

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 PRESENT: Maureen Bonney, Alt II
Jane Grabelle
Russell Malta
Eric Menell
John Napolitani, Alt III
Henry Schepiga, V Chair
Peter Siano, Alt IV
Richard Van Wagner
James Worrell, Alt I
Warren Goode, Chair

MEMBERS
ABSENT:

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 July 1, 2014.

REORGANIZATION

Henry Schepiga nominated **Warren Goode as Chairman** from July 1, 2014, through June 30, 2015. Nomination was seconded by Jane Grabelle. There were no other nominations.

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

Warren Goode nominated **Henry Schepiga as Vice Chairman** from July 1, 2014, through June 30, 2015. Nomination was seconded by Jane Grabelle. There were no other nominations.

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

A motion to approve the meeting dates for the period running from July 1, 2014 through June 30, 2015 was made by Warren Goode and seconded by Jane Grabelle. The meeting dates were approved as follows:

July 10, 2014	January 8, 2015
August 14, 2014	February 12, 2015
September 11, 2014	March 12, 2015
October 23, 2014	April 23, 2015
November 13, 2014	May 14, 2015
December 11, 2014	June 11, 2015

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

A motion to appoint **Mark A. Steinberg, Esquire, as Board of Adjustment Attorney** for the period running July 1, 2014, through June 30, 2015, was made by Henry Schepiga and seconded by James Grabelle.

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

A motion to appoint **James Higgins as Board of Adjustment Planner** for the period running July 1, 2014, through June 30, 2015, was made by Henry Schepiga and seconded by Jane Grabelle.

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

A motion to appoint **William Fitzgerald as Board of Adjustment Engineer** for the period running July 1, 2014, through June 30, 2015, was made by Warren Goode and seconded by Henry Schepiga.

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

A motion to appoint **Rachel Montemarano as Board of Adjustment Secretary** for the period running July 1, 2014, through June 30, 2015, was made by Warren Goode and seconded by Henry Schepiga.

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

CASES CARRIED TO August 14, 2014

2112 Highway 35
Associates, LLC

Block 3.01 Lots 6, 7, 8
2112 Highway 35
Oakhurst

Nicole Shamah

Block 16.01 Lot 5
230 Lawrence Avenue
Oakhurst

Mark Schwartz

25.34 Lot 31.02
402 Redmond Avenue
Oakhurst

Sunset Ventures, LLC

Block 141 Lot 25
1750 Brielle Avenue
Ocean

CBS Outdoor, Inc.

Block 215 Lot 3
1021 Route 35 North
Ocean

RESOLUTION MEMORIALIZATION

Paul and Janice Stolowski

Block 18 Lot 17
217 Cedar Street
Oakhurst
Bulk Variance Approval

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

CONTINUED CASE

Shore Customs

Block 204 Lot 4
1213 Route 35
Ocean
Zone C-3

This is an application for a "d" variance and minor site plan approval.

Attorney for the applicant: Gary Fox, Esquire

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

Attorney for the applicant, Gary Fox, Esquire said that they have resolved many issues since the last meeting. They have discovered that the property has 52' of frontage on Highway 35.

The Board's information packet was marked B-2. Board Planner James Higgins, PP summarized his report, noting that the revised plans have been substantially improved to include 5 landscaped areas, an ADA parking space, an enclosed trash area, improved lighting plan and more parking spaces. Mr. Higgins suggested a phasing plan.

Mr. Fox suggested that the garbage enclosure be completed within 60 days, the lighting be completed within 90 days and the pavement repairs and landscaping be completed within 120 days.

The site plan revised through July 2, 2014 was marked into evidence A-3.

Board Engineer William Fitzgerald, PE said that the plans have been submitted today that have been revised based on e-mail correspondence. He summarized his report in B-2, noting that a survey has been submitted that is in accordance with the tax map, showing frontage on Highway 35.

The survey dated December 10, 2013, revised June 30, 2014 was submitted into evidence A-4.

Mr. Fitzgerald said that he is fine with the proposed timeline, but indicated that the pavement can be easily managed without repaving.

Architect for the applicant, Anthony Ercolino, referred to the site plans revised through July 8, 2014 as an exhibit to explain the difference between the plans marked A-3. He said that the revised plans show the landscaping and lighting plans. The architectural plans have only changed to show some changes to the lighting. Mr. Ercolino said that the existing curb cuts are remaining and that they are all two-way. They will work with Mr. Higgins to include plantings on the island on the corner of Allenhurst Avenue and Highway 35. He said that there will be no negative impact to the adjacent property with the exception of cars not being able to drive across the dirt portion. Mr. Fitzgerald said that that area will have to be grass.

Phil Sakelaris, owner of the Caramel Shop, asked if a long truck will be able to get in to his site for deliveries. He explained that they back up to the front door. Mr. Fitzgerald said that the curb will have to be mountable or have no curb with striping. Mr. Ercolino said that they can eliminate the curb and just strip it.

The Board discussed the timelines for completion of the work. Ms. Wilensky said that she can approve the trash enclosure, so it can be done before bonding. The applicant agreed to complete the garbage enclosure 60 days from tonight, the lighting 90 days from tonight, and the landscaping and paving and all other improvements will be completed by December 1, 2014.

Ms. Wilensky asked when the applicant can begin using the space for installations. He has already obtained a TCO for the retail portion. The Board agreed that the D-1 variance would expire if the conditions of approval are not satisfied. Mr. Steinberg noted that the site has a precedent as the Board had already approved a similar use.

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

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

A motion to approve the D-1 use variance with the condition that the approval will lapse if the conditions of the other resolutions are not met was made by Henry Schepiga and seconded by Jane Grabelle.

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

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

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

The site plan revised through July 8, 2014 was marked into evidence A-5 for ID only. The approvals are subject to full engineering and landscape approvals subject to the agreed timeline. There will be no construction before the site plan is approved.

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

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

To be memorialized on August 14, 2014.

Chairman Goode returned to the dais.

CARRIED CASE

Eli Haddad

Block 25 Lot 48
27 Shadowlawn Drive
Oakhurst
Zone R-2

This is an application to keep a sports court with variances for front yard setback under minimum and side yard setback under minimum.

The Board's information packet containing reports of the Board's professionals and in-house departments was marked as B-1. Planning Administrator Marianne Wilensky ready her report. Board Engineer William Fitzgerald summarized his report, noting that the side yard setback should be brought into conformance.

Eli Haddad said that the court was already installed when he bought the home and he has had no objections from his neighbors.

Ms. Wilensky said that when they had applied for permits, a plot plan was submitted, so there is no survey in the files to show historical record. There is no evidence of a basketball court permit and the plan shows the court to be much smaller than what is there now. Chairman Goode asked if there is any documentation to show that the court was approved. Mr. Haddad said no, that there is only the plot plan. He said that the original survey most likely does not show the court.

Mr. Schepiga suggested screening rather than making him move the court, since it has not bothered anyone up to now.

Ms. Bonney asked how this was discovered. Ms. Wilensky said that it was discovered when a different property on the same street made application to the Board of Adjustment and the aerial showed the structures. She explained that Mr. Haddad has already removed structures that were over the property line in the back of his property.

The Board discussed possible screenings for the court and decided on a 3' evergreen hedge planting the entire length of the court rather than moving or cutting the court. Mr. Steinberg said that it would prevent playing into the neighbors yard. Mr. Haddad agreed to have the planting installed no later than October 31, 2014 or the variance would expire and a summons would be issued to Municipal Court.

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

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

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

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

To be memorialized on August 14, 2014.

NEW CASES

Nino's Ocean, LLC

Block 3 Lots 13, 14, 15
2105 Highway 35
Oakhurst
Zone C-3

This is an application for a 'd' variance to allow live entertainment in the restaurant.

Attorney for the applicant: Peter B. Bass, Esquire

Chairman Goode disqualified himself on this application and left the dais. Mr. Schepiga served as chairman for this application.

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked as B-1. Board Planner James Higgins read his report, noting that enlarging the trash area may require minor site plan as it may affect the parking. Board Engineer William Fitzgerald summarized his report.

Lisa Schifaletti, the owner of Nino's Coal Fired Pizza, said that they are asking to have live entertainment at their restaurant.

The floor plan dated October 17, 1997 was marked into evidence A-1. Ms. Schifaletti referred to the floor plan to show the areas where live entertainment will be set up, in the party room and in the bar area. Both areas will be open to seating and the full service menu. There will be no cover charge and no dance floor. A picture of the bar area was marked into evidence A-2.

Ms. Schifaletti said that she is agreeable to the requirements in Mr. Higgins' report. She is willing to enlarge and enclose the trash area. Mr. Higgins said that it is in need of repair and that it probably has to be expanded.

Ms. Schifaletti described the proposed entertainment as light and a family atmosphere, such as a singer or musician. Mr. Van Wagner referred to MJ's restaurant where they have entertainment in the bar area but it is still primarily an eating establishment. Ms. Schifaletti agreed to fix the trash enclosure and to perform maintenance on the parking lot. Ms. Bonney asked about noise. Mr. Fitzgerald said that the applicant should be cognizant of the proposed senior apartment building behind this property, but that the State noise ordinance governs our noise ordinance.

Mr. Steinberg said that they must fix the enclosure and the pavement before allowing the use. Ms. Wilensky said that if the trash enclosure must be expanded and affects parking, they will have to file for site plan approval. Mr. Fitzgerald suggested increasing the frequency of garbage pick-up in order to decrease the amount of cans.

The Board clarified the type of entertainment that would be permitted to be two performers maximum at any one time in the restaurant but only in one area per night. No limitation on the days of the week and from the hours of 7 pm – 12 am. A full menu will be served at all times.

The applicant agreed to meet with Mr. Higgins and Mr. Fitzgerald on-site to determine the best option for the trash area.

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

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

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

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

To be memorialized on August 14, 2014.

The Board took a break, resuming at 9:25 PM.

Chairman Goode returned to the dais.

Brian & Gayle Krost
Block 26.08 Lot 12.01, 13.01
313 Crimson Circle
Oakhurst
Zone R-3

This is an application for a 'd' variance to construct a pool cabana with both a bathroom and HVAC unit and bulk variance approvals.

Attorney for the applicant: Jennifer S. Krimko, Esq.

The Board's information packet containing the reports of the Board's professionals was marked as B-1. Board Planner James Higgins, P.P. read his report. Board Engineer William Fitzgerald, P.E. summarized his report.

Jennifer S. Krimko, Esquire submitted the following items into evidence:

- A-1 Variance plan dated 2/10/14 revised through 5/22/14
- A-2 Architectural plans consisting of three sheet. Sheet 1 dated 2/11/14, Sheet 2 revised through 5/29/14, Sheet 3 revised through 5/28/14.

Chet Surmonte, the engineer for the applicant, referred to an exhibit of A-1 to describe the site. He said that both the cabana and swimming pool are under construction. The basketball hoop is 2.3' from the edge of the court, 9.3' from the southerly property line and 7.4' from the northerly property line. He said that there is a 6' fence and 6' hedge around the court. They are proposing to keep the existing hedges, but any new plantings will be kept under 4 feet. Ms. Krimko said that the property consists of two lots that are not legally consolidated, but they will be doing that.

The basketball court has been there for 12 years. Planning Administrator Marianne Wilensky explained that there was a permit, but no final inspection. Ms. Krimko explained that the court was constructed in the wrong location.

Gayle Krost explained that the court was constructed at what they thought was the right spot. They didn't know that it was too close to the property line until they filed for these permits for the cabana. Mrs. Krost explained that it is not her intention to use the cabana as a dwelling unit. She said that her husband will be using it as a "man cave" and a hang-out spot. There will not be a full kitchen and no cooking. She said that they are willing to put a deed restriction for future owners that it can not be used as a separate dwelling unit with no beds or sofa beds.

Robert Hazelrigg, the architect for the applicant, referred to an exhibit of A-2 to explain the floor plan of the cabana. He said that it is connected to the main house with columns so that you can pass between the two. He said that there will be a refrigerator, freezer, ice maker, dishwasher and sink in the kitchen area. Food preparation will be done in the main house and brought out to the cabana. There will be a full bathroom, changing room and den that have air conditioning and heat. There is no way to get into the kitchen area without going outside. They are completely separate areas. The exterior will be stucco just like the main house.

John Kearns, 370 Beecroft Place, asked if there will be provisions that the cabana will not become a second dwelling unit. Ms. Krimko explained that there will be a deed restriction.

An aerial of the site prepared by Beacon Planning was marked into evidence A-3. Andrew Janiew, the planner for the applicant, referred to A-3 to describe the site. He explained that the property functions as one lot. He said that the cabana has been specifically designed so that it cannot serve as a second dwelling unit. He said that it is an extension of the main home with a covered walkway connecting them. It will be used year round. The utilities will come from the main house with no separate meters.

Mr. Kearns said that he is much more comfortable after tonight's hearing. He was concerned with it becoming a second dwelling unit but is glad that the applicant is doing something to protect it.

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

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

A motion to approve the use variance with the conditions that the cabana is built in strict conformance to the plans, that it be deed restricted that it will not be a separate dwelling unit with no beds, there will be no stove and the lot will be consolidated from two lots to one lot, was made by Warren Goode and seconded by Jane Grabelle.

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

A motion to approve the bulk variances, including keeping the 6' fence and hedge, was made by Warren Goode and seconded by Jane Grabelle.

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

To be memorialized on August 14, 2014.

Meeting adjourned at 10:10 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary