

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

DISCUSSION: Advisory Letter from Environmental Commission

Chairman Goode read a letter he prepared in response to the Environmental Commission's advisory letter, noting that the Commission is an advisory committee that provides information to the Board for its review. The Board relies on its licensed professionals to consider that information in their own reports. The Board members unanimously agreed that the response letter be sent to the Environmental Commission and the Township Council.

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

MEMBERS

PRESENT: Maureen Bonney, Alt I
Jane Grabelle
Russell Malta
Henry Schepiga, V Ch
Peter Siano, Alt III
Charles Theodora, Alt IV
James Worrell
Warren Goode, Chair

MEMBERS

ABSENT: Eric Menell
John Napolitani, Alt II
Richard Van Wagner

OTHERS PRESENT

Mark A. Steinberg, Zoning Board Attorney
William Fitzgerald, PE Board Engineer
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.

CASES CARRIED to July 9, 2015

**Deanna and Michael
Houlihan**

Block 40 Lot 61
806 Maple Street
West Deal

Sandra Reeves

Block 76 lot 2
491 S. Edgemere Drive
West Allenhurst

Edward & Sharon Dayan

Block 14.01 Lot 8
251 Wilson Avenue
Ocean

CASE CARRIED to July 15, 2015

Yeshiva Gedola Na'os Yaakov, Inc.

Block 216 Lot 19
1515 Logan Road
Wanamassa

Location:

Ocean Township High School
Auditorium
550 West Park Avenue
Oakhurst

Time:

7:00 PM

CASE CARRIED to September 10, 2015

St. George Greek Orthodox Church

Block 1.02 Lot 73
1033 West Park Avenue
Ocean

MINUTES FOR APPROVAL

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of April 23, 2015.**

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

A motion was made by Jane Grabelle and seconded by James Worrell to approve the **minutes from the meeting of May 18, 2015.**

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

CONTINUED CASES

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 with variances for rear yard setback under minimum and side yard setback under minimum.

The Board's information packet containing reports of the Board's professionals was marked B-2. Planning Administrator Marianne Wilensky, PP read her report. Board Engineer William Fitzgerald, PE summarized his report, noting that the technical details with regard to drainage are close to being worked out.

Joe Kociuba, the engineer for the applicant, referred to an exhibit of the proposed drainage trench revised through June 2, 2015 that was marked as A-2 for ID only. No additional runoff will be created from what the applicant is proposing. Mr. Fitzgerald noted that there will be some runoff but from improvements that were constructed before Mr. Mizrahi owned the home, not any additional runoff. Mr. Fitzgerald said that he believes the drainage can be worked out. Mr. Kociuba said that the trench will be a 5' wide, 3' deep stone trench.

Mr. Fitzgerald said that he has no issue with the rear yard setback of the pool patio. Mr. Mizrahi said that there is landscaping and a fence behind it.

Michael Savarese, the architect for the applicant, referred to the architectural plans which were marked into evidence A-1. He described the changes that have been made to the proposed plans since the last hearing, including a new 63 sq ft shed and porous pavers for the driveway.

Mr. Mizrahi asked the Board to consider allowing him to keep a portion of the Belgium blocks along the driveway as they had already been installed and would be a great expense to remove and replace. Mr. Fitzgerald said that he had no issue with that as long as the extra impervious surface could be mitigated. Mr. Savarese went through the width of the driveway at different points. Approximately 60-65 feet of driveway would be greater than 22' wide. Mr. Kociuba said that the places of the driveway wider than 22' are parallel to the street and not noticeable. Mr. Fitzgerald said that well placed planting would mitigate it visually. Chairman Goode said that as long as Mr. Fitzgerald has no issue with it, he has no issue with granting the request to keep some of the Belgium blocks. Board Attorney Mark Steinberg said that a landscape plan should be submitted showing the plantings to block the view of the wider driveway. Mr. Savarese confirmed that approximately 75 feet of the driveway is greater than 20' wide, most of which is at the cross piece parallel to the street.

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

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

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

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

To be memorialized on July 9, 2015.

The Board heard application #3 on the agenda ahead of application #2 at the request of the attorney, Jennifer S. Krimko, who represents both applications.

315 Roosevelt Ave, LLC
Block 17 Lot 34
315 Roosevelt Avenue
Oakhurst
Zone R-4

This is an application to construct a new single family residence, in-ground pool, patios, hot tub, shed and basketball court with variances for lot width under minimum, front yard setback under minimum, fence height over maximum in a front yard, solid fence height in front yard over maximum and change in grade over 2 feet.

Attorney for the applicant: Jennifer S. Krimko, Esquire

The attorney for the applicant, Jennifer S. Krimko, Esquire said that they can comply with all the issues in the Board Engineer's report. The Board's information packet containing the reports of the Board's professionals was marked B-2. Planning Administrator Marianne Wilensky, PP read her report. Board Engineer William Fitzgerald, PE summarized his report, noting that there is an issue with grading and he wants it resolved on the plan. He said that he has no issue with the applicant installing a smaller gate as long as they improve the right-of-way and curb to Township standards.

Ms. Krimko referred to the plot plan revised through May 20, 2015 that was marked into evidence A-5. She said that they have relocated the shed onto the west side of the property to a conforming location, therefore a variance is no longer needed. She said that they will submit revised plans to show drainage information requested in Mr. Fitzgerald's report. With regard to improving the right-of-way on Garfield Avenue, Ms. Krimko asked why the homeowner should have to incur the expense if they cannot use the access for vehicles. Mr. Fitzgerald said that cars can park along the curb and people can walk through the gate.

The owner of the property, Camille Esses, said that she purchased it almost two years ago. She wanted her children to enjoy the backyard with a pool and basketball court and it was not her intention to have a party house. She bought the property for the access on both sides, so that her children could leave using Garfield Avenue. She said that they wanted to place the house facing Garfield Avenue but they would not have been able to meet the setback requirements.

Ms. Krimko said that the applicants are willing to amend the application so that the basketball court and the fence conform. They will only require variances for lot width and change in grade of 2' or more. Revised plans will be submitted.

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

In Favor: Bonney, Grabelle, Schepiga, Siano, Theodora, Worrell, Goode
Opposed: None

A motion to approve the application subject to revised plans and a tree plan being submitted was made by Henry Schepiga and seconded by Jane Grabelle.

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

To be memorialized on July 9, 2015.

David Azar

Block 8 Lot 7
333 Park Avenue
Oakhurst
Zone R-2

This is an application to keep a basketball court and a driveway with variances for front yard setback, side yard setback, hedge height over maximum and fence height over maximum.
Attorney for the applicant: Jennifer S. Krimko, Esquire

The Board's information packet containing the reports of the Board's professionals was marked B-2. Planning Administrator Marianne Wilensky, PP read her report. Board Engineer William Fitzgerald, PE summarized his report.

Attorney for the applicant, Jennifer S. Krimko, Esquire had A-3 moved in as an exhibit that was marked for ID-only at the last hearing. Ms. Krimko submitted a plot plan revised through April 30, 2015 that was marked into evidence A-4.

Ms. Krimko said that the applicant is willing to limit the height of the hedges to 12' and will add the filter fabric to the drainage system recommended by the Board Engineer. One of the sheds is being removed and the other is being relocated. She said that they are in the process of getting permits. The landscaping will be completed by October 30th.

The engineer for the applicant, David Boesch, described the proposed changes to the plan. Each end of the basketball court will be screened with fencing and landscaping. The hedge will be 6'-8' at planting and 12' maximum. The fence will be 6' high with no gate onto Laird Street. Mr. Boesch said that the driveway is an existing condition due to the skewed property line. Mr. Fitzgerald said that it is not noticeable in person. Mr. Worrell asked if there will be exterior lighting. Ms. Krimko said that there will not be lighting and there will be no activity on the court after sundown.

A motion to close the public hearing was made by Richard Van Wagner and seconded by Jane Grabelle.

In Favor: Bonney, Grabelle, Schepiga, Siano, Theodora, Worrell, Goode
Opposed: None

A motion to approve the application was made by Henry Schepiga and seconded by James Worrell.

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

To be memorialized July 9, 2015.

The Board took a break at 8:53 PM and resumed at 9:08 PM.

Sandra Birchler
Block 123 Lot 49
46 Ballard Drive
Ocean
Zone R-5

This is an application to demolish and construct a new single-family home with variances for lot area under minimum, lot width under minimum, side yard setback, front yard setback and stories above grade over maximum.

Attorney for the applicant: Jennifer S. Krimko, Esquire

The attorney for the applicant, Jennifer S. Krimko, Esquire said that they are eliminating the variance for stories above grade.

The Board's information packet containing the reports of the Board's professionals was marked B-1. Planning Administrator Marianne Wilensky, PP read her report. Board Engineer William Fitzgerald, PE summarized his report dated June 1, 2015. Ms. Krimko said that the applicant can comply with all the items in their reports.

Ms. Krimko submitted the following items into evidence:

- A-1 Grading plan revised through 5/21/15
- A-2 10 page packet prepared by the applicant including elevations and layout plans revised through 5/22/15
- A-3 Certified mailing receipts and letters sent to adjoining property owners.
- A-4 Response from property owner of 44 Ballard Drive
- A-5 Photo packet of houses in the neighborhood consisting of 14 pages taken May 28, 2015 by the applicant.

Charles Gilligan, the engineer for the applicant, said that the existing structure is in poor shape and went through what is proposed for the property, including raised planting beds to hide the exposed foundation. He referred to a depiction of the proposed house and garage showing the raised planting beds that was marked into evidence as A-6. Mr. Gilligan and Mr. Fitzgerald discussed the soils in regard to the basement. Mr. Gilligan will submit another soil boring for Mr. Fitzgerald's review.

The applicant, Sandra Birchler, described the style of the proposed house which she said is traditional with a federal style roof that will have details such as window trimmings. She noted that the other homes in the area are eclectic. She said that she absolutely loves the design. The garage roof needs to be replaced and she is willing to match the roof design and material to the house. The brick will be painted to match the house as well. The garage door will be reduced in size so that a car cannot pass through and replaced with two doors that open like French doors that will match the front door of the home. The garage will be used for gardening equipment.

Ms. Birchler said that the trees in the right-of-way will be removed and she will make a contribution to the Shade Tree Fund. She is proposing to remove the driveway in front of the garage and expand the driveway in front of the house.

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

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

Board Attorney Mark Steinberg went through the requested variances, noting that the variance for stories above grade is not needed and that the neighbors were noticed with the option to buy or sell with no response received.

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

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

To be memorialized July 9, 2015.

Jack Aini

Block 20.01 Lot 13
128 Adams Avenue
Oakhurst
Zone R-4

This is an application to keep a swing set and pool equipment with variances for front yard setback and side yard setback.

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

Ms. Wilensky noted that she did not receive an affidavit of publication with the republished notice in the Asbury Park Press. Board Attorney Mark Steinberg said any approval can be subject to Mr. Aini getting an affidavit and that he can proceed with the application as all other notices were done correctly.

Mr. Aini said that he did not know he needed a permit for the swingset, which is in a technical front yard due to Gates Avenue. He said that he spoke to the Township Manager who said that Gates Avenue will likely never be improved, though there is no guarantee. Mr. Aini said that he will move the swingset should Gates Avenue ever be improved. Mr. Steinberg said that he should file a deed restriction in the County so that new owners would know that they would have to remove the swingset. Mr. Aini agreed.

With regard to the pool equipment, Mr. Aini said that it is for jets that stream into the pool that are lit with fiber optics. Ms. Wilensky said that they are required to be located 10' away from the pool surface and could be moved to a conforming location away from the property line and closer to the pool. Mr. Aini said that he would rather not relocate them as it would be expensive. The electrician advised him that these boxes are always installed by the fence if not by the pool equipment. The small pieces are a tripping hazard and he does not want them in the grass area where his children play. Ms. Wilensky said that the Construction Official said that these are uncommon and he has never seen them located so far away from the pool. She said that they should not be located so close to the neighbor's property.

The Board discussed the size of the equipment, noting that it was small in size and possibly could be screened. Mr. Aini said that he had planned to landscape but was waiting for the outcome of this application. Ms. Wilensky said that the problem is that while Mr. Aini could screen from his side of the fence, he can't screen on the neighbor's side. The junction box is approximately 11" high and approximately 4" x 8" wide. The two PVC conduits for the fiber optics are approximately 10" high and approximately 6" in diameter.

Gladys Glassman, 6 Greenbriar Road, said that the back of her property abuts the side of Mr. Aini's property. She said that she objects to the application because she finds it hard to believe that he did not know he needed variances when he built the pool. She said that his backyard is very full and the integrity of the neighborhood has been compromised.

A motion to close the public hearing was made by Henry Schepiga and seconded by James Worrell.

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

A motion to approve the application with the condition that a deed restriction be filed within 30 days of memorialization and the submission of an affidavit of publication before memorialization was made by Jane Grabelle and seconded by Russell Malta.

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

To be memorialized July 9, 2015.

Myron & Elysee Rumeld

Block 25.35 Lot 32
7 Ross Court
Ocean
Zone R-2

This is an application to construct a covered front porch and one story addition and keep a patio with variances for front yard setback under minimum.

Attorney for the applicant: James Berube, Esquire

Chairman Goode is disqualified on this application and left the dais. Vice Chairman Schepiga served as Chairman for this application.

The Board's information packet containing reports of the Board's professional's was marked B-1. Planning Administrator Marianne Wilensky read her report, noting that there is a fence and trees encroaching onto the next lot which is owned by the Township of Ocean. Mr. Berube said that they have a solution to propose. Board Engineer William Fitzgerald summarized his report, noting that he has no concerns with the application.

Elysee Rumeld, the applicant, said that they want to enlarge their dining room and add a covered porch over the front door.

The following items were submitted into evidence:

- A-3 Photo – front of the house
- A-4 Photo- close up view of the front of the house
- A-5 Photo- close up of existing plantings in the front

Ms. Rumeld said that the family is growing with grandchildren and they want to be able to seat everyone around the table. She said that the addition will match the architecture of the rest of the home. They want the porch covered for safety and coverage from snow and rain when entering the home.

The architect for the applicant, Anthony Ercolino described the proposed work and submitted the following items into evidence:

- A-1 Sheet A-1 of the site plan/floor plan revised through 5/18/15
- A-2 Sheet A-2 Elevations revised through 5/18/15

Mr. Ercolino said that the house has been updated and this is part of the update. He said that the encroachments of the fence and trees in the southern area of the property will be removed and replaced within the property line. They will re-landscape around the dining room addition, but no other landscaping is necessary.

Mr. Ercolino said that the step in front of the porch is considered a patio. It is made of pavers that extend 7' out from the porch and has been there since the previous owners. Ms. Wilensky said that her concern is that it would become an outdoor seating area in the front yard.

Mr. Berube said that they are asking for a waiver of a landscape plan and nothing is changing. Ms. Wilensky said that the Town receives complaints about patios in the front yard, but that it could be a condition of approval in the resolution that the area must be kept landscaped. It will be included in the resolution that the front must

be landscaped and maintained similar to that of photographs marked A-4 and A-5. It will also be a condition of approval that the fence and trees are moved off of Lot 12 by October 31, 2015. The applicant agreed to these conditions.

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

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

A motion to approve the application was made by Jane Grabelle and seconded by Russell Malta.

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

To be memorialized July 9, 2015.

Chairman Goode returned to the dais.

Thomas Pinto
Block 134 Lot 1
30 Ballard Drive
Ocean
Zone R-5

This is an application to change a roof line in order to allow additional second story living space with variances for front yard setback and rear yard setback under minimum.

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 his concern for the safety of the garage located within the Right-of-Way and the design of the gambrel roof.

Mr. Pinto said that he thought that a gambrel roof would look less bulky but is willing to switch to a gable style. He said that he hopes to expand his family and wants to add one more room. Mr. Pinto said that the garage does not obstruct anyone's views and has been there since the home was built. He explained that the garage and driveway are on Oak Drive. He said that he parks on Oak Drive rather than Ballard Drive as it is safer.

Chairman Goode and Mr. Schepiga said that they want to go look at the property and the Board agreed.

Chairman Goode carried this application to July 9, 2015.

Arnie Bollhardt
Block 141 Lot 11
920 Highway 35
Ocean
Zone C-4

This is an application to change a condition of an approval granted May 22, 1997.

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

The Board's information packet containing the reports of the Board's professionals was marked B-1. Board Planner James Higgins, PP read his report and Board Engineer William Fitzgerald, PE summarized his report, noting that the site needs refreshing in the areas of paving, lighting, the exterior, landscaping and striping. Board Attorney Mark Steinberg, Esquire said that in 1997 the lots were owned by the same entities. The lots were never joined and are now owned by two different entities. Mr. Higgins said that the previous approval required that the stores be owned and operated by the same entity, which is no longer the case. Mr. Steinberg also noted that the ordinance has changed and an apparel store is now permitted in the zone.

Mr. Falvo said that there have been furniture stores, an antique store and now they are trying to open an apparel store, Naughty But Nice. He asked why they are now being required to improve the site after all this time when they are only asking for the restriction to be lifted. Chairman Goode said that now they are presenting an application and are subject to site plan. He said that the site has to be updated.

Mr. Falvo said that they will restripe the lot and bring the handicap accessible spots up to current ADA compliance. He also agreed to hairpin striping and patching holes in the pavement.

Michael Betesh, the owner and landlord of the property, said that he wants to improve the site and the tenant is going to make it look spectacular. Mr. Higgins said that the landscaping looks bare. Mr. Falvo said that there are large trees between the site and Burger King. Mr. Higgins noted that those trees are not shown on the plan and the three trees in the front are too short. Mr. Falvo said that the applicant will comply with the 1997 landscape plan, but Mr. Higgins said that he would like something more formal to be filed.

The Board discussed having Mr. Steinberg prepare a positive resolution for the July meeting. An on-site meeting will be scheduled with the Board's professionals before any improvements are done and a landscape plan will be submitted.

Chairman Goode carried this application to July 9, 2015.

Meeting adjourned at 11:25 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary