

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 (arrived at 7:32 p.m.) Eric Menell, Alt II Henry Schepiga Sylvia Sylvia, Alt I Richard Van Wagner James Worrell, Alt III Henry Schepiga, V Chairman Warren Goode, Chairman	MEMBERS ABSENT:	David Messer Leon Pflaster
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OTHERS PRESENT	Mark A. Steinberg, James Higgins, P.P. William Fitzgerald, P.E. Marianne Wilensky, Rachel Goncharko,	Zoning Board Attorney Board Planner Board Engineer Planning Administrator Board Secretary Recording Secretary
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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 31, 2012.

Board Member Russell Malta arrived at 7:32 p.m.

CASE CARRIED to October 11, 2012

Samuel R. Sutton
Block 49 Lot 5
305 Palmer Avenue
Deal Park

MINUTES FOR APPROVAL

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of May 30, 2012.**

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

A motion was made by Jane Grabelle and seconded by Warren Goode to approve the **minutes from the meeting of July 12, 2012.**

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

A motion was made by Henry Schepiga and seconded by James Worrell to approve the **minutes from the meeting of August 23, 2012.**

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

RESOLUTION MEMORIALIZATIONS

Chris and Dana Lee

Block 25.27 Lot 2
211 Oakhurst Road
Oakhurst
Bulk Variance Approval

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

Timothy Dannwolf

Block 1.02 Lot 101
1 Robert Place
Ocean
Bulk Variance Approval

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

John Iurato

Block 5 Lot 28
367 Lake Avenue
Oakhurst
Bulk Variance Approval

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

Richard Kuhns

Block 22 Lot 43
259 Overbrook Avenue
Oakhurst
Use Variance Approval

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

Ken and Kasey Pickett

Block 33 Lot 69.02
1639 Finderne Street
Oakhurst
Bulk Variance Approval

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

Linda Durkel

Block 138 Lot 1
2202 Logan Road
Wanamassa
Bulk Variance Approval

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

CARRIED CASE

Susan L. Rosenberg

Block 112 Lot 7
11 Deal Lake Point Road
Wanamassa
Zone R-6

This is an application to keep a driveway with a variance for a side yard setback of 5' where 0' had previously existed and a minimum of 5' is required.

The Board's information packet, containing the reports of the Board Engineer and in-house departments, was marked B-1. Planning Administrator, Marianne Wilensky, read her report. Board Engineer, William Fitzgerald, P.E. summarized his report, noting that the work that was done is an improvement from what was there originally. Ms. Wilensky gave a brief history of events from when the tank was removed and the applicant was denied a permit to pave her driveway by Zoning Officer, Jerome Donlon,

because a variance was required. The applicant filed an application for the Board of Adjustment but the driveway was paved before have a hearing or receiving approvals.

Ms. Rosenberg said that her driveway was ripped up when she had an oil tank removed. In May, she wanted to have her driveway, curb and sidewalk re-done. She did not know she needed a permit for the driveway but she got a permit for the sidewalk. She explained that she was having company and decided to go ahead with the driveway.

Mr. Schepiga asked if the driveway was the same as it was before. Mr. Fitzgerald said that the driveway is now off the property line. Ms. Rosenberg said that she removed the tank eight years ago. The driveway is now made of pavers.

Board Attorney, Mark Steinberg, Esquire, said that Ms. Rosenberg did the work without permits or approvals when she knew that she needed them. He asked the Board to authorize him to submit a request to the Township Attorney so that summonses may be issued. Ms. Wilensky went through a timeline of events and read the comments of Mr. Donlon. Ms. Rosenberg said that it was important for her to complete the work for the safety of people coming to her house.

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

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None

A motion to approve the application and forward to the Township Attorney was made by Warren Goode and seconded by Henry Schepiga.

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

To be memorialized on October 11, 2012.

Gayanne Franzo
Block 33.35 Lot 1
720 Auth Avenue
Oakhurst
Zone T-1

This is an application to erect an addition with a variance for a front yard setback of 19.6' where 19.6' exists and a minimum of 30' is required.

The Board's information packet, containing the reports of the Board Engineer and in-house departments, was marked B-1. Planning Administrator, Marianne Wilensky, read her report. Board Engineer, William Fitzgerald, P.E. said that he has no engineering comments.

Ms. Franzo said that she needs the addition because her daughter is moving in with her. The siding of the addition will match the rest of the house. Ms. Wilensky said that if the shed is replaced ever, it will have to be moved to a conforming area on the lot. Ms. Franzo agreed.

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

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None

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

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

To be memorialized on October 11, 2012.

Graham and Janet Blundell

Block 63 Lot 12
604 Palmer Avenue
West Allenhurst
Zone R-5

This is an application to remove and replace a driveway and a deck with variances for side yard setback.

Planning Administrator Marianne Wilensky disqualified herself from this application.

The Board's information packet, containing the reports of the Board Engineer and in-house departments, was marked into evidence B-1. Board Engineer, William Fitzgerald, P.E., read his report.

Mr. Blundell said that the driveway is cracked and needs to be repaved. The deck also needs resurfacing. He said that they will not be changing anything.

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

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None

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

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

To be memorialized on October 11, 2012.

Ms. Wilensky returned.

MNC Properties, LLC

Block 137 Lots 30, 31
905-909 Highway 35
Ocean
Zone C-3

This is an application for preliminary and final site plan approval for a conditional use with "d" and "c" variances required.

Attorney for the applicant: Jennifer S. Krimko, Esquire

Peter S. Falvo, Jr., Esquire represented the applicant.

The Board's information packet, containing reports of the Board Professionals and in-house departments, was marked into evidence B-1. Board Planner, James Higgins, P.P., read his report. He noted that the landscaping was upgraded substantially after the technical review meeting with the applicant's engineers. Board Engineer, William Fitzgerald, P.E. read his report and said that the applicant has addressed all of his concerns. Mr. Fitzgerald read a comment from a prior report regarding the existing lighting. Mr. Higgins noted the comments from the Code Enforcement Official that should be addressed, including the dumpster area.

Attorney for the applicant, Peter S. Falvo, Jr., Esquire had the following items marked into evidence:

- A-1 Site Plan Set consisting of 14 sheets dated 11/7/11, revised through 8/17/12
- A-2 Revised memo from the Director of Public Works dated 9/5/12 with the applicant's responses
- A-3 Sheets (7) showing signage
- A-4 Pictures (12) showing the cars displayed along Highway 35
- A-5 Pictures (5) showing the cars in the existing parking lot and stickers on the cars
- A-6 Freehold Soil certification dated 3/26/12
- A-7 Department of Transportation permit dated 3/7/12 for access and drainage easements
- A-8 Colored rendering of site plan (2 pp)

Engineer for the applicant, Steven Atkins, P.E. was sworn in and gave an overview of the application and the changes that have been made. He described the proposed improvements, including the expansion of the parking lot to accommodate more than one hundred vehicles and provide for better circulation for delivery vehicles and the landscaping. Mr. Fitzgerald requested that the trash enclosure be noted on the plans. Revised plans will be submitted to show this and to satisfy the comments of the Code Enforcement Officer mentioned in Mr. Higgins' report.

Mr. Atkins addressed the lighting design and asked for relief on the height of the poles. The poles will be higher to provide more lighting with fewer poles. He said that there will be no striping in the storage parking lot, but that the patron parking will conform. Mr. Falvo referred to the landscape plan to show that there will be landscaped islands in the front which will be visible to cars on Highway 35. The islands in the back will be striped so that there is no interference with circulation. Mr. Atkins said that there will be low lying landscaping and maple trees along the front and additional shrubs and perennials in order to offset the number of trees required to be replaced.

Mr. Schepiga asked if the lights stay on all night. Mr. Fitzgerald said that they have to turn half of the lights off and that some lights have to remain on for security purposes. Mr. Falvo said that the operator of the dealership will testify that the lights are on timers. Mr. Higgins and Mr. Fitzgerald requested revisions on the colored rendering of the site plan marked A-8 to show the landscaping and to label the fire lanes in the parking lot. Mr. Atkins will also submit a similar drawing showing the trash enclosure.

Don Clare, 1111 Logan Road, asked about the impact the changes will have on the residential area. Mr. Clare asked why the existing building was excluded from the plans and if photometrics of the entire site could be submitted for the next hearing. His concern is the lighting. Mr. Atkins said that he could provide that. Mr. Clare asked for specifications on the lighting. He said that the procedures for lighting and deliveries are not followed. He asked if speakers will be used. Mr. Atkins said that he does not think so but will have an answer at the next hearing. The buffer area to the residential side was discussed. Mr. Atkins said that the buffer between the site and the residential area is not being affected. Mr. Higgins said that no trees within 50' of the property line are being removed. They are putting in a screen of trees that will provide a barrier. Mr. Higgins suggested that the Board consider increasing the height of the trees to 10 – 12 foot trees.

David Walsh, 2 Keleigh Place, wants to know if anything is going to happen on the lot behind his home and if he can clean the lot since it is used for dumping. Mr. Atkins said that the lot will be cleaned up and landscaped. He asked if a new fence will be put up and what the hours of loading and unloading will be.

Richard Hurley, 1307 Logan Road, asked if the fence along the 50' buffer will be repaired or replaced as it is rotting.

Chairman Goode carried this application to October 11, 2012.

The Board took a five minute break and returned at 9:20 P.M.

Robert Luehman

Block 131 Lot 4
1315 Wickapecko Drive
Wanamassa
Zone R-6

This is an application for a certification of use.

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

The Board's information packet, containing report of the Board Planner, was marked into evidence B-1. Board Planner James Higgins, P.P. read his report.

Mr. Luehman said that when he purchased the property in 1984 it was a three dwelling property and when he worked on the property many years earlier for Hope Plumbing, Asbury Park, it was also a three dwelling unit. He worked on toilets that were installed pre-WWII. He has been paying taxes as a multi-family property and paying multiple sewer bills. Mr. Steinberg asked how many bills he pays and how the account is broken down. Mr. Luehman said that he gets one bill.

Mr. Luehman said that he bought the house as-is and provided letters of intent to repair what needed to be repaired after the inspection. Mr. Falvo submitted a request for inspection, from the previous owner which indicates that there are three structures on the lot and all three should be inspected. This was marked into evidence A-1.

Mr. Luehman has secured certificates of occupancy each time the tenants changed. There is off-street parking on both sides of the lot; enough to accommodate six cars. This parking was there when he purchased the property.

Mr. Falvo submitted a permit applied for by the previous owners for an electrical connection to the rear of the property dated 9/13/79 which was marked into evidence A-2. Another permit applied for by the previous owners for a gas appliance in the rear of the property dated 7/30/80 was marked into evidence A-3.

Mr. Luehman said that he contacted the previous owner, Mrs. Smith, who lived on the property in the 1950s. He met with her to ask if she would testify but her husband did not want her to get involved. She told him that the property was three units when she owned it.

Mr. Luehman said that he has had no major problems with the neighbors and tenants and that he keeps it well maintained.

Mr. Luehman said that a few years ago someone from the Township said that he better make sure that he could sell the property as a three unit property. Mr. Steinberg said that the Board needs to decide if it was three units before the ordinance changed making three units illegal. He said that the only valid testimony was that the toilets were pre-WWII. He asked when it became an R-4 zone. Mr. Falvo said that it was possibly around 1950. Mr. Higgins said that there is a good possibility that it was zoned single-family in the 1950s.

Planning Administrator Marianne Wilensky explained that the Certificates of Occupancy were for health and fire, not for zoning. The inspector does not look for zoning violations. She explained that the Municipal Land Use Law came into effect in 1976. The State gave people time to make their property conforming, but many people did not know.

Members of the Board said that they believed that the three unit property predated the ordinance change but that they did not know when the change occurred. They agreed that they are comfortable with it remaining a three unit property.

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

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None

A motion to approve the certification of use was offered by Henry Schepiga and seconded by Jane Grabelle.

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

To be memorialized on October 11, 2012.

St. George Greek Orthodox Church

Block 1.02 Lot 73
1033 West Park Avenue
Ocean
Zone AR3/PRD

This is an application for minor site plan approval and a "c" variance in order to erect a sign and for a "d" variance in order to expand the use of the existing banquet facility.

Attorney for the applicant: Thomas J. Hirsch, Esquire

John Giunco, Esquire represented the applicant.

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

Father Andrew Eugenis of the church was sworn in. He said that the church wants to use the cultural center for non-parishioner events. He described the uses of the church which include church services, Sunday school, education, the gymnasium and the cultural center. Vacation Bible School and the gymnasium are open to the whole community without charge. The church also provides service to the soup kitchen in Asbury Park. The banquet facilities are also used by the Ocean Township High School for events and receptions. The full commercial kitchen was approved by the Planning Board and they are proposing to use it as a commercial use with a caterer. The revenue received will be used to offset their general overage.

Father Eugenis said that the back of the facility has limited parking with between 20 and 24 spaces. The primary parking is in the front of the facility by the retention pond. There will be no simultaneous uses, only a single event at the facility at a time.

Father Eugenis said that the banquet facility holds between 250 and 300 people. There are between 225 and 229 parking spaces. There is no offstreet parking on West Park Avenue and Poplar Road but there is offstreet parking on a residential side street nearby. Board Attorney Mark Steinberg asked how they will stop guests from parking on the side streets for very large church events. Father Eugenis said that there is a shuttle service from the school parking lot, although there is ample parking in the parking lot of the church.

Mr. Schepiga asked if someone from the church will be monitoring the facility during events. Father Eugenis said that there will be staff there seven days a week. Someone from the church will be there to open and close the facility. Mr. Giunco asked if someone from the council could be on site. Father Eugenis agreed.

Mr. Schepiga asked if the facility will have a liquor license. Father Eugenis said no; the caterer will provide the liquor license.

Mr. Malta asked if traffic would get backed up. Mr. Fitzgerald said that back ups would occur onsite when cars are exiting. He said that he does not have any issues with it.

Mr. Steinberg asked how often the banquet facility will be used. Father Eugenis said that it would be used once a weekend on average, possibly twice a weekend during the wedding season.

Father Eugenis explained that the sign will be to advertise times of church services, not individual weddings. The sign will not be electronic. Mr. Fitzgerald said that they need to submit a detail on the sign illumination. Mr. Giunco said that sign details will be submitted.

Planner for the applicant, Art Bernard, P.P. gave a description of the site and planning testimony as to the benefit of the banquet facility to the church. He said that it has no substantial negative impact as the facility is already there holding events. He said that there are 236 parking spaces which is 75 more than required from the previous approvals in 2008. Mr. Bernard went through the variances requested, including variances for setback and square footage for the sign so that it can be seen from the road.

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

In Favor: Grabelle, Malta, Menell, Schepiga, Sylvia, Van Wagner, Goode
Opposed: None

A motion to approve the use variance was made by Jane Grabelle and seconded by Russell Malta.

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

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

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

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

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

To be memorialized on October 11, 2012.

Meeting adjourned at 10:40 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary