



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • NOVEMBER 16, 2021

Regular

Clement V. Sommers Municipal Building

7:00 PM

910 Oceanport Way, Oceanport, NJ 07757

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 p.m.
- II. **Flag Salute:** Chairman Widdis led attendees and Board members in the flag salute.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on June 29, 2021 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.
- IV. **Board Policy:** Chairman Widdis advised the public of the below Board policies: •It is Board Policy that no application will be opened after 9:30 P.M. •No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

V. **Roll Call:**

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

VI. **Board Business:**

- Report of Pending Applications - Ms. Smith advised of upcoming applications for the Dec. 14th meeting including 101 Smith St continuance, 9 Pocano Ave and 75 Comanche Drive.

VII. **Approval of Minutes:**

- Planning/Zoning Board - Regular - Nov 10, 2020 7:30 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	James Whitson, Vice Chairman
SECONDER:	Michael Dailey, Alternate I
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese

VIII. **Old Business:**

- PR-21-33 Resolution of Approval - Oport Partners, Phase II – Rescheduled for December 14, 2021
- Resolution of Approval - 27 Burnt Mill Circle/Corsi - As the Resolution had been previously provided to the Board, Ms. Smith summarized the resolution and conditions.

RESULT:	ADOPTED [8 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	Thomas Tvrdik, Class III
AYES:	Widdis, Whitson, Cooper, Tvrdik, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese
INELIGIBLE:	Foster

3. Resolution of Approval - 22 Asbury Ave/Keller - As the Resolution had been previously provided to the Board, Ms. Smith summarized the resolution and conditions.

RESULT:	ADOPTED [8 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese
INELIGIBLE:	Foster

IX. New Business:

1. PB2021-16 Barker's Circle

Block 110, Portion of Lot 1

New Block 110.20, Lot 1 - 2000 Avenue of Memories

New Block 110.21, Lot 1 - 2200 Avenue of Memories

New Block 110.22, Lot 1 - 100 Barker's Circle

New Block 110.23, Lot 1 - 200 - 500 Barker's Circle

Major Site Plan Approval with variances

EXHIBITS:

A-1 Land Development Application

A-2 Boundary and Topographic Survey", prepared by Morgan Engineering & Surveying, last revised May 13, 2020, consisting of two (2) sheets.

A-3 Preliminary & Final Major Site & Subdivision Plan, prepared by Morgan Engineering & Surveying, last revised July 20, 2021, 19 sheets.

A-4 Architectural Plans "Fort Monmouth Barker Circle," prepared by Monmouth Ocean Design Experts, LLC, last revised July 19, 2021, 27 sheets.

A-5 Stormwater Management Report, prepared by Morgan Engineering & Surveying and dated June 22, 2021.

A-6 Stormwater Management Operations and Maintenance Manual, prepared by Morgan Engineering & Surveying and dated June 22, 2021.

A-7 Report entitled "Environmental Impact Statement" prepared Environmental Management Group, Inc. and dated October 2021.

A-8 Traffic Letter Report dated October 19, 2020, prepped by McDonough & Rea Associates.

A-9 Mandatory Conceptual Review letter dated June 25, 2021

A-10 Aerial Exhibit of Site, prepared by Trip Brooks

A-11 Colored Renderings of Buildings, 7 Sheets, prepared by MODE Architects, dated November 16, 2021

B-1 Board Engineer Letter, Colliers Engineering & Design, dated October 22, 2021

B-2 Borough Planner's Review for Affordable Housing, prepared by Kendra Lelie, PP, AICP, LLA, dated October 25, 2021

William White, Board Engineer/Planner and Kendra Lelie, Borough Planner were sworn in.

Mr. Leckstein described and marked Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-9; B-1, B-2. Mr. Leckstein advised that notice was reviewed and found the notice to be in order.

Carlton Kromer, Attorney for Applicant, stated that they were there to talk about the properties four uses, residential, office, restaurant, and arts use. FMERA subdivided the property based on those four uses and sold them to us. The towns assessor was part of the subdivision process, the assessor assigned individual blocks, lots and addresses to each of the four blocks. The properties have several buildings on them, and we are proposing to renovate the buildings. We have been working on this project for many months and presented it to FMERA in their MCR process. They like the idea and approved it so now we are in front of the Board asking for site plan approval. We are looking to preserve all the building's historical elements.

Fuller H. Brooks, goes by Trip, Principal Owner of Applicant, was sworn in. Mr. Brooks also stated under FMERA rules he is the controlling interest of the entity the LLC. Mr. Brooks explains the properties, complex and buildings to Board. He explains exhibit A10 which is an aerial of the property and buildings. Our property runs all the way from the Creek to Oceanport Avenue entrance to the building. Approximately 1,100' of distance from the Creek to that entrance on Oceanport Avenue. As you turn in the first building on the left is the old fire house which is envisioned to be a restaurant. Continuing the left is building 206 that will be an office building. The next building is 275 that's Kaplan Hall which was a movie theater the plan is having a mixed use of art activities such as art studios, a gallery a flex space in the back that could have a small café or seating for a movie. The whole building will be arts related. The building is approximately 7,500 sq ft. The next building number 205 is residential. The residential buildings are on the edges. One will face the Creek, two face Oceanport Avenue and one faces a center Courtyard. Building 205 will have 21 residential units, six units are affordable housing. Building 207 is 21 residential with three affordable units. Building 208 is 18 residential units with two affordable units in it. Building 287 has 15 residential units and 4 affordable. Mr. Brooks told the Board that they are closed and own the property bought from FMERA. Chairman Widdis asked for a breakdown of bedrooms? Mr. Brooks told him that all the affordable units are all 2 bedrooms. The Board asked how they would all be 2 bedrooms. Mr. Brooks told them they were directed to do that.

Kendra Lelie, Borough Planner, appeared and stated that she was the Borough Planner and she did the affordable housing plans for the Borough. They worked out details and plans with FMERA and Fair Share Housing. This part of the negotiation and particular project will only be 2 bedrooms. It's all in a court settlement agreement and the Fair Share Plan. The entire project was dealt with in totality meaning that all affordable housing for Fort Monmouth parcels - not just this project.

Chairman Widdis asked for questions from the Board.

Mr. Dailey asked if the firehouse is becoming a restaurant and if the art gallery is going to have a restaurant as well. Mr. Brooks said yes to the firehouse, they are not sure yet about the art gallery.

Mr. Tvrdek asked if there was a letter of intent for the gallery/café and was told no, there had been some interest but the business closed due to COVID. Mr. Widdis asked if there was a brewery planned for the site. Mr. Brooks answered that it is permitted in the zoning but he doesn't have a tenant for that – the plan is for a restaurant.

Mr. Widdis asked about discussion for a childcare facility. Mr. Brooks answered that it had been talked about and was in the MCR but it was only for the case when a large tenant took all the space and provided it for staff but is completely removed now from the project.

PUBLIC: Chairman Widdis opened for questions from the public. As there were no questions from the public, Chairman Widdis closed that portion of the meeting.

Mr. Kromer clarified part of Mr. Brooks' testimony. He handled the purchase of the property which took title to fee simple interest in the office building and the residential lot. There is a long-term lease with FMERA on Kaplan Hall and the firehouse with option to buy the property. They own the buildings/structures not the land underneath, so they are in a 99-year lease plan.

Mr. Tvrdek asked why FMERA gave a 99-year lease versus straight out?

Mr. Brooks said if you take a lease with FMERA than there's an option for you to get a concessionaire's license through the state for alcohol.

Anthony Condatore, Applicant's Architect, was sworn in and presented his qualifications and accepted as an expert in architecture.

Mr. Condatore, referring to Exhibit A11, provided testimony related to the proposed repair and patch of the existing concrete as it is that's what they are allowed to do and give it fresh paint and sealer. All the colors selected were approved by the Historic preservation. The windows are being replaced and creating new windows in existing openings that are more like what was there originally. The stair towers will be refinished, clean up precast and the windows. Replace the asphalt shingles that are there now with a color that goes back to the original slate color. Mr. Condatore described the entrance for the buildings. There is a center staircase that goes into a double door entry for all the residential buildings. The changes to the back of the building are adding an elevator. The 3rd floor units were able to add a loft space.

Chairman Widdis asked Mr. Condatore to describe building 205.

Mr. Condatore referring to Sheet A001 of the plans for building 205, described the building which faces out looking at Russel Hall. There are 21 units, 3-1-bedroom units, 6-2-bedroom units on the 3rd floor. Sheet A002 shows 6 affordable 2-bedroom units and 6-3 bedrooms. Main entrance has a center staircase than a balcony across each unit has a door that leads directly to balcony. There will be areas provided for outdoor space. Sheet A002 shows the third and loft level. There will be a staircase in the living room area that goes up to an open loft area that can be used as extra living space which faces the courtyard. Sheet A003 shows the existing basement which can be used as storage.

Chairman Widdis asked if there were questions at this time from the board.

Mr. Tvrdek asked about the loft height space and how do they enforce that the loft area doesn't get converted into an extra bedroom in those units. Mr. Condatore said it would be the responsibility of the leasing agent and landlord to make sure that's not done. Mr. Tvrdek asked about the balconies if there is separate space for each unit. Mr. Condatore said the balcony is used as a point of egress but there will be individual seating areas. There will be pavement markings to indicate tenants' areas.

Mr. Brooks addressed the Board's concern about the loft area having closets. He said they will not put them in that area. Mr. Brooks testified they will find some storage for the tenants so as they won't be using their balconies as a storage place. They will do cages in the basement for tenant storage and submit a revised drawing under resolution compliance.

Mr. Foster suggested enclosing the patio areas, so tenants' belongings don't intrude into the walkway. Mr. Condatore said they will have to investigate that. It would have to be approved by the State Historic Preservation. Mr. Foster asked additional questions about the room sizes and are the rooms apartments? Mr. Condatore responded the bedrooms are 10x12, living rooms are 15' wide, 2-bedroom units are 1100 to 1200 sq ft 1-bedroom units are 900-1000 sq ft and 3 bedrooms 1500 to 1600 sq ft.

Mr. Kleiberg asked if there are handicap ramps. Mr. Condatore said yes there will be ramps they are on the civil engineering plans.

Mr. Davis asked where they will be putting air conditioning units? Mr. Condatore said the site plan is going to propose locations that we're coordinating with or condensing units. We are going to do individual units then we're going to have small areas on the inside facing the courtyard where the parking lot is on pads where we're going to place that condensing units for each one. We are not using a centralized system for the entire building this is more of a split type of system, where each unit will have a unit within itself and then duct it throughout the unit that connects to a condensing unit. Mr. Davis asked about the architecture. Will they break the dormers or match it with the rest of the windows? Will they keep it flat paneled like it already is? Mr. Condatore we are keeping it flat paneled that's what the State Historic Preservation wants it to be.

Mr. Dailey asked if there is a 5 to 6ft front walkway in front of the units how much are you leaving for egress? Mr. Condatore said its 48 inches.

Mr. Davis asked questions regarding security – is there access to front and back building so you can enter the patios. How can you keep them secure?

Mr. Condatore the stairwell doors are exit only so you can't come inside them. Upper floors you exit in to go down and on the lower floors you exit out.

Chairman Widdis asked if the property is a flood zone? Mr. White said yes. It's called a D zone.

Mrs. Cooper asked questions about affordable housing units, size requirements. Mr. Kromer responded that the state requires that a 2-bedroom affordable must be 850 sq ft minimum which Ms. Lelie confirmed and asked for a full detail of the room layouts. Mrs. Cooper commented that she didn't like that the affordable units were the smallest.

PUBLIC: Chairman Widdis opened for questions from the public.

Matt Zienniewicz, 1215 Turf Drive, was sworn in, commented that this was the first he had heard that the units would be rentals and asked why they did not use all the buildings for office space or have the units as condos rather than apartments? Mr. Condatore said these buildings were only zoned for residential use according to FMERA rules. Mr. Zienniewicz rebutted that the units had been used as residential for more than 50 years from personal knowledge. Mr. Kromer commented that the selection of condos over apartments was an owner choice but the restrictions would apply whether it was a rental or owned.

As there were no additional questions from the public, Chairman Widdis closed that portion of the meeting.

Mr. Condatore referring to Sheet A001 described the details of building 287 consisting of 15 units, 3-1 bedroom, 8-2 bedroom and 4 affordable 2-bedroom units. Going South there is one of the larger buildings, 207 has 21 units. 1-1 bedroom, 11- 2 bedroom, 3-2 bedroom affordable and 6-3

bedroom units. Final building is 208 D faces south towards the creek has 1-1 bedroom, 12-2 bedroom, 2-2 bedroom affordable and 3-3 bedroom units. The office building exhibit A401 is in good shape needs some minor upgrades like finishes and code updates. The last building is the Fire Station which is Sheet A601 nothing is proposed yet for it until we get a tenant.

Chairman Widdis asked the board if they had any questions for this portion of the meeting. There were no questions.

PUBLIC: Chairman Widdis opened for questions from the public. As there were no questions from the public, Chairman Widdis closed that portion of the meeting.

Matthew Wilder, Applicant's Engineer, was sworn in as a licensed professional engineer and having appeared before the Board previously was accepted as an expert in engineering. Mr. Wilder provided testimony concerning the location of the property in a flood zone. The property is partially impacted by a 100-year flood plan. The elevation is AE8, 8' above sea level. The Design Flood Elevation is one foot above base flood elevation nine. He referred to the grading and drainage plan to show all of the buildings are elevated above that elevation 9 habitable space, the majority are elevated to elevation 15.

Mr. Davis asked Mr. Wilder to go over all the air conditioning units. Mr. Wilder answered they have not decided where the units will be yet. They will be added to site plans once they have decided on locations.

Mr. Wilder addressed garbage concerns. He said there are concrete pads located throughout the development that will house trash enclosures some will be larger to accommodate trash and recycling.

Mr. Wilder advised they are putting together a revised plan that shows access into each building through a compliant and kept accessible route. They will have combination switchback ramps. There will be a separate plan submitted dealing with just handicap accessibility.

Mr. Wilder addressed the Board Engineers letter. Mr. White in his letter said the property was subdivided and the presence of access easements. Cross parking arrangement will be enacted with cross access. The way these properties are developed and the requirements that FMERA had with respect to the subdivision, they would not allow any of the proposed lot line to cross the main thoroughfare. That had to be located on one individual lot. There were questions about existing fence along Oceanport Avenue, that fencing will be removed.

Mr. White asked if they will be providing sidewalk and curbing along Oceanport Avenue? Mr. Wilder confirmed removed but not replaced.

Mr. Wilder addressed comment #3 – they are coordinating with DEP concerning the green trail and they are looking to keep disturbance at a minimum, with construction at-grade and further detail will be provided on revised plans. Mr. Wilder further addressed buffering of building number 5. On the western side, we wanted to maintain the available views from the outdoor porch. We can add additional plantings, but we didn't want to create full, solid screen. The shade trees that we proposed at 40 feet on center, in-between the shade trees we have some bushes. If you'd like us to add some additional planting, we take no exception. The intent really was not to create a full solid visual screen with landscaping just because from an esthetic standpoint these are historic buildings. On the green trail they will be providing some low-level lights bollard in nature possibly solar powered. The intent is to provide some low-level lighting for both security and for people to enjoy outdoor space. Regarding parking we have more parking than is required by code, for both Kaplan Hall and the residential element. They will be using a shared parking arrangement. FMERA requires them to use shared parking is that the parking spaces have to be within 400 feet of the individual uses. Our shared parking arrangement will take the deficit for both the firehouse and the office and they will not have a deficit - they will have the necessary parking within 400 feet, either through easements in the case of the firehouse on Kaplan Hall or easement, in the case of the office, from the residential.

Chairman Widdis stated he was confused as they variance needed indicates 126 spaces and a shortfall of 52 spaces. Mr. Wilder responded that his plan depicts 107 as required by office which he needs to confirm. Mr. Wilder also a licensed Planner, commented that they were requested to seek variances for parking but he does not believe variances were needed.

Mr. White commented that he looked at each lot individually as they would have individual ownership that could be sold off independently. There was no shared parking spaces. FMERA's plans provide for shared parking plan with easements but no easements and no agreement were provided so he had to review under worst case scenario and what it was within its own boundaries.

Mr. Wilder responded that they have come up with a Shared Parking Plan which they are prepared to present to the Board.

Mr. Leckstein commented that the Plan had not been reviewed by Engineering and the Board would prefer for it to be submitted, reviewed by engineering before presented to the Board.

Mr. Kromer responded that they will prepare a revised plan and submit.

Mr. Wilder continued with testimony concerning stormwater management and will provide requested map, submitted plan does provide existing and proposed impervious coverage break down and they are not proposing to increase but will provide quantities of take off.

Mr. Whitson asked shouldn't they be addressing each one of Mr. White's comments and not cherry picking the ones he wants to share?

Mr. Wilder testified that his last comment was going to be that anything he has not specifically addressed they agree to comply with and provide.

Chairman Widdis asked about traffic and circulation and the ingress/egress on Oceanport Ave but was deferred to the traffic engineer's testimony.

Chairman Widdis asked if the roads would be private and was advised yes, the roadways on-site would be private.

Mr. Wilder testified that they were not proposing any signage other than what was consistent with the Borough's requirements..

Chairman Widdis requested that the plans be noted to show the roads were private which was agreed to.

Mr. White asked questions about the landscape plan around the parking areas which FMERA's MCR recommends to provide 10% landscape area and it appears to be none on the plan. There was discussion regarding what areas were considered interior and the Applicant has no issue with vegetating it but deferred to the traffic expert, Mr. Rea.

Mr. Kromer asked if it would be appropriate to hold off on Mr. Rea's testimony until the parking plan was provided. It was discussed at length the challenges with the shared parking, sale of lots in the future, restrictions by deed and that it was best to reserve for the next meeting.

Ms. Lelie commented that the on the architectural plans, they need to show the income distribution.

Board members were given opportunity to comment on the testimony presented in order to address any issues with revised plans.

Mr. Davis commented that he didn't like the lofts with egress issues and security issues and believes there should be some sort of security fence to buffer from the main road at the rear, security on the lobby and elevator should also be addressed, trash enclosure locations don't seem big enough and need a landscape buffer, also concern with size of units and address backup utility services. Also, address parking and public parking, drainage, security lighting and fencing down to the bridge to deter public from using gazebos at night.

Mr. Kleiberg commented that the plan should provide better details for the handicap parking and the switchbacks.

Mr. Davis also requested a parking calculation for the firehouse restaurant.

Ms. Cooper asked questions about the stairs to the lofts but was deferred until the next meeting with the architect's testimony but it is UCC code that addresses the egress requirements.

There was a lengthy discussion about the doorways, access to the side staircases, security, limits of the existing building and historic preservation requirements.

PUBLIC: Chairman Widdis opened the hearing to comments from the public.

Lewis Fernandes, 42 Riverside Ave, commented that he was under the impression that the site would be upscale condos, concerns for kids and impacts to exiting Riverside Ave across the street. Board members commented that the plan for the site has always been 75 rental units. Mr. Fernandez expressed concerns for impacts to quality of life in the surrounding area from rentals compared with owner occupied units.

Matthew Zienewicz, 1215 Turf Drive, remaining under oath, agreed with the previous comments and those of the Board – particularly the fencing issue, rental units versus owner occupied, a dog park and a large parking lot across the street which invites unwanted people using the site without a fence all the way to the bridge. Traffic issues, pedestrian issues crossing street, security with balconies are all concerns and his opinion that plan should have been amended to provide for a broader mixed use to reduce residential intensity.

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

Motion to Carry Application to December 14, 2021 with no further notice

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Darren Davis, Class IV
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese

- X. Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

- XI. Adjournment:** As there was no further business, the meeting was adjourned at 9:47 pm on a motion by Mr. Davis which was seconded by Mr. Dailey and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary