



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

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

**MEMBERS**      Ed DiFiglia  
**PRESENT:**      Jemal Beale  
Eric Menell  
David Bodnovich  
Jack Mamiye  
Jeffrey Weinstein

**MEMBERS**  
**ABSENT:**  
John Duthie  
David  
Fisher  
Jack Ades

**OTHERS**      Marc Leckstein, Esquire  
**PRESENT:**      Bennet Matllack, P.E.  
James Higgins  
Colleen Mayer  
Claire Vilanova

Board Attorney  
Board Engineer  
Board Planner  
Planning Administrator  
Board Secretary

## **SALUTE TO FLAG**

**CHAIRMAN'S STATEMENT:** Chairman Jeffrey Weinstein 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.

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The meeting began at 7:30pm. Chairman Weinstein publicly thanked Board Member Estelle Klose on her years of service to the Planning Board as she has resigned from the Board and has served steadfastly to the many cases she has heard over the years.

Chairman Weinstein asked for a motion to adopt the minutes of Sept. 18, 2023, and a motion was made by Board Member DiFiglia. Mr. Mamiye seconded, and since there were no questions, all in favor was agreed upon.

**New Case:**

Foresee 402 Sherman Ave LLC, Block 24, Lots 4 &, 401 Grant Avenue & 402 Sherman Ave.

Attorney Leckstein stated that Mr. Menell's grandmother used to own the house. He does not have any financial ties to this house and does not have a conflict but wanted to clear it with the applicant's Attorney. The applicant's Attorney, Mr. Convery, agreed and wanted to go forward. Exhibits were marked into evidence.

The applicant is proposing a lot line adjustment between Lots 4 & 5 in favor of Lot 5 acquiring more land from Lot 4. The applicant is proposing a lot line adjustment to convey a 4,455 square foot portion of property from Lot 4 to Lot 5. Attorney Convery stated this application concerns 2 lots. As part of this application, there is one witness, Marc Leber, who is a Professional Engineer & Planner with Eastpoint Engineering. Marked into evidence, exhibit A-8 would be a 4-page, 7 photographs. Also, a site plan, a layout grading & utility plan will be marked in as A-9 dated February 28, 2023, done by Insite Engineering, signed by Marc Leber. Board Planner Higgins summarized they are just moving a lot line. With regard to Variances, the only variance is the existing setback on new lot 4.01 which is the house that is not being changed. Some issues with trees which need attention. Mr. Leber presented a letter and the applicant hired a tree expert. There are problems with the Contractor, Green Touch, they list 13 trees but disregarded the ordinance and a number of the trees did not include the diameter. It's not possible to tell from the list how many qualifying trees are taken down. Mr. Higgins stated we have 2 tree ordinances which is confusing and the letter Mr. Leber presented used the incorrect one. It's not certain how many existing trees would qualify as street trees. Mr. Higgins stated the obligation would be about 5 street trees if you look at just lot 5.01. If you add 4.01, it would be about 11 street trees and would negate any contribution to the Shade Tree Fund. The inventory performed by Green Touch was inaccurate and could be a condition of approval. Board Engineer stated there is a note on the plans that indicate the plot plan is provided for information only, however, there is a drainage report as a placeholder and the house is under construction and would like clarification. Was a Grading Plan already submitted? A minor discrepancy between the stormwater management report and the plan with regards to the amount of impervious surface and property markers should be shown as a condition of approval. Attorney Leckstein stated according to Board Planner Higgins report Lot 5 will be increased 27,665.4 sq ft to 30,120.4 sq ft – fully conforming with the minor exception of the open front porch steps which are setback 48 feet where 50 feet is required. Higgins stated does not believe it's a variance, however, the Zoning Officer called it out. Attorney Convery will provide testimony regarding this, and then stated a waiver would be requested for this and not have to put street trees on this lot. Board Member DiFiglia presented to ask Lot 4 if they wanted street trees and the obligation on the applicant would exist. If, however, no street trees were requested, a letter from the property owner should be provided. This will be a condition of approval if the application is

approved. Board Member DiFiglia stated the report from the Environmental Commission stated 7 trees were already removed, and what happened to them? Mr. Leber was sworn in for the record. During construction on lot 5.01, trees were removed and stated in a letter to be removed. There was an overlap. There were trees in the foundation of the house and were removed. Attorney Leckstein stated if the Board approves the application, they will have to comply with the Tree Ordinance as it works out with the Board Engineer & Planner with the exception of the Lot 4.01 issued that we will get a letter from the owner whether or not he wants the street trees or not. Higgins stated the trees to qualify have to be 6 inches or greater, 1 foot above the root crown. The replacement trees have to be 2 trees for 1 tree taken down minimum of 2.5 inches breast height. There were no further questions or comments other than the Board Engineer wanting clarification on the Grading Plan on the lot approved by the Township Engineer. No questions or comments from the Public. A motion was requested by Chairman Weinstein for a positive resolution and was moved by David Bodnovich and seconded by Jemal Beale. All in favor.

The reviews of Proposed Ordinance #2454 – Amending Subsection 21-20.32 & Ordinance #2455 – Amending Subsection 21.9.g were reviewed and approved. A single motion was made for both Ordinances and was moved by Chairman Weinstein and seconded by Board Member Bodnovich approving them to be consistent with the Master Plan. Roll call was taken. A motion to adjourn the meeting at 8:45pm was made by DiFiglia and seconded by Mamiye.