

**West Long Branch
PLANNING BOARD
Meeting Minutes
April 14, 2019**

Mr. Heggie called the meeting to order at **7:30 PM** & Mr. Heggie read the following statement:

This is the **April 14, 2019** regular meeting of the West Long Branch Planning Board. This meeting is called pursuant to the provisions of the Open Public Meetings Act. This meeting was listed in the Notice of the annual schedule of the regular meetings of this Board, sent to both ASBURY PARK PRESS AND STAR -LEDGER. Said Notice was also posted on the bulletin Board in Borough Hall and had remained continuously posted there as required of such notices under Statute.

In addition, a copy of said Notice is and has been available to the public and is on file in the Office of the Borough Clerk. A copy of said Notice has also been sent to such members of the public as have requested such information in accordance with the Statute. Proper notice having been given; the Board Secretary is directed to include this statement in the minutes of this meeting.

1. Roll Call, Members Present:

JANET TUCCI
STEPHEN BRAY
JAMES MILLER
CHRISTINE HANEY

SARAH O'NEILL
GORDON HEGGIE, Acting Chairman
DON BROCKLEBANK

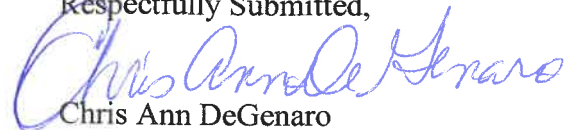
Members Absent: Anthony Scalise & John Aria

2. Pledge of Allegiance
Moment of Silence

3. Items of Business: *See attached Transcript of the proceedings incorporated herein by reference.*

4. Adjournment: **7:58 PM**

Respectfully Submitted,



Chris Ann DeGenaro
Recording Secretary

1 BOROUGH OF WEST LONG BRANCH PLANNING BOARD
2 COUNTY OF MONMOUTH - STATE OF NEW JERSEY

2

3

4 -----
4 REGULAR MEETING FOR: TRANSCRIPT OF
5 APRIL 14, 2019 PROCEEDINGS

6 -----

7

8

9

10

11 BEFORE:

12

13 JANET TUCCI
14 SARAH O'NEILL
15 STEPHEN BRAY
16 GORDON HEGGIE, Chairman
17 JAMES MILLER
18 DON BROCKLEBANK
19 CHRISTINE HANEY

17

18

19 ALSO PRESENT:

20 MICHAEL A. IRENE, JR., ESQ., Board Attorney
21 BONNIE HEARD, P.E., Board Engineer
22 CHRIS ANN DEGENARO, Recording Secretary

22

23

24

25

LISA NORMAN, CCR
15 Girard Avenue
West Long Branch, New Jersey 07764
732-229-5897



2

1 A P P E A R A N C E S:

2 ANSELL, GRIMM & AARON, P.C.
1500 Lawrence Avenue
3 Ocean Township, New Jersey 07712
732-922-1000

4 PETER S. FALVO, JR., ESQ.
Attorneys for the Applicant

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



3

1 I N D E X

2 WITNESS NAME

PAGE NO.

3 No witnesses called.

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25



4

1 E X H I B I T S

2	EXHIBIT NO.	DESCRIPTION	PAGE NO.
---	-------------	-------------	----------

3	No exhibits were marked.		
---	--------------------------	--	--

4

5

6

7

8

9

10

11

12

13

14

15

16
17
18
19
20
21
22
23
24
25



5

1 MS. DEGENARO: Mayor Tucci?
2 MAYOR TUCCI: Here.
3 MS. DEGENARO: Sarah O'Neill?
4 MS. O'NEILL: Here.
5 MS. DEGENARO: Stephen Bray?
6 MR. BRAY: Here.
7 MS. DEGENARO: Gordon Heggie?
8 MR. HEGGIE: Here.
9 MS. DEGENARO: James Miller?
10 MR. MILLER: Here.
11 MS. DEGENARO: Don Brocklebank?
12 MR. BROCKLEBANK: Here.

13 MS. DEGENARO: And Christine Haney?
14 MS. HANEY: Here.
15 MS. DEGENARO: Others are absent.
16 MR. HEGGIE: What about the review and
17 approval of the Minutes?
18 MR. IRENE: They are pending, so we do
19 not have those, yet, or do we?
20 MS. DEGENARO: You do not have that yet.
21 MR. HEGGIE: First item on the Agenda
22 subdivision extension for 35 Wall Street Block
23 113, Lots 3-9.
24 MR. IRENE: Mr. Falvo, that is your
25 application --

↑

6

1 MR. FALVO: It is.
2 MR. IRENE: -- or your request for an
3 extension. We will let you put your appearance
4 on the record.
5 MR. FALVO: Thank you. Peter Falvo,
6 Attorney for -- which one am I doing? Mary
7 Harmick. This is a situation that we got the
8 subdivision. We started going through the
9 reviews and stuff and nothing was being pushed
10 because we didn't have a buyer. And, lo and

11 behold, after we got everything done, we found
12 out we are beyond the 190 days substantially,
13 but we proceeded, the plans have been revised in
14 total to reflect everything that your engineer
15 wanted.

16 And matter of fact, we are in the
17 process of demolishing the house, which was one
18 of the requirements of the approval, and we have
19 a buyer for the property who is going to build
20 two new homes. However, we can't close on the
21 property until we get the subdivision extended
22 and then we can file the documents and the
23 Deeds, the Subdivision Deeds can be signed and
24 the Master can be signed. Everything is into
25 the Town and we respectfully ask for an

↑

7

1 extension.

2 MAYOR TUCCI: How far are you over the
3 190 days? Do you know?

4 MR. FALVO: About a year.

5 MAYOR TUCCI: Oh, okay. I know we had
6 canceled a couple previous meetings because we
7 had nothing on the Agenda.

8 MR. FALVO: Right.

9 MAYOR TUCCI: That is why. I don't want
10 anyone to think we, in any way, hampered this
11 application.

12 MR. FALVO: No. No. It was nothing to
13 do with the Board. It was a combination of
14 building fire under my engineer to get the
15 changes made then we got the changes in. T&M,
16 like a lot of firms are busier than hell, so we
17 get the letter back and we then we get the
18 letter back to the engineer and then there was
19 some stuff that we had to get squared away from
20 the Sewage Authority, from Traffic Safety.

21 MS. HEARD: Uh-huh. There were multiple
22 iterations of revised plans through the course
23 of this since the Resolution has been adopted.

24 MR. IRENE: So I am going to assume
25 there has been no change to the Zoning?

↑

8

1 MS. HEARD: Correct.

2 MR. IRENE: No change in the
3 neighborhood we are in, Mr. Falvo?

4 MR. FALVO: No, nope.

5 MR. IRENE: How much time do you need?

6 Are there any other outstanding items that have
7 to be addressed?

8 MS. HEARD: The outstanding item, which
9 has, I believe, has come in already was the
10 Traffic Safety Officer sign off. Our letter is
11 from March 1st and he was working on it at the
12 time, you know, so it's been another month, so
13 we have that. And then, you know, getting the
14 signatures on the Deeds and everything else.

15 MR. IRENE: Do you have the County
16 already?

17 MR. FALVO: Yes.

18 MR. IRENE: Were the Deeds sent in
19 previously?

20 MS. HEARD: The Deeds were sent in and
21 were signed off by George a couple of months
22 ago.

23 MR. IRENE: You don't need a great deal
24 of time. It sounds like everything is done.
25 It's just a matter of processing and recording

↑

9

1 the Deeds.

2 MR. FALVO: Right. Right. If we can

3 get three months, I guess, we could be done.
4 When I say, three months, we need a Resolution
5 adopted so that we can attach it to the
6 subdivision when we file it.

7 MS. HEARD: Which will take a month.

8 MR. FALVO: Well, unless Mr. Irene can
9 do it in the meantime or we can run it over to
10 Mr. Aria.

11 MR. IRENE: You could probably just
12 reference it in the Deed.

13 MR. FALVO: Excuse me?

14 MR. IRENE: You could reference it in
15 the Deed.

16 MR. FALVO: Yeah, I would be happy to do
17 that also.

18 MR. IRENE: So you are asking for, where
19 are we, three months from today, which is April,
20 May, June, you are asking --

21 MR. BRAY: Three months.

22 MR. IRENE: -- through July 1?

23 MR. FALVO: That would be great. We
24 should be done and closed.

25 MR. BRAY: I will move we grant the

↑

1 extension to July 1.

2 MR. IRENE: Yeah, we should just
3 indicate, by the way, Notice is not required for
4 an extension for less than five years. No
5 Notice was given. None is required. I assume
6 there is no interested parties here on this
7 application, other than Mr. Falvo and his
8 client.

9 MR. FALVO: That's right.

10 MR. IRENE: And the record will so
11 reflect.

12 MR. BROCKLEBANK: I will second.

13 MS. DEGENARO: Mayor Tucci?

14 MAYOR TUCCI: Yes.

15 MS. DEGENARO: Sarah O'Neill?

16 MS. O'NEILL: Yes.

17 MS. DEGENARO: Stephen Bray?

18 MR. BRAY: Yes.

19 MS. DEGENARO: Gordon Heggie?

20 MR. HEGGIE: Yes.

21 MS. DEGENARO: James Miller?

22 MR. MILLER: Yes.

23 MS. DEGENARO: Don Brocklebank?

24 MR. BROCKLEBANK: Yes.

25 MS. DEGENARO: Christine Haney?

1 MS. HANEY: Yes.

2 MR. IRENE: So, we will have the
3 Resolution next month, but you go ahead and get
4 the Deed ready.

5 MR. FALVO: That is fine. I had also
6 submitted an application with regard to the
7 Chambers, Clark and Jeff Chambers's matter.
8 Same situation.

9 MR. IRENE: Didn't that just come in
10 last Thursday, Friday? I don't know if it went
11 to the Board. I know your office copied me on
12 it.

13 MR. FALVO: I sent a copy to the Board,
14 to Mr. Aria, to yourself, to the Pope, but he
15 was busy.

16 MR. IRENE: Now, it's my understanding
17 you have outstanding conditions anyway?

18 MR. FALVO: Pardon me?

19 MR. IRENE: It's my understanding you
20 have outstanding conditions on Chambers anyway.

21 MR. FALVO: We just got our first review
22 letter a couple of weeks ago.

23 MR. IRENE: So, whether the Board,
24 obviously, the Board Members haven't seen it,
25 they are familiar with it. It's not on the

↑

12

1 Agenda tonight.

2 MR. FALVO: No, this was already
3 approved.

4 MR. IRENE: Chambers.

5 MR. FALVO: Chambers subdivision was
6 approved.

7 MR. IRENE: You are asking for an
8 extension.

9 MR. FALVO: Right, because we just got
10 the review letter. The review letter came in
11 past the period.

12 MR. IRENE: But again, because as I
13 understand it, there are outstanding conditions
14 in the review letter that haven't been
15 satisfied. It's not on the Board's Agenda
16 tonight and I don't believe the Board Members
17 have seen it. I think you just submitted it the
18 end of last week.

19 MR. FALVO: I just submitted a letter,
20 right.

21 MR. IRENE: So, is there any reason the
22 Board can't deal with it next month?

23 MR. FALVO: If the Board would like to
24 deal with it next month.

25 MR. IRENE: It's up to the Board. Do

↑

13

1 what you want, but you haven't seen it. So, we
2 will have the Resolution, that will be the
3 Resolution on Harmick, Chambers will be
4 distributed to the Board Members, so they can
5 have it next month to review. And it's up to
6 you if you want to come back or not. It depends
7 what's in your letter.

8 MR. FALVO: No, basically, just the
9 timeline.

10 MR. IRENE: Okay.

11 MR. FALVO: We submitted revised plans
12 in September and we just got the first review
13 letter in March. It expired -- the 190 days was
14 up in December.

15 MR. IRENE: Are you available next
16 month?

17 MR. FALVO: Am I available next month?

18 I am always available.

19 MR. IRENE: Good. We will see you then.

20 MR. FALVO: Thank you very much, Ladies
21 and Gentlemen. If I don't see you, enjoy Easter
22 and Passover. Thank you.

23 MR. HEGGIE: Ready to move on? Minor
24 subdivision extension 53 Victor Avenue, Block
25 10, Lots 13, 14 and 15.

↑

14

1 MR. IRENE: Sir, would you give us your
2 full name, spell your last and your address for
3 the record, please?

4 MR. PARIKH: P-A-R-I-K-H, 614 Dow Avenue
5 in Oakhurst 07755.

6 (Mr. Parikh, sworn.)

7 MR. IRENE: So, do you want to tell the
8 Board, you are here for an extension also?

9 MR. PARIKH: Yes, regarding 53 Victor
10 Avenue. So regarding my situation, there was
11 several revisions that we had to go through and
12 I think I've satisfied most of them. I have the
13 final three or four items ready to go, six
14 Notarized plans along with the Notarized mylar
15 plan and my attorney was also instructed to

16 record the site triangle easement.

17 MS. HEARD: Uh-huh.

18 MR. PARIKH: And essentially, I am just
19 kind of in a situation where I need to get this
20 legally done, so I can put this one lot in my
21 brother's name and then I can start building, so
22 everyone is going to be coming with their own
23 building plans, so I wanted to get through this
24 administrative process and then I would like to
25 come back with some building plans. But

↑

15

1 essentially, if I could have this extension, I
2 think I have 99 percent done. I believe so.

3 MAYOR TUCCI: What is left, Bon?

4 MS. HEARD: Okay. We are up to like six
5 or seven iterations of the plans at this point
6 a lot of permits, but we have basically four
7 items that have to be resolved before we can
8 record the Subdivision Deed. One would be the
9 extension, basically, at this point, the
10 submission of the revised plans, you know, just
11 confirmation that all of the bonds are posted
12 and escrows and that comes from Mr. Martin. We

13 just haven't gotten it yet. I know you've
14 provided a lot of that information. I think he
15 is in Wednesday. I am anticipating it will be
16 coming in shortly and the recording of the site
17 triangle easement. We are down to the last few
18 items to cross off the list, at this point, so
19 very similar to the prior application.

20 MR. BRAY: Three-month extension would
21 be sufficient.

22 MS. HEARD: Yeah. I think Mr. Parikh
23 wants to be done even sooner.

24 MR. IRENE: Any change in the Zoning?

25 MS. HEARD: No change to the Zoning.

↑

16

1 MR. IRENE: Neighborhood? Anything
2 going on in that neighborhood, Mr. Parikh, that
3 we don't know about?

4 MR. PARIKH: No.

5 MR. IRENE: You are talking about
6 extending three months from today. Obviously,
7 this was approved sometime in October of 2017?

8 MS. HEARD: Ninety days would have been
9 April 18th 2018.

10 MR. IRENE: April, what was that?

11 MS. HEARD: April 18th 2018. We are
12 about another year behind. Mr. Parikh has been
13 doing this application on his own, as opposed to
14 having an attorney taking the lead and, you
15 know, driving the application, so.

16 MAYOR TUCCI: The attorney before didn't
17 drive fast enough either, so don't worry about
18 it.

19 MR. BRAY: I will move we extend it to
20 July 1st.

21 MR. HEGGIE: I will second.

22 MS. DEGENARO: Mayor Tucci?

23 MAYOR TUCCI: Yes.

24 MS. DEGENARO: Sarah O'Neill?

25 MS. O'NEILL: Yes.

↑

17

1 MS. DEGENARO: Stephen Bray?

2 MR. BRAY: Yes.

3 MS. DEGENARO: Gordon Heggie?

4 MR. HEGGIE: Yes.

5 MS. DEGENARO: James Miller?

6 MR. MILLER: Yes.

7 MS. DEGENARO: Don Brocklebank?

8 MR. BROCKLEBANK: Yes.

9 MS. DEGENARO: Christine Haney?

10 MS. HANEY: Yes.

11 MR. IRENE: And we should just indicate

12 for the record there is no interested parties

13 because there are no interested parties here at

14 all. Thank you, Mr. Parikh.

15 MR. PARIKH: Thank you so much. What

16 will happen at next month's meeting, there will

17 be short forms of Resolution that I will provide

18 to you that you can review and make sure they

19 capture what we did here tonight and they will

20 adopt those just so there is something in the

21 file in case they need proof for their Title

22 companies that they are recording the Deeds.

23 Sometimes the Title companies will ask, when was

24 the Resolution adopted, because they know there

25 is 190 days period to perfect them. So they

↑

18

1 will need the proof that they've extended it.

2 That will be in the file. That will then give

3 them to July 1 to clean everything up to

4 Bonnie's satisfaction, have Bonnie sign off on

5 it and then have the Subdivision Deeds presented

6 here, so you all can sign it, so they can get it
7 recorded. They have to do all of that by July
8 1, otherwise they have to come back to do the
9 extension.

10 MAYOR TUCCI: Everybody get that?

11 MR. HEGGIE: Yep. Any other items?

12 MR. BRAY: Yeah, I just have one quick
13 item. What we are talking about on Council is
14 introducing an Ordinance next meeting, next
15 Wednesday to increase the escrow fees from \$350
16 to \$850. That matches Long Branch, matches some
17 other municipalities that are close by.
18 Basically, it's to aide in the situation where
19 the escrow fee gets depleted too quickly is the
20 main concept. So it will be introduced and then
21 officially be brought back to the Board, you
22 know, to give a yay or nay and then it will go
23 back to Council for the final vote.

24 MR. MILLER: That is going from 350 to
25 850?

↑

19

1 MR. IRENE: Yes. One of the issues in
2 deciding on a number somewhere between 750 and a

3 thousand not only was it consistent with the
4 neighboring towns. Long Branch did theirs and
5 that is even getting old now, three, four or
6 five years ago. Even on a simple, this is more
7 Zoning Board than Planning Board on a simple Joe
8 homeowner case Bonnie touches and I touch it and
9 the 350 is gone, quite frankly, just to look at
10 it without Resolutions or anything more
11 complicated. And what that does is, it
12 generates a lot of work for Chris Ann or whoever
13 is in her position, previously Martinha and CFO,
14 because they are constantly sending out letters
15 saying, you need another 200. So, the notion
16 is, get a reasonable amount of money up front,
17 because it's easier to send somebody a check
18 than constantly chase people for money. It
19 wastes all of their time to do these letters.

20 MS. HEARD: In the event an application
21 would happen to be denied, then usually it's
22 very hard to collect things from the applicant
23 after the fact.

24 MR. IRENE: Because we charge the
25 escrows. And the question is, if the escrow is

↑

1 deficient, the people don't pony up the money to
2 pay the professionals and that gets to be a
3 problem, because the other taxpayers should not
4 have to support the applicant. They are not
5 doing what they are supposed to be doing and
6 paying their money, so it's an effort to make
7 everybody's life a little bit easier, if we can.

8 And, if I may, Mr. Chairman, just one
9 other question, and I realized after the re-org
10 in January, we haven't had a meeting until
11 tonight. The first week of February, we
12 circulated proposed Resolutions confirming the
13 appointment of your Attorney, your Professional
14 Engineer, your certified shorthand reporter and
15 your Recording Secretary along with my form of
16 Contract, and Bonnie's, I think, came
17 subsequent. Did you see those? Are you ready
18 to act on those? Do you want to carry them to
19 next month?

20 MR. BRAY: The Contracts, where we
21 signed off.

22 MR. HEGGIE: The packet thing?

23 MR. BRAY: Yeah.

24 MR. IRENE: At some point, your finance
25 people are going to ask for those, so do you

1 want to pay them? Do you want to sign off on
2 those tonight? Do you want to carry them to
3 next month?

4 MR. BRAY: I think we should sign off on
5 them.

6 MR. IRENE: So remember, you already
7 designated the professionals. This is simply to
8 adopt the Resolution and then allowing you to
9 sign off on the Contract. So, there was the
10 Resolution that was circulated for the, skip the
11 lawyer, we will do his last. The Resolution
12 that was circulated appointing T&M with Fran
13 Mullan and Bonnie Heard as designated
14 representatives as the Board's Professional
15 Engineer for the year 2019. Does somebody want
16 to make a motion to adopt that Resolution and
17 authorize the execution of their Contract?

18 MR. BRAY: So moved.

19 MS. O'NEILL: Second.

20 MS. DEGENARO: Mayor Tucci?

21 MAYOR TUCCI: Yes.

22 MS. DEGENARO: Sarah O'Neill?

23 MS. O'NEILL: Yes, although I am still
24 not certain what the role of the secretary is,
25 however, I will work on that, I'm sure.

↑

22

1 MR. IRENE: Okay.
2 MS. DEGENARO: Stephen Bray?
3 MR. BRAY: Yes.
4 MS. DEGENARO: Gordon Heggie?
5 MR. HEGGIE: Yes.
6 MS. DEGENARO: James Miller?
7 MR. MILLER: Yes.
8 MS. DEGENARO: Don Brocklebank?
9 MR. BROCKLEBANK: Yes.
10 MS. DEGENARO: And Christine Haney?
11 MS. HANEY: Yes.
12 MR. IRENE: That was T&M. Then we have
13 the Resolution authorizing the appointment of
14 the Board's Recording Secretary, which is Chris
15 Ann DeGenaro.
16 MR. BRAY: So moved.
17 MR. HEGGIE: Second.
18 MS. DEGENARO: Thank you. Mayor Tucci?
19 MAYOR TUCCI: Yes.
20 MS. DEGENARO: Sarah O'Neill?

21 MS. O'NEILL: Yes.
22 MS. DEGENARO: Stephen Bray?
23 MR. BRAY: Yes.
24 MS. DEGENARO: Gordon Heggie?
25 MR. HEGGIE: Yes.

↑

23

1 MS. DEGENARO: James Miller?
2 MR. MILLER: Yes.
3 MS. DEGENARO: Don Brocklebank?
4 MR. BROCKLEBANK: Yes.
5 MS. DEGENARO: Christine Haney?
6 MS. HANEY: Yes.
7 MR. IRENE: And we have the Resolution
8 authorizing the appointment of Lisa Norman as
9 our certified shorthand reporter.
10 MR. BRAY: So moved.
11 MR. HEGGIE: I will second that one.
12 MS. DEGENARO: Mayor Tucci?
13 MAYOR TUCCI: Yes.
14 MS. DEGENARO: Sarah O'Neill?
15 MS. O'NEILL: Yes.
16 MS. DEGENARO: Stephen Bray?
17 MR. BRAY: Yes.

18 MS. DEGENARO: Gordon Heggie?
19 MR. HEGGIE: Yes.
20 MS. DEGENARO: James Miller?
21 MR. MILLER: Yes.
22 MS. DEGENARO: Don Brocklebank?
23 MR. BROCKLEBANK: Yes.
24 MS. DEGENARO: Christine Haney?
25 MS. HANEY: Yes.

↑

24

1 MR. IRENE: And the Resolution
2 authorizing the appointment of yours truly as
3 the Planning Board Attorney.
4 MR. BRAY: Yes.
5 MS. O'NEILL: Second.
6 MS. DEGENARO: Mayor Tucci?
7 MAYOR TUCCI: Yes.
8 MS. DEGENARO: Sarah O'Neill?
9 MS. O'NEILL: Yes.
10 MS. DEGENARO: Stephen Bray?
11 MR. BRAY: Yes.
12 MS. DEGENARO: Gordon Heggie?
13 MR. HEGGIE: Yes.
14 MS. DEGENARO: James Miller?
15 MR. MILLER: Yes.

16 MS. DEGENARO: Don Brocklebank?
17 MR. BROCKLEBANK: Yes.
18 MS. DEGENARO: Christine Haney?
19 MS. HANEY: Yes.
20 MR. IRENE: I think we got everybody.
21 Thank you so much. Motion to adjourn.
22 (Whereupon, the hearing adjourned at
23 7:58 p.m.)
24
25