

CAUCUS SESSION: 7:15 P.M. 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 I
Jane Grabelle
Russell Malta
Eric Menell
John Napolitani, Alt II
Henry Schepiga, V Ch
Richard Van Wagner
James Worrell
Warren Goode, Chair

MEMBERS

ABSENT: Peter Siano, Alt III
Charles Theodora, Alt IV

OTHERS PRESENT

Mark A. Steinberg, Esq., Zoning Board Attorney
James Higgins, PP, Board Planner
William Fitzgerald, PE, Board Engineer
Marianne Wilensky, PP, 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 13, 2015.

CASE CARRIED to September 30, 2015

Yeshiva Gedola Na'os Yaakov, Inc.

Block 216 Lot 19
1515 Logan Road
Wanamassa

Location: Ocean Township High School
Gymnasium and Cafeteria
550 West Park Avenue
Oakhurst

Time: 7:00 PM

CASES CARRIED to October 13, 2015

Dennis Tactaquin

Block 105 Lot 10
1315 Birch Avenue
Wanamassa

Sandra Reeves

Block 76 lot 2
491 S. Edgemere Drive
West Allenhurst

**St. George Greek Orthodox
Church**

Block 1.02 Lot 73
1033 West Park Avenue
Ocean

John & Virginia Pulverenti

Block 140.01 Lot 3
210 Lakeview Avenue
Ocean

RESOLUTION MEMORIALIZATIONS

Gary and Suzanne Michel

Block 33.05 Lot 3
20 Coventry Drive
Wayside
Bulk Variance Approval

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

Mr. & Mrs. Jeffrey McManus

Block 37 Lot 37
31 Tilton Drive
Ocean
Bulk Variance Approval

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

Salvatore Spiezio

Block 4 Lot 9
6 Brooke Street
Oakhurst
Bulk Variance Approval

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

Marc and Laura Mizrachi

Block 25 Lot 49
29 Shadowlawn Drive
Oakhurst
Bulk Variance Approval

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

MINUTES FOR APPROVAL

A motion was made by Henry Schepiga and seconded by Jane Grabelle to approve the **minutes from the meeting of August 20, 2015.**

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

CONTINUED CASE

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 and for minor site plan approval.

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-2. Board Planner James Higgins, PP read his report. Board Engineer William Fitzgerald, PE summarized his report. He noted that the refuse area has been relocated, though he does not have any issues with it as long as it meets code. He said that he needs proof that the sites can stand alone under the current proposal.

Attorney for the applicant, Peter S. Falvo, Jr., Esquire discussed the ownership of the buildings, saying that they are not owned by the same entity and have operated

separately for years. Mr. Fitzgerald said that it is in violation of the past approval. Mr. Falvo said that Michael Betesh testified that parking is no longer an issue. Mr. Higgins said that the parking was needed in the past when the store operated as a furniture store and the same could be true for a future business. Mr. Falvo suggested that if the operation changed and parking was to become an issue on Lot 11, the operator could possibly work out a deal for parking with the operator of Lot 10 similar to what they did in 1997.

Mr. Falvo said that a merger for tax purposes and a merger under land use are different. To be merged for tax purposes, they have to be under common ownership. At the time of the past approval, the lots were under common ownership. Now, the tax records show the ownership of Lot 10 to be 912 Highway 35 LLC and Lot 11 to be 920 Highway 35 LLC. Mr. Falvo said that he does not know what the ownership was when the previous resolution was adopted.

Mr. Falvo said that they submitted a plan as a result of the last hearing on June 3, 2015 and the on-site meeting. They discussed the color of the building, indicating that the brick façade and the band panel around the building would be painted different colors. Mr. Higgins said that Mr. Bollhardt told him during the on-site meeting that he wanted the building to look similar to the CVS across the street. Mr. Falvo said that he never heard that.

Michael Betesh said that when they needed the parking, the business was making \$12 million in revenue. Now they are only making \$1.5 million in revenue. At the busiest time, there are 10 cars parked. He said that the lot is never full. Chairman Goode expressed concern that parking would become an issue if the restriction was lifted. He said that parking is one of the major issues addressed in town. Mr. Falvo said that Mr. Betesh testified that parking was not a problem anymore. He suggested maintaining a cross access easement should they need extra spaces, but he does not think it will be necessary for the apparel store. Chairman Goode said that it is a reasonable idea to be considered. Mr. Schepiga asked what would happen if one lot is sold. Mr. Falvo said that it would be subject to the easement which would run with the land. Mr. Higgins said that to the best of his knowledge a parking variance would be needed, though he does not have exact numbers of what's on Lot 10. He estimated that there are approximately 40 parking spaces on the two lots, when approximately 65 would be required by Ordinance. He said that in reality the store wouldn't need that many spaces, so a cross access easement is a possible parking solution.

The Board discussed the ownership of the properties, with Mr. Higgins noting that they are still in violation of the conditions of approval as the two properties are not under the same ownership. Mr. Falvo said that Michael Betesh is a principal of both LLC's. Mr. Steinberg said that the lots cannot be merged under different LLC's, but that the cross access easement can be done and is not an uncommon situation for shared parking.

Mr. Higgins said that he still has an issue with the architectural plans, stating that he had a specific conversation with Mr. Bollhardt about the exterior of the building looking similar to the CVS across the street. Mr. Falvo said that he did not hear that. Mr. Betesh said that the brick would be beige and the band would be burgundy.

Chairman Goode asked how the easement would work and if it should be shown on the plans. After some discussion as to the site, Mr. Falvo said that they will look into it, noting that the only connection between the properties was a sidewalk and it has functioned since 1997.

With regard to the relocation of the refuse dumpsters, Ms. Wilensky said that she would verify with the Fire Marshal that there is no prohibition for their location in that particular area.

Chairman Goode carried this application to October 13, 2015.

Deanna and Michael Houlihan

Block 40 Lot 61
806 Maple Street
West Deal
Zone R-4

This is an application to construct additions with variances for front yard setback under minimum, rear yard setback under minimum, lot coverage over maximum and construction in the flood plain.

The Board's information packets containing reports of the Board's professionals was marked B-3. Board Engineer William Fitzgerald summarized his report. He said that the coverage is substantially lower than what would be allowed if the site were not encumbered. He said the site will not look or operate any differently.

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

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

Board Attorney Mark Steinberg, Esquire read a prepared resolution into the record.

A motion to approve the application and memorialization was made by Henry Schepiga and seconded by Maureen Bonney.

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

Stefanie and Warren Towns

Block 25.09 Lot 1
181 Chatham Avenue
Oakhurst
Zone R-4

This is an application to demolish an existing detached garage and construct a new one story addition with variances for rear yard setback under minimum and lot coverage over maximum.

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, noting that the applicant should explain how they will get to the basement from the outside now that they are proposing to remove the door. She also suggested that the applicant file a deed notice that no additional building coverage, including sheds and garages, can be added without removing existing building coverage.

Mr. Towns explained that they removed the porch in order to keep the lot coverage the same. In order to get to the outside from the basement, he would hang right through the kitchen to the basement door. There is nothing structurally in the way.

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

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

A motion to approve the application with the condition that a deed notice be recorded was made by Henry Schepiga and seconded by Maureen Bonney.

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

Greg and Vivian Frasca

Block 37.06 Lot 17
12 Oxford Way
Wayside
Zone R-3

This is an application to construct a pool house and pergola with variances for rear yard setback under minimum and hedge over maximum height in the front yard.

Attorney for the applicant: Jennifer S. Krimko, Esquire

Vice Chairman Henry Schepiga left the dais as he is disqualified on this application.

Rick Brodsky, Esquire of Ansell, Grimm & Aaron, PC represented the applicant.

The Board's information packet containing reports of the Board's professionals was marked B-1.

Planning Administrator Marianne Wilensky, PP read her report, suggesting that the applicant file a deed notice to include no heat and air conditioning in the pool house and an arborvitae buffer. She also expressed concern about the rinse station.

Board Engineer William Fitzgerald, PE said that Ms. Wilensky covered everything that was in his report, but expressed concern with the noise of the mechanical equipment against the wall and under the roof.

Mr. Brodsky said that revisions have been made to the plans to incorporate all the suggestions.

Don Passman, the architect for the applicant, submitted architectural plans dated 3/30/15 revised through 8/26/15 that were marked into evidence A-1. Mr. Passman referred to A-1 to describe the two-story house on a corner lot. The house faces Buckingham Drive. The applicant is proposing a pool house and pergola. The interior of the pool house consisted of a small kitchenette and powder room with no heat or air conditioning. The pool house is not intended to be used year round, only in conjunction with the use of the pool. He said that after considering the comments of the Board's professionals, they are now proposing to relocate the pool equipment and to eliminate the cut-out in the design of the pool-house to make it a full rectangle. Mr. Passman said that it is approximately 55' from the proposed structure to the neighboring house.

Mr. Passman said that the proposed rinse station, which was to be an outdoor shower with no roof, has been eliminated from the plans.

Revised plans dated 9/9/15 were marked into evidence A-2. Mr. Passman referred to Sheet A-2, which shows the new location of the pool equipment, the removal of the rinse station and the new rectangular shape of the structure.

Three photographs showing the property and adjacent properties from Google Earth, 2015 were marked into evidence A-3. The photos show the existing arborvitae hedge.

Mr. Fitzgerald said that the revisions satisfy his concerns.

A motion to close the public hearing was made by Jane Grabelle and seconded by Eric Menell.

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

Revised plans will be submitted. A deed notice must be filed that the homeowner must maintain a solid arborvitae hedge of 10' - 12' in height along the rear, southerly property line and that there will be no HVAC in the pool house.

A motion to approve the application was made by Jane Grabelle and seconded by James Worrell.

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

John Napolitani left the meeting at 9:15 PM.

Vice Chairman Schepiga returned to the dais.

Joan Bennett

Block 25.15 Lot 16
443 Harnell Avenue
Oakhurst
Zone R-4

This is an application to erect a 6' high fence in a front yard with a variance for fence over maximum height in a front yard with a setback of 8' where 10' was previously approved and a minimum of 30' is required.

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 said his report provides the same information.

Joan Bennett said that the fence is old and needs to be replaced. She would also like more privacy. The fence will be white cedar.

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 Eric Menell and seconded by Henry Schepiga.

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

Selma, LLC

Block 34 Lot 14
1710 Highway 35
Oakhurst
Zone C-2

This is an application for a "d" variance for temporary automobile storage.

Attorney for the applicant: Rick Brodsky, 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. He said that he visited the site while the martial arts business was open and there were parking spaces available. He said that clarification is needed on the time frame, the status of the mail order use, the status of the remaining spaces without tenants, and the transportation of the vehicles to the site. Mr. Higgins noted that the applicant must give reasons why the site is suitable for this use in the granting of a D1 variance. The situation is temporary and would not cause a substantial impact.

Board Engineer William Fitzgerald, PE said that he has no engineering concerns, but that the applicant should specify the types of vehicles and the time limit.

Rick Brodsky said that the existing 123 parking spaces on the site are significantly underutilized.

Jeff Nissim, a principal of Selma LLC and a principal of the Jeep, Chrysler, Dodge dealership on Shrewsbury Avenue in Tinton Falls, explained that they have limited space on their lot due to construction. He said that vehicles being parked on this site are passenger cars from the dealership that are driven individually to be parked on the site. They are not delivered on trucks. He said that this location is back-up for extra cars if there is no room at the dealership and that they aren't there for more than 30 days. Mr. Nissim said that he requested up to 54 cars to be parked, but there are no more than 20 to 25 cars at a time.

Mr. Nissim explained that there were delays in construction but it is now progressing. He is requesting approval for 6 months, but hopes that it will be done before then. Board Attorney Mark Steinberg, Esquire said that the notice indicates an end date of 12/31/15. Mr. Brodsky said that they thought that's what it would be, but that it can be amended on the record. Mr. Fitzgerald expressed concern that the construction might not be completed within 6 months due to weather. Mr. Nissim said that the major setback was drainage, but it has been resolved. The project manager advised him that worst case scenario is that the work will be completed by the end of the year.

Mr. Van Wagner said that as they start to fill the building with tenants, the need for parking will increase and there will be an incentive to get rid of this temporary use. Mr. Nissim said that if he had full tenants, he would rather have that scenario. Mr. Higgins said that even if the spaces are rented out, there is enough parking on site. Mr. Nissim explained that the cars are only from his dealership and he is not collecting any fees or income. He is letting the dealership use the lot because they are family businesses.

The Board discussed the timeline. The applicant will have 6 months from memorialization for this temporary storage of cars. If it goes beyond 6 months, the applicant must return to the Board.

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

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

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

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

Meeting adjourned at 9:35 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary