

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
July 3, 2008

Meeting began at 7:32 PM

Pledge of Allegiance

STATEMENT: Pursuant to the provisions of the New Jersey Open Public Meetings Act, sending copies of the notice of the meeting properly provided adequate notice of the meeting to the Times-Beacon and the Atlantic City Press. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Ocean Township Planning Board was held on the above date and time; Chairman Anepete presided and called the meeting to order.

ROLL CALL

Members Present: Vincent Anepete Rita Sweeney
Ralph Avellino Dennis Tredy
Richard Reilly

Members Absent: Robert Knowles, Daniel VanPelt, Lee Eagles, James Eckert, Craig James, Gordon VonSchmidt

Chairman Anepete noted several corrections to the June 5, 2008 minutes. Secretary read the changes: Size of the lot to reflect 100x200 or just over 140x140 on page 2. Page 3 reflects informal and formal conversations with the board. It was concluded after Board discussion that the June 5, 2008 hearing of the Iszari Development was, indeed, on a formal basis and no correction would be necessary to the minutes.

Chairman Anepete asked for a motion to approve the minutes of the June 5, 2008 regular meeting. Rita Sweeney made a motion to approve. Richard Reilly seconded the motion. All in favor: (aye) Sweeney, Reilly, Avellino, Tredy, Anepete.

Chairman Anepete asked for a motion to approve the vouchers. Dennis Tredy made a motion to approve. Rita Sweeney seconded the motion. All in favor: (aye) Tredy, Sweeney, Avellino, Reilly, Anepete.

BOARD COMMENTS

Mr. Tredy reported on the first meeting of the ordinance sub-committee. Mr. Avellino, Mr. Tredy and Ms. Clune were in attendance. The sub-committee reviewed the possibility of an ordinance for putting garbage cans out 6:00 PM the night before pick-up. How would the public be notified of this? The local TV channel can be used. Summer residents were a concern. Distribution with the tax bills or water bills is possibly an

option. It can be put on the Township calendar for next year. The other discussion was that the trash would have to be inside of a container and also discussed were the “corrals” popping up in the town. Basically the sub-committee would like to suggest that if someone wants to put up a “corral”, they would have to get a permit. We are hoping that the Township Committee will determine a particular size that is allowed and placement. Placement should be treated the same way you treat a fence – most being put up are not on an individual’s property, they are on the Township’s property. We are trying to discourage people from putting them out. Some are being oversized. If they are putting lids on them, they then become miniature sheds. Chairman Anepete spoke that he has a “corral” due to raccoons and the wind blowing the cans away. Another meeting is scheduled for July 14th at 10:00 AM. It will be put on the table again for further discussion. General feeling is that it will be difficult to enforce.

Mr. Avellino spoke about the new Italian deli “Touch of Italy”. Mr. Avellino said the owner had mentioned to him that he wanted to have tables outside. Mr. Avellino felt that this is what the Mayor originally envisioned. Someone can come, relax, and eat outside. He had asked Ms. Laramée to check into if it would be possible. She had explained to him prior to the start of the meeting that after checking with Jim McBrien, in order to facilitate tables, changes needed to be made to his store. His deli would no longer be considered a mercantile, but a place of assembly which according to UCC regulations changes things such as fire wall ratings, bathrooms, etc. The sidewalk isn’t that wide and it would have to be altered, but Mr. Avellino felt that this is what the Township, Planning Board and Mayor had originally anticipated. Mrs. Sweeney asked if there were going to be any accommodations for a stand alone bathroom in the Town Center. Mr. Reilly answered that he did not know if that had ever been discussed or envisioned at this point in time. Mr. Reilly asked about the NY style pizza place, they have people eating outside. The Board thought that they had bathroom facilities. Mr. Reilly feels that some good questions were raised. Mr. Avellino hoped that the Township Committee might be able to take a look at it at their level.

OLD BUSINESS

Resolution No. 17-08-PB, Time Extension Request for the County of Ocean, Wells Mills Park Minor Subdivision, Block 15, Lot 2, Docket No. 07-06-PB. Chairman Anepete asked for a motion. Mr. Avellino made a motion to approve, Mr. Tredy seconded the motion. All in favor (aye): Avellino, Tredy, Reilly, Sweeney, Anepete

Iszari Development, Block 62, Lot 4.02, Docket No. 02-08-PB, Amended Site Plan continued from the June 5, 2008 meeting. Mr. Bernardo appeared for the applicant. Mr. Bernardo explained that a couple of letters and phone calls were made to the deli applicant, but he did not appear tonight. He said he would be here after he could not attend the last meeting. Mr. Bernardo asked to submit his statement and ask the board to continue with the application based on his representation and those being conditions for the operations of a deli in the space. In his statement, he says the hours of operation would be 7:00 AM – 6:00 PM, six days a week. Sunday possibly open until noontime. He would have three employees including himself. The deli would be strictly take-out,

no booths or tables for customers to eat at. The deliveries would be minimal. It would not require large tandems or tractor trailers to deliver. All durations would be of a short time span and not of large content. Mr. Bernardo feels that they all think that based on how a deli operates; the deliveries will be fast and minimal. Our Engineer will testify further of how the site operates and how deliveries can be done to the rear. Whether it's this person or someone else, we have a parking issue, a loading zone issue and we had those hours of operation as conditions we could further pursue this with the board for decision this evening.

Chairman Anepete asked for the board's pleasure. After a brief discussion, Chairman Anepete said he saw no reason why the board could not hear the application. Mr. Bernardo re-called Mr. Romano, Engineer. Mr. Yost reminded Mr. Romano that he was still under oath. Mr. Avellino interjected a statement. According to our minutes, the reason why we carried this application was the operator of the deli was supposed to be here so we could have a statement. It puts the board in a bad position that if we allow this to go on, we are contradicting what we discussed the last time we were here. Mr. Bernardo said if the board feels this way, he would understand because there was quite a bit of discussion about delis and quite honestly we were expecting him to be here. I can't explain why he isn't here. Mr. Bernardo said that our problem is Mr. Iszari feels that each time he has a tenant come in; he has to go before a board for some type of a change in use. We are looking for a reconfirmation of the site that a loading zone wouldn't be required, that the number of spaces that we have are adequate for retail and we would basically like that type of approval so the next time someone goes to Mr. Iszari looking for space, he can get a permit from the town. Mr. Avellino offered that we've been through this many times with this project and that he feels badly for the gentlemen because according to the information he received, after he bought the property, he found out about all the problems he had with it. Chairman Anepete said we can't give you a heads up and say whatever you bring to us in the future will be an automatic permit. That isn't going to happen. Mr. Bernardo respectfully requested that this application be carried to the next meeting so they have time to find out what happened to this proposed tenant. Mr. Reilly didn't have a problem continuing on an individual basis, but rather than taking up the board's time we would like know in advance if the applicant is not going to be here that we can put something either on the calendar maybe deferring or just not take up the time of this board. Either he's interested in wanting to rent this particular building and run a business and if he is then I think it's incumbent to do what is necessary to achieve that. This is now the second time this board has sat here and he has chosen not to be here. I think it's unfair to these individuals to be here tonight for an applicant for whatever reason isn't here. Mr. Bernardo agreed with Mr. Reilly. Mr. Yost clarified that Mr. Bernardo would waive any time restrictions. Mr. Bernardo agreed. Mr. Yost added that this is an administrative body and the strict rules of evidence don't apply. However, the weight that you would give to something which is not testimony, not sworn, you can't contribute as much weight. I think the Board intuitively senses that and that's why you wanted to hear from the fellow who is going to run the operation. Obviously the applicant was surprised and certainly the owner as well as the Board is. We all expected to have the actual fellow operating the deli because in the minutes from last month. There were three or four areas where we really needed input from the actual operator. If

he's not going to be operating, then clearly we are looking at a different application depending on what would be going on. It would be appropriate for the Board to entertain Mr. Bernardo's request to carry the application. Chairman Anepete added he would like to give the gentlemen the benefit of the doubt; he could be stuck in traffic. After determining the date of the next meeting, Mr. Bernardo asked if the Board would carry this application until the September meeting as Mr. Iszari would be on vacation at the time of the August meeting. Chairman Anepete asked for a motion. Mr. Tredy made a motion to carry until the September 4th meeting. Mrs. Sweeney seconded the motion. Mr. Reilly added that he would like put the same caveat on the notification as we are now going 60 days beyond. If he is not going to be at that meeting to please let the Board know. All in favor (aye): Tredy, Sweeney, Avellino, Reilly, Anepete.

NEW BUSINESS

PUBLIC COMMENT – No public present.

Chairman Anepete asked for a motion to adjourn. Mr. Reilly made a motion to adjourn. Mrs. Sweeney seconded the motion. All in favor: Aye.

Meeting adjourned at 8:00 PM.

Respectfully submitted

Beth Laramée