

Township of Ocean

Monmouth County

Township of Ocean
Zoning Board

399 Monmouth Road
Oakhurst NJ 07755-1589

Regular Meeting Minutes
January 18, 2024



CAUCUS SESSION: TIME: 7:00 p.m. Second Floor Conference Room
Deal and Monmouth Roads
Oakhurst

REGULAR MEETING: TIME 7:30 p.m. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: John Fuller, Gino Dellomo, Lisa Littman, Victor Ashkenazi, Jason Chmura, Anthony DeGennaro, Mark Leneski, Chairwoman Shawanda Beale

MEMBERS ABSENT: Gitta Kaplan, Anthony Pugielli, Chris Caramanica

OTHERS PRESENT: Board Attorney, Hannah Stone, Board Planner, James Higgins, Board Engineer, Bennett Matlack, Planning Administrator, Colleen Mayer, Board Secretary, Claire Vilanova

SALUTE TO FLAG

CHAIRMAN'S STATEMENT: Chairwoman Shawanda Beale 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, News 12, and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk July 26, 2023.

The meeting began at 7:32pm

The following Resolutions were Memorialized:

- Michael Corley, 4 Windsor Lane, Ocean, Block 37.09 Lot 4
- Daniel & Michelle Mizrahi, 200 Ampere Ave., Oakhurst, Block 25.11 Lot 1
- Ezra & Adele Tawil / Jeannette Tawil & David Betesh, 445 Brookside Ave., Oakhurst, Block 25.34 Lot 14

Bd Member Fuller made a motion to adopt Resolution and Mr. DeGennaro seconded. Roll Call: Fuller, Littman, Ashkenazi, Chmura, DeGennaro, Lenesi, Chairwoman Beale. Ineligible: Dellomo. No one opposed.

Chairwoman Beale announced the following case carried to February 15, 2024 with no additional notice:

- Ashkenazie, Block 11.01 Lot 3, 1036 Norwood Ave., W. Deal
- Michael Gioseffi, Block 159 Lot 54, 78 Cold Indian Springs Rd., Ocean
- Memo Investments, LLC, Block 7 Lot 5, 44 Monmouth Road, Oakhurst
- Matthew & Gloria Ingber, Block 9 Lot 46, 256 Dixon Ave., Ocean
- Kam Chan, Block 123 Lot 2, 1302 So. Wanamassa Drive, Ocean

NEW CASE:

Timothy Appert, Block 37 Lot 28, 13 Tilton Drive., Ocean – Applicant seeks approval to construct a front portico. Minimum front yard setback – 35' required, 23.4' proposed. Chairwoman Beale swore in the applicant and had the Board Packet marked into evidence.

Board Planner Higgins had to disqualify himself as his property is within 200' of the applicant. Board Engineer Matlack corrected his report which stated the front yard setback is 45' which is required in the R-3 zone, but this is the R-3 cluster zone which is not shown on the Tax map, but confirmed with the Zoning Officer. The front setback is actually 35 feet required, and they are proposing 32' which is not as egregious. This is the only Variance required and does not see a problem. Mr. Appert stated this is part of a larger remodel, such as roofing, siding, skylights & new front door. When people come to the front door, they will have coverage from the elements. Other homes in the area have similar porticos and coverings.

Bd Member DeGennaro asked if the pictures provided by the applicant were those similar in the neighborhood, and the applicant stated "yes". No other questions from the Board Members nor were there any questions from the Public. A motion was made to close the Public hearing by Member Fuller and seconded by Mr. Dellomo. Roll Call: Fuller, Dellomo, Littman, Ashkenazi, Chmura, DeGennaro, Lenesi, Chairwoman Beale. A motion for a positive Resolution was made by Member Fuller and seconded by DeGennaro. Roll Call: Fuller, Dellomo, Littman, Ashkenazi, Chmura, DeGennaro, Lenesi, Chairwoman Beale. No one opposed.

NEXT CASE:

Robert & Maryanne Bedford, Block 89 Lot 5, 15 No. Dittmar Dr., Ocean – Applicant seeks approval to construct a screened front porch within the front

yard setback on No. Dittmar Drive. Minimum front yard setback – 30' required, 22'3" (No. Dittmar Drive) proposed. Chairwoman Beale swore in Mr. & Mrs. Bedford, and the Board Packet was marked into evidence. Planner Higgins read his report. He stated this is a hardship, and the recently adopted Master Plan recommends front yard setback requirements for coverage with open porches be relaxed. While this porch is screened and not open, it is not completely inconsistent with the Master Plan particularly since this is a hardship due to the lot depth. The chart on the Architectural plan is incorrect as to the calculations for building coverage. This chart should be corrected, and it should be a condition of approval should the Board approve the application. Similarly, the Plot Grading Plan on file with the application is also incorrect as it does not show the proposed porch addition. Engineer Matlack stated there are proposed grade changes provided at all corners with the proposed structures – there are some grades provided just not at all corners. Mr. Higgins stated this should be part of revision changes.

The applicants were asked about the application, and Mr. Appert stated the screened in front porch was part of a bigger build to get room from our house, but we'll lose the view of the lake. Like to be outside, but between mosquitos & geese this is the reason for the enclosed porch. Mrs. Appert stated on any given day there are 50 geese on the lawn and they would like this space for their 5-year-old to be outside but not in the goose poop that happens every day. Chairwoman Beale opened up for questions to the Board Members, and there were none. Also, there were no Public questions. A motion was made to close the Public hearing by Bd Member Fuller, and Member Dellomo seconded. Roll Call: Fuller, Dellomo, Littman, Ashkenazi, Chmura, DeGennaro, Leneski & Chairwoman Beale. Before the motion was made for positive resolution, Planner Higgins stated only 7 members can vote. He stated last time 8 members voted. Motion for positive Resolution was made by Fuller and seconded by DeGennaro. Roll Call – Fuller, Dellomo, Littman, Ashkenazi, Chmura, DeGennaro, Chairwoman Beale. No one opposed.

NEXT CASE:

-First French Speaking Baptist Church, Block 38 Lots 71 & 72, 2795-2797 Asbury Ave. Ocean, Zone R-2 – Applicant is seeking preliminary and final major site plan approval to construct an approximately 14,096 square foot House of Worship. The use is a Conditional Use in the zone. The applicant is requesting a Conditional Use approval where several bulk variances are also required. Attorney: Amanda M. Curley, Esquire

Ms. Curley stated the intention of the application. The reason for the D-3 Conditional Use is that the property is triangular with 3 front yards and no rear yard. There was failure to meet one of the front yard setbacks, the rear along

the paper street, which is unimproved. The rest of the D-3 standards are met but for the front yard setback and lot depth. This is a House of Worship which is an inherently beneficial use which automatically satisfies any positive criteria. The Bulk Variances will be for a change in grade exceeding 2 feet, impervious coverage based upon buildable lot area, curb cut & driveway. Also, Landscaping plan was not prepared by a Licensed Landscape Architect but an Engineer. Variance for fence, landscape around the basin, and if required, a design waiver for the tree replacement and tree size; will contribute to the fund. Lighting variances - will try to eliminate those.

The first witness was called – Paul Anderson, and he was sworn in by Chairwoman Beale. He stated he is a Licensed Professional Engineer licensed in NJ. He is also a Professional Planner and was accepted. The Board packet was marked in. Planner Higgins cautioned to state is he disagreed with Attorney Curley with regard to whether or not the church is an inherently beneficial use goes towards the positive criteria. The issue is not the use. The issue is it's a D-3 Variance. The applicant has to demonstrate that the site can accommodate the use despite the need for that Variance. Engineer Matlack deferred comment until hearing from the applicant regarding stormwater.

Ms. Curley marked A-1 into evidence aerial layout of the existing condition. Mr. Anderson explained all the streets involved in this rendering. He stated there are no flood zones or wetlands or buffer so no consideration for DEP. Exhibit A-2 was introduced. He explained why the driveway was relocated. He pointed out all of the turning radius. There are 228 parking spaces as proposed. Twenty-three spaces which are EV spaces against the building on both sides. This makes a total of 251 spaces. There is no need for a loading space. A-3 was presented as a combination of Grading, Utility & Landscape Plan. Two detention areas based on green technology. Permeable sand material will allow water to rapidly perk into the ground. Harder rainfall – the storm inlets will allow connection to it. The second stormwater management facility is a small scaled infiltration basin which is also green technology. The building will be served by municipal water, the building will be full sprinklered. There will be 2 hydrants proposed on site – not sure where the connection will be, to be determined in connection with the Fire Bureau. Also proposed will be municipal sanitary sewer system. There are a few lights that will need to be relocated to meet the required setback.

The Landscaping Architect, who started the plan, passed away suddenly in 2020. The buffer planting is around the perimeter. There are 207 Evergreen trees planted around the perimeter to meet the buffer requirements. On the interior of the parcel there are 100 other trees that are both shade & flowering trees. Around the detention basin there are 18 trees. There are 168 qualifying trees for removal which will require either 168 - 4" trees or 336 - 2" trees. There are 326

native shrubs to be planted in the aisles and around the building; also 1028 perennials and grasses, and 1223 ground total plantings.

The garage was discussed. It creates a D-3 Variance on its own as it does not have sufficient setbacks to the paper street. Looking for a different place to put the garage. Alternate location to be determined in order to meet setback requirements. Planner Higgins suggested to move the trash area to the same place as the garage is suggesting to be. Bd Member Littman asked if more trees could be planted instead of contributing to the fund. Mr. Anderson stated there are locations more trees could be added. Even with more trees planted will be unable to meet tree replacement requirements. Bd. Member Ashkenazi asked what bordered on one side of the building and was informed they were homes. He discussed the fencing and will provide specs. The garage will be utilized for equipment such as lawn mowers, snow blowers, etc. Member Leneski wanted to know the distance to the entrance from Cold Indian Springs Road. He also had concerns about the soil percolation. Mr. Anderson approximated 1200 feet to Cold Indian Springs Road. There was discussion regarding the driveway. Member Leneski asked if the church owned the property, and the answer was "Yes". No other Board Member questions were asked and was opened to the Public.

Bd Attorney asked if Mr. Gasiorowski had any questions for the Professionals as he is Attorney representing the residents. Mr. Gasiorowski disagreed with the Bd Attorney as he stated there were a number of questions that were posed to the witness and there are a number of unanswered responses. He stated there is more testimony that will be heard and would like to wait until the entire case is presented.

Gail Kallens, 22 Sharon Drive asked if they were aware of a spring? Mr. Anderson stated soil testing from the original approval which is in the vicinity of the spring, and there is no evidence of ground water seepage. Additional testing will be done. Can we reduce the number of parking spots? Parking ratios for religious organization 2.3 to 2.5 is the ratio not 1 to 2. Planner Higgins stated the Board could consider green banking parking spaces.

James Giannattasio, 20 Mallard Lane wanted to know how tall the building is. Mr. Anderson stated based on the height calculation – 30.67 feet. Mr. Giannattasion wanted to know if this was a standard height.

Victor Russomano, 2713 Asbury Ave. wanted know what is the plan to stop the flooding that exist now? Mr. Anderson stated the stormwater management systems will be interconnected to a permeable layer. What is the plan to get 200 cars into the property expeditiously? The traffic study will answer this.

Michelle 2717 Asbury Ave. – last name protected by Daniel's Law. Are you aware that the property does not abut to Sharon Drive? Answer: Yes. Are you aware they are 6' wide driveways, answer: yes. The 23 EV spots will they be private or public? Mr. Anderson generally considers them private. He also spoke about the lighting plan and the tree replacement plan. Bd Member Littman asked Mr. Anderson to be notified when walking the property regarding the trees. Fence questions were asked and answered.

Mr. Thomas Dunnigan, 224B Cold Indian Springs Road, asked where the dumpster was going to be? He was shown the location on the plan by Mr. Anderson. He asked if the EV chargers would be commercialized. A condition of approval to not rent the EV stations was stated by Attorney Curley.

Mr. Eric Forney, 224B Cold Indian Springs Road, asked what is the inherit benefit of this building? Attorney Curley informed his of the criteria to meet when the Planner testimony is presented.

Mr. Nicholas Lordi, 13 Sharon Drive, wanted to know if the applicant would scale back on the overall building & site improvements? Attorney Curley asked the board since they would be coming back with revised plans, would they like to see less parking spaces and was told yes. Drainage, permeability and stormwater runoff questions were asked and answered.

Ms. Diane Nagy, 11 Mallard Lane, asked what can you do to prevent people that are not church people from using the EV stations? Mr. Anderson stated that they can be operated only at church functions and hours.

Ms. Tatiana Torchia, 2801 Asbury Ave. asked where the garbage was going to be? Attorney Curley stated it may, very well, be relocated. She also wanted to know if the entrance could be moved? Mr. Anderson will have to go back to their professionals to see.

Ms. Katie Buckalew, 216 Cold Indian Spring Road asked if will there be cameras? Mr. Anderson stated the Architect will have to answer.

No other questions were asked. Chairwoman Beale stated they will be carried to April 18, 2024, and will need to re-notice. Motion to close the Public portion was made by Bd. Member Dellomo and seconded by Bd. Member DeGennaro. Chairwoman Beale made a motion to adjourn the meeting and was seconded by Fuller. All were in favor, and the meeting ended at 9:48pm.