

MEETING MINUTES

TOWNSHIP OF OCEAN REDEVELOPMENT COMMITTEE

JUNE 9, 2010
7:10 PM

1. CALL TO ORDER

- ROLL CALL

Tina Wetter X Dennis Tredy X Joseph Lachawiec Absent

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.

MEETING MINUTES

Approval of the Meeting Minutes of March 25, 2010
Approval of the minutes will be voted on at the next meeting.

REGULAR MEETING

RESOLUTION 2010-1 RED : authorizing the Redevelopment Committee to retire into Executive Session for the purpose of discussing: The Redevelopment Committee.
Motion of approval moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.
Roll Call: Wetter: Yes, Tredy: Yes

OLD BUSINESS

- Diamond Developers
 - o Tradewinds at Waretown
 - Block 131, Lot 4

Tom Monahan and Dave Minnow are representing Diamond Developers. Diamond Developers met with the Redevelopment Committee in March 2010, reviewed samples of what the building is going to look like and answered questions.

Dave Minnow, Architect, Registered Professional Planner, is sworn in by Township Attorney McGuckin. Mr. Minnow's qualifications are accepted by the Redevelopment Committee.

Mr. Minnow stated it is a mixed-use site. The site is approximately 17 acres located on the East side of Route 9. The main entry of the project is lining up with the entry across the street, signaling a focal point for both sides of Route 9. The idea of the project is to establish a Main Street type-feel. The developer was encouraged to not show a lot of parking. There is an area for people to congregate and café dining.

Drawing A2 is the two B Buildings that form the entry. They are retail on the ground floor, with residential above. There is a single story or story ½ retail building in the front called Building C. The square footage of Building C is 5,000. Each of the two Building B's are 11,500 square feet, totaling 28,000 square feet of retail. There are 12 units on top of each of the B buildings and four three-story buildings in the back, each with 30 dwelling units. Parking is distributed around the buildings.

The club facility is in the back with the pool area. There will be plenty of pedestrian accessways, sidewalks and traffic-calming paving, where people can cross the parking lots.

Deputy Mayor Tredy inquired how dense the green, buffered area is.

Mr. Minnow displayed an aerial map prepared by PDS Professional Design. The buffered area is in the northeast corner of the site. The site has an existing tree-wooded area and buffered wetlands.

Tower elements were created with copper colored roofing. Different types of signage along the front will be used with awnings showing the names of the shops. There will be stone on the base of the tower elements with horizontal siding above that.

Standing within the project, looking toward Route 9 at the backs of the two B Buildings, there are shops along the one end and service doors near the parking.

Drawing A3, which is Building C, is the next building going North on Route 9. It is about a story ½ in height. It is the same type of architecture with stone going up a full story with a portion of stucco. There will be awnings and signage. In between Building C and Building B is a pergola and gazebo for sitting and gathering.

There is no residential in Building C. There are 12 residential units in the two B Buildings.

Scott Taylor, Taylor Design inquired about the stucco on Building C. Stucco had never been mentioned on that building before.

Mr. Minnow stated there is a stucco panel between the top eave and where the stone stops. It is very minimal.

Mr. Taylor inquired if all four sides of the buildings will be treated similarly in terms of siding materials?

Mr. Minnow stated yes.

Mr. Minnow stated the service entrance will be at the rear inside corner of both buildings. Sidewalks will go all the way around. The B Buildings are the affordables and meet the bedroom-mix requirements - 20% one bedrooms, 20% three bedrooms and 60% two bedrooms.

The Club Building is about 1300 square feet. There is a multipurpose room at the main entrance. This building could seat 97 in lecture-style seating. There is a fitness room, which looks out to the pool. The restrooms provide access internally to the rear and a side entry. There is an outdoor shower attached to the building. There will be a high plate about fifteen feet to the eave line of the roof area with a copula at the end. There will be a hot tub to the rear.

Drawing A4 shows four (4) three-story residential buildings to the rear with 30 dwelling units in each. The architectural theme is the same using horizontal siding, stone, some shake siding up in the gables. There is a main entry to the building and a corresponding entry on the opposite side. There are balconies set into the building and some off to the side. The end of each of the four buildings' façade will be facing west to Route 9 or east to the wooded area in the rear. The materials are consistent with a stone element in the center and horizontal siding and balcony locations. The stone goes all the way up to the third floor. The height of the building is 30 feet 9 inches to the eave. There is living space above the third floor. The third floor units have a stairway that goes up to a 150 square foot loft. It is not considered an additional floor.

Mr. Taylor stated under the town's ordinance, if there is less than two feet between that floor and the plate, it would be considered a half story.

John Maczuga, T&M Associates, inquired if the sidewalk, on Route 9 going north toward the restaurant, was eliminated.

Mr. Minnow stated it would not be a problem to connect the sidewalks.

Committeewoman Wetter inquired if the town allows 3 ½ story buildings.

Mr. Minnow stated the redevelopment plan allows three story buildings. The 3 story buildings are set back. The buildings on Route 9 are two stories and buffered.

Mr. Taylor stated the three story building has a technical ½ story. The building elevation will look the same whether there is a loft in there or not. It is only 150 square foot loft. It is like an attic space to have a computer in.

Mr. Minnow stated the building is fully sprinklered, including the loft level.

Mr. Minnow showed finishes of the retail buildings. The buildings are similar. The stone is in the same family but slightly a different shape. The siding color is slightly different. The asphalt shingle is a weathered wood color. The building has white trim and white windows. The

residential buildings have a similar look. The awnings are very steep, to show the business logos.

Mr. Maczuga inquired if there are school children projections. Are there three bedrooms, other than the affordable?

Mr. Minnow stated no.

Deputy Mayor Tredy inquired if there is a fiscal impact analysis.

Mr. Minnow stated yes, but it has not been updated.

Deputy Mayor Tredy inquired how the project will be maintained.

Mr. Minnow stated the Homeowners Association require maintenance fees. The pool will be maintained just the same as landscaping and exterior/interior of the building, by the Homeowners Association.

Deputy Mayor Tredy inquired how high will the project be raised.

Mr. Minnow stated the site will be about three feet above Route 9. Shop Rite is 6-8 feet above Route 9.

Mr. Taylor would like to see the grading rolled up so there is not a visual wall and to soften the connection between Route 9 and the storefronts to get a more pedestrian friendly streetscape.

Mr. Minnow stated the wall was put in due to concerns about safety from the previous Redevelopment Committee. The wall can be modified.

Mr. Maczuga inquired about the grade. There are concerns about stormwater management systems.

Graham McFarland, Professional Design Services, Lakewood, NJ is sworn in. Mr. McFarland is a structural engineer, professional planner, certified municipal engineer, licensed in the state of New Jersey and has presented this application before the Redevelopment Committee before. The site is slightly higher than Route 9. The current requirements for stormwater management design dictate the grade requirements for the separation of high water, water quality and stormwater control. The average grade of Route 9 along the project's front is about elevation 14 and most of the grades throughout the site are between elevations 16 and 17. The average fill will be two or two and a half feet. The buildings are at the same elevation. The project will be very level. Stormwater management has a series of retention systems the water will flow into first. Then there are a series of underground recharge systems scattered throughout the site, which will manage the volume. There is a detention basin in the corner of the site. That will run off from the retail component as well as any run off from large storm events that will filter through the other systems before going into that basin. The underwater recharge is connected to that basin.

The project has a system almost like a system of belts and suspenders, where there is a water quality first, then volume and a peak rate control. When there is a 100 year storm, there will be some discharge from the underground systems into the basin.

Mr. Maczuga stated the concept plan does not match the site plan.

Mr. McFarland stated this is the original concept from a few years back. There was an evolution of design after meeting with the Department of Transportation and 3 or 4 Redevelopment meetings. The site now contains a primary access across from Memorial Drive. The secondary access is at the north end of the site as well as the realigned entrance off Birdsall Street. The developer will be doing the realignment. The northern drive aligns with the traffic light further to the north at Volunteer Way.

Mr. Taylor stated the developer's grading plan shows some of the inlets were constructed and are almost directly opposite the stormwater basin.

Mr. Maczuga inquired if DOT approved that.

Mr. MacFarland stated DOT has not received a full submission yet. The developer is waiting for Redevelopment's blessing of this plan.

Mr. Maczuga inquired if left and right turns can be made at the drives.

Mr. MacFarland stated that is up to the DOT. The developer prefers full access. It is not mandatory for the success of the property. There could be further evolution of the access point design after submitting to the DOT. The developer feels it is important to have the second access.

Mr. Oris stated the stormwater management basin is a component that is necessary. That is something the travelling public will see. The bottom of the basin is at elevation 8. Seasonal high water table showing elevation at 11. Is this designed as a wet basin?

Mr. MacFarland stated correct. To minimize the impact and make it visually pleasing, there will be a fair amount of landscaping provided around that basin. A dry basin would bring in more fill and raise the site.

Deputy Mayor Tredy inquired if there will be landscaping within the basin. In Forked River there is a bank with a very deep basin close to Route 9. That basin has landscaping within the basin with features that make it attractive.

Mr. MacFarland stated it will be a wet pond. There will be water in it at all times. The normal water depth is three feet. Three feet of water is the minimal provisional by DEP ordinance. The bottom of the basin is at elevation 8. Water is going to be at elevation 11. The top of the basin is elevation 15. It will be four feet from grade to water surface.

Mr. Taylor stated the three-foot water depth is not sufficient to have a viable water body. The developer would want to go deeper and have aeration.

Mr. MacFarland stated aeration will help the water quality. Every foot of water raises the site.

Mr. Taylor is concerned with water temperature creating a green swamp.

Mr. MacFarland stated fountains can be provided, as well as make up water.

Mr. Taylor stated the northern parking lot comes up with no buildings in front of it. A recommendation would be to extend a wall and fence along the front building line to screen the parking and continue to create a visual, filtered straining of that basin.

Deputy Mayor Tredy inquired if the water in the wet basin goes into the ground.

Mr. MacFarland stated no. There will be a liner at the bottom of the basin, making it a pond. Current regulations dictate the developer to provide a measure of water quality as well as quantity and peak rate production of the stormwater. To satisfy the water quality there is a wet pond, which provides that function. In order to satisfy criteria of the DEP, there are certain parameters that have to be achieved – the depth of the water, the size, the overall design of water into the basin. If a dry pond is used, there has to be a two-foot separation from the bottom of the pond to the border. That will dictate grades throughout the site. If the basin is wet the developer can encroach slightly into the seasonal high water elevation. With a wet pond, the developer gains two or three feet of grade to work with and that is two or three feet less of fill.

Mr. Oris inquired if the side slope can be barriered and the basin be aerated with a fountain and light feature.

Mr. MacFarland stated yes. Also the basin can be designed into a more natural shape.

Mr. Oris inquired the elevation and the height of the wall at the rear of the site.

Mr. MacFarland stated there is a home to the south that fronts on Birdsall. The backyard of that home is at approximately elevation 13. The developer maintained the buffer on the site. There is a retaining wall around the perimeter of the site to be improved. The retaining wall will be at elevation 16. From the corner of the property to the wall is about 40 feet or so. That is the perimeter of where the site is going to be filled. The site will be elevated a couple feet from the grade. The height of the wall is three feet.

Deputy Mayor Tredy is concerned about the two southern houses having run-off-water problems from this new development.

Mr. MacFarland stated there will not be any stormwater directly from the property onto the adjoining properties. All the water is going to go from the wall into the site to a series of draining systems. There is storm drainage that runs from the south portion of the site all the way

through this main street up to the detention basin. The developer will realign Birdsall Street and make it a 90 degree intersection, which will bring additional paving and additional run-off. A very small, shallow retention basin will be constructed for this. It will be about three feet deep in the southwestern corner of the project, to collect run off from the street.

Deputy Mayor Tredy stated the end result will be the town ending up with a piece of property that is no longer a road.

Mr. MacFarland stated the right-of-way will be adjusted so it conforms with the geometry of the proposed street. There is a strip of the existing right-of-way, which is the teardrop shaped property and will remain as there are utilities installed there. There is a dry basin next to that residence there.

Mr. Maczuga inquired if the homeowners association would maintain the basin at Birdsall Street.

Mr. Minnow stated yes.

Mr. Maczuga stated Building A4 is the residential building that is 45 foot in height. The wall is three foot in height. That will be a significant structure to the rear yard of the homes.

Mr. MacFarland stated the approximate distance from the rear of the house on the South to the building is 100 feet.

Mr. Maczuga inquired if there is anything proposed to minimize that visually.

Mr. MacFarland stated the developer is maintaining the existing buffer.

Mr. Taylor stated a lot of the existing vegetation is an oak forest with some pine. There is no understory. The vegetation is 45 feet in the air. Supplemental buffering is needed at the rear of the site near the pool area.

Mr. MacFarland stated the plan shows shrubbery along the retaining wall and agreed to add more understory evergreens.

Mr. Oris stated the retaining wall will not require a fence at the top.

Mr. MacFarland stated the wall will be made of euroblock or similar product that will match the color selection of the site. It will be a cut face type of module. It will not be smooth-faced.

Township Attorney McGuckin stated Building C is going to be a townhouse-type facility. What are the apartments above the commercial stores going to be?

Anthony Garofalo, Managing Member of Diamond Developers, Tradewinds of Waretown, is sworn in. Mr. Garofalo stated the apartments above the commercial stores will be COAH units for rent. They will be paying both COAH and Redevelopment.

Township Attorney McGuckin inquired what is the responsibility of the developer, as the owner of those units and the condominium association, which effects the common elements, specifically stormwater management.

Mr. Garofalo stated there will be a joint-management obligation with the homeowners association. The details are not completely defined, due to the economics.

Township Attorney McGuckin stated at some point, the homeowners association is going to ask the town to make payments toward their snow removal and garbage collection. It is going to be hard to separate the commercial use under the Condominium Services Act. There has to be an agreement between the developer and the town. If the shared parking is not being maintained, the town needs to know who to contact. There should be a developer's agreement in addition to the plan itself.

Mr. Garofalo stated that will be worked out.

Mr. Taylor stated it should be delineated on the plans so there is a clear line of responsibilities for maintenance. Phasing of the buildings should be clearly delineated.

Mr. Maczuga inquired if the five affordable units, within the four buildings, are rentals.

Mr. Garofalo stated that option is being left open. There are 29 affordable units. 24 affordable units are above the commercial buildings. The other 5 affordable units are somewhere in the residential buildings.

Mr. Taylor suggested designated outdoor dining areas be included in calculations for the bathroom count. There was an instance where the plumbing subcode official looked at it as individualized. If it is common and opened to everyone, it may not need to be addressed. Signage remains undefined.

Township Attorney McGuckin stated Redevelopment is going to let the Planning Board discuss signage with the developer.

PUBLIC COMMENT

Motion to open to the public was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes

Gary Casper, 23 Birdsall Street, inquired how close does the side entry impact the first property line.

Mr. Minnow stated the center line of that drive coming off before property line is roughly 150 feet to the property line.

John Petrosilli, Vessel Road, inquired if the financial plan includes the impact on the Police Department, Fire Department or the First Aid Squad.

Deputy Mayor Tredy did not see those items on the financial plan.

Mr. Minnow stated all the standard services for the town are included - police, fire, rescue.

Deputy Mayor Tredy gave his financial plan to Mr. Petrosilli to review.

Mr. Petrosilli inquired if water from the wetlands could run onto the blacktop.

Mr. McFarland stated there are wetlands in the northeast corner of the project site. The site is designed in accordance to the current regulations, which requires the developer to reduce the volume. The amount of runoff that goes to the wetland area will be reduced.

Jacqueline Petrosill, Vessel Road, inquired how the project would impact the schools and where will trees and landscaping be placed.

Mr. Minnow stated everything that is green on the plan is going to be green in reality. There is a very large portion of the site that will be untouched. There will be trees in the developed parts of the site. Mr. Minnow pointed out the trees, plantings and shrubs that will be submitted to the Planning Board. There will be plantings around the retention basins in both corners.

Deputy Mayor Tredy stated the document he gave to Mr. Petrosill addresses the schools. The document gives minimal figures and explains the formulas used to get the conclusion.

Mrs. Petrosilli inquired the COAH breakdown of each unit – one, two and three bedrooms.

Mr. Minnow stated there are 115 market rate units - 15 one-bedrooms and 100 two-bedrooms. In the COAH units there are 5 one-bedroom, 18 two-bedrooms and 6 three-bedrooms.

Gary Casper, 23 Birdsall Street, inquired about lighting for the back units.

Mr. Minnow stated there are residential units in the back of the site. It will be like any residential neighborhood with dim lighting. People will have blinds on their windows. There will be no spot lighting on the buildings. Parking lot lighting will be fluted so the light does not throw off the site. The direct source of light will not be seen.

Mr. Petrosilli inquired if there will be on-site security.

Mr. Garofalo stated no.

Motion to close public comment was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes

Mr. Minnow requested the application be moved to the Planning Board.

Deputy Mayor Tredy stated the project is well-planned and thought out. Deputy Mayor Tredy feels comfortable making a recommendation for preliminary approval to be sent to the Planning Board, with the option to review the application again, should the Planning Board find a major defect in their investigation.

Township Attorney McGuckin stated the Redevelopment Committee is deferring this application to the Planning Board for their review of the site plan. The actual Redevelopment Plan will be presented by ordinance to the Governing Body after the Planning Board grants their site plan approval.

Motion to defer the final decision on the Redevelopment Plan until after the Planning Board conducts their site plan review was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes

Township Attorney McGuckin stated if there is a use issue here, as far as the density is concerned under the existing ordinance, the town requires the redevelopment plan to be approved before the application goes to site plan approval. The Planning Board does not have the authority jurisdiction to grant site plan approval if a use is not permitted. It would have to go to the Zoning Board.

Mr. Monahan is not sure of the density.

Mr. Taylor stated Mr. Roberts, CMX, prepared a draft Redevelopment Plan, which addressed ordinance changes consistent with this plan. That plan was never adopted. In order to give the applicant a referral to go to the Planning Board, because the redevelopment plan which addresses density, height, number of stories has not been adopted, the Planning Board would get a document that could potentially have three D variances.

Mr. McFarland stated he though the procedure was to go to the Planning Board with the concept, then come back and get Redevelopment approval.

Township Attorney McGuckin stated the applicant would have to go back again to the Planning Board, as the Planning Board does not have jurisdictions to grant site plan approval, if there was a use issue involved. The ordinance itself was not adopted.

Mr. Minnow stated the Governing Body needs to approve the redevelopment plan to enable the Planning Board to review the plan.

Mr. Oris stated the property is identified as Phase I Route 9 in the Phase I Route 9 Redevelopment District. Mixed use Sub-district TC-MXD of the Route 9 Phase I Redevelopment Plan as amended November 2006 supercedes the local ordinance for use bulk and design standards. This application is consistent with that reference and is not a use issue.

Mr. Minnow stated the project is 144 units on 17.5 acres.

Mr. Oris stated 8.23 units per acre.

Mr. McFarland stated the 2006 Redevelopment Plan stated 9.5 with the purchase of TDR credits.

Mr. Oris stated in his report Page 4, Comment 2.3, references the maximum residential density for a multifamily is 8.5 dwelling units per gross acre. The density is appropriate. The height restriction needs to be confirmed.

Motion to defer the application under the Redevelopment Plan and send to the Planning Board for their site plan review and if there is a use issue, return to Redevelopment before plans are adopted was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes

Vince Anepte, Township of Ocean Planning Board, stated there are four Planning Board members in the audience tonight and inquired if the members may discuss or ask questions regarding the application.

Township Attorney McGuckin stated this meeting is fact-sensitive. If the Planning Board members are going to question this application it would be a problem. The developer is going to the Planning Board at some point and if a comment is made or if the members evidence some type of disposition on a particular issue and ultimately vote against the project, and argument will be made that the application was prejudged and therefore are bias against it.

Adjourn

Motion to adjourn meeting was moved by Committeewoman Wetter, seconded by Deputy Mayor Tredy.

Roll Call: Wetter: Yes, Tredy: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date