

CAUCUS SESSION: 7:15 P.M. Municipal Building First Floor Conference Room
Deal and Monmouth Roads
Oakhurst

DISCUSSION: Hoehn
Block 74 Lot 4

Planning Administrator Marianne Wilensky referred to a letter dated November 13, 2013 from Jennifer S. Krimko, Esquire, the attorney for Mr. Hoehn and explained that there was a fire at this house which has previously received approvals in 2011 that were never completed. She said that there have been many problems associated with the project, including hurricanes, insurance issues and contractors. The neighbors to the east have complained about a dilapidated fence along the property line. She explained that the original resolution references a four foot wooden fence with a two foot lattice top. That type of fence does not exist anymore so they are proposing to replace the fence with a five foot fence with a one foot lattice top. The Board agreed that he has met the intent of the approval and unanimously agreed to allow this change.

REGULAR MEETING: 7:30 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Jane Grabelle
Russell Malta
Eric Menell
John Napolitani, Alt III
Henry Schepiga, V CH
Peter Siano, Alt IV
James Worrell, Alt I
Warren Goode, CH

MEMBERS ABSENT: Maureen Bonney, Alt II
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 Warren 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 November 7, 2013.

CASES CARRIED TO December 12, 2013

CBS Outdoor, Inc.
Block 215 Lot 3
1021 Route 35 North
Ocean

Samantha Sasson
Block 44 Lots, 3, 4
200 Parker Avenue
Deal Park

Jenna DiDario
Block 35 Lot 55
16 Carbury Road
Ocean

Pinky Mahajan
Block 33.23 Lot 5
610 Carol Avenue
Oakhurst

RESOLUTION MEMORIALIZATIONS

Hillel School

Block 34.03 Lots 2, 2.01
1025 Deal Road
Ocean
"d" Variance Approval
Minor Site Plan Approval

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

Illiano's of Ocean Inc.

Block 1.02 Lot 67
933 West Park Avenue
Ocean
"d" Variance Approval
Bulk Variance Approval
Preliminary and Minor Site Plan

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

Ilene Theodore

Block 175 Lot 6
32 Middlebrook Drive
Ocean
Bulk Variance Approval

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

Bryan Morgan

Block 33.02 Lot 2
559 Trenton Avenue
Oakhurst
Bulk Variance Approval

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

MINUTES FOR APPROVAL

A motion was made by Henry Schepiga and seconded by Jane Grabelle to approve the **minutes from the meeting of June 13, 2013.**

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

A motion was made by Henry Schepiga and seconded by Jane Grabelle to approve the **minutes from the meeting of September 12, 2013.**

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

A motion was made by Henry Schepiga and seconded by Jane Grabelle to approve the **minutes from the meeting of October 10, 2013.**

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

CARRIED CASES

Marc & Laura Mizrachi
Block 25 Lot 49
29 Shadow Lawn Drive
Oakhurst
Zone R-2

This is an application to demolish an existing dwelling and construct a new dwelling with variances for lot coverage over maximum, rear yard setback under minimum, number of stories over maximum and change in grade of 2' or more.

Attorney for the applicant: Lois D. Sutton, Esquire

The Board's information packet was marked B-1. Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald summarized his report, noting that a front yard setback variance is not required and that he has no problems with the proposed application.

The applicant, Laura Mizrachi, was sworn in. Attorney for the applicant, Lois D. Sutton, Esquire explained that they had been granted approvals for an addition but that the applicant realized that it was financially better to completely rebuild. She explained that they are building the same home that was approved and that it will look almost exactly the same, although this application proposes a slightly smaller lot coverage.

The architect for the applicant, Donald Passman, described the changes that were made to the plans. He said that they stayed within the basic footprint with a few aesthetic and functional changes. The floor plan and layout is the same. Mr. Passman went through the requested variances, including rear yard setback for the landing to the patio, number of stories and lot coverage. He said that they tried to reduce the lot coverage as much as possible.

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

In Favor: Grabelle, Malta, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

A motion of approval was made by Henry Schepiga and seconded by Jane Grabelle.

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

To be memorialized December 12, 2013.

JPMD, LLC
Block 1.02 Lot 47
31 Cindy Lane
Ocean
Zone I-1

This is an application for a "d" variance in order to permit a used car dealership. A waiver of site plan approval is requested.

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

The Board's information packet was marked B-1. Board Planner James Higgins summarized his report, noting that recent changes to the site have not been reflected on the plans and asked the Board to consider if site plan should be required. Board Engineer William Fitzgerald summarized his report. He read the report of the Police Department saying that the applicant should address deliveries and should comply with signage. Mr. Fitzgerald referred to the report from the Environmental Commission which indicated a desire to get the site into compliance with stormwater management. Mr. Fitzgerald said that he does not think this is feasible and that not much can be done.

The applicant, Joseph Romanowski, was sworn in. He referred to the survey of the property and said that he had wanted to re-pave the driveway so that he could place the car-carrier on the driveway rather than park it on the street. He said that of the three dumpsters on the site, he only owns 2. The additional dumpster he said can be taken away. Mr. Romanowski explained that he requires a used car license issued by the state. He collects cars which will be stored at the facility. He described it as a private area to sell cars in a private manner. He will visit the site no more than three times a month with prospective buyers. The cars are valued between \$100,000 to \$1 million. Police security will be used to go in and out when with a client. No cars will be stored outside and there will be no signage or advertisement with the exception of what is required by the state. No service will be performed on the cars.

Mr. Higgins said that he assumed that the car carrier was part of the business but that it also requires a use variance. Mr. Romanowski said that he will remove the car carrier. He explained that when the cars are picked up, the carrier will park and put out cones and then leave once the cars are loaded. He also said that Ray Catena has offered to let him use his lot nearby for loading.

The Board discussed the need for a site plan. Mr. Falvo said that a plan can be submitted showing the items discussed along with the waivers of the site plan requirements. Mr. Steinberg said that the use variance has to be based on a plan, and that the applicant will have to return with a site plan application.

A survey of the property dated November 20, 2012, revised through January 22, 2013 was marked into evidence A-1. The Board discussed possible locations for the dumpsters and enclosure.

The Board discussed the number of cars to be kept in the building. Ms. Wilensky suggested limiting it to the number of cars that can fit within 5,000 sq ft. The applicant agreed.

Mr. Falvo said that there will be one small sign at the back entrance which will comply with the sign ordinance. It will say 'JPMD Collectible Cars'. He said that they are not looking to draw attention to the property. There will be no outdoor display of cars.

The planner for the applicant, Christine Nazarro-Cofone, P.P. said that she performed an analysis of the site and the proposed use which is not permitted in the I-1 zone. She said that the applicant wants the polar opposite of what car dealerships want on Highway 35, making the Cindy Lane location perfect. She said that there are other dealerships nearby which are much more intensive and that there will not be a negative impact to the surrounding properties as there are no outside activities.

Mr. Falvo said that this is a highly specialized use. The building will look the same from the outside and the applicant will come in with a plan showing the improvements if they are granted the use variance.

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

In Favor: Grabelle, Malta, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

Mr. Steinberg said that the resolution will be conditioned on exotic and high end cars. The approval will be subject to the applicant submitting a site plan application with waivers. Chairman Goode said that it is unlikely that another business would be able to operate the same business, so they would have to return to the Board. It was noted that there are other car businesses in the area.

A motion to approve the "d" variance was made by Henry Schepiga and seconded by Jane Grabelle.

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

To be memorialized December 12, 2013.

Board Planner James Higgins, P.P. left the meeting.

Dorothea E. Helfgott-Daus

Block 25.18 Lot 2
433 Wells Avenue
Oakhurst
Zone R-4

This is an application to convert an existing covered porch to living space with variances for front yard setback under minimum and expansion of a non-conforming structure.

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked into evidence B-1. Planning Administrator Marianne Wilensky read her report. Ms. Helfgott-Daus explained what she is proposing and said that plans will be revised to show that.

The architectural plans were marked into evidence as A-1.

Board Engineer William Fitzgerald said that he has no concerns with the application.

Ms. Wilensky explained that this is an expansion of a nonconforming structure because it is becoming a year round living space.

Ms. Helfgott-Daus said that the exterior of the house will not be changing; the wall of the porch will be the same as the rest of the house.

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

In Favor: Grabelle, Malta, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

A motion to approve the application was made by Jane Grabelle and seconded by Eric Menell.

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

To be memorialized on December 12, 2013.

Rohan DeFonseka

Block 34.02 Lot 8
17 Christy Lane
Wayside
Zone R-3

This is an application to erect a 6' high fence with a variance for a front yard setback of 6.27' where a minimum of 45' is required.

The Board's information packet containing the 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, PE summarized his report, recommending Leyland Cyprus rather than arborvitae that

are staggered. Mr. DeFonseka agreed. Mr. Fitzgerald also recommended that the fence have a 15' setback from the property line. Mr. DeFonseka said that he would prefer the fence to line up with the tree line for aesthetic and functional reasons. Chairman Goode explained that the Board has dealt with this issue on corner lots and that they are comfortable with granting a 15' setback. Ms. Wilensky said that it allows for a better streetscape for the surrounding properties. She explained that the examples of other fences that the applicant provided were not in his neighborhood, with the closest one having a backyard right on Deal Road.

Mr. Fitzgerald referred to the photos the applicant provided of the trees pre- and post- Hurricane Sandy, which showed that there used to be a single row of blue spruces with a 12' diameter. He said that the fence would be back 15' anyway due to the trees.

Mr. DeFonseka agreed to the 15' setback.

A motion to close the public hearing was made by Henry Schepiga and seconded by John Napolitani.

In Favor: Grabelle, Malta, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

A motion to approve the application was made by Jane Grabelle and seconded by James Worrell.

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

To be memorialized on December 12, 2013.

Richard and Gina Pesce
Block 140 Lot 60
1205 Turner Avenue
Wanamassa
Zone R-6

This is an application to erect a second floor addition and a covered porch with variances for front yard setback under minimum and rear yard setback under minimum.

Attorney for the applicant: Richard E. Tilton, Esquire

The Board's information packet containing the 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, PE said that he has no concerns with the application.

Attorney for the applicant, Richard E. Tilton, Esquire explained that the applicants purchased the property from the bank in bad condition and they are making improvements.

A two-page color rendering and photo of the proposed improvements on the front and side elevations was marked into evidence A-1. Mr. Tilton explained that the applicant is proposing a full second story addition, an open porch that will wrap-around the house and a side entry.

Mr. Pesce said that they plan to use it as a summer and weekend home and then eventually move there full time once he retires.

A motion to close the public hearing was made by Henry Schepiga and seconded by James Worrell.

In Favor: Grabelle, Malta, Menell, Napolitani, Schepiga, Worrell, Goode
Opposed: None

A motion to approve the application was made by Jane Grabelle and seconded by James Worrell.

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

To be memorialized on December 12, 2013.

Meeting adjourned at 9:05 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary