



CAUCUS SESSION:

<https://us06web.zoom.us/j/4407685305?pwd=NFdLdVdRYnQ5bXRlaVUxQlVkMnloZz09>

Meeting ID: 440 768 5305
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MEMBERS

PRESENT: Joseph DiBenedetto, Chairman
Edward DiFiglia
Peter Siano
John Duthie
Estelle Klose (7:10)
Jemal Beale
David Fisher
Jack Ades
David Bodnovich, Alt I
Chris Caramanica, Alt II

MEMBERS

ABSENT: Jeffrey Weinstein

OTHERS PRESENT:

Mark Leckstein, Esquire
Ben Matlack, P.E.
Ron Kirk
Amy Stewart

Board Attorney
Board Engineer
Planning Administrator
Planning Board Secretary
Recording Secretary

Ms. Klose asks Dr. Fisher if he got an answer from the Mayor about allowing the Board to require color renderings as well as digital copies of plans rather than 16 copies of paper plans. Mr. Kirk says he will handle this. There is nothing else for the caucus session so Chairman DiBenedetto makes a motion to close



the caucus session and adjourn until the regular meeting time, this motion is seconded by Edward DiFiglia

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Beale, Ades, Caramanica, Bodnovich, DiBenedetto
Opposed: None
Ineligible: None
Absent: Weinstein

REGULAR MEETING:

7:30 P.M. Virtual Meeting
Via Zoom

MEMBERS
PRESENT: Joseph DiBenedetto, Chairman
Edward DiFiglia
John Duthie
Peter Siano, V Chair
Jack Ades
Chris Caramanica, Alt. II
David Bodnovich, Alt. I
David Fisher
Jemal Beale
Estelle Klose

MEMBERS
ABSENT: Jeffrey Weinstein

OTHERS PRESENT: Mark Leckstein, Esquire Board Attorney
Drew Pavlick, P.E. Board Engineer
Ron Kirk Planning Administrator
Amy Stewart Planning Board Secretary
Recording Secretary

Chairman DiBenedetto announces that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice having been sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on August 10, 2021.

MINUTES FOR APPROVAL

A motion was made by Chairman DiBenedetto and seconded by Jeffrey Weinstein to approve the **minutes from the regular meeting of October 25, 2021.**



In Favor: DiBenedetto, DiFiglia, Fisher, Klose, Beale, Ades, Bodnovich, Carmanica
Opposed: None
Ineligible: Duthie, Siano
Absent: Weinstein

Mr. Edward DiFiglia reads his oath and is sworn in as a Class II member of the Township of Ocean Planning Board.

RESOLUTION MEMORIALIZATIONS

450 Wells Avenue, LLC

Block 25.55 Lot 6
450 Wells Avenue
Oakhurst
Minor Subdivision & Lot Line
Adjustment Approval

MOVED: DiBenedetto SECOND: Fisher
FAVOR: DiBenedetto, Fisher, Klose, Beale, Fisher,
Caramanica, Bodnovich,
OPPOSED: None
INELIGIBLE: Duthie, Siano, DiFiglia, Ades
ABSENT: Weinstein

CARRIED CASES:

1. **Theresa & James Morrissey**
Block 38 Lot 19.03
403 Bowne Road
Ocean
R-2

This is an application to eliminate a deed restriction imposed as a condition of the 2001 Planning Board Resolution requiring the elimination of the property driveway and closing the curb cut, in favor of a shared access easement.

Attorney for the Applicant: Ms. Jennifer S. Krimko, Esquire

Ms. Krimko introduces herself, and Mr. Leckstein reads off the pre-marked exhibits as follows:

- A-1 Survey of the property Morgan Engineering August 2016
- A-2 Photo exhibit packet (6 photos)
- B-1 Board Planner's Report November 19, 2021
- B-2 Board Engineer's Report November 18, 2021
- B-3 Fire Marshal's Report September 13, 2021
- B-4 Traffic Safety Report September 13, 2021



B-5 Resolution of Planning Board April 23, 2001

Ms. Krimko has one witness for this application tonight. The Resolution was for Antimo Russo who got the subdivision approvals but he did not develop the property. When the Morrissey's bought the property they were unaware of the deed restriction, someone didn't do their research and dig deeply enough. The Resolution was not attached to the subdivision deed when it was filed. The Resolution is clear that there is a requirement to remove the driveway, the deed restriction is not nearly as clear. They were under the impression that they would have a shared driveway but not that she had to remove her existing driveway.

Mr. Higgins and Mr. Matlack are sworn in by Mr. Leckstein, as is Teresa Morrissey, the homeowner. They purchased the home at 403 Bowne Road in December 2016. The subdivision had been perfected at that time and it was a stand-alone home. They had no idea at the time of purchase that there was any requirement of the driveway removal. Ms. Krimko shows a photo of the other two homes created as a result of the subdivision. The photo shows the shared driveway and the two mailboxes for the other homes but there is no mailbox for 403 Bowne Road. The next photo shows their current mailbox and driveway way down the road. Ms. Morrissey would like to keep the current driveway because of the ambience, the fountain, the hydrangeas etc. There is a picture of their backyard with the new shared driveway/easement but right up to their back patio. They had to remove the fence they had in the easement, but would very much like to put the fence back up for privacy.

There have been safety issues already. There are currently 9 licensed drivers, issues with Emergency vehicles, delivery drivers, as well as residents parked in the driveway and there being nowhere to turn in. It just makes more sense to use their own driveway, for safety reasons. The subdivision deed, is marked into evidence as A-3 recorded January 11, 2002, and created on October 31, 2001. The wording in the deed is vague and unclear. Mr. Leckstein does not see where in the Resolution it states that the driveway needs to be removed. She claims it is in the conditions but also it is most certainly on the related and approved plan that the driveway is to be removed. Mr. Leckstein would like Ms. Krimko to display A-1, the survey. This survey does not show the new driveway. Mr. Leckstein would like the Morrissey's to provide an As-Built Survey showing an accurate depiction of what is actually on the property.



Chairman DiBenedetto asks Mr. Higgins' to discuss his report. He does not have any issues from a planning standpoint. He thinks the shared driveway just doesn't work as it was intended. Mr. Matlack does not have any issues with the Morrissey's keeping their driveway. Chairman DiBenedetto wants to know if the Board does grant their request what would happen to the portion of the new driveway within the Morrissey's property. Ms. Morrissey would like to put a fence up to enclose their property and hopefully remove the driveway on their property and vacate the easement.

Mr. Duthie is against the original subdivision's approval. Mr. DiFiglia questions the impervious coverage, and Mr. Matlack states that most of the property is grass and this home owner is definitely under on coverage. Dr. Fisher asks if the house is a century old home and is told it is 116 years old. Mr. Matlack opines that it is logical to have driveway access for a property that has frontage on a road and in this case sharing access to a road with three homes isn't necessary. Mr. James Renard, 405 Bowne Road, says that he is willing to continue the Belgium block straight across where the fence would be so it cannot be used as a driveway. The concrete cannot be closer than 5' to the property line or a variance would be required.

Ms. Krimko would like the Board to determine that the previously approved Resolution did not contain the condition that the driveway needs to be removed that way the Morrisseys wouldn't have to file a deed restriction etc. The Board could just approve a new Resolution stating they can keep the driveway.

John Duthie makes a motion to close the public portion of this application and Edward DiFiglia seconds that motion.

In Favor: DiBenedetto, Fisher, DiFiglia, Klose, Siano, Beale, Duthie, Ades, Bodnovich, Caramanica
Opposed: None
Ineligible: None
Absent: Weinstein



Chairman DiBenedetto makes a motion to maintain the second driveway, conditioned upon removing 5' of pavement from the property line seconded by John Duthie.

In Favor: DiBenedetto, Fisher, DiFiglia, Klose, Siano, Beale, Duthie, Ades, Bodnovich, Caramanica
Opposed: None
Ineligible: None
Absent: Weinstein

NEW CASE:

2. **1800 Acquisitions, LLC**

Block 34 Lot 16
1800 Route 35
Ocean
C-2

This applicant is seeking approval to permit a tenant in the existing shopping center which would exacerbate the off-street parking variance previously granted in a July 27, 2015 resolution of the Planning Board.

Attorney for the Applicant: Ms. Jennifer S. Krimko, Esquire

Ms. Krimko is the applicant's attorney. She explains the history of the application and the previous approvals with regards to parking. The landlord is having a hard time filling the units in this property because of the parking requirements. The testimony this Board will hear is a traffic expert. They would like the approval to allow three of the seven units to be occupied by a 1 to 150 use. There are currently 72 parking spots.

Mr. Leckstein has pre-marked the exhibits are;

- A-1 As Built Survey Nelson Engineering March 11, 2019
- A-2 Proposed Tennant Fit Up September 21, 2021
- A-3 Architect Plans MTM September 26, 2021
- A-4 Traffic Engineer Report Dolan & Dean September 10, 2021
- B-1 Board Planner Report November 21, 2021
- B-2 Board Engineer Report November 18, 2021
- B-3 Board Resolution of Approval July 27, 2015



Mr. Higgins summarizes his report (B-1). There's no mention in the ordinances about parking for self-storage facilities. He feels like this site is over parked as a result. He mentions the traffic study and its requirement. Mr. Higgins mentions the fact that so many PT patients get dropped off and do not utilize a parking spot at all. Mr. Matlack would like to discuss a few things from the previous approvals in relation to signage. He would like traffic testimony in reference to parking demand. Mr. DiFiglia asks if the parking is by square footage of the building. Mr. Higgins would like to know how many units are in this self-storage facility.

Mr. Douglas Polyniak, a licensed traffic engineer in the state of New Jersey for approximately 22 years. He is accepted as an expert by the Board. He testifies that 72 parking spots at a 1 to 150 ratio would work for the three units. He did a traffic study during a Saturday and he noticed that when retail was at peak there were 25 spots being utilized in the front portion of the lot. He used three different methodologies to calculate the parking needs for this particular site and all three yielded approximately 72 spots as being optimal. There are 600 units so if approved today it would require 12 spots with the 1 to 50 ratio.

They discuss the difference between the mixed use/self-storage in a C-2 zone rather than a shopping center. This is not a shopping center. The front functions as a shopping center/retail but the rest of the site, the commercial section is certainly not retail. There are no additional questions or comments from the Board or the public. Ms. Krimko quickly summarizes her case and shows the As-Built Survey.

John Duthie makes a motion to close the public portion of this application and Edward DiFiglia seconds that motion.

In Favor: DiBenedetto, Fisher, DiFiglia, Klose, Siano, Beale, Duthie, Ades, Bodnovich, Caramanica

Opposed: None

Ineligible: None

Absent: Weinstein



Chairman DiBenedetto makes a motion to approve this application and Mr. DiFiglia seconds the motion.

In Favor: DiBenedetto, Fisher, DiFiglia, Klose, Siano, Beale, Duthie, Ades, Bodnovich, Caramanica
Opposed: None
Ineligible: None
Absent: Weinstein

Chairman DiBenedetto makes a motion to close the public meeting and John Duthie seconds the motion.

In Favor: DiBenedetto, Fisher, DiFiglia, Klose, Siano, Beale, Duthie, Ades, Bodnovich, Caramanica
Opposed: None
Ineligible: None
Absent: Weinstein

Meeting ends at 9:05 PM