



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • OCTOBER 18, 2021

Special

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 members of the Board in the flag salute.
- III. **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.
- IV. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on September 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.
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Patty Cooper	Mayor's Designee	Absent	
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	Absent	
Michael Dailey	Alternate I	Present	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Present	
Jaclyn Flor	Conflict Engineer	Present	

VI. **Old Business:**

1. PB2020-29.1 PHASE II Warehouse Parcel - Oport Partners LLC
801/803/811 Oceanport Way
Block 110.13, Lot 1

EXHIBITS:

A-23 Architectural Plan, Sheet A1.1 entitled "Preliminary First Floor Plan, Proposed Flex Building A", prepared by Rotwein and Blake Associates, last revised on Oct. 15, 2021.

John Giunco, Esq., provided a summary of the testimony provided at the last meeting – engineering, access, stormwater, architecture. Tonight's testimony will cover traffic and planning.

Jaclyn Flor, Board Conflict Engineer was sworn in.

Ms. Smith advised for the record that Mr. Dailey had certified that he had watched audio/listened to recording of the meeting and was eligible to participate and vote on this matter.

John Rea, Traffic Engineer, was sworn in, provided his qualifications and having appeared before the Board previously was accepted as an expert in field of engineering and traffic engineering. Mr. Rea testified concerning the details of the traffic impact analysis revised March 9, 2021 which he prepared. Mr. Rea's testimony included traffic volume data, highest counts used in analysis, evaluation of surrounding projects including Allison Hall, NJCU, Lodging Tract, municipal complex, bowling center and athletic center; projected volumes through 2025; they've also include upcoming projects for Barker's Circle and Post Office parcels; signalized intersections – Oceanport Ave and Rt. 537; Rt. 537 and Rt. 35; intersection Anson Ave and

Main Street; Anson Ave and Oceanport Way. His conclusion from the study was that the off-site intersections were operating effectively and within traffic parameters. Mr. Rea testified that per the site plan, the site provides adequate parking – in fact more than adequate. Mr. Rea also testified concerning roadways, bridges and to his inquiries there are no plans to alter roadways, expand or implement weight limits. Mr. Rea stated it was his opinion that the roadways in and around the subject site were sufficient for traffic for capacity, emergency service vehicles.

Chairman Widdis invited questions from Ms. Flor and the Board members.

Ms. Flor commented that the culvert on Anson Ave had been brought up in the event that intersection's limited access would impact the study done.

Ms. Flor commented that with FMERA having no plan to upgrade the cross-sections throughout the site, and this Applicant is proposing to upgrade along its frontage, asked if turning movements had been analyzed to be sure truck movements can make it through out the site. Mr. Rea responded that they had looked at those intersections and it was his opinion that trucks could navigate them with perspective to road widths the turns. Ms. Flor asked about the portion of roadways currently closed around the site and had he traversed them to determine if they could handle truck traffic and if the roadway was in disrepair would it be repaired to ensure access out to the Rt. 537. Mr. Rea responded that the Applicant didn't intend to send heavy truck traffic out to Main Street and that truck traffic would directed through Oceanport Ave and Rt. 537.

Discussion ensued on anticipated traffic circulation amounts for each intersection and surrounding road networks; what tools were available to direct traffic away from Main Street; where trucks would be parked and if any long-term parking expected – tenants unknown; timing of peak hours (7-9am and 3-6pm); what percentage of peak hour traffic was associated with truck traffic (20-30%).

Mr. Whitson asked about the statement that 15% of traffic would be on Anson and Main Street and would it be truck traffic. Mr. Rea commented that none as the plan was to direct traffic through other routes. There was discussion on how the Applicant could restrict truck access from Main Street. Mr. Giunco suggested via a tenant agreement.

Mr. Whitson asked for signage restricting truck traffic on Anson and Main Street and was told absolutely. Mr. Giunco added that they would handle that at plan review with the engineer.

Councilman Tvrdik stated he agreed with the restrictions and tightening it up with leases. Councilman Tvrdik asked about overnight truck parking suggested limiting it to the load dock spaces and not in front – keep it to the back of the building.

Mr. Foster asked if it was anticipated the site having any back-haul type of operations, shipping operations. Mr. Rea responded no, they would encourage smaller tenants such as contractors and certainly not anything like Amazon. There was discussion concerning a 7-24 operation.

Mr. Foster commented that the testimony had not included two other projects that are in the planning/approval stages – McAfee Center and other buildings near the bowling center; the traffic situation is fluid; and looking down the road, traffic on Rt. 537 is going to become more onerous and asked if the study had considered that. Mr. Rea responded that he looked at all the projects he was aware of and that the traffic studies will need to be updated as that happens but felt that it was a long time before there would be a traffic issue on Rt. 537; believes that the road network in general can accommodate the subject application.

Mr. Kahle asked questions and expressed concerns for the intersection at Main Street and Eatontown Blvd; potential for a weight limit on Anson Avenue; discussion on procedure for implementing weight limits with the local governing body, DOT, county;

Mr. Kleiberg commented that he would like to see the ADA parking spaces back to the original location – unlike Councilman Tvrdik's request to have it in the center. He explained the reasoning with curb cuts and distances. Councilman Tvrdik commented that it had been a suggestion but whatever worked best. Ms. Flor will work with them to address.

Ms. Flor asked if the multi-use trail would end on this site which had come up at the last hearing and that Army Corp was requiring it or not and did it need to be accommodated on the site plan. Mr. Giunco advised it was unknown. Ms. Flor would work out with their engineer Mr. Kennedy.

PUBLIC: Chairman Widdis opened the meeting to questions only for this witness. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Andrew Janiw, Applicant's Professional Planner, was sworn in, provided his qualifications and was accepted by the Board as an expert in Planning. Mr. Janiw testified that the application seeks no variances but does seek waivers; provided an

overview of the Fort Monmouth standards which supersede local jurisdictions, parcel was impacted by Amendment #15 of the Redevelopment Plan; reviewed the permitted uses for the site, how "flex space" is defined by FMERA – a building or part of building used for research, office, light industrial fabrication, assembly as defined by amendment #3 which defines with greater detail; also permitted are assembly of pre-manufactured materials, components with minimal use of chemical and chemical process; light industrial uses include but not limited to warehouse, distribution, research & development and contractor services. In summary, the uses anticipated are focused on smaller uses, smaller spaces and not for obnoxious effects from chemical uses – more like contractor yards, storage.

Chairman Widdis asked the difference between flex and warehouse space. Mr. Janiw responded that flex space is generally smaller and adaptive to multiple uses; warehouse typically larger space with little office space.

Mr. Janiw further testified to the planning perspective related to the three waivers being sought, summarized the waivers – building setback to Oceanport Way – assumes the buildings will front on Oceanport Way which these buildings do not; refuse enclosure in front yard area – the subject site has multiple front yards and the location is best for the site configuration and the vicinity to Oceanport Way, and indoor bicycle storage was a secondary condition. Mr. Janiw testified that the lighting was planned to provide visibility, practically and the application deviates slightly on the ratio and de minimis. It was his opinion that the waivers requested were practical in nature and could be granted given the overall plan, design standards and function.

Chairman Widdis invited questions from Ms. Flor and the Board members.

Ms. Flor asked questions about the limitations of warehouse space permitted by the regulations and were they encompassed within the flex space or taken separately. Mr. Giunco opined as to the different tenant scenarios for flex space with some warehouse and didn't necessarily anticipate large areas of warehouse. Mr. Janiw added that the flex space would be the principal use and not the accessory use. Ms. Flor expressed concern with the definition when it gets to the zoning officer.

Mr. Kahle asked about hours of lighting on the site. Mr. Janiw responded that it would depend on the uses. Mr. Giunco added that there would be safety lighting and would be an efficient use.

Mr. Whitson asked about hours of operation testimony. Mr. Giunco responded that there was no testimony but it was anticipated that the activities most would be 7am – 7pm but the buildings are available to tenants 24 hours a day. Mr. Janiw responded that flex space nature of use was indoors.

Mr. Giunco described and distributed Revised Sheet A1.1 of the Architectural Plans which shows the building description as flex space (previously indicated warehouse) which was marked as **Exhibit A-23**.

Mr. Whitson expressed concern that no specific operating hours were being provided.

PUBLIC: Chairman Widdis opened the meeting to questions only for this witness.

John Johnson, 31 Sagamore Ave, asked if there were any plans for outdoor storage of materials and was told no, only indoors.

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

PUBLIC: Chairman Widdis opened the meeting to comments on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Mr. Kahle expressed concern with the 24-hour access statement and its impact on residential neighborhood on Main Street. Mr. Giunco responded that that was kind of the business to be available but offered to put in tenant agreements that access to the site during the hours 8pm to 7am shall be through Oceanport Way. There was lengthy discussion again on how to restrict trucks from impacting residents on Main Street. Afterwards the Applicant agreed to provide signage and tenant agreements that limit access to the site during the hours 8pm-7am through Rt. 537 and that signage would restrict access from Main Street and Anson Avenue during those hours. Councilman Tvrdik will bring request to the Borough Council to implement weight limit on Anson Avenue.

Mr. Foster asked if FMERA approves tenant use for compliance. Mr. Giunco answered no, they obtain permits for build-out for each tenant and ultimately a certificate of occupancy from the Borough.

Mr. Whitson asked if the access hours would be Monday-Friday. Mr. Giunco answered no, it would be 7 days per week – if a tenant is a food industry they're working on Sunday.

Mr. Giunco concluded by requesting the Board approve the application which complies with the standards of the zone, testimony has been presented to address the waivers sought and has been designed carefully and to be attractive to improve the community.

Motion to Approve Application with Conditions

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

- VII. 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.
- VIII. Adjournment:** As there was no further business, the meeting was adjourned at 8:25 pm on a motion by Councilman Tvrdik which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary