**WORKSHOP MEETING: 7:30 P.M.**

**Roll Call** **Members Present** – Dr. Kloby, Mr. Fligor, Mr. Hawley, Mr. Caccamo, Mr. Neff, Mr. Colangelo, Mr. Dougherty, Mr. Illiano

**Members Absent** – Dr. Cetron, Mr. Pepe, Mrs. Murray, Ms. Drew, Mr. McGoldrick

**Dr. Cetron arrived at 7:30pm**.

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

Chairman Colangelo called the meeting to order and stated that the meeting is being held in compliance with the Open Public Meetings Act. Mr. Colangelo called for a moment of silent prayer followed by the Pledge of Allegiance.

**Public Comment** – Mr. Colangelo opened the meeting to any members of the public who wish to make comments.

Mark Fisher, 91 Third Avenue, commented that as per his email, exhibits should be placed in a position so that they are easily seen by the residents.

**Pending Litigation** – Mr. Steib noted that there is no pending litigation at this time.

Mr. Steib made it known that **PB19-04, Block 36, Lot 10, 95 Asbury Ave. (Christina Hendrickson)**–Application for Bulk Variance would not be heard on this night due to irregularities with the notice. The application will be carried to the August 8, 2019 meeting at 7:30. No further notice is required.

**Other Business** – There was no other business.

Mr. Colangelo noted there is no further business to be discussed during the Workshop Meeting.

MR. FLIGOR MOVED TO ADJOURN THE WORKSHOP MEETING, MR. NEFF SECONDED, BY VOICE VOTE ALL AGREED.

There being no further business to come before the Board, the Workshop Meeting Adjourned at 7:33PM.

Christine Burke

Planning Board Secretary

**REGULAR MEETING: 7:33P.M.**

**Roll Call** **Members Present** – Dr. Kloby, Mr. Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Colangelo, Mr. Dougherty, Mr. Illiano

**Members Absent** – Mr. Pepe, Mrs. Murray, Ms. Drew, Mr. McGoldrick

Michael Steib was present as Board Attorney. Douglas Rohmeyer was present as Board Engineer.

**Approval of Minutes for the June 13, 2019 Meeting**

DR. CETRON MOVED TO APPROVE THE MEETING MINUTES FOR JUNE 13, 2019, SECONDED BY DR.KLOBY.

Ayes: Dr. Kloby, Mr. Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Colangelo,

Mr. Illiano

Nays: None

Abstain: Mr. Dougherty

Absent: Mr. Pepe, Mrs. Murray, Ms. Drew, Mr. McGoldrick

**Approval of Attorney’s Voucher for May 2019 in the amount of $4,468.50**

MR. NEFF MOVED TO APPROVE THE ATTORNEY’S VOUCHER FOR MAY 2019, IN THE AMOUNT OF $4.468.50, SECONDED BY MR. DOUGHERTY.

Ayes: Dr. Kloby, Mr. Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mr. Colangelo, Mr. Dougherty, Mr. Illiano

Nays: None

Abstain: None

Absent: Mr. Pepe, Mrs. Murray, Ms. Drew, Mr. McGoldrick

**At 7:36pm Mrs. Murray arrived**.

**Consistency Review for Ordinance 10-2019 Telecommunication Facilities in Right of Way**

Mr. Steib explained the new ordinance and why it is being done. The FCC has adopted new regulations regarding 5G communication facilities which are very different from what previously existed. He stated that the Borough has been very proactive, and that 90-95% of the ordinance is related to administrative situations. The Governing Body has asked that the Planning Board review this ordinance for consistency with the Master Plan. At this point Mr. Colangelo asked if the board had any questions or comments. Mr. Fligor explained that this complies with the Zoning Ordinance specifically written for the placement of cell towers within the Borough. Mr. Colangelo stated it respects the Borough’s wishes. Mrs. Murray expressed concern about the placement of wires and antennas, and stated that wires should be buried whenever possible. Mr. Fligor informed her that this is addressed in the ordinance. Mr. Cetron asked that page 15 of the ordinance be investigated and corrected, as sections are missing. Mr. Steib explained that section 5 provides street and roadway right of ways and pointed out that this shows consistency with the Master Plan.

MR. HAWLEY MOVED TO MEMORIALIZE CONSISTENCY REVIEW FOR ORDINANCE 10-2019TELECOMMUNICATION FACILITIES IN RIGHT OF WAY, SECONDED BY MR. NEFF.

Ayes: Dr. Kloby, Mr. Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mrs. Murray, Mr. Colangelo, Mr. Dougherty

Nays: None

Abstain: None

Absent: Mr. Pepe, Ms. Drew, Mr. McGoldrick

**PB18-13, Block 61, Lot 8, 77 Memorial Parkway (Grable) –** Memorialize Resolution dismissing application for Site Plan Approval & Use Variance Without Prejudice

DR. CETRON MOVED TO MEMORIALIZE PB18-13, SECONDED BY MR. FLIGOR.

Ayes: Mr. Fligor, Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mrs. Murray

Nays: None

Abstain: Dr. Kloby

Absent: Mr. Pepe

**PB19-01, Block 37, Lot 23, 24 East Avenue (Raymond Residence) –** Memorialize Resolution Granting Bulk & Use Variance

MRS. MURRAY MOVED TO MEMORIALIZE PB19-01, SECONDED BY MR. HAWLEY

Ayes: Mr. Hawley, Mr. Caccamo, Dr. Cetron, Mr. Neff, Mrs. Murray, Mr. Illiano

Nays: None

Abstain: None

Absent: Mr. Pepe

**PB19-03, Block 107, Lots 4 & 5, 15 West Lincoln Avenue –** Memorialize Resolution Granting Preliminary and Final Site Plan Approval, Bulk and Use Variances

MR. NEFF MOVED TO MEMORIALIZE PB19-03, SECONDED BY DR. CETRON

Ayes: Mr. Caccamo, Dr. Cetron, Mr. Neff, Mrs. Murray, Mr. Illiano

Nays: None

Abstain: Mr. Hawley

Absent: Mr. Pepe

**PB19-05, Block 1, Lot 26, 36 Bayside Drive (John Potter)** – Application for Bulk and Use Variance

**Councilman Fligor and Dr. Kloby recused themselves at this time, 7:49pm.**

Mr. Steib listed the exhibits which the Board has received to date: Exhibit A-1 Zoning Denial from Zoning Officer Michelle Clark dated April 27, 2019, Exhibit A-2 Application for Development Permit from John Potter dated March 20, 2019, Exhibit A-3 Steep Slope Review Plan prepared by Richard E. Stockton & Associates dated January 31, 2019, Exhibit A-4 Elevation and Floor Plan Drawings prepared by Dugasz & Brower Architects dated March 20, 2019, exhibit A-5 Roof Rain Water Drainage System color rendered, A-6 Steep Slope review from CME Associates dated February 20, 2019, A-7 Review #1 of CME Associates dated June 11, 2019. Kevin Kennedy was present on behalf of the applicant. Mr. Kennedy stated that there is an existing structure at 36 Bayside Drive which has been vacant for many years and is not suitable for the needs of a modern family. He stated his client is looking for permission to demolish the current structure and rebuild a single family home which he will personally occupy. At 7:53pm John Potter, 10 Appaloosa Drive, North Grafton, Massachusetts was sworn in. Mr. Potter described the current structure at 36 Bayside Drive as a 3 bedroom 2.5 bathroom “split on top of split”. He stated that the structure is decrepit- ceilings are torn apart, pipes are leaking- the house is uninhabitable. He stated that there is currently a cesspool which will need to be converted to a septic system. Mr. Potter believes demolition is more appropriate than restoration. At this point Mr. Colangelo asked if there were any questions for Mr. Potter from the public or the board, and there were none. Mr. Colangelo asked Mr. Rohmeyer if the steep slope revisions required by the February 20, 2019 CME report were completed, and Mr. Rohmeyer made it known that the revisions were done, as per the June 11, 2019 CME report which supersedes the February 20 report.

At 7:59pm John Brower, 678 Leone Street, Woodbridge was sworn in as a licensed architect. Mr. Brower listed his licenses and background and was accepted as a witness. Mr. Kennedy asked Mr. Brower to describe the proposed structure. Mr. Brower described a 2 story, single family structure with an attached 2 car garage, partially covered deck along the rear, and a cellar. Mr. Brower stated that the structure complied with the cellar ordinance. The proposed structure will match the footprint of the existing structure, not including the garage. Mr. Colangelo asked for questions from the board. Mr. Rohmeyer asked about an air condition unit, which Mr. Brower answered will be on the ground. Mrs. Murray asked if the plans showed a fire place, Mr. Brower answered yes. Mr. Colangelo asked if there were any questions from the public. Jane Barry, 33 Bayside Drive, asked about the comparison between the existing and proposed footprint. Mr. Brower answered that the existing footprint was used as a template for the proposed with the garage extending beyond.

At 8:07pm Christopher Rosati, Toms River, was sworn in as a planner and engineer. He listed his licenses and background and was accepted as a witness. Mr. Kennedy asked Mr. Rosati to describe the existing lot. Mr. Rosati presented a colored rendering of the engineer’s plan which was previously submitted, Exhibit A-8. He went on to describe the uniquely shaped lot and stated that the plans are compliant with the building circle requirements. He stated that they have already received approval from the health department for a compliant septic system, and submitted a new steep slope review plan showing the proposed structure more centrally located and away from the slope. Mr. Rosati stated that the lot disturbance of about 11,000 square feet sounds excessive, but includes moving the house away from the slope, building a new septic system, and removing the existing driveway. He believes this is a modest sized house which fits within the character of the neighborhood. Mr. Kennedy asked if anything can be done to minimize problems during demolition. Mr. Rosati stated that careful demolition will be done under the supervision and control of the Borough engineer. A discussion about whether the plans depict a cellar or a basement followed. Dr. Cetron stated that the submitted plans show a 3 story house including a basement. Mr. Rosati responded that the end result will be a cellar. Mr. Rohmeyer asked where the proposed air conditioning units will be placed. Mr. Rosati stated that he does not know at this time but that they will be compliant. A discussion about roof grade and rain water runoff followed. Mr. Rohmeyer stated that runoff cannot affect neighbors. Mrs. Murray and Mr. Hawley reminded everyone that is a steep slope area and water runoff is a very important issue. Mr. Cetron asked about 9 trees which are proposed to be removed and asked if there is a plan to replace the trees, or a landscape plan. Mr. Rosati stated that no, there is not. Mr. Kennedy asked Mr. Potter if he would be willing to replace the trees, Mr. Potter said yes he would. Mr. Colangelo stated that a willingness is not a plan. At this point Mr. Colangelo asked if there were any questions from the public. Mark Fisher, 91 Third Avenue, asked when we will see the steep slope and landscape plans. Mr. Rosati answered that this is conditional upon approval. Mr. Colangelo stated that the board likes to see plans in advance of approving applications. Dr. Cetron stated that there was not enough information being presented. Mr. Colangelo asked Mr. Kennedy if he and Mr. Potter would like to come back with a more complete plan, and Mr. Kennedy answered yes, they would. Mr. Fisher asked if there will be a septic plan submitted. Mr. Rosati answered yes, there will be. Mr. Colangelo asked for any public comment. At 8:44pm James Krauss, 77 Bayside Drive, was sworn in. He agreed that it will be good to get more details about landscaping, the septic system, and storm water runoff, as 25 Bayside Drive had storm water issues. He also commented that the proposed structure will be an improvement to the neighborhood. Mr. Kennedy requested that the application be carried to the next meeting. Mr. Steib announced that the application will be carried to the next meeting date of August 8, 2019 at 7:30, no further notice is required.

At 8:50pm Mr. Colangelo called for a 5-7 minute break.

At 8:58pm Mr. Colangelo called the meeting back in session. He made it known that due to the severe weather that night there would be a time limit on this meeting, to allow everyone to get home safely.

**PB19-06, Block 1, Lot 21, 46 Bayside Drive (Mitchell Daitz) –**Application for Bulk and Use

Mr. Steib listed the exhibits which the Board had received to date: A-1 Steep Slope Plan prepared by InSite Engineering LLC. dated June 26, 2019, A-2 Steep Slope Review #1 prepared by CME Associates dated April 12, 2019, A-3 Steep Slope Response prepared by InSite Engineering LLC dated April 23, 2019, A-4 Zoning Review prepared by Zoning Officer Michelle Clark dated May 9, 2019, A-5 Variance Application prepared by Mitchell Daitz dated April 26, 2019, A-6 Architectural Elevation and Floor Plans prepared by Virtuoso Architecture dated March 20, 2019, A-7 Review #1 from CME Associates dated June 14, 2019. Kevin Kennedy was present on behalf of the applicant. Mr. Kennedy described a vacant single family structure which is not suited for the needs of a modern family. He stated that his client is proposing the demolition of the current structure and the construction of a new single family home. At 9:01pm Mitchell Daitz, 7 Monmouth Parkway, Monmouth Beach, was sworn in. Mr. Daitz described the current structure as a 2 bedroom, 2 bathroom single family structure which has been vacant for about 6-7 years. He believes that demolition of the structure is more appropriate than renovation. It will be used as his family residence.

At 9:05pm Paul Grabowski, 1330 Laurel Avenue, Sea Girt, was sworn in as a licensed architect. He listed his licenses and background and was accepted as a witness. Mr. Grabowski presented an updated rendering of a retaining wall on the property. He described the proposed home as a 2 story single family home with an attached 2 car garage, a rear deck, and a cellar which is compliant with the cellar definition. Mr. Grabowski described the exterior as having a traditional sea shore colonial look which he believes will fit in with the neighborhood, and stated that the structure is height compliant. Mr. Colangelo asked if there were any questions from the board. Mrs. Murray asked if the staircase in the second plan rendering will change the lot coverage. Mr. Grabowski answered, no, it will not. Mr. Rohmeyer asked if they are proposing to fill in the front of the property. Mr. Grabowski answered yes, to bring up the driveway. Mr. Colangelo asked for any public questions. Mr. Krauss confirmed that the footprint of the second story is 1600 square feet, and the footprint of the first story is 1300 square feet, and asked what the footprint of the structure is. Mr. Grabowski answered 2300 square feet.

At 9:18pm Patrick Ward, 1955 Rt. 34, Wall, was sworn in as a planner and engineer. Mr. Ward listed his licenses and background and was accepted as a witness. Mr. Ward presented 3 exhibits: Exhibit A-9, a color site rendering prepared by InSite Engineering, Exhibit A- 10, an aerial map prepared by InSite Engineering, and Exhibit A-11, a color rendering of the aerial map prepared by Mr. Ward’s office. He described the undersized lot in detail and stated that the plan is to demolish the current structure and construct a single family dwelling. Mr. Ward made it known that a CAFRA permit is not required by the DEP. He stated that they are proposing a 2 car garage which will provide more off street parking, and to raise the driveway for drainage. Mr. Ward made it known that the 15 foot set back would be a challenge on the narrow lot considering the proposed attached garage, and that they will honor the set back on the west side of the property where the neighbor has a detached garage 3 feet away from the property line. The set back on the east side of the lot, where the neighboring structure sits farther away from the property line, will be about 5 feet. The plans also proposes a 3 tiered retaining wall and a stone surface on the slope side. Roof runoff will go into 4 downspouts to be piped underground and discharged at the rear. The septic system which is currently on the west side will be relocated to the south side and receive an advanced treatment system. Mr. Ward believes that the house is not excessive in size and fits the character of the neighborhood. He pointed out that there are 58 developed undersized lots within 1500 feet of the property. Dr. Cetron asked about the special pavers shown in the plans, and Mr. Ward answered that those are in accordance with the New Jersey DEP and will allow rainfall to go underground. Mr. Ward made it known that although the lot disturbance exceeds the ordinance, site stability will be paramount. Mr. Daitz has hired and has on retainer a geotechnical engineer, who recommended foundation pilings be installed and the foundation be poured concrete. Mr. Ward stated that 4 trees will be removed, 1 of which is dying, and a new tree will be planted on the west side of the driveway. A west side planting bed also provides opportunity for more planting. Mr. Ward believes that the benefits of this application outweigh any detriments. Mr. Rohmeyer asked if Mr. Ward had a copy of the CAFRA correspondence, Mr. Ward answered yes and presented the correspondence. Mr. Rohmeyer asked about the proposed deck over deck encroaching the slope. Mr. Ward made it known that a deep pile column foundation will be used and no vegetation is to be disturbed. Mr. Rohmeyer and Mrs. Murray both expressed concern about storm water runoff going towards the neighbor’s deck. Mr. Ward stated that he does not believe that the deck will be affected, but they could more centrally locate and add more discharge points. At this point Mr. Colangelo asked if the board had any questions. Mrs. Murray asked for a resolution for the cantilever deck. Mr. Rohmeyer answered that a deep foundation will be used. Mrs. Murray asked if any specs were needed for a deep foundation. Mr. Ward answered that the geotechnical report called for pilings 20 feet deep, and they will go deeper if needed. Mr. Colangelo if there were any questions from the public. Mr. Krauss asked Mr. Ward if he was aware of what the slope looked like after Super Storm Sandy. Mr. Ward answered no. Joel Davies was present on behalf of Paul Jeka, 51 Bayside Drive. Mr. Davies asked what the height of the current house is. Mr. Ward answered just under 20 feet. Mr. Davies wanted to confirm that the proposal is to add 2 feet to the front and then 33.6 feet. Mr. Ward confirmed yes. Mr. Davies asked of the 58 undersized lots, how many are under 10,000 square feet. Mr. Ward answered 10. Mr. Davies asked the height from the rear deck to the half story bump out. Mr. Ward answered about 38-39 feet. Mr. Davies asked how much ground disturbance will there be to facilitate the cellar. Mr. Ward answered that the ground disturbance will be a function of demolition and construction. Mr. Davies asked where the side yard setback is measured from. Mr. Ward answered from the dwelling. Mr. Davies asked what the set back from the retaining wall to the property will be. Mr. Ward answered 3 feet. Mr. Krauss asked how many of the 58 undersized lots have homes on them. Mr. Ward answered all of them, and they were all in the R3 zone. Mr. Colangelo asked if there were any comments from the public. Mr. Krauss commented that the house was occupied as recently as a year or 2 ago, because the residents were parking cars in the streets. He said he likes the proposal for a 2 car garage and agrees the house is a tear down. He expressed concerned about the size of the proposed house, and is concerned about the bluff in case another Super Storm Sandy ever occurs. Mr. Davies commented that it is too much house for too little land, and it will change the character of the neighborhood. Mr. Colangelo closed public comment and board discussion began. Dr. Cetron commented that he would love it if the lot was 2 times its size. Mr. Colangelo commented that it is an improvement to what is currently there, but too big. Mrs. Murray commented that it looks big because of the garage, but it will be good to get the cars off the street. Mr. Caccamo commented that the design is better than some of the others in the neighborhood. Mr. Colangelo commented that the deck makes the footprint look bad. Dr. Cetron expressed concern about the weight on the top of the slope. Mr. Ward made it known that the pile foundation will take the load away from the surface. Mr. Neff commented that the house is large, but an improvement.

MR. CACCAMO OFFERED A MOTION TO APPROVE THIS APPLICATION, SECONDED BY MRS. MURRAY.

Ayes: Mr. Caccamo, Mr. Neff, Mrs. Murray, Mr. Colangelo, Mr. Dougherty

Nays: Mr. Hawley, Dr. Cetron, Mr. Illiano

Absent: Mr. Pepe, Ms. Drew, Mr. McGoldrick

Recused: Dr. Kloby, Mr. Fligor

At 10:21 Mr. Colangelo announced that due to the severe weather and the time, they would not be starting the third application. Mr. Steib made it known that **PB19-07, Block 96, Lot 16.0, 27 Third Ave. (Ryan and Nicole Hall) –**Application for Minor Subdivision, Use and Bulk Variance, would be carried to the August 8, 2019 meeting at 7:30pm. No further notice is required.

**Adjournment**

There being no further business to come before the Board, Mr. Colangelo asked for a motion to adjourn the meeting.

MR. NEFF MOVED TO ADJOURN THE REGULAR MEETING AT 10:22PM, SECONDED BY DR. CETRON. BY VOICE VOTE ALL AGREED.

Christine Burke

Planning Board Secretary