinance.

Mr. Fitzgerald said that some of the existing lights are angled and well above zero. Some are above 45 and are almost horizontal with glare. They need to be aimed downward or eliminated. The proposed ordinance gives ranges of foot candles to get better uniformity. There is a maximum of 85 foot candles and a minimum of .04 foot candles. Those lights do not have to take into consideration the area outside the pavement. The height of the poles is considered for better uniformity. The outside display areas should be well lit.

Mr. Buletza said that he can work within those parameters. Mr. Rosen agreed.

Mr. Rosen presented Donald Passman, Architect for the applicant. Mr. Passman referred sheet A1 of **evidence A-2**, showing the interior of the building. He explained that the Chrysler Corporation wants a visual arch in the front of the building because they like branding on their structures for identity. It will be a 2' deep by 20' wide aluminum arch. The addition will be rectangular with an arch and glass as the entrance to the building to give uniformity to all Chrysler buildings. It totals 53 square feet. The color will be changed from the existing green to a subtle gray. The arch will be in front of the existing building.

Across the front of the flat façade will be signs that say: 'Service'; 'Chrysler' with their logo; 'Dodge'; 'Jeep'; and 'Ram' with their logo. A sign for 'Sea View' will be in the center section and will be higher than the other signs.

The addition on the south side of the building will incorporate some of the existing building for a more uniform look. It will match the front of the building. It will add a seating area to the service area, an ADA bathroom, and two offices.

Mr. Higgins noted that the arch comes out the front of the building with a landing that has steps that are in the front yard setback and require a variance.

Mr. Rosen presented Steven Schmelz, owner and applicant of the subject property. Mr. Schmelz explained that Chrysler came to him with a concept where they wanted to replace the existing building with a new 20,000 square foot building. Mr. Schmelz said that he refused to replace his building and worked with them for six months to come up with a compromise. It had to be approved by the home office in the mid-west. They wanted more, but accepted less.

Mr. Schmelz said that they emphasize used car sales, but was unaware of the ordinance that forbids displaying them in the front. He agreed to done it down.

Mr. Higgins felt that the ordinance regarding the display of used vehicles needs to be looked at and updated because all dealerships display used cars.

Board Attorney Mark A. Steinberg, Esquire, noted that the applicant is seeking site plan approval in which some of the plantings from the previous approval must be replaced. A sprinkler system must be added to the property and the lighting plan must be updated to meet the standards of the new lighting ordinance that will soon be adopted.

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

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

A motion of approval for the use variance was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion of approval for the bulk variances was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion of approval for the site plan was made by Henry Schepiga and seconded by Jane Grabelle.

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

To be memorialized on January 13, 2010.

**259 Overbrook Group / CDS Inc.**

Block 22, Lot 43  
259 Overbrook Avenue  
Oakhurst  
Zone R-4

This is an application for a 'd' variance in order to modify conditions of a previous approval.

Attorney for the applicant: Peter S. Falvo, Jr., 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.

Board Planner James Higgins explained that the applicant is requesting changes to the approval that was granted a number of years ago that had very specific restrictions for the site. The applicant wants the restrictions lifted.

Board Engineer William Fitzgerald noted that the restrictions included the hours of operation. The applicant needs to specify how much of the building will be used for warehouse and how much will be offices. The lighting on the site is not acceptable. There is one building-mounted light that too bright. There needs to be lighting on the parking area.

Peter S. Falvo, Jr., Esquire, representing the applicant, explained that they have not modified the existing plans. He had discussed the application with the Board's Technical Review Committee and agreed to revise the plans as required by the Board.

Mr. Falvo said that the applicant wants the building to be treated as a flex building where they will designate 3,000 square feet for office use and 4,575 square feet as warehouse. The applicant will agree to a restriction of use between 7:00 A.M. and 7:00 P.M. The lighting on the site will be changed to meet the recommendations of the Board's Engineer. The building does not accommodate a volume of truck traffic. The

landscaping was put in as per the previous plan, but needs to be spruced up. The parking lot will be restriped to be hairpin striped.

Mr. Falvo presented the applicant, Ron Walner, owner of Computer Data Source. Mr. Walner explained that when he purchased the property in 1993 it was utilized by Elberon Moving and Storage. He had planned on staying there forever, but over the course of the years his business grew and he outgrew the building. He moved to a new location in July of 2006 and has been unable to sell the building because of the restrictions. The building has been empty since that time.

Mr. Walner agreed to limit the office space to 3,000 square feet and change the loading zone because it is on the wrong side. The lighting will be updated.

Mr. Falvo noted that the applicant had use of this site by way of use variance for a computer data business. A flex space is not permitted and will need a use variance.

Mr. Higgins explained that the applicant will need a parking variance because of the size of the office use.

Mr. Walner said that he was under the impression that it was a grandfathered as commercial, but he was mistaken. This property and the adjacent properties, Atlantic Retinning and Ideal Lumber, are also zoned residential. They are all commercial uses in the residential zone.

Mr. Higgins said that the proposed mix of office/warehouse requires twenty parking spaces where fourteen are proposed. Mr. Walner said that he had fifteen employees and never had a parking problem. This is a dead end street and on-street parking is permitted.

Mr. Falvo presented Daniel McSweeney, Planner for the applicant. Mr. McSweeney said that he evaluated the application and the site regarding the proposed changes. He reviewed the resolutions that were dated June 1997. They approved use, bulk and preliminary and final site plan. In addition he reviewed the reports of the Board's professionals, the Land Development Ordinance, and the Master Plan.

The property is located at the terminus of Overbrook Avenue in and R-4 zone. There is a paved parking area, landscaping, a screened dumpster area, and a 14,724 square foot building. The surrounding uses include residential use to the north and the entrance to Poplar Village. The west side of the street has other commercial uses. To the south there is vacant land leading to Poplar Brook and the property to the east is a lumber yard.

The applicant is seeking modifications to the use variance and approval for use as a flex space with a maximum of 3,000 square feet for office use. The site has adequate light and air and sufficient space. The property has been used for non-residential since before 1994 and there are other non-residential uses on the street. The site is particularly suited for flex space. It is clearly commercial and has ancillary improvements that have been approved by the board.

In regards to the negative criteria, the approval of this application would not have any detriment to the zone plan or the Master Plan. It is in the best interest of the town that the building will be occupied.

The Board requested that the previous site plan be marked into **evidence A-1**. Board Attorney Mark Steinberg explained to the Board that the applicant is asking for a modification of the previous approval for number of employees, flex space with 3,000 square feet of office space, and for fourteen parking spaces. Mr. Steinberg noted that the applicant must apply for minor site plan approval to amend the site plan. It was not applied for. They also did not ask for variance approval for fourteen parking spaces where twenty are required.

Mr. Fitzgerald and Mr. Higgins pointed out that the parking variance is necessary because of changes they requested on the site plan. Mr. Falvo said that he noticed for 'any and all other variances as necessary', which should cover the variance. Mr. Steinberg agreed, adding that the applicant must pay the fee for the variance.

Mr. Steinberg told the applicant that they could be on the next agenda if they file the minor site plan application expeditiously.

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

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

A motion of approval to modify the use variance was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion of approval for the bulk variance was made by Henry Schepiga and seconded by Jane Grabelle.

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

Memorialization will take place on January 13, 2010.

## **NEW CASE**

### **Gold Coast Automotive**

Block 3, Lot 7.01	This is an application to amend an approval granted
2121-2123 Highway 35 North	on June 11, 2009 to provide phasing.
Oakhurst	
Zone C-2	Attorney for the applicant: Peter S. Falvo, Jr., Esquire

Board of Adjustment Chairman Warren Goode disqualified himself from this application. Vice Chair Henry Schepiga chaired the 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 to Phase construction that was previously granted approval on June 11, 2009. He felt that there are some items that need addressing. On the south side of the building they need to move some outside storage. There are planting beds on the south side of the building that need explanation as to what will be done with them.

Board Engineer William Fitzgerald said that he has no concern with the phasing plan, but he had a few recommendations for the approval. He felt that the Township Engineer should provide a letter stating that the completed Phase I construction renders the site safe on its own merit. All current building permits related to Phase II should be vacated. The applicant should post a Maintenance Bond for Phase I improvements.

The original site plan should be amended and submitted for signature. The phasing should be delineated on a plan with notes and schedules.

Representing the applicant, Peter S. Falvo, Jr., Esquire, said that the applicant agreed to conform to the recommendations of the Board Engineer. The containers on the property will be removed.

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

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

A motion of approval for amended site plan for phasing was made by Henry Schepiga and seconded by Jane Grabelle.

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

Memorialization will take place on January 13, 2010.

Meeting adjourned 9:55 P.M.

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Margo Simpson  
Board Secretary  
Recording Secretary