Chairman Wendell 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, Jose Orozco, Michael Sanclimenti, Paul Sayah, James Moretti, Jr. and Wendell Nanson.

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

PLEDGE OF ALLEGIANCE:

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

APPROVAL OF MINUTES:

Mr. Hughes made a motion to approve the minutes of the April 1, 2019 meeting. Motion was seconded by Mr. O’Donnell and carried.

VOUCHERS: There were no vouchers to approve.

CORRESPONDENCE: There was no correspondence.

RESOLUTIONS:

a. Case No. BA18-33 / Prince of Peace Lutheran Church

Mr. Massa made a motion to memorialize the resolution granting Use Variance, Bulk Variances and Minor Subdivision approval. Motion was seconded by Mr. Sanclimenti and carried with Messrs. Hughes, Massa, Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting to memorialize.

b. Case No. BA18-27 / Euro Supply / Stone Quest

Mr. Sanclimenti made a motion to memorialize the resolution Denying Use Variance, Bulk Variance and Preliminary and Final Site Plan. Motion was seconded by Mr. Hughes and carried with Messrs. Hughes, Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting to memorialize.

APPLICATIONS BEFORE THE BOARD:

a. Case No. BA18-06 / L and L Paving Co. Inc.

Chairman Nanson announced that there would be no testimony on this application tonight. It was being carried to the Board’s May 20, 2019 meeting at Howell Township Middle
School South with no further notice. He also informed the public that this meeting would begin at 7:00 p.m.

b. Case No. BA10-17SP-A2 / Townhomes at Eagle Oaks

Robert McGowan, Attorney for the applicant, appeared and asked for some exhibits to be marked.

John Vincenti, PE, was previously sworn and remains under oath. Mr. Vincenti testified on the location of the property which is partially under construction. He stated that drive A has been installed as well as the stormwater facility and Building 1 has been constructed. They are looking to add additional units in six of the buildings (4 through 9). They were originally approved for three units each and they are now proposing 4 units in each building with two car garages and 2 car driveways. Their previous approval was for nine buildings which would remain with this application. None of the roadways or stormwater management would change as a result of this application. The only thing that would change would be the connections to the sewer mains, which already exist, for Buildings 4 through 9. He testified that the distance between the buildings was 50” and with this application the distance between the covered roofs would be 40” and each building would have 5’ more rear yard space. He said they would be reducing the building coverage and the impervious coverage from the prior plans. The end units will be larger and the interior units smaller as the square footage of the building area has been reduced.

Mr. Cunliffe, Board Engineer mentioned that there may have been some calculation errors with regard to impervious coverage but he took no exception to the testimony. He also raised issues with the stormwater management report and he said there were a few errors on the number of units. He said the plans should be revised to match the plans and resubmit them to the Board. Mr. Cunliffe also asked if any decks or paver patios were eliminated.

Mr. Vincenti said that they were going with paver patios for buildings 1 and 2 and 3 through 9 would be wooden decks. He explained that the prior plans had continuous decks and paver patios along the rear. He also testified on the comments in the board engineer’s review letter and said he would revise the plans to address those comments. They will be striping all internal drive aisles with fire lanes, they will be a title 39 site and parking will be allowed on one side of Remington Court. He also testified on the building heights and said they will be conforming.

Mr. Vincenti said the main entry sign will be relocated back onto their property to eliminate the variance and that will be the only permanent sign. Ms. Beahm, Board Planner, commented that the signs are not scale and she needs an updated sign plan that shows the location and Mr. Vincenti said he will correct. Mr. Vincenti also clarified that each unit will have a porch lite and there will be lighting in all parking areas. He further testified that he will comply with the Board Certified Tree Expert’s request in her review letter and Ms. Beahm said Ms. Spero said they complied with all items she had concerns with. Mr. Vincenti also testified that he would revise the plans and work with both the Engineer and Certified Tree Expert on the lighting to eliminate the variance and he would provide house shields and residential lighting on the garages.

Mr. McGowan made a comment that the master deed will have a stipulation about no subletting.
Mr. Vincenti testified on the items listed in the Board Planner’s review letter and he took no exception to any item in that report. Ms. Beahm said he basically covered all outstanding questions but she would like more detail on the architectural renderings but they could be handled as part of resolution compliance if the board were to act favorably on the application.

Ms. Beahm informed the board that they already have a variance for this use so this would be an expansion of that use and recommended that they request D2 variance relief.

Christine Nazzaro Cofone, PP, was duly sworn, gave the Board her credentials and was accepted as an expert. Ms. Cofone said this was a very straightforward application and put proofs on the record for the granting of the variance citing criteria E and G.

Ms. Beahm agreed with the testimony and the fact that each unit would have two car garages and 2 car driveways alleviates any concerns she may have. She also said they met their burden and the site can accommodate the increase.

Chairman Nanson opened the hearing up to members of the public but seeing no one wishing to ask questions or comment on the application the public portion was closed.

Mr. McGowan made a few closing comments and then Mr. O’Donnell made a motion to approve the application for the Townhomes at Eagle Oaks. Motion was seconded by Mr. Mertens and carried with Messrs. Hughes, Mertens, O’Donnell, Orozco, Sanclimenti, Moretti and Nanson voting to approve.

The Board took a short recess from 8:45 p.m. to 9:00 p.m.

c. Case No. BA18-34 / Robert & Shannon Barkalow

Robert Barkalow, Applicant, appeared along with James Higgins, PP. Both were duly sworn and Mr. Higgins put his credentials on the record.

Mr. Barkalow said he applied for a building permit for a pole barn and he was denied because of the garage apartment which was built about 22 years ago. He said a family friend lives in the apartment and is responsible for the utilities. He is looking to build a pole barn to house his RV and tractors. His parents have owned the property since 1966 and the residential one bedroom structure has been on the property for at least 90 years.

Mr. Barkalow testified that he lived in the garage apartment from 1995 to 1997 when he bought his grandfather’s house and a friend moved into the apartment which has separate utility connections.

Ms. Beahm had no questions and stated that the garage apartment has been there and it creates no negative impacts.

Mr. Cunliffe said there is a deck or porch on the second story of the garage for the apartment and if the board acts favorably on the application they should grant a variance for 44’ for that to be where it is as it has been there and they are not expanding it.

James Higgins, testified that the deck is 40 square feet and it does encroach into the front yard which is over 16,000 sq. ft. in area. It is an existing condition but it needs relief. He also put planning testimony on the record for the pole barn which is an accessory structure setback 22’ off the side lot line, 22’ from the rear property line and 43’ from West Farms
Road where 50’ is required. He also said that the lot is atypical as it is way wider than it is deep.

Ms. Beahm stated that she would rather the Board grant relief in the rear than in the front to get it off the road. She asked if they could move the pole barn towards the house as there is more room in the rear. There is a house of worship behind this property but she doesn’t think that is an issue.

Chairman Nanson also felt it should be moved to towards the house and to the rear of the property.

Mr. Higgins agreed with Ms. Beahm and said she spoke to the applicant’s engineer this afternoon. He said if it was left diagonal they could move it and no trees would be removed.

Ms. Beahm said she would be more than happy to work with Mr. Higgins if the board were to look favorably on this application.

The applicant responded to some questions from the Board Engineer and said there were no drainage issues on the property, he would provide a ROW dedication by way of an easement and the pole barn would be for residential use only.

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

Rao Andavolu, 19 Lexy Court, Freehold, NJ. He is from the house of worship behind the property and he has no problems with this application as they are very good neighbors.

Seeing no other members of the public wishing to comment on this application, Chairman Nanson closed the public portion of the hearing.

Mr. Higgins said there are no substantial detriments to the granting of the variance, the owner is a 70 year resident of the town and this allows the people who live in the community a chance to relocate and stay in the community

Mr. Massa made a motion to approve the application for Robert and Shannon Barkalow for a use variance for a second story garage apartment and bulk variances for a pole barn. Motion was seconded by Mr. O’Donnell and carried with Messrs. Hughes, Massa, Mertens, O’Donnell, Orozco, Sanclimenti and Nanson voting to approve.

d. BA14-07A-2 / Tal Holdings I, LLC and Tal Holdings II, LLC

Steven Hambro, Attorney for the Applicant, appeared and gave a brief introduction including a history of the site and prior approvals received for same. He said they are requesting minor subdivision approval for two existing lots and lot consolidation.

Michael Geller, PE, was duly sworn, gave his credentials to the board and was accepted as an expert. Mr. Geller testified on the size and location of the site which is an awkward shaped lot located in both the HD-2 zone and the ARE-2 zone with narrow parts making it difficult to access the rear of the property. He also gave a short history of the prior approvals received from this board in 2015 and 2016. He testified that lot 32 is an undersized lot on the westerly side of Brickyard Road. It is currently vacant and partially wooded with no wetlands. He also said that according to NJ Geoweb there are wetlands on
the rear portion of Lot 34 and they filed an application with DEP in February and they are waiting for the Absence/Presence letter.

Ms. Beahm said the LOI application with DEP should have been done previously as it was a condition of the prior approval. She said the applicant is asking for additional approvals from the Board while the Board is still waiting for things they asked for previously. She also asked if they would have applied for the LOI if they weren’t coming back to the board. Ms. Beahm also said that the access from lot 32 was denied on one of the previous applications but they just made reference to it and said they were using it.

Board Engineer Charles Cunliffe said they may need a general permit for mapped wetlands where they are looking to put a driveway on the flag lot and proposed lot 32.01 needs a separate variance for the septic as they need to meet ARE-1 requirements and ARE-2 setbacks.

Mr. O’Donnell said there used to be a junkyard on the property so he would like to see a remediation report or borings to be sure there are no contaminants on the property. He also commented that the Monmouth County Board of Health report needs satisfactory soil logs for lots 34.01 and 34.02.

There was also some discussion regarding tree clearing on lot 32.

Mr. Cunliffe also said that according to aerials from May 2018 there is a lot going on with lot 34.01 that is not on the plans and the soil logs for the Board of Health could be a condition of approval. He said the Board needs to know if they can even have a driveway in that location before granting a subdivision.

Chairman Nanson informed them that if they are coming back they need to address the farmland buffer and the access driveway cannot be a part of it. He said the will need the farmland buffer on lot 34.02 and the farm above it.

Mr. Hambro requested they be given time to address the Board’s concerns and they will get the LOI. He also said the greenhouses were not built and they don’t intend to build them. He also said that a Phase I was done for this property prior to his client purchasing so they will provide that. Mr. Hambro granted the Board an extension of time for the Board to act on this application through August 30, 2019 on the record.

Ms. Beahm suggested the applicant’s professionals come in for a technical review meeting with the Board professionals to clear up these issues prior to coming back to the Board.

Chairman Nanson made an announcement that the application for Tal Holdings I LLC and Tal Holdings II LLC would be carried to the Board’s July 22, 2019 meeting with no further notice.

Mr. Troppoli announced that the Board needed to go into executive session to discuss personnel. A motion was made to go into executive session by Mr. Moretti, seconded by Mr. Hughes and carried with all members voting for the motion. The Board Secretary read the executive session resolution into the record and the Board adjourned into executive session at 10:01 p.m.

Respectfully submitted,
Eileen Rubano, Recording Secretary

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