

MEETING MINUTES

TOWNSHIP OF OCEAN REDEVELOPMENT COMMITTEE

JANUARY 11, 2012
5:30 PM

1. CALL TO ORDER

- ROLL CALL

Joseph Lachawiec X Tina Wetter X Dennis Tredy 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.

MEETING MINUTES

Motion to approve of Meeting Minutes March 25, 2010

Motion to approve was moved by Committeeman Lachawiec, seconded by Mayor Tredy.

Roll Call: Lachawiec: Yes, Wetter: Abstain, Tredy: Yes

Motion to approve the Meeting Minutes of June 9, 2010

Motion to approve was moved by Deputy Mayor Wetter, seconded by Mayor Tredy.

Roll Call: Lachawiec: Abstain, Wetter: Yes, Tredy: Yes

Motion to approve the meeting minutes of July 14, 2010:

Motion to approve was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

REGULAR MEETING

NEW BUSINESS

- Mackres Family LLC
Redevelopment Plan – Block 37, Lot 39.01
Apartments(256) , townhouses (42), motel, office space, commercial shopping center

Thomas Butz, Representative of Mackres Family LLC, was sworn in to testify by the Township Attorney. Mr. Butz requested the site plan, dated August 22, 2011, be marked as Exhibit A-1 and a booklet of photographs marked as Exhibit B. This application is for 39 acres, owned by the Mackres Family LLC company, located at the present Waretown Shopping Center as well as the Sea Pine Inn Motel. The restaurant to the north, currently named Longshots, is not own by Mackres Family LLC and is not part of this application. This application under the conceptual Redevelopment Ordinance is to improve the existing facilities already constructed and for additional construction. There will be eight phases of development.

The first phase will be the reinforcement and improvement of the existing shopping center. The photographs will represent the complete renovation of the building façade, including the post office and redesign and change the parking area. Ocean County is currently constructing the walking trail.

The second phase of redevelopment of this shopping center will be the reconstruction of the existing motel unit and phasing in two additions to increase the available rooms. Photographs will be shown of the new façade, which will become an L-shaped building. The intention of the applicant is to secure a franchise from a nationally recognized motel operation like Clarion or Holiday Inn.

After several years due to the economy and financing reasons, the next proposed phase would be the construction of apartment buildings in the back of the motel. The architect has prepared a design of the proposed exterior. The existing shopping center will have a nautical motif.

The next phase would be townhouse units in back of the apartment complex. Proposed facades for those structures will be shown at a later date.

The next phase On Volunteer Way, across from the Shop Rite shopping center, proposed retail and office uses would be constructed plus a separate standing building suitable for a bank or a large retail drug store.

The last phase will be to demolish the existing contractor's warehouse facility on the property in back of the motel.

Mr. Butz reviewed the Township's Engineer letters. Nick Macres will be testifying and showing photos. The project's Architect, Planner, Traffic Engineer and Bruce Jacobs, Engineer will also testify this evening. Mr. Butz stated the T&M report dated June 2011 included solar panels. There are two existing large drainage facilities on the site. One of the drainage basins will be expanded substantially with this proposal. The solar panels are proposed to be constructed in the bottom of the basins. Under DEP regulations, the basins became wetlands. Under the Township ordinance, solar panels are permitted in the zone. There is a height limitation of six feet. These solar panels would be fourteen and a half feet tall from the bottom of the basin. The T&M letter dated January 9, 2012 states all of the uses are permitted under the Redevelopment Conceptual Plan. The engineer's report suggests everything be demolished. That cannot happen due to existing long term leases.

Mr. Oris stated the Township has put forth great effort into planning this portion of the town. All options should be explored.

Mr. Taylor stated a new commercial building could be constructed within 6-9 months. The long term leases could move into better commercial space on this site. The long-term phasing could still be accomplished.

Mr. Butz stated if they cannot phase with the existing buildings that are there, than nothing will happen there and the existing facility will remain exactly as it is.

Stan Slachetka, T&M Engineering, stated the existing uses, environmental constraints and other factors may require the Township to amend the Redevelopment Plan to allow the development in accordance with the Town Center Plans.

Mr. Butz stated there are existing entrances off Route 9 and Volunteer Way and cross easements on the restaurant property and Mackres family property which can continue to be used as an ingress and egress for the property which is the subject of this application.

Mr. Taylor stated the restaurant is not part of this application. It seems the plan reconfigures the restaurant part of the site.

Mr. Oris stated the plan shows the applicant doing work on the restaurant lot. The parking requirements of the restaurant need to be reviewed.

Mr. Slachetka stated if the Township Committee determines there needs to be changes in the Redevelopment Plan to accommodate this plan, an amendment step will be necessary prior to Mr. Mackres going to the Planning Board.

Township Attorney McGuckin stated the issue of the easement and the adjoining property affects what is being reviewed tonight. Mr. Jacob's testimony should be heard first.

Bruce Jacobs, NJ State Licensed Engineer and Planner, is sworn in by Township Attorney McGuckin. Mr. Jacobs stated Mr. Mackres has a complete cross-access development agreement.

Mr. Taylor stated if lot 39.02 is not included as part of the Redevelopment application, there is a question with respect to appropriate notice to the hearing.

Mr. Jacobs stated the improvement of the County Rail Trail causes the applicant to reconfigure the parking lot. The restaurant improvements are two traffic islands and restriping of the parking lot.

Mr. Butz will research the recorded easements and submit them to Township Attorney McGuckin. The easements have been there for 30 years.

Township Attorney McGuckin stated if the easements are referenced and this plan is allowed under the cross-access easement, the applicant is required to notify the public that the property is part of this application and that there is a proposed change on that property.

Mr. Jacobs stated most of the parking spaces the restaurant utilizes are on Mr. Mackres' property.

Mayor Tredy inquired if the Township has jurisdiction to hear this application at this time.

Township Attorney McGuckin questioned whether or not the Township has jurisdiction, if there are improvements being imposed on the restaurant parking lot that have not been noticed or listed in the application. That is a concern and it needs to be addressed.

Mr. Taylor stated that the parcel and underlying cross-access easements need to be included in the application. All the parking modifications will need to be clarified, especially when the application moves to the Planning Board. There is also a reduction of seven or eight parking spaces on lot 39.02.

Mr. Slachetka stated there is also construction of new-curbed islands.

Township Attorney McGuckin stated those improvements need to be a part of this application.

Mr. Jacobs stated the restaurant has sufficient parking to meet the needs.

Township Attorney McGuckin discussed that part of the application being heard tonight has not been noticed. The applicant can get the restaurant to sign off on this application. If there are improvements on that lot, the Township cannot approve the application without the property owner's consent. The recorded easements need to be reviewed before the Township can make any decisions on the application.

Township Attorney McGuckin recommended Mr. Butz provide the recorded easements and improvements to all the professionals and the Redevelopment Committee. The application will be carried until everyone has had an opportunity to review them.

Township Attorney McGuckin stated that Mr. Butz has agreed to re-notice the public with the next Redevelopment meeting date.

Motion to carry the Mackres Family LLC application upon re-notice to the public of next Redevelopment meeting date was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

- Lanwin Marina Associates/Stan & Kathy Bystrek
Residential Boating Community – 69 Townhomes

Jason Bundick, Attorney for Lanwin Marina, Lawfirm of Drinker, Biddle and Reath. The applicant is under contract to purchase Stan's Marina located along Baltic and Atlantic Avenues, Block 200, Lots 26.01 and 30, Block 201, Lot 7 and Block 209, Lot 6.01.

Phil Evans, Lanwin Principle Associate, is sworn in by Township Attorney McGuckin.

Robert Fuller, Vice President of Development, is sworn in by Township Attorney McGuckin. Richard Reading, Richard Reading Associates performed the Fiscal Impact Analysis. The following professionals are here this evening, Bob Heuser, Planner, Michael DiGeronimo, Looney, Ricks, Kiss Architects and Bob McCarthy, DW Smith Engineers. Exhibit A-1 is an aerial map of the proposed redevelopment area from NJ Department of Environmental Protection 2000 map.

Bob Heuser, President of Heuser Design, Pennsylvania is sworn in. Mr. Heuser is not a professional Planner in the state of New Jersey but has over 40 years of planning and site design experience. Mr. Heuser pointed out the boat storage yard, the Marina parcel and the boat ramp, temporary docking facilities and waterfront community that has access to the dock basin area. Mr. Heuser has tried to create a vacation, second-home type environment that would consists of townhomes in the range of two to six dwelling units in an attached environment. The streetscape would create a unified development and special treatment for the community. There is a streetscape along Baltic Avenue with a turnaround to

eliminate the dead end configuration and a sidewalk system. A public access walkway provides access to the boat slips that will be leased to residents of the community. The walkway terminates to a scenic view on the bay. Four townhomes would be within the footprint of the existing Marina buildings. The existing boat ramp would remain as well as a staging area for the temporary docking of boats behind the units. All of the buildings would be three and a half stories in height with a living area on the second level, third level and eaves of roofs. The ground floor would be parking and the storage of boats.

Mr. Fuller stated this project is driven by certain CAFRA requirements with the 100 year flood storm surge. It is better to set the units with no living area on the ground level.

Mr. Heuser stated the buildings are turned so the short elevation faces the street. A combination of parking lanes access the garages to the rear and create common open space green courts for private outdoor passive recreation. Several pocket parks have been created with seating areas and could be gathering spots for the community. The parcel at Main Street and Baltic and Atlantic Avenues shows two single townhomes that would be a model home area and would introduce the community from the main street. The proposal is for sixty-nine total dwelling units that are in townhome buildings in clusters of two to six units per building with 2.5 car parking. There would be a minimum of 2.0 off-street and in-garage parking spaces per unit and .5 parking spaces per dwelling unit per guest. The sidewalk system is still in a conceptual phase and will link the various components of the community together.

Mr. Fuller stated the revenue is a net positive. The formal submittal will require a Community Impact Statement. The applicant is proposing a positive cash generator for the town.

Mr. Richard Reading of Richard Reading Associates is sworn in by Township Attorney McGuckin. Mr. Reading is an economic analyst and consultant for the past 30 years and graduated from Pennsylvania State University with a degree in economics and is a Principle of Richard B. Reading Associates, a Princeton based consulting firm that provides economic and demographic financial research services in public and private sectors. This plan contains 69 housing units with a marina that contains 28 boat slips. The townhome units will have an average sale price of \$295,000. The value of the marina slips would be about \$30,000 each. Total project value would be \$21.2 million. The current tax rate would generate about \$305,000 a year in added property tax revenues. The project would be designed and marketed as seasonal housing. A year-round population is not anticipated. Grand Bay Harbor Condominiums has 40 units and has generated only one public school child. The added revenues are \$305,000 with incremental costs of \$53,000 indicating a surplus of \$250,000 per year. The lowest tax rates are in communities that take advantage of waterfront development and seasonal housing.

Mr. Fuller stated full-scale architecture would be done to have representative exhibits of what the community would look like when completed. A collection of exhibits from other communities from around the country was submitted to give a sample of potential looks.

Michael DiGeronimo, Looney, Ricks, Kiss Architects, is sworn in by Township Attorney McGuckin. Mr. DiGeronimo is a licensed NJ Planner, National Certified Planner and Architectural Designer in Princeton and has been doing architectural and urban planning design for 16 years. The basic unit is a park-under unit, with parking on the ground level and living space above it. Some are on the northeast and have more siding and more of a colonial, classical architectural approach. Images from Florida, Tennessee and Virginia Beach were displayed that showed more regional and coastal type characters with Caribbean influences. The units can be articulated in a number of different ways. The Township could suggest details, whether it be porches, balconies, bay windows or roof gables, that would give the project rich character. Architectural and street-edge boards were displayed with gravel sidewalks, picket fences

and nice plantings for impervious and water quality benefits. The soft streetscapes will get residents to the waterfront, park amenities and proposed courtyards in the site plan. The park-under units have been constructed as duplexes and singles as well as townhomes.

Mr. Fuller stated the traffic report prepared by Lange and Associates does not show any negative impact on the intersections in the adjoining area.

Stan Slachetka, T&M Engineering, stated the parcel near Main Street and Atlantic Avenue is a C-2 neighborhood commercial district. Most of the site is in a Waterfront Development (WD) District. Various parcels have been designated as an area in need of redevelopment. There are no redevelopment plans that have been adopted for these properties. The current standards are the WD standards and C-2 standards for the Main Street and Atlantic parcels. The C-2 and WD districts do not permit the use of townhouses. The developer would have to go to the Zoning Board of Adjustment for a D-Variance to allow that type of use, should the Township decide not to adopt a redevelopment plan allowing Townhouses. Both C-2 and WD districts permit single-family detached dwelling units. The WD minimum lot size is 12,500 square feet, which comes to 3-4 units per acre. The minimum C-2 lot size is 15,000 square feet. The applicant is proposing 69 townhouse units on approximately 3.66 acres, which comes out to a density of 18.9 dwelling units per acre, which is substantially more than what is permitted in the WD or C-2 districts. There is not a height standard in the districts and that is being evaluated. The Township should evaluate the types of uses, building massing and height, in the context of the existing development form.

Jason Bundick stated the Township designated this area in need of redevelopment. The applicant would like to develop a redevelopment plan with the Township Committee that contemplates townhouses on the waterfront.

Mr. Slachetka stated the ordinance stands as it is. It permits single-family homes.

Township Attorney McGuckin stated 49 of the 69 units are not on the water. 20 units are proposed on the water.

Mr. Bundick stated Township Code 18.22.010 stated the WD District provides for the selective development of Townhouse dwellings as defined on lagoons and bay front lands.

Mr. Taylor stated in the past, townhouses may have been listed as a conditionally permitted use. That has been specifically eliminated from those conditionally permitted uses.

Jim Oris, T&M Engineering, stated there are no accommodations for stormwater runoff in the plan. The site provides general areas for a natural recharge. With this level of density, there will be an increase in runoff. The green areas in the plan should be stone or a groundcover that would not require fertilizers of any kind. The park-under concept is in excess of 10 feet, with 2.5 stories on top. That would be a minimum of 35 feet, depending on the roof pitch. There is a very large visual impact to the landscape of the neighborhood's surrounding homes. The flood zone does not require the units to be 10 feet above street level. A lot of seasonal uses become year-round uses, due to people loving it here and retiring here. The economics of seasonal uses needs to be further defined.

Mr. Fuller stated the applicant is envisioning the unit owners to be people seeking a place at the shore with access to a boat. There are CAFRA regulations which govern how the boat slips are handled. Similar types of developments in Ocean City have the boats under the units.

Mr. Oris inquired if the applicant intends to have any type of affordable housing. Are the units going to be age-restricted?

Mr. Fuller stated the units would be for-sale, market-rate, secondary homes for boaters. The slips would generate revenue and would not be deeded to the units. People who buy units there can certainly rent a slip. There are issues as to the number of slips available. Boat slip renters would park in the available 2.5 parking slips. There could also be street front parking.

Mr. Taylor stated the parking is going to be a major issue. The likelihood of multiple cars coming down on weekends would throw the parking calculations out. Mr. Reading's comment on the Grand Bay Harbor Condominiums generating only one school aged child is surprising. When communities in resort areas are first built, there is an influx of families in the first 5-10 years. As that population ages, there is much less.

Township Attorney McGuckin stated the legal issues have been addressed by Mr. Slachetka. Zoning is the biggest issue.

PUBLIC COMMENT

Motion to open to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Patricia Johnson, 73 Oregon Avenue, stated four-story high buildings is going to affect the community. Properties are going into foreclosure and this applicant wants to build \$299,000 units with no land. This project will negatively affect anyone who has a boat and has rented those slips for years.

Tim Korndorfer, 61 Main Street, does not think the applicant can get wetlands approval and does not want to see a 35 foot structure on Main Street.

Bob Stecky, 110 Baltic Avenue, stated the applicant is not allowed to use more than 30% of the land. The waterfront unit density is too high and the setback requirements are not met.

Bob Birchel, 86 Atlantic, stated the ground has to be chemically tested for oil, antifreeze and lead from boat paints. The property is in a flood zone. There are going to be problems with garbage pickup, snow removal, parking, winter rentals and emergency access. Mr. Birchel also does not want to look at a huge barrier wall.

Willie Decamp, President Save Barnegat Bay, stated Barnegat Bay will not survive if towns on the bay develop with this degree of density. There will be no land plants to soak up nitrogen from rain and fertilizer. Mr. Decamp requested the Committee consider just how much redevelopment is needed. The whole redevelopment concept needs to be revisited with less development.

Christine Bednash-Opat, 109 Clearwater Drive, can't imagine what the impervious coverage is here. The end of Clearwater Drive has extensive flooding. This project will contribute to the flooding. Traffic has increased already with summer rentals.

Julie Clark, 110 Clearwater Drive, stated agreeing to this high-density housing is a violation of the trust the residents put in the town to uphold the zoning laws and the aesthetics. A positive decision would negatively impact the property values and quality of life in the neighborhood. The street is not wide enough to move boats in and out and there is not enough parking.

Jennifer Meekins, 89 Baltic Avenue, stated school busses cannot fit through the corner of Jefferson and Baltic Ave. There is no room for more traffic and the Township services will have to be upgraded.

Cathryn Baker, 8 Liberty Street, stated a lot of promises were made and not kept when Grand Bay Harbor was built. This project is not going to be any better.

Donald Baker, 8 Liberty Street, a lot of people will lose their view of the bay. Stan's responsibility was to keep the mouth of the inlet open. This developer is not going to do that. The marina provided fuel and boat repairs for the boating community.

Nancy Tagman, 123 Oregon, inquired if there is a law or ordinance that states no more condominiums on the bay.

Township Attorney McGuckin stated the Township designated the area in need of Redevelopment and indicated some condos could be permitted. Then the Governing body deleted condos as a permitted use in the zone. Under the redevelopment law the applicant has the right to inquire about developing.

Ms. Tagman stated the number of bedrooms would determine how many children the project will generate. Two cars and a boat underneath the units is not be possible. There will be an influx of real estate on the market that cannot be sold.

Patricia Johnson, 73 Oregon, inquired if the public can create a committee to work with the Township to make sure projects like this are developed with public input.

Mayor Tredy suggested Ms. Johnson wait to hear what decisions are made.

Nancy Kyra, 103 Atlantic Avenue, stated her home would be looking at a wall if this project is approved and asks the Committee to not move ahead with this application.

Julia Garr, 116 Baltic Avenue, is retired and enjoys living on Baltic Avenue and does not want a skyscraper in front of her house.

Justin Pimm, 70 Baltic Avenue, stated the only person benefitting from this project is the seller of the property. The Township should buy the boat slips and rent them out to residents of the town. Residents will not be able to watch the fireworks if condos are built there.

Caroline Laudien, 121 Oregon, does not want to look at condos across the street. It will take the quaintness away from the town.

Jim Lally, 83 & 80 Baltic Avenue, is concerned about stormwater management. Recharge cannot be put there due to the two-foot groundwater. There should be less building on the Barnegat Bay. That is how you redevelop along Barnegat Bay, with less pollution.

Justin Pimm, 70 Baltic Avenue, the majority of people who have second homes are doctors and lawyers. This town is blue collar.

Chris Bednash-Opat, 109 Clearwater, inquired if marina owners are on the committees that would consider this project. That is a conflict.

Township Attorney McGuckin stated Stan, as the marina owner, would not be allowed to participate in any respect, in any application that has to do with the property he owns. Other marina owners may or may not be in conflict. There are alternate members on boards if there is a situation of conflict.

Motion to close to the public was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

BOARD COMMENTS

Committeeman Lachawiec stated there are many artesian wells in that area. Committeeman Lachawiec purchased a condo at Grand Bay Harbor from a friend. Within weeks, the residents spoke of all the problems at Grand Bay Harbor. A boat slip valued at \$30,000 is not in sync with the actual market value. Grand Bay Harbor does not have enough parking. Developers should stay within the lines. Condos are not a permitted use.

Deputy Mayor Wetter cannot imagine owning a one-story home across from these buildings, seeing a vista of cars, boats and a 3.5 story building that blocks the sun. The developer needs to go back to the drawing board.

Mayor Tredy thanked the public for taking the time to participate in tonight's meeting. It makes the Committee's job a lot easier. Every person who stepped up during the public portion had a negative comment about this project. Parking, density, height and boat slip issues stood out during the presentation. The Professionals also added comments on these issues. Mayor Tredy agreed with the public's comments. The developer needs to go back to the drawing board.

Township Attorney McGuckin stated the applicant's counsel has heard what the Redevelopment Agency and Governing Body had to say. This is not the type of project the Redevelopment Agency would look kindly upon or be in favor of. If the applicant would like to come back with something different or never come back, that is their choice. The property owner could also come before the Committee with something different. The Redevelopment Agency is required to listen to the applicant.

Mr. Jacobs, Attorney for the Applicant, thanked everyone and hopes to return soon.

Adjourn

Motion to adjourn was moved by Committeeman Lachawiec, seconded by Deputy Mayor Wetter.

Roll Call: Lachawiec: Yes, Wetter: Yes, Tredy: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date