

**TOWNSHIP OF OCEAN  
REDEVELOPMENT COMMITTEE**

JANUARY 22, 2009  
4:00 PM

1. CALL TO ORDER

- ROLL CALL

Daniel Van Pelt Absent      Dick Reilly X      Robert Kraft  
X

**FLAG SALUTE**

OPEN PUBLIC MEETING ACT – PURSUANT TO THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING WAS PROPERLY PROVIDED BY SENDING COPIES OF THE NOTICE OF MEETING TO TWO NEWSPAPERS, THE ASBURY PARK PRESS AND THE PRESS OF ATLANTIC CITY. THE NOTICE WAS POSTED AT THE OFFICE OF THE TOWNSHIP CLERK AND ON THE BULLETIN BOARD OF THE ADMINISTRATION BUILDING.

**REGULAR MEETING**

Approval of Meeting Minutes of December 11, 2008

Motion of approval moved by Deputy Mayor Reilly, seconded by Mayor Kraft.

Roll Call: Reilly: Yes, Kraft: Yes.

**NEW BUSINESS**

Formal Application:

- Victoria Rehrer
  - Block 62, Lot 3.02

Daniel Popovitch, Attorney and William Stevens, Professional Design Services are representing Victoria Rehrer.

Mr. Stevens, professional engineer and professional planner, licensed in the State of New Jersey addresses the issues written in a letter from T&M Associates.

Mr. Popovitch stipulates Mr. Stevens qualifications as a professional engineer and his ability to testify.

Mayor Kraft stated the Committee accepts Mr. Stevens qualifications.

Mr. Popovitch references the letter of October 14, 2008. There are three residential apartments. There are 2 three-bedrooms and 1 one-bedroom apartment. A complete site

plan is submitted – marked exhibit A. The C-1 zone does not permit multifamily dwelling units above the commercial units.

Mr. Stevens stated the C-1 Zone currently listed is not the mixed-use development that is being proposed. The use rate is not required for this particular property. A Redevelopment plan would have to be approved by the Township prior to this application being heard by the Planning Board.

Township Attorney McGuckin stated if the Redevelopment Committee does not approve it, the underlying zoning would remain in place.

Mr. Popovitch stated there is a reference regarding a variance waiver required from parking in front of the building and waivers regarding loading zones.

Paragraph 1 refers to the parking in front of the building. Mr. Stevens is asked to explain why it works best in front of the building.

Mr. Stevens stated there is a parking lot located along the front of the building in between Route 9 and the proposed mixed-use building. The parking located in the front is keeping with the other shallow-depth lots along Route 9. The lot itself has a complete depth of approximately 125 feet. It is a fairly narrow lot. To try to move the parking to the rear of the building would force the building forward, which would require other set back variances. The building functions best with parking located in the front. There is a streetscape along Route 9, with lighting, landscaping and walkways.

Moving South along Route 9, there is an improved site development. The land has been cleared but not built. There are two other buildings that have parking elements the same as proposed. One of the issues in Ocean Township is the ability to provide cross access from this property to the next. The property that was approved, just to the South, does have an access easement that allows vehicular ingress and egress into this subject property and to the property to the North.

Mayor Kraft inquired who has the approvals on the Southside of your property.

Mr. Stevens stated that approval was obtained by his office. The property was sold to Solomon Deweck. Mr. Stevens does not know the disposition of the ownership of that property.

Mr. Stevens stated it was approved in 2004 or 2005. It was a retail building similar to what this application is. It did not include the residential portion.

Mayor Kraft inquired about cross-easements on this property.

Mr. Stevens showed an easement that would be able to access the property to the North. It will allow cross-access from this property to the next, once that property is developed. The same lines up on the Southside.

Mr. Popovitch stated this could be handled through a deed restriction.

Mr. Stevens stated until the properties are developed, there isn't a need for cross-access. The development of the properties better serve with the parking there. In the future, the town's intention is to have cross-access. The developer is trying to provide for that.

Scott Taylor, Taylor Design inquired if the parking is needed for the site to operate.

Mr. Stevens stated the developer is currently proposing 43 parking spaces. Yes, that is part of that. Removal of parking spaces could potentially be a variance problem.

Mr. Popovitch addresses the issue of affordable housing. It was suggested that at least one affordable unit would be required based on the number of jobs generated by the development and the three apartment units. The developer has a problem with maintaining one unit as a COAH unit. Mr. Popovitch is not certain of the municipalities current economic status, as to what level of rental would constitute affordable housing, if one unit were to be maintained. The developer would consider a contribution in lieu of that affordable unit. Since the township cannot pass on its affordable housing obligation under the new law, it is unknown if that is something the town would consider.

Township Attorney McGuckin inquired if it is a one-unit.

Mr. Popovitch stated when the evaluation was given, it was a combination of the retail generation with the three units. They rounded up to one.

Township Attorney McGuckin stated he does not believe the town can accept contributions for affordable housing units. You should plan for putting a unit on site. It would definitely have a deed restriction.

Dave Roberts, CMX stated assuming this Redevelopment project goes in some form of a mixed-use, the next step after that would be a Redeveloper agreement. That Redeveloper agreement would dictate how that affordable unit is provided, what the income level would be, and if that would be acceptable to COAH. The incentive is the Redevelopment plan the town would be writing for this project.

Mr. Popovitch stated Ms. Rehrer is an attorney and has an understanding to the whole situation. Paragraph 3 refers to sidewalk with walkways leaving the property. That is no problem and can always be added as a detail to the plan, subject to engineering. The landscaping plan will be addressed, when they go through Mr. Taylor's letter.

Mr. Popovich inquired if the lighting is the township-approved acorn-type lights that are shown on the plan.

Mr. Stevens stated yes, that is the developer's intention. The developer was provided with details from the township.

Mr. Popovitch inquired if the street amenities are in compliance with the streetscape requirements.

Mr. Stevens stated yes, the plan has been designed to comply with streetscape details, provided to him by the Township of Ocean. There will be walkways, landscaping, and low-lantern lighting along the entire frontage of the property. The stormwater runoff has been addressed and is going to be retained on site.

Mr. Taylor stated the architect is now present. The residential planning rationale needs to be talked about and an overview of the project. The specific details can be discussed after.

Richard Grasso is sworn in by Township Attorney McGuckin.

Richard Grasso, New Jersey licensed, registered architect and has been doing shore-area projects for 20 years.

The Township Committee accepts Mr. Grasso's qualifications as a professional architect and the ability to testify before the board as such.

Mr. Grasso gives an overview of the project. This is the second time Mr. Grasso has done this project. The first time it was a one-level retail center. It came back because the town wanted the residential use on the second level. The developer followed a similar pattern of Ocean Memorial Plaza. There is 8,000 square feet of retail use on the first floor. A retail tenant could take one, two or three units. On the second floor there are two 2 bedroom units and a 1 bedroom unit. Access to the units is via the stairs. Behind each unit is a rear balcony on the second floor.

The signage areas would all be fish scale signs, illuminated by fixtures similar to Ocean Memorial. There are also canvass awnings. Each of the upper sashes of the double-hung window would have divide lights.

The first couple feet of the base would be stone, which saves the building from being destroyed by vehicles.

Mayor Kraft inquired what the area is between the tower stairs and the building, on the second floor.

Mr. Grasso stated that is where air conditioning equipment is located for the units below as well as above.

Deputy Mayor Reilly inquired if the residents are walking across the front on a walkway.

Mr. Grasso showed the doors to the residential units. The resident would come up the stair tower, across the covered balcony, and out the other stair tower, for safety reasons and accessibility.

Mr. Popovitch stated the residential units are set back. The residents have access through the stair towers. It gives a lot of dimension to the building. The stairway access is all enclosed.

Dave Roberts stated there is a one bedroom unit in the middle and 2 two-bedroom units on the end. The architectural plans obtained from the prior planner indicate that all three apartments would be three bedroom units. They are shown in the identical layout of the plan. They are all approximately in excess of 1700 square feet. If there has been a change to the plan, have the footprints of the units been reduced? If so, to what extent does that affect the design of the second floor, in terms of using an exterior entrance as opposed to an interior corridor. Also, how did you deal with second use of egress, with the approach your are taking currently?

Mr. Grasso pointed to the middle unit. The three outside storage areas are for the units or the retail spaces downstairs. Mr. Grasso pointed to each staircase. The emergency escape from these units will be via balcony. This is not dramatically different other than the one unit in the middle is smaller with one bedroom. The ends are smaller.

Mayor Kraft has a revised copy dated August 14, 2008.

Scott Taylor has a copy dated January 22, 2009.

Mayor Kraft stated the Township Committee needs to see something that is consistent with what you are trying to do. You don't have the items you are proposing.

Mr. Taylor stated this situation is a little different in terms of the residential above, considering some of the surrounding uses.

Mr. Roberts stated Redevelopment would like to see the residential use exactly how it is detailed. The T&M engineer review letter, dated October 14, 2008, refers to three residential units.

Mr. Taylor stated there have been changes in different areas. This is much more a vehicular dominated area than some of the other locations.

Mr. McGuckin stated based on this location, is this the best place to have a mixed use, at that portion of Route 9, when you have surrounding commercial-only approval on one side and commercial on the other.

Deputy Mayor Reilly stated there is potential of residential across the street.

Mr. Taylor stated this would be a bit of an anomaly along that portion of the corridor.

Mr. Stevens stated the property being discussed is lot 3.02. In the opening remarks, there is an approval for lot 3.01 – the land has been cleared – there has been nothing else done. Mr. Stevens is not sure what is going to happen with that lot.

Mr. McGuckin stated they have an approval for a commercial project on that lot.

Mr. Stevens stated he does not believe the approvals are valid. It has been some time.

Mr. Taylor stated directly to the South of that, there is a series of R-1.

Mr. Stevens stated directly to the South there are three lots that are identical to this size that are developed for commercial uses under a strict C-1 guideline. To the North there are two more lots that are the same exact size that are undeveloped, but have the ability to redevelop. There isn't anything built on either side of this lot.

Mr. Popovitch stated his clients are here on a preliminary type of meeting. There was a suggestion that residential units be sited above. The developer is happy to eliminate the residential units and just proceed with a straight commercial unit. It is certain there is adequate parking, when talking about the cross easements. If the Board feels that residential is not suited for this site or development area, that is not a problem for the applicant.

Mr. Roberts stated some of the concern is that the property is less than an acre in size. When you think of mixed use, the time when you can plan effectively for it is when you have bigger pieces of property. To do it in a linear fashion like this, the concern is ending up with three apartments that are out there by themselves. That might not be the best place to put residential households on a highway, which is bordered by commercial uses. If there were two or three types of these parcels, we could string them together and plan as one entire project. It does not sound like that is going to happen. It seems as if the property is constricted in terms of depth, only being 125 feet. Even if the town were to get some kind of a mixed use design here, it would be difficult to lay it out. The town would want to see the building closer to the road. The narrowness of the lot is restricting the building. It seems as if the developer is resorting to an exterior corridor, because the developer cannot double load the corridor within the building. There is one exterior corridor to feed those units. There are concerns. That corridor is exposed to the elements and it exposes the inner workings to the residential use to the outside. There are concerns about what would happen on that walkway from a visual and functional standpoint.

Mr. Taylor stated if the developer is considering another modification, there are very low one-story, monotonous architecture with structures to the South. Mr. Grasso is doing a much better job of what those structures are. If there is an ability to shorten this building and perhaps do a second or half-story, to get them off and have a little more parking on the sides, it will eliminate the monotony of having three very long flat buildings in a row. The town does not want to repeat the pattern it has a little further South. It gives an opportunity to have green space, go up a little bit and get some visual interest.

Mr. Roberts stated another possibility would be to break the building into two smaller buildings, with a corner feature, if there is room. If that works, the building will have an alley in between. There are some storefronts facing into itself and storefronts facing out to the highway. Two square configurations as opposed to one long rectangular one, if that could be handled, with the parking. The T&M letter mentioned 21 spaces. You mentioned there are 43 spaces. Mr. Roberts inquired what the actual requirement is.

Mr. Stevens stated 43.

Mr. Roberts stated if the developer did not have the residential units, parking would be down by 2.1.

Mr. Stevens stated correct. 2.1 is the required. 6.3 parking spaces for the three residential units.

Mr. Roberts stated you would be able to eliminate those 6 parking spaces for the COAH and have a little bit more site.

Mr. Taylor stated it allows to reserve 43, with 6 for cross access. If the building could be a bit shorter, additional parking could be on both sides, when you come in.

Deputy Mayor Reilly inquired about delivery locations.

Mr. Stevens stated in order to achieve a viable retail unit on this property, in terms of the linear nature of this lot. It is only 125 feet deep and a little more than 300 feet long. The building is going to be very similar to what the drawing looks like. The opportunity to break it into two buildings or do something else just isn't realistic. Any yield would not be achieved on this property. It would not be beneficial to the applicant or to the township.

A loading zone would be provided on one side of the building, with a concrete walkway. It would access doors along the rear of all stores. The loading would be accomplished via hand trucks to the rear. Tractor trailers are not anticipated. Most of the deliveries would be done through box truck deliveries. Mr. Stevens has engineered other retail complexes. They can function well without loading by the front door.

Mayor Kraft inquired what the impervious coverage rate is in this zone.

Mr. Stevens stated the maximum lot coverage is 40% in the C-1 zone. This building is less than 19%. That is what the zoning requirement is. The building is ½ of what is allowed.

Mayor Kraft inquired if the building is in a CAFRA zone.

Mr. Stevens stated yes. This is in a CAFRA area and does not require CAFRA approval for this because of the size and number of parking spaces. There is no tree-save.

Mr. Taylor suggested not coming back with fully engineered site plan drawings, perhaps a revised architecture plan and just a concept plan, so the geometry could be ironed out, without the applicant putting in the time and expense of full engineering. A follow up meeting should be scheduled to address that. In the interim, Mr. Roberts or Mr. Taylor are available, if you have any questions or need to exchange PDF's to move the project forward.

Mr. Stevens wanted to hear it from the Committee that the residential component was discussed with the prior administration and is not something the town wishes to do.

Mr. Stevens inquired if having a mixed use complex with retail and office, is something that is desirable or not desirable.

Mr. Robert stated he doesn't think there is any objection. It's the idea of the residential being isolated. The two stories add a lot of interest to the building. There is concern about the exterior corridor.

Deputy Mayor Reilly stated it affects the design of the building. Get away from the long strip appearance.

Mr. Taylor stated retail on the second floor just doesn't work. If it becomes a dance studio, or something else, it is a way to get a little interest and height out of that building and not have the wasted volume.

Mr. Stevens asked the Committee if they have any other desires or recommendations.

Township Attorney McGuckin stated when the developer comes back, bring all the materials for the project, including all stone and roof samples, etc.

Mr. Popovitch stated he will come back with the stone, exterior colors, and roof samples.

Mr. Reilly stated the Committee would like to see more than just brochures. Bring the actual, hard evidence.

Mr. Popovitch thanked everyone for their time and looks forward to coming back with a plan that will be more acceptable. Mr. Popovitch stated he will have to re-notice.

Mr. McGuckin stated it will be included with the different planning project.

Informal Hearing:

- Waretown Associates LLC
  - Block 242, Lots 12.04 & 12.05

Imant Smilzens stated he is the Planner for this project, and Chris Sarapoulos is the applicant/owner of the property. They were in front of Redevelopment last month with a concept plan. Through discussions with the Committee, it was evident that some concerns were raised about the visibility of the commercial piece in relation to Route 9. The plan that was discussed had the building perpendicular to the roadway, with parking situated between that building and the bank. With those concerns, the plan was revised, to provide more visibility to the commercial piece, which is a space of retail uses, offices. The parking bays are now put in front of the store. The branch still remains the same form and shape and its relationship to the site. The entry to the site was moved and aligned with the bank between the bank and the retail center, so it is fairly easy for a customer or client to go in there and select parking in front of the bank or go to the retail complex. Those changes were done to increase the visibility of the center and improve its marketability.

Mr. Sarapoulos has been in touch with banks and retailers that may be interested in the site.

Mr. Sarapoulos stated he cannot make any kind of commitment with the bank until he has a plan to show them. Mr. Sarapoulos stated he and his son will use 3,000-4,000 square feet for their own purposes. The rest of them he will rent. They are working on getting tenants. A few banks came down, saw the location, liked the location and are interested. Mr. Sarapoulos cannot tell the banks anything until this is approved.

Mr. Reilly inquired what will happen to this project if a bank does not come forward. It seems the layout is designed for a bank.

Mr. Sarapoulos stated it could be two small retail stores. The layout and parking would not be affected. Mr. Sarapoulos stated he has had properties that had banks close down. He turned them into a diner.

Mr. McGuckin stated the Committee needs to know if they are looking at two retail buildings or a bank and retail buildings. That will make an impact on what they are going to do.

Mr. Taylor stated if this was just retail, it would have a different configuration. This is predicated on a bank. If 15 years from now, the bank goes out of business, retail could work. If the initial use is all retail, it makes a lot more sense to design the site based on what it is going to be. You can market this plan. If you get a bank, the Committee will have enough comfort level with this plan to move forward.

Mr. Sarapoulos inquired if they could do a Phase I and Phase II.

Mr. Taylor stated if you don't secure a bank here, maybe this will become a building that is a bit longer, or "L" shaped. It is not going to be cost effective for the developer to build a 4,000 square foot retail building, if you do not get a bank there. It would make more sense to build a little bit of retail or a little bit of second floor. If you can get a bank, great. If not, you need to look at how the whole plan is laid out. If it is an Applebees, it won't fit and the other building will have to be shifted over.

Mr. Smilzens stated uses here are allowed by the zones. It's not that the developer needs a use variance or special reasons variance for this. The developer would like to proceed with a plan with architectural, a landscape plan and streetscape based on a bank branch as a focal point. The developer has revised the ability for a second retail store. The developer would like to get commitments from retailers. If the developer does not get that, they will come back with a different layout. The developer is not going to proceed if it can't be marketed.

Mr. McGuckin stated the Redevelopment Agency hasn't granted approvals for anything without knowing exactly what the sign is going to look like, what is going to be on the sign, etc.

Mr. Smilzens stated that is the next phase. Is Redevelopment comfortable with the bank branch and the visibility it will provide?

Mr. Reilly inquired what this building is going to be. If it is not going to be a bank, it changes the whole layout.

Mayor Kraft stated the developer would like to proceed with it as a bank. This project is a better effort than originally proposed. There are some issues (ie. the face of the big building being 155 feet off Route 9, the sea of parking in front of it, etc.) It is against what we are trying to do. As a minimum, the developer would have to move the face of that building to match the line of the bank or move the bank forward.

Mr. Taylor stated if the building is moved up, with a little bit of parking in the front and a little bit of parking in the rear, it's useless and very hard to market. The only solution is to turn the building sideways. That way all the parking is still convenient in front and some street edge by the building. That was a compromise if this building is a bit less visible, for the stores, from Route 9. The town gets that street-edge presence to try to slow people down and get more of a pedestrian streetscape.

Mayor Kraft stated or shrink the size of this building.

Deputy Mayor Reilly inquired how people are going to know what's there unless you have some form of street signage.

Mr. Taylor stated in either situation, they are going to need to rely on traffic coming in to use the bank, drawing attention to what the uses are in there. The developer is proposing a monument sign along the site frontage. All of the stores are 156 feet off the right-of-way. With the building

reoriented this way, some are much closer and more visible and others are further back. If the building was shortened it eliminates the less desirable space. There are a lot of businesses that don't rely on that kind of visibility. Pure retail needs it but not all businesses. A dance studio is not something that needs to be visible.

Mr. Smilzens stated there is a bank of parking consisting of 17 spaces in front. The developer is over parked by 10 spaces. Out of the 17, the developer could put 10 in the back and have 7 dedicated employee spaces. That would move the center up a little closer. It won't resolve everything but it would put parking in the back.

Mr. Taylor stated now there will be a driveway in front of the building and you don't have parking in front. That is hard to market. The 17 is going to have a negative impact on the marketability. Either move it up a full bay or rotate it.

Mayor Kraft inquired if the bank could be moved and have the big building follow it.

Mr. Sarapoulos inquired if the developer could make it all one building.

Deputy Mayor Reilly stated many banks want to stand alone.

Mr. Taylor stated banks want to stand alone for their security system.

Mr. Sarapoulos stated there are banks in strip malls.

Mr. McGuckin stated they may start out in a strip mall.

Mr. Roberts stated another opportunity is if the developer ends up with this configuration because it is the only compromise that works from a marketing standpoint. The next step is breaking up the parking lot areas and possibly emphasize the pedestrian circulation. You could walk from one end to the other, where it is clearly marked and has enough green space to be able to make that function.

Mr. Smilzens stated the developer will need a variance. The code is met with the parking ratios. The smart parking ratio is standard and adopted in most communities.

Deputy Mayor Reilly inquired what the objection is to move it forward to the parking spots in front of the building.

Mr. Taylor stated when you do not have parking in front of the building, it becomes difficult to lease those units. People want customers to park in front of the business.

Mayor Kraft stated you could do that by eliminating the first two rows of parking.

Deputy Mayor Reilly stated move it forward and do something in the back. The employees of the stores and the bank are going to need a place to park. Put the employee parking behind the building, and then something could be done in the front.

Mr. Taylor stated if you move the building up that far, then the developer is taking 40 spaces and putting it behind. It would be difficult to market 14,000 square feet with only 40 spaces.

Mayor Kraft stated if the applicant says they're going to put in a 3,000 or 4,000 square foot coffee shop, that is not realistic. The Committee needs a true sense of what the developer is trying to do. There is no room for hair, pizza, nail shops, etc.

Mr. Smilzens stated he submitted a full marketing study of the township.

Mayor Kraft stated the town can not allow buildings to be built that are going to be vacant. The Committee appreciates everything the developer has done. It has come a long way. It is viable piece of property. Something will work on it. The developer needs to do some demographics and consider what it missing.

Mr. Taylor stated the disadvantage of this is everyone who exits the bank drive is staring at the side of the building and not what is in front. One of the advantages of this plan is everyone who exits the drive through has full visibility of the entire building.

Deputy Mayor Reilly inquired if there could be a well-designed street sign indicating what stores are in there.

Mr. Taylor agreed. It is one of the reasons why the design was curved instead of leaving it straight.

Mr. Roberts stated from a pedestrian standpoint, it seems to work better. The opportunities for better pedestrian circulation seem to be there.

Mayor Kraft inquired what the width of the building is.

Mr. Smilzens stated the retail width is 68 feet. Each unit would be 25 feet wide. The developer will take this plan and make it a little bit more "L", and shrink it up towards the front.

Mr. Taylor stated this building is a bit too deep. The little "L" needs 10,000 shaved off at either end and bring the building up. It still gives us that street edge. Scott discussed several changes to the building and parking.

Mayor Kraft inquired if the developer thinks they can rent 10 units.

Mr. Sarapoulos stated he believes so. He will market the plan.

Mayor Kraft inquired what kind of uses.

Mr. Sarapoulos stated he can use 4,000 square feet for himself. Competition is good for business.

Mr. Smilzens stated Oceanaire is being developed with a large senior population. These are needs to consider for them, physical therapy, doctor's offices. You need to consider the marketability of the property. Mr. Sarapoulos has been successful in marketing properties like these.

Mayor Kraft thanked the developer and stated they have been very patient.

PUBLIC COMMENT

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

No comment from the public.

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

CLOSE

Motion to adjourn meeting was moved by Deputy Mayor Reilly, seconded by Mayor Kraft.  
Roll Call: Reilly: Yes, Kraft: Yes.

Signed and Submitted:

---

Diane B. Ambrosio, RMC  
Township Clerk

---

Date

