

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
Russell Malta
Sylvia Sylvia, Alt I
James Worrell, Alt III
Henry Schepiga, V Chair (left 8:35 pm)
Warren Goode, Chair (arriv. 7:32 pm)

MEMBERS ABSENT: Jane Grabelle
Eric Menell, Alt II
David Messer
Leon Pflaster
Richard Van Wagner

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

Vice 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 January 3, 2013.

CASES CARRIED to February 14, 2013

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

Charles P. Babilya
Block 92 Lot 3
42 Park Boulevard
Wanamassa

James Manning
Block 17 Lot 14
329 Wells Avenue
Oakhurst

Hermes J. Gomez
Block 210 Lot 8
1204 Lawrence Avenue
Wanamassa

CASE CARRIED to April 15, 2013

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

MINUTES FOR APPROVAL

A motion was made by Sylvia Sylvia and seconded by James Worrell to approve the **minutes from the meeting of December 13, 2012.**

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

Chairman Goode arrived at 7:32 p.m.

NEW CASE

Frank J. Esposito

Block 1.03 Lot 6
6 Hanley Road
Wayside
Zone AR3/PRD

This is an application to keep a shed with a variance for front yard setback of 10' where a minimum of 40' is required.

The Board's information packet, containing the reports of the Board Engineer and Director of Community Development, survey and photographs, was marked B-1. Marianne Wilensky, Director of Community Development, read her report. William Fitzgerald, Board Engineer said that he has no engineering concerns.

Mr. Esposito explained that the shed was installed in 2003 and that he keeps it well maintained. To move the shed to the back yard would be a problem because of the existing deck. The installer told him that locating the shed in the side yard would not be a problem. Mr. Esposito said that now he knows that on a corner lot, both sides are considered a front yard.

Ms. Wilensky explained that if the shed has to be replaced, it will have to be relocated to a conforming space or the owners will have to go back to the Board.

Mel Woda, 1 Hanley Road, said that Mr. Esposito has the best maintained property in the neighborhood.

A motion to close the public hearing was made by Warren Goode and seconded by Russell Malta.

In Favor: Bonney, Malta, Schepiga, Sylvia, Worrell, Goode
Opposed: None

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

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

To be memorialized on February 14, 2013.

CONTINUED CASES

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 the reports of the Board Professionals was marked B-3. Board Engineer William Fitzgerald, P.E. summarized the reports.

Mr. Falvo marked three items into evidence:

- A-12 Site Plan Set consisting of 14 sheets dated 11/7/11, revised through 12/20/12
- A-13 Letter dated 12/20/12 from Gustave DiBlasio
- A-14 Letter dated 1/10/13 from Gustave DiBlasio

Mr. Falvo said that Gustave DiBlasio was hired as the tree consultant and his reports agree with Mr. Higgins' recommendations. Engineer for the applicant, Stephen Atkins, P.E. said that they will comply with the recommendation of planting three 4" pin oak trees.

A color rendering of the parking lot expansion dated 1/10/13 was marked into evidence A-15. Mr. Atkins indicated that the unloading area will be located along the southern property line.

Mr. Atkins said that the applicant will comply with all items outlined in the reports of Mr. Fitzgerald and Mr. Higgins.

A submittal letter dated 12/28/12 detailing the changes reflected on the revised plans was marked into evidence A-16.

Nicolas Novak, 1305 Logan Road, asked about the repair of the fence. Mr. Atkins said that the entire fence will be replaced with a board-on-board fence. Mr. Novak asked if pin oaks retain their leaves in the winter. Mr. Fitzgerald said that the leaves become red and brown in color in the winter. Mr. Novak asked if evergreens will be used as they provide a better sound barrier. He also asked about the location of the dumpster. The dumpster is located in the lower left corner of the building and is being expanded. He said that he is concerned with sound but complimented Russ Rediker, Vice President of Acura of Ocean, on the decrease in car alarms.

Board Attorney Mark Steinberg, Esquire went through the variances outlined in Mr. Higgins' report dated 09/06/12. The Board referred to the packet of signs marked as A-4, to discuss the signs for the cars. The Board discussed different options for the certified pre-owned sign. Mr. Rediker said that it is an Acura certified pre-owned sign that is required by the manufacturer. The Board agreed to the three signs on the side windows, the stock tag sign and two additional signs to total 450 sq. ft. that can be black, white and blue to advertise for pre-certified vehicles, year, make, model and price of the cars.

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

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

A motion to approve the conditional uses was made by Warren Goode and seconded by Henry Schepiga.

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

A motion to approve the bulk variances was made by Warren Goode and seconded by Henry Schepiga.

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

A motion to approve the preliminary and final site plan subject to the reports of Mr. Higgins and Mr. Fitzgerald was made by Warren Goode and seconded by Henry Schepiga.

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

Ineligible: Bonney
Absent: Grabelle, Menell, Messer, Pflaster, Van Wagner

To be memorialized February 14, 2013.

Vice Chairman Henry Schepiga left the meeting at 8:35 p.m.

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

The Board's information packet, containing the reports of the Board Professionals and in-house departments, was marked B-2. Board Engineer, William Fitzgerald, P.E. summarized the reports. He noted that the applicant reduced the proposed amount of lighting to be only 2,600 lumens above the maximum allowed by the lighting ordinance. He said that he does not have a problem granting that if the applicant can explain why they cannot conform to the ordinance. Attorney for the applicant, Michael Gross, Esquire said that they renoticed for the lighting variance.

A plan entitled 'Retaining Wall Plan' sheet 1 of 1 dated 12/20/12 was marked into evidence A-6. Engineer for the applicant, Marc Leber, P.E. referred to A-6 to explain the direction and flow of runoff water from the property, which was of concern to a neighbor. The plan shows a mound to redirect the runoff so that water will enter into the wetlands. Details for the three retaining walls have been added.

A plan entitled 'Lighting Plan' sheet 1 of 2, dated 9/20/11 was marked into evidence A-7. Mr. Leber referred to A-7 to describe the types of lighting fixtures and where they will be placed. He said that documents have been submitted with specifications on the lighting fixtures. A plan entitled 'Lighting Analysis', sheet 2 of 2, dated 9/20/11 was marked into evidence A-8. Mr. Leber explained that there will be no spillover of light onto adjacent properties.

John Mostow, 39 Shadow Lawn Drive, asked about the retaining walls. Mr. Leber referred to A-6 to show the wall which is parallel to Shadow Lawn Drive. The wall will not be visible from the street. The fence on top of the wall will be visible from the street. From Mr. Mostow's property the open grass area and the face of the retaining wall with the fence will be visible. Mr. Mostow said that he is concerned with water runoff due to the wall. Mr. Leber said that there will be no quantifiable amount of water.

Ryan Clark, Liberty Lighting Group, prepared the lighting exhibit with the applicant's engineer. He explained that the proposed amount of lighting is the minimum lighting requirement for this type of residence. He described the different types of lighting, explaining that the glass of the carriage lamps will keep the light low rather than glowing up and around. Architectural accent lighting will be used to light the walls of the house. He said that light will not extend beyond the façade of the house. Mr. Fitzgerald asked why the east façade facing the neighbors had to be lit. He explained that the purpose of the ordinance was to restrict homes from being illuminated like commercial buildings. Mr. Gross said that the applicant is willing to eliminate the lighting on the east façade facing the neighbors. This reduces the amount of lumens. Mr. Fitzgerald asked how often every light will be on. Mr. Clark said that the pool house will not be on most of the time and that the lights will be on timers.

The architect for the applicant, Jose Ramirez of J.L. Ramirez Architects P.C. of New York City described the architecture of the house. A 3D color rendering of the home entitled 'Saka Residence' dated 10/11/12 was marked into evidence A-9. The home will have a slate roof, copper gutters and a granite base. There will be no exposed foundation. A color rendering of the façade from across Whale Pond Road

was marked into evidence A-10. A color rendering on the façade from the North on Whale Pond Road was marked into evidence A-11.

Planner for the applicant, Andrew Janiw, P.P. of Beacon Planning, described the existing lots and what is proposed. Four photographs showing the current structures dated 9/26/12 were marked into evidence A-12.

In response to Mr. Higgins' recommendation on page 8 of his report, Mr. Gross said that the applicant will pay the \$700.00 donation to the Shade Tree Fund for the street trees.

A motion to close the public hearing was made by Maureen Bonney and seconded by Russell Malta.

In Favor: Bonney, Malta, Sylvia, Worrell, Goode
Opposed: None

Mr. Gross asked that Harrison Avenue be vacated. Ms. Wilensky said that she is fairly certain that the Township Manager, Andrew Brannen has already been asked for this.

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

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

Meeting adjourned at 9:43 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary