

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:	Maureen Bonney, Alt IV Jane Grabelle Russell Malta Eric Menell, Alt II David Messer Leon Pflaster Sylvia Sylvia, Alt I Richard Van Wagner (arriv. 7:31 p.m.) James Worrell, Alt III Henry Schepiga, V Chair (left 8:30 p.m.) Warren Goode, Chairman	MEMBERS ABSENT: None
------------------	---	----------------------

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
----------------	--	--

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 December 3, 2012.

APPLICATION WITHDRAWN

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

CASE CARRIED to January 10, 2013

Route 35 Realty, LLC
Block 141 Lots 7.01, 9
900 Highway 35
Ocean

Board Member Richard Van Wagner arrived at 7:31 p.m.

MINUTES FOR APPROVAL

A motion was made by Henry Schepiga and seconded by Jane Grabelle to approve the **minutes from the meeting of October 11, 2012.**

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

RESOLUTION MEMORIALIZATIONS

Arlene Fischhoff

Block 180 Lot 3
6 Fieldstone Lane
Ocean

Bulk Variance Approval

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

Daniel Kowsaluk

Block 33 Lot 36
1620 Melville Street
Oakhurst

Bulk Variance Approval

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

CONTINUED CASE

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.

Engineer for the applicant, Steven Atkins, said that they had a meeting with some of the concerned neighbors. He referred to exhibit A-11 which was previously submitted to show the changes that have been made. There is a grouping of trees on the south-easterly side of the lot. Mr. Atkins said that they will box-out that portion and provide a retaining wall around it to protect the trees from damage during construction. The evergreen and holly plantings proposed for the south-easterly portion have been increased from 6'-8' caliper to 10'-12' caliper to create a larger buffer than originally proposed.

A loading and unloading area for delivery trucks has been designated. Currently, delivery trucks enter from Route 35 and turn towards the south to unload and then reverse to exit. They will now be able to continue in a clockwise direction around the lot to exit. Board Planner, James Higgins, P.P. suggested including curbing so it looks more like a display area. Mr. Atkins confirmed that the lot will only be used for new cars and that the plans will be revised to reflect that. Board Engineer, William Fitzgerald, P.E. had no concerns.

Don Clare, 1111 Logan Road, asked about the drip area of the existing tree in the south-eastern side and if there is a back-up plan for trees dying within a year. Mr. Atkins said that that has been considered and that they have a landscape architect to address that. They are proposing to go inside the drip line with the retaining wall. Mr. Higgins said that that is a violation of the tree ordinance and they would need a waiver, but that he does not suggest that. Mr. Fitzgerald said that he is concerned with the hydrology. Mr. Higgins suggested getting a certified tree expert and that there are things that can be done to preserve the existing tree such as trimming or drip irrigation rather than planting new trees.

Mr. Clare asked about the new plantings proposed for the south-eastern portion. Mr. Atkins said that the evergreens and holly trees will grow to 30 - 40 feet high. Mr. Higgins said that they could grow to 60 feet.

Nicholas Novak, 1305 Logan Road, asked about the location of the loading and unloading area. He asked if it could be located closer to Route 35. Mr. Atkins said that if it were located anywhere else it would interfere with the circulation of visitors on the

site. Mr. Fitzgerald made suggestions as to other locations for the unloading area so that it is further away from the neighbors.

Mr. Novak asked if the car alarm issue had been addressed. He said that it stopped for a few days after the last hearing but that it is still a nuisance. Mr. Atkins said that Mr. Rediker has spoken to the employees and instructed them not to set off the car alarms.

Mr. Novak asked if Acura has several car carriers. He said that there are car carriers on Logan Road which exceed the 4 ton limit. Mr. Falvo asked what kind of cars were on the carriers. Mr. Novak said that they are Acura cars but that they could also be other cars. Mr. Falvo said that they can instruct the carriers to go directly to the site, but that they can't enforce the tonnage limits. Planning Administrator Marianne Wilensky said that she asked the Traffic Safety Bureau of the Police Department if car carriers routinely travel on Logan Road and if the weight would exceed the tonnage limits of the road. Lieutenant Timothy Macom responded that he does not normally see them on Logan Road, and although they would be over the 4 ton limit, according to ordinance, a car carrier could use Logan Road to access Route 35 for a delivery.

Mr. Novak asked if a loud speaker would be on the premises. Mr. Atkins said there would not be. Mr. Novak asked about the height and material of the fence. Mr. Atkins said that the fence will be replaced with the exact same fence that was previously there and that it will be the same height at 6 feet. Mr. Novak asked why they don't make the fence higher to block the light and sound. Mr. Falvo said that to increase the height of the fence would be a considerable expense. Mr. Novak said that his main concern is with the sound when the trucks load and unload cars. He said that he is disturbed by the trucks about three times a week, both during the daytime and at night. Mr. Steinberg asked if there are deliveries when the dealership is closed. Mr. Falvo said that there are no deliveries after hours because the drivers have to give the keys to the dealer.

Russ Rediker, Vice President of Acura of Ocean, said that it takes about half an hour to unload the trucks during a delivery. Mr. Fitzgerald suggested other locations for the deliveries so that they would be further away from the neighbors.

Jeff Colson, 1 Keleigh Place, said that if they move the delivery spot it would help with the smell from the trucks.

Maureen Clare, 1111 Logan Road, wanted a delivery schedule. Mr. Rediker said that deliveries occur Monday through Friday from 8:00 a.m. to 6:00 p.m. They do not usually deliver on Saturdays and are not open on Sundays.

Mr. Clare asked about the lighting facing the residents. Mr. Fitzgerald said that they should orient the lights to create the least amount of light towards the neighbors.

Chairman Goode carried the application to January 10, 2013.

Sammy and Margie Saka
Block 25 Lots 55-57, 63 & 64
43 & 45 Shadow Lawn Drive
255 Whale Pond Road
Oakhurst
Zones R-2 & R-4

This is an application to demolish residences and construct a single-family residence, pool and cabana with "c" variances required.

Attorney for the applicant: Michael Gross, Esquire

Vice Chair Henry Schepiga disqualified himself from this application and left the hearing at 8:30 p.m.

The Board's information packet, containing the reports of the Board Professionals and in-house departments, was marked B-1. Board Planner James Higgins and Board

Engineer William Fitzgerald read their reports. Mr. Fitzgerald explained that the applicant got DEP approvals prior to going before the Board.

A color version of sheet 2 of 11 of the variance plan entitled 'Existing Conditions/ Demolition Plan' dated September 20, 2011, revised October 19, 2012 was marked into evidence A-1. A bird's eye view of the site by Beacon Planning was marked into evidence A-2.

Attorney for the applicant, Michael Gross, presented Marc Leber, P.E. of Two River Engineering. Mr. Leber referred to A-1 and A-2 to describe the existing site and what is proposed.

A color version of sheet 4 of 11 entitled 'Grading and Utility Plan' dated September 20, 2011, revised October 19, 2012 was marked into evidence A-3. A color version with landscaping added of sheet 3 of 11 entitled 'Dimension Plan' dated September 20, 2011, revised October 19, 2012 was marked into evidence A-4. A Mylar overlay on Sheet 4 of 11 marked A-3 showing the floodplain area was marked into evidence A-5. Mr. Leber explained that they have received permits from the DEP to do construction in those areas.

Mr. Leber went through all the requested variances and waivers. Three stormwater management reports were prepared for the DEP and it was determined that there will be no negative impacts. The most substantial buffer will be between 57 and 58 Shadow Lawn Drive. The buffer will continue along Whale Pond Road to screen the pool and patio area. The applicant will work with Mr. Fitzgerald to provide no off-site impact of lights. Mr. Leber said that no additional lights will be added other than what is required by code.

John Mostow, 39 Shadow Lawn Drive asked about drainage onto his property. Mr. Leber said that the residence on the lot next to him will be demolished and the lot will be covered with grass and the grading will be reduced. A wall will be constructed which will be even with the sidewalk. Mr. Mostow is concerned that the wall will direct water from the street onto his property. Mr. Leber will look into this.

Chairman Goode carried the application to January 10, 2013.

Meeting adjourned at 9:35 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary