

TOWNSHIP OF OCEAN  
PLANNING BOARD  
REGULAR MEETING  
January 7, 2010

Meeting began at 7:30 PM

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

**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.

**ROLL CALL**

Members Present:	Vince Anepete	Joseph Lachawiec	Dennis Tredy
	Ralph Avellino	William Sneddon	Gordon VonSchmidt
	James Eckert	Rita Sweeney	Ken Bynoe
			Craig James

Members Absent: Bob Knowles

Chairman Anepete asked for a motion to take action on the minutes of the December 3, 2009, Regular meeting. Mr. Avellino made the motion to approve the minutes. Mrs. Sweeney seconded the motion. All in favor: (aye) Avellino, Sweeney, Sneddon, Tredy, VonSchmidt, James, Anepete.

Chairman Anepete asked for a motion to take action on the voucher list. Mr. Avellino made a motion to approve the vouchers. Mr. Eckert seconded the motion. All in favor: (aye) Avellino, Eckert, Sneddon, Sweeney, Tredy, VonSchmidt, Bynoe, James, Anepete. Abstain: Lachawiec.

Correspondence list was attached in the board's packet and the Chairman offered that if anyone would like to review the correspondence it is always available in the board office.

**BOARD COMMENTS**

Chairman Anepete suggested that the board professionals present a topic of discussion at each meeting during board comments to continually educate the board on various topics. Chairman Anepete asked Mr. McVicar to discuss completeness for this meeting. Chairman Anepete asked Mr. Yost to discuss public comment session for this meeting.

**OLD BUSINESS**

**Resolution 01-10-PB** Lennar Corporation, Amended Final Major Subdivision, Section 6 of Greenbriar. Mr. Avellino made a motion to approve the resolution. Dennis Tredy seconded the motion. All in favor: (aye) Avellino, Tredy, Sneddon, Sweeney, James, Anepete.

## NEW BUSINESS

**Preliminary Presentation to Courtesy Review for Ocean County Natural Lands Trust, Wells Mills Park, Block 33.01, Lot 4.02.** Mr. Michael Mathis approached and addressed the board and gave a brief description of the application that will be coming before the board within the next several months. Mr. McVicar pointed out that his firm prepared the subdivision map for the County so when the application comes before the board, the Conflict Engineer will need to prepare the courtesy review letter.

**Coastal Redevelopment Partners, Waretown Town Center Phase II, Block 42, Lots 25, 26, 27, 28, 29.03, 29.07, 30 and 36.01 – The Willows at Waretown, Docket No. 06-09-PB, Preliminary Major Site Plan, Docket No. 06.09.PB.**

Under the advice of Mr. Yost, Mrs. Sweeney recused herself due to a conflict.

Ms. Michele Rosen, 29 Bradley Beach Way, approached and spoke regarding a previous recommendation from Mr. Yost to a former board member concerning recusal a year ago. Ms. Rosen felt that Mr. Tredy and Mayor Lachawiec should recuse themselves from this application because they already voted on this application at the Township Committee level on December 10<sup>th</sup>, 2009. Mr. Yost, without the benefits of the minutes, based on recollection, the former board member recused himself because he was a Greenbriar resident and that application dealt with Greenbriar. Mr. Yost doesn't feel this is the same type of issue. Mr. Yost added that he would happily discuss and research any legal matter in the future if it is brought to his attention ahead of time, especially if the reference is to something that he gave legal opinion on a year ago.

Mr. Henry Kent-Smith, attorney (Fox Rothschild) for the applicant approached and addressed the board. This is the second phase of the Town Center Redevelopment. 100% affordable and all senior housing. The Ingerman Group has been named Redeveloper. Their specialty is to create 100% affordable, senior housing. There is a time element involved with this application. This is a part of the Federal Stimulus Plan, a one-time offer of tax credit financing. The application must be submitted on or before February 15<sup>th</sup>. In order to submit the application, Preliminary Approval is necessary from the Planning Board. The applicant will have to come back with a more fully designed plan with details and then a final review can be done.

All witnesses were sworn in by Mr. Yost: Lara Schwager of the Ingerman Group, Director of Development, Mike Donovan, Architect/Principal of Haley Donovan Architecture and Richard Kenderian, KDA Engineering, Site Plan Engineer. Chairman Anepete accepted credentials.

Ms. Schwager spoke about the Ingerman Group. There are three arms of the company: Development, Construction and Management. The Ingerman Group stays with the project over the course of time. COAH is in Round III, however the town has not met its Round II obligation as of yet. You must show COAH that you are moving forward with your obligation. By building this 100 unit building, it satisfies COAH. This project would have to be started by 3<sup>rd</sup> or 4<sup>th</sup> quarter of this year. 30% of the dollars have to be expended by the end of the year. The tax subsidy requirements are perfect for this location. There is a competition to be awarded these tax credits. The most qualified project will win. Ms. Schwager answered Chairman Anepete that in her opinion, we have all the points necessary. There are 62 checkpoints on the list and we have them all. It is a ranking system. The next step would be a tie-breaker. The tie-breaker is called "tax credits per unit". It really drives the developer to drive the costs down and in line. The affordable housing trust fund would pay the sewer and water

connection fees out of the trust fund as apposed to being something the tax credits are counted towards. It brings down the tax credits that the project will need, making the project more attractive. 3 full-time employees will be staffed for the building: a Manager, a full-time Maintenance Manager and a Supportive Service Coordinator (coordinates fitness classes, etc.). Residents are independent living. This is not an assisted living complex. Trash chutes are located on every floor. Ms. Schwager spoke that at most one to two calls per month are usually emergency services related. There are many months where to do not get any calls at all. This goes back to the pre-screening of residents. This project will be deed restricted for a senior affordable housing community for 30 years. There will be a small function rooms that has a heat-up kitchen. No large scale deliveries will be necessary. 80 parking spaces will be available for 100 units.

Dave Roberts, CMX, Township Planner was sworn in by Mr. Yost. Mr. Roberts answered a question concerning the COAH list. There is a lottery. It is not uncommon that residents in a municipality can get on the list before the general public hears about the project to increase their chances in the lottery through marketing efforts of the project.

There are median incomes that are set for our area. Ranges are from a one person/one bedroom making about \$18,000 per year rent will be around \$400 per month. Two people living in the apartment at the highest range of income (\$45,000) rent will be a little over \$1,000 per month.

Mr. Donovan of Haley Donovan highlighted the interior and exterior details of the project that Ingerman Group is proposing. Mr. McVicar, Board Engineer, was sworn in by Mr. Yost during Mr. Donovan's presentation. Architectural review would be done in the future.

The board discussed the number of parking spaces and evacuation procedures if there was an emergency. Volunteer Way is close to moving forward which will give an alternate evacuation route other than Route 9. The board is asking the applicant to green bank 20 additional parking spaces to bring the spaces into compliance. The Ingerman Group will get in touch with the power plant to see if an evacuation plan could be implemented per the board's request.

Mr. Kenderian of KDA Engineering gave testimony on the site plan. The project is on a 3.3 acre tract and located in the TC District. The project is a 90,097 SF. The project is consistent with the Redevelopment Plan, the Municipal Housing plan, the previously approved Site Plan and the Town Center Redevelopment Plan. Proposing access off of Memorial Drive.

Mr. McVicar asked for a hard copy of the power point presentation. Applicant passed out several copies. Mr. Kent-Smith assured the board that the entire power point presentation would be sent over-night mail.

The Engineering letter by Mr. McVicar and submission waivers were reviewed by Mr. Kent-Smith. Site plans will be revised per Mr. Kent-Smith. The sidewalk linking the project to the Town Center was discussed. Mr. Sneddon asked about the illumination of the sidewalk at night. Ms. Schwager said they will provide site lighting on their site, and will speak to our professionals when the design of the walk is finalized. No sidewalk is proposed right now from the site down Memorial Drive due to the fact that Memorial is a dead-end and because of a forestry preservation area which is deed restricted. Mr. Kent-Smith explained that the applicant would like to submit an amendment to the Redevelopment Agreement designed to designate The Ingerman Group as the Redeveloper for Phase II. That has already been submitted to the Township of Ocean's Attorney for consideration. Mr. Kenderian reviewed the Community Impact Statement submitted by the applicant.

The Pilot Agreement was reviewed by Ms. Schwager under HMFA legislation. Mr. Tredy informed Mr. Kent-Smith that the school board passed a Resolution against the project. Mr. Tredy asked Mr. Kent-Smith to explain in detail how this project cannot move forward without a Pilot Program being in place. Mr. Yost elaborated on the town's COAH obligation and a Builder's Remedy and how the township could lose the ability to zone for our own township. Senior housing that satisfies the town's COAH obligation is the best scenario. By building a rental community for senior housing the town also receives bonus credits from COAH. Mr. Tredy asked if the applicant would be willing to address the school board. Ms. Schwager said she would be happy to.

Mr. Kent-Smith continued with the review of Mr. McVicar's letter.

Scott Taylor, Taylor Design Group approached and was sworn in by Mr. Yost. Mr. Taylor discussed the sidewalk configuration for the overall Town Center.

Craig James excused himself and left the meeting at 10:15 PM.

Chairman Anepete asked for a motion to open to the public. Mr. Eckert made a motion to open to the public, seconded by Mr. Sneddon. All in favor: (aye). Chairman Anepete announced that all comments will be limited to five minutes.

#### **PUBLIC COMMENT OPEN**

John Garback – 348 Tuscarora Avenue approached and was sworn in by Mr. Yost. Mr. Garback spoke regarding the Pilot program, COAH and the COAH list of applicants.

Michele Rosen – 29 Bradley Beach Way approached and was sworn in by Mr. Yost. Ms. Rosen expressed concern the application is being fast tracked and the amount of units.

Joan Field – 167 Main Street approached and was sworn in by Mr. Yost. Ms. Field asked the board to take it's time and felt that the example of the building presented is not nautical or Victorian in theme. Ms. Field also inquired about the old saw mill on the site mentioned.

Anne Gerkin -48 Illinois Avenue approached and was sworn in by Mr. Yost. Ms. Gerkin feels the height of the building is too high. She would like it spread out and lower. She was also concerned with the parking.

Chairman Anepete asked for a motion to close to the public. A motion was made by Mr. Eckert and seconded by Mr. Bynoe. All in favor: (aye).

#### **PUBLIC COMMENT CLOSED**

Chairman Anepete asked for a motion to take action on the project. Mr. Eckert made a motion to approve the preliminary application. Mr. Bynoe seconded the motion. Roll Call: (aye) Eckert, Bynoe, Avellino, Lachawiec, Sneddon, Tredy, VonSchmidt, Anepete.

Mr. Yost prepared two draft Resolutions in anticipation of either action being taken by the board. One in favor of the application and one disapproving it. Mr. Yost suggested taking a short break for

everyone to review the Resolution. A motion was made by Chairman Anepete and seconded by Mr. Sneddon for a five minute recess. All in favor: (aye).

Recess taken at 10:55 PM. Back in session at 11:12 PM.

Chairman Anepete asked to take action on Resolution 03-10-PB approving the Coastal Redevelopment Partners project. Mr. Kent-Smith requested one small amendment at the break and on page 7 Mr. Kent-Smith would like “*when fully developed would provide cross access between Memorial Drive and Volunteer Way*”. Mr. Kent-Smith would like “*in a future phase*” added to the sentence. Mr. Yost has no problem with the amendment.

Ms. Schwager said Ingerman Group is open to renaming the project.

Mr. Sneddon made a motion to approve Resolution 03-10-PB. Seconded by Mr. Eckert. Roll call: (aye) Sneddon, Eckert, Avellino, Lachawiec, Tredy, Bynoe, Anepete.

Mrs. Sweeney returned to the dais.

Secretary read into record Resolution 02-10 regarding Closed Session.

A motion was made by Mr. Eckert and seconded by Mr. Avellino to move into closed session and approve the resolution. All in favor: (aye) Eckert, Avellino, Lachawiec, Sneddon, Sweeney, Tredy, VonSchmidt, Bynoe, Anepete.

## **CLOSED SESSION**

The board then retired into Closed Session.

Mr. Bynoe made a motion to return into Open Session, seconded by Mr. Sneddon. Roll Call: (aye) Bynoe, Sneddon, Avellino, Eckert, Lachawiec, Sneddon, Sweeney, Tredy, VonSchmidt, Anepete.

## **OPEN SESSION**

A motion to adjourn was made by Mr. Lachawiec, Bynoe. All in favor: (aye).

Meeting adjourned at 12:00 A.M.

Respectfully submitted,

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Beth O'Connor  
Secretary