

CAUCUS SESSION: 7:15 P.M. Public Meeting 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 I
Jane Grabelle
Eric Menell
John Napolitani, Alt II
Henry Schepiga, V Ch
(arriv.8:30 PM)
Peter Siano, Alt III
Charles Theodora, Alt IV
James Worrell
Warren Goode

MEMBERS ABSENT: Russell Malta
Richard Van Wagner

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
James Higgins, P.P. Board Planner
Marianne Wilensky, Planning Administrator
Rachel Montemarano, 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 July 11, 2014.

MINUTES FOR APPROVAL

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of October 8, 2014.**

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

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of October 23, 2014.**

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

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

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

RESOLUTION MEMORIALIZATION

Erick Aguiar

Block 25.34 Lot 30
410 Redmond Avenue
Oakhurst
Bulk Variances

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

APPLICATION WITHDRAWN

2112 Highway 35 Associates, LLC

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

CASES CARRIED TO January 8, 2014

Sam Mizrahi

Block 58 Lot 11
150 Monmouth Road
Oakhurst

St. George Greek Orthodox Church

Block 1.02 Lot 73
1033 West Park Avenue
Ocean

Dean H. Schoch II

Block 106 Lot 14
1320 Birch Avenue
Wanamassa

CONTINUED CASE

**Yeshiva Gedola Na'os
Yaakov, Inc.**

Block 216 Lot 19
1515 Logan Road
Wanamassa
Zone R-4

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

Attorney for the applicant: Jennifer S. Krimko, Esquire

The attorney for the applicant, Jennifer S. Krimko, Esquire said that revised plans were submitted with changes to the site circulation, parking and to the interior that will change the Rabbi's testimony from the previous hearing.

The following items were marked into evidence:

- A-11 Site plan dated 4-14-14 revised through 11-25-14
- A-12 Architectural plans revised through 11-24-14

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked B-3.

Fire Marshal, Christopher Pujat announced that the room had reached capacity and that no more people were allowed to enter the room or the meeting would have to be shut down.

David Boesch, project manager for the application, submitted an exhibit of the Landscape plan dated November 25, 2014 from the site plan set that was marked into evidence A-13. Mr. Boesch referred to A-13 to describe the changes made to the site layout, noting that there has been a significant modification to the circulation pattern especially for emergency vehicular access. He said that they are now proposing to eliminate the drive aisle to the North side of the building and remove the vast majority of the paving to the northwest corner. There is a combination of parking spaces proposed, including greenbanked parking spaces, for a possible total of 63 spaces. The dumpster enclosure area is being relocated with a 6' vinyl fence and evergreen tree plantings to buffer the north side. Mr. Boesch said that they will comply with the requirements in the Fire Marshal's report. Mr. Boesch said that they are proposing to enhance the landscaping along the Logan Road frontage, including hedges and

perennial plantings. Evergreen trees will be planted along the south side of the property.

Board Planner James Higgins, PP asked if there was anything that could be done to soften the noise related to the trash enclosure for the neighbors to the north. Mr. Boesch suggested adding more landscaping and an 8' high fence as items they could consider.

Ms. Bonney asked if there were any outside recreation areas. Mr. Boesch said that there are no outside fields and the existing basketball hoop is being removed.

Roy Larsen, 1517 Logan Road, asked about the new location of the loading area and trash enclosure area. Mr. Boesch described the location, noting that it is moving closer to the south wing of the building. Mr. Boesch said that there will not be large delivery trucks.

Michael Palutis, 1506 Walnut Avenue, asked if the driveway is designed in accordance with ASHTO standards. Mr. Boesch said that the pavement is conventional asphalt. He said that they are reducing the amount of impervious coverage. Mr. Palutis asked about the affect on the tributary and watershed patterns. Mr. Boesch said that they are reducing the rate of runoff into the tributary and reducing the amount of asphalt on the site. Mr. Palutis asked if the plans had been reviewed by an engineer for flooding issues. Mr. Boesch said that those questions should be directed to the Board Engineer. Mr. Palutis asked if there will be an impact on the beaches. Mr. Boesch said that there will be a decrease in runoff. The runoff will flow into the tributary. Mr. Palutis asked if the Deal Lake Commission has been informed and expressed concern over oil and antifreeze. Mr. Boesch said that he does not know if the Deal Lake Commission was informed, but that there is a reduction in the number of vehicles as there will no long be drop-offs every day.

Pete Corallo, 1205 Marion Avenue, asked about the effect on the stormwater and sewerage systems with the capacity increase in the building. He asked how the systems would be maintained with the increase in the number of students. Ms. Krimko said that the architect will testify to the code requirements, such as plumbing, for the increased capacity.

Rich Brawer, 1202 Lawrence Avenue, asked if there will be more fertilizer floating into the streams because of the added landscaping. Mr. Boesch said that the landscaping will be maintained. Ms. Krimko said that Mr. Brawer is asking Mr. Boesch to assume how much fertilizer is being used. Mr. Boesch said that he would choose open space over asphalt if given the choice and that it comes down to management practices. Ms. Krimko asked if a new day school could occupy the space and put in fertilizer and landscaping whether or not this application was approved. Mr. Boesch said yes.

Bob Siliato, 1304 Franklin Avenue, asked about the plans to reduce soil erosion during construction. Mr. Boesch said that they need to obtain certifications from Freehold Soil Conservation District and will use measures such as silt fencing and stone tracking pads. Mr. Siliato asked if there will be inground sprinklers. Mr. Boesch said yes. Mr. Siliato asked if there were plans for stormwater management. Mr. Boesch said that stormwater management is not necessary as they are reducing the impervious coverage.

David Dempsey, 52 Park Boulevard, asked about circulation for trucks. Mr. Boesch said that large tractor trailers will not be allowed. He said that the Rabbi testified that there will be daily food deliveries on small trucks. He said that large trucks could maneuver in the front of the site for the initial building fit-out. Mr. Dempsey asked about green space. Mr. Boesch said that of the three acres, 66% is green space. He said that $\frac{3}{4}$ of an acre in the western portion of the property is open space.

Paul Drucker, 20 Oak Avenue, asked about wetlands on the property and if they had an updated letter of interpretation from the state. Mr. Boesch said that they had not, but that in 1996 an application was filed and they received a letter of absence. Mr. Drucker said that there was open water and therefore wetlands. Mr. Boesch disagreed.

Ms. Krimko said that if it is required by law they will apply for a letter of interpretation should this application be approved.

Edward Horn, 1901 Logan Road, asked if they are now proposing only one access point to the rear of the property. Mr. Boesch confirmed there will be one means of egress from the rear of the property. Mr. Horn asked where the closest fire hydrant was located. Mr. Boesch said that he does not know where it is located.

Debbie Conley, 1509 Spruce Avenue, asked if smoking will be permitted. Ms. Krimko said that the Rabbi offered testimony that there will be no smoking inside or outside.

Marie Madden, 912 Bendermere Avenue, asked to see an image of what the front of the building will look like. Mr. Boesch referred to the exhibits previously marked into evidence as A-9 and A-10 that show the existing façade and the proposed façade with landscaping, respectively. Ms. Madden asked to see the sides of the building with the proposed fence. Mr. Boesch said that there will be a 6' vinyl fence along the property line. The 8' fence will be further inside from the property line along the dumpster enclosure. He said that the fence will not be stockade and will be a complementary color.

Gino Dellomo, 45 Wickapecko Drive, asked if they are removing the outside recreational area and if they are planning to build an offsite recreational area. Mr. Boesch said that they are removing the outside recreational area and that there are no plans for an offsite area.

Dara Corallo, 1205 Marion Avenue, asked if a sidewalk will be constructed along the front. Mr. Boesch said not at this time.

Sergio Navarrete, 1500 Chestnut Avenue, asked where the trucks will be during construction. Mr. Boesch said that they will be on-site during construction. Mr. Navarrete asked if there will be locks or keys for the equipment on site. Mr. Boesch said that it is up to the individual contractor.

James Hand, 28 Wardell Place, asked how they are proposing to accommodate parking for 96 students and staff. Mr. Boesch said that they are reconfiguring the existing driveway to be two-way, with 23 parking spaces with potential for more that are greenbanked, which is more than adequate. Mr. Hand said that the next tenant may not have the same restrictions and asked about a deed restriction. Ms. Krimko said that the applicant is now a contract purchaser and has a greater investment in the property. She said that the applicant will consider any restrictions or conditions of approval.

Ms. Krimko requested a special meeting be scheduled.

Chairman Goode carried the application to January 8, 2015. A special meeting date will also be scheduled.

Gino Dellomo, 45 Wickapecko Drive, asked if the special meeting could be at a larger venue. Ms. Wilensky said that that is something she will look into.

Vice Chairman Henry Schepiga arrived at 8:30 PM.

CARRIED CASE

**Gene and Grace Anne
Talarico**

Block 182 Lot 47
21 Fieldstone Lane
Wayside
Zone R-3

This is an application to construct an inground pool, pool patio and equipment with a variance for construction in the flood plain.

The Board's information packet containing the reports of the Board's professionals was marked B-1. Planning Administrator Marianne Wilensky read the report of the Board Engineer.

Gene Talarico said that he understands the comments in Mr. Fitzgerald's report. Ms. Wilensky noted that there are two corrections that need to be made to the plans.

A motion to close the public hearing was made by Maureen Bonney and seconded by Jane Grabelle.

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

A motion to approve the application was made by John Napolitani and seconded by James Worrell.

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

To be memorialized on January 8, 2015.

**DISCUSSION: Deal Sephardic Youth Center, Inc.
Block 13 Lot 19**

Planning Administrator Marianne Wilensky explained that the Board had previously approved a signage package, including signs on the front and side of the building. The applicant now wants to change the signs showing the 'DSN' logo and made from a different material. Ms. Wilensky said that the signs are slightly smaller than originally proposed, but show the same information. The Board members had no objections to the proposed changes. Ms. Wilensky said that with no objections, the building permits will be issued.

Chairman Warren Goode left the meeting at 8:40 PM.

Vice Chairman Henry Schepiga served as Chair for the rest of the meeting.

NEW CASE

Muy Brands LLC

Block 187 Lot 1.01
1102 Highway 35
Ocean
Zone C-3

This is an application for preliminary and final site plan and conditional use approval for a restaurant with a drive-thru window.

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

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked B-1. Board Planner James Higgins, PP summarized his report, noting that no loading space is shown on the plans and testimony is needed as to how they will accommodate deliveries. He also expressed concern with the parking spaces along the entrance on Highway 35 and the use as a

cut-through for the shopping center. Planning Administrator Marianne Wilensky summarized the Board Engineer's report.

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

- | | |
|-----------------|---|
| A-1 | Preliminary and final site plan dated September 15, 2014 consisting of 17 sheets. |
| A-2 | Survey, dated August 7, 2014 |
| A-3 | Architectural plans consisting of 4 sheets dated September 5, 2014 |
| A-4 for ID only | Colored rendering of the elevations |
| A-5 | Department of Transportation letter of no interest dated October 1, 2014 |

The project engineer for the applicant, Robert Streker of Bohler Engineering submitted the following items into evidence:

- | | |
|-----|---|
| A-6 | Exhibit showing an aerial photograph of the site dated December 2, 2014 |
| A-7 | Exhibit of the colored rendering of sheet 3 of the site plan set dated September 15, 2014 showing the proposed landscaping. |

Mr. Streker described the site, noting that the .77 acre parcel is not part of the shopping center although it appears that way. He said that there has been remediation on the site and there are monitoring wells. Vice Chairman Schepiga asked who is responsible should there be a problem on site. Mr. Falvo said that the owner of the property is responsible. Mr. Streker referred to A-6 and said that they are proposing to maintain the cross access to which the traffic engineer will testify. He referred to A-7 to describe the proposed development of the 2,063 sq. ft. building with a drive-thru window. He said that they are proposing to maintain the existing driveways. With regard to Mr. Higgins' concern about the parking spaces by the entrance, he said that there is a 90' difference between the aisle and the parking spaces where the DOT requires 50'. He compared it to Dunkin Donuts, Verizon and Burger King in the surrounding vicinity that have similar parking situations. He said that the location of the parking is safe and efficient, with 19 spaces. Mr. Streker described the drive-thru that will have 9 stacking spaces where most Taco Bell's only have 8 stacking spaces. The cross connection to the shopping center is important for the convenience of customers who would otherwise have to go back onto Highway 35 in order to access the restaurant. He said that he does not expect there to be much use as a cut-through to the shopping center from the highway since there is an entrance to the shopping center just before the entrance to the restaurant.

Mr. Streker described how deliveries will occur on site. Unloading takes 30 minutes so a traditional loading area is not necessary. Deliveries take place in the early morning hours while the store is open but not very busy. The truck will pull up next to the trash enclosure to unload. He said that it does not impede the use of the site. There will be a cedar enclosure with bollards and an 8' fence around the trash area. Mr. Higgins said that that is not the Township standard. Mr. Streker said that they will comply with the Township standard.

The drive-thru will have a crash box height restrictor located at the entrance and a menu board where you order. A small canopy from a pole will be over the menu board. The pole will be wrapped with the Taco Bell logo. Mr. Higgins said that that is counted as a sign, in addition to the crash box. On the south side of the building is the pick-up window with a small canopy.

Mr. Streker said that the DEP monitors the well monitors and gave clearance to build. He said that there is still groundwater contamination after the remediation that must be monitored. Mr. Falvo said that there is a deed restriction that it cannot be developed residential.

Mr. Streker described the proposed landscaping, including trees, shrubs and decorative perennials. Shrubs are being added to block headlight glare to Highway 35. The site will be irrigated. Light poles and wall accent lights are being added. There is light spillage off the south west corner of the property into the shopping center. Ms. Wilensky said that the Board Engineer indicated in his report that he is fine with this.

The Board discussed the façade sign that has the Taco Bell logo and a swale that extends the size of the sign. Mr. Falvo said that there is a difference of opinion of the size of the sign and whether the swale should be counted. Mr. Higgins said that it is a technical variance, and the swale is included as it would not be there without the 'Taco Bell' underneath it.

Mr. Falvo presented Robert Delia of Summit Realty to present testimony on the operations of the facility. Mr. Delia is responsible for finding sites for MUY Brands to build Taco Bell facilities. Mr. Delia said that there are total of 15-20 employees, with 5 employees on a shift at a time. It is common for employees to travel to work together. Four times a day an employee does a clean up of the property. There are security cameras and time delayed safes that no one can open and that are hidden from the public. Refuse pick-up takes place two times a week and there are deliveries twice a week. Mr. Delia referred to the West Long Branch and Neptune locations that have deliveries early in the morning.

Mr. Delia said that there are a high percentage of impulse drive-thru customers as they pass by. He said that it is not a destination retailer. Mr. Delia said that this site is excellent for traffic pass-bys. He said that they have recently started serving breakfast in the Northeast region, but that it has been served in other parts of the country for a while. He said that it is not a huge percentage of sales. The stores are open seven days a week with reduced hours on holidays.

Mr. Worrell asked about employee parking. Mr. Delia said that there are 4 – 5 spaces for employee parking. He said that it is common for minors to get dropped off. Mr. Higgins said that he is okay with the number of parking spaces as it is common for employees to be dropped off or not have vehicles. Ms. Wilensky asked about a cross parking arrangement with the shopping center. Mr. Falvo said that Sunset Arcadia agreed to allow employees to park across the drive aisle that services Wegmans.

Rich McNally, 36 Patterson Avenue, noted that people throw their trash out their car windows and it litters the roads and asked what they do about that. Mr. Delia said that they have receptacles on-site and that there is nothing they can do off-site. He said that MUY Brands has received a number of awards from corporate Taco Bell for its operations. Mr. McNally said that this is the third Taco Bell in a 3 mile radius and asked how this location will add to traffic congestion. Mr. Delia said that the other locations are busy and there are not many people who will drive out to the other locations. He said that there will not be added traffic as people are not going out of their way to travel to this location. Mr. McNally asked if there were other locations that did not require any variances. Mr. Delia said that there were many factors that made this site suited for this use, including the pass-by location.

Vice Chairman Schepiga carried this application to January 8, 2015.

Meeting adjourned at 9:45 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary