

# MEETING MINUTES

## TOWNSHIP OF OCEAN REDEVELOPMENT COMMITTEE

FEBRUARY 3, 2015  
6:00 PM

### 1. CALL TO ORDER

- ROLL CALL

Joseph Lachawiec   X        Dennis Tredy   X        Tina Wetter   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 January 11, 2012** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

**Motion to approve of Meeting Minutes June 10, 2013 and November 13, 2013** was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

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

### REGULAR MEETING

#### NEW BUSINESS

AB Realty LLC – Block 169 Lots 12 & 13

- Pennsylvania Avenue
- Application to construct 6 single family homes & marina.

Martin McGann, Attorney for the Applicant, discussed this property is located in the redevelopment zone and a waterfront zone. The proposal this evening is for six (6) one-family residential homes, a commercial marina, approximately 29 boat slips and a 2,500 square foot building to accommodate that marina use. All the uses are permitted uses in your zone. The plans do conform with bulk requirements for that zone. The applicants have a conforming subdivision and site plan in terms of use. Regarding the residential and commercial component of this plan, the Township Professionals have written review memorandums that are somewhat detailed. Typically, the details are left for the Planning Board.

This presentation will be from a conceptual standpoint to answer any questions the Committee and public may have. It is a work in progress. If the Redevelopment Committee gives a go ahead signal, the applicant will be working with the Township Professionals going forward in terms of architecture, landscaping and design elements to meet the goals of the redevelopment ordinance.

Unfortunately, the applicant's architect has been called out of town on another matter. The applicant's engineer is here this evening and will be giving a brief overview of the architectures. The architecture has been changed somewhat. The developer reviewed Scott Taylor's comments and modified the architecture by dressing it up a little more than what was originally submitted.

Matthew Robinson, Principal, Midatlantic Engineering, is sworn in by Township Attorney McGuckin. Mr. Robinson is licensed in engineering in the state of New Jersey, undergraduate degree from New Jersey and masters from New Jersey.

The Township Committee accepted Mr. Robinson as an expert in engineering.

Mr. Robinson marked Exhibit A-1, an aerial rendering of the site plans submitted for review. The graphical drawn-in sections are the properties being talked about tonight. Pennsylvania Avenue comes down past the site with the yacht basin lagoon in the back and the marina on the far side of the lagoon. The property consists of several lots right now. The main section of the property is proposed for development that is on the water side of Pennsylvania Avenue. It is noted in the report that is all inside the waterfront redevelopment zone. There is a second piece of the property, which is the residential zone on the opposite side of Pennsylvania Avenue. The applicant is not doing anything over there. Most of the lot is constrained with wetlands so there is not much the applicant can do.

The applicant is proposing six (6) single family residential homes – two (2) up on the eastern end of the site. There are three (3) lots located just on Pennsylvania Avenue with no waterfront access and an additional in the back gives access to the lagoon. The marina section of the property is in the middle of the property with access from Pennsylvania Avenue, a parking area, a 2,500 square foot marina building, 31 parking spaces, and an area for a forklift-boat-loading piece of equipment. The applicant is not proposing a ramp as part of the property. There will not be any trailers or boats taken into the water by a ramp. The existing ramp located up by the first single-family residential home will be eliminated.

Boat slips are being proposed along the lagoon, the marina frontage and along the side directly behind the proposed building. That is a total of 29 mooring areas - 25 slips and 4 parallel slips adjacent to the existing bulkhead. The applicant is proposing to have a gravel-surfaced parking area. The layout is so that you can drive in and have the parking around the perimeter of the lot and an open area in the middle. It is a marina facility so people may come in with a trailer and enough space has been designed to have a trailer pull through. There is a service use in the building, if a boat is being dropped off to be winterized or to prepare for the season in the beginning of the year. There will be enough room to circulate nicely in and out of the property.

The dark green areas on the rendering are existing trees that will not be touched. The applicant is proposing to leave the existing vegetation as much as possible, clearing some areas for the marina and the six homes. The applicant is obviously going to comply with all the ordinances for lighting and storm water. The developer is constrained, as the property is on the waterfront, so the applicant needs to go to the state for waterfront development CAFRA permit.

There are detailed items in the T&M Associates review, which will be addressed at the time of the Planning Board hearing. The applicant is going to comply with all the T&M items, which are technical in nature, including the exact routing of the sanitary sewer laterals to the marina buildings. Nothing seemed to be a major issue in the comments, as far as lighting and landscaping.

The water body is tidal, which helps with stormwater management quite a bit. The applicant is just dealing with water quality and is proposing to have water quality basins on each of the lots, including the marina facility. The water will be sent to a compression in the ground. The applicant will infiltrate the water quality, treat the initial flows and clean them up, which is a DEP approved map for discharging into the lagoon.

Mr. McGann inquired the purpose of the one lot with the very long driveway.

Mr. Robinson discussed there is an existing home at the end of the lagoon, with a shared access easement that comes into that driveway and connects very close to this home. The applicant is proposing to have a shed entrance on Pennsylvania Avenue. The curb cut is wide and almost the same as it is today. The driveway would be extended in and around this home to give a little more buffering to the home that is already there.

Mr. McGann inquired if the easement is in compliance with the requirements for the first finished floor elevation, base flood elevation.

Mr. Robinson discussed dealing with many homes post Superstorm Sandy. All of the homes are compliant with the current FEMA flood maps and the advisory maps just recently published last week. All the finished floors will be at least a foot above FEMA's advisory worst-case flood elevation.

Mr. McGann discussed all utilities, sanitary sewer and required easements will have to go through the appropriate authority.

Mr. Robinson discussed the applicant will comply with all MUA standards for connecting service to these properties, which will be supplied by public water and sewer.

Mr. McGann inquired if the surface of the marina parking lot will be stone and parking will be delineated with parking stoppers.

Mr. Robinson discussed that is correct. There are 31 spaces and only 29 are required. There is also additional room in the center of the lot.

Mr. McGann inquired if under the ordinance, a sufficient number of parking spaces can be supplied.

Mr. Robinson discussed yes, absolutely.

Mr. McGann inquired if there will be appropriate trash receptacles at the marina.

Mr. Robinson discussed that will be detailed at the time of the Planning Board hearing.

Mr. McGann inquired if the applicant will comply with all Americans with Disabilities Act requirements.

Mr. Robinson discussed yes, that will be reviewed again by the Planning Board. Directly in front of the building will be two (2) ADA accessible parking spaces that will be on a concrete pad that directly access to a sidewalk connecting to the building and a ramp down to the dock area.

Mr. McGann discussed the applicant will have to do some grading and the Soil Conservation District would be involved in reviewing those plans.

Mr. Robinson discussed that is one of the outside entities the applicant will need to work with. The Soil Conservation District will also review the stormwater basins and water quality basins.

Mr. McGann inquired if there will be a fueling station at the marina.

Mr. Robinson discussed the applicant is not proposing a fueling station.

Mr. McGann discussed the applicant will be showing details concerning the type of lighting which will be used in and around the marina and any streetlights that are required.

Mr. Robinson discussed there were questions about how those lights will be shielded and cut off features so there is no spillover onto the adjacent properties. The Township Landscape Architect will be given that information.

Mr. McGann discussed in terms of landscaping and trees, the applicant will be working with the Professional in terms of those comments set forth in the review letter. There is a comment concerning the testimony provided, regarding pedestrian amenities, consistent with the Township Redevelopment objective. Again, the applicant would like to work with the Professionals in reference to that comment going forward. Mr. Robinson is not an architect, but he will give the board an overview of the elevations.

Mr. Robinson displayed more boards for the audience to review and marked them as A-2, A-3 and A-4. These are elevations for three of the potential home models for the single family homes that are being proposed. The applicant is trying to fit in with the style of the community and the other homes in the area. There is a typical two-story with clapboard siding, peaked roofs and nice entry ways. Some units will have a detached garage and other units will have a direct access garage. The applicant is trying to work with typical pastel colors, like yellow and blue, to give a beach feel for this community. An example is shown with a brick face and without a brick face. The applicant's intent is to work with products the Township likes and products supported by the market.

Mr. McGann inquired the square footage of these homes.

Mr. Robinson discussed between 2,400 and 2,500 square feet. The single family homes have parking within their driveways, garages and meet the requirements for parking.

Mr. McGann discussed the applicant would like to work with Scott Taylor's office for the marina building. The applicant has proposed a utilitarian type structure for the marina building. Mr. Taylor can dress that up a bit. The applicant's Professionals will be contacting Mr. Taylor.

Scott Taylor, Taylor Design Group, Township Planner/Landscape Architect, deferred to the Committee if it is acceptable to defer to the Planning Board for final determination.

Committeeman Lachawiec discussed it would be nicer if the marina building was complimentary to the homes being built.

Mr. McGann discussed the initial design was utilitarian and the applicant would rather not go with that design. It can be designed better.

Scott Taylor discussed the boat repairs on site.

Mr. McGann discussed there will be repairs at the marina, whatever the ordinance permits.

Scott Taylor inquired if the boat storage would be off-season and restricted to the existing parking area.

Mr. McGann discussed, yes absolutely, with respect to the neighbors.

Deputy Mayor Tredy inquired if retail sales will affect the parking at the marina.

Mr. McGann discussed what will be sold has not really been given any thought, other than the typical seasonal boat supplies. Most marinas have a very small retail area. It is not a big marina.

Mr. Robinson discussed it is unlikely to be a destination that will draw people in. Perhaps there will be supplies for people keeping their boats at the marina. There is additional room in the parking area to add additional spaces if there is a need. The applicant would have to come back for a different use that was not approved.

Committeeman Lachawiec inquired the maximum length and width of the boats in the slips.

Mr. Robinson discussed the boats the applicant is proposing will be comparable to those on the other sites. A typical boat would be a 10 x 30 foot boat in each 10 foot wide slip.

Committeeman Lachawiec discussed there is a marina on the other side. Those slips accommodate a 35 foot boat and you have to have room when docking.

Mr. Robinson discussed that is governed by the Department of Environmental Protection when the applicant goes for the waterfront development permit. Those are the items that are reviewed and discussed.

Jim Oris, T&M Associates, discussed the applicant is proposing more parallel boat slips across from the residential areas. Mr. Oris inquired if the slips would be for rent or transient slips for people to come to the marina.

Mr. Robinson discussed the slips would be for rent.

Mr. McGann discussed the transient aspect really isn't here. There is no ramp.

Committeeman Lachawiec inquired if the applicant is proposing a tiki bar where people pull their boats in.

Mr. McGann discussed not unless the applicant applies for one and the Township grants one.

Mr. Oris suggested the Committee consider not having those slips there because they are directly across from residential homes, where a property owner has a boat slip. It may be beneficial to not have those boat slips there and just the head-on boat slips across from the marina use. The total length of the slip will be governed by CAFRA. This Committee could look at limiting the size of the boats. The Committee could say vessels up to 30 feet or less, as part of the redevelopment consideration.

Mr. Robinson discussed that parallel slips are very common. Most lagoons have those when there is residential on both sides. That is how a boat is typically moored in and out of the lagoon. There is more than sufficient width and the applicant will comply with CAFRA.

Mr. Oris discussed how this situation is different. When there is a house and a boat, the resident spends more time in the backyard and in the house, and the boat is the vessel that you go out on. When a person has a boat slip, the resident spends the entire day on the boat. That is a different use that might impact the neighbors. It is just something to consider.

Mr. Robinson discussed the type of boats at this marina will not have people staying and living on the boats. There could be an overnight restriction for these four slips.

Committeeman Lachawiec inquired where is the property line along the lagoon.

Mr. Robinson pointed to the property line on the board.

Committeeman Lachawiec inquired where the four (4) parallel boat slips are.

Mr. Robinson pointed to the boat slips on the board.

Mr. Oris discussed the property line is at the bulkhead line. The lagoon water surface is actually under the jurisdiction of the Department Environmental Protection. The applicant would need to get a waterfront development permit to use that area. The permit will be specific to how many slips and where the boats could be moored. There will also be additional restrictions on operations.

Committeeman Lachawiec inquired if there are existing state regulations for that part and riparian rights.

Mr. Oris discussed riparian rights are not associated with man-made lagoons and are typically associated with natural waterways. There could be some riparian issues but not likely.

Mr. Oris inquired if the architecture of the marina building will be consistent with a nautical theme in concert with the neighborhood, similar to the architecture being proposed.

Mr. McGann discussed the applicant needs to work on the architecture with the Township professionals, as it will effect what residents across the lagoon have to look at on a daily basis.

Mr. Robinson discussed improving the architecture. Vegetation and trees will soften up the landscaping.

Scott Taylor inquired if the marina will be a single-story building.

Mr. Robinson discussed, yes.

Committeeman Lachawiec inquired if the applicant is proposing a lawn area with picnic tables.

Mr. Robinson discussed the marina users would probably like to have a picnic table, maybe a barbeque.

Mr. Oris discussed the property is owned by Amboy Bank and they are here to secure and move forward in the approval process. The applicant currently does not have anybody to run this marina.

Mr. McGann discussed the applicant does not have a purchaser or lessee of the marina.

Mr. Oris discussed it would be a marina use and six residential uses. The boat slips being proposed would be for rent and would be occupied during the boating season. Mr. Oris inquired if the applicant would allow the Committee to consider a boating season from March 1<sup>st</sup> – November 1<sup>st</sup>, to preclude having boats in the water year-round.

Mr. McGann would refer to the Township ordinance on what is permitted. Some people like to leave their boats in the water under a bubble system, which could be appropriate. This is a small marina that will not accommodate very large boats. The bubble system you see are with bigger boats in marinas and they do not take the boats out of the water.

Mr. Oris inquired if the Committee considers approving to move forward, would the applicant consider a restriction, if the four (4) parallel slips are approved, that they not be subject to having boats in the water year-round.

Mr. McGann will ask his client to consider that. That is reasonable.

Mr. Oris discussed there will be a retail use on the site, which would be sales associated with floating usage. The applicant will not be proposing any sale of vessels. No boat sales. Mr. Oris inquired if the applicant is proposing boat sales.

Mr. McGann discussed the ordinance does permit boat sales and rentals. Whatever is permitted in the marina use, that is what the applicant is proposing. The applicant will certainly be willing to entertain reasonable conditions. There is no marina operator yet. If someone wanted to sell a boat from that operation, and it is written in the ordinance, that is what the applicant would want to do.

Mr. Oris discussed Stan Slachetka from T&M Associates will need to develop a redevelopment ordinance specific to this site. More details will be needed.

Mr. McGann discussed the applicant would be glad to work on that with you. It is important for the applicant and their professionals to get the feedback from the Township professionals, so the project can be shaped.

Scott Taylor discussed, because the operator has not been identified, if there is going to be outside boat sales, obviously that will need to happen in a certain location. That could negatively impact parking spaces. As the applicant moves to the Planning Board, the intent should be focused on developing the single family first, then the marina. It is hard for the Township and the applicant, without an operator, to identify what is going where.

Michael Skea, Director of Real Estate Owned (REO), Amboy Bank, heads-up the properties that are taken back by the bank. The applicant is a sole subsidiary of Amboy Bank. Amboy had to take this piece of property back. The applicant is here this evening to see if this property can be sold. That is the goal.

Michael Skea is sworn in by Township Attorney McGuckin.

Mr. McGann inquired from a planning perspective, how the marketing of this piece of property would be handled, as far as what goes first, the residential or commercial.

Mr. Skea, has spoken to a couple of perspective operators and would like to go back to the perspective operators with the components of what is permissible within the redevelopment zone and discuss what is important to them. Mr. Skea would like to expedite the approval for the marina and the single family detached homes and not hold anything up. Whatever would be most expeditious, is the way the applicant would like to proceed.

Mr. Robinson discussed the concern of boat sales on this property. The applicant could show how boat sales would fit within this layout, as an alternate on the plan.

Mr. Oris discussed boat sales could be introduced at a later date, but would need approval. This evening's application is for a marina use. A basic marina use would typically not include boat sales. It would impact the traffic flow and the storage of boats. In order to create the redevelopment ordinance, the Township would need to know. If the answer is I don't know, then the Township is going to take it as, no, the applicant is not selling boats.

Mr. Skea discussed he will know very soon whether the applicant will anticipate the perspective users and operators and anticipate selling boats on the site. The applicant will get back to you very quickly on that.

Mr. McGann inquired if a person had a boat at the marina and said to the marina operator, I would like to sell this boat, it does not necessarily mean the marina is in the business of selling boats.

Mr. Oris discussed brokerage boats could be considered differently than new boat sales, where a new product is actually stored for sale.

Mr. Skea discussed that distinction between sales and brokering will be important to the operators that have been spoken to already.

Mr. Oris discussed the applicant will need to better define the operation. Mr. Oris inquired if the boat slips would always be rented and not sold?

Mr. Skea did not think of the boat slips yet.

Mr. Oris discussed the set up would be the boat slips are for rent and the marina would own, operate and maintain the slips.

Committeeman Lachawiec is concerned about the hustle and bustle on a hot summer day. There should be separation between the residential homes and the hustle and bustle.

Township Attorney McGuckin discussed for the new lots, there should be a deed restriction, evidencing they will be located next to a marina, which may generate noise, business hours of operation, odors or other obnoxious sounds. The buyer of the property should be aware of that. If the houses and marina are not going to be built simultaneously, there should be something attached to those deeds to show what is going there.

Scott Taylor discussed since the marina operation is undefined at this point and if the Redevelopment Committee is not comfortable, the applicant can come back in a month with a defined plan or start the planning board track with the single family component and as an operator comes on, the marina would go through parallel with the single family homes, but at a slightly different pace. The Township does not want unanswered questions and a project moving forward through that process.



Deputy Mayor Tredy discussed the Township wanting a complete package. There should be something written into that particular lot that says it is going to be a marina and nothing else. If six homes are built and no one can be hired to build the marina, that's a problem.

Mr. McGann discussed there is always a possibility that ten years from now, someone gives up the marina use and builds some houses.

Township Attorney McGuckin envisions the ordinance would permit six houses and a marina, details to be determined. Township Attorney McGuckin advised the Committee not to allow C.O.'s or building permits to be issued until the Township knows what is going on the other lot.

Mr. Skea would like to build parallel, at the same time. It is an overall plan.

Scott Taylor discussed there is no architecture for the marina. The Redevelopment Committee typically wants to see that architecture. It is important. Mr. Skea has indicated getting the architecture in the near future. It makes sense for T&M Associates to go through the comments and reconvene at a future hearing, where the issues of the marina operations and architecture can be vetted.

Mr. McGann discussed the applicant's professionals can meet with the Township professionals and eliminate some of these issues and get a more defined plan.

Scott Taylor discussed that would make the Redevelopment ordinance process go more smoothly, as well as the Planning Board process.

Mr. Skea discussed wanting to move expeditiously as possible, consistent with what is required by the municipality. Amboy Bank is not in the business of owning land or marinas, but is in the business of maximize the value to make it as marketable as possible.

Stan Slachetka discussed the Redevelopment ordinance established a phasing requirement and is very specific regarding the design standards and specifically the usage of the tract. That is where the Township has a significant amount of control in this process. If the Township has a plan that called for a marina at that location, and the applicant wanted to do something else, the applicant is not going in front of the Zoning Board of Adjustment. The applicant will have to come back to the Redevelopment Committee for an amendment to the plan.

Mr. Oris discussed the items in the T&M review letter. Under, E. Planning Comments, Comment #3 regarding that particular piece of property that is not being developed, the Township is hoping the applicant would be willing to deed restrict that property.

Mr. McGann discussed the applicant will take a look at deed-restricting that property.

Township Attorney McGuckin discussed that should be owned by the same entity that owns the marina. The individual property owners are not going to maintain it. It is the marina that will have to maintain it, which would be the party to ensure that garbage is collected there and it is not a mess. People will start to dump stuff there.

Mr. McGann inquired if the Committee would consider offering up that property for open space dedication. It would be forever restricted and deeded to the Municipality. The likelihood of it ever being developed is pretty remote in light of the conditions. I don't expect an answer this evening.

Mayor Wetter discussed the Committee will consider it.

Jim Oris discussed Comment #5. The applicant indicated leaving portions of the property in its natural condition. Mr. Oris inquired if the applicant would provide a deed restriction for the forested areas that the applicant says will remain forested. CAFRA may require a similar requirement.

Mr. McGann will reserve an answer until the applicant speaks to their professionals.

Jim Oris discussed the impervious coverage limitations for this project will be 30%. The applicant is probably at that point. It may be a mood point for the applicant to say, "Yes, we will deed restrict it because it can't be developed much more".

Jim Oris discussed Comment #2, regarding stormwater management. Any of the storm water basins will be maintained by the marina owner.

Mr. Robinson discussed the water quality basin on the lot would be maintained by the marina owner. There are individual water quality basins on each homeowners property, which they will be responsible for.

Mr. Oris inquired if in their deeds there will be a description of what they are obligated to do to maintain those basins.

Mr. Robinson discussed there is a maintenance plan in the operations manual to submit to the Planning Board.

Mr. Oris inquired about the flood hazard regulations. On the board this evening, are buildings and elevations that show a typical construction, where it will be at or one-foot above the base flood elevation. Mr. Oris inquired if the applicant is considering any residential structures that would be higher in nature, elevated on pilings you can drive under.

Mr. Robinson discussed that has to be proposed. Where the site sits, the applicant is able to grade up from Pennsylvania and pick up elevations. It will be a typical, normal residential home. The applicant does not have to put anything up high on stilts on this project.

Mr. Oris discussed Comment #15, and inquired if the applicant is planning on the need to rebulkhead the entire marina.

Mr. Robinson discussed no. The applicant is planning on keeping the existing bulkhead. There is a new stormwater pipe that comes out between the two homes. The applicant may have to do improvements to replace that pipe.

Mr. Oris discussed on the last page of the review letter there is an indication of a Traffic Impact Analysis and inquired what type of trip generation can you expect from 29 slips.

Mr. Robinson discussed additional details will be provided at the Planning Board level. A 29 slip marina is not a large traffic generator. The marinas really do not generate a lot of traffic. It is not expected to be a massive traffic generator.

Mr. Oris discussed Pennsylvania Avenue would see that additional traffic. Mr. Oris inquired if there are any current environmental concerns on this site in terms of threatened or endangered species. The applicant, when applying to CAFRA, will be required to comply with all the coastal policies, including an Environmental Impact Statement.

Mr. Robinson discussed the applicant is not aware of any on site. There is nothing of concern on this property. The DEP looked very closely at all those items as well.

Jim Oris discussed that concludes the T&M Associates the report.

Scott Taylor discussed there are a couple magnificent oak trees on the property. If there is flexibility of the single-family homes or their driveways, the oak trees might be able to be preserved from a marketing standpoint. If the trees cannot be saved, it is understandable. Particularly along the curb of Pennsylvania there are a couple of enormous oaks.

Township Attorney McGuckin discussed the maps look good with the tree areas and inquired if the Township will get a tree-clearing plan to show how it will look when it is done.

Mr. Robinson discussed part of the plans that have been submitted provide additional detail. The applicant can provide a very clear plan that shows the clearing limits.

Township Attorney McGuckin discussed there should be a deed restriction that reflects that. These things have a habit of being eliminated over the years. If it is in the plan the Township will be approving, it should be deed restricted. Marking types need to be accomplished.

Mr. Robinson discussed much of the site is constrained with multiple regulations in the wetland areas, even when the waters are clean, there will be substantial finds from the DEP. There are a lot of different agencies that will be looking at the site.

Committeeman Lachawiec discussed no overnight stays on the boats should include no overnight RV's in the parking lot.

Mr. McGann discussed that was only offered for the four slips that run parallel to the bulkhead, not for the rest of the slips.

Committeeman Lachawiec inquired if the rest of the slips are allowed to stay overnight.

Mr. Robinson discussed the rest of the slips could be overnight stays. It depends on the size of the vessel. There will not be that size of vessel here, where there will be that type of use.

Committeeman Lachawiec inquired if the applicant will consider not having RV's parked in the lot. Mr. Robinson agreed to not have RV's parked in the lot. That is a different use. That is not a permitted use under the ordinance.

Stan Slachetka discussed the Township will incorporate in the conceptual plan certain areas of the proposed redevelopment that can apply toward preservation. That will be visually identified on the plan.

**Motion to open for Public Comment** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Alex Oliszewski, 10 Acorn Street, is concerned about the four parallel boat slips and inquired if pilings will be built for the boats or are the boats tied to the dock. The lagoon is 60 feet wide. Pilings would probably not be allowed in a lagoon that narrow. It is shallow there and would need dredging to keep boats there.

Mr. Robinson discussed the applicant did propose to have the mooring on the edge, out from the existing bulkhead. That is part of what the applicant goes through with the DEP to make sure that is compliant. The area where the boat would sit would have the rope pilings, and make it a perpendicular boat. The pilings would be 20-30 feet out.

Mr. Oliszewski discussed even if the pilings were out 10 feet, it will cut down the lagoon width quite a bit. The lagoon would have to be dredged.

Mr. Robinson discussed the depth of water is constrained. A large boat will not get through there.

Mr. Oliszewski inquired if all the existing trees are going to be removed, especially along the bulkhead of the lagoon.

Mr. Robinson discussed the applicant is proposing to keep some trees in between the boat ramp. The lot will be grading out on Pennsylvania Avenue and coming through the middle of the site.

Mr. Oliszewski discussed the Great Blue Heron and the Night Heron, a threatened and endangered bird species, roost in those trees.

Mr. Robinson discussed the applicant will have to comply with the DEP's criteria. That is one of the things the DEP looks at.

Mr. Oliszewski discussed when the first developer was going to build condos, the property was deemed public access. Mr. Oliszewski inquired if the public access was still in the deed.

Mr. Robinson discussed the applicant is not aware of that.

Township Attorney McGuckin discussed that issue can be easily reviewed by a title search.

Jacquelyn Petrosilli, 11 Vessel Road, inquired how big are the single family home lots.

Mr. Robinson discussed approximately quarter-acre lots.

Mr. Petrosilli inquired the price the lots will be selling for.

Mr. Skea discussed a couple of realtors have indicated a 2,400 square foot lot could command in excess of \$250,000.

Mrs. Petrosilli inquired how wide is the drive into the marina.

Mr. Robinson discussed 22 feet.

Mrs. Petrosilli discussed coming into the 60 foot wide lagoon with the wind would be difficult to get that boat over to the mooring.

Mr. Robinson discussed the applicant is going to have appropriate boat mooring areas and will meet the state and water criteria on how the moorings will be set up. The market drives who ends up going in those spaces.

Mrs. Petrosilli inquired about the Evergreen Way access to the existing home.

Mr. Robinson discussed that access will stay as it is. The direct access on Pennsylvania will be shared.

Andy Kessler, 22 Pennsylvania Avenue, inquired if there is any intention of extending the street into the marina. Mr. Kessler would like it decided so that the street could never be extended.

Mr. McGann discussed the street is controlled by an easement.

Mr. Kessler inquired if it could be made a public street.

Mr. McGann discussed it is up to the municipality if they want to ask for dedications.

Scott Taylor discussed the applicant would have to come back to the Redevelopment Committee if there were to be any changes, other than just a driveway, to that residence.

Mr. McGann discussed the street would have to go through the residential lot and it would not be allowed to take a public street onto a private driveway, then back into the commercial use.

Mr. Kessler inquired if there are tax abatements the developer will get from the Township.

Township Attorney McGuckin discussed the applicant has not asked for a tax abatement.

Vincent Spadafora, Long Key Marina, discussed having a riparian grant on the lagoon. Mr. Spadafora inquired if there will be sufficient time for residents to respond before application is made to the DEP, CAFRA, Land Use and to the Core of Engineers.

Mr. Oris discussed when the applicant applies to the DEP, residents will have an opportunity to respond to the public comment period. Any property owners within 200 feet of the property will be noticed.

Mr. Robinson discussed the applicant will comply with all state notice requirements and will have the appropriate comment period.

Committeeman Lachawiec discussed the only comments residents have is about the four boat slips on the lagoon. At low tide, the boats may end up on their sides. It would be better to not have those four boat slips there.

Mr. Oris discussed the biggest impact to the surrounding property owners would be the residential use with the four parallel boat slips. If the four slips were to remain, Mr. Oris suggested they not be live-aboard and are for day-occupancy only and not be year-round.

**Motion to close Public Comment** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

**Motion to approve T&M Associates to create the Redevelopment Plan for AB Realty LLC – Block 169 Lots 12 & 13, Pennsylvania Avenue, to construct 6 single family homes & marina** was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.

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

Mr. McGann looks forward to hearing from the Township Professionals and will be working with them going forward.

Township Attorney McGuckin discussed the Redevelopment Committee has authorized the Professionals to prepare a redevelopment plan by ordinance. That does not mean the application has been approved. The Redevelopment Committee will approve it when a redevelopment plan has been created and all questions have been answered.

### **OLD BUSINESS**

- Tradewinds at Waretown - Block 131, Lot 4
- Route 9
- Mixed Use – Ordinance 2012-01- Commercial/Residential
- 115 units for-sale Condominium Units
- 29 – Rental Affordable Units

Township Attorney McGuckin discussed this redevelopment plan was adopted by ordinance in 2012. The owner of the project, Delprete, has recently entered into a contract to sell the project to another potential developer. During those discussions, that developer inquired of the approvals that were granted and inquired of Mr. Delprete if they were permitted to construct the condominiums and rental affordable housing units at the project, but whether the entire project can be sold as a rental unit project. That was not the approval that was granted by this Committee. The Township advised Mr. Delprete's attorney and thereafter a suit was instituted in Superior Court seeking a declaratory judgment from the court that the applicant has the right to build the project as 115 for-sale condominium units and 29 rental affordable housing units. That was approved by the Planning Board and Redevelopment ordinance. There was discussion at the Planning Board, according to Delcorp, the difference between all rental apartments versus condominiums and rental apartments. Approval was given for a multifamily project and that is why the applicant filed suit in court asking the court to declare the applicant is allowed to build all apartments as opposed to condominiums and 29 affordable housing rental units.

Township Attorney McGuckin was asked by the Township to appear in Court and oppose the application. The court determined since the Redevelopment Committee had never officially acted on the request to permit the applicant to change the approval from what had been previously approved, to what the applicant is now seeking, the court would remand the applicant back to the Redevelopment Committee for consideration and instructed the applicant they should inquire as to whether or not the Redevelopment Committee would permit development of this property as a 115 condominiums and 29 rental units or a total of 144 rental units, which would still include the affordable housing components.

Township Attorney McGuckin inquired what the Redevelopment Committee's thoughts are.

Mayor Wetter inquired if the Redevelopment Plan states owner-occupied.

Township Attorney McGuckin discussed the market rate units would be owner-occupied. The applicant would like the option to do either way. How it is developed would depend on the market. The court inquired what happens if the owner owns all 115 units, but rents them out. Township Attorney McGuckin discussed the Township cannot do anything about that. The court did not decide on this issue, just simply raised the question. Township Attorney McGuckin replied to the court this was an approved agreement between the Township and the applicant. If the applicant wants to amend the plan, the applicant would have to come back before the Redevelopment Committee and make an application to do so. The argument the Township would have to defend is, what is the difference between a multifamily rental complex versus a multifamily condominium complex, and what is the Township's interest in one versus the other.

Deputy Mayor Tredy discussed when the Tradewinds project came before us, it came before the Redevelopment Committee. Redevelopment is a different animal than the Planning Board. Redevelopment actually creates an ordinance, which is basically a contract between the Township and the applicant. A contract should be honored. Except for the 29 affordable units, the 115 units would be for-sale, market rate, owner-occupied. The Township was assured that the units would be for-sale, owner-occupied, and not rentals.

There were preliminary discussions, official Redevelopment hearings and Planning Board meetings. The applicant and the attorney indicated the units would be for-sale, owner-occupied. There was a lot of discussion at the Planning Board meetings that a Homeowners Association would be required and it was agreed upon. The current owner has a buyer for the property and unless the Township makes changes to accommodate the owner, the owner cannot sell.

Deputy Mayor Tredy discussed it is not his job to accommodate builders so they can make a profit on a construction deal. It is Deputy Mayor Tredy's job to do whatever is necessary to protect the integrity of Waretown, the people and the taxpayers. Deputy Mayor Tredy is not in favor of allowing this ordinance to be changed.

Committeeman Lachawiec discussed the intent of the Redevelopment Committee. The term owner-occupied means each unit would be individually owned by someone who would occupy it. The intent is not that the owner of the entire property can occupy each unit. That is impossible. Occupation of unit means sleeping and eating there.

Township Attorney McGuckin discussed if the feeling of the Redevelopment Committee is the deal that was made is the only deal the Committee is agreeing to, it would be appropriate to adopt a motion saying the applicant's request is denied.

Motion to advise Township Attorney McGuckin to instruct the Tradewinds applicant's attorney that the Redevelopment Committee does not believe it appropriate to amend the approval that was previously approved was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.  
Roll Call: Lachawiec: Yes, Tredy: Yes Wetter: Yes.

**Adjournment**

Motion to adjourn was moved by Committeeman Lachawiec, seconded by Deputy Mayor Tredy.  
Roll Call: Lachawiec: Yes, Tredy: Yes, Wetter: Yes

Signed and Submitted:

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Diane B. Ambrosio, RMC  
Municipal Clerk

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Date