

around the doors. The doors are gray, due to the fact that they are factory-primed.

Mayor Van Pelt stated the national tenants have a certain branding. The town is trying to go with the nautical blue, sand blasted, gold inlay signs. Mr. Ragone stated the disadvantage for all retail tenants is the business sits off the highway and the speed of traffic. Internally illuminated signs improves the prospect of the tenants' success. The tenant will not sign without their national logo. They do not deviate from their signage. If they cannot get their signs, they will not sign.

The flexibility factors for national tenants depends on the type of location, pedestrian foot traffic walking past the site, a lot of offices in the area, etc. When you are on a major highway and not meeting population statistics, they will need to have national signage.

Scott Taylor stated the changes made are consistent. Mr. Taylor referred to Building 3 on A3.2, the top middle section, Elevation 1. There are a couple of those facades that are still relatively blank.

Mr. Ragone stated this elevation faces the interior, Shop Rite. The transformers are there and construction is still not complete there. It is the west end-cap on Memorial.

Mr. David Lisa, Coastal Urban Redevelopment. Mr. Lisa is sworn in. The utility company required the meter bank at that location. It will be landscaped.

Scott Taylor stated Building 1, A3.2C version does not have Building 3.

Dave Ragone stated the siding and proposed side ban and canvas awnings have been added. The shutters will be the same. Mr. Ragone will send pdf copy to Scott Taylor.

Scott Taylor stated that these are consistent with all the recommendations that were made at the last meeting. The signs will be back-lit.

Deputy Mayor Kraft inquired if the goosenecks will be over the back-lit signs.

Mr. Ragone stated the goosenecks are over the awnings. The lights are internally illuminated. They are individual letters, not the big old-fashioned block signs. The initial design standards have been moving away from the lighted signs and also to provide good visibility.

Mr. Taylor stated they are back-lit. There's testimony about the need for that from a visibility standpoint. The importance for signs is much more critical. Mr. Taylor likes the idea of highlighting the awnings with goosenecks to break up the facades. The sign doesn't become the dominant feature at night. It gives a little accent color. The town's design standards tries to get away from the internally illuminated signs. That's where the progression of the project is going along the Route 9 corridor.

Deputy Mayor Kraft inquired from a legal prospective, are we cornering the town by allowing this when the Committee told other applicants, "no".

Township Attorney McGuckin stated you can grant a waiver based on the particular facts surrounding each application.

Mayor Van Pelt discussed the sign ordinance.

A discussion took place regarding site issues being defined in one area and not in others. The town is trying to be more consistent. The way to correct that is to do a town-wide ordinance with specific information, including landscaping.

Mr. Ragone stated the landscaping will be addressed this fall. Most of the buildings will be 100% complete by September.

Mayor Van Pelt announced that the Bayfront Marina & Yacht Basin LLC application will not be heard tonight.

- Bayfront Marina & Yacht Basin LLC
 - o *Received Letter from Attorney 8/13/08 requesting to be removed from Agenda and rescheduled*

PUBLIC COMMENT

Motion to open to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

John Garback, 348 Tuscarora. Mr. Garback is sworn in and inquired if the signage would be seen from Route 9.

Mayor Van Pelt stated they are not parallel. They could be seen from an angle.

Mr. Garback inquired if the color scheme for the building and the awnings are correct.

Mayor Van Pelt stated, “yes”.

Scott Taylor stated the shades are off a little bit, but it’s close.

Motion to close was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Motion to approve the signage as presented was moved by Deputy Mayor Kraft, seconded by Committeeman Reilly. Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Mayor Van Pelt inquired about the modular building.

Mr. Ragone stated the foundation plan is almost finished. In September it will be relocated back to the original location.

Mr. Lisa stated the schedule for the amphitheater should be done by the end of the month, all the small stores in the fall and landscape in the fall. The cultured stone wall is going up on the amphitheater.

Mr. Taylor asks Mr. Ragone to send 11x17’s to the town.

8,900 sq. ft shopping ctr & residential units

Sal Perriollo, Zell Enterprises, were in front of the Committee a few months ago. Zell Enterprises met with the professionals, redesigned the project and demonstrates how that process that works.

Laura Stain, L & M Design Architects & Planners. Ms. Stain discussed the original plan. The overall site fronts on Route 9. Third Street is along the East side of the site and some retail along the North end of the site. There's an access directly across Pancoast Road, the primary entrance into the site. Originally there was a secondary entrance, which had been contemplated as a right-in, right-out. The overall community is composed of a combination of two and three-story buildings, predominantly two-story residential buildings with an introduction of a third-story element to achieve variation in the architectural design. The condominium buildings find a major spine road that works its way through the site and exit back on to Route 9. The COAH buildings, 22 units, were isolated from the community, which raised concern when originally presented to the Committee. The roadway system had the appearance of being dense. It also isolated the singular open space feature. The retail component diminished the walkability of the community. The club facility and entrance feature seemed difficult to navigate and was not as clear. There were also additional concerns about parking.

Zell Enterprises met with the Township Professionals Planner and Landscape Architect. They discussed the concepts that were proposed at the last meeting. CAFRA has imposed significant rules on the property, including the tree save areas. CAFRA has already pre-designated the tree save areas. There is also 30% lot coverage, with impervious coverage. That is a combination of the buildings, roadways, parking, walkway systems, the club, the pool, etc. It is a difficult item to deal within the confines of the CAFRA Permit.

The recommendation to isolate the open space on its own and make it available to all, rather than have one or two buildings backing on the open space. Zell Enterprises elected to single load the road so that visibility from Route 9 is across the greater amount of the open space, diminishing the effect of the density. By looking at the front of the buildings, you are able to see the most attractive side of the development. Some of the residential units were brought down toward Route 9 to create a framework for the open space. The buildings have been rotated on the backside of the building so all

the garages are on the opposing side of the building. As you drive down Route 9, you will see a two-story facade. The scale of the buildings gradually builds toward the end of the site. The advantage of the single loaded system allows for parallel parking for the dwelling unit and guests. All dwelling units have at least a single-car garage. 80% have a two-car garage. Each garage has the ability to have a tandem space immediately in front or in close proximity of it for additional guest parking. The Third Street extension is a paper right-of-way.

Township Attorney McGuckin stated that a paper street would need to be vacated.

Ms. Stain stated Zell Enterprises has not represented any connection to Third Street. The easement has been retained because there are utilities in place and they chose not to move the utilities. They availed themselves of the orientation of that easement in the entry drive. Once they have moved away from the developed area, nothing more will be done to the Third Avenue extension.

Township Attorney McGuckin asked if the road map shows the right-of-way.

Mr. Perriollo stated it shows it as a paper street. If the town wanted to vacate it, there would be no problem with that.

Township Attorney McGuckin stated if someone comes in to develop property and there is a right-of-way, the town requires them to improve it.

Mr. Perriollo stated they are not doing any development along this portion of the paper street. It is all part of the tree save area. They can vacate it or leave it as a paper street as part of the tree save area.

Mr. Taylor stated Third Street does not extend the paper street portion onto your site within the developed area. The portion that comes down is a utility easement. Third Street does penetrate into the tree save area but there is no reason to include that into the plan.

Ms. Stain stated there's no advantage to this community to have an extension. The single load roadway has terminated just prior to Route 9. There is a circular cul-de-sac, which will provide turnaround opportunity

and they will work with the Fire Dept. and the Police Dept. to make certain that an emergency egress is required.

Ms. Stain stated the fact that the 86 dwelling units in the two and three story buildings are condominium and the 22 COAH units are contemplated as rental. It seemed unreasonable to incorporate them in the same building because of the maintenance regulations and the fact that the COAH units have other conditions imposed upon them. The fact that you have a condo and a rental composition makes it extremely difficult to offer the condos for sale. The goal is to permit that building to feel as though it is part of the community. Since this is a requirement of redevelopment, they didn't want to predicate its location on a "per-house" funding mechanism. They elected to utilize the COAH building as one building. It has on-grade parking that shares with the overflow parking at the club. They are in easy walking distance, as are the other residential buildings, to the overall and amenity facilities.

Ms. Stain stated there are ways to relocate the club, the overall genesis of the plan, keeping the open space exclusively isolated from the residential units, slightly altering the entry drive and creating more open space features at the entry. There are some ways to manipulate the plan and still achieve the goals that were in place.

A Zell Representative stated there is the second plan before Plan B. The first plan is Plan A. Plan B is club left versus club center.

Township Attorney McGuckin requested a detailed description of the COAH parking.

Ms. Stain stated they have provided minimum 2 to 1 parking for all dwelling units. The COAH building has 2.2 parking spaces per dwelling unit. One space per dwelling unit is immediately in front of the building. The second space is across the street plus 12 additional parking spaces at the club, plus the ability to have the overflow of parallel parking spaces if there is a function at the club.

Township Attorney McGuckin confirmed with Ms. Stain the great room is going to be leased out by the homeowners and will not be available to the public.

Mr. Taylor stated there are 22 parking spaces immediately adjacent. How many in the main?

Ms. Stain stated 34. There's additional parallel parking along the entrance drives. Each plan has a slightly different parking ratio - at least 20 spaces along the entrance drive. They will be marked for parallel parking.

Township attorney McGuckin inquired how wide the right-of-way is.

Ms. Stain stated the roadway is designed 24 feet wide without parking. We are proposing parking on one side, and no parking on the side that has the buildings on it.

Township Attorney McGuckin stated if there are six or seven cars parked on the main driveway, and there's availability in front of the unit, somebody's going to park there.

Ms. Stain stated there are driveway cuts periodically. That reinforces the fact that that side of the street is the residential parking zone versus the guest parking zone.

Mr. Taylor inquired about the Plan A, the clubhouse plan parking.

Ms. Stain stated they split the two parking areas. The one closest to the COAH building has all its 22 parking spaces. As you come in the entry garage, the parking that is available for the club is more visible and more easily accessed.

Mr. Taylor stated there may be some paper streets down towards Route 9 that may need to be vacated on the left side.

Ms. Stain stated she neglected the retail. When we retain the retail, we changed the shape of it and provided additional parking.

Mr. Taylor confirms that the number of units are 108. 22 are COAH and the remaining are condominiums.

Mayor Van Pelt stated it is an inclusionary development. Under the new COAH regulations, those 22 units apply to the Township's second round of

obligation. The remaining 80 units create more affordable units under the Township's third round of obligation.

Mr. Perriollo stated this is an inclusionary development and this development creates a COAH obligation. We are satisfying the COAH obligation for this development. How that is allocated by the township and by COAH, is part of what the town is going to deal with COAH. That is an accounting process between the town and COAH.

Mayor Van Pelt stated the 22 units that are generated, apply to our second round obligation. The remaining 80 units are going to calculate a need under the "one-affordable-unit" before market rate.

Mr. Perriollo stated that issue may be between the township and COAH.

Mr. Perriollo stated the whole COAH regime leaves a lot to be desired, from everybody's point of view, especially municipalities. There's no mechanism to deal with the past obligation. Inclusionary zoning could only deal with your future obligation. The challenge for all municipalities is how are you going to clean out the slates of the past. There is no mechanism for a municipality to impose on a respective development any obligation to clear up your past COAH obligations.

Mayor Van Pelt stated that is what the new statute does.

Mr. Perriollo stated, "respectively, I don't think you can impose on a developer anything more than what the current COAH obligation is".

Township Attorney McGuckin stated if this were a straight limited use in that zoning district, that may be correct. As far as the redevelopment plan, the township needs to consider that and could incorporate that into the redevelopment plan.

Mr. Perriollo stated this is all hot off the press. The 8500 is less than a month old. I don't think that because it's a redevelopment area gives the town any latitude to impose any greater requirement on a property in a redevelopment area than would be imposed on a property elsewhere.

Township Attorney McGuckin stated the redevelopment plan will ultimately be what the governing body says it is going to be. The governing body

needs to consider the impact of this development on its third round obligation. Because you are before us on a redevelopment plan, which we have ultimate authority on, the governing body needs to consider it before they make any final determinations. If the Mayor is correct and those 80+ units generate an additional 20+ units of affordable housing, the town is going to want to know how to meet that obligation.

Mr. Perriollo stated there is no mechanism to impose on a prospective developer any requirement of past COAH obligations. "I don't think legally, the town can take these 22 units and say the town is not going to count those as part of this development. The town is going to take care of our past obligation with those and treat the 80 units as if there are no COAH units being proposed".

Township Attorney McGuckin stated if this property was zoned for this purpose, the town would agree. This property is not zoned for that purpose.

Mr. Perriollo stated it's an interesting issue and we need to hash it out.

Mayor Van Pelt stated there are issues that the town struggles with on a daily basis, when the town is planning the community. This project started approximately 3 or 4 years ago and is included in the town's third round housing plan. The town spent money on constructing that document, laying out how we are going to do things. The legislature decided that was a waste of time and effort on the municipality's part. The issue has always been the town center. The town center should always be a living and breathing entity. It has to have the ability to change, considering what is going on at the state and county level. The town struggles with putting units on Route 9 that are not in the town center. The town does not like the fact that there is one way in and one way out, in terms of emergency services. Those issues will be raised when this project has to get signed off on by our emergency services: police, fire and first aid. Without Redevelopment this project would not happen. It is a commercial zone with an R1B, which is one house per one acre. The town is dealing with 108 units and 100 cars. Across the street is an entrance and exit way for 1400 units. Now, the town is going to design a community that is going to compete in trying to get out on Route 9. It is very unlikely that a traffic light is going to be there. The state does not allow a traffic light within a half-mile of each other. Mayor Van Pelt will not support a project like this. Mayor Van Pelt did four years ago. The 108 units are being proposed with no added infrastructure.

Regarding the town center, the town is in the process of putting in a entire road network, walking paths, etc. that allows for a higher density and can move people around without the ability of cars.

The other issues are spending a lot of time and effort of developing a Transfer Development Rights (TDR) program, which protects parcels outside the center by buying the development rights and allowing a developer inside the center to build at a higher density.

It is unfortunate. "You lead you bleed". The Township people have given Mayor Van Pelt this responsibility of spending a countless number of hours looking at things. This would be the largest single-family development outside the town center. This is not an easy task. No one has spent more time planning this community over the last ten years than Mayor Van Pelt. The Township of Ocean comes first. This project is counter productive to what we are trying to achieve in the town center. In the last couple weeks, discussions took place at the state level regarding the direction the state is moving in. Mayor Van Pelt is concerned for the municipality. There are going to be long-term issues with this site competing with the site across the street. There is no new road network, just a network within the community so they could pull in a driveway. If there was an accident on Route 9 or a fire, how are we moving the people from this area. It doesn't flow with the way that the town center flows. For public safety and infrastructure reasons, this is not a good use.

Deputy Mayor Kraft agreed that making difficult decisions is not easy. The demographics are so weak that the town is having a hard time getting tenants in the town center. Without people and without residents, that's going to be the continuing trend. The town center has been open a long time. There's no draw to the town center and commercial areas. If it was easy and viable, that shopping center would be done. It is because the population. People are not tripping over themselves to get in there. This is the last, largest green tract on Route 9. Zell Enterprises has done an outstanding job preserving space. Outside the center, this is the last opportunity. There are issues with the size of the units and quantity of bedrooms. As far as it being residential, and the issue across the street, there is no concern. I see cars coming in an out and I don't foresee any problem. At certain times of day it is tough to make a left on Route 9 anywhere. The town is concerned with what will be created with COAH. If the numbers are right and the 20 can only represent

what's being built and there is still a further obligation, that's a problem that has to be addressed. Housing and people are a necessity. The town cannot be exclusionary. The town is running the risk of not having a successful town center because it doesn't have enough people to support it.

Committeeman Reilly stated the work in redesigning the layout is very interesting and attractive. I was very critical the first time Zell Enterprises came before redevelopment. Committeeman Reilly agreed that in order to have a vibrant retail environment, there has to be an active and growing population within certain limitations. The two need to be balanced moving forward. This project would certainly add to our population. There are concerns with the bedroom and unit size. Committeeman Reilly has a real safety concern with one way in and one way out for emergency. Trying to make a left on Route 9 will be difficult. It is a serious accident waiting to happen. Committeeman Reilly is not prepared to endorse or not endorse the project. Committeeman Reilly would like to see it move ahead to see the size of the project and has a real concern what COAH has in store for the town. The obligation the township has needs to be clarified regarding this project. It may take some time to do that.

Mayor Van Pelt stated there are two projects that will generate 1,300 units (3,000 people). 1350 units are on paper. That puts the town's population at 11,000. From a planning perspective, it just doesn't flow.

Township Attorney McGuckin stated the fact that there is no other access to the property, due to the tree save there, is an issue.

Mr. Taylor stated they're initial concepts had two accesses. From an aesthetic standpoint, the town thought that their may be benefits to having one access so it lined up with the adjacent driveway across the street so the people from the second driveway are not making turns that would conflict with the other drives. The town did make certain that there was provision for an emergency access and egress in that location. DOT may not allow a second access. From a conceptual standpoint, the applicant's traffic engineer could consult with T&M's traffic engineer to talk about the applicability. DOT may require it.

Township Attorney McGuckin inquired about access through the other neighborhood. If Route 9 is closed, these residents can't get to this community. If the accident happened south of Barnegat Beach Drive, how

do they get in there? If there was a way in through the back, either from 7th or 3rd street.

Committeeman Reilly stated there are two road systems staring at each other. Pancoast has hundreds of cars coming out on a daily basis, plus the heavy traffic on Route 9, then 300 cars coming directly at them, all trying to make left and right turns on a two-lane road with no traffic light. It's an invitation for disaster.

Mr. Perriollo stated Pancoast is the back exit of Lennar.

Committeeman Reilly stated it is the most frequently used because of the annoyance of the traffic light on Wells Mills Road and it takes you in the direction of where people are going, south or north.

Mr. Perriollo stated Route 9 is a state highway. If it warrants a light, we'll have to pay our share of the traffic signal. That's going to be up to DOT. You can't bisect a tree save area with a road or a development. It's a matter of shifting things around. The tree save area is a percentage of your site. That's what CAFRA requires.

Deputy Mayor Kraft stated from a planning perspective, some of our communities are one way in, one way out. Skipper's Cove, Woods of Oceana, Laurelwyck, Royal Oaks have one way in and one way out. When the town tried to connect two communities, there was an outrage. What do you think the people on Third Street are going to think about the potential of this road coming through?

Mayor Van Pelt stated Royal Oaks has an access road in the event of an emergency.

Mr. Perriollo stated the problem is the area is zoned commercial. If they build commercial, you now have another commercial developer competing with the town center. It is not an age-restricted development. The reality of the town center is you will need a variety of people to support it and work there. It seems like the town does not want residential or commercial.

Mayor Van Pelt stated the town loves commercial: job creation, less COAH units. Commercial generates less COAH obligations than a residential. The town center has over 800 projected units coming in. The purpose of the

town center was to increase density and to protect areas outside of it. This project is counter productive. It is a commercial zone on the Route 9 corridor.

Mr. Perriollo inquired if any of the plans were preferred over the others.

Deputy Mayor Kraft stated there are many unanswered questions pertaining to COAH and the units.

Everyone agreed that COAH is impacted. The layout of the units and direction of how to proceed need to be discussed.

Mr. Perriollo stated Mr. Zell bought the first property 20 years ago. He has assembled properties based on discussions in the past and also provisions of your plans.

Mayor Van Pelt stated that plan is no longer valid.

Township Attorney McGuckin stated the committee is uncomfortable with the COAH issue, knowing what the impact is.

Deputy Mayor Kraft stated he is not opposed to housing on that property. There are a lot of hurdles to cross.

Committeeman Reilly stated the two concerns he has is the unanswered questions of the COAH obligations and the safety issue facing Pancoast. There needs to be some consideration. Moving the traffic light to Pancoast is a thought.

Mr. Taylor stated CAFRA consists on contiguous open space and tree preservation. Mr. Taylor has seen projects where right-of-ways have bisected those, where it became something that was not developer-based, but municipal-based. Look to your environmental consultant as to whether or not some connection could be made, whether it's one way or emergency access only on to Route 9 or something onto Third Street.

Mr. Reilly stated when discussing Greenbriar, there's another 400–500 units yet to be built, with a potential of 500-1000 more cars. There are approximately 950 units complete.

Ms. Stain inquired if the town is adverse to having second access on Route 9. There are ways to utilize the existing parallel roadway system that cuts across proposed and existing retail. If the second access on the Route 9 is a problem, then an alternative should be investigated.

Mr. Taylor stated the concern is the general site circulation from an emergency standpoint or even from a resident standpoint. Have a traffic consultant reach out to Stan, T&M or Lee Klein, T&M Traffic Engineer to come up with some solutions what should or should not happen or be allowable.

PUBLIC COMMENT

Motion to Open to the Public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

John Garback, 348 Tuscarora. The property is already zoned for commercial and partial residential. Why does there need to be a change in the zoning? Can it be developed under those circumstances?

Mayor Van Pelt stated it is a split zone. The residential would be 1 house per acre.

Mr. Garback inquired why change the master plan to accommodate one project. The committee should talk about developing the way it is zoned.

Larry Doane, 146 Bonita Road. Mr. Doane is sworn in. With respect to the Mayor, Mr. Doane supports the housing and concentrating of retail to make this town the most vibrant and exciting. Mr. Doane hates the idea of competing with ourselves for the same tenants.

Jack Henderson, 207 Seneca Blvd. Mr. Henderson is sworn in. Mr. Henderson discussed the 80/20 split. 20% was going to have a one-car garage and the 80% was going to have a two-car garage. Mr. Henderson inquired about the size of the units, 1 or 2 bedroom.

Ms. Stain stated the majority is three bedrooms. There are no one-bedroom in the market rate.

Mr. Henderson stated he doesn't like to see cars in the driveway and the look of congestion. Some communities require residents to put cars in a garage.

Motion to Close was moved by Deputy Mayor Kraft, seconded by Committeeman Reilly. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Mr. Taylor stated the COAH and circulation issues will be addressed.

CLOSE

Motion to close to the public was moved by Committeeman Reilly, seconded by Deputy Mayor Kraft. Roll Call: Kraft: Yes, Reilly: Yes, Van Pelt: Yes.

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date