

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

DISCUSSION: **404 Maple Avenue**
Block 44 Lot 7

Ms. Wilensky explained that the tree removal ordinance states that approvals from the Planning Board and Board of Adjustment are exempt and do not need a tree removal permit. The owners would like to take down three trees. She said that she agreed to let the owners take down two trees that were hazardous if they put in two more trees. The ordinance dictates that they have to wait two years before removing more trees. They would have to wait two years to remove the third tree. The Board had no objections. Ms. Wilensky said that they will still need to get a permit to remove the tree but that no reason will be required.

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

MEMBERS PRESENT: Russell Malta
David Messer
Leon Pflaster
Sylvia Sylvia
James Worrell, Alt III
Henry Schepiga, V Chairman
Warren Goode, Chairman

MEMBERS ABSENT: Jane Grabelle
Eric Menell
Richard Van Wagner

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

Chairman 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 and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on August 17, 2012.

RESOLUTION MEMORIALIZATIONS

Andrew and Dian Brannen MOVED: Goode SECOND: Malta
Block 77 Lot 12 FAVOR: Malta, Messer, Sylvia, Worrell, Goode
1105 Raymere Avenue OPPOSED: None
Wanamassa INELIGIBLE: Pflaster, Schepiga
Bulk Variance Approval ABSENT: Grabelle, Menell, Van Wagner

1800 Acquisition LLC MOVED: Goode SECOND: Malta
Block 34 Lot 16 FAVOR: Malta, Messer, Sylvia, Worrell, Goode
1800 Highway 35 OPPOSED: None
Ocean INELIGIBLE: Pflaster, Schepiga
Bulk Variance Approval ABSENT: Grabelle, Menell, Van Wagner
Use Variance Approval
Site Plan Approval

Heather Evans MOVED: Goode SECOND: Malta
Block 131 Lot 12 FAVOR: Malta, Messer, Sylvia, Worrell, Goode
1319 Vina Avenue OPPOSED: None
Wanamassa INELIGIBLE: Pflaster, Schepiga
Bulk Variance Approval ABSENT: Grabelle, Menell, Van Wagner

Reuven Salman

Block 22 Lot 100
12 Portage Path
Deal Park

Bulk Variance Approval

MOVED: Goode SECOND: Malta
FAVOR: Malta, Messer, Sylvia, Worrell, Goode
OPPOSED: None
INELIGIBLE: Pflaster, Schepiga
ABSENT: Grabelle, Menell, Van Wagner

Sam Sutton

Block 21 Lot 1
10 Joanna Court
Deal Park

Bulk Variance Approval

MOVED: Goode SECOND: Malta
FAVOR: Malta, Messer, Sylvia, Worrell, Goode
OPPOSED: None
INELIGIBLE: Pflaster, Schepiga
ABSENT: Grabelle, Menell, Van Wagner

Sam Mizrahi

Block 58 Lot 11
150 Monmouth Road
Deal Park

Bulk Variance Approval

MOVED: Goode SECOND: Malta
FAVOR: Malta, Messer, Sylvia, Worrell, Goode
OPPOSED: None
INELIGIBLE: Pflaster, Schepiga
ABSENT: Grabelle, Menell, Van Wagner

CASE CARRIED to September 6, 2012

CASE WITHDRAWN

Susan L. Rosenberg

Block 112 Lot 7
11 Deal Lake Point Road
Wanamassa

Keith Martinez

Block 37.12 Lot 19
23 Buckingham Drive
Ocean

CASE RE-OPENED

1800 Acquisition, LLC

Block 34 Lot 16
1800 Highway 35
Ocean
Zone C-2

This is an application to re-open and amend an application.

Attorney for the application: Jennifer S. Krimko, Esquire

The Board's information packet containing the report of the Board Planner was marked into evidence B-1. Board Planner James Higgins, P.P. summarized his report, explaining that the Board approved 20 games but the applicant later determined that 27 games are required and is requesting that the Board amend the approval to allow for 30 games. A use variance is required to allow the games as an accessory use. Mr. Higgins said that he would like to hear testimony on the area where the games are going to be located.

The planner for the applicant, Andrew Janiw, P.P. explained that after further investigation, there is no township ordinance for gaming. He said that the games are not a principal use and are only to be used along with the mini-golf. The games keep the kids occupied when waiting between a birthday party and playing golf. He said that the space is not changing, just the number of games.

Mr. Messer asked why the franchise requires so many games. Ms. Krimko said that the games keep the mini-golf from getting backed up. Mr. Janiw said that the number of games are needed to accommodate the flow of children. Mr. Messer asked if there are any policies from keeping it from becoming a hang-out. Ms. Krimko said that it is an accessory use and the kids must be playing mini-golf in order to use the game machines.

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

In Favor: Malta, Messer, Pflaster, Schepiga, Sylvia, Worrell, Goode
Opposed: None

Board Attorney Mark Steinberg, Esquire read a prepared positive resolution.

A motion of approval and memorialization was made by Henry Schepiga and seconded by Warren Goode.

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

CARRIED CASES

Chris and Dana Lee

Block 25.27 Lot 2
211 Oakhurst Road
Oakhurst
Zone R-4

This is an application to keep a pool area and patio with variances for side yard setback of 5' and 7' where a minimum of 10' is required.

Planning Administrator Marianne Wilensky disqualified herself from this application.

The applicants, Chris and Dana Lee, were sworn in and the Board's information packet containing a survey of the property and a report by the Board Engineer was marked B-1 by Board Attorney Mark Steinberg. Chairman Goode read the report of the Board Engineer which stated that the applicant's contractor did not construct the patio to the specifications submitted to and approved by the Township.

Mr. Lee explained that he was unaware that there were any problems with what had been done. He said that extending the patio will not affect neighbors as the property backs up to woods.

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

In Favor: Malta, Messer, Pflaster, Schepiga, Sylvia, Worrell, Goode
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by Russell Malta.

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

To be memorialized on September 6, 2012.

Ms. Wilensky returned.

John Iurato

Block 5 Lot 28
367 Lake Avenue
Oakhurst
Zone R-4

This is an application to keep two sheds and a driveway with variances for side and rear yard setback for two sheds and side yard setback for a driveway.

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

The Board's information packet, containing the reports of the Board Engineer and in-house departments, was marked B-1. Deidre Yates, the mother of the applicant, was sworn in. The applicant, Mr. Iurato, was unable to be there. Planning Administrator Marianne Wilensky read her report and the report of the Board Engineer.

Attorney for the applicant, Peter S. Falvo, Jr., Esquire submitted a survey dated June 5, 2008 revised March 21, 2012 which was marked into evidence A-1 and sixteen photographs of the property which were marked into evidence A-2. Ms. Wilensky said that the Board members have a reduced size survey in their information packets.

Mr. Falvo said that the architect for the applicant did a review of the structure and dug out the corners of the shed to check the foundation. A report on the integrity of the structure was submitted to the Construction Official, Paul Vitale. Mr. Vitale was satisfied by the report. Mr. Falvo said that they agreed to fill in the basement as requested by Mr. Vitale.

Chairman Goode asked what the shed was used for. Mr. Falvo said that Mr. Iurato does carpentry work and the shed is for the storage of tools and a workbench. Mr. Schepiga said that it looks like a workshop more than a shed and asked if there is electricity. Mr. Falvo said that there is electricity but no heat. Ms. Wilensky said that the structure was called a shed because it is not a garage; it does not have a wide door for a car and is not connected to a driveway. She said that it requires the larger setback. Mr. Schepiga asked if there is a second story, referring to picture 14 of A-2 which shows a ladder. Mr. Falvo said that the ladder is for a shelf. Mr. Schepiga said that he is concerned that a new owner will run a business out of it.

Mr. Falvo said that they will remove the smaller shed if the Board requires it and will cover the contents with a tarp. It will be disclosed in the sale that the shed cannot be used for a business.

Mr. Falvo said Mr. Iurato's driveway encroaches onto his neighbor's property and the neighbor's driveway is on Mr. Iurato's property. The neighbor has no issues with the driveway or the location of the shed but that they would do an easement if necessary. Mr. Schepiga said that he would rather not see tarps on the property. Mr. Falvo said that the contents of the small shed can be stored in the large shed.

The Board members referred to the photographs marked A-2 to discuss what was on the property. Chairman Goode said that the applicant will have to remove the small shed and comply with the requirements of Mr. Vitale to make the large shed a safe structure. The Board discussed the driveway and whether it would require a setback variance. They decided they could grant a 0' setback. Ms. Wilensky said that because the neighbor's driveway was brought up in a public hearing, she would have to pursue it for a variance. Ms. Wilensky and Mr. Falvo referred to the survey to show the driveways. Ms. Wilensky said that she does not think the neighbor's driveway is over the applicant's property.

Mr. Messer asked to hear testimony as to the location and size of the shed. Mr. Falvo said that if the shed were to conform, it would have to be in the middle of the property and would interfere with the use of the yard.

Mr. Falvo said that the home is for sale and has been on the market for three months. Mr. Steinberg asked what the new owners will do with the shed. Mr. Falvo said that they can remove it. Chairman Goode said that they will approve the shed for the current owner and then upon the sale of the home it must be removed. Mr. Falvo said that the new owner may want to keep the shed for storage as the house is small and has little room. Mr. Pflaster said that if the applicant wanted a shed for storage it could have been placed in a conforming location. Mr. Falvo said that it would have interfered with use of the outdoor space had it been placed in a conforming location. He said that Mr. Iurato is the only person that could say why he built it so large. Mr. Falvo said that the neighbor has no problems with the shed and that it can barely be seen because it is blocked by bamboo.

A motion to close the public hearing was made by James Worrell and seconded by Russell Malta.

In Favor: Malta, Messer, Pflaster, Schepiga, Worrell, Goode
Opposed: None
Abstained: Sylvia

Chairman Goode reviewed the approvals which include the removal of the small shed, the large shed complying with the requirements of the Construction Official and the 0' side yard setback for the driveway. The work is to be completed by December 31st, 2012 with the little shed coming down after the large shed is completed. Mr. Steinberg will include in the resolution that the shed has to be completed in accordance with the architect's report.

A motion to approve the application was made by Warren Goode and seconded by Russell Malta.

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

To be memorialized on September 6, 2012.

Ken and Kasey Pickett

Block 33 Lot 69.02
1639 Finderne Street
Oakhurst
Zone R-4

This is an application install an inground pool and patio with variances for rear yard setback for a pool and side and rear yard setbacks for a patio.

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, explaining that there must be a 10 foot setback from the waterline of the pool. There can be a 3 foot walkway, but if it's wider it is considered a patio and will need a variance because it is closer to the property line. The applicants can either move the pool or make the patio a walkway. Ms. Wilensky read the report of the Board Engineer.

Ms. Pickett explained that there will not be a diving board but a diving rock. She has no problem having the 3 foot walkway so that the kids can get to the rock. A variance is no longer needed.

The backyard of the property backs up to Joe Palaia Park so the variance for the rear yard setback for the pool will not impact any neighbors. Mr. Schepiga asked how high the fence was going to be. Ms. Pickett said that the fence is proposed to be 4' high. Mr. Schepiga suggested that they may want to make it higher as deer can jump over it. Ms. Wilensky said that the fence can be up to 6' in height as long as it is a conforming pool code fence.

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

In Favor: Malta, Messer, Pflaster, Schepiga, Sylvia, Worrell, Goode
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by James Worrell.

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

To be memorialized on September 6, 2012.

Timothy Dannwolf

Block 1.02 Lot 101
1 Robert Place
Ocean
Zone AR3-PRD

This is an application to erect a 6' high fence with a variance for front yard setback of 10' where a minimum of 30' is required. This is a corner lot.

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

Mr. Dannwolf said that there is no privacy on the deck because it faces the street. Ms. Wilensky said that there is confusion on whether or not a fence was to be removed. Mr. Dannwolf said that he wants to remove the larger portion of fence to open up the yard. The fence by the enclosed porch will remain. Ms. Wilensky explained that when the Board previously approved the enclosed porch it was the only structure in the yard. Now the porch blocks the view of a larger part of the yard from the enclosed deck.

The applicant agreed to erect the proposed fence along Lynn Drive 15' from the property line. Mr. Schepiga asked the applicant to provide a landscape plan. Ms.

Wilensky suggested that the applicant submit a landscape plan that will be subject to the Board Engineer's approval.

A motion to close the public hearing was made by Henry Schepiga and seconded by James Worrell.

In Favor: Malta, Messer, Pflaster, Schepiga, Sylvia, Worrell, Goode
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by James Worrell.

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

To be memorialized on September 6, 2012.

Richard Kuhns

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

This is an application for a "d" variance for light manufacturing in a residential zone.

Attorney for the applicant: Randolph H. Wolf, Esquire

The Board's information packet, containing reports of the Board Professionals, was marked into evidence B-1. Board Planner James Higgins, P.P. read his report. He said that it clearly is an unusual location. Chairman Goode read the report of the Board Engineer.

Attorney for the applicant, Randolph H. Wolf, Esquire said that they will comply with the issues in Mr. Higgins' report.

Richard Kuhns, the applicant and owner of RK Industries, was sworn in. Mr. Kuhns explained that they manufacture and install gutter protectors. He wants to move the business from their current space in Neptune in order to accommodate more employees and to expand the business.

Mr. Wolf went through the previous approvals for the site with Mr. Kuhns, asking him if they are satisfactory for his business. The current business has 8 employees and the approvals allow for 15. The hours of operation were approved from 7 a.m. – 7 p.m. Mr. Kuhns said that they were fine. Mr. Kuhns described deliveries and said that they have one box truck and a pick-up truck that are stored inside at night. He said that they will be able to store them inside in the new building. He said that he has never received complaints at his current location and that no work is done outside of the building.

Mr. Schepiga asked about weekend hours. Board Attorney Mark Steinberg said that there were no restrictions on the days of the week. The applicant agreed to 9 a.m. – 5 p.m. on Saturdays and closed on Sundays.

The planner for the applicant, Thomas Thomas, P.P. submitted two items which were marked into evidence. An aerial photograph of the site was marked A-1 and photographs of the site and surrounding sites dated May 7, 2012 were marked A-2. Mr. Thomas described the surrounding sites. He said that the commercial sites have been there for a very long time. There will be no expansion or changes to the site, just landscaping. He said that there are residential homes to the north with a fence facing the building. Mr. Higgins said that the prior approved plans show the fence to be several feet on the residential property. Mr. Thomas said that the use of the property will not be significantly different from the existing one and all the previous approvals will be adhered to. He said that the building will be improved and will be a benefit to the town and neighbors.

A motion to close the public hearing was made by Henry Schepiga and seconded by James Worrell.

In Favor: Malta, Messer, Pflaster, Schepiga, Sylvia, Worrell, Goode
Opposed: None

A motion to approve the application with the hours of operation restricted on Saturday from 9 a.m. – 5 p.m. and closed on Sunday was made by Henry Schepiga and seconded by James Worrell.

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

To be memorialized on September 6, 2012.

Board Planner James Higgins, P.P. left at 9:30 p.m.

Linda Durkel
Block 138 Lot 1
2202 Logan Road
Wanamassa
Zone R-5

This is an application to erect a 6' high fence with a variance for a front yard setback of 25.10' where a minimum of 30' is required. This is a corner lot.

The Board's information packet, containing reports of the Board Engineer and in-house departments, was marked into evidence B-1. Planning Administrator Marianne Wilensky read her report and the report of the Board Engineer. The fence is going into the same spot as the old fence, but the type of fence requires a variance.

Ms. Durkel said that she has no problem with the evergreen plantings recommended in the report of the Board Engineer. They will have to be installed by the spring planting season.

A motion to close the public hearing was made by Henry Schepiga and seconded by James Worrell.

In Favor: Malta, Messer, Pflaster, Schepiga, Sylvia, Worrell, Goode
Opposed: None

The Board decided that the applicant will be required to plant 6 evergreens.

A motion to approve the application was made by Henry Schepiga and seconded by James Worrell.

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

To be memorialized on September 6, 2012.

Meeting adjourned at 9:35 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary