

Chairman Nanson called the meeting to order and the Administrative Officer read the opening statement.

ROLL CALL: The roll call showed the following members present: Matthew Hughes, Herbert Massa, Richard Mertens, Thomas O'Donnell, James Moretti, Jr., and Wendell Nanson. Jose Orozco, Michael Sanclimenti and Paul Sayah were excused.

Also in attendance were Ronald Troppoli, Board Attorney, Charles Cunliffe, Board Engineer, Jennifer Beahm, Board Planner, Shari Spero, Board Certified Tree Expert, Matthew Howard, Director of Land Use and Eileen Rubano, Board Secretary

PLEDGE OF ALLEGIANCE:

SWEARING IN OF BOARD PROFESSIONALS: Charles Cunliffe, Jennifer Beahm, Shari Spero and Matthew Howard were sworn in by Board Attorney Troppoli.

APPROVAL OF MINUTES: Mr. Moretti made a motion to approve the minutes of the November 26, 2018 meeting. Motion was seconded by Mr. Hughes and carried with all eligible members voting for the motion.

Mr. Mertens made a motion to approve the December 3, 2018 meeting minutes. Motion was seconded by Mr. Moretti and carried with all eligible members voting for the motion.

VOUCHERS: There were no vouchers to approve.

CORRESPONDENCE: The Board Secretary had a letter from William Wenzel, Attorney for Route 9 Hardscape Supply Yard, LLC, asking to carry this application to the May 20, 2019 hearing as they are waiting for a response from the DEP. Mr. Wenzel also granted the Board an extension of time to act on the application. Some discussion took place on whether they needed to notice for the new date or if they completed their testimony and are just waiting for the Board to act on the application after they receive an LOI. The Chairman decided to carry the application to February 4, 2019 for scheduling purposes only, with no further notice, to give the Board Secretary time to review the video and see if the applicant completed his testimony.

The Board Secretary also informed the members that the Board training session will be held at the Manalapan Municipal Building this year and she needs to know who will be attending so she can send in the registrations.

RESOLUTIONS:

a. **Zoning Board Attorney**

Mr. Hughes made a motion to memorialize the resolution appointing Mr. Troppoli as the Board Attorney for 2019. Motion was seconded by Mr. Mertens and carried with all eligible members voting for the resolution.

b. Zoning Board Engineer

Mr. O'Donnell made a motion to memorialize the resolution appointing Mr. Cunliffe from T and M Associates as the Board Engineer for 2019. Motion was seconded by Mr. Hughes and carried with all eligible members voting for the resolution.

c. Zoning Board Planner

Mr. O'Donnell made a motion to memorialize the resolution appointing Ms. Beahm from Leon S. Avakian Inc. as the Board Planner for 2019. Motion was seconded by Mr. Hughes and carried with all eligible members voting for the resolution.

d. Zoning Board Certified Tree Expert

Mr. O'Donnell made a motion to memorialize the resolution appointing Ms. Spero from CME Associates as the Board Certified Tree Expert for 2019. Motion was seconded by Mr. Mertens and carried with all eligible members voting for the resolution.

e. Case No. BA18-29 / Patrick McDaniel

Mr. O'Donnell made a motion to memorialize the resolution granting a Certificate of Nonconformity to Patrick McDaniel. Motion was seconded by Mr. Hughes and carried with all eligible members voting to memorialize.

f. Case. No. BA18-32 / Peter Kowalenko – PeKay Industries Inc.

Mr. Hughes made a motion to memorialize the resolution granting a Certificate of Nonconformity to Peter Kowalenko, (PeKay Industries, Inc.). Motion was seconded by Mr. O'Donnell and carried will all eligible members voting for the motion.

APPLICATIONS BEFORE THE BOARD:

a. Case No. BA18-14 / Nicholas and Lisa Zazza

Mr. Howard testified that a complaint was received regarding the applicant's property and when Code Enforcement inspected the property there was a lot of landscaping and hardscaping over the entire property. This lot was created by subdivision approval and there was no impervious coverage. A significant amount of the improvements required building approvals as he considers some of them to be structures and the water feature in the front yard is not permitted by ordinance.

Both Nicholas and Lisa Zazza, owners of the property were duly sworn and Mr. Zazza testified that the shed is 10.5 feet from the property line. Mrs. Zazza said it is 9'7" to the peak.

Mr. Howard said that at that height it does not require a variance and if the Board wants to accept the testimony, they can check during inspection in the permit phase which will require a drawing with the height of the shed.

Mr. Zazza testified that he had water problems on the property with water coming into his basement so he built a small pond in the rear and then moved to the front of the property.

Once the complaint was filed he stopped all work. When the Chairman asked the total depth of the pond in the front yard, he said it is 1 to 1-1/2 feet deep at the most and only overflows if it rains. He has a pump to recirculate the water. He also said he spoke to the Monmouth County about the pond being over the septic and they said no trees, shrubs, plants or permanent structures can be over septic systems. Mr. Zazza also testified that he has a lot of rock around his property which he is going to remove and plant grass back on top of the septic tank.

Ms. Beahm said it would be in their best interest to do what the Board of Health suggested and remove the pond that is on top of the septic.

Mr. Cunliffe said that Monmouth County Board of Health has jurisdiction and it is regulated by the state. If they said the pond needs to be removed then it should be removed and the trees and shrubs as well.

Mr. Zazza said that he has a letter from his septic company and everything is okay right now but he is going to remove the pond and leave the water feature with recirculated water.

Ms. Beahm said it would be better if the pond was removed but there is also a retaining wall which is not permitted.

Mr. Zazza would like to leave the retaining wall and gravel and grass in the front yard and Mr. Cunliffe said there is an ordinance on walls in the front yard and they must be less than one foot in height. Mr. Zazza said it is made up of stacked stone so he would be able to remove some stone to get to the one foot height.

Ms. Beahm took no exception to the removal of the pond, leaving the waterfall feature as it has no negative impact. If the Board acts favorably on the application, they can make sure it doesn't create any impacts through resolution compliance and if it does, then they would have to come back to the board.

Chairman Nanson opened the hearing up to members of the public and the following appeared:

Jeffrey Shafer, 393 Peter Forman Drive

Mr. Shafer had a statement that he wanted to read as he opposes the granting of the variance. He claims that the applicant altered the terrain of the property and it affects his property. He now has significant ponding water in his yard. He said he had to have his leech fields redone and there is so much water it is like a moat that runs off into the street.

Chairman Nanson explained that the Board has no jurisdiction in whatever was done in the rear of the applicant's property as it is permitted.

Mr. Cunliffe tried to explain that the swale is for the runoff to drain to the roadway and since we don't have anything on his property to go by we don't know if the drainage was a problem before this.

Mrs. Zazza said that there is a drainage easement between certain neighbors and Mr. Shafer's is on the other side of his home. Drainage has always been an issue in this development. She said there are also drainage pipes on their end so Mr. Shafer's water can flow through so it shouldn't be an issue and all the water goes to a catch basin.

Board Attorney Troppoli said that the Board is sympathetic but we can't do anything about the work in the rear of the property and the front yard improvements are being removed. The issue before the board now is whether a variance can be granted for the two items in the front yard.

Seeing no other members of the public wishing to ask questions or comment on the application the Chairman closed the public portion of the hearing.

Ms. Beahm commented that we are here for a shed in the rear which does not require relief as the height determines the setback and since the height is 9'6" and the setback is 10.5' they do not require a variance. The board needs to focus on the front of the property as no structures are permitted by ordinance in the front yard and the applicant currently has a pond, landscaping wall and a fountain in the front yard. The applicant has demonstrated that they will remove the pond and replace it with grass or gravel. The waterfall feature and landscaping wall need variance relief for being located in the front yard. Ms. Beahm did not think that the grade was built up.

Mr. Troppoli reminded the Board that any approval would be subject to Board of Health approval, rendering to the professionals, permits for the work that was done and outside agency approvals.

Mr. O'Donnell made a motion to approve the Bulk Variances requested by Nicholas and Lisa Zazza. Motion was seconded by Mr. Massa and carried with Messrs. Hughes, Massa, Mertens, O'Donnell and Moretti voting for the application. Chairman Nanson voted against the application.

The Board took a short recess between 8:55 p.m. and 9:05 p.m.

b. Case No. BA18-25 / Eihab Human Services, Inc.

Kenneth Pape, Attorney for the Applicant, appeared and said this was an application for a Use Variance and Preliminary and Final Site Plan approval with Bulk Variance Relief. He said that the applicant has been part of Howell for the past seven years, they have group homes here and in other parts of New Jersey and they are looking to construct a life skills training facility for developmentally disabled adults and administrative offices as well.

Mr. Pape said that he has met with the planner's representative, Chief Lewis from the Fire Bureau, the Environmental Commission and they already have Monmouth County Planning Board approval, the Freehold Soil approval is pending and they have preliminary water and sewer approval as well.

Noreen Sciarretta, Representative of Eihab, was duly sworn and testified that they have adults coming to the site to learn skills at the site or out in the community. They teach social skills, arts and crafts to teach manipulation, how to hang and fold clothes, stocking shelves, telling time and using computers. The attendees go to work for half a day then they do the program. The maximum number of people on site would be 25 and some live in group homes and some with their families. Attendees that live with their family are dropped off and picked up and the ones from the group homes are picked up and dropped off by Eihab or Access Link commuter transportation.

Ms. Sciarretta testified that Eihab has ten minivans that they own and would be parking on site. They have seven employees for the adult training and ten that work upstairs in the administrative offices. She felt that a total of 20-25 employees would take into account

growth and client's needs. She also testified that the hours are limited, with services occurring between the hours of 9 a.m. and 2 p.m. and administration from 9 a.m. to 5 p.m., Monday through Friday, and there are no overnight hours. She further testified that the schedules for the clients vary, some come five days a week, some three times a week and some only once a week.

Mr. Cunliffe said they need 51 parking spaces, they are providing 50, but it is a unique use that doesn't fit into our schedule and he feels that it is adequate and it does include handicap parking.

Eric Hough, PE, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Hough testified on the location of the property and existing conditions which include a residential dwelling, a detached garage and two sheds which are not in good condition and will be removed. They are proposing a two-story, 19,000 gross floor area building with parking areas around the building, stormwater management, landscaping and lighting. Mr. Hough also testified that there would be no re-grading of the property as it is generally flat and there will be no major excavation and no soil brought to the site. He said they are proposing two underground basins and one above ground detention basin to satisfy DEP and the Township's requirements and they will be privately owned and maintained.

Mr. Hough also testified that he would comply with all the technical comments in Mr. Cunliffe's review letter. He further testified that they were proposing two, two-way driveways, one on Fort Plains Road and one on West Farms Road and there would be two way circulation around the building. He said that the typical vehicles visiting the site would be cars, mini-vans, UPS type box trucks, trash removal vehicles and emergency vehicles and all would be able to traverse the site with no problems.

Mr. Pape remarked that Chief Lewis would like to see the driveway in the rear of the building changed to one way and Mr. Hough said you would still be able to circulate the site if that was changed and he noted that the driveway is only 22' wide.

Mr. Hough testified that there is considerable landscaping proposed for the site and Ms. Spero wants more. He said that he met with Ms. Spero and except for the technical requirement for the berms, he would agree to all other comments. He noted that he could not accommodate installing the berms and saving mature trees at the same time.

Mr. Pape commented that one of the neighbors asked if they could remove a tree on his common property line along the fence and if Ms. Spero agrees they will accommodate the neighbor. Ms. Spero said that some of the trees were growing into the fence which means the tree is compromised. Mr. O'Donnell agreed that even if it is a big tree, if it causing damage it should be taken down and Mr. Hough said he would replace it with another tree. Mr. Pape also requested relief to be able to contribute to the tree fund.

Mr. Hough testified on the lighting for the site and said they will require waiver relief for the foot-candles. Chairman Nanson asked if they couldn't bring it down to the ordinance, especially with their hours of operation and Mr. Hough said he could reduce it to 25% intensity one hour after closing. Ms. Beahm thought that was a good suggestion as it makes sense to have the parking lot lit up.

Mr. Hough also testified that with the exception of traffic control signs, there would be no monument identification sign. They have a building identification sign built into the

architecture. He further testified that he could address all remaining items in Mr. Cunliffe's review letter.

Mr. Cunliffe stated that the site is unique with frontage on both West Farms and Fort Plains and since there is a 50' buffer required along those frontages they need relief for the stormwater management system. He also said his concerns have been addressed. Mr. Cunliffe also questioned whether they could make the sidewalk narrower or reduce some of the green space to add to the 22' circulation aisle in the rear.

Mr. Hough said they couldn't because of the loading zone and they feel 22' is adequate.

Mr. Cunliffe also mentioned that the Board should consider whether they want sidewalks along Fort Plains Road. He noted that there is existing sidewalks on West Farms to Fort Plains. Another consideration would be internal sidewalks from the site to any sidewalk on West Farms Road. Mr. Cunliffe said that new sidewalk and curbing will be disturbed with the installation of the outflow pipe which the applicant agrees to restore and he recommends 8' wide mill and overlay the path along the gutter.

Mr. Pape said that if the Board wants to see sidewalks the applicant is willing to comply.

Mr. Hough said a traffic report was submitted and testified on some increase in traffic during the peak times. Ms. Beahm asked if he was aware of the residential development, 72 units, across the road which would lower the percentages once that development is constructed. Mr. Cunliffe mentioned, for the board's consideration, that they may have to contribute their pro-rata share of improvements.

Mr. Hough testified that the existing septic and well will be abandoned and they will submit the certificates to the Board and went through the list of waiver relief required with this application.

Ms. Beahm mentioned that she thinks the parking for the site is adequate due to the unique use, but she asked if the trash enclosure could be block wall to match the building and she didn't think it was ideal to have the garbage truck traverse the front of the site. She also thought that the 22' drive aisle was sufficient.

Mr. Pape said he would be willing to see Chief Lewis again to see if he would reconsider the drive aisles and they will look at the loading zone.

Nabil Mijalli, AIA, was duly sworn, gave his credentials to the Board and was accepted as an expert. Mr. Mijalli testified that the architectural elements on the roof created a variance so they revised the plans. He said there will be an internal sign in the foyer with their logo and it is not illuminated. He also said the roof drains would be internal and overflow drains therefore overflow drains were not warranted.

Ms. Beahm said she will need to see a detail of the sculpture as it would be considered a sign. She also commented on the rear façade and the requirements for it to be broken up every 50 feet. She requested that they make it look better as it not a typical rear.

Mr. Pape said they will provide a color rendering to Ms. Beahm and make sure she is happy with the façade.

Ms. Spero commented that the rendering doesn't look like the site plans showing foundation plantings. She wants the landscaping shown on the rendering.

Christine Nazzarro Cofone, PP, was duly sworn, gave her credentials to the Board and was accepted as an expert. Ms. Cofone testified that she has been part of the planning since the beginning; she visited the site, reviewed the submission documents and looked at both the zoning ordinance and the Master Plan. Ms. Cofone testified on the positive and negative criteria and Medici proofs.

Ms. Beahm agreed with Ms. Cofone's testimony that this is a much needed service and there are much higher intense uses in the HD-1 zone.

Mr. Pape agreed to return with Mr. Mijalli with modified architecture.

Chairman Nanson opened the hearing up for members of the public but seeing none, the public portion of the hearing was closed.

Chairman Nanson carried the application of Eihab Human Services, Inc. to March 4, 2019 with no further notice.

Mr. Moretti made a motion to adjourn the meeting. Motion was seconded by Mr. Hughes and carried. Meeting adjourned at 10:40 p.m.

**Respectfully submitted,
Eileen Rubano, Recording Secretary**

NOTE: A CD or DVD of this meeting is available on request.