

**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  
Leon Pflaster  
Sylvia Sylvia, Alt I  
James Worrell, Alt III  
Warren Goode, Chair

MEMBERS ABSENT: Eric Menell, Alt II  
Henry Schepiga, V Chair  
Richard Van Wagner

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

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 May 1, 2013.

**RESOLUTION MEMORIALIZATIONS**

**Maurice Pachtinger, M.M.  
Master Presentations, LLC**

Block 216 Lots 15, 16  
1501 Allen Avenue  
Wanamassa  
Use Variance Approval

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

**The White House in Oakhurst, LLC**

Block 8 Lots 20, 27  
45 Monmouth Road  
41 Monmouth Road  
Oakhurst  
Use Variance Approval  
Minor Subdivision Approval  
Preliminary and Final Site Plan  
Approval  
Bulk Variance Approval

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

**CASE CARRIED to May 29, 2013**

**Larchwood Minyan**

Block 8.02 Lots 3, 23  
48 Larchwood Avenue  
Oakhurst

**CASES CARRIED to June 13, 2013**

**Madison Lease, LLC**

Block 34 Lot 3.01  
805 Deal Road  
Ocean

**Pinky Mahajan**

Block 33.23 Lot 5  
610 Carol Avenue  
Oakhurst

**Ilene Theodore**

Block 175 Lot 6  
32 Middlebrook Drive  
Ocean

**Nathaniel R. Babayoff**

Block 17 Lot 32  
319 Roosevelt Avenue  
Oakhurst

**APPLICATION WITHDRAWN**

**Rook Coffee Roasters**

Block 189 Lot 4  
1701 Valley Road  
Ocean

**CONTINUED CASE**

**Route 35 Realty, LLC**

Block 141 Lots 7.01, 9  
900 Highway 35  
Ocean  
Zone C-4

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

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

Leon Pflaster has listened to the recording of the last hearing and is eligible to vote on this application.

The Board's information packet, containing the reports of the Board's professionals, was marked B-3. Board Planner, James Higgins, P.P. summarized his report. He said that signage on the south side of the building needs to be cohesive with the rest of the property and that a signage plan is necessary. He suggested that the applicant produce a signage plan in exchange for a reduction in the tree preservation donation to the Shade Tree Fund. Board Engineer, William Fitzgerald, P.E. summarized the points in the Deal Lake Commission's letter which was part of the Board's packet. He said that he is fine with their comments.

The site plan revised through 4/23/13 was marked into evidence A-17. Color elevations, consisting of 3 pages, dated 9/23/11, revised through 12/15/11, were marked into evidence A-18.

Planning Administrator Marianne Wilensky said that as a condition of approval full architectural plans must be submitted. Attorney for the applicant, Peter S. Falvo, Jr., Esquire agreed to submit architectural plans.

Engineer for the applicant, Stephan Atkins, P.E. referred to A-17 where dimensions were added to the signage on the plans. A new 10 sq ft internally illuminated sign will replace the existing 15 sq ft plywood sign. The new sign will meet the lighting requirements.

Mr. Falvo said that the window stickers will all fit within one area on the rear passenger window. Mr. Atkins said that no signs will hang from the mirror.

Architect for the applicant, Albert Ondar, of A. Ondar Design submitted a sample of the metal panel to be used on the façade into evidence A-19 for ID only. He said that the corrugated panel is part of Ford's national design. The panels are 6' long and 4' high. The storefront will be clear glass showing into the showroom.

The Planner for the applicant, Christine Nazzero Cofone, P.P. gave planning testimony and reviewed the requested variances. She explained that the applicant is requesting D3 variance relief and violates the conditional use standards with setback and placement of vehicles in the front yard. She referred to other car dealerships along Route 35 that have landscaping and said that the site will look better once landscaping is introduced. She submitted photos that she took on 5/9/13 of other dealerships on Route 35 which were marked into evidence A-20 for ID only.

Ms. Nazzaro Cofone said that two façade signs are requested because the motel site separates the two frontages. The signs will provide advertising and will break up the elevation of the building. She believes that variance relief can be granted without a substantial detriment to the public good and zone plan.

A motion to close the public hearing was made by Jane Grabelle and seconded by James Worrell.

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

A motion to approve the conditional use variances was made by Jane Grabelle and seconded by James Worrell.

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

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

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

A motion to approve the site plan with the condition that the applicant will submit a landscape plan and a \$6,000.00 donation to the Shade Tree Fund was made by Jane Grabelle and seconded by James Worrell.

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

To be memorialized on June 13, 2013.

### **CARRIED CASES**

**Mark and Laurie Mizrachi**  
Block 25 Lot 49  
29 Shadow Lawn Drive  
Oakhurst  
Zone R-2

This is an application to construct additions with variances for total side yard and rear side yard setbacks under minimum, and lot coverage, number of stories and height over maximum.

Attorney for the applicant: Lois D. Sutton, Esquire

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

The applicant, Laurie Mizrachi, said that they have lived there for 15 years and have a growing family with in-laws that visit often. They are adding two more bathrooms and adding more living space downstairs with additions to the rear and right side of the home as well as an upstairs addition. The existing deck will be removed and replaced. She said that if the application is not approved, they will have to move due to lack of space. The swing set that is over the property line will be removed.

Mrs. Mizrachi said that there are no neighbors to the right of the lot. The land is dedicated to the town and cannot be built on. They had previously tried to purchase

the land from the Township but were denied by the Town Council because it is a floodplain. The area behind them consists of woods.

Architect for the applicant, Donald Passman, submitted the architectural plans dated 12/20/12 which was marked into evidence A-1. He described the proposed additions, explaining that there are hardships due to the topography of the site. The impervious coverage calculation was discussed. Mr. Passman said that the impervious coverage will increase by 1.5% but is still under what is permitted. Mr. Fitzgerald said that he should check his calculations and that a variance may be needed. Ms. Sutton said that they will come back with the calculations.

Planner for the applicant, Christine Nazzaro Cofone, P.P. submitted a photograph taken by Mrs. Mizrachi in May, 2013 of the home at 4 Clark Court which was marked into evidence A-2. Ms. Cofone said that the proposed additions are not inconsistent with the character of the homes in the area. Ms. Cofone will provide more information on the square footage and lot coverage comparisons for the next hearing. Chairman Goode suggested using homes that are closer to the applicant's home.

An aerial photograph from Google Earth, 2010 was marked into evidence A-3. The aerial shows the tree line in the back yard. Ms. Cofone said that there is no negative impact to the R-2 zone and that the home will not appear out of character on Shadow Lawn Drive. She said that there are no engineering concerns with the property and that there are no drainage issues with the lot coverage. Ms. Wilensky noted that if you fill the entire building envelope on the lot that a lot coverage variance is required and that different municipal systems may be affected, such as drainage.

Chairman Goode carried this application to June 13, 2013.

**CBS Outdoor, Inc.**

Block 215 Lot 3  
1021 Route 35 North  
Ocean  
Zone C-3

This is an application for minor site plan approval with "d" and "c" variances.

Attorney for the applicant: Reginald Jenkins,  
Esquire

Chairman Goode left the room as he is disqualified on this application. Mr. Malta served as chairman.

The Board's information packet, containing the reports of the Board Professionals and in-house departments, was marked B-1. Board Planner, James Higgins, P.P. and Board Engineer, William Fitzgerald, P.E. summarized their reports. Mr. Higgins noted that the previously approved landscape plan was never installed. Mr. Fitzgerald said that he has no issues with the site but that LED can be extremely bright if not controlled.

Louis L. D'Arminio, Esquire was the attorney for the applicant.

Mr. D'Arminio said that the applicant can comply with the new lighting ordinance but that they will have to come back with more information after bringing Mr. Fitzgerald's report to CBS.

William Holly, the real estate operations manager for CBS Outdoor, Inc. said the new LED sign will be smaller than the existing sign. Photographs taken by Mr. Holly in April, 2013 of the site showing the existing sign were marked into evidence A-1. He compared the old technology of the existing sign to the new technology of the LED sign, which is all digital. He said that there are many advantages to the new sign. Eight advertisements will turn instantaneously, changing every 64 seconds. Due to less exposure time, it is cheaper for companies to advertise. The general public also benefits because police alerts, such as Amber Alerts, can be displayed.

Four examples of 'copy' that will be displayed on the sign were marked into evidence A-2. Mr. D'Arminio said that they can provide a service to the municipal Police Department to alert emergencies to the public. They are working to establish a

protocol for this service and will have that prepared for the next hearing. Ms. Wilensky said that she forwarded Mr. Fitzgerald's report which noted this service to the Chief of Police and he responded that it would be a good forward movement.

Mr. Holly said that the sign has a state permit, a copy of which was marked into evidence A-3. He said that the regulations are the same for the tri-vision sign that is currently there and the proposed LED sign. A new permit is not required as they are both considered multi-media.

Mr. Higgins asked if there is an industry standard for how far away people can view the sign. Mr. Holly said that the viewing standard is 7 seconds. He said that the distance varies with speed limit. Mr. Higgins asked if this affected the illumination of the sign. Mr. D'Arminio said that the applicant's engineer will have more testimony on this.

Ms. Bonney asked about the landscaping. Mr. D'Arminio said that he believes a waiver was granted for the landscaping with the previous application, but that they will do whatever this Board requires with regard to landscaping. Mr. Worrell asked if there will be any back-up power supply. Mr. Holly said that there would not.

Engineer for the applicant, Brett Skapinetz, P.E., of Dynamic Engineering, was sworn in and his curriculum vitae was marked into evidence A-4. He explained that they are proposing to keep the existing structure and replace just the boards. A colored rendering of sheet 2 of the site plan set was marked into evidence A-5. He said that the only thing changing from the approvals granted in 2007 is the new face to the sign, which will be shorter than the existing sign. A colored rendering of sheet 3 of the site plan set, prepared 3/15/13, was marked into evidence A-6. Mr. Skapinetz said that they can do the landscaping but that it's a topographical challenge due to the wetland area at the base of the structure. Mr. Fitzgerald said that he believes the landscaping was proposed at the edge of the property along the highway, not at the base.

Mr. Skapinetz explained how the LED light technology works. He said that there are varying intensities of light to create different colors. Bright white is the most intense, but typical messages are at 30-40% brightness. During the day it is at maximum power to illuminate the messages against the sunlight and at night the power will be reduced to 3-8% power in order to meet the lighting ordinance. Mr. Skapinetz said that the foot candles measure .3 above ambient light 200' away from the sign. He said that .3 foot candles is the industry standard.

Mr. Malta carried this application to June 13, 2013.

The Board took a 10 minute break from 10:05 to 10:15 PM.

Chairman Goode returned to the room. He announced that due to time restrictions the following cases would not be heard at tonight's meeting and are being carried to June 13, 2013:

**John and Catherine Luthin**

Block 79 Lot 9  
38 Lake Drive  
Wanamassa

**Etan Mirwis**

Block 58 Lot 6  
401 Crosby Avenue  
Deal Park

**Joseph Barcikai**

Block 25.34 Lot 21  
446 Redmond Avenue  
Oakhurst

**Illiano's of Ocean, Inc.**

Block 1.02 Lot 67  
933 West Park Avenue  
Ocean  
Zone T-1

This is an application for a "d" variance and for preliminary and final site plan approval with bulk variances.

Attorney for the applicant: Peter B. Bass, Esquire

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

The architect for the applicant, Michelle Di Salvo submitted a rendered photograph showing the proposed changes to the right side of the building, prepared by Karen Taylor Architectural Renderings, which was marked into evidence A-1. Revised architectural plans dated 7/6/12, revised through 5/3/13 were marked into evidence A-2 for ID only. Ms. Di Salvo said that the revised plans show an alternative to the two sheds that were proposed. Mr. Bass said that they will submit the revised plans so that they are on file ten days before the next hearing. A photograph of the existing east side of the building taken by Ms. Di Salvo was marked into evidence A-3. A photograph of the front of the building taken by Ms. Di Salvo in May of 2012 was marked into evidence A-4.

Ms. Di Salvo described the proposed changes, including changing the color of the masonry wall to a cream color. The storage area in the back of the property will be moved closer to make it more accessible. A landscaped area is proposed along the side of the building with the masonry wall. Square trellises for plants are shown on the front elevation. She said that they act as a shield from the street. Details for the trellis will be added to the plans.

Engineer for the applicant, Chet Surmonte, P.E. submitted the site plan set dated 1/28/12 revised 3/25/13 which was marked into evidence A-5. He said that the trellises were omitted from the plans but are to remain. A sidewalk and landscaped area will be added. Mr. Surmonte said that the plans will be revised to reflect the new storage area that was shown on the architectural plans. The entry to the site is being narrowed to a conventional 24' wide driveway and 500-600 sq ft of pavement is being eliminated. The refuse area will be reconstructed and enclosed with vegetative screening if the Board requires it. Mr. Surmonte went through the requested variances, including parking space width of 9' where 10' is required and parking in the front yard. He said that the handicap parking stall can be moved up one space to put it in line with the entrance to the building. The parking lot will be repaved which will improve some drainage issues. The loading area will be designated by the rear entry as a loading area.

Planning Administrator Marianne Wilensky asked if the applicant received permission to do work on the adjacent lot. Attorney for the applicant, Peter B. Bass, Esquire said that he has not been able to reach the owner of Oak Mews. Mr. Bass said that revised plans and architectural plans will be submitted.

Chairman Goode carried the application to June 13, 2013.

Meeting adjourned at 11:00 P.M.

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Rachel Goncharko  
Board Secretary  
Recording Secretary