

**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: Jane Grabelle  
Russell Malta  
Eric Menell, Alt II  
David Messer  
Leon Pflaster  
Richard Van Wagner (arrived 7:40 p.m.)  
James Worrell, Alt III  
Henry Schepiga, V Chairman

MEMBERS ABSENT: Sylvia Sylvia, Alt I  
Warren Goode,  
Chairman

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney  
James Higgins, P.P. Board Planner  
William Fitzgerald, P.E. Board Engineer  
Marianne Wilensky, Planning Administrator  
Rachel Goncharko, Board Secretary  
Recording Secretary

Vice Chairman Henry Schepiga served as Chairman for the meeting.

Chairman Schepiga 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 and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on May 7, 2012.

### **MINUTES FOR APPROVAL**

A motion was made by Jane Grabelle and seconded by David Messer to approve the **minutes from the meeting of March 20, 2012.**

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Schepiga  
Opposed: None  
Ineligible: Van Wagner, Worrell  
Absent: Goode, Sylvia

A motion was made by Jane Grabelle and seconded by Leon Pflaster to approve the **minutes from the meeting of April 2, 2012.**

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Schepiga  
Opposed: None  
Ineligible: Worrell  
Absent: Goode, Sylvia, Van Wagner

### **CASE CARRIED to May 30, 2012**

**T-Mobile Northeast, LLC**  
Block 1, Lots 30, 31, 32  
1215-1229 West Park Avenue  
Wayside

**CASES CARRIED to June 14, 2012**

**Richard Kuhns**

Block 22 Lot 43  
259 Overbrook Avenue  
Oakhurst

**Marcos Behar**

Block 138 Lot 63  
30 Surrey Lane  
Ocean

**Brian Hoffman**

Block 140 Lot 35  
1204 Maple Avenue  
Wanamassa

**John Iurato**

Block 5 Lot 28  
367 Lake Avenue  
Oakhurst

**Keith Martinez**

Block 37.12 Lot 19  
23 Buckingham Drive  
Ocean

**APPLICATIONS WITHDRAWN**

**150 Noroak LLC**

Block 11, Lot 12.01  
150 Norwood Avenue  
Oakhurst

**Gary Laurino**

Block 33, Lot 45  
1604 Westfield Street  
Oakhurst

**CARRIED CASES**

**Christie Dafeldecker**

Block 33.06, Lot 2  
551 Dow Avenue  
Oakhurst  
Zone R-4

This is an application to keep a deck, erect a deck and a 6' fence on a corner lot with variances for front yard setback.

The Board's information packet containing the reports of the Board Engineer and in-house departments was marked into evidence B-1. Six pictures of the property submitted by the applicant were marked into evidence A-1. Planning Administrator Marianne Wilensky read her report.

Christie Dafeldecker explained that when she bought the house the fence was falling apart. They would like to replace the fence so that they have privacy from school traffic.

Board Member Richard Van Wagner arrived at 7:40 P.M.

Ms. Dafeldecker said that she will comply with the suggestions in Ms. Wilensky's report to include lattice or plantings along the base of the deck if the fence is not constructed within a certain period of time.

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

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Schepiga  
Opposed: None

Board Attorney Mark Steinberg, Esquire read a prepared resolution.

A motion of approval and memorialization was made by Jane Grabelle and seconded by Russell Malta.

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Schepiga  
Opposed: None  
Ineligible: Van Wagner, Worrell  
Absent: Goode, Sylvia

**Diana Hoffstein**

Block 12.06 Lot 8  
215 Elberon Avenue  
Oakhurst  
Zone R-4

This is an application to rebuild a detached garage and expand a front porch with variances for front yard and rear yard setbacks.

The applicant, Diana Hoffstein, and the contractor for the applicant, Frank Palaia, were both sworn in. The Board's information packet containing the report of the Board Engineer and in-house departments was marked into evidence B-1. Planning Administrator Marianne Wilensky read her report. Two pictures provided by the applicant were marked into evidence A-1. One picture shows the applicant's home. The second picture shows a neighboring home on Lawrence Avenue.

Mr. Palaia explained that during Hurricane Irene a tree fell and hit the garage and damaged the front porch. The applicant would like to replace the garage, make improvements to the front walkway and extend the front porch. Mr. Palaia said that there will be an 8 inch rise in grading for the porch and they will do some landscaping if necessary. Ms. Wilensky said that they should submit a landscaping plan which will be subject to the professionals' approval. The plantings will be done by the fall.

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

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

A motion to approve the application was made by Jane Grabelle and seconded by Richard Van Wagner.

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Van Wagner, Schepiga  
Opposed: None  
Ineligible: Worrell  
Absent: Goode, Sylvia

To be memorialized on May 30, 2012.

**Stacey Thompson**

**Linda Treffinger**

Block 37.17 Lot 1  
1 Mallard Lane  
Ocean  
Zone R-2

This is an application to erect a 216 square foot shed on a corner lot with variances for side yard and rear yard setbacks.

The Board's information packet, containing the reports of the Board Engineer and in-house departments, was marked into evidence B-1. Planning Administrator Marianne Wilensky read her report.

Board Engineer, William Fitzgerald, P.E. stated some of his concerns with the application, including that the height of the shed and the foundation are not accounted for in the plans. He asked why the shed could not be located in a conforming location. Ms. Thompson said that the placement of the shed was because of the fence required for the pool. Mr. Fitzgerald suggested it be located in the side yard. Ms. Wilensky said that the shed should be smaller to be located where proposed. Ms. Thompson referred to her neighbors shed which is 7' from the property line. Ms. Wilensky said that the neighbor's shed is much smaller than what she is proposing and can be closer to the property line. Ms. Thompson said that Zoning Officer Jerome Donlon advised her not to put the shed in the side yard where Mr. Fitzgerald suggested but that she would be open to it.

Chairman Schepiga said that he would rather not have to grant a variance for the shed if it can be placed in a conforming area. Ms. Wilensky suggested carrying the

application to the next meeting so that the applicant can meet with Mr. Donlon to work out the placement of the shed.

Chairman Schepiga carried this application to the next meeting on June 14, 2012.

**259 Overbrook Group LLC  
and CDS, Inc.**

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

This is an application to for minor site plan approval. "D" and "C" variances were previously approved.

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

Board Attorney Mark Steinberg, Esquire said that he has received a resolution from the Italian American Association of the Township of Ocean that attorney for the applicant, Peter S. Falvo, Jr., Esquire is no longer representing them. There is no conflict between Mr. Falvo and the Ansell Grimm & Aaron law firm and Chairman Schepiga who is a member of the executive Board of the IAATO.

The Board's information packet, containing the reports of the Board Professionals, was marked into evidence B-1. Board Planner James Higgins, P.P. and Board Engineer William Fitzgerald, P.E. read their reports.

Mr. Falvo marked the Site and Lighting Plan of Office/Warehouse dated November 14, 2011, revised through January 16, 2012 as evidence A-1. Mr. Falvo said that the plans were revised to reflect Mr. Fitzgerald's suggestions. The Landscaping Plan dated October 25, 1996, revised through May 7, 1997 was marked into evidence A-2. Mr. Falvo said that the applicant will comply with the landscaping plan.

Mr. Falvo said that the gate mentioned in Mr. Higgins' report will be welded shut. Ron Wollner, 18 Meadow Drive, Tinton Falls, is the owner of the property and said that the gate swings open so that furniture can be brought up to the second floor. Mr. Higgins said that it should have a lock on it. The gate will be secured with a lock and be self-closing and self-latching.

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

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

A motion to approve the application was made by Jane Grabelle and seconded by Leon Pflaster.

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Van Wagner, Schepiga  
Opposed: None  
Ineligible: Worrell  
Absent: Goode, Sylvia

To be memorialized on May 30, 2012.

**Gold Coast Automotive LLC**

Block 3 Lot 7.01  
2123 Highway 35  
Oakhurst  
Zone C-2

This is an application for a "d" variance and preliminary and final site plan approval. "C" variances are also required.

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

The Board's information packet, containing reports of the Board Professionals and in-house departments, was marked into evidence B-1. A prepared resolution was marked into evidence B-2. Board Planner, James Higgins, P.P. read his report, noting approvals that have been granted in previous applications. He said that the plans were

approved in two phases. Phase 1 is already complete and in maintenance bonding. Board Engineer William Fitzgerald, P.E. summarized his report and suggested including these proposed improvements as a third phase that is completed before Phase 2. He referred to the comments submitted by the Environmental Commission about stormwater runoff and does not think there are any problems.

Mr. Fitzgerald said that the survey that was submitted is not current enough. Attorney for the applicant, Peter S. Falvo, Jr., Esquire said that the site plan is based on that survey but said that he has a 2010 survey.

Mr. Falvo marked the Preliminary and Final Site Plan dated April 25, 2008 revised through March 12, 2012 into evidence A-1. Architectural Plans dated May 19, 2011 revised through December 27, 2011 were marked into evidence A-2.

Keith Harvey, the managing partner of Gold Coast Cadillac, referred to page 3A of the site plan marked A-1 to explain the traffic in the drive aisles. He said that when trucks come to deliver cars they are directed to the back of the building by four parked cars that are used to block off the front of the building. There is a lot of activity during the day but the cars are cleared from the drive aisles at night. Mr. Higgins expressed concern for customer and emergency vehicle access. They have to drive around the building and it is unsafe when they pull into the driveway and slow down to decide where to go.

Mr. Higgins said that there should be signs directing trucks to the back of the building. The Board discussed what type of signage could be used to direct trucks and where it would be placed. Planning Administrator Marianne Wilensky said that directional signs must have specific size and wording and that a variance may be needed. The sign will be subject to Mr. Fitzgerald's approval.

Mr. Falvo wanted to determine where the stripping in the drive aisles should be. He said that the cars have to be parked in the aisles after being unloaded and before being parked in the lot. Mr. Fitzgerald said that any of the aisles that are used to circulate the parking lot should be stripped as fire aisles. Ms. Wilensky said that the reports of both the Fire Marshal and the Code Enforcement Official mentioned the fire zones. The fire zones were not appropriately established and it is required that they are properly painted and established as determined by the codes of the fire district.

Mr. Harvey explained that the work that was initially approved was started as the economy crashed. Cadillac asked them to stop work and wanted to change the plans. All the site work has been completed but the renovations to the building have not. He described the changes that are being made to the building. There will be upgrades in the building material and a second set of doors is being added to the front vestibule.

Mr. Fitzgerald asked if the town has ever waived the developer's agreement. The Township Council would have to make the decision to waive the developer's agreement. Mr. Schepiga said that the Board will grant the variances and the Council will determine the agreement. Mr. Fitzgerald requested that the plans show improvements to the sidewalk.

Mr. Steinberg went through the variances, including a "d" variance for the conditional use of the vestibule, "c" variances for the signs, and preliminary and final site plan approval. He noted that the setback of the vestibule was previously approved at 85' from the property line and will now be 80.7', which does not affect the use of the site.

Mr. Higgins said that the stickers displayed on the used cars are not permitted. Mr. Falvo said that a variance was granted so they could have stickers showing the year of the car. Mr. Falvo will provide a copy of that resolution of approval to Ms. Wilensky.

Remaining issues were discussed by the Board's professionals and Mr. Harvey including the change of the Hummer sign, the phasing, the fence and the storage trailers. The Hummer sign will be changed to a Saab sign, which will be removed no later than March 15, 2012 and not to be replaced by another sign.

It was decided that the site plan changes would be included in a third phase.

Mr. Harvey said that the original fence got destroyed and the grass behind the fence died due to lack of sun. Mr. Falvo said that they would like to move the fence. The fence catches litter that blows onto the property. They will have a technical review meeting with Mr. Fitzgerald to discuss the fence plan.

Mr. Harvey explained that the storage trailers have been on the property for over 20 years and that they are used for the storage of parts. Currently there is no space for storage inside, but after Phase 2 is completed, there will be more storage space. The trailers are not permitted and must be removed after the completion of Phase 2 or 24 months from the date of memorialization of the resolution.

Mr. Fitzgerald said that he wants a more recent survey. Mr. Falvo said that he will submit a survey from 2010.

A motion to close the public hearing was made by Russell Malta and seconded by David Messer.

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

A motion to approve the use variance was made by Jane Grabelle and seconded by David Messer.

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Van Wagner, Schepiga  
Opposed: None  
Ineligible: Worrell  
Absent: Goode, Sylvia

A motion to approve the bulk variances was made by Jane Grabelle and seconded by Russell Malta.

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Van Wagner, Schepiga  
Opposed: None  
Ineligible: Worrell  
Absent: Goode, Sylvia

A motion to approve the preliminary and final site plan was made by Jane Grabelle and seconded by Russell Malta.

In Favor: Grabelle, Malta, Menell, Messer, Pflaster, Van Wagner, Schepiga  
Opposed: None  
Ineligible: Worrell  
Absent: Goode, Sylvia

To be memorialized on May 30, 2012.

Meeting adjourned at 9:40 P.M.

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Rachel Goncharko  
Board Secretary  
Recording Secretary