

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
Russell Malta
Henry Schepiga, V Chair
Peter Siano, Alt IV
James Worrell, Alt I

MEMBERS ABSENT: Jane Grabelle
Eric Menell
John Napolitani, Alt III
Richard Van Wagner
Warren Goode, Chair

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

Vice Chairman Henry Schepiga 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 11, 2014.

CASES CARRIED TO September 11, 2014

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

Mayer and Rosie Chemtob
Block 9 Lot 11
205 Park Avenue
Oakhurst

Rene Rofe
Block 9 Lot 10
231 Park Avenue
Oakhurst

APPLICATION WITHDRAWN

Sunset Ventures, LLC
Block 141 Lot 25
1750 Brielle Avenue
Ocean

RESOLUTION MEMORIALIZATIONS

Shore Customs
Block 204 Lot 4
1213 Route 35
Ocean
“d” variance
Bulk variances
Preliminary and final site plan

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

Eli Haddad
Block 25 Lot 48
27 Shadow Lawn Drive
Oakhurst
Bulk variances

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

Nino's Ocean LLC

Block 3 Lots 13, 14, 15
2105 Highway 35
Oakhurst
"d" variance

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

Brian & Gayle Krost

Block 26.08 Lots 12.01, 13.01
313 Crimson Circle
Oakhurst
"d" variance
Bulk variances

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

Lou D'Arminio, Esquire represented the applicant. Mr. D'Arminio said that they are finished with their testimony and would like to go over the protocols.

The Board's information packet containing proposed protocols and draft resolutions was marked as B-4.

Board Attorney Mark Steinberg said that he drafted resolutions that include conditions required by the Board's professionals. Mr. D'Arminio said that he agrees to all the conditions with the exception of the protocols. He submitted a marked-up version of the protocols which were marked into evidence A-17. He referred to Protocol 'A' in which he added information that had been requested by the Board's professionals, including a contact sheet of the names and phone numbers of people on duty that will be provided. He then discussed the two remaining issues. The emergency messages that will be displayed relate to Amber alerts and public safety, not routine traffic alerts. He stressed that it is only for real emergencies. The second issue relates to response time. He said that the turnaround time on an alert can be as quick as two minutes, but that it cannot be guaranteed. He said that they will post alerts as soon as possible with best efforts to be within minutes, but no longer than 30 minutes. Mr. Fitzgerald expressed concern that a hazardous condition may be done within 30 minutes. Mr. D'Arminio said that 30 minutes was the worst case scenario.

Mr. Fitzgerald said that the Town may only need one or a few boards to post a message which is why they would like to have ID numbers for the signs when they call in the message. They agreed to this procedure and that the Spokane, Washington office would be the first call. Mr. Fitzgerald said that the contact list should be updated annually, or as changes are made.

Mr. Steinberg asked the Board if they would like to review the approvals again in the future. Vice Chairman Schepiga said that technology is moving very fast and it seems fair to ask the applicant to review this approval again after the first year. John Antal, general manager for CBS Outdoor NJ, explained that they have yet to replace any first generation digital signs, with the exception of failures. He said that he does not see the new technology using liquid crystals being used on roadways.

Mr. Steinberg said that because of the new technology, after three years, the conditions will be re-reviewed to ensure that they are still satisfactory.

A motion to close the public hearing was made by James Worrell and seconded by Russell Malta.

In Favor: Bonney, Malta, Schepiga, Siano, Worrell
Opposed: None

A motion to approve the minor site plan, with the conditions being reviewed again after 36 months was made by Russell Malta and seconded by James Worrell.

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

A motion to approve the D-3 use variance was made by Russell Malta and seconded by James Worrell.

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

To be memorialized on September 11, 2014.

NEW CASE

Rene Rofe

Block 9 Lot 10
231 Park Avenue
Oakhurst
Zone R-1

This is an application for a "d" variance to construct a pool cabana with both a bathroom and HVAC unit and a bulk variance for building height of 23.5' where a maximum of 15' is permitted.

Attorney for the applicant: Jennifer S. Krimko, Esquire

Planning Administrator Marianne Wilensky explained that Board Member Maureen Bonney has a conflict and has disqualified herself from this application, leaving only four board members. The attorney for the applicant, Jennifer S. Krimko has requested that this application be carried to September 11, 2014.

Board Planner James Higgins, P.P. left the meeting at 8:20 PM.

CONTINUED 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.

The applicant, Nicole Shamah, did not appear for the hearing.

Planning Administrator Marianne Wilensky explained that she spoke to Mrs. Shamah in July when she had signed a time waiver to the August meeting in order to decide how she wanted to proceed. Ms. Wilensky has not heard anything since then and left a voicemail for Mrs. Shamah with no response.

A motion to dismiss the application without prejudice was made by Russell Malta and seconded by James Worrell.

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

To be memorialized on September 11, 2014.

Mark Schwartz

Block 25.34 Lot 31.02
402 Redmond Avenue
Oakhurst
Zone R-4

This is an application to erect a fence, deck, generator and shed with a variance for construction in a flood plain.

The engineer for the applicant, Chet Surmonte, PE was sworn in.

The Board's information packet containing reports of the Board's professionals and in-house departments was marked B-1. Board Engineer William Fitzgerald, PE summarized his report, noting that there is a drainage easement on the property and structures are prohibited in the easement per the subdivision approval. The Director of Public Works does not want the fence to be erected over the easement as the pipe is made of plastic and not very deep.

Mark Schwartz said that he is in agreement with everything in the report with the exception of the fence. He said that he was not aware of the requirements with the drainage easement but that he only wants to block access to the backyard. Mr. Fitzgerald explained that the easement is to provide access to the pipe. Board Attorney Mark Steinberg said that the Zoning Board does not have jurisdiction to grant him permission and that he would have to go to the Township Council first.

Mr. Fitzgerald referred to the fencing proposed along the rear and west side of the property and advised Mr. Schwartz that he would have to go to the DEP first because it is in a transition area. Mr. Schwartz suggested a conditional approval pending DEP and Council approval for the fences. Vice Chairman Schepiga agreed that it could be a condition of approval or he would have to place the fences outside of the easement and transition area.

Mr. Schwartz said that the fencing along the side of the property will be white stockade and along the edge of the pond it will be aluminum fencing. He said that he needs the fence for his dog and for safety along the pond.

With regard to the proposed shed, Mr. Fitzgerald said that it must be properly anchored and have flood vents. Mr. Schwartz said that he needs the shed for storage. The proposed generator is for back-up power during emergencies. It will be on a platform and an elevation certificate or a plan prepared by a surveyor will be submitted.

A motion to close the public hearing was made by James Worrell and seconded by Russell Malta.

In Favor: Bonney, Malta, Schepiga, Siano, Worrell
Opposed: None

A motion to approve the application was made by Russell Malta and seconded by James Worrell.

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

To be memorialized on September 11, 2014.

NEW CASE

Sam Mizrahi

Block 58 Lot 11
150 Monmouth Road
Oakhurst
Zone R-2

This is an application to keep a driveway and a pool patio and to construct a storage shed with variances.

Aimee Horowitz Mizrahi and Sam Mizrahi, the owners of 150 Monmouth Road, were sworn in.

The Board's information packet containing the reports of the Board's professionals was marked B-1. Planning Administrator Marianne Wilensky read her report. Board Engineer William Fitzgerald, PE summarized his report, noting that his concern is with the development of the neighborhood in Deal Park. He said that there is a flooding problem caused by the maximization of impervious coverage in the neighborhood. He said that they should provide stormwater mitigation.

Mrs. Mizrahi said that they love the area and are thinking of moving there permanently. She said that they wanted the driveway so that they do not have to back up onto Monmouth Road as it is a busy street near an intersection. They want the shed for storage of pool equipment. She said that they stopped work on the driveway when they found out that they needed a permit and variance.

Michael Savarese, the architect for the applicant, referred to a color site plan, sheet SP-100 which was marked into evidence A-1. A diagram showing dimensions, sheet SP-300 was marked into evidence A-2 for ID –only. Mr. Savarese described the dimensions of the driveway at different points. The Board discussed the measurements with and without the Belgium blocks. He explained that the Belgium blocks are set at a 45 degree angle, which make the driveway wider than 20'. Ms. Wilensky explained that the ordinance requires that the edge be included in the measurement. Mr. Savarese discussed options to decrease the width.

Mr. Malta expressed concern that cars could easily drive over the Belgium blocks and park over the driveway. Mr. Mizrahi said that their intention was not to create a parking lot, but to make it safe by creating the circular driveway. He said that the Belgium blocks are already in place and they spent a lot of money.

The Board discussed possible options for the driveway. Mr. Fitzgerald suggested that the Belgium block on the westerly, street side of the driveway be moved so that it is no more than 20' wide. Ms. Wilensky suggested differentiating the walkway with the driveway and using pavers in the walkway area rather than paving it. The driveway nearest to Crosby Avenue will be moved away from the property line, but expanded towards the house.

The Board discussed the shed, which will be used to store outside equipment. Ms. Wilensky explained that there used to be a partial garage when they purchased the property, which is no longer there. They are now at maximum coverage and adding a shed will put them over. There is a basement but it is not practical to bring outside furniture into this space. Mr. Fitzgerald suggested constructing an exterior access to the basement. Mr. Savarese said that there is no place to do that.

Mr. Mizrahi said that the patio and concrete was existing when they bought the house. Ms. Wilensky said that they have pavers, which are not shown on the survey. Mr. Mizrahi said that they replaced the concrete with pavers but that it is the same size. Ms. Wilensky said that they did not get permits to do that, and that it is different. Mr. Savarese confirmed that the pavers are a little larger by 180 square feet. Ms. Wilensky said that it is difficult to figure out what is new and what is old. Mr. Schepiga suggested carrying the hearing to think about what they want to do and work with Mr. Fitzgerald.

Mr. Savarese said that they brought a traffic engineer and asked if he should be brought back. Vice Chairman Schepiga and Mr. Fitzgerald agreed that he did not need to be brought back. The applicant agreed to meet with Mr. Fitzgerald.

Vice Chairman carried this application to October 23, 2014.

Meeting adjourned at 9:35 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary