

SPECIAL MEETING: 7:00 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Maureen Bonney, Alt III
Jane Grabelle
Russell Malta
Eric Menell, Alt I
Leon Pflaster
Henry Schepiga, V Ch
Richard Van Wagner
James Worrell, Alt II
Warren Goode, Chair

MEMBERS
ABSENT: None

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
James Higgins, P.P. Board Planner
Bill 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 June 10, 2013.

REORGANIZATION

Henry Schepiga nominated **Warren Goode as Chairman** from July 1, 2013, through June 30, 2014. Nomination was seconded by Richard Van Wagner. There were no other nominations.

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

Warren Goode nominated **Henry Schepiga as Vice Chairman** from July 1, 2013, through June 30, 2014. Nomination was seconded by Jane Grabelle. There were no other nominations.

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

A motion to approve the meeting dates for the period running from July 1, 2013 through June 30, 2014 was made by Warren Goode and seconded by Jane Grabelle. The meeting dates were approved as follows:

July 11, 2013	January 9, 2014
August 22, 2013	February 13, 2014
September 12, 2013	March 13, 2014
October 10, 2013	April 10, 2014
November 14, 2013	May 8, 2014
December 12, 2013	June 12, 2014

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

A motion to appoint **Mark A. Steinberg, Esquire, as Board of Adjustment Attorney** for the period running July 1, 2013, through June 30, 2014, was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion to appoint **James Higgins as Board of Adjustment Planner** for the period running July 1, 2013, through June 30, 2014, was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion to appoint **William Fitzgerald as Board of Adjustment Engineer** for the period running July 1, 2013, through June 30, 2014, was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion to appoint **Rachel Goncharko as Board of Adjustment Secretary** for the period running July 1, 2013, through June 30, 2014, was made by Henry Schepiga and seconded by Jane Grabelle.

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

Board Attorney Mark Steinberg had Board professionals Marianne Wilensky, P.P., James Higgins, P.P., and William Fitzgerald, P.E. read an Oath of Allegiance and swore them in as Board Professionals for the upcoming year.

RESOLUTION MEMORIALIZATIONS

**Heritage Village
at Oakhurst, LLC**

Block 3 Lot 16.03
777 West Park Avenue
Oakhurst
"d" Variances
Bulk Variances
Preliminary Site Plan
Approval

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

Nathaniel R. Babayoff
Block 17 Lot 32
319 Roosevelt Avenue
Oakhurst
Dismissal without prejudice

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

John and Catherine Luthin
Block 79 Lot 9
38 Lake Drive
Wanamassa
Bulk Variance Approval

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

Etan Mirwis
Block 58 Lot 6
401 Crosby Avenue
Deal Park
Bulk Variance Approval

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

Joseph Barcikai
Block 25.34 Lot 21
446 Redmond Avenue
Oakhurst
Bulk Variance Approval

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

Marc and Laurie Mizrachi
Block 25 Lot 49
29 Shadow Lawn Drive
Oakhurst
Bulk Variance Approval

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

Elliott and Kara Clark
Block 25.15 Lot 18
437 Harnell Avenue
Oakhurst
Bulk Variance Approval

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

CARRIED CASE

Max Sutton
Block 25.34 Lot 3.01
401 Brookside Avenue
Oakhurst
Zone R-2

This is an application to erect a shed with a variance for construction in the flood plain.

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked into evidence B-1. Board Engineer, William Fitzgerald, P.E. said that he had no engineering concerns, noting that the applicant must comply with construction requirements for construction in a flood plain.

Mr. Sutton said that he has a family of seven and needs more storage. There is no garage. He said that he understands that the shed will be located in a flood plain and is not concerned. The siding and the roof of the shed will match the house.

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

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

To be memorialized on August 22, 2013.

Chairman Warren Goode left the meeting at 7:20 PM.

CONTINUED CASE

Larchwood Minyan, Inc.

Block 8.02 Lots 3, 23
48 Larchwood Avenue
Oakhurst
Zone R-1

This is an application for a "d" variance, "c" variances and preliminary and final site plan approval in order to convert an existing one-story home into a House of Worship.

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

Vice Chairman Henry Schepiga served as Chairman for this application..

The Board took a break and resumed at 7:40 PM.

ROLL CALL:

MEMBERS Maureen Bonney, Alt III
PRESENT: Jane Grabelle
 Russell Malta
 Eric Menell, Alt I
 Leon Pflaster
 Henry Schepiga, V Ch
 Richard Van Wagner
 James Worrell, Alt II

MEMBERS
ABSENT: Warren Goode, Chair

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked into evidence B-2. Board Planner James Higgins, P.P. summarized his report, noting that he has concerns with the walkway being a hazard for wheelchairs and motorized scooters. He suggested relocating the walkway so that it can be made wider. Board Engineer William Fitzgerald, P.E. summarized his report, noting his concerns with the lighting along the walkway and that the applicant must submit a signed and sealed copy of the survey.

Ron Gasiorowski, Esquire said that he is only representing Stephen and Emily Hedaya. He said that they have come up with an agreement between the applicant and his clients. The applicant has agreed to file both the resolution and the agreement with the County. The agreement states that the use of the synagogue cannot be expanded to Lot 3. If the lot is sold, it can only be used for the construction of a single family residence and the walkway must be removed. Mr. Gasiorowski said that Mrs. Hedaya has signed the agreement and her husband will sign it tonight. The complete agreement will be sent to the applicant's attorney in the morning.

Board Attorney Mark Steinberg said that the agreement does not restrict the Board or future applications, but that the Hedaya's can enforce the agreement, such as requesting a stop work order.

Mr. Gasiorowski left the meeting.

Attorney for the applicant, Peter S. Falvo, Jr., Esquire said that another agreement was made between the Tal's and Buckalew's and the applicant.

The agreement between the Hedaya's and the applicant, revised July 29, 2013, was entered into evidence A-3.

The agreement of the Tal's and Buckalew's dated July 21, 2013 was marked into evidence A-4. Mr. Steinberg described it as an unsigned letter from Dr. and Mrs. Tal. He said that it is not a recordable document, but that it can be referenced in the resolution as conditions of approval. Mr. Steinberg read the letter for the record. He noted that the Board cannot prevent parking on Larchwood Avenue, but that the applicants are representing that the members will not park there.

David Boesch, of Nelson Engineering, is the project manager for the application. The preliminary and final site plan was marked into evidence A-5. A color rendering of Sheet 3 of 3 of the site plan was marked into evidence A-6. Mr. Boesch described the proposed demolition of the tennis court, basketball court, shuffle board and the seating area. Top soil will be put down and the whole area will be lawn. Mr. Boesch went over the changes being made to the pathways, including extending the pathway all the way to a depressed curb line on Old Farm Road in order to make it more accessible. The pathway will be reconstructed at proper grade and relocated to reach the southern edge of the existing tennis court fence in order to make it wider, as recommended by the Board's professionals. Mr. Falvo said that the walkway will be 5 feet wide. They will also fix the concrete pavement at the Southwest corner of the pool patio per Mr. Higgins' report.

A photo board of 9 photos was marked into evidence A-7. Mr. Boesch described each of the photos:

- 1) Photo looking to the south from the property
- 2) Photo looking to the north from the property
- 3) Photo facing east towards the house
- 4) Photo of the pool cover
- 5) Photo of the southern edge of the pool patio
- 6) Photo of the asphalt pathway on the southern edge of the tennis court
- 7) Photo of the point of access to Old Farm Road
- 8) Photo from Old Farm Road looking North
- 9) Photo from Old Farm Road looking South

Additional photos taken by Mr. Boesch today, July 29, 2013, were marked into evidence A-8. They show the fence line for the southern edge of the pool patio. The safety fence will be placed to the immediate edge of the turn buckles on the pool cover. He said that the fence will be four feet from the landscaping. Mr. Higgins said that this addresses his concerns.

Referring to Sheet 2 of the site plan, Mr. Boesch described the lighting plan. There will be 42" light poles placed along the pathway from Old Farm Road to the entrance to the building and three bollards on the main entranceway along the driveway. No building mounted lights are proposed, except for some existing fixtures by the garage and the front of the building. Mr. Boesch said that they will meet the requirements of the current lighting ordinance.

Mr. Boesch said that supplemental landscaping of foundation plantings and flowering trees will be added to accent the addition. Additional hedging will supplement bare spots in the existing hedge. Mr. Higgins suggested hollies rather than arborvitae. Mr. Boesch agreed that hollies would do better in the shaded area.

Mr. Boesch explained that the lights will be on a timer, not a motion sensor, for religious reasons. Mr. Fitzgerald said that he had no issue with that.

Mr. Schepiga said that the pool must be maintained. Mr. Fitzgerald recommended a condition that the applicant must maintain the pool in accordance with all standards. Mr. Falvo agreed.

Mr. Menell asked about the pool gate. Mr. Steinberg said that the gate is padlocked and will be permanently locked as the pool will not be used. Ms. Bonney asked if children could get the cover off. Mr. Higgins said that you need a special tool to remove the cover.

Mr. Fitzgerald said that he is fine with the lighting as long as it meets the ordinance. Mr. Higgins said that he is fine with the landscaping. Mr. Steinberg said that those plans will be subject to the approval of the professionals.

Mr. Massry explained that a tent will be up for 10 days total for this year only for the holidays, Yom Kippur and Rosh Hashanah, as construction will not begin before the holidays. The tent will be on the tennis court. Mr. Steinberg said that it will be for this year only. Planning Administrator Marianne Wilensky explained that the applicant cannot get permits before this approval is final as it is not a permitted use, but that she would direct the Construction Official to issue the tent permits.

Moty Tal, 45 Larchwood, expressed concerns for the safety of people walking in the streets when cars are parked along the side of the road. Mr. Schepiga explained that the Board has no control over parking on the street. Mr. Steinberg said that it could be a condition of approval that congregants will be instructed to not park on the street. Mr. Massry agreed to this. Mr. Tal said that he is totally in favor of the application.

Mr. Steinberg went through the reports, indicating the variances to be granted.

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

In Favor: Grabelle, Malta, Menell, Pflaster, Schepiga, Van Wagner, Worrell
Opposed: None

A motion to approve the D-3 conditional use variance with conditions was made by Jane Grabelle and seconded by Richard Van Wagner.

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

A motion to approve the bulk variances was made by Jane Grabelle and seconded by Richard Van Wagner.

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

A motion to approve the preliminary and final site plan was made by Jane Grabelle seconded by Richard Van Wagner.

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

Meeting adjourned at 8:50 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary