

Borough of West Long Branch

Zoning Board of Adjustment Meeting Minutes of October 22, 2015

Contact:

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Category: ZONING BOARD MEETINGS

FOR IMMEDIATE RELEASE West Long Branch, NJ - November 16, 2015

REGULAR MEETING
OF THE ZONING BOARD
OF THE BOROUGH OF WEST LONG BRANCH

October 22, 2015

The Regular Meeting of the Zoning Board of the Borough of West Long Branch was held on October 22, 2015 at 7:30 PM in Borough Hall.

It was verified that adequate notice of the meeting was published in accordance with the Senator Byron M. Baer Public Meetings Act (N.J.S.A. 10:4-6), known as the Open Public Meeting Law.

Mr. Venezia called the meeting to order at 7:30 P.M.

ATTENDANCE

The recording secretary called the roll for attendance, as follows:

Members Present: Robert Venezia

Michael Schulz

Jared Murphy

Michael Habeck

Paul Santorelli, Jr.

Scott LaMarca

Paul Giglio

James Miller

Kenneth Walters

Members Absent: Pamela Hughes

Others Present: Michael A. Irene, Esq.

George Cieri, Esq.

Bonnie Heard, P.E.

Lisa Norman, C.S.R.

Chairman:

Mr. Murphy made a motion to appoint Robert Venezia as Chairman and was seconded by Mr. Santorelli, Jr. Mr. Miller and Mr. Walters did not participate in the vote. All others were in favor of this motion.

Vice Chairman:

Mr. Murphy made a motion to appoint Michael Schulz as Vice-Chairman and was seconded by Mr. Santorelli, Jr. Mr. Miller and Mr.

Walters did not participate in the vote. All others were in favor of this motion.

New Board Recording Secretary:

Mr. Murphy made a motion to accept Martinha Silva as the Board Recording Secretary and was seconded by Mr. Santorelli, Jr. Mr. Mill and Mr. Walters did not participate in the vote. All others were in favor of this motion.

MINUTES:

The Board reviewed the meeting minutes of September 24, 2015. Mr. Schulz made a motion to approve the minutes with changes and was seconded by Mr. Habeck. All others were in favor of the motion.

RESOLUTIONS:

ZB 2015-08 Blake Block: 96 Lot: 1

Mr. Habeck made a motion to approve the resolution granting Bulk Variance Relief for a fence and was seconded by Mr. Schulz. Mr. Miller and Mr. Walters did not participate in the vote. All others were in favor of this motion.

APPLICATIONS:

ZB 2015-05 MISHAN

484 Monmouth Road

Block: 45, Lots: 1 & 8

Mr. Falvo, Attorney for applicant

Exhibit A-5 Proposed Site Plane prepared by Robert A. Hazelrigg dated 04/15/15 last revised 10/18/15

Mr. Falvo stated the previous plan stated proposed 6-foot high fence but the fence was already up. The Board wanted a plan showing the existing 6-foot high fence rather than proposed. The only area that the variance was required was on Old Farm Road.

Mr. Irene questioned, "You don't any variance relief for the driveway?"

Mr. Favlo replied, "There's an issue whether or not there's an increase on impervious coverage on lot 1. The existing impervious coverage on lot 1 is 31%, lot 1 was developed under the old ordinance with higher impervious coverage was permitted."

Ms. Heard stated that there was no impervious coverage prior to our current ordinance. It was only building coverage before. The max lot coverage is 30%, so they would need a variance for the 1%.

Witness:

Robert Hazelrigg, Planner for applicant.

Mr. Hazelrigg reviewed the fence plan with the Board.

Mr. Hazelrigg stated that there was an existing stockade fence across the rear of lot 8, continued down the property line and back to the house.

Mr. Falvo stated that they only area for which a variance has been requested is along Old Farm Road because it's a corner lot and that constitutes a front yards. Had they put the 6-foot vinyl fence where the stockade fence was they wouldn't need a variance.

Mr. Venezia questioned, "The proposed 440 Sq. Ft. driveway, can that be reduced in any way to become compliant with the 30%?"

Mr. Hazelrigg replied, "Yes, it could be narrowed some, we can make it 15 feet wide."

Mr. Irene questioned, "What happens when those lots are no longer in common ownership?"

Mr. Falvo replied, "If they're not in common ownership we'll fluctuate an easement."

Mr. Irene stated that that is something the Board should consider requiring the imposition of an easement because otherwise, if those lots come out of common ownership you have a driveway across the leg of lot 1 that's a driveway to nowhere. These are two different properties, that pool is not enclosed within separate lot 1, so they may require you to run a fence between lot one and lot 8.

Mr. Venezia if you just put a fence around the swimming pool.

Mr. Hazelrigg to the best of my knowledge as long as the pool is contained and people can't get in from outside and both houses have alarms on the doors then that would be legal. If they sale the property then they would have to run the fence.

Exhibit A-6 A colored enhancement of A-5

Mr. Venezia, in your plans would you put a fence around the pool?

Mr. Falvo, if you make it a condition on the resolution, we will do it.

Mr. Irene stated that the fence has to met code for the pool.

Mr. Schulz, we were here two months ago, there was a question about that fence that disappeared where the pool is and you were suppose to ask the building inspector from Long Branch that has control over West Long Branch. No body asked him, you don't have an answer?

Mr. Falvo, we put a couple of calls in but never got a response.

Mr. Schulz questioned if this property was on the list of complaints in regard to fences in the area obstructing the view?

Mr. Falvo stated that it was not. There is an area on the corner that remains unobstructed as per your ordinance and the fence in the front is 3 feet picket fence.

Mr. Irene, there was discussion last time; apparently there was a 1998 resolution that had some language about a fence on it. Are amending that or was that just called to our attention?

Mr. Falvo, the 1998 resolution allowed the fence in the front yard on the south side of the property. So what we're doing is extending the 6-foot high vinyl fence in the westerly direction until it's parallel to the front of the house.

Mr. Irene, what I'm asking is, is anything that is proposed on contrary to either the relief that was granted or any condition that was in the 1998 resolution?

Mr. Falvo, no.

Mr. Venezia, so we're going to consider on the pool the fence height and allowing the fence as is now the driveway going out to Old Farm Road that will cross lot 8 with an easement.

Mr. Schulz made a motion to accept the application with conditions and was seconded by Mr. Habeck. Mr. LaMarca and Mr. Giglio abstained. All others were in favor of this motion.

ZB 2015-07 Monmouth University

Block: 39, Lot: 11

Mr. Irene, Esq., Mr. LaMarca and Mr. Habeck recused themselves for this application.

Mr. Cieri, Esq. will sit in for Mr. Irene.

Mr. Miller and Mr. Walters, members of the Planning Board will be sitting in on this application due to a majority of the Zoning Board members having a conflict.

Mr. Cieri, Esq. I've examined the application the original affidavit of service and affidavit publication from the Asbury Park Press and I'm satisfied with the publication and the Board has jurisdiction.

Ms. Heard reviewed her letter dated October 21, 2015

Mr. Schulz made a motion to grant the completeness waivers and was seconded by Mr. Murphy. All others were in favor.

Mr. Smith, attorney for applicant

Mr. Smith stated that tonight's application is for a (D) variance or a height variance for the press box and stands facility that is being proposed for what is now known as the Kessler Field. We need a use variance. We are going to demolish the existing Kessler Field press box, which was not the one approved in July of 2013, but the plans, changed along the way and we're going to demolish that and replace it with a state of the art facility. We're going to expand it by approximately 1200 seats separated as necessary to meet the standers.

Witness:

Marilyn McNeil, 400 Cedar Avenue, West Long Branch
Vic-President and Director of Athletics for 22 years

Ms. McNeil described the benefits of the new stadium.
There will be about 1,200 seats added.

Mr. Venezia, what is the capacity now?

Ms. McNeil, right now it's about 3,100 I believe.

Mr. Schulz, how do you get a true head count?

Ms. McNeil, we count through the turn style.

The way the seating is configured there will no longer be a standing room only.

Mr. Walters, what is the range of attendance?

Ms. McNeil, I think the first game we were at full capacity, close to 3,100 and on Saturday I think we were closer to 1,800 - 2,000.

Mr. Schulz, how many reserved seats do you have?

Ms. McNeil, I think it's around 150 - 170.

Mr. Venezia, how was the 200 foot notification determined?

Mr. Smith, we used the whole property of the main campus.

Witness:

William E. Fitzgerald, Engineer and Planner for applicant

Exhibit A-1 Architectural Plans prepared by Donald Dissinger (4 sheets) dated 06/04/15 last revised 10/07/15

Exhibit A-2 Architectural Plans prepared by Donald Disinger dated 06/04/15

Exhibit A-3 Site Plan (10 sheets) prepared by William Fitzgerald dated 06/16/15 last revised 10/07/15

Exhibit A-4 Letter of Transmittal of the escrow and application fees

Exhibit A-5 Colored Photos of the Existing and Proposed Stadium

Exhibit A-6 Colored Photo prepared by Mr. Fitzgerald dated March 2013

Exhibit A-7 A Tabulation of the primary buildings prepared by Mr. Fitzgerald

Exhibit A-8 Stormwater Management Report prepared by William Fitzgerald dated 10/07/15

Exhibit A-9 Traffic Report prepared by John Rea dated 10/08/15

Exhibit A-10 Tabulation of the parking spaces on campus

Exhibit A-11 Summary of parking for the month of September 2015

Witness:

Patricia Swannack, Vice President for Administrative Services

Ms. Swannack oversees the facilities management and campus planning and construction.

Ms. Swannack reviewed the proposed plan for the new stadium with the Board.

Mr. Schulz, "How much higher is the elevator then the roof?"

Ms. Swannack, "I believe it's about 2 feet 10."

Ms. Swannack stated that there are more, smaller speakers through out the facility, which will comply with the DEP regulations at 65 decibels. The sound system will be calibrated and locked.

Mr. Walters, "What's the current sound system working at?"

Ms. Swannack, "We tested up to 80."

Mr. Schulz, "There will be more speakers at a lesser valium correct?"

Ms. Swannack, "Yes, correct, they will disbursed throughout and they will be pointing towards the interior of the facility."

Mr. Schulz, "How does the West Long Branch Police monitor a noise complaint?"

Ms. Swannack, "I don't want to speak on behalf of the Police. If we have a noise complain, we turn it down."

Mr. Walters, "Are there any lights for night games?"

Ms. Swannack, "There are no night games."

Public:

Michael Pagones of 117 Larchwood Avenue

Mr. Pagones "I live right across the street from the stadium. I wanted to talk about the height of the press box and the present proposal but I respectfully disagree that there's no music. I have called the police at least 100 time in the last year and a half to complain about loud music from the stadium during the summer when you're hosting Summer camps, renting the stadium to Church Olympics. Typically, it's very hard to talk to either the West Long Branch Police or to the Monmouth University Police. Basically, they send me from one to the other. The biggest complaint from the people that live next to the University and right next to the stadium is the loud noise. At 9:00 AM the music is playing and there isn't a single person on the stands so I'm assuming that the music is intended for the athletes to warm up and that is one of my biggest complaints. There are days when both Saturdays and Sundays, the music will play the entire day, from 9:00 AM to dusk."

Mr. Smith spoke of the police the University has.

Exhibit A-12 Monmouth University Polices and Procedures Issued 09/21/15

Mr. Murphy, "Is the music coming from the stadium loud speakers or from boom boxes?"

Mr. Pagones, "No, sometimes it's a cacophony of noise, it's coming from all 3 fields."

Ms. Swannack stated that they have never received any police report, from the University police or West Long Branch police.

Public:

James Hurta of 496 Cedar Avenue

Mr. Hurta stated that the noise didn't change, I believe she mentioned September 21st and the noise on the weekends is just atrocious and as for as the police saying that they have not ever taken a complaint, I myself have called many times to both and only to be told to call the other police station. You can't even enjoy your own backyard.

Ms. Swannack stated that there are hours on their police and doesn't recall anything starting that early.

Mr. Murphy, "Have you ever been out there on the weekends?"

Ms. Swannack, "Absolutely, I'm out there all the time and I have not heard anything at 8:00 in the morning."

Mr. Venezia, "Seems like this new police is going to address the noise."

Mr. Murphy, "Ms. Swannack, do you ever get any tailgaters?"

Ms. Swannack, "Well, when we get tailgaters and this is one of the reasons we want to increase the capacity. During a football game,

while the game is being played people are not permitted to tailgate.”

Mr. Giglio, “How high are the speakers?”

Ms. Swannack, “They’re very high, I don’t know off the top of my head.”

Mr. Walter, “George, if we consider this can Board put limitations on the time the speakers are used instead of just their policy?”

Mr. Ceiri, “Yes, absolutely.”

Mr. Schulz, “You noise policy states that music shall not start earlier then 90 minutes before a game so if a game starts at 1:00 O’clock the music can start at 11:30 correct?”

Ms. Swannack, “Correct.”

No further questions for Ms. Swannack from the Board or the public.

Witness:

Donald A. Zigger, architect for applicant

Mr. Zigger gave an overview of the proposed facility to the Board.

Mr. Zigger stated that the original stadium had 28 rows and 3,072 seats; the new stadium will have 29 rows and 4,200 seats.

Mr. Venezia, “What’s the difference in height from the old building and the proposed building?”

Mr. Fitzgerald will answer that question.

Mr. Venezia, “How much longer is the proposed building then the old building?”

Mr. Zigger, “This building has more square footage in length.”

Public:

Pagome, “Is the height of the building going to be higher or shorter than the existing building?”

Mr. Venezia stated that Mr. Fitzgerald will answer that question.

No further questions for Mr. Zigger.

Break 9:45

Adjourn: 9:53

Witness:

William Fitzgerald

Mr. Fitzgerald described the how the height was calculated according to the Ordinance.

The press box that’s there now is 200 feet from Larchwood Avenue; the approved press box was 221 feet from Larchwood Avenue. The proposed, the top of the seating as proposed is 38.1 feet high. That setback is 115 feet from Larchwood Avenue; the press box has a roof height of 50.8 feet. The video deck has a height of 62.97 feet and is 235 feet from Larchwood Avenue. The elevator shaft, which is the tallest, is 10x10 in dimension and is 336 feet from Larchwood Avenue.

Mr. Fitzgerald, described Exhibit A-6 taken in March with the Board.

Public:

Mr. Hurta, I don’t see any pictures from the north, the properties that about to your campus property. I only see pictures from the west on Larchwood facing the campus. I have a very clear view from my property. That part of the property is a road used by cars and trucks of all sizes.

Mr. Fitzgerald, we can come up with a planting screen.

Mr. Pagones stated that the only problem he had with the previous approval is the height of the press box.

Mr. Fitzgerald reviewed the letter from Bonnie Heard; Board Engineer dated October 21, 2015.

Ms. Heard, "We're increasing the seating by 1,200 seats? So we'll need 1 space for every 3 seats."

Mr. Fitzgerald, "Correct, that depends on how you look at it. 296 parking spaces are need since there isn't more then 1 even going on simultaneously."

Mr. Fitzgerald stated that they would do what ever Fire Marshal Shirley wants us to do. He usually comes out and works with us on site.

Mr. Schulz, "Is there a time frame for deliveries and trash pick up?"

Mr. Fitzgerald, "The University take care of it's own trash. I don't know if there is a specific time."

Mr. Fitzgerald described the grading and drainage plan with the Board.

Mr. Venezia, "These storage bins already exist?"

Mr. Fitzgerald, "No, it's all new."

Ms. Heard, "There are a lot of little things that need to be corrected. The design waiver has to be discussed.

Mr. Schulz made a motion to grant the waivers and was seconded by Mr. Murphy. All others were in favor of this motion.

Mr. Fitzgerald, we need a variance to remove a tree(s).

Public:

James Hurta, "If this is approved, how are you accessing the construction site?"

Mr. Fitzgerald, "It's got to be from the south side, using the main driveway on Larchwood."

Mr. Fitzgerald, we're asking for a height (D-6) variance

No further questions from the Board or the public for Mr. Fitzgerald.

Mathew Conti of 21 East Walnut Place

I came to this meeting with an open mind, didn't even know that the stadium was going to be talked about and after hearing both sides I believe that the greatness of the stadium outweighs the negative toward community and I think it should be built.

Monmouth University is carried to the November 19, 2015 without the necessity to re-notice.

Mr. Murphy made a motion to adjourn and was seconded by Mr. Santorelli, Jr. All others were in favor of this motion and the meeting adjourned at 11:04

Respectfully Submitted,

Martinha Silva, Board Secretary