



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • DECEMBER 22, 2020

Regular

REMOTE/VIRTUAL

7:30 PM

Municipal Building, 315 E. Main Street, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:31 pm
- II. **General Statement:** Chairman Widdis gave a general statement concerning the Board's rules of procedure concerning no new matters after 10:00 p.m., and no new testimony beyond 10:30 p.m. This rule may be waived by the Chair or by an affirmative vote by a majority of the Board members present and qualified.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by notification on January 15, 2020 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site. This meeting further complies with the Open Public Meetings Act by notification on October 6, 2020 of this virtual/remote meeting, its location, date and time, and URL address at which to participate in the meeting to the Asbury Park Press and Star Ledger and by the posting of same on the municipal bulletin board and Borough Web Site. Chairman Widdis then read the virtual/remote meeting advisory advising the public how to attend and participate during public portions of the meeting as detailed on the meeting agenda.
- IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Remote	
James Whitson	Vice Chairman	Remote	
Patty Cooper	Mayor's Designee	Remote	
Thomas Tvrdik	Class III	Remote	
Joseph Foster	Environmental Committee Liaison	Remote	
John (Jack) Kahle	Class IV	Remote	
Michael Savarese	Class IV	Remote	
Robert Kleiberg	Class IV	Remote	
Darren Davis	Class IV	Remote	
Michael Dailey	Alternate I	Remote	
Jacob Rue	Alternate II	Absent	
Jeanne Smith	Board Secretary	Remote	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	
Kendra Lelie	Borough Planner	Remote	

- VI. **Board Business:**
1. **Report of Pending Applications**
Ms. Smith advised that the next meeting would be the Reorganization Meeting on January 12, 2021. No applications currently scheduled for that meeting in order to be available for this evening's application should it need to be adjourned. There are two applications currently being reviewed for completion.
 2. **Referral from Governing Body - Investigation for An Area in Need of Redevelopment, Block 110, Lot 1**
Ms. Smith advised that the developer had withdrawn their request from the Governing Body for the area in need of redevelopment designation and therefore an investigation by the Planning Board was no longer be necessary. The application would be rescheduled for one of January's meetings depending on results of that night's hearing.
- VII. **New Business:**
1. **PB2020-21 Somerset Development**
Block 110, P/O Lot 1
Fort Monmouth Lodging Area Parcel
Signal Avenue

EXHIBITS:

- A-1 Land Development Application
 - A-2 Preliminary & Final Major Site Plan, 31 Sheets, prepared by Dewberry Engineering, Inc., dated November 15, 2019, last revised July 9, 2020
 - A-3 Architectural Plans "Work for: Proposed Townhouse," prepared by Gravino & Gillis Architects and Planners, LLC, dated December 3, 2019, 28 sheets
 - A-4 Stormwater Management Report," prepared by Dewberry Engineers, Inc., dated November 15, 2019, last revised July 9, 2020
 - A-5 Operations & Maintenance Manual for Stormwater Management Facilities," prepared by Dewberry Engineers, Inc., dated November 20, 2019, last revised July 9, 2020
 - A-6 Fort Monmouth Lodging Tract Environmental Impact Statement," prepared by Dewberry Engineers, Inc., dated July 2020
 - A-7 Fort Monmouth Economic Revitalization Authority (FMERA), Mandatory Conceptual Review letter dated March 25, 2020
 - A-8 Traffic Impact Study, prepared by Langan Engineering and Environmental Services, Inc., dated March 3, 2020, last revised July 15, 2020
 - A-9 Rear Elevations, Sheet 28 of 28, prepared by Gravino & Gillis Architects and Planners, LLC, dated December 2, 2020
 - A-10 Illustrated Site Plan, prepared by Marianne Cusato Design, LLC, dated December 22, 2020
 - A-11 Photograph / Rendering of the Westmont Station, a mixed community development developed by Applicant
 - A-12 Elevations/Concept Architectural Plan, prepared by Graviano & Gillis Architects & Planners, LLC, dated Dec. 2, 2020.
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- B-1 Maser Consulting Review Letter dated November 25, 2020
 - B-2 Borough Planner Kendra Lelie Review Letter dated December 22, 2020

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Mr. White and Ms. Lelie were sworn in. Mr. Kennedy then described and marked Exhibits A-1 through A-9; B-1, B-2. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order. Mr. Kennedy next provided a brief introduction of the proceedings and the hearings uniqueness due to the jurisdiction of FMERA and its Land Use Regulations for the benefit of those attending from the public. He further outlined the Board's responsibilities and the zoning set by the Fort's Plan Amendment #14.

Mr. Michael Bruno, Attorney for the Applicant, appeared. Chairman Widdis asked for the disclosure of the members/principles of the corporation in order for the Board to determine any conflicts which ultimately there were none.

Mr. Bruno provided introductions on behalf of Somerset Development LLC, its owner, Ralph Zucker; described the application for Preliminary and Final Site Plan approval for proposed development consisting of market rate townhouse units as well as 36 affordable units, 16 of which were senior and one-bedroom units and 20 units for family with a mix of 1 and 2 bedroom and several studios.

Mr. Bruno advised there would be testimony from: Ralph Zucker, Applicant; Marianne Cusato, Design Professional; Mario Iannelli, Professional Engineer; Nicholas Graviano, Planner, Designer, and Karl A. Pehnke, Traffic Engineer. There will be 10 additional exhibits introduced with each testimony.

Mr. Bruno described the property, its location, size, located in Horseneck Center district of FMERA's rules; the number of planned units including affordable.

Ralph Zucker, Owner/Applicant, was sworn in. Mr. Zucker provided testimony regarding Somerset Development, its reputation for leaving developments better than when purchased; known for Bell Works in Holmdel; some of their other accomplishments in North Jersey was Westmont Station – the old Curtiss Wright Airplane plant. He believes they have prepared a plan developed over a long, painstaking effort to create a great place that will grow and be a walkable well-designed neighborhood. They've designed it to be integrated with surrounding community, opens up access, views, rear-loaded parking.

Chairman Widdis asked for questions from the Board for which there were none.

Mr. Kennedy advised that the public would have an opportunity to ask questions later in the hearing.

Marianne Cusato, Design Professional, was sworn in, provided her qualifications and experience and was accepted as a design professional expert. Ms. Cusato is known for working with communities after disasters in particularly high-end residential work both nationally and internationally and brings it to community building and place planning at all price points.

Mr. Bruno described and introduced Exhibit A-10 and asked Ms. Cusato to testify as to the goals set for this development. Ms. Cusato referring A-10 described the challenges to create a development to be a legacy project with historic buildings and on the water – 3 key design principles were community based and not a bunch of buildings and parking lots but streets and open spaces; second based on recognizing individuality within a community setting by not having cookie-cutter structures, keeping the community open to the water

view, face buildings to promenade and street to connect to parks and water and tie to existing buildings. They began with the buildings for the affordable units; alleys in the back and buildings that front the street with no curb cuts. The site naturally slopes towards the property and the building heights and change to more coastal amenities as it gets closer to the water. She further described the design of the site, materials to be used, pedestrian path that crosses through to the water, pocket parks, which buildings would have porticos and relate to the officer housing in the vicinity, narrow streets designed to meet all technical requirements but makes sit safer for pedestrians, bike riders, and vehicles and naturally calms down traffic. Site also has multiple ins and outs to diffuse traffic further.

Chairman Widdis invited questions from the Board.

Mr. White asked about the narrow streets being approved by everyone including fire safety and do they have something from the Fire Marshal and was deferred until the engineer's testimony.

Mr. White asked wasn't the promenade a requirement of FMERA. Mr. Bruno answered yes. Ms. Cusato added that they could have developed it as backyards but they designed it to be an open room with outdoor walls.

Mr. Dailey asked about the design to not block water views but site plan appears that the units further south cannot view the water.

Ms. Cusato commented that they designed the layout so that they could come out of their unit into a public area that connects through to the water.

Mr. Dailey asked questions about the testimony that the design intent was to not block water use but it doesn't appear that the majority of the site has that access. Ms. Cusato explained that the design puts public open space in front of the buildings along the water available to the public that is not blocked by other development. It is not a view of the water for every unit.

Mr. Bruno added that the terms with FMERA are that they need to coordinate with the Allison Hall development for a common theme of the walkway in that area.

Mr. Kahle asked that the lighting along the walkway should also be consistent. Mr. Bruno advised that they would work with both offsite developments to coordinate.

Mr. Davis commented that he agreed that it was misleading that all units have water views; only front row of houses will have that; also double stacking of cars on the road which being narrow are cause for concern with fire equipment getting through; asked what type of siding was 'high end', would it be plastic or like hardy board and was told it would be a weather resistant-low maintenance and would be detailed, tight connections, etc. Mr. Davis also asked about the proposed 4' chain link fence along water and why not select something more decorative. Mr. Bruno responded that the engineer would discuss the fence as it was their intent to have one that was attractive.

Ralph Zucker provided additional commentary concerning the design and the water use versus view. Mr. Bruno described and introduced Exhibit A-11 – a photograph of another development by Somerset as example. Mr. Zucker also expounded on the design's intent to promote walkability and create a pedestrian oriented community.

Mr. Savarese had one planning issue and asked about the circulation in the back versus front and the lack of backyard amenity space and concern that the tradeoff should be reconsidered. He also commented that the park-like does not have any seating areas which he would like to see. Ms. Cusato asked that Exhibit A be displayed and showed where the use of paths and benches was planned.

Mr. Zucker commented on the backyard space which if provided would force front loaded parking changing the face to the street and the nature of the community. If the design was for single family homes they would have designed backyard space.

Mr. Kleiberg asked questions about the general space areas, the width of sidewalks – designed for 2 people; narrow streets and snow removal hinder fire trucks getting down the street and prefers wider streets for safety reasons.

Mr. Foster commented on the street widths and concern for firetruck access, garbage pickup, double parking; a fluent walking path.

Mr. Foster asked Mr. White concerning the walk path who advised that they can only develop their property and he was conflicted out for RPM which seems to be the missing link.

Chairman Widdis requested that the Applicant pursue with FMERA to assure continuity with the river walk development.

Chairman Widdis asked to confirm if the roads in the complex would be private which Mr. Bruno confirmed correct unless the town wished to accept the roads. Chairman Widdis asked how that impacts public access to the water without it being trespassing and was deferred to the engineer's testimony, but the community overall was not private and anticipated to be open with the exception of a gate to ease traffic patterns. Mr. Zucker added that the roads would be maintained by the HOA and they have no intent of blocking off public access and parking provides plenty of visitor spaces.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. Ms. Smith provided the contact information to participate.

Elke Merz, 20 Russel Ave, was sworn in, had questions about the river walk, the number of bedroom units, and the design of the buildings 4th side.

Jordan Rizzo, 6 Carty Ave, was sworn in and asked questions about design materials for the units near Barton Ave.

Ben Tower, 42 Russel Ave, was sworn in and asked questions about unit yards, amount of park space planned proportioned to number of units, parking along the street, guest parking.

Robert Schmidt, 1 Allen Ave, was sworn in and asked questions about a parking area that infringes on the historic buffer bound by Building 271 and 328 to the east; cutting off access to the veteran's park built by East Gate.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

Nicholas Graviano, Applicant's Professional Planner & Designer as to Architect Plan Zoning Conformance, was sworn in, presented his qualifications and was accepted as an expert in the field of planning. Mr. Graviano's testimony included description of the site, the plan for adaptive reuse of buildings 270 and 271 with a mix of apartments – Building 270 to have (3) studio units; (4) one-bedroom and (13) two-bedroom units; Building 271 will be age-restricted with two floors of (16) one-bedroom units for a total of 36 affordable units. The application has designed the buildings to befit the historic nature and maintain architectural integrity of the facades.

Mr. Graviano next testified to the new unit development part of the application entailing 144 dwelling units, described the dimensions of the proposed units, basic elements of 3-stories of living areas with a ground level garage, floor areas, all units comply with 44' height requirement per Plan Amendment #14 and does not seek relief for any of the building design; 4 parking spaces per unit;

Mr. Graviano described and introduced Exhibit A-12, conceptual elevation plan, slightly modified for an elevator configuration from initial plans submitted. Mr. Graviano referring to A-12, testified concerning the unit layouts in greater detail.

Mr. Graviano testified concerning the use and design of the rear alleys for the homes, advised that the FMERA Plan Amendment #14 requires rear-loaded alley which the Applicant has willingly provided; reviewed the plans compliance with other plan amendment requirements including density, 50' wide waterfront esplanade, maximum height.

Mr. Graviano outlined the Applicant's sought relief for one variance for 81.2% impervious coverage where maximum permitted is 75%; related to the lot location of building 270/271 and is sought due to the geometry of the lot lines, buildings 270 and 271 and the overall site development complies with the maximum impervious coverage. The variance is required due to the subdivision line creating that lot and relief can be granted under the C1 criteria due to the exceptional situation and shape of the specific piece of the property and would cause undue hardship upon the developer and there is no substantial deviation from the reuse plan or impairment to the community.

Mr. Bruno further advised that the application would have been fully compliant if it had been one lot but the applicant at the request of the municipality to age-restrict some of the units, Federal and State fair housing regulations require that the senior units cannot be on the same lot as non-senior units thus the standalone lot.

Chairman Widdis asked Mr. Graviano about the plan that indicates some units with a shaft that goes up through the roof. Mr. Graviano responded that the units fronting on Parker's Creek have access to the roof as an amenity for those units. There was discussion on whether the other units could entertain the same feature which they could and still would comply with the height requirements. Mr. Zucker clarified that currently the plan proposes only those units along the creek but would appreciate the flexibility for other units. The shaft is the stairway for access to the roof.

Chairman Widdis asked if there would be mechanicals on the rooftop and was told typically no.

Chairman Widdis asked how storage would be handled for miscellaneous items such as bikes, garbage cans, household items and was told in the garage. Mr. Graviano, referring to the exhibit with rear elevations, described the rear areas.

Chairman Widdis invited questions from the Board.

Mr. Foster asked questions about the storage of recyclables in the garage for the 20' units which don't appear to have enough space, one building with elevator, ADA compliance.

Councilman Tvrdik had no questions but stated that similar to other communities such as Hidden Meadows in Ocean, the residents per by-laws have to keep trash in the garage except collection days.

Mr. Kleiberg asked questions about firewalls between the garage walls, mechanical rooms, utility equipment and venting of mechanicals, roof access not ADA compliant.

Mr. Davis asked questions about the air condition unit locations, location of barbeques and any public facilities for them, balconies, lack of areas for those type activities. Mr. Zucker responded that they do not have the mechanical plans designed yet but would be compliant and submitted to the building department at that stage. Mr. Davis pressed the matter on the type of materials to be used and asked the Applicant to narrow it down. Mr. Bruno answered that the testimony was that it would be a combination of materials that would be weather resistant.

Mr. Whitson asked questions about auxiliary generators and if there was a location for one and was told no, and while it was a good point, it was not planned for this community. They will take it into consideration.

Mr. Kahle asked questions about the plans that identify units in the basement and another room designated as other use, would its conversion to a bedroom impact the parking requirement. Mr. Graviano responded that it was his opinion that it would not impact and

that parking provided for each unit exceed the requirement. Mr. Bruno pointed out that the requirement is for 346 spaces and they are providing 580 spaces.

Mr. Davis asked if the HOA rules would police the conversion of garage space into a bedroom. Mr. Bruno responded that there was nothing to prohibit a 4th bedroom – the space is there.

Mr. Savarese further commented on the lack of amenity space and that there should be more outdoor space private to each unit.

Mr. Dailey asked questions about the 3.5 spaces per unit requirement – 2 vehicles in garage and 2 in driveway and was told correct, but deferred parking to that expert. Mr. Bruno added that while there is the ability for 4 spaces, for purposes of parking counts they have only counted it as 3.5. Mr. Dailey asked about finished floor elevations for units nearer the water showing at 9 and 10 and would that be an issue with base flood elevation requirements. Mr. White responded that he had brought it to the engineer's attention and they would be raising the floors to be compliant. Mr. Dailey asked additional questions about the mechanicals and lower living spaces and flood elevation compliance.

Chairman Widdis asked questions about the senior housing and requirements for elevator access; the 3-story building will not have an elevator. Chairman Widdis asked Borough Planner, Kendra Lelie to comment.

Ms. Lelie, referencing her review letter, advised that the Applicant needs to address the accessibility and adaptability and the provision of an escrow posting to adapt the building for any future disability accommodations. Mr. Graziano testified that the Applicant will conform to all the items that identified in Ms. Lelie's review letter. The units will meet all requirements for accessibility and adaptability, and the applicant has been working with the DCA, as well as interested affordable housing stake holders on the design of the buildings.

Ms. Lelie asked questions concerning the affordability aspect; Mr. Graviano testified that all the townhomes will be family units, market rate, non-age-restricted; will meet income distribution and deed restrictions and was open to using the Borough's administrative agent and agreed to use the Borough's agent; the Applicant agreed to provide veteran's preference on the affordable units.

Mr. Davis asked questions about the garage depth and the ability to accommodate the storage of the miscellaneous units and was told 23' depth.

Mr. Foster asked if patios could be installed at the first level for the units to address the Board's concerns. Mr. Zucker responded that the plans were conceptual but it was their best practice to provide same for the units with the vast majority of them able to have that amenity.

Both Mr. Kleiberg and Councilman Tvrdik asked that the Applicant take into consideration with the next set of professionals, better architectural idea of what would be done, locations for mechanicals and parking concerns overflowing to nearby developments. There was discussion on the level of detail being sought as the Applicant wasn't ready to provide fully designed plans. Mr. Zucker commented that they would do their best to provide the requested details.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness. Ms. Smith provided the contact information to participate.

Jordan Rizzo, 6 Carty Ave, asked that Mr. Bruno and Mr. Zucker decline further testimony on parking without making it open to the public or wait until the engineer testified to that. Mr. Kennedy responded that the engineer's testimony would cover those items.

Liz Rizzolo, 5 Russel Ave, asked questions about the parking and Mr. Zucker's statement concerning significant visitor parking which is not shown on the plans. Mr. Kennedy interjected and advised Ms. Rizzolo that those questions were better directed to the engineer's testimony and this time was for questions for the architect.

Robert Schmidt, 1 Allen Ave, questioned the professional's testimony concerning the buffering between the subject development and the added parking area that goes into the historic park which has been deemed untouchable and no one seems to be making an issue of it and does not understand why they were creating parking in the historic buffer zone.

Mr. Graviano responded that his testimony had not addressed parking for Buildings 270/271 and the Applicant is dealing with the Historic Preservation Office of the DCA who rigorously reviews this, they are unaware of a historic buffer zone. Mr. Schmidt referenced court documents that he would forward to the Secretary for distribution the next day.

As there was no one else from the public, Chairman Widdis closed that portion of the meeting.

Due to the lateness of the hour, Chairman Widdis asked the Applicant about carrying the application. Ms. Smith advised that January 12th was open for the application to continue. Mr. Kennedy asked Mr. Bruno if the Applicant consents to extend the timeframe for a decision which Mr. Bruno agreed to if it were necessary through January 12, 2021.

Motion to Carry to the January 12, 2021 Meeting with no additional notice required

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Robert Kleiberg, Class IV
SECONDER:	Joseph Foster, Class II
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Kleiberg, Davis, Savarese, Cooper

- VIII. Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. Ms. Smith restated the contact information for the public to participate. As no one from the public presented, Chairman Widdis closed that portion of the meeting.
- IX. Adjournment:** As there was no further business, the meeting was adjourned at 10:46 pm on a motion by Ms. Cooper which was seconded by Mr. Savarese and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary