

PLANNING BOARD
JUNE 16, 2014

PRESENT: Messrs. Meyer, Doherty, Magovern, Forte, Windas, Reynolds, Burke, Hoffman; and Ms. Sheridan

ABSENT: Mr. Campbell and Ms. Rokoszak

ALSO PRESENT: Board Attorney Douglas Kovats, Board Secretary April Claudio, and Borough Engineer Joseph Venezia

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Burke made a motion to waive the reading and approve the minutes of the May 19, 2014 regular meeting, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Mr. Meyer, Mr. Forte, Mr. Windas, Mr. Reynolds, Mr. Burke, Mr. Hoffman and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Doherty and Mr. Magovern

Mr. Meyer made a motion to waive the reading and approve the resolution granting approvals to Kathleen Walters-Sweet Tease, 604 Main Street, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Mr. Meyer, Mr. Forte, Mr. Windas, Mr. Reynolds, Mr. Burke, Mr. Hoffman and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Doherty and Mr. Magovern

JOHN & FRANCES COLIE – 1710 SURF AVENUE

This application was carried from the previous meeting. This application is for a minor-subdivision with bulk variances. Appearing with Mr. and Mrs. Colie was their architect Paul Amelchenko. Board members Doherty (left the meeting) and Magovern had to recuse themselves from voting on this application since they were not present at the previous meeting.

Mr. Amelchenko submitted revised plans to the Board. He indicated there were some errors on the previously submitted plans regarding the 110 18th Avenue house as pointed out by the Borough Engineer. He added that the revised plans reflect modifications to the proposed half story and basement for the proposed new 1710 Surf Avenue house. The basement has been renovated to accommodate a larger bedroom with windows for egress and will be the main entrance area for Mr. Colie to access in his wheelchair. The first floor will remain the same as previously proposed except for opening up a wall for an office area and more dining room area. The half story was revised to reflect a third bedroom, a bathroom and a sitting area. The addition in the front of the house was removed however they are requesting additional square footage on the proposed front porch. The previous proposal was for four bedrooms and there will now be three.

There are six existing variances for the 1710 Surf Avenue site and four existing variances for the 110 18th Avenue site. Two of those are for lot frontage on each lot. Mr. Amelchenko stated there will be no changes to the 110 18th Avenue site. He stated Mr. and Mrs. Colie have decided to remove some of the existing concrete patio so that a variance would not be required for impervious coverage. He added that no parking variance is required now and will no longer need the previously proposed parking area in the front yard because the existing driveway area will accommodate the parking needs.

Mr. Burke questioned the existing driveway and whether or not there is enough room to park there. Mr. Amelchenko stated it is tight but they do park there now.

Mr. Windas asked what the intended use is of the 110 18th Avenue house. Mrs. Colie stated it is used as a rental. Mr. Burke asked if it is rented now and how many people are living there. Mrs.

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Colie stated it is the same family of five people who have rented it the last two years. Mr. Burke pointed out that this property is an Animal House and is not sure if that has any bearing on this application. He felt it raises some concerns. Mrs. Colie stated it was an animal house several years ago and then it wasn't but two years ago there was a violation and it was deemed an animal house again. She added that it will remain an Animal House for another two years provided there are no further violations from her tenants.

Mr. Burke asked Mrs. Colie if this property is her primary residence. She stated 1710 Surf Avenue is her primary residence but she spends six months out of the year in Florida. He asked if they own a house in Passaic County. She stated she did own a house but sold that to her son.

Public: none

Board Comments:

Mr. Meyer stated he understands the needs of the Mr. and Mrs. Colie but is concerned about creating overcrowding issues by subdividing the lot into two small lots.

Ms. Sheridan stated she appreciates the changes made but is concerned about approving two undersized lots.

Mr. Forte stated the Animal House issue has no bearing on his decision and while he has empathy for their situation it also has no bearing on his decision. He stated he would vote in favor of the application because the lot is being improved.

Mr. Reynolds stated he has two concerns: the driveway and the actual subdivision. He added that he doesn't understand why they are applying for a subdivision with so many variances rather than going before the zoning board for a "d" variance. Mr. Amelchenko stated it was his suggestion to do the subdivision instead because he felt it would be more favorable and they would be willing to remove the subdivision aspect if the Board desired. Mr. Kovats pointed out if that were to happen this application would have to go before the Zoning Board of Adjustment.

Mr. Burke read a section of the municipal land use law regarding subdivisions and added that he does think this proposal fits within the character of the neighborhood and is not in favor of subdividing the lot into two undersized lots.

Mr. Hoffman felt it is packing too much into one small area. He suggested that it would be better to take the lot as one and build one house that would be more conforming.

Mr. Windas felt that by eliminating two houses on one lot and by showing good faith with the modifications based upon comments at the previous meeting it is a good thing. He added that most of the variances being requested are for existing conditions and a new house will be at 1710 Surf Avenue which he feels is good for the neighborhood. He stated the Planning and Zoning Board are in place to allow for people with extenuating circumstances to seek relief from the zoning laws and feels this application falls into that category. He urged the Board to vote in favor of this application.

Mr. Venezia pointed out that if the concrete patio area portion is removed and replaced with stones to increase the parking area, it would still be included in the impervious coverage calculation and a variance would be needed.

Mr. Forte made a motion to approve the application, which was seconded by Mr. Hoffman with the following vote:

AYES: Mr. Forte and Mr. Windas

NAYS: Mr. Meyer, Ms. Sheridan, Mr. Reynolds, Mr. Burke, and Mr. Hoffman

INELIGIBLE: Mr. Doherty and Mr. Magovern

This application was denied.

Mr. Doherty returned to the meeting and rejoined the Board.

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WILLIAM & VICTORIA RENNER – 1006 MAIN STREET

This application was carried from the April meeting. Board member Meyer had to recuse himself because he was not present at the meeting. Appearing with Mr. and Mrs. Renner was their attorney David Lonski and Dan Dougherty of Dynamic Engineering.

Ronald Gasiorowski attorney for Kanelia Dallaportas who is an objector asked to express objection to this meeting proceeding. He stated at the last meeting there was extensive testimony given and he is confused as to what is being discussed tonight. He feels the Board does not have jurisdiction to hear this application tonight because the notice was not clear as to what the intended use of the site is. He also stated that there are people who are not present tonight and are necessary to be here (i.e. Mr. and Mrs. Garcia, owners/operators of Tulipanos). He added that the tenant, Tulipanos Restaurant, did not receive site plan approval and are not part of tonight's application, which he feels they should be.

Mr. Lonski clarified that the notice clearly states the existing use of the property. He added that the tenant on the property is not relevant to this application and are not required to be part of this application.

Mr. Dougherty stated the plan was revised to reflect the removal of the paver area that was within the 25 foot buffer zone. A new survey was prepared to reflect this change and was submitted to the Board. The revised site plan prepared by his office also reflects this change. The previous plan only had a four foot buffer and now they will comply with the ordinance and have a 25 foot buffer which does not require a variance. The only variances now being requested are for existing conditions.

Mr. Dougherty read through the recent review letter from the Borough's Engineer, Joseph Venezia of Maser Consulting. There was a comment about a soft scape area and its intended use. Mr. Dougherty stated it is a landscaping area and the applicants are also proposing additional trees at the south west corner to create an additional buffer. He added there is no change to the grading and no change in runoff characteristic for the site.

Mr. Lonski pointed out a comment in the review letter about the intended use of the backyard. He added that the current tenant and any future tenant will be notified that if they wanted to use the backyard for outdoor dining they would need to apply for the appropriate approvals from the town and that is not part of their application this evening.

Mr. Dougherty referred back to the review letter and stated there is no outdoor lighting proposed in the backyard. He added that seepage pits have already been installed as well as a sump pump to mitigate water runoff. He stated there is no dumpster area on site, garbage and recycling is stored in containers inside and wheeled out to Main Street for pick up given there is no access to the street through the rear of the property.

Mr. Magovern asked if there will be any outdoor music in the back yard. Mr. Renner replied no and added there are no wires or speakers out there.

Mr. Kovats asked if there would be any testimony about parking. Mr. Renner stated the ordinance requires 21 spaces however 0 exists now and 0 is proposed. However, there is plenty of municipal public parking in the area within a one block radius.

Mr. Gasiorowski referred to the original review letter from Mr. Venezia and comment number 3 regarding egress and lighting for the back yard area. Mr. Dougherty stated given outdoor dining is not being proposed those items were not addressed on the plans. Mr. Gasiorowski referred to several other comments regarding lighting and egress for the rear area. Mr. Dougherty stated he previously testified there will be no lighting.

Mr. Gasiorowski asked Mr. Renner what was the condition of the rear property before the pavers were put in. Mr. Renner stated there was a slate sidewalk. He asked what percentage was pervious verse impervious. Mr. Renner stated he does not have that calculation available. Mr. Gasiorowski asked if anyone did a comparison of runoff for the previous conditions verse the new conditions. Mr. Renner stated there were no runoff calculations done for the previous site conditions. Mr. Gasiorowski questioned the addition put on the building without site plan approval. Mr. Renner stated he obtained building permits and was not required to do a site plan

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application and has obtained final approvals from the construction department. Mr. Gasiorowski questioned an exhaust fan on the side of the building. Mr. Renner stated it is for the vapors from the dishwasher and does not make any noise. Mr. Gasiorowski asked about the hood exhaust from the kitchen. Mr. Renner explained how that was installed and pointed out that it is located in the center of the roof so to not affect any neighbors. Mr. Gasiorowski asked if there were any tests performed regarding noise and odor from the exhaust. Mr. Renner replied no. Mr. Gasiorowski asked if the area will be used for outdoor dining. Mr. Renner stated he will not permit any tenant to use the area for outdoor dining without obtaining the proper approvals from the town. Mr. Gasiorowski asked why there are tables and chairs there now. Mr. Renner stated he does not know.

Public Questions:

Marvin Van Hise, 610 11th Avenue, stated there was testimony that there was an application for outdoor dining pending and asked for the status of it. Mr. Renner stated there were two applications, the front yard outside dining was approved, and the rear yard outside dining was denied. Mr. Van Hise questioned a missing fence section at the southwest corner. Mr. Renner stated he ran out of material and was using that area to move materials in and out of the property. He added that the area will be closed. Mr. Van Hise asked if there will be any enclosures installed around the garbage area. Mr. Renner stated there is nothing proposed but if one is required then one will be built.

Mr. Gasiorowski and Andrew Thomas, licensed planner, began their presentation. Mr. Thomas stated he reviewed the zoning ordinance, the proposed plans, and visited the property and surrounding area. Mr. Thomas felt the 25 foot buffer requirement is not just for a residential zone but a residential use as well. Mr. Thomas had some enlarged photos of the existing site. The first photo he discussed showed the location of the exhaust fan with a view of the property from the rear. Mr. Thomas questioned the portion of the Borough's ordinance regarding performance standards which sets a setback requirement for the fans, which the existing building violates. Mr. Thomas felt the 25 foot buffer should extend along the remaining rear property line. Mr. Thomas referred to another photo which shows the other residential uses above the existing commercial units neighboring the property. Mr. Thomas pointed out in the photo there are about four tables and some chairs with a partition in the rear of the property which appear to be being used. The photo also shows garbage piled up. Mr. Gasiorowski asked if there was outdoor dining in the backyard would that have any impact on the site plan. Mr. Thomas stated it would. He added that lighting, egress and foot traffic would need to be addressed. As well as having an impact on parking.

Mr. Burke questioned whether or not all of the properties in that area would be required to meet the 25 foot buffer since they all have residential uses. Mr. Thomas replied yes.

Mr. Kovats asked Mr. Thomas if he reviewed the Borough ordinance which permits shared parking. Mr. Thomas replied yes. Mr. Kovats asked Mr. Thomas if he reviewed the ordinance that states outdoor dining does not have an impact on parking. Mr. Thomas replied yes and therefore Mr. Kovats asked how outdoor dining would then impact parking. Mr. Thomas felt it would allow for the occupancy of the building to increase which would increase parking. Mr. Kovats asked if there was any witness to the tables in the rear being used. Mr. Thomas replied no and stated they could be used by patrons waiting for tables or for employees, he does not know for sure. Mr. Kovats asked if there was any requirement for there to be a garbage buffer. Mr. Thomas stated he did not see one but felt one should be required since it abuts a residential area.

Mr. Lonski questioned whether or not Mr. Thomas knew the proper address of the site in question because one of his drawings showed the property as 1004 Main Street and not 1006. Mr. Lonski questioned Mr. Thomas's testimony about the pictures given he did not in fact take some of them. One of the comments made by Mr. Thomas was that one of the photos showed a sump pump when in fact it was a power washer. Mr. Lonski asked Mr. Thomas how he knows the garbage in the photos is from the restaurant and not the residential tenants. Mr. Thomas stated it appeared to be typical garbage from a restaurant use. Mr. Lonski asked Mr. Thomas if he ever saw anyone eating at the tables. Mr. Thomas replied no. Mr. Lonski pointed out that the property to the east is a commercial use and not residential as Mr. Thomas had stated. Mr. Lonski asked if there are any properties in that area that have the residential buffer as discussed. Mr. Thomas stated there probably are none. Mr. Lonski referred to the photo showing vents and

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asked Mr. Thomas if he knew of any pre-existing protrusions from the building and if he knew what the vents were for. Mr. Thomas replied no.

Public Questions: none

Mr. Kovats asked that Mr. Venezia address some of the concerns discussed. Mr. Venezia disagreed with Mr. Thomas's testimony that a buffer for a residential zone and residential use are one in the same. He added that it does not apply to mixed use properties. He added that there is a section of the ordinance that permits the Board to grant alternative buffer designs if development of the area prevents the 25 foot buffer to be installed. So if Mr. Thomas's statements are correct the Board has some leeway however he does not think it applies. Mr. Kovats asked if there is anything in the ordinance that prohibits pavers from being in a buffer area. Mr. Venezia stated it would be up to the Board to determine what an appropriate buffer design is. Mr. Kovats asked if there are any requirements for buffering garbage. Mr. Venezia stated there are requirements for screening and would suggest enclosing the refuse cans.

Mr. Gasiorowski asked Mr. Venezia what his understanding of a buffer area is. Mr. Venezia read the section of the ordinance which lists examples of what can be in a buffer area. One of which is rocks and boulders which he would consider pavers to be included in that category.

Public Questions:

Mr. Van Hise asked Mr. Venezia if he stated the buffer requirements could change if the surrounding uses changed. Mr. Venezia replied yes. Mr. Van Hise asked if outdoor dining was applied for would the Zoning Officer review the buffer requirement. Mr. Venezia stated the Zoning Officer could review that and deny the application if he felt the buffer was not met and then the applicant can appeal the decision to one of the Boards. Mr. Van Hise asked if the Zoning Officer is mandated to review the buffer. Mr. Venezia stated it is one of the items in the review checklist. Mr. Van Hise questioned if there was any data provided about the amount of refuse created and whether it is screened or will be screened and whether or not the pickup schedule is adequate. Mr. Venezia stated there was not data submitted however there was testimony this evening. Mr. Van Hise asked if the buildings in this area predate the buffer ordinance. Mr. Venezia stated he did not know for sure but would assume that would be true.

Mr. Gasiorowski asked if there is any distinction in the ordinance of what buffers would be required if it's between a residential use and a commercial use with residential above. Mr. Venezia did not quite understand the question. Mr. Gasiorowski asked if a residential use on the second floor would have the same buffer requirements as one on the ground level. Mr. Venezia replied no.

Public Comments:

Mr. Van Hise stated he doesn't have a problem with the restaurant but has a problem with potential outdoor dining. He has a problem with the Board not having jurisdiction on outdoor dining. He fears they will re-apply for outdoor dining if the Board approves this application. He would like the Board to have Mr. Renner agree that he will not allow any tenant to have outdoor dining in the rear. He added that he is not convinced the second floor deck will not be used for outdoor dining as well. He feels the Board should set parameters for lighting, music, occupancy, tables, chairs, hours of operation, etc. for an outdoor dining area. He questioned how we know the water runoff conditions are better now then they were before.

Mr. Renner stated it is impossible for water to be running down Mr. Van Hise's property from his because the pavers he installed would prevent that.

Conrad Renner, Wall Township, stated there are a lot of pictures of what the building looks like today but none of what it looked like before. It is a hundred times better and would think the neighbors would be happy with that. He stated Mr. Renner is a longtime resident and has put a lot of money into the building which should be considered.

Nadine Lepore, 105 20th Avenue, stated she thinks what Mr. Renner has done is an improvement and what has been done with water runoff will be helpful but given what happen with Superstorm Sandy nothing is perfect. Felt we should look at what work Mr. Renner has done throughout town.

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Board Comments:

Ms. Sheridan stated she understands the variances are for pre-existing conditions. She thanked the applicant for increasing the buffer area and keeping the tree. She suggested the garbage be enclosed and that they discuss with their tenant why there are tables there.

Mr. Forte stated the property is what it is and cannot be changed. He had a big issue with the buffer zone which is now in compliance. He added that regardless of how he feels about outdoor dining it is a permitted use and not under the Board's jurisdiction and cannot be considered by the Board. He would suggested there be storm water runoff mitigation.

Mr. Kovats suggested Mr. Reynolds not vote on this application. He explained Mr. Reynolds was present at the last meeting as alternate member in the audience but did not sit with the Board and therefore cannot certify he was able to review all exhibits presented at the meeting to the Board.

Mr. Doherty stated we have to look at what improvements were done to the building and the poor condition it was in before. He feels long meetings like this could deter people from coming to the Board which he hopes it does not. He wished Mr. Renner good luck.

Mr. Burke stated he has no problem with the existing conditions and variances. He agrees with the Mayor that the improvements that were done are good for the town.

Mr. Magovern stated he doesn't see how we cannot consider outdoor dining as part of the application. He is opposed to outdoor dining in the backyard. He believes the tenant will re-apply for outdoor dining but hopes it doesn't happen.

Mr. Hoffman agreed with Mr. Magovern. He added that the existing conditions are what they are and the buffer is now in compliance. He added they have given a nice presentation and hopes it goes through.

Mr. Windas stated Mr. Renner has made it clear that they will go through the proper channels for outdoor dining if so desired.

Mr. Kovats asked if the applicant could supply drainage calculations as a condition of approval and comply with the Borough engineer's suggestions. Mr. Lonski stated they could however he feels the law does not require them to do so. Mr. Lonski agreed to the condition.

Mr. Lonski stated Mr. Renner has agreed to install a stockade fence to enclose the refuse area and will submit a revised plan to the Borough Engineer reflecting the same for him to review and comment on.

Mr. Windas offered Mr. Gasiorowski and Mr. Lonski final comments before the Board votes.

Mr. Gasiorowski stated he has been involved with this property from the beginning going back to Tulipanos seeking change of use approvals and not site plan approval. He added that he feels the Board cannot take into consideration any aspects of Tulipanos because they are not one of the applicants. He also felt the Board can impose a condition to prohibit outdoor dining. He was concerned about lighting, noise, and exhaust fans. He stated it is very clear they are going to apply for outdoor dining which will have a huge impact on the property. He stated the fact Tulipanos is a good restaurant and Mr. Renner is a nice guy who did a lot of work on the building is not relevant and it would be wrong for the Board to approve this application. He does not want to see the property be granted special privileges for these reasons.

Mr. Lonski stated there are no special privileges to have a permitted use on the site. He added he hopes the Zoning Officer would be competent enough to understand the outdoor dining ordinance and make a decision. He added that anyone including an objector can appeal the Zoning Officer's decision to the Zoning Board of Adjustment. He felt Mr. Thomas's objections were not well supported given he did not fully understand the conditions shown in the photos he presented. He added that given the increased buffer, the improvements that were done and the agreement to enclose the refuse area he hopes the Board will approve the application.

Mr. Kovats summarized the application for the Board and advised the Board they can take all or none of the comments given in testimony by both sides into consideration. He added that the

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applicant is seeking site plan approval with variances for pre-existing conditions. Mr. Kovats reiterated that Mr. Meyer and Mr. Reynolds will not be voting on this application because Mr. Meyer was not present at the last meeting and Mr. Reynolds was acting as an alternate member in the audience at the last meeting. Neither of whom had the opportunity to review the recordings and materials from the previous meeting.

Mr. Forte made a motion to approve the application, which was seconded by Mr. Hoffman and approved by the following vote:

AYES: Ms. Sheridan, Mr. Forte, Mr. Windas, Mr. Doherty, Mr. Burke, and Mr. Hoffman
NAYS: Mr. Magovern
INELIBILE: Mr. Meyer and Mr. Reynolds

Mr. Doherty made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.

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PRESENT: Messrs. Meyer, Campbell, Magovern, Forte, Windas, Reynolds, Burke, Hoffman; and Ms. Sheridan and Ms. Rokoszak

ABSENT: Mr. Doherty

ALSO PRESENT: Acting Board Attorney Dan Roberts, Board Secretary April Claudio, and Borough Engineer Joseph Venezia

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Meyer made a motion to waive the reading and approve the minutes of the May 19, 2014 executive session, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Magovern, Windas, Burke, Hoffman; and Ms. Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN: Mr. Campbell

Mr. Hoffman made a motion to waive the reading and approve the minutes of the June 16, 2014 regular meeting, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Windas, Burke, Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Campbell, Mr. Magovern, and Ms. Rokoszak

Mr. Burke made a motion to waive the reading and approve the resolution granting approvals to William & Victoria Renner, 1006 Main Street, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Windas, Burke, Hoffman; and Ms. Sheridan

NAYS: Mr. Magovern

ABSTAIN: Mr. Campbell, Mr. Meyer, and Ms. Rokoszak

Prior to voting Mr. Magovern stated he would be voting “no” on this resolution as he did with the application, because he feels it is setting a precedent and will create outdoor dining in the rear of properties on other commercial properties.

Mr. Hoffman made a motion to waive the reading and approve the resolution denying the application of John & Frances Colie, 1710 Surf Avenue, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Windas, Burke, Hoffman; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Campbell, Mr. Magovern, and Ms. Rokoszak

ORDINANCE 2014-13 – AMENDING DEVELOPMENT REGULATIONS

Mr. Roberts explained this ordinance is making small gyms, fitness, dance and yoga type studios a permitted use. The Board recognized that there are already several of these type of businesses in town now. There were no further comments from the Board. Mr. Burke made a motion to authorize Mr. Roberts to prepare a writing to the Mayor and Council giving the Board’s approval of the ordinance, which was seconded by Mr. Campbell and approved unanimously.

Mr. Forte stated he agreed with Mr. Magovern’s earlier comments regarding outdoor dining. He stated he would like to see the Mayor and Council amend the ordinance to prohibit outdoor dining in the rear or side of properties that abut residential properties. Mr. Magovern agreed.

Mr. Reynolds pointed out that the application for William and Victoria Renner was not for outdoor dining and did not understand why that was an issue. Mr. Magovern felt they were

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installing the pavers to plan for outdoor dining. Mr. Reynolds added that it is not the Board's concern and an outdoor dining application will be handled by someone else.

Being there was no further business, Mr. Campbell made a motion to adjourn the meeting, which was seconded by Mr. Hoffman and approved unanimously.

**PLANNING BOARD
AUGUST 18, 2014**

PRESENT: Messrs. Meyer, Magovern, Forte, Windas, Reynolds, Burke, Hoffman;
and Ms. Sheridan and Ms. Rokoszak

ABSENT: Mr. Campbell and Mr. Doherty

ALSO PRESENT: Acting Board Attorney Dan Roberts, Acting Board Secretary Kathleen
Lane, and Borough Engineer Joseph Venezia

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Forte made a motion to waive the reading and approve the minutes of the July 21, 2014 regular meeting, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Messrs. Meyer, Magovern, Forte, Windas, Reynolds, Burke, Hoffman; and Ms.
Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN:

FRIENDLY SONS OF SHILLELAGH – 815 16TH AVENUE

Appearing for this application was attorney William Shipers, engineer Tim Lurie, Architect Jason Lusardi, contractor Robert Giovine, and John Carr and Matthew Sharin from the Friendly Sons of Shillelagh.

Mr. Lurie stated the existing site has an approximate 4000 square feet building that sits at the front of the property and 23 parking spaces on the side and in the rear. There are also two sheds at the rear of the property. The drainage patterns flow from the rear to the property towards 16th Avenue. The proposal is a 6178 square foot two story lodge with a basement. The building would sit at the rear of the property to allow the existing lodge to remain operating while construction is ongoing. When the new lodge is operational they will remove the existing lodge and install the new 18 parking spots. Also proposing two dumpsters with an enclosure area on the east side and a loading area. The parking spots will be 9x18 and the handicap spaces will be closest to the entrance. New utilities will be installed for the new building. The existing building is a two story home that was converted to a lodge that needs some work. It is more beneficial to build a new building rather than renovate the existing. The new building will be completely handicap accessible. The proposed parking in the front of the building to allow for better access from emergency services. There will be no adverse draining or water runoff effects on the neighboring properties.

The variances being requested are for minimum lot size for a conditional use, rear yard setback of 15 feet where 20 feet is required, and parking (62 spaces required, 23 exist and 18 proposed).

Mr. Lurie stated there will be no doors on the rear of the building and no activity in the rear of the property. The rear yard will just be a landscaped area with landscaping buffers.

Mr. Shipers and Mr. Lurie read through the Borough engineer's review letter and addressed some items in the letter. Mr. Lurie agreed to submit a grading plan as well as details on the handicap ramps. The existing depressed curb that is not being used and will be replaced with a full curb. The existing driveway apron will be replaced. The existing arborvitaes along the property line will remain except for one or two that may need to be removed for the handicap parking spaces. The plan will be updated to show low level landscaping and plantings in the front of the building. The dumpster and recycling area will be enclosed. They currently have private garbage collection that picks up in the morning. The fence will be a solid vinyl fence with gates. The new electric will be underground.

Mr. Forte stated he has some concerns but after the presentation he understands the lot is undersized and he understands the need for the proposed configuration. He asked how long both buildings would be up together. Mr. Shipers stated full construction is estimated at 6 months, maybe less.

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Mr. Venezia stated he will need the plans updated to show utility locations and grading. He suggested additional screening be added at the rear to buffer the air conditioning units. If the Board agrees he stated that it be added to the plan.

Mr. Shipers stated they would agree to any buffering the Board desires and will agree to have their engineer discuss buffering with the Borough's engineer to address any concerns. This won't be a condition of the resolution just a statement that they will discuss.

Mr. Venezia asked if there will be an outdoor areas for outdoor gatherings or cooking. Mr. Lurie stated there are none.

Mr. Giovine of Zarrilli Homes stated he will be the general contractor for the project. The proposed building is a modular structure. The modular structure will be set within two days once the foundation is built. Hope to have construction done and a final CO before taking down existing structure. He added he hopes to have construction complete within 6 months.

Ms. Sheridan asked when construction would begin. Mr. Giovine stated he would like to start in October depending on the timing of approvals and other permits they need.

Mr. Reynolds felt a six month completion was ambitious. He asked if 16th Avenue would have to be closed off at all during construction. Mr. Giovine stated they will work with the Police Department during the modular deliveries so there are no issues. Mr. Reynolds questioned having the parking in the front because the Master Plan calls for parking in the rear. Mr. Lurie stated it is better for their application to have the parking in the rear.

Public

Elizabeth Robinson, Curtis Avenue, Wall Township, stated she lives behind the property and hear bag pipes a lot year round. She asked for clarification on the rear setback. She stated there is an ambulance parked near the rear property line. Mr. Lurie stated the ambulance is not on their property. She was concerned about losing privacy. She felt the noise will be a lot louder.

Joyce M., Curtis Avenue resident, asked for the location of the garbage and recycling. Mr. Lurie stated it is currently at the rear of the property but is being moved towards the front of the property. She wanted to know what time garbage and recycling is picked up and delivery times. She questioned why they couldn't bring the existing building up to code instead of building a large building that would be on top of her and her neighbors. Mr. Lurie pointed out that her house is approximately 125 feet away from the Shillelagh property. She asked what the occupancy of the building would be. She stated she doesn't understand the need for such a large building.

Mr. Sharin stated Reggie Hyde, owner of Bar Anticipation, is the person the Shillelagh's bought their property from. He added that he has made arrangements with Mr. Hyde to gain usage of Mr. Hyde's parking lots which are two or three properties to the east from theirs and then offer a valet service to the club members and visitors. Mr. Shipers stated there will be a parking agreement drafted. Mr. Lurie estimated it is within approximately 300 feet. Mr. Sharin estimated there can be 250-300 vehicles parked in the lot. He added that their club holds meetings once a month and the estimated amount of cars in attendance is 80-100. The club is open every day of the week and at any given time there could be anywhere from 20-60 people in attendance. The large attendance where parking overflow would be required is when there are special events, which only happen about 7 to 8 times a year.

Mr. Forte asked about membership. Mr. Sharin stated when the charter was started in 1996 it was 200 and now it's 1000.

It was discussed that the approximate occupancy for the first floor would be 135 and 100 for the second floor.

Public

There was a concern from a member of the public about the amount of parking spaces in the lot that would be part of the agreement discussed. Mr. Shipers stated the parking condition would be

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very similar to how it is now but is being bettered by the fact they are adding an agreement with Mr. Hyde. Mr. Shippers will submit the agreement to the Board Attorney upon execution.

George Komitas, 111 Third Avenue, stated the Shillelaghs are a great organization and they do a lot for the town. He feels the building is a bigger distance from the neighbors than they realize and doesn't think noise will be an issue. He believes they will take into consideration the neighbors' concerns.

Walter Cavanaugh, 824 13th Avenue, stated he lives a block away in an area where there are many other properties that could be discussed as having noise problems greater than the Shillelaghs.

Ray Downs, member of the Friendly Sons of Shillelagh, stated he feels the new facility will enhance the area.

Mike M., 900 C Street, stated he is a prospective member and added again that they do a lot of charitable work for the town. He stated he is sensitive to noise as Bar A which is down the road creates a lot of noise. The Shillelaghs don't have outdoor events at night so noise won't be an issue.

Mr. Sharin added that deliveries would be around 2 pm and there would be no activity before 7 am or in the middle of the night.

Board

Mr. Forte stated he understands the need for a bigger building and that the hardship is the lot size. He too had concerns about parking and understands what they are trying to do to address it.

Mr. Reynolds stated parking is bad all over Belmar and likes that they are trying to address it. He also likes the new building.

Mr. Burke stated they gave an excellent presentation. He added that he is always concerned about parking and commended them for trying to address it.

Mr. Magovern stated parking is a problem in Belmar. He believes having the parking in the front of the property will benefit the neighbors on Curtis Avenue because noise will be blocked by the building.

Mr. Windas agreed with the other members. He added that he feels the positives outweigh the negatives.

Mr. Hoffman made a motion to approve the application, which was seconded by Mr. Forte and approved by the following vote:

AYES: Messrs. Magovern, Forte, Windas, Reynolds, Burke, Hoffman; and Ms. Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN: Mr. Meyer

Other Business:

Mr. Roberts explained ordinance 2014-6. Mr. Forte did not understand the original language in the ordinance the reason behind it. Mr. Meyer felt the new language makes sense. Mr. Windas advised Mr. Roberts to prepare a writing in support of the ordinance.

Mr. Magovern discussed with the Board the possibility of amending the outdoor dining ordinance to add language that states outdoor dining in the rear of the property would not be permitted in commercial areas that abut residential zones and uses. Discussion to be continued.

Mr. Meyer made a motion to adjourn the meeting, which was seconded by Mr. Burke and approved unanimously.

PLANNING BOARD

September 15, 2014

PRESENT: Messrs. Meyer, Campbell, Windas, Doherty, Burke, Magovern, Hoffman and Reynolds; and Ms. Sheridan and Ms. Rokoszak

ABSENT: Mr. Forte

ALSO PRESENT: Board Attorney Douglas Kovats, Esq., Board Secretary April Claudio, and Borough Engineer Joseph Venezia

Mayor Doherty was only present for the workshop portion of the meeting.

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Burke made a motion to approve the minutes of the August 18, 2014 regular meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Windas, Doherty, Burke, Magovern, Hoffman and Reynolds; and Ms. Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN: Mr. Campbell

Mr. Hoffman made a motion to approve the resolution granting approvals to the Friendly Sons of Shillelagh, 815 16th Avenue, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Windas, Doherty, Burke, Magovern, Hoffman and Reynolds; and Ms. Sheridan and Ms. Rokoszak

NAYS:

ABSTAIN: Mr. Campbell and Mr. Meyer

Chairman Windas read a statement from the Monmouth County Sheriff's Office regarding the update to the Multi-Jurisdictional Hazard Mitigation Plan Update.

GO PLAY LLC –1102 MAIN STREET

Appearing for this application was attorney Gregory Vella, applicants Risa and Anthony Nardone, and prospective tenant Joseph Scontursi. Mr. Vella stated the application is to renovate the existing storefront into two storefronts, one for an arcade and one for a personal trainer. The existing nail salon and auto mechanic's garage will remain. The arcade has a pay by the hour rate therefore it's not a typical arcade where kids can hang out. There is no parking on site however there is no parking demand as well. The time where there will be a demand for parking works

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September 15, 2014

well with the community and the surrounding uses. The Borough Council recently adopted an ordinance to permit this type of arcade use in this area of Main Street.

Ms. Nardone stated their proposal is similar to Yestercades in Red Bank. You pay by the hour. There will be an area for parties as well. Will work on a plan for those parents who want to drop off their children and leave such as an additional fee and a check out system so the kids leave with the persons who dropped them off. Plan to repaint the building, put in new roof, and new windows and doors. The hours of operation in the school year will be 2-9 Monday through Thursday, 2-11 on Friday and 11-11 on Saturday and 11-9 Sunday. The summer hours would probably change to 11-10 during the week but will depend on the need. Staffing will include a minimum of two people present at all times and possibly more once they are established. The party room would be used for private parties such as birthday or graduation parties. There will be no food service only some snacks to purchase. Any food at the parties would have to be brought in by the person having the party. There would only be an initial delivery of the machines and occasional switch outs of machines; no other deliveries. The parking demand would be under ten spaces at a time. Would like to talk to the town about a bicycle rack in front. There is an area along the 11th Avenue side where vehicles are parked but those are vehicles being worked on at the mechanic's garage. Propose temporary signage stating that parking is available in front of the garage doors when the mechanic's shop is closed. Also propose three regular and one handicap spot to be striped. The second storefront would be for a personal trainer business which would not have a high parking demand. Trash will be minimal since they are not serving food. Will comply with the sign ordinance.

Mr. Magovern asked if there is only one entrance. Ms. Nardone stated there will be a second entrance for emergency access only. He asked what would be done to stop children from hanging out outside once their hour is done. Ms. Nardone felt that if there was an issue she would work with the Police Department. Mr. Vella felt there is no difference between children hanging out outside a pizzeria or outside the arcade. Ms. Nardone stated she would address any issues that arise when they arise and will do what she can legally.

Mr. Meyer disagreed and felt it will not be a draw like the old arcades and become a hangout. He felt that other businesses like Dunkin Donuts or Surf Taco would draw the kids more. He asked if people would be allowed to bring food in. Ms. Nardone stated food can be brought in for the parties. Mr. Meyer asked if there will be a minimum age requirement without supervision. Ms. Nardone stated there will be a minimum age requirement.

Ms. Rokoszak asked if there will be a max on the amount of children at one time. She was concerned about only having two adults watching over 30 kids. Ms. Nardone stated it will be a family business and will want the children to feel safe when they are there and will do what is needed to make sure that happens.

Mr. Campbell suggested having surveillance cameras installed.

Mr. Windas asked about occupancy. Mr. Vella stated the occupancy has not been determined yet but imagines it will far exceed the actual amount that would be present.

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Mr. Burke asked where employees would park. Mr. Nardone stated she would have the employees park further from the business.

Mr. Kovats asked if there would be any exterior lighting. Ms. Nardone stated she is looking into sconces on the building. Mr. Kovats asked how waste is managed on the site now. Ms. Nardone stated she is unsure because there are no dumpsters on site. Mr. Kovats asked about other areas for parking. Ms. Nardone stated there is public parking along the front of the building and across Main Street.

Mr. Scontursi stated he has been doing personal training for several years at client's homes and is looking to expand his business. He proposes to lease 1500 square feet for his business. He will be doing classes and one on one sessions. It will not operate as a gym. People would only be there for about an hour at a time. There will be no equipment on the outside of the building. The maximum amount of people in a general class will be 8-15 at the most. The people in attendance are there because they have a membership. Hours of operation would be from 5 am to 8 pm. Classes would run from 5 am to 9 am and then will go to one on one clients and then classes again after 5 pm. His current membership consists of 24 people. There will be minimal trash and noise. He would advise his clients to park down near Memorial Field where there is ample parking. He would like a bicycle rack out front as well because a lot of his clients are Belmar residents.

Mr. Venezia stated the Borough's ordinance does not list criteria for parking however he feels that based upon the testimony and research he has done he feels the application would fall under the requirement of 5 spaces per 1000 square feet which would be a total of 19 spaces which is also the existing demand with the current uses. However, he feels that the Board can offset that demand with the testimony given about the peak demand being during certain hours. He also suggested the temporary signage in front of the garage doors as discussed would be sufficient.

Mr. Kovats pointed out there is also a Municipal Lot across the street behind the Dunkin Donuts and borough ordinance allows for shared offsite parking.

Mr. Magovern was concerned about the mechanic's garage using all of the onsite parking spaces. Mr. Vella stated they could put up signage such as no overnight parking or something else to address that.

Public

Stuart Lippsett, 620 11th Avenue, stated his concern is about it being across from the school which is probably a drug free zone. He would like to see in front of this building follow the same rules and that there be security. Mr. Vella stated this building is in a drug free school zone.

Connie Dallaportas, 1002 Main Street, stated she can't believe it's in front of the school. Felt that we should be offering something better for children than games.

Ronnie Lippsett, 620 11th Avenue, agrees that every storefront in Belmar needs to be filled but there needs to be restrictions. Wants responsible businesses. Kids will loiter.

PLANNING BOARD

September 15, 2014

Randie Brazel, 101 11th Avenue, stated there will be congregation on Main Street and felt there needs to be restrictions.

Gene Creamer, Fourth Avenue, asked if there is a sprinkler system installed in the building. Mr. Vella replied no. Mr. Creamer felt it needs one. Mr. Vella stated that would be addressed at the permitting stage by the Construction Office and will comply if needed. Mr. Creamer asked what type of games would be there. Ms. Nardone stated there will be classic arcade games, air hockey, and like. There will not be the high end interactive electronic games.

Mrs. Lippsett stated if adults will be attracted to the business than there definitely needs to be restrictions in place. Ms. Nardone stated this will be a safe environment.

Board

Mr. Meyer felt that if a bad element starts congregating in front of their establishment that they will take matters to mitigate it. Feels it's something we can add to the town that benefits the kids.

Ms. Sheridan reiterated that they should install surveillance cameras and likes the idea of a personal trainer business.

Mr. Campbell agreed that people will hang out outside but kids do it at multiple establishments in town. He believes they won't let it become an establishment that is a problem for the town because it would hurt their business.

Ms. Rokoszak stated she has some problems with the supervision and mixed aged groups being there at the same time.

Mr. Reynolds stated he doesn't like arcades but commended them on their application and explaining their business. His only concern is the supervision and staffing.

Mr. Burke agreed surveillance cameras should be required. He strongly believes there is a need for things for kids to do. He also believes that reasonable people will run a reasonable business. He reiterated that at some point the town needs to address parking issues on a whole.

Mr. Magovern felt there is a need for this type of activity but feels that kids will hang out here. He also stated that problem kids will not want to stay at a place where there is heavy adult presence and suggested they try to keep the parents there with their children.

Mr. Hoffman stated they made a good presentation and are aware of all concerns and would like to think they will be proactive.

Mr. Windas felt parking will not be that big of an issue. Agreed that cameras should be installed. Also suggested no loitering signage. Likes the idea of bicycle racks.

Ms. Nardone agreed that they will install surveillance cameras and petition the Borough for placement of bicycle racks.

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Mr. Hoffman made a motion to approve the application, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Doherty, Burke, Magovern, Hoffman and Reynolds; and Ms. Sheridan and Ms. Rokoszak

NAYS:

Public: None

Mr. Campbell made a motion to adjourn the meeting, which was seconded by Mr. Meyer and approved unanimously.

PLANNING BOARD

OCTOBER 20, 2014

PRESENT: Messrs. Meyer, Campbell, Windas, Burke, Magovern, Hoffman and Reynolds;
and Ms. Sheridan

ABSENT: Mr. Forte, Mr. Doherty, and Ms. Rokoszak

ALSO PRESENT: Board Attorney Douglas Kovats, Esq. and Board Secretary April Claudio

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Hoffman made a motion to approve the minutes of the September 15, 2014 regular meeting, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Burke, Magovern, Hoffman and Reynolds;
and Ms. Sheridan

NAYS:

ABSTAIN:

Mr. Meyer made a motion to waive the reading and approve the resolution granting approvals to Go Play LLC, 1102 Main Street, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Messrs. Meyer, Campbell, Windas, Burke, Magovern, Hoffman and Reynolds;
and Ms. Sheridan

NAYS:

ABSTAIN:

SOUTH MONMOUTH REGIONAL SEWERAGE AUTHORITY – PLAN REVIEW

Appearing on behalf of SMRSA was their attorney John Binello, Executive Director Michael Ruppel, Belmar's Commissioner Gene Cory, and engineer Richard Crane.

Mr. Binello stated the pump station at the corner of 8th and Ocean Avenues was damaged by Hurricane Sandy and they want to replace it. Since they are a utility they are not required to obtain Planning Board approvals, however they are presenting their plans to the Board as a courtesy and for any comments or suggestions on the design. They showed a PowerPoint presentation which outlined the existing site layout, proposed mobile trailer in lieu of a building, the damages received from Hurricane Sandy, and why they want to rebuild. Estimated cost of the project is \$2.6 million.

Mr. Crane stated they looked at three alternatives to replacing the existing building and feel a mobile trailer is their best option. It will be similar to the existing mobile trailer they have at their Sea Girt location.

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Mr. Ruppel stated he would like the Board to review their landscaping plan, fencing, and retaining wall and provide any comments or suggestions. They proposed a 6 ft. chain link fence around the perimeter. The trailer would be 13.5 ft. high. The electrical cabinets would be 4 ft. high. The antenna would be 40 ft. high. The grinder chamber and pumps would be below grade.

Mr. Magovern asked if the Borough would be able to use the two parking spaces on Ocean Avenue in front of the property. Mr. Ruppel stated the Borough would get back two parking spaces on 8th Avenue, however they need to have a curb cut on Ocean Avenue for their trucks that visit the site.

Mr. Magovern asked why the proposed antenna is 40 feet high. Mr. Ruppel stated they did an analysis and that height is best for the reception they need for their equipment. Mr. Reynolds asked how it would affect the neighbor's view. Mr. Ruppel stated it would have no effect.

Mr. Ruppel stated the project will be done in two phases with the start of construction beginning in September 2015 and hope to be in full operation by February 2016.

Mr. Windas asked if there would be any odor or noise from the site. Mr. Ruppel stated there would be no odor and only minimal noise from when they test the generator.

Mr. Burke suggested any new parking spots gained on 8th Avenue be designated for handicap parking.

Mr. Magovern stated he would like to see us getting use of the Ocean Avenue parking spots as well.

Mr. Ruppel stated they could consider giving back the Ocean Avenue spaces if there was timed parking. Mr. Campbell felt SMRSA needs to have access to their entrance at all times because they visit the site at various times of the day and they shouldn't have to worry about whether or not the entrance is blocked by a car.

Mr. Windas, Ms. Sheridan and Mr. Meyer agreed with Mr. Campbell.

Mr. Campbell stated he doesn't like the chain link fence. He suggested bushes be added near the wheels of the trailers to block the view.

Mr. Windas suggested park benches along the perimeter.

The Board decided to create a subcommittee of Mr. Campbell, Mr. Windas, Mr. Burke and Mr. Reynolds who will discuss any comments and/or suggestions that would be beneficial to the town and the site and then will discuss them with Mr. Cory who will then bring those comments back to the rest of the commissioners at SMRSA.

Public Comments: None

Mr. Kovats asked to go into closed session to discuss two lawsuits against the Planning Board regarding the Tulipanos and Renner applications.

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At approximately 8:35 p.m. Mr. Windas made a motion to go into closed session, which was seconded by Mr. Meyer and approved unanimously.

At approximately 8:50 p.m. the Board reconvened into the public meeting and Mr. Windas made a motion to adjourn the meeting, which was seconded by Mr. Campbell and approved unanimously.

PLANNING BOARD

NOVEMBER 17, 2014

PRESENT: Messrs. Meyer, Doherty, Burke, Magovern, Hoffman and Reynolds; and Ms. Sheridan and Ms. Rokoszak

ABSENT: Mr. Campbell, Mr. Forte and Mr. Windas

ALSO PRESENT: Board Attorney Douglas Kovats, Esq., Board Secretary April Claudio, and Borough Engineer Joseph Venezia

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Ms. Sheridan made a motion to approve the minutes of the October 20, 2014 regular meeting, which was seconded by Mr. Burke and approved by the following vote:

AYES: Messrs. Meyer, Burke, Magovern, Hoffman, Reynolds; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Doherty and Ms. Rokoszak

Mr. Burke made a motion to approve the minutes of the October 20, 2014 executive session meeting, which was seconded by Ms. Sheridan and approved by the following vote:

AYES: Messrs. Meyer, Burke, Magovern, Hoffman, Reynolds; and Ms. Sheridan

NAYS:

ABSTAIN: Mr. Doherty and Ms. Rokoszak

MB1 BELMAR LLC – 801 MAIN STREET

Appearing for this application was Joel Brudner of MB1 Belmar LLC, attorney David Messer, Esq., and traffic engineer Mark Kataryniak.

Mr. Messer stated the Board previously granted them site plan approval for a brewery. They are now before the Board to seek approval for the uses of the other retail space in the building. Their proposed plans show three possible locations for a restaurant use. All proposed uses are permitted uses.

Mr. Brudner stated there is approximately 10,000 square feet in the building labeled for retail and office space. He has two tenants who have signed leases and a potential third lease. The first lease is for 800 square feet on the first floor facing Main Street, which would be Jake's Crab Shack. On the second floor facing Main Street there is 3200 square feet, which would be used for a wood fired pizza restaurant. The third location would face the plaza and would be up to 3200 square feet.

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Mr. Brudner anticipated that the first floor unit would not have more than eight employees and the second floor would have 6-12 employees. Each tenant would have to handle their own trash pickup and storage. He stated each tenant would apply for their own outdoor dining permit if so desired. The amount of signage previously granted by the Board should be sufficient, however if a tenant requires additional or different signage they will submit their own application to the Borough. He added they have an application before the South Monmouth Regional Sewerage Authority to increase the sewer.

Mr. Kovats asked that a copy of their SMRSA application be submitted to the Borough engineer. He asked if there are locations on site for garbage dumpsters.

Mr. Messer stated there is a small area near the alley where the trash containers can be brought out for the town to pick up. If twice a week is not sufficient then they will work with private haulers for pick up while maintaining garbage in their own space according to Board of Health regulations. They have not designed an interior area for garbage to be placed at this time.

Mr. Reynolds asked where the entrance to the second floor restaurant will be. Mr. Brudner stated on Main Street there is an entrance to a lobby with an elevator and stairwell that goes to the second floor where you can enter into the brewery tasting room or the restaurant.

Mr. Burke asked what happened between the April meeting and now that caused the need for three restaurants. He added he counted at least six eating establishments within a block and feels this may be excessive.

Mr. Brudner stated most of the people that expressed interest in the building wanted a restaurant use. It's an attractive location and it's a permitted use.

Mr. Magovern questioned the parking calculations for the former bakery use because many of their employees did not park, they used public transportation. He stated their chart referenced 84 parking spaces in the plaza would be for the restaurant, but in the summer on a Friday night there is not one parking space available in the plaza. He feels another pizza place will hurt the ones already in the area. He suggested reaching out to St. Rose to see if their parking lot could be used for valet service. He feels the proposed tenants would be disappointed when they realize the parking spaces they were promised aren't there.

Ms. Sheridan asked if the two tenants are ok with keeping the trash confined inside. Mr. Messer replied yes.

Mr. Kataryniak stated he prepared the traffic study report. He stated his report is very similar to the one submitted for the previous application before the Board. He stated there is a reduction in the parking demand in comparison to the previous bakery use. He added that he did not take into account the train station and other public transportation because he wanted to provide a conservative report. He does not feel there is any substantial detriment to the neighborhood.

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Mr. Magovern asked if he took into account the 300 people that attend the concerts in the plaza. Mr. Kataryniak stated he took into account the municipal lot has multiple overlapping uses.

Mr. Magovern asked if he took into account that the bakery closed at 6 pm and didn't use the plaza parking spaces. He also asked if they took into account Don's Pizza, 10th Avenue Burrito and the other businesses in the plaza.

Mr. Burke stated you want people to be successful but also want those already in existence to be successful. He added the Board of Adjustment just approved eight apartments to be added to the building next door without any additional parking. He added that there is no parking available for all of these businesses. He asked where they think 100 parking spaces are available at.

Mr. Doherty stated there will always be people complaining about competition regardless of the type of business. He added it's the responsibility of the Mayor and Council to determine how to keep parking available on the west side of Main Street. He feels the Board needs to look at the type of uses being proposed and whether it fits with the town and doesn't feel parking is a sufficient reason to deny their application because parking is always an issue for everyone.

Mr. Messer stated that all employees have been informed via the leases with the tenants that they park in the long term parking spaces near the train station.

Mr. Doherty stated that one of the proposed tenants is a Belmar business and the other one is an upscale pizzeria that would not compete with Don's Pizza or Federico's.

Mr. Venezia asked the applicant's engineer to separate the parking demand for each restaurant and explain how it compares to the ordinance requirements vs the ITE parking requirements. It was explained that Mr. Kataryniak's parking demand calculations are less than what the Borough ordinance would require.

Public

Brendan Read, 100 Ninth Avenue, stated he supports the application. He suggested having a transportation demand management plan for employees. Such as giving them incentives to ride their bikes, walk, use public transportation or car pool.

Barbara Iglay, Don's Pizza King, thought the brewery is a wonderful idea with retail space. Feels it would bring business to all of Main Street. She would like the Board to reject the application because she feels there are plenty of spaces already available for restaurants if they need to be in town. She doesn't want to see us creating new spaces for restaurants. There are ten places open year round that sell pizza and Italian food in town and there are 35 restaurants in town. She stated before she came to this meeting tonight there was no parking available on 10th Avenue or in the plaza.

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Board Comments

Mr. Reynolds stated he is thrilled that two established business owners want to open in Belmar. He feels both would add to the town and won't compete with existing restaurants in town because they offer something different.

Ms. Sheridan stated we do need to address parking in the future and how we manage it but at this time she is fine with the application.

Ms. Rokoszak stated she doesn't think the pizzeria will be in direct competition. She is concerned about parking and how the tenants would feel when there's no parking.

Mr. Doherty stated parking is always going to be an issue but feels it's a good problem to have. He stated we need to move forward with redevelopment of the downtown. He feels there will be plenty of business for everybody.

Mr. Burke stated he is all for free enterprise but the issue is parking and it needs to be addressed at some point.

Mr. Magovern stated he doesn't see how we can bring in more restaurants when there is no parking. He disagrees that the Italian restaurant won't take away business from those already in town. He stated there are other types of restaurants that could be brought in.

Mr. Hoffman stated his issue is parking but agrees it's the Borough's issue to solve. He stated the tenants know the parking issues and still want to open their businesses.

Mr. Meyer stated he has concerns about parking too but he feels there is enough business for everyone.

Mr. Kovats would like more information submitted to the Borough engineer regarding waste removal.

Mr. Hoffman made a motion to approve the application which was seconded by Mr. Meyer and approved by the following vote:

AYES: Mr. Reynolds, Ms. Sheridan, Mr. Meyer, Ms. Rokoszak, Mr. Doherty, and Mr. Hoffman

NAYS: Messrs. Burke and Magovern

ABSTAIN:

Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Ms. Sheridan and approved unanimously.

PLANNING BOARD

DECEMBER 15, 2014

PRESENT: Messrs. Meyer, Forte, Campbell, Reynolds, Windas, Burke, Magovern, and Hoffman

ABSENT: Mr. Doherty, Ms. Rokoszak, and Ms. Sheridan

ALSO PRESENT: Board Attorney Douglas Kovats, Board Secretary April Claudio and Borough Engineer Joseph Venezia

At approximately 7:30 p.m. the secretary stated that adequate notice of this meeting of the Planning Board was sent by email to our official newspapers, the Coast Star, the Star Ledger, and the Asbury Park Press on January 4, 2014 and by posting a copy of said notice at the Municipal Complex on the same date.

Mr. Burke made a motion to waive the reading and approve the minutes of the November 17, 2014 regular meeting which was seconded by Mr. Meyer and approved by the following vote:

AYES: Mr. Meyer, Mr. Reynolds, Mr. Burke, Mr. Magovern and Mr. Hoffman

NAYS:

ABSTAIN: Mr. Windas, Mr. Forte and Mr. Campbell

Mr. Hoffman made a motion to waive the reading and approve the resolution of MB1 LLC, 801 Main Street, which was seconded by Mr. Burke and approved by the following vote:

AYES: Mr. Meyer, Mr. Reynolds, Mr. Burke, Mr. Magovern and Mr. Hoffman

NAYS:

ABSTAIN: Mr. Windas, Mr. Forte and Mr. Campbell

Mr. Hoffman made a motion to waive the reading and approve the resolution establishing the 2015 meeting dates, which was seconded by Mr. Meyer and approved by the following vote:

AYES: Mr. Meyer, Mr. Windas, Mr. Forte, Mr. Campbell, Mr. Reynolds, Mr. Burke, Mr. Magovern and Mr. Hoffman

NAYS:

ABSTAIN:

MICHAEL MIXSON – 200 FIRST AVENUE

Appearing for this application was attorney William Shippers and engineer/planner Richard DiFolco. Mr. Shippers stated the application is for a minor subdivision with variances.

Mr. DiFolco stated the existing lot is just under 15,000 square feet and has one three story dwelling on it which has five units inside. The existing lot also violates many zoning requirements. The proposal is to subdivide the lot into two new lots, demolish the existing dwelling and pool and construct new homes on each of the new lots. The only things to remain

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are the boat lift and boat deck. He discussed the interior layout of the existing dwelling including number of rooms and size of each floor. The proposed lots would be 8475 sq. ft. and 6400sq. ft., which would require variances for being undersized. He stated they are also seeking variances for lot frontage for both lots, front yard setback for the corner lot on A Street, and total side yard setback on the interior lot. There will be no variances sought for building height, building coverage, impervious coverage or floor area ratio.

Mr. Shipers and Mr. DiFolco discussed the review letter from Joseph Venezia of Maser Consulting. They feel adequate parking can be provided on the lot when developed without needing any variances. Mr. DiFolco stated they don't have architectural plans but are aware the property is in a flood zone and will be able to comply with the required elevation and still comply with the maximum building height. The subdivision would be perfected by deed in lieu of a map.

Mr. Venezia asked if an analysis was done of surrounding lot widths. Mr. DiFolco stated he did and came up with 50 feet width, however there is a very large apartment complex to the east that skews that number.

The board discussed with Mr. Shipers the possible layout for parking on the interior lot and how it would affect the view of the neighbors. Mr. DiFolco stated there are properties with driveways to the west that have front yard parking therefore theirs would be no different.

Public: None

Board Comments:

Mr. Meyer stated he can appreciate getting rid of a potential animal house issue but is concerned about parking and how three cars will fit on lot 1.02.

Mr. Forte stated he has no problem with the application but does feel that they will have to come back for additional variances for the houses.

Mr. Campbell stated he appreciates the view of the neighbor to the west will not be blocked. Doesn't see parking being an issue because the use of the property is decreasing.

Mr. Reynolds stated he is torn with the application. He likes the idea of getting rid of five units but doesn't see how two houses will be able to be built on the two lots.

Mr. Burke stated he still has concerns about parking but other than that the application is okay.

Mr. Magovern stated he feels we would be getting rid of some bad variances and slightly improving others. He is concerned about the size of lot 1.02 being too small and how parking will fit on it. He does like the fact that more variances are being removed than being given.

Mr. Hoffman stated he feels the proposal is a good solution to get rid of what's there and is not sure if parking will be an issue or not.

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Mr. Windas stated he is glad to see five rental units being removed. He does agree that there may be a parking issue and has some concern about the size of the interior lot.

Mr. Hoffman made a motion to approve the application, which was seconded by Mr. Campbell and approved by the following vote:

AYES: Mr. Windas, Mr. Forte, Mr. Campbell, Mr. Reynolds, Mr. Magovern and Mr. Hoffman

NAYS: Mr. Meyer and Mr. Burke

ABSTAIN:

At approximately 9:00 pm the Board took a five minute recess.

Mr. Meyer and Mr. Magovern recused themselves and stepped down from the dais as they live nearby the next application.

DOWN TO EARTH FARMS LLC – 318 SIXTH AVENUE

Appearing for this application was attorney William Shipers, engineer Richard DiFolco, and William Merkler of Down to Earth Farms LLC.

Mr. DiFolco stated 318 Sixth Avenue is a corner lot with frontage on Sixth Avenue and North Lake Drive and C Street. The property currently has two residential dwellings and a garage. The proposal is to subdivide the property, demolish one house, and build one new house to create one house on each lot. The existing house would stay as the corner lot. The new home would comply with building coverage, floor area ratio and impervious coverage. The proposed lot sizes are 7500 square feet and 6940 square feet.

Mr. Shipers stated there are some changes to the previously submitted plans in regards to proposed lot 11.02. They were requesting three variances for the existing garage that was to remain, however they are going to demolish the garage and therefore no longer are requesting those variances. He added that the contract purchaser may want to increase some room sizes however their application is to clearly state they will not exceed the maximum building coverage of 30%. The new house will not need any variances for any setbacks as well. The existing home which would be the new corner lot has several existing variances which will remain because the existing home is remaining: front setback on North Lake Drive, setback from C Street, building coverage, and front porch setback on both sides.

Mr. DiFolco stated there are no negatives or detriments to the neighborhood by granting approval of the application.

Mr. Venezia noted that the two sets of plans show differing setback numbers for the existing front porch. Mr. DiFolco stated the surveyor's drawing is the accurate one.

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Mr. DiFolco discussed some comments and questions in Mr. Venezia's letter. Each dwelling will have four bedrooms and require three parking spaces which they feel can be done. He stated they will also comply with FEMA regulations for both lots. They will be removing the multi-family use from the site as well.

Mr. Kovats asked if there will be any adverse effects from drainage. Mr. DiFolco replied no.

Public:

Robert Mullan, 314 North Lake Drive, stated he has no problem with someone living on the lot and even losing some of his view of the lake. He was concerned about the existing fence along his property and water runoff going onto his property. Mr. DiFolco stated they will grade the property to make sure water drains towards the street and not east onto Mr. Mullan's property. Mr. Mullan just wanted to make sure there is no encroachment onto his property.

Angela Pheifer, 319 Fifth Avenue, stated her concern is also the flooding and grading because they get a lot of water in that area.

Mr. Venezia asked if it would be possible to install a seepage pit depending on the water table. Mr. Shippers stated his client doesn't think that would be a good idea based on prior experience. Mr. Merkler felt it would be a waste of money to even try to put one in. Mr. DiFolco stated the water runoff situation would be better because two structures are being removed and the pitch of the property will be increased to drain water onto C Street.

Mr. Venezia asked that a grading plan be submitted.

Mark Pheifer, 319 Fifth Avenue, was concerned about congestion and slowing down vehicles in the existing paver area on the street, especially if the size of it is reduced. He was also concerned that this proposal would decrease his property value.

Mr. Reynolds asked if there is anything that can be done so as to not affect the Pheifer's view. Mr. Shippers stated this property was for sale and available for the neighbors to buy. He stated anytime redevelopment is done there is always someone that says they want an ocean or lake view however there is case law that states nobody is guaranteed their view and if one wants to be assured such a view they must purchase that view. He added that someone could build one house on this lot that would block all views.

Mr. Mullan stated he has no problems with anyone building a house there.

Mr. Pheifer stated he is concerned the house being built is too big for the lot.

Board Comments:

Mr. Forte stated he feels this is a reasonable plan and is making the conditions better.

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Mr. Campbell stated he appreciates some changes being made in regards to addressing water runoff concerns.

Mr. Reynolds stated he understands the legality of it but he in good conscious cannot take away anyone's view and wishes something could be done.

Mr. Burke agrees that this is a better use of the property. He likes that there are not any more variances being requested other than what currently exists.

Mr. Hoffman stated he feels they have made a good effort to substantially reduce the number of variances and feels it's a good plan for the property.

Mr. Windas stated while he is sympathetic to the neighbors losing their view there is nothing that can be done with that. He is glad there is adequate parking being provided and the water runoff concerns are being addressed. He feels the variances being requested are minimal.

Mr. Forte made a motion to approve the application, which was seconded by Mr. Burke and approved by the following vote:

AYES: Mr. Meyer, Mr. Windas, Mr. Forte, Mr. Campbell, Mr. Burke, Mr. Magovern and Mr. Hoffman

NAYS: Mr. Reynolds

ABSTAIN:

Public: none

Mr. Windas made a motion to authorize Mr. Kovats to prepare a writing to the Mayor and Council regarding the paver island in front of 318 Sixth Avenue, which was seconded by Mr. Campbell and approved unanimously.

Mr. Hoffman made a motion to adjourn the meeting, which was seconded by Mr. Reynolds and approved unanimously.