

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

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

This is the **May 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.

Roll Call, Members Present:

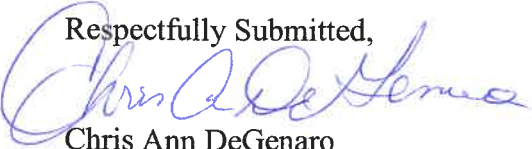
JOHN ARIA, Chairman
CHRISTINE HANEY
SARAH O'NEILL
GORDON HEGGIE

JAMES MILLER
STEPHEN BRAY
ANTONIO SCALISE
DON BROCKLEBANK

Members Absent: Mayor Tucci

2. Pledge of Allegiance
Moment of Silence
3. Items of Business: *See attached Transcript of the proceedings incorporated herein by reference.*
4. Adjournment: **7:45 PM**

Respectfully Submitted,


Chris Ann DeGenaro
Recording Secretary

3 -----

5 TUESDAY, MAY 14, 2019

7

8

9 BEFORE:

10

11	JOHN ARIA, Chairman
	JAMES MILLER
12	CHRISTINE HANEY
	STEPHEN BRAY
13	SARAH O'NEILL
	ANTONIO SCALISE
14	GORDON HEGGIE
	DON BROCKLEBANK

15

16

17

18

19 ALSO PRESENT:

20 MICHAEL A. IRENE, JR., ESQ., Board Attorney
FRANCIS W. MULLAN, P.E., Board Engineer
21 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

3

4

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

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

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: John Aria?

2 MR. ARIA: 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: Anthony Scalise?

12 MR. SCALISE: Here.

13 MS. DEGENARO: Don Brocklebank?
14 MR. BROCKLEBANK: Here.
15 MS. DEGENARO: Christine Haney?
16 MS. HANEY: Here.
17 MR. ARIA: This is the May 14th 2019
18 regular meeting of the West Long Branch Planning
19 Board. This meeting is called pursuant to the
20 Provisions of the Open Public Meetings Act.
21 This meeting was listed in the Notice of the
22 Annual Schedule of the regular meetings of this
23 Board sent to both the Asbury Park Press and the
24 Link News. Said Notice was also posted on the
25 bulletin board in Borough Hall and has remained

↑

6

1 continuously posted there as required such
2 Notices of the Statute. In addition, a copy of
3 said Notice is and has been available to the
4 public and is on file in the office of the
5 Borough Clerk. Copy of said Notice has also
6 been sent to such members of the public as have
7 requested such information in accordance with
8 the Statute. Proper notice having been given,
9 the Board secretary is direct to include this
10 statement in the meetings.

11 Pledge of Allegiance.

12 MR. ARIA: Assuming we have no Minutes,
13 right?

14 MS. DEGENARO: Not as of yet.

15 MR. ARIA: All right. Next item of
16 business is the subdivision extension for Clark
17 and Jeffrey Chambers, 53 Summers.

18 MR. IRENE: Mr. Chairman, I received a
19 telephone call from Peter Falvo this afternoon
20 indicating that he is Counsel for Mr. Chambers
21 with regard to the request for an extension of
22 the previously-approved minor subdivision and he
23 was planning on appearing, but he had a
24 scheduling conflict this evening. I told him to
25 send an email into the Board, which he did, and

↑

7

1 Chris Ann has made a copy of that and passed it
2 around.

3 So, he is, essentially, asking if the
4 could consider his request for an extension
5 based upon his letter of March 29, which I
6 understand has been distributed to the Board.

7 MS. O'NEILL: Right.

8 MR. IRENE: And if there are any
9 questions or issues, problems that the Board has
10 that he, in turn, requested that the matter be
11 carried to the next meeting of the Board, so
12 that he could appear and address them. If you
13 notice from Mr. Falvo's letter, this was a minor
14 subdivision that was approved by the Board in
15 May of 2018. The Resolution was adopted in June
16 of 2018. It took three lots, as I understand,
17 Lots 14, 15, and 16, Block 71, 63 Summers, and
18 the minor sub created from those three, two
19 lots. Both of them are undersized, apparently.
20 So, the Resolution was adopted in June 12, 2018
21 and under the Statute, the applicant has 190
22 days to perfect the subdivision from the date of
23 the adoption of the Resolution by filing the
24 subdivision Deeds. That expired in December of
25 2018 and Mr. Falvo's letter of March 29 outlines

↑

8

1 the reasons why they didn't get the subdivision
2 perfected in time.

3 MR. ARIA: Has everyone had the
4 opportunity to review that letter?

5 MR. BRAY: Yes.

6 MS. O'NEILL: Uh-huh.

7 MR. ARIA: Anyone have any discussions
8 regarding it?

9 MR. BRAY: Couple of questions. Fran,
10 the March letter, I guess, the perfecting
11 process and how much they have to do. So, in
12 your letter, is there a lot of issues that they
13 still have to resolve?

14 MR. MULLAN: They haven't progressed
15 very much, but they are pretty routine issues
16 that we have no real concern about --

17 MR. BRAY: Okay.

18 MR. MULLAN: -- the request. I think
19 all of the issues outlined in our letter are
20 pretty easily resolved.

21 MR. BRAY: Okay. Good. And just a
22 technicality, Mike, maybe you can tell us, they
23 are requesting an eight-month extension from
24 which time to perfect this minor subdivision.
25 Is that eight months from --

↑

9

1 MR. IRENE: From the time that it
2 expired? I had the exact same question, Mr.

3 Bray, so the question would be, if it was eight
4 months from now, it would be through July of
5 this year. And I guess the question is, is that
6 going to give them enough time frame? No.
7 Yearend?

8 MR. MULLAN: I would suggest not. I
9 would suggest yearend is the time frame
10 reasonable and achievable by the applicant to
11 comply with.

12 MR. IRENE: That would give them an
13 entire year from when it would have expired.

14 MR. BRAY: Okay. I am good with that.

15 MR. ARIA: Michael, I have another
16 question.

17 MR. IRENE: Sure.

18 MR. ARIA: I voted no on this
19 application.

20 MR. IRENE: Right.

21 MR. ARIA: Is there any reason why I
22 shouldn't vote on the extension?

23 MR. IRENE: I always take the position
24 that when people come in for things like this,
25 it's technically a new petition, so that you

↑

1 could vote on it. No different than somebody
2 bifurcated an application and come in for a use
3 variance and you vote no, then they come back on
4 a site plan application. I take the position
5 that you can. We have more than a sufficient
6 number of Members, so, if, for some reason, you
7 feel that you don't want to vote on it, that is
8 okay, too. I take the position that you can.
9 It is, technically, it is a separate petition to
10 the Board.

11 MR. ARIA: Okay. Thank you.

12 MS. DEGENARO: I was going to ask the
13 same thing.

14 MR. IRENE: Yeah, I saw that little red
15 X next to John's name. I was hoping that was
16 why.

17 MR. ARIA: Is there anyone that thinks
18 the extension should not be granted?

19 MR. IRENE: Anybody aware of any changes
20 in the neighborhood? No change in the zoning, I
21 assume? Nothing like that going on? And
22 understand, if you did deny it, then
23 technically, they could come back and re-apply.
24 It's not really a res judicata situation,
25 because it was an approval. They could come

1 back. Now, that doesn't mean they might not
2 grant it this time, but they would have a right
3 to come back. It's just the matter of the
4 perfection.

5 MR. ARIA: I don't think it serves the
6 public interest to have them come back with the
7 same application. I would be in favor of
8 granting the extension. My only question is, if
9 Fran feels the yearend is reasonable, I am okay
10 with that. If we think that is a little too
11 long, then I am okay with that, too. I agree
12 probably July 1st is a little bit too quick.

13 MR. SCALISE: Is this typical, though,
14 for applications that get approval to take this
15 long? It seems they are not doing what they
16 need to do, I guess?

17 MR. MULLAN: It's hard to say what is
18 typical, because with the amount of applications
19 that we see, circumstances do arise on any given
20 application. It would be unfair for me to say
21 that, you know, most applicants should be able
22 to get it done in a hundred and ninety days.

23 It's really one case at a time and it's based on
24 circumstances.

25 MR. IRENE: Often times, when you see it

↑

12

1 go for an extended period of time is because we
2 have other agency approvals involved, like the
3 DEP. The 190 days go out the window if the DEP
4 is involved. Under the statute, in those cases,
5 the statute says they have a right to the
6 extension. Not that you may grant. You shall
7 grant in those cases. In other cases, they have
8 situation with, perhaps, the applicant's
9 engineer is not too quick on the trigger to get
10 the plans finalized to get them into Fran, so he
11 can review them. Or Fran's got to review them
12 and send it back, maybe he wants a couple of
13 changes or revisions, he has to come back in.
14 All of that has to be settled and then they have
15 to prepare and file the Deeds.

16 MR. SCALISE: And if they don't meet the
17 deadline?

18 MR. IRENE: At the end of the year?

19 MR. SCALISE: I'm asking another
20 question, right, I experience -- I never

21 experienced this before that time like that. If
22 it expires, I guess we will cross that bridge
23 when we get there?

24 MR. IRENE: Yes.

25 MR. SCALISE: Again, do you want to

↑

13

1 approve it again and extend it?

2 MR. IRENE: Right. That's why I think
3 his follow-up to the Chairman's comment, I don't
4 know if you necessarily want to do it through
5 July 1, because you will be back here in July.

6 MR. BRAY: My recommendation is use
7 Fran's recommendation. He is familiar with what
8 is remaining on the letter to be resolved.

9 MR. ARIA: I agree with that. Can we
10 have a motion?

11 MR. BRAY: I will move that we grant the
12 extension to the end of the year.

13 MR. ARIA: I will second it.

14 MS. DEGENARO: John Aria?

15 MR. ARIA: Yes.

16 MS. DEGENARO: Sarah O'Neill?

17 MS. O'NEILL: Yes.

18 MS. DEGENARO: Stephen Bray?
19 MR. BRAY: Yes.
20 MS. DEGENARO: Gordon Heggie?
21 MR. HEGGIE: Yes.
22 MS. DEGENARO: James Miller?
23 MR. MILLER: Yes.
24 MS. DEGENARO: Anthony Scalise?
25 MR. SCALISE: Yes.

↑

14

1 MS. DEGENARO: Don Brocklebank?
2 MR. BROCKLEBANK: Yes.
3 MS. DEGENARO: And Christine Haney?
4 MS. HANEY: Yes.
5 MR. ARIA: Next matter of business is
6 the subdivision Resolution for Mary Harmick,
7 which I believe is a very similar situation,
8 isn't it?
9 MR. IRENE: Yes. That is the Resolution
10 granting an extension and the Board acted on
11 that last meeting, so, Chris Ann, the only
12 people who would vote on that are those who
13 voted to grant the extension at the last
14 meeting.
15 MS. DEGENARO: Should I do the roll

16 call?

17 MR. BRAY: I will accept the Resolution
18 as written.

19 MR. BROCKLEBANK: Second.

20 MS. DEGENARO: Should I do a roll call?

21 MR. IRENE: Moved by Mr. Bray and
22 seconded by Mr. Brocklebank.

23 MS. DEGENARO: Thank you. Okay. Sarah
24 O'Neill?

25 MS. O'NEILL: Yes.

↑

15

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: And Christine Haney?

10 MS. HANEY: Yes.

11 MR. ARIA: The the last Resolution is
12 for Parikh 53 Victor Avenue.

13 MR. IRENE: Same situation on that one.

14 MR. BRAY: I will move we accept this
15 Resolution.

16 MR. HEGGIE: Second.

17 MS. DEGENARO: Sarah O'Neill?

18 MS. O'NEILL: Yes.

19 MS. DEGENARO: Stephen Bray?

20 MR. BRAY: Yes.

21 MS. DEGENARO: Gordon Heggie?

22 MR. HEGGIE: Yes.

23 MS. DEGENARO: James Miller?

24 MR. MILLER: Yes.

25 MS. DEGENARO: Don Brocklebank?

↑

16

1 MR. BROCKLEBANK: Yes.

2 MS. DEGENARO: And Christine Haney?

3 MS. HANEY: Yes.

4 MR. ARIA: Are there any administrative
5 matters?

6 MR. IRENE: Yeah, if I may, Mr.
7 Chairman, just one reminder. For anybody that
8 hasn't done the online filing of the local
9 Government officials, you have to do that every
10 year, please do it, because we have heard that

11 the DCA, believe this or not, fining people,
12 yeah, that is a good way to encourage
13 volunteers, but the clerks are apparently
14 putting out the warning, because they've heard
15 that the DCA is doing some random checking and
16 they are fining people \$100. If you haven't
17 done it, please do it. If you've done it
18 previously, when you go on the site, it should
19 pull up all of your information, so it shouldn't
20 take that long. Thank you.

21 MR. ARIA: Anything else?

22 MR. IRENE: Storm water management, that
23 is the other thing. If you haven't done the
24 video on storm water management, which I sent to
25 you last year and followed up this year, please

↑

17

1 do that one, too.

2 MR. ARIA: Any other matters?

3 MR. IRENE: No.

4 MR. ARIA: All right. Meeting is
5 adjourned.

6 (Whereupon the meeting was adjourned at
7 7:45 p.m.)

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25