

**WALL TOWNSHIP PLANNING BOARD
MINUTES - REGULAR MEETING
MUNICIPAL MEETING ROOM
JULY 13, 2009**

Chairman Aromando called to order the regular meeting of the Wall Township Planning Board at 7:40 P.M. Members present were Ralph Addonizio, Laurie Aromando, second alternate George Bednarski, Timothy Clayton, first alternate Kristin Coman, Dominic DiRocco, Timothy Farrell, Mary Hearn, Todd Luttmann, George Newberry, Attorney Hirsch, Engineer Rooney, Planner Bergailo, Planning Board Secretary Lang, Planning Board Recording Secretary Schinestuhl and Court Reporter Arnone. Mayor Clayton was not in attendance.

Chairwoman Aromando announced the meeting was being held in accordance with the "Sunshine Law" and a resolution adopted on January 12, 2009.

SALUTE TO THE FLAG

Chairwoman Aromando said there are three applications on for this evening, ASP Wall, Scharfenberg and Home Mark Homes.

CARRIED APPLICATION

ASP WALL LLC – PB#19-2007 – 5165 Belmar Boulevard, Block 917, Lot 65, GI-5 zone. Application complete: October 16, 2007. Carried from December 3, 2007. Applicant proposes to construct one 80,000 s.f. warehouse building and six (6) 15,000 s.f. buildings containing warehouse/office. The six 15,000 s.f. buildings are proposed with a breakdown of 25% office and 75% warehouse. Site

Attorney Hirsch reviewed the file and stated the Board had jurisdiction to proceed.

Timothy B. Middleton, Esq. appeared for the applicant.

Entered into evidence:

- A-1 Jurisdictional Items
- A-2 Preliminary & Final site plans prepared by Maser Consulting last revised August 6, 2007
- A-3 Construction specifications prepared by Maser Consulting dated December 9, 2005
- A-4 Stormwater management report prepared by Maser Consulting dated May 2007
- A-5 EIS prepared by Argent Associates dated July 18, 2007
- A-6 Preliminary subsurface exploration issued May 22, 2007
- A-7 Monmouth County Board of Health plan review dated November 2, 2007
- A-8 Monmouth County Planning Board plan review dated July 10, 2007 & November 26, 2007
- A-9 Freehold Soil plan review dated August 20, 2007
- A-10 NJDEP plan review dated October 18, 2007
- A-11 Left turn lane feasibility study prepared by Maser Consulting dated October 2007

- PB-1 Engineering plan review prepared by Glenn Gerken dated November 8, 2007
 - PB-2 Planning plan review prepared by Cheryl Bergailo dated November 8, 2006
 - PB-3 Engineering plan review prepared by Glenn Gerken dated November 28, 2007
 - PB-4 Memo from Ken Critchlow, DPW, dated October 16, 2007
 - PB-5 Bureau of Fire Prevention plan review dated October 31, 2007
 - PB-6 Email from Denise Siegel, Tax Assessor, to John Hoffmann dated October 17, 2007
 - PB-7 Glendola Fire Company plan review dated October 30, 2007
 - PB-8 Wall Township Police Department plan review dated November 21, 2007
 - PB-9 Wall Township Environmental Advisory Committee plan review dated October 17, 2007
 - PB-10 Engineering plan review prepared by Charles Rooney dated January 25, 2008
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- A-12 GIS aerial map dated 2003
 - A-13 Colored landscape plan

Sworn by Reporter Arnone:

Daniel Busch
Timothy Fitzpatrick
Cheryl Bergailo
Charles Rooney

Attorney Middleton gave an overview of the project. There are some issues not resolved but will be resolved by the next meeting. Part of this site is located in Howell Township. Seven buildings are proposed, no variances are requested. The two outstanding issues are regarding sewer. The property is located in the MRRSA sewer district and there are several properties east that are located in that district but are being serviced by SMRRA. We are in the middle of that. It will be resolved by the next meeting. The other issue is FAA. We submitted an application but have not gotten final approval.

Daniel Busch gave his credentials which were accepted by the Board.

Mr. Busch is the project engineer. He is familiar with the property location and existing conditions. The site is at the intersection of Birdsall Road and Belmar Boulevard. The parcel contains 43.4 acres, four acres are in Howell and the balance is in Wall Township. It is in the Airport Hazard Zone.

Mr. Busch explained the site is currently a farm with one house on the eastern portion. There are wetlands on the property. The slope ranges from 3% - 7%. The slope in the wetlands is slighter. The site has a number of restraints. There is a C-1 stream which has a buffer. It is in the wetlands. Using A-13 he showed the 300' buffer. The wetlands are in the southwest portion of the site. There is another in the northeast portion which has a 50' buffer. The only airport hazard zone is basically located in the center and is about 13 acres.

Chairwoman Aromando asked about the hazard zones. Mr. Busch said there are no structures in that zone. DOT said we need FAA and Planning Board approval before they would consider this application.

Mr. Busch explained the applicant is proposing six 15,000 s.f. flex buildings. They have been designed to be 25% office and 75% warehouse. He said he thinks there may be more warehouse. There will be four buildings in the northern portion and two in the western portion of the site. 28 parking stalls are proposed and there are loading areas. The 80,000 s.f. building is also designed 25% office and 75% warehouse.

Mr. Busch explained there are two Stormwater management basins one in the northern portion and one in the western portion; one will go into the wetland area and the other into an existing ditch.

Mr. Busch said there will be a boulevard type of entrance and 30' wide drive aisles. Trucks will be able to circle. Parking lots for cars will use the main lane. The highest portion of the site is adjacent to the airport. It flows from east to west. Stormwater management meets the criteria. The buffer has been approved by NJDEP. There will be landscaping throughout the site. There will be almost 500 trees and 600 shrubs. The applicant is proposing pole mounted lights. The building mounted lights will be 250 W.

Attorney Middleton said there is American Water line in front but not available. Mr. Busch said it is not potable water. On site there is a pump station. MRRSA has a gravity connection on Hurley Pond Road.

Mr. Busch said there is an existing line that flows into the SMRRA system. This site may go into the MRRSA system.

Attorney Middleton explained in 1989 MRRSA was going to bring in a line from Mulligan to 34. The agreement was a three part agreement between MRRSA, SMRRA and Wall Township. They are very unwilling to share their areas. We will file an application with Howell, Wall, SMRRA and MRRSA.

Chairwoman Aromando asked Mr. Rooney if he has been involved. Mr. Rooney said no. Chairwoman Aromando said this is something Wall has to be involved in. Attorney Middleton agreed and said he would contact Mr. Rooney.

The application was open to the public.

Walter Lee, 256 Birdsall Road, said he lives directly across. This is in an airport zone. He said he did not think you could build here. How are they going to handle traffic down Birdsall? Mr. Busch said we do not have final County approval. They are both County jurisdiction.

Mr. Lee said down at the end of the road there is a portion where you can't pass two trucks. A truck cannot make that turn from Belmar Blvd. onto Birdsall. Mr. Busch said that is County jurisdiction. He said a tractor trailer can make that turn.

Michele Robbins, 274 Birdsall Road, said what is the size of the truck that made that turn. Mr. Busch said he did not measure the tractor trailer. It was full size.

Ms. Robbins said she thought Birdsall was a Township road and Belmar Boulevard was a County road. Mr. Busch said he thought they were both County.

Ms. Robbins asked about moving the driveway. Mr. Busch explained there is a small amount of frontage on Belmar Boulevard. If we moved the driveway it would be very close to the intersection of Birdsall Road. It fits better at this location. This is a safer alternative.

Ms. Robbins said she has lived here for 22 years and drainage is a concern of hers. Mr. Busch explained the drainage ditch along Birdsall goes under the road. Well water flow will be decreased or remain the same. Peak discharge has to be reduced in order to get an approval. We meet the requirements.

Ms. Robbins asked Mr. Busch to explain the lighting. How would the lighting affect the houses that are on Birdsall? Mr. Busch said most of the lighting will be 100' away from Birdsall Road. The closest building is 100'. We do meet ordinance requirements. We conform to the Township lighting ordinance.

John Haulenbeek, Esq. representing Wall Herald asked is there an exhibit showing the overlay with the airport. Mr. Busch said the hazard zone is shown. Attorney Haulenbeek said there are lights within that zone how high? Mr. Busch said 30' and they are directed downward.

Attorney Haulenbeek said no driveway proposed on Belmar Boulevard, why? Mr. Busch said when we looked at the amount of frontage on Belmar Boulevard it is limited. We can't get enough separation from the intersection.

Mr. Addonizio asked how many feet do you consider safe from the intersection. 251' is that correct? Mr. Busch said yes.

Mr. Addonizio said in 251' you can't put a driveway there and be a fair enough amount of distance from Birdsall Road. Mr. Busch said from a safety standpoint it is better to put it on Birdsall Road. Attorney Middleton said you would want more than 250' sight distance. Mr. Addonizio said there are plenty of sites in Wall that are closer than 250'. He said personally he would like to see it on Belmar Boulevard and away from the neighbors.

Chairwoman Aromando said we are going to have to carry this application to October 5, 2009, no noticing is required.

Attorney Middleton waived the time limits.

WILLIAM SCHARFENBERG – PB#9-2007 – 1617 Twin Lakes Drive, Block 876, Lot 18, R-20 zone. Application complete: May 31, 2007. Carried from July 9, 2007, October 1, 2007, December 3, 2007, February 5, 2008, May 5, 2008, June 16, 2008, July 21, 2008, October 6, 2008, December 1, 2008, January 26, 2009, April 6, 2009 and May 4, 2009. Applicant proposes to subdivide property. Minor with variances.

Steven Pepe, Esq. appeared for the applicant.

Attorney Liston said this is the 13th meeting and two years.

Chairwoman Aromando said May 4, 2009 was the last meeting. Our discussion was with Randy Mitch and his DEP letter. His letter was showing some wetlands and Mr. Scharfenberg's was not. Mr. Scharfenberg said he has a letter from DEP stating this is not wetlands.

Randy Mitch was sworn. Mr. Mitch said at the last meeting Attorney Pepe asked about photos – OM-2 and OM-3. The photos were taken last year and one was taken after the last meeting.

Chairwoman Aromando said the site plan was last revised August 23, 2007. Attorney Hirsch said the site plan for lot 20, block 876 this is Mr. Mitch's property. Mr. Mitch said that is correct.

Mr. Mitch explained at the southwest portion of the property there was an existing house and that house was there for 50 years and it was demolished. Because my property was a flag lot I had to move the new house to 80' setback. The southern and western portions were already cleared. All I needed to do was clear a portion of the property because I had to move the house to an 80' setback. I did not clear cut it as Attorney Pepe said.

Mr. Mitch explained the photos. The first picture shows the site with a house on it. Along the side driveway the trees are very close. There is nothing cleared from the back. The next photo is the right side you can see the western portion nothing was cleared only for an emergency vehicle turn around. The last photo was taken last year showing the backyard facing lot 18 and a photo showing what it looks like now.

Sally O'Hare, 1606 Frazee Drive, was sworn. Ms. O'Hare said she took photos and they would be similar to Mr. Mitch's. She said she is here to speak against the approval of this subdivision. There has been mention of lack of frontage, limited access to the property and there is a question regarding safety and the flag lot issue. She said she has sat here for two years listening to experts say why these are good reasons. The applicant does not even live in Wall Township. He is an outside businessman. He is just doing this to make money. Rules will be bent so he can benefit financially. The surrounding people have lived here for a total of 126 years. This will have a negative impact on the property values on the homes surrounding this land. This is not a good application for Wall or its citizens. I am asking the Planning Board to turn it down.

Attorney Pepe said the safety issues were addressed by our experts. Ms. O'Hare said she heard them. Attorney Pepe asked if she asked any questions. Ms. O'Hare she doesn't remember. Attorney Pepe said if it's environmental issues you are concerned about there is a letter of no interest from NJDEP. Ms. O'Hare said she understands that.

Mr. Stevens is still under oath. Attorney Pepe said lot 18 is not a flag lot, 18.01 is not a flag lot. Mr. Stevens said that is correct. Attorney Pepe said they lack essential elements. Mr. Stevens said the fact that the definition of a flag lot states it has a stem or staff. Attorney Pepe said this is

consistent with the Master Plan. Mr. Stevens said yes. Attorney Pepe said if we assume these were flag lots they need three times the size. Mr. Stevens said this is a sub-division of a piece of property into two lots. Attorney Pepe said this is consistent with the Master Plan. Mr. Stevens said yes.

Attorney Liston said do you agree there are three elements to the flag lot requirements. Mr. Stevens said he doesn't know if he agrees with that. Attorney Liston read chapter 140/17. This does not meet the lot frontage. Lots 18.01 and 18.02 do not meet frontage. Mr. Stevens said correct.

Attorney Liston said lot 18.01 has access to a public road by easement and lot 18.02 has access by a narrow driveway. Mr. Stevens said 18.01 has access to Twin Lakes Drive. It is an easement. He said the flag lot ordinance talks about property that is shaped like a flag.

Attorney Liston said 18.01 has access to a public road by easement. Mr. Stevens said that is a fact. Attorney Liston said 18.02 has access by a narrow driveway. Mr. Stevens said that is correct it is my opinion that it is not a flag lot.

Attorney Liston said minimum lot frontage on both of these lots is less than what is required in the R-30 zone. Mr. Stevens said correct.

Attorney Liston said the lot is not shaped like a flag. Mr. Stevens said correct.

Attorney Liston said the language of the ordinance says generally but not exclusively shaped like a flag. Mr. Stevens said it is his interpretation that it is not a flag lot. Attorney Liston said it is up to this Board to make that determination. Mr. Stevens agreed. Attorney Liston said they have to work with the testimony that has been presented by their professionals. Mr. Stevens said absolutely.

The application was closed to the public.

Attorney Pepe said this has gone on for two years. This issue with a flag lot was not in the first section of the hearing. If we were to take the definition literally any lot with not enough frontage would be a flag lot. That can't be the intent of that ordinance. You have a much oversized lot. Because of the topography it is divided into two because of the lake. Flag lot requirements change all the requirements. This application will advance the purpose of the zoning. Based on the testimony it would be more consistent to the Master Plan than what presently exists. Attorney Pepe said there was an issue with the guardrail we dealt with that. We had many hurdles to address. We addressed each one of them. We had experts in each area. I did not hear anyone say this was not a safe application. This problem was created when the Township vacated that portion of River Road. If that vacation had not happened we would not have a problem. It was not until the third or fourth meeting that the flag lot issue was brought up. We shrunk the size of the proposed house. We provided all documentation that this Board asked for.

Attorney Liston said there is the issue of the flag lot. Under the definition this is a flag lot.

Enhanced zoning requirements are here. C-2 variance – the purpose of the zone must be enhanced. Benefits have to outweigh any detriments. C-2 variance should not be approved if only the benefit of the applicant is served. You have the safety issues. You have the environmental issues. The only person that is going to benefit is the applicant and that by definition prevents you from granting the variances and prevents you from granting this application. This is a major sub-division. I urge you to deny this application.

Attorney Pepe said the property is not shaped like a flag. Attorney Liston said access to public road by narrow ROW easement or driveway is the definition. Attorney Pepe said then he guesses all the lots in your town are flag lots because they have a narrow driveway.

Mr. DiRocco made a motion to deny this application. He said we have heard this for thirteen meetings. We heard testimony presented by the applicant. We have a substantial amount of review letters from our Board Professionals. We've heard extensive testimony from residents within close proximity of the area. Lot 18.01 there is no front on a public ROW. Lot 18.02 barely has 25'. There are irregular lot lines. This deviates from the Wall Township Master Plan.

Ms. Hearn seconded the motion.

Mr. Addonizio voted yes and said based on our Professional's opinion and my reading of the ordinance I believe these are flag lots. This does not meet the flag lot requirements. It does not create good planning and will have a negative impact.

Captain Clayton voted yes and said it is Wall Township Police Department's opinion we are not in favor of the guardrail. This falls within the definition of a flag lot.

Ms. Coman voted yes and said this is a unique piece of property and is considered a flag lot. It is not consistent with the Master Plan. Granting it would make it less consistent with the area.

Mr. Farrell voted yes and said Mr. DiRocco said it best. He said he is confident it is a flag lot. Variances are pretty severe. He is voting to deny the application.

Mr. Luttmann voted to deny the application. He said he does believe this is a flag lot. There is an irregular lot line and no frontage. It would not enhance our Master Plan. I vote yes to deny.

Deputy Mayor Newberry said a simple definition turned into something more complex. I thought it was a flag lot. The definition is not 100% clear. It's my opinion too many issues have come up. Answers can also be rebutted. Hurdles were there. I vote yes to deny.

Chairwoman Aromando said the street has been vacated. That was a paper street. It was vacated by the Township Committee. I constantly heard they did not agree with the Wall Township ordinance. This is the Wall Township Planning Board and my purpose is to listen to our ordinance and my Professionals. There would be too many more variances needed if considered a flag lot so I vote yes to deny the application.

The Scharfenberg application was denied.

9:10 P.M. the Board recessed.

9:20 P.M. the meeting resumed.

Ms. Hearn and Mrs. Coman recused themselves on the Home Mark Homes application.

NEW APPLICATION

HOME MARK HOMES, INC – PB#7-2009 – 2406 Highway 34, Block 813, Lot 7, OB-20 zone. Application complete: June 8, 2009. Applicant requests permission to construct a new office building 2,995 s.f. with related site improvements. Site with variances.

Attorney Hirsch reviewed the file and stated the Board had jurisdiction to proceed.

Mark R. Aikins, Esq. appeared for the applicant.

Attorney Aikins said this application was before you in 1997. The approval lapsed. Bulk standards changed. There are no site changes.

Sworn by Reporter Arnone:

William Kurtz
Dennis McKenna
Peter Torareto
Charles Rooney
Cheryl Bergailo

Entered into evidence:

A-1 Jurisdictional Items

A-2 Site plan prepared by Kurtz Engineering last revised March 19, 2009; landscape plan prepared by Milillo & Bauer dated December 4, 2008; architectural plans and elevations prepared by Feltz and Frizzell dated October 18, 2008 and copy of colored rendering of the proposed building

PB-1 Engineering plan review prepared by Charles Rooney dated June 22, 2009

PB-2 Planning plan review prepared by Cheryl Bergailo dated July 9, 2009

PB-3 Plan review prepared by Ken Critchlow dated June 12, 2009

William Kurtz gave his credentials which were accepted by the Board.

Attorney Aikins asked Mr. Kurtz to go over A-1. Mr. Kurtz explained this project was before the Planning Board in 1997 and received approval. Approval expired in 2003 or 2004. The approval was for a 3,000 s.f. one story office building with 18 parking spaces. The site is located on Paynters Road. The lot is in excess of the lot area required. It is unique. The site has three

frontages, 34/Holly and Paynters. Holly is a gravel drive. Access on Paynters Road was approved. 18 parking spaces were approved. The zone requirements have changed. The northern property line originally a 10' buffer was required now that buffer is 25'. This site is in the OP-20 zone. The front setback along 34 has changed it was 50' now it is 100'. Those are the two variances that are new. The site is wooded. Some trees will be removed. Drainage goes from east to west. We are proposing a small detention basin. We will tie into the NJDOT ROW. We received approval to make that connection. Freehold Soil Conservation District has also been updated. We are proposing extensive landscaping.

Attorney Aikins asked do you meet the new Stormwater Management standards. Mr. Kurtz said yes. Since the 1997 approval new Stormwater Management rules have been set up. There are more restrictions. We will have to modify to meet those requirements.

Attorney Aikins said the applicant has also applied for two signs one on 34 and one on Paynters. They have withdrawn the pylon sign. Mr. Kurtz said that is correct.

Attorney Aikins said the attic will be used for storage and non-office use. Mr. Kurtz agreed.

Attorney Aikins said there was also discussion regarding the pad site for refuse. Mr. Kurtz said a pad at curb line was originally approved at the request of the planner that was eliminated and was put interior to the site. That pad is in the most ideal spot. It was suggested along the side of the building. It will be wheeled out for pick-up.

Attorney Aikins said the applicant would provide a 6' privacy fence around the refuse. Mr. Kurtz said yes.

Mr. Addonizio asked what type of fence. Mr. Kurtz said a 6' high PVC or board on board. Mr. Addonizio said white vinyl. Mr. Kurtz said correct.

Mr. Rooney said there was a request in my report regarding lighting. There are residents to the north. Make sure it is a neighbor friendly site. Mr. Kurtz said pole mounted lights were approved. Since then you have gotten more technical we will be able to provide Mr. Rooney with photo metrics. We will give information regarding lighting. There will not be any illumination than what is permitted by ordinance.

Mr. Rooney said regarding Stormwater management there are new qualifications as to how it will comply. You may need to enlarge the basin. Mr. Kurtz said they would agree to that.

Attorney Aikins said there are no items in the review letter that the applicant cannot agree to.

Mr. DiRocco asked why access on Paynters Road. Mr. Kurtz said because that was the way it was approved in 1997. He said he doesn't know if the State would approve access on 34. Mr. Addonizio asked can't you look into only access off 34. Is it a possibility? Mr. Kurtz said he would speak with NJDOT. The slope of the property there would cause a problem and a significant amount of trees would need to be removed because of the slope.

Mr. Addonizio said you are removing the sign on 34 and keeping the one on Paynters. Mr. Kurtz said yes.

Mr. Addonizio asked if that was the only access. Attorney Aikins said yes.

Mr. Addonizio asked if a traffic study was done. Attorney Aikins said it is a low intensity. We are asking for a waiver of a traffic report.

Mr. Addonizio said he is a little concerned because things have changed in the last few years and there have been a lot of accidents at that intersection.

Deputy Mayor Newberry said he talked to Mr. Rooney about lighting. The fixtures proposed here are older. Lamp mounted could give us what we want. Mr. Kurtz said he would correct that and have a revised lighting plan.

Attorney Aikins asked Mr. Torareto what is the intent for this location? Mr. Torareto said there will be two full time employees and two part-time. One part-timer will work from 9:00 AM – 1:00 PM and the other from 12:00 PM – 5:00 PM. There will be very little traffic for employees.

Attorney Aikins asked what type of events will take place. Mr. Torareto said we represent probation officers regarding contractual matters, etc. We do have people that come to the office that we prepare and train. We have our regular committee that meets once every few months. We are a Statewide Organization. This would be our headquarters.

Attorney Aikins said there will be two full-time employees and two part-time, any other staff. Mr. Torareto said our other leaders are paid by the State. Our attorney, most of the time we go to them, sometimes they come to us.

Attorney Aikins said this will function as a professional office. Mr. Torareto said yes.

Attorney Aikins asked for hours of operation. Mr. Torareto said 9:00 AM – 5:00 PM. Very rarely do we meet at night. Our finance officer comes in once a month maybe on a Sunday night.

Attorney Aikins asked what hours the lights would be on. Mr. Torareto said we will keep them on as little as possible. We don't want the building illuminated. Attorney Hirsch asked when do the lights go off. Mr. Torareto said they are not on during the day at all. We leave at 5:00 – 5:30 PM, we shut them off then. Chairwoman Aromando said the lights in the parking lot are usually on timers. Attorney Aikins said maximum time 7:00 – 8:00 P.M.

Attorney Aikins said this is a very small professional office that is open 9:00 AM – 5:00 PM. He said there is not a need for the parking lot lights to be on after hours.

Chairwoman Aromando asked Mr. Rooney what is our current ordinance say. Ms. Bergailo said they are not required to go off at any specific time. Put them on timers at the Board's request. Chairwoman Aromando said 8:00 – 9:00 PM? Attorney Aikins said the lighting needs to be

updated from the 1997 approval. The Board has allowed lighting issues to be reviewed by the Board Planner. Attorney Hirsch said if the Board wants to work with that. Attorney Aikins said they will be cut off at 9:00 PM. No lights on the exterior of the building. Deputy Mayor Newberry said he would like it to be a little more specific. 150W? Mr. Kurtz said they are going to be type five dark sky light. Chairwoman Aromando said they will be on a timer. They will not go off any later than 9:00 PM. Mr. Kurtz said correct.

Chairwoman Aromando asked about some sort of building lighting for security. Captain Clayton said the Police Department always asks for that. Chairwoman Aromando said it will be low voltage. Deputy Mayor Newberry said what he prefers is the fixture near the handicap spots on the southeast corner around 150 W. It is going to be facing the pavement. Make that dusk to dawn and the others until 9:00 PM.

Mr. Addonizio said he thinks there needs to be something mounted on the building just for the safety of the officers that go out there. He said every building has lights on it. They are not bright but you can go up and see what's going on.

Deputy Mayor Newberry said the structure is 40 X 75'. It is smaller than a lot of homes in Wall Township. We don't need to deal with it as a large office building.

Deputy Mayor Newberry asked what is that on the plan it looks like stairs. Mr. Kurtz said it is stairs going down to the basement. Deputy Mayor Newberry said they need some sort of lighting. It will need emergency lighting there. Limit them to 70W. He said you may also need something for that small sidewalk.

Attorney Aikins said bollards. Mr. Kurtz said that will work. Deputy Mayor Newberry said if you put two bollards on all night they can see what is going on and it won't offend anyone.

Mr. Addonizio said he thinks the applicant needs to go back and get a lighting plan and come back. Do a little more research on that.

Attorney Aikins said this is a relatively small building. We will make it as non-intrusive as possible. The building is under 3,000 s.f. We are trying to preserve as much of the site as possible.

Mr. Addonizio said things have changed in 12 years. I would like to see access off 34.

Attorney Hirsch said the Board needs a lighting plan before they vote. Mr. Addonizio would like to see access on 34. Mr. Kurtz can research that.

Mr. DiRocco said he agrees with Mr. Addonizio regarding the lighting plan. We want to make sure the neighbors are protected. He said he also agrees regarding the 34 access. He said he needs some information regarding that.

Mr. Kurtz said he will go to NJDOT and have a meeting with them. He said his experience is if

there are other points of access they want to use that.

Chairwoman Aromando said she thinks it is something that should be looked into. We will carry this application to September 21, 2009.

Mr. DiRocco asked if Mr. Torareto owned the property. Mr. Torareto said he is purchasing the property. We are the contract purchaser.

Mr. Torareto said they thought access on Paynters Road was safer than on 34. He said he thinks it would be more of a hazard to his employees if on 34. It is safer to go out Paynters Road. Mr. DiRocco said you are correct but my concern is there are a number of residences back there.

Attorney Aikins said if the applicant cannot get access on 34 he can have access via Holly. He asked the Board's opinion on that. Chairwoman Aromando said she would prefer it on Paynters. Mr. DiRocco said Holly doesn't work. Mr. Addonizio said he would prefer Paynters.

Attorney Aikins waived the time limits.

Chairwoman Aromando said this will be carried to September 21, 2009 and no re-noticing is required.

REVIEW AND RECOMMEND

ORDINANCE NO. 18-2009 – Chairwoman Aromando explained Sheridan Woods was approved in 1999. This ordinance will change the zone from RR-5 to R-60. With the zoning RR-5 all the lots were undersized, non-conforming lots. The zoning will be changed to R-60.

Ms. Hearn moved to recommend to the Township Committee they adopt Ordinance No. 18-2009. Mr. Addonizio seconded the motion, which was unanimously approved by a roll call vote. (Ms. Hearn, Messrs. Addonizio, T. Clayton, Ms. Coman, Messrs. DiRocco, Luttmann, Newberry and Ms. Aromando voted yes.)

RESOLUTIONS TO BE MEMORIALIZED

SEA GIRT CENTER, LLC – PB#2-2009

Block 723, Lot 2

Attorney Hirsch read the resolution of approval. Mr. Addonizio moved to adopt the resolution as read. Ms. Hearn seconded the motion, which was unanimously approved by a roll call vote.

MARYLOU & PAUL FORNICOLA – PB#3-2009

Block 943, Lot 6

Attorney Hirsch read the resolution of approval. Mr. Addonizio moved to adopt the resolution as read. Ms. Hearn seconded the motion, which was unanimously approved by a roll call vote.

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There being no further business to come before the Board, a motion was made, seconded and unanimously approved to adjourn the meeting at 10:15 P.M.

Respectfully submitted,

Betty Schinestuhl
Recording Secretary