

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
March 3, 2011

Meeting began at 7:00 PM

The meeting of the Township of Ocean's 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 Press of Atlantic City and the Asbury Park Press. Notice was posted on the bulletin board in the Administration Building.

ROLL CALL

Members Present: Anepete, Avellino, Eckert, Lachawiec, Sweeney, Tredy, Bonamassa, James

Members Absent: Bynoe, Knowles, Sneddon

Professionals Present: Steve Yost, Attorney, Wayne McVicar, Engineer, Amy Cieslewicz, Landscape Architect

Chairman Anepete asked for a motion to take action on the minutes of the Regular Meeting of February 3, 2011. Mr. Avellino made the motion to approve the minutes. Mrs. Sweeney seconded the motion. Roll Call: (aye) Avellino, Sweeney, Lachawiec, Tredy, Bonamassa, Anepete.

Chairman Anepete asked for a motion to take action on the voucher list. Mr. Eckert made the motion to approve the vouchers. Mr. Avellino seconded the motion. Roll Call: (aye) Eckert, Avellino, Lachawiec, Sweeney, Tredy, Bonamassa, James, Anepete.

Correspondence is available in the board office for anyone wishing to view.

BOARD COMMENTS

In the interest of allowing the most time possible for the applicants on the agenda, Chairman Anepete asked the professionals to hold their discussion topics until next month.

Mr. James Oris, Township Planner was introduced and presented to the board the Township's proposed plan to install an accessory structure to the existing DPW site. Mr. Oris was sworn in by Mr. Yost. Mr. Oris provided handouts and they were marked into evidence as O-1 (aerial map) and O-2 preliminary drawing. The project shares the facility with the Township of Barnegat. The street sweepers return to the facility and the street sweepings are emptied onto a concrete pad where they are dried. Any water or moisture is collected in a trench drain which would be piped to a siltation chamber which would trap any siltation or sediment that might drain off with the moisture. After the sweepings are dry, they can be disposed of appropriately. Currently our township and Barnegat utilize a cooperative agreement with the County. Mr. Oris explained in depth the function and need for the pad. The township received a \$20,000 grant from the Barnegat Bay Estuary Program for this project. This facility will be one of a few in Ocean County that actually dries their street sweepings and collects any impurities to help improve water quality in and around the area. Without this facility, the township

would allow the street sweepings to be open to the air and rain and other elements and the drying effect then takes much longer. The township will be able to operate more efficiently having a facility that has a roof over the structure. The accessory structure has open sides that will allow the DPW to enclose the sides as needed and both ends will be open so machinery can get in and out. The cost of entire project comes close to the \$20,000 grant as the DPW will be doing most if not all of the construction. There will be no additional labor costs by the DPW. It is mandated that if a township has a street sweeper and collects materials it must be disposed of properly, it is not, however mandated that the drying pad site be covered. Phase II Storm Water Management Regulations have requirements that streets be swept after a certain period from snow events and sanding for roads. This is the best location for this facility. Other areas were looked at on Birdsall Street and an area west of the parkway and due to other environmental factors and access and function, this site is the best site that the municipality currently owns in terms of accessibility and function.

Mr. Ambrosio, DPW, came from the audience and spoke at Deputy Mayor Tredy's request. Mr. Ambrosio was sworn in by Mr. Yost. Mr. Ambrosio explained how the process would operate.

No lighting will be needed. Mayor Lachawiec inquired about an exhaust fan to help dry and also the possibility of putting solar panels on the roof. Mr. Oris answered that the structural support would be enough to support solar panels if the municipality would chose to do so. Mr. Oris will look into grant money for this sort of project. There is a shared services agreement with Barnegat to help off-set the costs associated with this project. Chairman Anepete and Mr. McVicar added that there are trees of 15 feet close to the structure and solar may not be feasible due to their proximity.

Chairman Anepete thanked Mr. Oris for coming and making his presentation. Chairman Anepete did not feel any action was needed to be taken by the board.

OLD BUSINESS

Resolution 11-11-PB – MSC Enterprises, Amended Final Major Subdivision, Block 57, Lot 13 (now lots 13.01 – 13.06), Morey Place Road, Docket No. 06-10-PB denial.

Chairman Anepete asked for a motion. Mr. Avellino made the motion to approve the Resolution, seconded by Mr. Tredy. Roll call: (aye) Avellino, Tredy, Sweeney, Bonamassa, Anepete.

NEW BUSINESS

Tradewinds @ Waretown, Preliminary and Final Major Site Plan, Block 131, Lot 4, Route 9, Docket No. 10-10-PB.

Mr. John Doyle, attorney approached and introduced himself. Tradewinds is proposing 144 residential units. This project will fit into the Redevelopment Plan, provide ratables and provide jobs. The plan is a fully permitted use. It seeks no variances. There were three items that were mentioned in Mr. McVicar's most recent report.

#1-Parking spaces would need 391 spaces where the plan shows 372. The plan also calls for the concept of shared parking. The applicant will agree to the 391 spaces and eliminate that variance. The plan will reflect in its final version as many spaces as needed. No need for a variance, although Mr. Doyle suggested during the course of the hearing that the plan would do better in partnering for this Redevelopment Project to have more green area and more non-impervious surfaces and a few less parking spaces.

#2-Units above the retail use in which the ordinance calls for at least 800 SF. The plan shows 3 units that have 680 SF. The architect will testify tonight and indicate that that space will be shifted so no unit above the commercial unit will have less than 800 SF.

#3-Height of the buildings was also addressed. The building is no higher than it can be. The present Redevelopment ordinance states three stories maximum. There is a space above the third floor. This area is an attic. It will be unfinished, uninhabitable, have no windows. That area does not constitute a story and so a variance would not be needed.

With those three items addressed, Mr. Doyle stated that the applicant comes before the board with a no variance, properly noticed complete and conforming proposal. Mr. Yost asked Mr. McVicar if the applicant does what Mr. Doyle stated that it would remove the three variance conditions that he found to exist. Mr. McVicar answered yes I do. Mr. McVicar questioned Mr. Doyle about the attic space and what type of access to the space would there be. Mr. Doyle said there would be a staircase to get there.

Mr. Tredy asked about the access and the height of the space. Mr. McVicar stated there is a definition for a half story and if it is unimproved it would not be a half story. Mr. Avellino was concerned about whether this would be habitable space. The plans refer to this area as a loft, and Mr. Doyle agreed that the term "loft" would mean someplace for people to sleep, but that is not the intention of this area. It is not designed for that purpose and will not be used for that purpose. It cannot legally be used for that purpose. That will be stated in documents whether they are rental or sale units. The maximum height of the buildings will be 29.2 whereas 35 feet is allowable. Mayor Lachawiec asked about fire equipment for this height. A letter was sent out to the Fire Company that will presently they do not have fire fighting equipment of that height they have mutual agreements with neighboring municipalities which would be more than sufficient.

In general, Chairman Anepete commented that it is an interesting issue that our buildings can be 35 feet in town however we do not have the fire fighting equipment to handle 35 feet. Mr. McVicar asked if there would be a need for the fire fighters to get to the highest window or to get to the roof of the structure. If there is a pitch or a fire in the attic, they would need to reach the roof.

Mr. McVicar asked about one completeness item that has to do with profile plans being provided. Mr. McVicar reviewed the plans and has no objection to this item being waived by the board for completeness with the understanding that during the redesign or resolution compliance these will be provided at a later date. Mr. McVicar recommended to the board that this item be waived for completeness. Mr. Doyle said they would comply. Chairman Anepete asked the board if they are in consensus that this be submitted in the future. Mr. Tredy asked if it is important for tonight's hearing and Mr. McVicar stated not at all. It is an engineering detail but for what will happen at the board level tonight, it is not important. The board did not have a problem with waiving this item.

Mr. Avellino asked if the lofts are necessary. He was uncomfortable with the staircase. If pull down steps were installed instead, it would never be made into living space. Mayor Lachawiec asked the difference between a loft and an attic. Mr. Doyle stated that the ordinance defines a story. Under the building code and as defined tonight what is above the third floor is not a story. Therefore, it meets the ordinance. Mr. Doyle spoke about building code. If there is not window, you cannot have habitable space. A loft traditionally means an area where there is a window and sleeping capacity. The pitch of the roof, the square footage of the unit and absence of windows makes this not a loft. It is to be used as storage.

Mr. Tredy spoke that the packets were received only two days prior to the meeting. This is a large application to review. Mr. Tredy felt the board should not make any decisions tonight because time is needed to go into depth with what has been written. Chairman Anepete said that at the end of the evening if we feel we are not satisfied that we have had time to adequately review it; the decision will be made at that time.

Mr. Doyle called Mr. Graham Macfarlane, Professional Design Services as an expert witness. Mr. Yost swore in Mr. Macfarlane. Chairman Anepete accepted Mr. Macfarlane's credentials. A-1 was marked into evidence which is an aerial map showing the subject property. A-2 was marked into evidence which is a color display

map/rendering of the site. This map shows the relocation of Birdsall Street. There are three entrances. There are four residential buildings. Each building will be three stories in height and contain 30 residential units. The mixed-use buildings will have frontage on Route 9. Two of the buildings will have commercial space on the first floor and residential units on the second floor. The third retail building is also shown. A total of 26,600 SF retail space is proposed. Birdsall Street is a public improvement that will be done as a private expense to the applicant and will provide betterment for his site and the town. Open space is required to be 20 percent. Applicant is proposing 34.4 percent. Mr. Macfarlane feels this plan meets all the goals and objectives of the Redevelopment Plan and State Planning Area PA-2 which is the suburban planning area. A permanent wet pond is proposed at the north corner of the property. A-3 was marked into evidence and is the Grading and Drainage Plan. Mr. Macfarlane explained the storm water management plan. The plan will require obtaining an individual permit from the DEP for CAFRA compliance. This step will be taken following an approval. A-4, Landscaping Plan was marked into evidence by Mr. Yost. Mr. Macfarlane spoke about the bio-retention systems which are filled with different types of species as dictated by the state. Buffers have been met. Application has not been made to the DOT yet. There was a pre-application meeting held with the DOT about two years ago and this concept is what they felt would be suitable at the time. Mayor Lachawiec spoke of concerns for traffic problems with the proximity of the Town Center. A-5, Mixed-Use Concept Plan was marked into evidence by Mr. Yost. This plan is in essence the same plan that was presented to the Redevelopment Entity. There have been some changes to the architectural components that the architect will testify to. The Concept Plan is dated July 16, 2008.

Mr. Paul Barlo, Architect approached and was sworn in by Mr. Yost. Mr. Barlo's credentials were accepted by Chairman Anepete. A-6, Illustrative B&C/B&A Conceptual Rendering was marked into evidence by Mr. Yost. 115 units will be market rate. 29 affordable units. There are three building types plus a clubhouse building. Building A type units – 4 mirror image buildings, they are all residential. Only one of them has COAH units in them. They are three stories high. On the first floor there are 3 one-bedroom units, 7 2-bedroom units. There are two staircases and a central elevator. There will also be a trash room where the trash is collected, compacted and held in the building and brought out to a collection truck to haul away. On the second floor of Building A there are 2 one-bedroom units, 8 two-bedroom units. In each building we have 7 one-bedroom, 23 two-bedrooms for a total of 30 units. The third floor plan is the same as the second floor plan except for the attic areas. Out of the 120 units, only 24 are proposed to have the extra space which is less than 20% of the overall project. Only twelve feet was open to below to the living room, however, they will close the entire room off if the board wishes. The stairs can be taken out and an access panel can be installed. The entire area could be trussed so it would completely unusable space instead of rafter space. The exterior building with or without the loft does not change. The height requirement is met.

Mr. Tredy spoke that the numbers quoted in the Financial Impact Statement would be altered if that loft space was used for living space. After a brief discussion Mr. Macfarlane stated that he spoke to the client and they will take the stair out and close the entire area off so it can no way be living space. Chairman Anepete felt the loft area is an attractive space. If the loft is used as livable space, then it is considered half of a story but if it is an attic you don't have that variance issue. Mr. McVicar explained that the definition for height in the Redevelopment Plan is different from the ordinance. The applicant meets the height requirement per the Redevelopment Plan but our regular definition for height which is not applying to this is to the peak which is different from where this is measured. There is no conflict though as to which is the prevailing height. The Redevelopment Plan governs.

Mr. Barlo continued to describe Building B. There are two mirror images of Building B with 10,800 on the first floor. Mr. McVicar added that if the applicant were to exceed 10,000 SF with one unit then the applicant would need a loading space and therefore, would need a variance. Mr. McVicar wanted the applicant to keep that in mind. At this time the applicant is unsure if there would be one tenant or several tenants. Second floor is 7 two-bedroom units and 3 three-bedroom units and 2 one-bedroom units with the loft which is permitted. There are 12 in each building, for a total of 24 units. All units are COAH units. The units will be adjusted to have all

meet the minimum 800 SF required. There are no balconies on Buildings B. The applicant felt that the units over the retail – a balcony is not a wise idea. Highest peak is 39.11 on this building.

Building C was described by Mr. Barlo. Building C is a free standing commercial building of 5,000 SF. Materials are being used the same as what is shown on the other buildings. This building could serve one or two tenants. It is 31 feet to the ridge.

Within the clubhouse there is a small multi-purpose room and a small fitness room. There is a bathroom. The main purpose is to support the swimming pool area.

Mr. Barlo showed the board physical examples of what types of materials are proposed for the building. None of the samples shown were entered into evidence. Examples presented were cultured stone, plank siding, trim pieces, shingles. The colors shown were the recommendations.

The signage proposed would be placed in a white band on the building with raised lettering that would be backlit. The letter itself will light up. Mr. Barlo passed to the board members a two page document where it showed the board where the affordable units would be. Four of the COAH units in Building B have lofts as two and a half stories are permitted. Mr. McVicar confirmed that he did not have an issue with the lofts in the B units because the whole issue had to do with the half story above three. In Building B it is only two and one half stories and no variance required. The loft by code is permissible to be an office or a den, TV room, exercise room, it cannot be a bedroom. There are twelve units in each of these buildings for a total of 24 in Building B and 5 in Building A for a total of 29 COAH units. This document was marked A-7 by Mr. Yost and entered into evidence.

A five minute break was taken at 8:50 PM.

Mr. James left the meeting before it resumed at 9:10 PM.

The meeting was brought back in session at 9:11 PM.

Mr. Bryce Bennett, Landscape Architect approached and was sworn in by Mr. Yost. Chairman Anepete accepted his credentials. Mr. Bennett spoke about the variety of trees that will be planted on the site. Eastern portion of the site will be preserved with the native plants already there. Also in the design are the bio-retention basins. They are filled with plants, trees, shrubs, perennials and other small plants. It holds a multi-tiered canopy of plants. It follows the state's BMP. Mr. Bennett reviewed Mr. Taylor's report. The applicant would agree to soften the wall that fronts on Route 9 with landscaping.

Ms. Amy Cieslewicz, Landscape Architect was sworn in by Mr. Yost. Because Ms. Cieslewicz has detailed questions with regards to the landscaping plan, Mr. Doyle suggested that Mr. Bennett have a separate meeting prior to the next meeting with Mr. Taylor and Ms. Cieslewicz to iron out some of the details. They could then present a more harmonized view at the next meeting. Ms. Cieslewicz felt this would be very productive.

Ms. Cieslewicz asked how Mr. Bennett intended to maintain the bio-retention basin. Would it be very natural or manicured in any way. Mr. Bennett answered that the bio-retention basins would be natural and the plants will be able to spread in a natural way.

Mayor Lachawiec asked Mr. Bennett about substituting the town tree, Crape Myrtle into the design. Mr. Bennett said he would be willing to add more of them.

Mayor Lachawiec left the meeting at 9:30 PM.

Mr. Avellino spoke that the landscaping ordinance he believes requires sod vs. seed and also irrigation systems.

Mrs. Sweeney asked about the bio-retention basins and the safety issue regarding children. The engineer answered that there will be a fence around bio-retention basins – 4ft high post and rail with chain link mesh. Aeration fountains are proposed to allow water movement.

Mr. Scott Kennel, McDonough & Rea was sworn in by Mr. Yost. Chairman Anepete accepted Mr. Kennel's credentials. Mr. Kennel is the Traffic Engineer. Mr. Kennel prepared the traffic report presented with the application. Mr. Kennel went through the report. Study was conducted on a weekday and Saturday during October 2010. During peak periods, the weekday PM two way flow on Route 9 was approximately 1200 vehicles and Saturday was 1300 vehicles. Mr. Doyle asked about the date of the study and would Mr. Kennel expect much of a difference in the traffic count and the conclusion reached based upon the October counts if you looked at a July/August weekday and weekend. Mr. Kennel answered that yes the volumes would be greater. It would result in an increase in delay from the results presented. But the basis of the analysis is consistent with the recommended practices of NJDOT. Trips calculation times were reviewed. 90% of the traffic is assigned to Route 9. 45% to and from the North – 45% to and from the South, 10% towards the East through Volunteer Way or Birdsall Street. The northerly driveway is designed for left/right turns exiting the site, and only right turns in. Left turns would be assigned to Memorial Drive. With the proximity of the two intersections, the left turn lanes would overlap each other. The central driveway would allow for southbound left turns and northbound right turns. Exiting movements would be right turns only, the left turns would be assigned to Birdsall Street or the Northerly driveway. It is expected that DOT will recommend a center left turn lane similar to what is at the northern access to the Shoprite. In doing that you would have a Southbound left turn lane into the access opposite Memorial Drive and would also then introduce a Northbound left turn lane into Memorial Drive. There is adequate room on Route 9 for this proposal. The applicant will be governed by the DOT and what they want. Mr. Kennel spoke further about the width of Route 9 and along the frontage of the property. The applicant will get submitted to Trenton and then routed through all the different departments. Service levels were described by Mr. Kennel. Mr. Kennel spoke about parking spaces. The analysis of the parking showed the peak time to be between 7:00 and -8:00 PM which is utilizing the ordinance standard of 4 spaces per 1,000 SF. Based on experience in nearby towns Mr. Kennel feels that the peak parking demand typically is around 2.5 vehicles per 1,000 SF. If based on the 2.5 vehicles per 1,000 SF for retail then the parking spaces come out to be 340 spaces below the supply proposed of 372. Mr. Kennel feels the parking on site is more than adequate to support the residential and retail uses during peak periods. Internal circulation has been well laid out to provide positive circulation. Mr. McVicar inquired about the clubhouse and if the use needs additional parking. Mr. Kennel stated that the clubhouse is for the residents of the community. The parking required for the residential includes visitor parking. Mr. Kennel feels most of the residents will walk to the pool instead of driving 200 feet. Mr. Kennel will supply copies of his report for all board members.

Mr. Macfarlane approached again and began to review Mr. McVicar's February 25, 2011 report. Design comments were reviewed. The dedication of the wetlands was discussed. The discussion was why pass on a future maintenance burden to the township. The applicant is more than willing to have a deed restriction instead. This item was not decided. Restaurant possibilities were discussed and the applicant would like the freedom to possibly rent to a restaurant. The applicant had stated in their application that there would be no restaurant. Mr. McVicar was looking for clarification in his letter.

A brief recess was taken when the fire whistle sounded.

The applicant would like to keep the flexibility open for future restaurants. Clubhouse timing was agreed that it open prior to the issuance of the 25th C.O. Mr. Tredy suggested that the clubhouse is a good selling point if it were to be completed sooner. Mr. Macfarlane stated that many of his clients build the clubhouses first before any units are occupied. There is a chance it could be the first building built as many of their applicants run their sales office out of the clubhouse in the beginning. Mr. Doyle feels that at 25 is fair because it represents one entire building. There are no phases proposed. Mr. McVicar suggested that if at some point the applicant wants to do phasing that they come back before the board to get approval of a phasing plan. Mr. Macfarlane agreed to

this. Currently they are proposing to work through the entire site until it is complete which is the best scenario. A bond would have to be posted for the entire project so the township is protected.

Mr. John Casey approached and was sworn in by Mr. Yost. Mr. Casey showed the board which building would possibly be built first. The building closest to Birdsall Street, although he could not be certain at this time. Chairman Anepete questioned about the retail section. No definite decisions have been made as how it would be built.

The sales and maintenance with respect to number 4 of Mr. McVicar's letter, there is no definite plan in place right now. Mr. McVicar asked about an onsite maintenance manager. Mr. Macfarlane answered yes there will be someone on site that will be responsible for the maintenance of the property.

Paragraph F Planning Document Review – outside agency approval letters have been sent out, only a few have responded at this point. Letters as they come in will be made available to the board secretary.

Paragraph G Architectural Plan Review – will be reviewed later.

Paragraph H Parking & Circulation – Mr. Kennel has testified prior to some of these comments and Mr. Macfarlane answered several additional comments from Mr. McVicar's letter. #1 addressed parking spaces which have been testified to. #2 loft spaces vs. parking space adjustments do not need to be made since the loft area will no longer exist. #3 regarding the designation of the parking spaces in the vicinity of buildings B1 & B2 for residential spaces. Mr. Kennel testified that the peaks do not overlap. Signage will be provided dedicating resident spots. Mr. McVicar suggested that the spaces be not in front of the commercial building taking up prime commercial area. Mr. McVicar suggested the spots be dedicated on the North/South access drive. Items 4-10 are agreed to as commented. Comment 11 DOT approval is needed. Comment 12 applicant will stipulate that they will not have any commercial larger than 10,000 SF so loading zones are not required. Comment 13 delivery vehicles, applicant anticipates the retail space will be divided into small tenant spaces which will have a smaller demand for loading. Delivery vehicles will typically be small size single panel trucks. Timing and frequency will be coordinated by each tenant and make an effort to minimize impact to residential uses if the board felt it appropriate. If the board felt it appropriate to impose conditions, the applicant would accept them as long as they are reasonable. Moving vans will pull into the driveway and unload in the parking area, not on the main street. Small delivery trucks will park in a space is one is available. No tractor trailers will come into the site – only small vehicles. Comment 14 – the architect will need to provide testimony but there will be a compactor room in each building. There will be several containers for each building. Anticipated pick up is twice a week. Items A-C will be complied with.

Chairman Anepete suggested that the presentation end at this point and asked the applicant to agree to come back at the next meeting which is April 7th. Mr. Doyle thanked the board for their attention and interest in the application. Mr. Doyle stated no further notice would need to be given.

A motion was made to carry the application by Mr. Eckert, seconded by Mrs. Sweeney. Roll call: (aye) Eckert, Sweeney, Avellino, Tredy, Bonamassa, Anepete.

A motion was made to go into Closed Session by Mr. Tredy, seconded by Mr. Eckert. Roll call: (aye) Tredy, Eckert, Avellino, Sweeney, Bonamassa, Anepete.

CLOSED SESSION – Resolution 12-11

The board moved out of Closed Session at 10:50 PM.

OPEN SESSION

A motion to adjourn was made by Mr. Avellino, seconded by Mrs. Sweeney. All in favor: (aye).

Meeting was adjourned at 10:50 PM.

Respectfully submitted,

Beth O'Connor
Secretary