

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

DISCUSSION: Saka
Block 25 Lots 55, 56, 57, 63, 54

Planning Administrator Marianne Wilensky explained that the applicant previously received approvals for a 16,500 square foot single family home. The Board had approved three stories above grade from the back of the house. The architect had testified that it would be finished all the way down to the foundation. When the plans came in for permits, they showed walkouts. Board Engineer William Fitzgerald, P.E. said that the engineering is the same and there is no difference in grading or the foundation. Ms. Wilensky explained that the façade is different than what was approved, yet the photo exhibits submitted as evidence show the three stories with walk outs. The Board members unanimously agreed to the change and had no issues with the three story with walk-outs.

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

MEMBERS PRESENT: Maureen Bonney, Alt II
Jane Grabelle
Russell Malta
Eric Menell
John Napolitani, Alt III
Peter Siano, Alt IV
James Worrell, Alt I
Warren Goode, Ch

MEMBERS ABSENT: Henry Schepiga, V CH
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 Montemarano, 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 April 8, 2014.

CASES CARRIED TO May 8, 2014

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

Haddad
Block 25 Lot 48
27 Shadow Lawn Drive
Oakhurst

MNC Properties, LLC
Block 137 Lots 30, 31
909 Route 35 North
Ocean

APPLICATION WITHDRAWN

Isaac and Merar Hanon
Block 12.06 Lot 12
231 Lawrence Avenue
Oakhurst

RESOLUTION MEMORIALIZATION

Howard Richmond

Block 25.34 Lot 12
439 Brookside Avenue
Oakhurst
Bulk Variance Approval

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

CONTINUED CASE

Pinky Mahajan

Block 33.23 Lot 5
610 Carol Avenue
Oakhurst
Zone R-4

This is an application to enlarge and enclose a covered front porch with a variance for lot coverage of 28.28% where 27.9% exists and a maximum of 27% is allowed.

The Board's information packet was marked B-3.

Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald summarized his report, noting that he has no engineering concerns with the application.

Lal Mahajan said that they tried to reduce the size of the shed and it is not possible to make it any smaller. Now they are proposing an 8'x 8' shed. He said that they spoke with their contractor about reworking the porch area but it is not feasible to remove the wall because it is load-bearing and the area would be too narrow to enclose as it is. The Board discussed the different options that have been considered by the applicant.

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

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

A motion to approve the porch enlargement and enclosure with the reduction of the shed to 8'x 8' was made by Eric Menell and seconded by James Worrell.

In Favor: Grabelle, Malta, Menell, Worrell
Opposed: Goode
Ineligible: Bonney, Napolitani, Siano
Absent: Schepiga, Van Wagner

To be memorialized on May 8, 2014.

CARRIED CASES

Nicole Shamah

Block 16.01 Lot 5
230 Lawrence Avenue
Oakhurst
Zone R-4

This is an application to finish an existing attic area with living space with a variance for three stories above grade where a maximum of two stories above grade is permitted.

Edward Shamah, husband of the applicant, was there to testify and was sworn in.

The Board's information packet was marked B-1.

Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald, P.E. summarized his report, noting that he cannot offer any argument in favor

of the application as he is not aware of any zone that allows three story single family homes. He said that planning testimony should be given.

Mr. Shamah said that they are asking to finish a part of the attic to use as an area for the children. He said that he has a disability and it is difficult for him to get upstairs so he stays downstairs, therefore, there is not much room for the children to play. He said that on the first floor there is a kitchen, living room, dining room and sun room. The second floor has three bedrooms. The basement floods so they cannot use it. He said that the attic space will be used as a playroom.

Mr. Fitzgerald asked about the change to the façade. He said that it will really look like a three story home, while usually finishing the attic would not change the façade. Mr. Shamah said that the roof needs to be expanded to accommodate the stairs. Ms. Wilensky said that a variance would still be required with or without the façade change, but that it is necessary to create the required headroom at the top of the steps. She said that allowing the third story changes the density.

Ms. Wilensky referred to a previous denial by the Zoning Officer for an addition, noting that it would be easier to grant the variance for the setbacks and asked why they preferred the third story. Mr. Shamah said that the second story addition was already built over the sun room. He said that he went to the Board of Adjustment and received a variance. Ms. Wilensky said that she would have to look into it. Chairman Goode said that he would like to see photos of the addition.

Chairman Goode carried the application to May 8, 2014.

Jennifer Krimko, Esquire the attorney for Sasson and Gallina requested that the applications be switched. Chairman Goode agreed to hear Gallina before Sasson.

Carol Gallina

Block 37 Lot 77
37 Northwoods Road
Wayside
Zone R-2

This is an application to keep an outdoor fireplace on a patio with a variance for a rear yard setback of 15' where a minimum of 20' is required.

Attorney for the applicant: Jennifer S. Krimko,
Esquire

The Board's information packet was marked B-1.

Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald, PE summarized his report, noting that he had no engineering concerns with the application but that the applicant should apply for the proper permits and inspections for safety.

The applicant, Carol Gallina was sworn in. Ms. Gallina agreed to get the proper permits should the Board approve the application. She said that her backyard backs up to a wooded area with another backyard to the left. The attorney for the applicant, Jennifer S. Krimko, Esquire said that there is no impact to the surrounding neighbors. Ms. Krimko explained that the fireplace is 8 ft tall and a larger setback is required due to the height. She said that had the fireplace been built under 7 ft it would not have required a variance.

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

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

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

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

To be memorialized on May 8, 2014.

Samantha Sasson

Block 44 Lots 3, 4
200 Parker Avenue
Deal Park
Zone R-2

This is an application to demolish an existing dwelling and construct a new single family dwelling, pool, patios and pavilion with variances.

Attorney for the applicant: Jennifer S. Krimko, Esquire

The Board's information packet was marked B-1.

Board Planner James Higgins, P.P. read his report, noting that the entire site is in a floodplain. Board Engineer William Fitzgerald, P.E. summarized his report, noting that there is no buildable lot area. He said that they worked with the applicant extensively on the plans. He explained that they are proposing to build a foundation of piers similar to those used by FEMA in a coastal foundation. He said that there will be a net improvement to the neighborhood and that he wants to recommend this plan to Council to require this in all flood hazard areas. Mr. Fitzgerald mentioned that if the whole lot were available, they would not need many of the variances. He explained that the foundation is being designed to accommodate for the flooding. There will be no basement.

The attorney for the applicant, Jennifer S. Krimko, Esquire submitted the following items into evidence:

- A-1 Plot plan dated March 21, 2014 consisting of 2 sheets prepared by Maser Consulting.
- A-2 Architectural Plans dated March 24, 2014 consisting of 7 sheets
- A-3 Aerial photograph of the site
- A-4 Colored rendering of the plot plan marked A-1
- A-5 Photographs of what the proposed porch will look like, 2 sheets

Ms. Krimko explained that the main concern with the foundation was water getting trapped. After numerous technical review meetings they came up with this plan. Justin Yost, P.P., P.E. was sworn in as the engineer for the applicant. He referred to A-3 to describe the drainage of the water in the area. He said that an undersized pipe backs up onto Holly Terrace and floods the area. He referred to A-4 to show what is proposed, noting that they have already obtained DEP approvals. He said that the lot has zero buildable lot area. He said that in 2005 the applicant received a variance for rear yard setback. The 6' hedge was presumably approved at that time as well and they would like to extend it for privacy and to buffer the piers. Ms. Wilensky requested that the hedge be removed as it is in poor condition. Mr. Higgins said that it might detract from the home if it remains. The height of the hedge and the setback were discussed. Mr. Fitzgerald recommended that they plant willow oaks closer to the property line and move the hedge back. Ms. Krimko agreed to planting willow oaks three feet behind the property line and moving the hedge 10 feet from the property line. Lattice will be placed all the way around the house to grade and will also go around the pool deck as well. The driveway is being relocated to Parker Avenue where there is higher ground.

The architect for the applicant, Mark Paviliv referred to the architectural plans marked A-2. He said that the home will be 34.6' from grade and will be 32.5' from the finished floor. Mr. Siano asked about the pilings. Mr. Fitzgerald said that the details will have to be worked out with a structural engineer but that the applicant will have to submit a piling plan. Ms. Bonney asked the square footage. Mr. Paviliv said that it will be 5,300 sq ft including the covered porches.

Board Attorney Mark Steinberg said that the applicant is abandoning previous bulk variances. He went through the requested variances. Mr. Fitzgerald went through the conditions that were listed in his report, including the submittal of a foundation plan, replacing the curb and sidewalk and the landscaping plan per the Board Planner's approval.

A motion to close the public hearing was made by Jane Grabelle and seconded by Russ Malta.

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

A motion to approve the application with conditions was made by Warren Goode and seconded by Jane Grabelle.

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

To be memorialized on May 8, 2014.

Meeting adjourned at 9:20 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary