

Minutes of the Zoning Board Public Meeting of Wednesday, April 13, 2016

Present are Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps

Also present are Marc Leckstein, Esq., Leckstein & Leckstein, Anthony Abbonizio, CME Associates, and Martin Truscott, T & M Associates.

Absent are Mr. Apostolou, Mr. Byock, Mr. Forgione and Mr. Bucco

Mr. Phillips moved to approve the minutes of the February 10, 2016 Public Meeting, seconded by Mrs. Friedman, and on voice vote all eligible members approved.

New Business, **V16-102/Hammond, Applicant and Property Owner: Tammy Hammond, Rose Street and Monmouth Avenue, Block 163, Lot 1, Variance** request to construct single family residential home. Variances required for Lot Area 6,000 sq. ft. required, 3,600 sq. ft. existing and provided; Lot Frontage 60 ft. required, 40 ft. existing and provided; Lot Width 60 ft. required, 40 ft. existing and provided, Front Yard Setback 25 ft. required, 8 ft. proposed for second front yard, on property in the R 60 single family residential zone.

Fred Kalma, Esq., attorney for the applicant.

Mr. Leckstein marks as Exhibit A-1, the plot plan and survey prepared by Richard Heuser, dated October 26, 2015, revised February 11, 2016. Marked as Exhibit A-2 are architectural plans prepared by Kurt J. Ludwig, AIA, dated 8/27/15, last revised 10/6/15.

Marked as Exhibit B-1 is a review letter from CME Associates dated February 9, 2016.

Mr. Leckstein swears in the Board's professionals, and swears in the applicant, Tammala Hammond.

Mr. Kalma says this is a simple, isolated lot, with bulk variance, three of which exist already, lot frontage, lot width and lot area. It is a corner lot and will have two front yards, creating one of the variances of front yard setback of 25 ft. If his client complies with that requirement, there would be no room for a residence to be built.

Under questioning by Mr. Kalma, Ms. Hammond states she is the owner of the subject property, a 40 ft. x 90 ft. lot, 3600 sq. ft. The submitted architectural show the home she wishes to construct on the lot. The proposed home will be two stories. There are existing two story homes in the surrounding neighborhood. Lot No. 4 is a 40 x 100 ft. lot, and Lot No. 5 has a 40 ft. frontage, as is Lots 7 and 9. Across the street in Block 166, Lot 1, the lot is less than 40 ft. and on Monmouth Avenue there are 40 x 100 lots. Further up on Rose Street are 50 x 100 ft. lots. She agrees the neighborhood is pretty consistent in undersized lots. The property on Rose Street to the south has an existing dwelling on it, as does the property to the west, near her rear yard, also has an existing dwelling on it. She is basically stuck with an undersized lot that she wants to develop.

Answering Mr. Leckstein, Mr. Kalma and Ms. Hammond say she agrees to the comments in the CME review letter of February 9, 2016. Mr. Heuser has revised the plans to include some of the comments, including water and sewer connections to be made, contribution to the sidewalk fund, removal of the septic tank, and indicate any trees to be removed.

Answering Mr. Falco, Ms. Hammond says her lot is the only empty lot in the neighborhood for four or five blocks, though the plot plan shows only three homes and the rest as empty lots. She does not know why.

Answering Mr. Abbonizia, Ms. Hammond says the front of her house will be on Rose Street. She does not want to move the driveway to Monmouth, which is less of a busy street than Rose. Mr. Kalma says Rose Street is basically a thoroughfare connecting Cliffwood Avenue and County Road, that's why everyone uses it. Ms. Hammond says it is the only street into the neighborhood.

Mr. Leckstein confirms the house will face Rose with the garage in the rear facing Monmouth.

Mrs. Friedman moves to approve the application with conditions in the CME letter, seconded by Mr. Falco.

Yes: Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps.

No: None

Abstain: None

The Board takes a short break. Upon resuming, there is discussion between Mr. Leckstein and Jeffrey Gale, attorney for the applicant, whether or not he wants to go with four people this evening. There can be no vote. It is noted that Mr. Apostolou, Mr. Bucco and Mr. Byock must listen to the CD of this April 13 meeting.

The roll call remains as it did in the beginning of the meeting.

Continued Business, **SP15-505(Revised)/6507 Amboy Road, LLC, Applicant and Property Owner: 6507 Amboy Road, LLC, 1027 Highway 34, Block 65, Lot 2, Use Variance and Minor Site Plan (revised)** application to permit a funeral home to operate, with parking, lighting, signage, on the above captioned property located in the Regional Commercial (RC) zone, where funeral homes are not a permitted use. Variances required for Lot Area, 120,000 sq. ft. required, 29,181 sq. ft., existing and proposed; Lot Frontage 250 ft. required, 202.76 ft., existing and proposed; Lot Width, 250 ft. required, 153.85, existing and proposed; Front Yard Setback 75 ft. required, 40 ft. previously approved, 38.7 ft., existing and proposed; Side Yard Setback (each) 50 ft. required, 32/3 ft., previously approved, 35/2.9, existing and proposed; Sign Setback 50 ft. required, 2.2 ft. proposed; two proposed ADA parking spaces are 8 ft. wide where 12 ft. wide is required. Note this site was most recently approved for a Senior Health Daycare Facility, which has since vacated the building after several years. **This application is carried with no further notice from the February 10, 2016 public meeting for additional testimony.**

Jeffrey Gale, Esq., attorney for the applicant, of the firm Sawyer, Gale and Laughlin, says it is understand that this evening we have four Board members, which qualifies as a quorum, but there can be no vote on the use variance. It is also his understanding that the four seated members were present for the first hearing on this application, so we need one or two other members to listen to the tape.

He has discussed the situation with his client. He has this evening three expert witnesses, the planner, site engineer and traffic expert. They have decided to present their traffic expert only. They would prefer to have their other two experts testify before a full Board.

Mr. Leckstein marks as Exhibit A-10 the revised site plan dated 5/4/15, last revised 3/29/16, prepared by James E. Kennedy. Kennedy Consulting Engineers, LLC; Exhibit A-11 is a Letter of No Interest dated 2/27/16 from the State of New Jersey Department of Transportation; Exhibit A-12 is the Ventilation of Funeral Homes Preparation Room prepared by the New Jersey Department of Health and Human Services; Exhibit A-13 is a copy of the license from the State of New Jersey Office of the Attorney General Division of Consumer Affairs for John Vincent Scalia, Jr. to practice as a mortuary officiant through February 28, 2017; Exhibit A-14 is a copy of a license issued by State of New Jersey Office of the Attorney General Division of Consumer Affairs to Michael Hegarty and John Vincent Scalia Home For Funerals to operate a funeral home at 3377 US Highway 9, Old Bridge, New Jersey, valid thru 12/31/17.

Mr. Leckstein marks as Exhibit B-3 the T&M Associates review letter dated 9/30/15, revised 4/5/16, prepared by Martin Truscott. Mr. Gale confirms there is no updated letter from CME Associates.

Elizabeth Dolan is sworn in by Mr. Leckstein, and states she is employed by Dolan and Dean Consulting Engineers, LLC, 792 Chimney Rock Road, Martinsville, NJ, and she has been licensed as a Professional Engineer in the State of New Jersey since 1992. She is a partner in the firm and has been working over 30 years as a traffic engineer in the State of New Jersey.

Under questioning by Mr. Gale, Ms. Dolan says she has reviewed the site in question, and says the site is currently not operating. It is her understanding the last use was an adult day care. There are separate ingress and egress driveways along Route 34, and an alternative access for movement driveway on South Atlantic Avenue. The onsite circulation, accesses and parking are to remain with the new use of a funeral home at this location.

Ms. Dolan says there are two driveways along State Highway 34, separate ingress and egress driveways. The egress is at the northern end of the site and is signed "no left turn egress." Those separate driveways form a one way aisle in front of the existing building, but the ingress driveway does provide access to the parking, largely on the southerly side of the building, and it all connects with the driveway on South Atlantic Avenue, which driveway permits all movements.

She does not believe the use of the funeral home would impact traffic on South Atlantic. Although it is an unused site, the addition of the funeral home will reintroduce traffic to South Atlantic Avenue. The nature of the characteristics of a funeral home are (1) off peak, and (2) not considered significant, which is defined in their traffic engineering terms and in their access code as 100 trips or more in an hour, and the level of trip generation they have used based on NJDOT data is significantly less than what is considered significantly, and maxes out at 24 trips. The trip generation and largest impact on a funeral home is typically not when the roadways are experiencing peak volumes but rather mid morning, maybe 10 a.m., 2 to 4 p.m. and 7 to 9 p.m. This type of use does generate driveway volumes but typically the maximum volumes are outside the traditional peak periods on the street.

In regard to the utilization of the facility for active funerals, she would anticipate a funeral procession would exit the site by one of two means. Based on her experience with funerals and working next door to a funeral home and having consulted with this project

team, the funeral director will advise the people attending how the hearse will be leaving the site, whether turning right onto Route 34 to go north, or going out of South Atlantic Avenue, the vehicles will line up to exit the property in either direction, managed by the funeral director or staff. Sometimes there is a police officer, but she does not know if accommodations have been made for that yet. There is an organized approach to the departure of the funeral procession. A police officer would be on a case by case or funeral by funeral basis, depending on the volume of the anticipated traffic.

Ms. Dolan says the intersection of Route 34 and South Atlantic is controlled by a traffic signal. There could be an automatic stop or break in the traffic to permit the procession to exit the funeral home.

In regard to the DOT letter of no interest, Ms. Dolan says it is her firm that prepared the application and included the site plan with the request. There are two criteria to base their decision on: (1) a significant increase in traffic; if a site is redeveloped the new use can add 99 trips to the State Highway driveway without having to obtain new access permits. Clearly the NJDOT trip generation associated with a funeral home, and a maximum of 24 trips, is in no way able to create a significant impact. (2) A new access permit would be required if they were to modify, alter or reconstruct their driveways on the State Highway, or if they were to eliminate the driveway on South Atlantic Avenue. The submitted site plan shows they are maintaining their ingress and egress driveways on Route 34. When she applied to the DOT, she provided them the site plan, the history of uses on the property, and the trip generation associated with the funeral home, and their determination was they do not require any access permit, there is no significant increase in traffic, and they summarized that in the reference in their February 17 letter.

With regard to the parking area on site, Ms. Dolan says the site is designed with the appropriate geometry to allow movements into and out of the parking spaces and the appropriate circulation thru the parking field to Route 34 access and access on South Atlantic Avenue.

Ms. Dolan says she was contacted on this application after the first CME review letter was issued on traffic. There were comments on the traffic impact study; the subsequent letter of December 8, 2015 predates the letter from the DOT, but any outstanding comments regarding impact analysis or obligations this applicant may have by virtue of the access roads, have been addressed. There is no need for an impact analysis. The other comments have to do with any obligations this applicant would have to study intersections on State highway. There are also some geometry comments their engineer will testify to at the next meeting.

Answering Mr. Falco, is the amount of parking spaces in a funeral procession vs. how many people could be there, and no off street parking, there has been no testimony. Ms. Dolan replies there has been testimony from the applicant who believes the site is appropriate for the majority of the wakes and funerals. She is not familiar with standards except perhaps in ordinances with regard to the parking supply for funeral homes. Because of the inconsistent volume, she understands the applicant has briefly discussed overflow parking the adjacent property owners, but certainly parking is not permitted on Route 34 and the site side of South Atlantic Avenue. They have a valet plan which will increase the ability to store vehicles on the applicant's property while maintaining circulation aisles in the driveway.

Answering Mr. Leckstein, Rick Brodsky, Esq., says his client is Mr. Incle. Kelsey Steele, 46 Bechstein Drive, Aberdeen, NJ, is sworn in by Mr. Leckstein, says the last time the applicant was before the Board they claimed they could park at the bank, Capital One. He went to visit the manager at the bank, who told him he did give permission, but then called the Corporate Office, who said no one can authorize parking on the bank's site. It is private property and insurance would not cover unless you were an employee or customer of the bank. They are not authorizing parking on the bank site. He did not have all the information with him when he visited the bank, and they told him they would need more information in order for them to send an attorney to the Board.

Mr. Steele says TD Bank says the applicant did not come to them, and CVS said they are open the same hours so they cannot use their parking spaces for the funeral home.

Ms. Dolan says she did not speak to these businesses.

Mr. Gale says Mr. Steele's testimony to a great extent is consistent with what his client testified to. It was represented he went to the local branch manager, he could not go to the Corporate headquarters, he would never get permission, which is why they can't seek a resolution contingent upon that parking. They just can't sign off on something like that, which is why this application is not subject to available parking off site. The current manager said it would be ok, but managers change.

Mr. Steele says the local manager does not have the authority and the regional manager denied it.

Mr. Steele is told to discuss with the applicant and his attorney if he wants more information for the bank.

Mr. Brodsky, addressing Ms. Dolan, asks if she is opining as to the sufficiency of the parking for the operation of the funeral home; Ms. Dolan replies there is not much data in the traffic engineering world. Her engineer provided calculations based on service area, five spaces per one thousand sq. ft., and they would exceed that. She indicated from an operations perspective the applicant is parking meeting his anticipated needs. The limited research she found typically for wakes and funerals there are multiple people visiting the funeral home in one vehicle, like two to three persons per vehicle would be expected.

Mr. Brodsky says he is asking Ms. Dolan, as the traffic expert, in her opinion or whether she is not opining, that 32 parking spaces would be sufficient to accommodate all of the proceedings or services that would take place at this proposed funeral home; Ms. Dolan replies the key word is "all." She heard estimates of 10,000 people attending the service for a football player in Warren County. Those types of funerals would not be accommodated at this location. Mr. Brodsky agrees with her.

Mr. Brodsky asks Ms. Dolan about her referenced valet service, would that be utilized in the instances where the parking lot would be insufficient to accommodate the needs of the visitors, Ms. Dolan replies it is on a case by case basis. For the majority of wakes and funerals, 30 some odd spaces seems to be the appropriate range based on the onsite traffic engineering information she saw. There will be times there are larger families or certain types of persons, or an aged person, or how well they are known in the community, then there is going to be a need for other arrangements with neighboring property owners or to have the wake and funeral at another location.

Mr. Brodsky asks where would the overflow parking be valet to; Ms. Dolan says the plan you will see from their engineer shows a number of vehicles valet on the property itself with double stacking, which a valet would typically do while maintaining a travel aisle thru the site. That would give an additional parking supply. She has not been a party to arrangements with adjoining property owners.

Mr. Brodsky, says last meeting there was testimony virtually the entire site is a fire lane, which would preclude the ability to valet park and double stack parking. Ms. Dolan says she knows it is striped that way now, and the valet plan shows a doubling up of vehicles, but did not as she recalls put the vehicles closer together than a 9 ft. stall, which certainly in valet you can go to 8 ft. Ms. Dolan is not sure if that includes storing the vehicles in the fire lane.

Mr. Gale says the site engineer, Mr. Kennedy, will address that. Ms. Dolan is not the one who designed the valet element.

Mr. Brodsky says on the site now is a gate of some sort, as a requirement of a prior application, having to do with cut thru traffic, which Ms. Dolan noticed but does not know the history of the gate.

Mr. Brodsky, referencing the procession in the front of the building, asks Ms. Dolan the number of cars would fit there. Mr. Brodsky clarifies lining up, queuing Ms Dolan responds in front of the building would be a handful of cars, but the idea would be the balance would leave their parking spaces and line up behind the hearse and any limousines, so if the vehicles were going out to Route 34 they would get themselves into a line to leave the property.

Mr. Brodsky says he is having trouble visualizing how the cars would come and go if the procession is in the front of the building, but will leave that question for Mr. Kennedy.

Answering Mr. Brodsky, Mr. Gale says someone else will be talking about the valet.

Mrs. Friedman, addressing Mr. Scalia, who returns to the table, previously sworn, asking if his other funeral home is on Route 516 in Old Bridge, Mr. Scalia replies it is on Route 9 in Old Bridge, about a 15 minute ride from the Aberdeen location. He says he could easily move a funeral to that location if it were a student or someone active in the community that had a large number of people anticipated attending. It could be an option to shuttle people to that site from this site. He has on site parking for 65 cars and about 300 ft. south of this facility is a parking lot which is unoccupied after 6 p.m. with about 150 spaces in that lot. They could if necessary move a funeral from one site to another, and they could use the Aberdeen location for shuttle purposes, if necessary. The numbers are hard to come by, but they could do a better job if necessary.

Under questioning by Mr. Gale about the benefit of valet parking and how it would work at the Aberdeen site, Mr. Scalia says he uses valet parking at his Staten Island location. The benefit is there is always a large turnover of people that come to a funeral home, so cars go in and out quickly, so a valet would make the turnover go smoothly instead of having people wait on the street or circling the parking lot waiting for someone to leave so they can get into the site. It is a better opportunity for the turnover. When people come to a funeral home for a wake, they generally don't stay very long. They come in, pay their

respects, mill around in the lobby for a few minutes, then leave. Most people don't spend more than 15 or 20 minutes if not a family member.

Mr. Scalia says his engineer has designed the spaces available for a valet parking situation. A valet would greatly relieve any congestion. He believes he created more options. Mr. Gale says the engineer will discuss the plan at the next meeting.

Answering Mr. Phelps about police being present for traffic control, Ms. Dolan says the police could control traffic if needed. It hasn't been discussed yet/ Typically a funeral director is outside arranging the procession. There is a very active participation as opposed to people just getting in their cars and trying to follow the hearse. She doesn't know if Mr. Scalia does it or not, but some funeral homes attach flags or tags so there is an extra level in addition to headlights being on that this is part of a funeral procession.

Answering Mr. Phelps about his experience with police being involved in processions, Mr. Scalia says given the nature of certain circumstances, he would reach out to the local police department for an escort. It is not unusual in small townships in New Jersey. Staten Island is different, the NYPD have better things to do than assist funeral homes, but his experience from his time in Old Bridge is that surrounding towns reach out to their police departments, who are amenable to provide an escort. Usually you get one or two radio cars, one for the beginning of the procession and the other is used at the back or blocking intersections temporarily to let the procession go thru. This happens when necessary. Their facility is on Route 9, so it doesn't happen much, especially a traffic light is close by. They are near Ferry Road, and when the light turns red they have adequate time to dispense the procession onto Route 9. There is also a jughandle at Cindy Street, so it is easy on, easy off.

Mr. Brodsky states the valet plan is important enough, will the applicant be willing to submit it in sufficient time of the next meeting so the fire marshal, engineer and others can review it prior to the next meeting. Mr. Gale replies it will be presented as an exhibit and filed with the Board not less than 10 days in advance of the meeting.

There is no one from the public to speak about this application.

Mr. Gale requests this application be carried to the May 25 public meeting, as well as the June 8 meeting because of the amount of witnesses both he and Mr. Brodsky have, with no further notice. We will just carry it for now until May 25.

Mrs. Friedman moves, seconded by Mr. Phillips, to carry to the May 25 meeting with no further notice, and on voice vote all members agree.

Memorialization of Resolution SP15-501 and SP 15-508/Wawa, Inc., Applicant and Property Owner: Wawa, Inc., 204 Highway 35, Block 303, Lots 24 and 25, Amended Minor Site Plan application to include an 8 ft. high fence, trash enclosure and parking, and new Minor Site Plan application to sell diesel fuel, which requires an additional underground storage tank, on business property located in the Highway Commercial (HC) Zone, is summarized into the record by Mr. Leckstein. Mrs. Friedman moves to memorialize SP15-501, seconded by Mr. Falco.

Yes: Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps.

No: None

Abstain: None

Mr. Falco moves to memorialize SP 15-508, seconded by Mr. Phillips.

Yes: Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps

No: None Abstain: None

Memorialization of Resolution **V16-103/Hanrahan, Applicant and Property Owner: James Hanrahan, 10 Dolan Avenue, Block 257, Lot 1.01, Use Variance** to erect 6 ft. fence in second front yard (Sinnott Place), where 6 ft. fences are not permitted in a front yard area in the R 75 single family residential zone, is summarized into the record by Mr. Leckstein. Mr. Phillips moves to memorialize, seconded by Mr. Falco.

Yes: Mr. Falco, Mr. Phillips, Mr. Phelps

No: None Abstain: None

Memorialization of Resolution **V16-105/Conroy, Applicant and Property Owner: Erin Conroy, 125 Arlington Avenue, Block 178, Lots 1 and 13, Use Variance** to erect 6 ft. fence in second front yard (Delaware Avenue), where 6 ft. fences are not permitted in a front yard area in the R 60 single family residential zone, is summarized into the record by Mr. Leckstein. Mr. Falco moves to memorialize, seconded by Mr. Phillips.

Yes: Mr. Falco, Mr. Phillips, Mr. Phelps

No: None Abstain: None

Memorailization of Resolution **V 16-107/Mallett, Applicant and Property Owner: Art Mallett, 149 Idlewild Lane, Block 56, Lot 12, Variance** to install a 21 ft. round above ground pool with a 5 ft. x 13 ft. attached deck and maintain an existing 8 ft. x 12 ft. shed. Proposed pool is 8 ft. and 6 ft. to house where 10 ft. minimum required, and 4 ft. to side property line where 10 ft. minimum required. Existing shed is 2 ft. to side property line where 3 ft. is required, and 1 ft. to rear property line where 3 ft. is required, on property located in the R 75/PC single family residential zone, is summarized into the record by Mr. Leckstein. Mr. Phillips moves to memorialize, seconded by Mr. Falco.

Yes: Mr. Falco, Mr. Phillips, Mr. Phelps

No: None Abstain: None

Meeting adjourned.

