BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● SEPTEMBER 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 7:30 PM

II. **Open Public Meetings Statement:** This meeting further complies with the Open Public Meetings Act by notification on September 5, 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, Star Ledger and the LINK News 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.

III. **Flag Salute:** Chairman Widdis led attendees and the Board in the flag salute.

IV. **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	Late	7:42 PM
Joseph Foster	Environmental Committee Liaison	Remote	
John (Jack) Kahle	Class IV	Remote	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Remote	
Darren Davis	Class IV	Remote	
Michael Dailey	Alternate I	Absent	
Jacob Rue	Alternate II	Remote	
Jeanne Smith	Board Secretary	Remote	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	

V. **Board Business:**

1. Report of Pending Applications

Ms. Smith advised that it had just been determined that the first meeting in October would be held remotely so no applications had been scheduled. However, any applications tonight that may carry with the addition of two residential applications were planned. Also upcoming were the Allison Hall and Lodging parcels on the former Fort possible at the end of October. Please contact Ms. Smith to arrange a package of plans to review in advance.

VI. **Old Business:**

1. PB2020-09 MPCC II CARRIED from September 8, 2020
   2 Crescent Place
   Block 127, Lot 4

William White, Board Engineer/Planner was sworn in.

Councilman Tvrdik entered the meeting at 7:42 pm

Mr. Kennedy clarified for the record the members eligible to hear. Ms. Cooper having not been present last hearing and not able to listen to record would be eligible to participate but not vote.

Mr. Kennedy opined for the public that several members of public had submitted comments by email which had been accepted in the early stages of COVID event, however, recent clarification on procedures for board hearings require that the public be present and participate live so that the Applicant has the opportunity to respond to objections and question in response and should not rely on having previously submitted an objection by email.

Salvatore Alfieri, Attorney for the Applicant, briefly summarized the testimony provided at the last hearing including that from the owner concerning the lease with Saint Barnabas and the engineer. The original application sought expansion of the existing parking lot to 1500 parking spaces which was amended after receiving Mr. White's report and the number of variances that would be required and the proximity of the parking lot to the homes to the rear. Mr. Gross revisited the matter with the tenant and was able to reduce the number of spaces being sought. They agreed to all of the technical comments contained in Mr. White's review letter, agreed to relocate the salt stockpile; agreed to comply with dark sies requirement for site lighting; agreed to address ADA spaces compliance and locate closest to entrance/exits. There are 943 existing spaces, expansion requests total of 1,316 spaces on site.

Mr. Kennedy next did a check for conflicts with the owners of the corporation for which there were none.

Carl Gross, Owner/Applicant, acknowledged having been previously sworn in at the September 8, 2020 meeting, provided additional testimony concerning the existing site conditions, existing parking, proposed parking on-site and the plans being designed for spaces along Crescent Place. The expansion of parking was sought at request of current tenant Saint Barnabas to meet needs for expanding uses in the building. He testified as to design changes made to address concerns of the residential neighbors. Saint Barnabas Systems houses their accounting and billing departments and computer portal for patient services; this will be their headquarters with a mix of white collar and blue collar jobs. Mr. Gross testified that the site is located in a zone with uses that would have a less intensive parking need however come with other concerns including manufacturing and warehouse but they feel Saint Barnabas was an excellent tenant and most appropriate for the area.

Chairman Widdis asked for questions of the Board of this witness.
Mr. Whitson asked the number of variances were reduced when they scaled down and how many being sought now and was told one for impervious coverage.
Ms. Cooper asked questions about the total of spaces being sought.
Councilman Tvrdik asked questions about occupancy, build out at 100%.
Mr. Kahle asked questions about landscaping along retention basin and was deferred to engineer.
Chairman Widdis asked status of clearing creek and was told they are in the process of obtaining permits from DEP.
Mr. Davis asked again if Applicant would agree to landscaping along retention basin. Mr. Gross responded that he has authorized his engineers to do everything appropriate for screening and wants to be a good neighbor. Mr. Davis asked if there were a change in use of a unit would it require an application to the zoning board – referring to long ago dated later. Mr. Alfieri responded there is a long term lease but yes, if there was a change of use it would require coming back to the Board.
Mr. Rue posed questions about the need in light of COVID and tenant pulling out and asked fi there was an agreement in place and was told there is a signed 15 year lease. They are investing extensively in the site's infrastructure and the tenant has confirmed that they are coming back to work and the need still exists.
Chairman Widdis asked questions about occupancy of the building, percentages of use by tenants and why so many spaces being sought. Mr. Gross answered that he committed the building to their use, and will take rest of available space in building and a minimum of parking being sought for them to agree to fill out space.
Councilman Tvrdik asked if there was a letter of intent from Saint Barnabas for use of the entire building.
Discussion ensued on the required spaces for total square footage, dependent on use. Mr. White commented that the ordinance parking requirement is form the 60's and today's use has less storage with electronic records and area is occupied with more people than previously. Mr. White added that 1,257 spaces required for the space – 4 per thousand, the surplus being 50-60 spaces.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness.

Kristen Gillette, 41 Summerfield Ave, asked questions about the 4 per thousand and spaces should be 1200 not 1257. Mr. White responded that with the Cross Fit and Saint Barnabas area totals 316,000. Ms. Gillette asked why wouldn't the 116 spaces on Crescent not be counted – they are not on site – they are off-site and do not have exclusive use and was only surplus.

Theresa Shirley, 42 Springfield Ave, asked questions about the setback from the retention basin not being sufficient – isn't considered storage as defined in the ordinance and thus has a different setback and deferred to engineer. Ms. Shirley asked questions concerning stormwater, flooding at Eatontown Blvd and the cleaning of the creeks.

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

Thomas Muller, Applicant Engineer and Planner, acknowledged having been previously sworn in, provided testimony concerning the previous design plan and the proposed modifications to address concerns and reduce number of variances down to one with initial impervious coverage proposed at 69.9% but with reduction of 142 parking spaces now seeks impervious coverage of 65.9% where 60% maximum permitted. They have also increased the residential buffer from 30' to 100' to meet zoning ordinance. The net increase is 373 parking spaces. Mr. Muller also provided testimony research and result with proposed solution for Summerfield Ave they will provide a chain link gate 5' in height to be blocked permanently with access for emergency personnel only which the Applicant has agreed to provide. Mr. Muller also summarized that the Applicant has agreed to supplement the proposed solid evergreen shrub row with additional deciduous shrubs and flowering shrubs to be planted on east side of buffer closer to the residential properties. Mr. Muller testified that the above ground basin does not have a setback limit from the residential properties but would be directed away from them; increase in stormwater runoff is subject to State and NJDEP as well as local requirements which is proposed to be handled by 2 retention basins which would reduce runoff rates and peak flows; the retention basin would aid the drainage of the overall area by accumulating and reducing rate; summarized the analysis provided in the stormwater management report; his professional opinion that the drainage system can handle the additional runoff created by the additional impervious coverage; one design waver being sought for the parking stall area for a reduced 9' x 18' rather than 9' x 20' to reduce the impervious coverage and would work properly with the use and was industry standard.

Chairman Widdis asked for Mr. White's questions or comments.

Mr. White asked Mr. Muller the stormwater system reduces peaks not volume and was told correct. Mr. White commented that when there's more impervious there's more volume. Mr. White asked for object markers on both sides of the gate for Summerfield Ave to designate dead end.
Mr. White asked if the Applicant would be willing to place way-finder signs to indicate which ways to go from Crescent to Oceanport Avenue and Eatontown Blvd to distribute away from the Eatontown Blvd intersection towards Oceanport Ave. The Applicant was agreeable.

Chairman Widdis asked for questions of the Board of this witness.
Mr. Whitson asked if Mr. White was ok with the reduction in the parking spaces. Mr. White responded it was his suggestion to reduce impervious coverage and minimize impacts to the residents.
Mr. Foster asked about the 9'x18' space – is this what is reducing the coverage or is it also reduction of # of spaces. Mr. White answered it was combination of the two. Mr. Foster asked questions about the volume of runoff, peak and flow times, flood zone and handling of flood waters in tidal events versus fluvial (stream).
Councilman Tvrdik asked Mr. White his opinion of the proposed parking lot and drainage system will improve compared with current conditions. Mr. White responded the stormwater is in compliance.
Mr. Kahle asked questions about lot line distances, setbacks to parking lot and roadways, parking on Crescent Place, location of retention basin further away from homes, design considerations, landscaping.
Mr. Davis asked Mr. White if the lighting was good and was told yes.
Chairman Widdis asked for additional details of the appearance of the retention basin and urged that it be maintained.
Mr. White asked Mr. Muller about the drainage area to the stream. Mr. Muller responded he didn't have that calculation as it would involve a significant engineering study but estimated 100's of acres.
Mr. Kleiberg asked if there was a drainage pipe still on Broadway in West Long Branch contributing to the problem. Mr. White stated he hadn't looked at it.

PUBLIC: Chairman Widdis opened the hearing to questions from the public of this witness.

Vanessa Hentschel, 27 Summerfield Ave, asked if there would be any resident input on the gate closing of Summerfield Ave to be sure it was aesthetically pleasing. Mr. Alfieri responded that the Applicant has no preference and was willing to work with them through the board engineer.

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

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Motion to Approve as Amended

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Kleiberg, Davis, Rue
ABSENT:	Cooper, Savarese, Dailey

2. PB2019-15 Triumphant Life Church
   Due to the lateness of the hour, this matter received a:
   Motion to Carry Application to October 13, 2020 with no additional notice required.

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jacob Rue, Alternate II
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Tvrdik, Foster, Kahle, Kleiberg, Davis, Rue
ABSENT:	Cooper, Savarese, Dailey

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.

INFORMAL
Salvatore Alfieri, Attorney for property owner's of Block 121, Lot 1.01 and 2 presented an Informal Conceptual Plan for Board input prior to submitting formal application. Discussion ensued whether the project entailed a use variance which would prohibit an informal. Mr. Kennedy stated for the both the Board and the Applicant that discussion would be limited and would be non-binding. Because of the uncertainty that the application may seek a height variance that was potentially a (d) variance, Chairman Widdis asked that additional research be provided for the Board's information and they return for another informal or file an application.

VIII. **Adjournment:** As there was no further business, the meeting was adjourned at 10:34 pm on a motion by Mr. Foster was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary