

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

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

MEMBERS Jane Grabelle  
PRESENT: John Napolitani, Alt III  
Henry Schepiga, V Ch  
Peter Siano, Alt IV  
James Worrell, Alt I

MEMBERS Maureen Bonney(Arr. 8:00 PM)  
ABSENT: Russell Malta  
Eric Menell  
Richard Van Wagner(Arr.9:20 PM)  
Warren Goode, Ch(Arr. 9:20 PM)

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 May 5, 2014.

**CASES CARRIED TO June 26, 2014**

**William Low**  
Block 150.01 Lot 59  
33 Benn Lane  
Ocean

**Haddad**  
Block 25 Lot 48  
27 Shadow Lawn Drive  
Oakhurst

**MINUTES FOR APPROVAL**

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of November 14, 2013.**

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

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of December 18, 2013.**

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

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of January 9, 2014.**

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

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of March 13, 2014.**

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

### **RESOLUTION MEMORIALIZATIONS**

#### **Pinky Mahajan**

Block 33.23 Lot 5  
610 Carol Avenue  
Oakhurst  
Bulk Variance Approval

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

#### **Samantha Sasson**

Block 44 Lots 3, 4  
200 Parker Avenue  
Deal Park  
Bulk Variance Approval

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

#### **Larchwood Minyan, Inc.**

Block 8.02 Lots 3, 23  
48 Larchwood Avenue  
Oakhurst  
Amended Site Plan Approval

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

#### **Carol Gallina**

Block 37 Lot 77  
37 North Woods Road  
Wayside  
Bulk Variance Approval

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

### **CONTINUED CASES**

#### **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

Louis D'Armino, Esquire represented the applicant. He gave a brief overview of the application and presented Hal Simoff, PE, PP to give traffic and planning testimony.

Mr. Simoff did a traffic report dated August 5, 2013 which was marked into evidence A-13. An exhibit labeled 'Exhibit B' from the report was marked into evidence A-14. 'Exhibit A' with photos 1-8 from the report was marked into evidence A-15. Mr. Simoff referred to A-14 to describe the surrounding area and the road, which is relatively

straight and flat. He explained that the cones of vision have an optimal 20 degree viewing angle. A-14 shows the cones of vision along the road way. He said that there is about 5-7 seconds of view time.

Mr. Simoff referred to A-15 that has photos that show the distance and location of the billboard from the road and views from the road at the different cones of vision. Mr. Simoff referred to accident rates along that roadway when the traditional billboard was converted to the tri-panel billboard. He said that it is a relatively safe area and that there was no indication that there was an increase in accidents. He believes that the statistic will remain the same when the billboard is converted to digital since the sign will change every 8 seconds, the same as the tri-panel board.

The Federal Highway Administration Report dated September 20, 2012 that was released in December 2013 was marked into evidence A-16. The report discussed driver visual behavior and indicated that there is no significant increase in eye glances towards digital billboards than traditional billboards.

Board Member Maureen Bonney arrived at 8:00 PM.

Mr. Simoff referred to a report done by Virginia Tech that studied eye glances which also suggested that there was no significant difference with the presence of digital billboards. He referred to the Hunter Car Study which was used as a base for the federal report. The study indicated that looking off the road for more than 2 seconds is a hazard. The average eye glance for a standard billboard is .379 seconds and .335 seconds for digital. He said that that the longest was 1.3 seconds.

Marianne Wilensky, Planning Administrator, marked the Board's information packet as B-3. Mr. D'Aminio went through Mr. Fitzgerald's report. He said that he agrees to no storytelling. Mr. Fitzgerald said that his concern is that if the same advertiser has consecutive slots, each advertisement will tell the story of their sale. Mr. Fitzgerald summarized his report, noting that he has not yet received a protocol for the emergency use of the billboard.

Craig Brinster, Vice President of Real Estate for the North East region testified to the storytelling concern. He said that the driver might stall to view the next advertisement if there is an anticipation created by the first message. He said that they want each advertisement to be autonomous and he said that he does not know that it would be any more distracting having the same brand on each flip unless the driver knows that they might be related and would wait to see the next one. He said that there are boards that have one brand, such as Verizon, and it would switch from Verizon Wireless to an advertisement for a phone. He said that he does not know if there are many other signs like that in his territory but that he can look into it.

Mr. Schepiga said that they need to submit a protocol for emergency use. Mr. D'Arminio said that he thought they were going to work that out after the Board voted and a resolution was adopted. Mr. Fitzgerald said that he wants the protocol established before the vote. Mr. D'Arminio agreed.

Mr. Simoff returned to provide planning testimony. He said that they require a D2 use variance as it is an expansion of a non-conforming use. He said that the LED offers a quicker and smoother change than with tri-panel boards. The location on Highway 35 allows advertisers great visibility. The technology of the LED does not require as much maintenance and it allows for greater community messaging for emergencies and municipal usage.

Mr. Brinster said that if the sensors fail, the board will fail safe to dark, it will not go white. The video monitor will see the change and a technician will be sent to fix it. The Board discussed different scenarios that may affect the LED board. Mr. Fitzgerald asked if the LEDs would compete with a halogen light that was shining on the Board. Mr. Brinster said that he will look into that.

Mr. Simoff continued his planning testimony, noting that the lot is not practical to be developed, so this is the next best option. He said it is an aesthetic improvement to the current board with quicker and smoother transitions. The modernization also allows for easier maintenance and change of copy. He said that there will rarely be a technician on site and the board will be monitored remotely. The size is also being reduced. He said that it is surrounded by commercial uses with trees behind and will have no significant detriment to the public and no negative impacts to the zone plan.

With regard to the C2 variance, Mr. Simoff said that the light will be .2 foot candles above ambient light when the standard is .3 foot candles. He said that a traditional sign would have up-lighting fixtures that do not adjust and now the LEDs will adjust, which is a benefit.

With regard to the minor site plan, Mr. Simoff said that the new sign uses less electricity and is being reduced in size.

Mr. Brinster explained that they are looking into solar power and generator back-up for the boards in the event of power failures.

Mr. Schepiga asked about precaution for hackers. Mr. Brinster said that they use a very secure line and encryption system. He said that he has not heard of any issues. He said that there is more of an issue with a standard board getting tagged with graffiti. The digital boards can be overridden within minutes. Mr. Fitzgerald asked about vandalism of the monitor camera. Mr. Brinster said that the camera is not user-friendly and there is low incentive to steal.

Vice Chairman Schepiga carried this application to July 10, 2014.

The Board took a break and resumed at 9:20 PM.

Chairman Warren Goode and Board member Richard Van Wagner arrived at 9:20 PM.

**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.

Planning Administrator Marianne Wilensky marked the Board's information packet B-2. Ms. Wilensky explained that at the last hearing it was discovered that previous approvals had been received for an addition and the resolution and minutes from the hearing are included in the packet. She referenced #6 in the resolution which stated that the applicant agreed that there would be no living space in the third floor area. She explained that the applicant expanded over the one-story portion to add a bathroom on the second floor. Now the whole home is 2 stories.

Chairman Goode said that three stories are not permitted in any zone and they have already agreed to no additional living space on the third story.

The applicant, Nicole Shamah, explained that there are many homes in her neighborhood that have a gable style roof, suggesting that there is living space on the third story. She said that she wants to do the same thing in order to conform with the neighborhood. She said that her family needs more space for storage and for the children to play. Chairman Goode explained that without further investigation, they do not know if those homes have third story living space and if they do, that they received approvals. Ms. Shamah said that she will have to do more research.

Chairman Goode carried this application to June 26, 2014. He suggested that she bring an expert to testify.

**CARRIED CASE**

**MNC Properties, LLC**

Block 137 Lots 30, 31  
909 Route 35 North  
Ocean  
Zone C-3

This is an application for amended site plan approval in order to change the approved overall landscape plan and the tree preservation plan.

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

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

Board Planner James Higgins, P.P. summarized his report, noting that the existing fence should be replaced. Attorney for the applicant, Peter S. Falvo, Jr., Esquire explained that they have already replaced parts of the fence, reducing the height from 7' to 6' but that the applicant would like to wait to replace the portion of the fence along the CVS property until the construction is completed. Mr. Higgins also noted that when he was at the property today the staff was using the car alarms to locate the cars on the lot. He said that all previous conditions of the past approval should remain.

Board Engineer William Fitzgerald, P.E. summarized his report.

Mr. Falvo marked the follow items into evidence:

- A-1 Amended site plan consisting of 14 pages dated November 7, 2011 revised through April 21, 2014.
- A-2 Letter from DeBlasio consisting of 2 pages plus 5 photos dated December 4, 2013.

Stephen Atkins, the engineer for the applicant, referred to sheet 7 of the plans marked A-1 which is the revised landscape plan. He explained that the trees to be removed are in poor condition. They are proposing replacement trees consisting of red cedars 10'- 12' in height, pin oaks 16'-18' in height and douglas fir trees. The hollies that had died will also be replaced. He said that it will be a good buffer for the neighbors.

Gustavio DeBlasio, of Maser Consulting, is a NJDEP licensed tree expert. Mr. DeBlasio said that they pinpointed where further screening would be necessary while on site with the Board's professionals. He said they are proposing larger plant material and are taking advantage of raises in the topography where it will make the plantings look taller. He said that they were very concerned with saving the trees, but that they were compromised by internal decay and they were not a prime species to save. He said that the applicant did not want to remove them as they were large, existing trees, but they represent a hazard and should be removed.

Mr. Falvo said that the whole fence will be replaced and the plans will be revised with a note that the north side by the CVS will be done at a later date after construction. Mr. Falvo said that the employees have been instructed not to turn the car alarms on.

Russell Rediker, Vice President of Acura of Ocean said that he understood that they were not to use the panic alarms and they were instructed to use the lock/unlock sound to find the cars. Mr. Higgins said that while he was there they were using the panic alarms.

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

In Favor: Bonney, Grabelle, Napolitani, Schepiga, Van Wanger, Worrell,  
Goode

Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by Jane Grabelle.

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

To be memorialized on June 26, 2014.

### **NEW CASES**

#### **Shore Area Mikveh**

Block 13 Lot 16  
201 Jerome Avenue  
Oakhurst  
Zone C-1

This is an application for minor site plan approval with variances.

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

The Board's information packet was marked B-1. Board Planner James Higgins, P.P. read his report, noting that the signs are integrated within the building and are not noticeable. Board Engineer William Fitzgerald, P.E. summarized his report, noting that he has no engineering concerns. He said that the lettering blends in with the architecture and suggested downlighting rather than the proposed uplights so that a variance is not necessary.

The attorney for the applicant, Peter S. Falvo, Jr., Esquire submitted the following items into evidence:

- A-1 Plans dated 5/16/13 revised through 9/5/13 consisting of 1 sheet.
- A-2 Architectural plans dated 12/30/12 revised through 8/22/13
- A-3 Photographs of the signs, consisting of 4 sheets

Marjorie Goldman, bookkeeper for the applicant, said that she is in charge of the donations for the signs. She referred to A-3 to show the additional signage that will be added to the building. She explained that signs are sold for donations to pay off the debt of the construction. All the additional signs will match the existing signs. She said that they can switch the uplighting to downlighting as suggested by Mr. Fitzgerald. Board Attorney Mark Steinberg said that they will need to submit amended architectural plans to show the locations and sizes of the new signs.

Vice Chairman Schepiga said that the landscaping does not look good. Mr. Falvo said that they will make sure that the landscaping plan is in place. Mr. Higgins said that the signs aesthetically improve the building. He said that the Mikveh is not affiliated with just one synagogue, but that it is used by women in all the surrounding areas.

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

In Favor: Bonney, Grabelle, Napolitani, Schepiga, Van Wagner, Worrell, Goode  
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by John Napolitani.

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

To be memorialized on June 26, 2014.

Board Planner James Higgins, P.P. and Board member John Napolitani left the meeting at 10:15 PM.

**John & Christine Levy**

Block 74 Lot 7  
525 S. Edgemere Drive  
Oakhurst  
Zone R-5

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

Attorney for the applicant: Richard E. Tilton, Esquire

The Board's information packet was marked B-1. Planning Administrator Marianne Wilensky read her report, explaining that the driveway also requires a variance but that they will make another application at a later date. Board Engineer William Fitzgerald, P.E. summarized his report, noting that the proposed porch will be a nice feature.

The attorney for the applicant, Richard E. Tilton, Esquire had the following items marked into evidence:

A-1 Plans dated January 17, 2014 revised through March 5, 2014.

A-2 Four color photos

The applicant, John Levy, said that they are proposing to make the existing pergola a covered porch. He explained that they are making renovations to the property and trying to keep the basic structure and integrity of what was there originally when the home was built in 1905.

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

In Favor: Bonney, Grabelle, Schepiga, Siano, Van Wagner, Worrell, Goode

Opposed: None

A motion to approve the application was made by Jane Grabelle and seconded by Henry Schepiga.

In Favor: Bonney, Grabelle, Schepiga, Siano, Van Wagner, Worrell, Goode

Opposed: None

Ineligible: None

Absent: Malta, Menell, Napolitani

To be memorialized on June 26, 2014.

Meeting adjourned at 10:25 P.M.

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Rachel Montemarano  
Board Secretary  
Recording Secretary