

TOWNSHIP OF OCEAN
PLANNING BOARD
REGULAR MEETING
February 2, 2012

Meeting began at 7:00 PM

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

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 Asbury Park Press and the Atlantic City Press. Notice was posted on the bulletin board in the Administration Building.

ROLL CALL

Members Present:	Anepete	Eckert	Wetter
	Avellino	Sweeney	Petrosilli
	Bonamassa	Tredy	

Members Absent: Knowles, Sneddon, Shapiro

Professionals present: Steve Yost, Jim Oris and Scott Taylor.

Chairman Anepete asked for a motion to take action on the minutes of the Reorganizational Meeting of January 3, 2012. Mr. Avellino made the motion to approve the minutes. Mrs. Sweeney seconded the motion. Roll Call: (aye) Avellino, Sweeney, Bonamassa, Eckert, Tredy, Wetter, Petrosilli, Anepete.

Chairman Anepete asked for a motion to take action on the minutes of the Regular Meeting of December 1, 2012. Mr. Eckert made the motion to approve the minutes. Mrs. Sweeney seconded the motion. Roll Call: (aye) Eckert, Sweeney, Avellino, Bonamassa, Tredy, Anepete.

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

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

BOARD COMMENTS

Chairman Anepete explained that a Redevelopment Sub-Committee allows three members to attend Redevelopment meetings. Chairman, Mrs. Sweeney and Mr. Avellino would like to continue to be members of the sub-committee. We try to keep all three seats filled and if you cannot attend a meeting, then alternates Mr. Petrosilli and Mr. Bonamassa would like to be called to attend.

Topics from the Professionals. Chairman Anepete spoke regarding this procedure. This year, Chairman Anepete suggested that one professional speak at each meeting if the agenda allows. The rotation will start as Engineer, Planner, then Attorney. Secretary will keep the professionals advised of who is scheduled each month.

OLD BUSINESS

Since T&M declined the position as Planner for the 2012 year, a new planner needs to be nominated.

A motion was made by Mayor Tredy to elect Scott Taylor, Taylor Design Group as Planner for 2012. Seeing no other nominations, nominations closed. Roll call: (aye) Tredy, Avellino, Bonamassa, Eckert, Sweeney, Wetter, Petrosilli, Anepete.

Chairman welcomed Mr. Taylor as Planner. Mr. Taylor thanked the board.

A motion was made by Mayor Tredy to elect Stanley Slachetka, T&M as Conflict Planner for 2012. Seeing no other nominations, nominations closed. Roll call: (aye) Tredy, Avellino, Bonamassa, Eckert, Sweeney, Wetter, Petrosilli, Anepete.

Resolution No. 2012-01-PB was read into the record by the secretary. A motion was made by Mr. Avellino, seconded by Mrs. Wetter to elect the following professionals for the year 2012.

Resolution 02-12-PB, Steve Yost, Haines & Yost Law Firm, Attorney
Resolution 03-12-PB, Eric Bernstein & Associates, Conflict Attorney
Resolution 04-12-PB, Jim Oris, T&M, Engineer
Resolution 05-12-PB, Wayne McVicar, RV&V, Conflict Engineer
Resolution 06-12-PB, Scott Taylor, Taylor Design Group, Landscape Architect
Resolution 07-12-PB, Scott Taylor, Taylor Design Group, Planner
Resolution 08-12-PB, Stanley Slachetka, T&M, Conflict Planner

Roll call: (ayes) Avellino, Wetter, Bonamassa, Eckert, Sweeney, Tredy, Petrosilli, Anepete.

NEW BUSINESS

Courtesy Review of Public Works Garage Expansion – Mr. Wayne McVicar presenting.

Mr. McVicar approached and addressed the board. Site plan hand out sheets were provided prior to the meeting. The location is the water treatment plant on Route 532 which is also the home of the Public Works facility. Mr. McVicar described the site in detail. The Public Works garage is approximately 3,300 SF. The Township proposes to expand it which will double the current size. The purpose of the garage is storage. Large pieces of equipment which are currently stored outside. There is also a break room and work room proposed. Above those areas will be a mezzanine area. Windows will be provided to bring in natural light and there will be new mechanical equipment to serve the building as well. Mr. Petrosilli asked about the mezzanine. Mr. McVicar stated it would be for soft lightweight storage. The siding will match the existing siding.

Mr. Oris spoke that this is a courtesy review as it's a project that is proposed by the Township and for the Township. The new height of the structure will be 16' to the top plate with the roof and expansion of the roof, it will be 24' high to the peak. The height is being raised 2 feet. Mr. Oris asked if what is being proposed meets all required set-backs from Wells Mills Road and side yard set-backs. Mr. McVicar stated that if it were still zoned residential the way it was prior to the change to the EC zone, then it would have, but since it's in the EC zone, and the required set-backs are 70 feet and the set-back will be 54 feet from the road. Mr. Oris asked about storm water management and any impact. Mr. McVicar spoke that the township is applying to soils for a letter of redemption. There is no sub-surface recharge proposed. No other outside agency approvals are being sought. Mr. Taylor asked about the exterior lights. Mr. McVicar stated there will be wall packs. Mr. Taylor suggested instead of a side shooting wall pack if you could use a full cut off so that there is no unnecessary glare out on Route 532. Chair inquired as to why there is any lighting on the Route 532 side. Security is the

purpose Mr. McVicar stated. Mr. Taylor suggested also to put those lights on a motion sensor. Mr. McVicar agreed to this. Chair suggested incandescent so that it comes on quick if they are motion sensed.

Chairman Anepete thanked Mr. McVicar for his presentation and for considering the comments from the board.

At this time, Mr. Yost swore-in all professionals for the year. Mr. Taylor was sworn in first followed by Mr. Oris.

Review of Township Ordinance 2012-01 – Amending the Route 9, Phase I Redevelopment Plan for the Tradewinds at Waretown Site – Stanley Slachetka presenting.

Mr. Yost swore in Mr. Slachetka. Mr. Slachetka gave his credentials. Mr. Slachetka addressed the board.

Mr. Slachetka spoke regarding Ordinance 2012-01. This ordinance and the next are being referred to the board pursuant to the requirements of the local Redevelopment and Housing Law which governs the process by which a Redevelopment Plan is adopted and amended in New Jersey. The board's responsibilities in their review for both ordinances is to review the proposed ordinance and attached Redevelopment Plan as to its consistency or inconsistency with the Master Plan of the Municipality. The board also has the opportunity to make whatever recommendations it may so chose with regards to the proposed Redevelopment Plan or amendment to the Redevelopment Plan to the Governing Body. The Governing Body then would consider the recommendations of the Planning Board in its adoption or it's not adoption of the proposed Redevelopment Plan or amendment thereto and if the Governing Body concurs, the Governing Body would adopt the Redevelopment Plan or amendment to the Redevelopment Plan by ordinance.

2012-01 is an amendment to adopted Redevelopment Plan. This is for the site commonly known as the Tradewinds at Waretown site. The Planning Board reviewed and evaluated a Site Plan application for the Tradewinds at Waretown site in April 2011 and approved that application. As part of the approval, the board actually conditioned the approval on the adoption of subsequent amendments and revisions to the Redevelopment Plan to make the application consistent with the Redevelopment Plan. The project has been reviewed, this is to close the loop in the planning process by implementing the conditions of the Planning Board that were made as part of that approval. Several key features include: 144 dwelling units, a recreation clubhouse of about 1300 SF and 26,600 SF of non-residential, retail/commercial use in mixed-use buildings which are approximate to Route 9. Of the 144 dwelling units, 115 are to be for sale condominium units as specified in the Redevelopment Plan and 29 are to be affordable rental units which are consistent with the Township's Housing Plan Element which is adopted as part of the Master Plan. Plan calls for at least 20% of the site being Open Space and preserved or restored within the plan. The project is fully consistent with the Master Plan and the proposed amendments to the Route 9 Phase I Redevelopment implement the board's recommendations which were approved as part of the board's approval of the Site Plan application.

Chairman Anepete spoke about mixed use and this project was specifically designated as a mixed use project. Mr. Slachetka agreed that this site is a mixed use project and consistent with the concept that was presented in the overall Town Center Plan and the original concept of the Phase I Route 9 Redevelopment Plan. The process has been to provide a general guideline pursuant to the overall plan and overall concept for the Town Center and associated Redevelopment Plans and then a more site specific plan to be adopted as specific proposals implementing the Town Center are presented. This is fully consistent with that mixed-use concept.

Mr. Eckert asked about our COAH obligation. There is still an obligation from the prior rounds I and II. The Housing Element and Fair Share Plan which is adopted as part of the Master Plan is still being evaluated by DCA rather than COAH which was eliminated by executive order of the Governor. The ultimate number the township will be responsible for remains uncertain right now. Mr. Slachetka didn't have exact numbers but stated that the Township has a ways to go with about 200+ units. This project provides 29, there were 4 units provided across the street at the Garofalo site and a handful of units in other locations within the township.

There will be an on-going requirement to provide for affordable housing as part of the projects going forward within the Town Center.

Mr. Slachetka verified that anything that the board had approved as part of the prior approval has not changed, there were no subsequent changes. All conditions and requirements pursuant to the board's approval, are still in effect.

A motion was made by Mr. Eckert to recommend the ordinance back to the Township Committee, seconded by Mr. Bonamassa. Roll call: (aye) Eckert, Bonamassa, Avellino, Sweeney, Tredy, Wetter, Petrosilli, Anepete.

A detailed discussion took place regarding a resolution regarding the previous vote and whether or not one should be voted on at this meeting. Mr. Yost spoke that it is very difficult to anticipate and draft something in advance when the action is not known. Mr. Yost drafted one for and one against. Mr. Yost read the resolution into the record. Since the resolution referred to opening to the public the meeting was open to the public at this time. Mr. Slachetka spoke that the board is not required to open to the public if it does not want to do so. Mr. Yost recommended that the board do open to the public.

Mr. Eckert made the motion to open to the public, seconded by Sweeney. Roll call: (ayes) Eckert, Sweeney, Avellino, Bonamassa, Tredy, Wetter, Petrosilli, Anepete.

PUBLIC COMMENT OPEN

Mr. Joe Lachawiec approached.

Mr. Yost addressed Mr. Lachawiec regarding a concern he had. I am afraid if we put you under oath since you are on the committee you will be in a position where you are giving evidence here and then later voting on something that you testified for. I would think it would be guided by Mr. McGuckin's opinion on that but I would hate to see you put in a position where you are conflictive and not able to vote as a Committeeman and I know we have committee people up here on the dais but they are here with a different hat on.

Mr. Lachawiec acknowledged that he understood by said he as willing to take the change. He will be testifying to the same comments for each Ordinance reviewed tonight.

Chairman Anepete spoke that he was against Mr. Lachawiec testifying on the advice of our attorney and that these issues are going to come before your committee for approval and you'll be in a conflictive position.

Mr. Lachawiec spoke that he would be testifying as Emergency Management Coordinator.

At this time, Mr. Yost put Mr. Lachawiec under oath.

Mr. Lachawiec spoke in detail regarding his duties as Emergency Management Coordinator. Mr. Lachawiec said the reason for the testimony is to urge the Planning Board on behalf of itself and on behalf of the town to take every step necessary to protect itself and the town from any future lawsuits or litigation that may occur because of approval of projects that are in close proximity to the nuclear plant and its inherent perils, hazards and dangers that are all now apparent.

Mayor Tredy asked if Mr. Lachawiec intended to come and speak like in front every time there is an application? Mr. Lachawiec answered that as the Emergency Management Coordinator, I believe I am obligated to do so.

Chairman Anepete spoke that I think that what you're suggesting is that the Planning Board take into consideration the hazards of the nuclear plant and somehow keep this municipality from putting ourselves in a

liable position and I'd like to defer to the attorney to determine, you only have to say it once and once we take action to prevent that.

Mr. Yost spoke regarding the first issue which is potential exposure of the board for liability. The board members are volunteers under NJ Law and have quasi-judicial immunity and what that means is like a judge. Judges have a certain type of immunity unless there is bath faith in like fraud, corruption, that type of thing. If you took a bribe to pass an application, then you would lose your immunity. But if you are acting on an application in good faith, you have immunity. So and I think that would apply to the committee as well. You would be immune as long as you were acting otherwise you couldn't function. So the harder question really is the committee or the township responsible and I pass the buck a little bit to Mr. McGuckin. But I do think that the problem is that as much as everybody is concerned about what happened in Japan and the future of the nuclear industry, it is federally regulated and as such our ability to, you can't just legislate it away at the local government level because it's preempted by Federal Law.

Mr. Lachawiec spoke further regarding his research and concerns on the topic.

Mr. Bonamassa spoke regarding concerns that 300 homes were still to be built in Greenbriar.

Mayor Tredy spoke that we still have to allow people the free use of their land and the township cannot stop people from using it

Chairman Anepete thanked Mr. Lachawiec for his comments.

Mr. Lachawiec stated that he felt he fulfilled his obligation as Emergency Management Coordinator to bring these issues up to the board.

Chairman Anepete stated that we've all moved here by choice knowing that there is a nuclear plant. So I think as long as people are aware that you are moving next to a nuclear plant and they accept to do so, we have no liability. Any other public comments on this application and please keep your comments germane to it. Hearing none, chair would entertain a motion to close to the public.

Mr. Petrosilli made a motion to close to the public, seconded by Mrs. Sweeney. Roll call: (aye) Petrosilli, Sweeney, Avellino, Bonamassa, Eckert, Tredy, Wetter, Anepete.

PUBLIC COMMENT CLOSED

The board then spoke further regarding a passing of a resolution. Chairman Anepete stated that he doesn't like a resolution and an approval on the same evening. Mayor Tredy spoke that the Township Committee would like to have this for reading at their next public meeting and he couldn't see where there is a problem with passing a resolution. Chairman Anepete feels the appearance is that the Board is rubber stamping what the committee is putting before us. Mr. Petrosilli spoke that what Mr. Yost wrote is what the Planning Board approved. Mr. Yost stated that he built some flexibility into the resolution that if the board felt there was something that needed to be changed it could be referenced into it. Mrs. Wetter asked about the past procedures with situations like this. Mr. Slachetka added that boards do it a number of different ways. Typically the Planning Board in the past here in the township has done it in resolution. Technically you don't have to refer your comments back to the Governing Body by resolution. The Board could direct the Attorney to send a letter to the Township Committee reflecting your opinion. A resolution is more formal action that is taken by the board. The boards do have some flexibility on how they format and structure their recommendations that are made to the Governing Body.

Chairman Anepete reiterated his reasons for feeling that this is not a good practice. He was not speaking of this particular resolution, it's the procedure overall. Mayor Tredy added that this is not an application. This is just agreeing with the ordinance that the Township Committee has passed on first reading.

Mrs. Sweeney made a motion to approve the resolution which will refer the ordinance back to the Township Committee, seconded by Mr. Eckert. Roll call: (aye) Sweeney, Eckert, Avellino, Bonamassa, Tredy, Wetter, Petrosilli, Anepete. Secretary stated that this will be Resolution 10-12-PB.

Review of Township Ordinance 2012-02 – Amending the 2007 Economic Redevelopment Plan for the Waretown Center Establishing a Sub-Area Redevelopment Plan for the Ocean Commons Site – Stanley Slachetka presenting.

Mr. Slachetka addressed the board for the second time. Mr. Slachetka spoke that he is the Township Planner and is representing the Township Committee in this process and the Ordinance discussed prior.

This Redevelopment Plan creates a sub area plan of a Redevelopment Plan that had been previously adopted by the Township Committee. This amends the 2007 Economic Redevelopment Plan which governs the development and redevelopment of the Waretown Town Center. It creates a sub area plan for Block 41, Lot 42.01 which is commonly known as the Ocean Commons Site. In the Town Center Plan this site which is located within the boundaries of the Town Center is identified for multi-family residential development. What this amendment does is 1) it reduces the number of residential units identified in the current Town Center plan which is 85 and reduces to a max of 55 residential units and 2) establishes specific standards and requirements for the development and redevelopment of that tract and the construction of those 55 units that are supposed to be developed in townhouse type development. Key features of the amendment, of the 55 units 43 are to be market rate townhomes leaving 12 units are to be affordable units in six townhouse style buildings which will have the appearance of townhomes. 2 units – one on the first floor, one on the second floor and will be in similar appearance. The Concept Plan guides the overall development of the tract. The townhomes are going to be 2 ½ stories and 35 ft in height. There are buffering and berms along the frontage with Route 9 and linkages to the County Rail Trail. The street parking is to be provided pursuant to the requirements of the residential site improvement standards. There is an area for on-site recreation for the residents. The western portion of the tract which extends outside of the Town Center boundaries within the EC Environmental Conservation District is to be developed primarily as open space although there may be drainage features that are located in that area. This is a supplement to the existing Town Center plan that provides for a site specific Redevelopment plan for the Ocean Commons tract. The plan is consistent with the Master Plan because primarily the Town Center plan has been adopted into the Land Use Plan element of the Master Plan and this site has been identified continuously as a multi-family site. What this plan does is reduce down the density and total number of units.

Chairman Anepete inquired if this sub-area would contain a mixed-use area. Mr. Slachetka stated not for this sub-area plan. This has always been identified in the plan as multi-family residential. Mr. Slachetka also confirmed that there is currently not an application for this sub-area. Any redeveloper would have to come before the Planning Board for a full site plan review and would have to adhere to this ordinance, including the number of units.

Mr. Oris added that this ordinance establishes zoning for this particular piece of property. This sets forth guidelines on number of units and set-back requirements and standards.

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

PUBLIC COMMENT OPEN

Mr. Lachawiec approached and reiterated his comments from the previous discussion.

A motion was made by Mrs. Sweeney to close to the public, seconded by Mrs. Wetter. Roll call: (aye) Sweeney, Wetter, Avellino, Bonamassa, Eckert, Tredy, Petrosilli, Anepete.

PUBLIC COMMENT CLOSED

Mr. Slachetka spoke regarding the primary responsibility of the board. Chairman Anepete commented that he prefers the second method of having a letter drawn up by the attorney rather than creating resolutions that cost more money.

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

A motion was made by Mr. Petrosilli seconded by Mrs. Sweeney to approve the resolution which will refer the ordinance back to the Township Committee. Roll call: (aye) Petrosilli, Sweeney, Avellino, Bonamassa, Eckert, Tredy, Wetter, Anepete. The secretary spoke that for the record this resolution will be 11-12-PB.

A motion was made by Mr. Eckert to open to the public, seconded by Mayor Tredy. Roll call: (aye) Eckert, Tredy, Avellino, Bonamassa, Sweeney, Wetter, Petrosilli, Anepete.

PUBLIC COMMENT OPEN

Seeing None.

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

PUBLIC COMMENT CLOSED

Chairman Anepete spoke that there was no business to go into closed session as stated on the agenda.

Mayor Tredy spoke regarding the possibility of having a time limit on public comment as a board rule. Chairman Anepete spoke that we do have that rule but it is used at our discretion when there is a large crowd.

Mr. Petrosilli thanked the Chairman for the letter he sent to Mr. Avellino and echoed his sentiments. Mr. Avellino acknowledged that the Committee also sent him a letter and he appreciated it.

Mr. Taylor thanked the board for appointing his firm and welcome ideas for topics to discuss. Mr. Yost also thanked the board for the reappointment.

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

ADJOURN – 8:41 PM.

Respectfully submitted,

Beth O'Connor
Secretary

