**OCEANPORT PLANNING BOARD**
**MINUTES**
**June 27, 2017**

Chairman Widdis called the meeting to order at 7:30 p.m. and gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 11, 2017 and by the posting of same on the municipal bulletin board and Borough Web Site."

Chairman Widdis led the flag salute.

**MEMBERS PRESENT**: Mr. Whitson, Councilwoman Cooper, Mr. Kleiberg, Mr. Foster, Mr. Kahle, Mr. Savarese, Ms. Halpern, Mr. Widdis

**MEMBERS ABSENT:** Mr. Sullivan, Mr. Fichter

**OFFICIALS PRESENT:** Jeanne Smith, Board Secretary, Rick DeNoia, Esq., Board Attorney, Board Engineer/Planner William White

**BOARD BUSINESS:**

1. Minutes of the meeting of June 13, 2017 were approved as presented on a motion from Mr. Whitson and a second from Mr. Kleiberg and approved by the eligible Board members.

**OLD BUSINESS:** None

**NEW BUSINESS:**

2. PB2017-02 Brown, Peter **RESCHEDULED FOR JULY 11, 2017**
   93 Main Street
   Block 110, Lot 6
   Request for Bulk Variances and Expansion of Non-Conforming Use

Chairman Widdis advised that the application would not be heard that evening due to deficiency in the notice requirements and that the application would be rescheduled for July 11, 2017 meeting with new notice required.

3. PB2012-14.3 Oceanport Village Center LLC
   179 E. Main Street
   Block 88, Lot 26.01
   Request for Use Variance

**A-1 Landscape Plan, Sheet 4 of 12, Amended Preliminary and Final Major Site Plan, prepared by Hammer Land Engineering, dated May 2, 2011, last revised June 6, 2014**
**A-2 Building 1 – North Overall Key Plan prepared by Design Ideas Group, dated May 1, 2009, last revised November 13, 2009**
**A-3 Building 1 – 1st Floor Plan Study, 4 Sheets, prepared by Design Ideas Group, dated August 20, 2016.**
**A-4 Windows Management Solutions, 3 Sheets, prepared by Design Ideas Group, undated**
**A-5 Traffic and Parking Report, prepared by H. Ney Associates, dated June 25, 2017.**
**A-6 Google Earth Satellite Imagery showing Property boundaries outlined in yellow prepared by architect, April 6, 2016.**
**A-7 Two-Sided Photo Board Depicting Property and Neighboring Uses, prepared by Planner, June 26, 2017**

Councilwoman Cooper recused herself from the hearing as the matter involved a use variance. Mr. DeNoia stated for the record that service had been reviewed, was in order, and the Board accepted jurisdiction.

William White, Board Engineer/Planner, was sworn in.

Peter Falvo, Attorney for Applicant, appearing gave a brief introduction of the application then introduced and described **Exhibits A-1, A-2,** and **A-3.**

Victor Gourkanti, Applicant and Owner, was sworn in and provided testimony concerning the history of the property and the proposal for the conversion of existing vacant retail area in the north building to 14 residential units with 3 units being designated affordable. Mr. Gourkanti explained the proposal was to convert the bank location to residential as well as the north building's 2 office units which remain vacant. Chairman Widdis asked how many retail units in the south building were rented and how many were vacant. Mr. Gourkanti replied that 6 were rented; 4 remained vacant. He stated there is significant interest in residential units and a waiting list for 2 bedroom units. There was discussion regarding the affordable housing units. Mr. Gourkanti testified that currently there are a total of 36 residential units and provided the breakdown between 1, 2 and 3 bedroom units, with 9 affordable housing units.

Chairman Widdis invited questions from the Board.

Mr. White stated he received clarification on the size of the units and had no further questions. Mr. Whitson asked about the number/size of the new affordable housing units. Mr. Gourkanti replied it would be two 2 bedrooms and one 3 bedroom. Ms. Halpern asked if the upper units had internal walkways. Mr. Gourkanti replied there was. Ms. Halpern asked about the entrances on E. Main St. Mr. Gourkanti deferred to the Architect. Mr. Foster asked about the conversion from 2 to 3 bedrooms. The change was required under COAH. Mr. Foster asked about the number of doors. Mr. Gourkanti didn't know the code. Mr. Kleiberg replied only one door was needed. Mr. Kahle asked how the applicant would address residents sitting outside of first floor units. He expressed concern seeing lawn chairs out on E. Main St. Mr. Falvo stated a restriction could be included in the lease, and that the plans call for a pocket parks at each end of the building. Chairman Widdis asked about restrictions on 2nd floor balconies, and asked if similar restrictions could be imposed on 1st floor units. There were questions about bicycle racks, propane grills, garbage. Mr. Gourkanti replied that garbage is included in the current plan and grills and storage are prohibited by the lease. Mr. Foster requested a sample of the lease. Mr. Gourkanti will provide one. Chairman Widdis expressed concerns about garbage and recycling.

Mr. Kahle asked about permanent window treatments. Mr. Falvo replied that the architect provided uniform window treatments for appearance's sake. Mr. Falvo introduced and explained Exhibit **A-4**. Mr. Gourkanti added that the lease will contain a restriction regarding the window treatments. Mr. Kahle asked if the commercial tenants had been consulted regarding the conversion to residential units. Mr. Gourkanti replied that the commercial tenants he had consulted were pleased to have more people. Mr. Kleiberg stated that the fire code wouldn't allow gas grills in the building, regardless of what the lease stated. He also asked when a flag was going to be flown. Mr. Savarese asked if the cost of rent was a reason for not attracting businesses, and wondered if this plan was short -sighted rather than long term. There was discussion concerning the rents being charged. Mr. Savarese expressed concerns regarding the window treatments and the storefront look, rather than looking like a residence. Mr. Gourkanti will seek guidance from the architect for other options. Mr. Whitson was pleased with the proposal. Chairman Widdis asked if the large windows posed a safety issue. Ms. Halpern asked if any of the units were handicap accessible. Mr. Gourkanti replied they will be. Ms. Halpern also expressed concern regarding safety and the proximity of the residence to the street. Mr. White explained there were no requirements, but there is substantial landscaping and a disconnected sidewalk, which would alleviate that concern.

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

Henry J. Ney, Licensed Engineer for Applicant, was sworn in, summarized his qualifications and having previously been before the Board, was accepted as an expert in engineering.

Mr. Ney gave an overview of his Traffic and Parking Report dated June 25, 2017 which was distributed to the Board and was marked as **Exhibit A-5.** He testified regarding the impact on traffic when converting the commercial units to residential. He presented square footage information, a trip generation comparison, which showed a reduced number of trips, and parking demand/availability. Mr. Whitson asked if the traffic study was prepared during the winter or summer. Mr. Ney replied that the trip generation is based upon published averages. Mr. White noted that the previously approved plan had included a variance for parking, with the conversion, the Applicant would no longer need the parking variance.

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

Barbara Ehlen, Beacon Planning and Consulting Services, Professional Planner for Applicant, was sworn in, presented her qualifications and experience and was accepted as an expert in planning. She introduced and described **Exhibits A-6** and **A-7.** She testified that she visited the site, examined the plan and the Borough's Master Plan. She noted the Borough was having difficulty attracting commercial tenants. Ms. Ehlen explained how the Applicant's plan meets the goals of the Master Plan, of health and well being, economy and society, infrastructure and environmental, and leadership and strategy. She noted that the Borough's resiliency plan acknowledged continued retail vacancy rates and envisioned multi-family units. She explained the Applicant must meet the requirements for a D-1 variance by proving the site is suitable. Ms. Ehlen opined that the site is suited for the use because of existing use location and complementary nature to the surroundings; it has existing affordable and market rate units; additional units will provide more business for the commercial tenants. The application removes a previously granted parking variance, brings in more people and provides additional affordable housing as benefits. Ms. Ehlen stated there were no detriments to the area, and would not violate the Master Plan or the zoning plan.

Mr. Foster asked if the mixed use was generally a good thing for the Master Plan in the future. Ms. Ehlen replied that the overall goals of the Master Plan recognize the need for mixed use and acknowledges that it is difficult to rent these commercial units on the ground floor. The Resiliency Plan doesn't oppose residential units on the first floor. This plan balances providing residential and retail. Mr. Foster noted that Ms. Ehlen had mentioned vacancy rates in Red Bank and asked if she could compare Oceanport's and Red Bank's vacancy rates. Ms. Ehlen was unable to provide that information, but noted that other business tenants express concern when units become/remain vacant. Mr. Foster asked if additional incentives could be offered to attract retail tenants. Ms. Ehlen stated the configuration of the egress discouraged businesses and so did the parking behind the buildings.

Chairman Widdis asked Ms. Ehlen about the safety issues regarding pedestrian traffic. Ms. Ehlen stated she didn't have very much concern. He asked if it would be better if the entrances were in the rear of the building. Mr. White stated the intent of the Village Center was for it to be a walkable community. Ms. Ehlen stated most residences front to the street. Mr. White noted that the lighting levels were increased to promote safety. Mr. Kleiberg asked if a 2-hour limit for parking on E. Main St. would make sense. Mr. White stated that is a question for the Governing Body as the owners of the property and that the suggestion makes sense.

**PUBLIC:**

Chairman Widdis opened the meeting to the public for questions for this witness only. As there was no one from the public who appeared to be heard, Chairman Widdis closed that portion of the hearing.

Chairman Widdis opened the meeting to the public for statements on the application.

Roseanne Letson, 37 Morris Place, was sworn in and gave a statement of her concerns. She thanked Mr. Gourkanti for developing the new Village Center and his vigilance in attracting the right tenants. She stated the Borough needs a vibrant, walking, driving business district. She noted the impact of the closing of Ft. Monmouth and the decline of Monmouth Park Racetrack on businesses. She expressed her support of the conversion and thanked Mr. Gourkanti for accepting the onus of affordable housing units. She stated that postponing the conversion would not be beneficial.

Karen Long, 32 Revere Drive, was sworn in and gave a statement of her concerns, stating that while she has no objection to affordable housing, she feels the Borough is overkilling the apartment scene and ruining the area. She wants to see improvements and asked the Board to consider what they are allowing. She stated that she didn't feel the intersection was safe for family dwellings. Affordable housing issues should be resolved somewhere else.

As there was no one else from the public who appeared to be heard, Chairman Widdis closed that portion of the hearing.

Mr. Falvo made his closing arguments, stating that the testimony from the Applicant and his experts have shown the considerable efforts to fill the retail units. He explained various negotiations with potential tenants, which never came to fruition. Mr. Falvo requested that the Board approve the application for the use variance.

Mr. DeNoia provided direction to Board members requesting any motion made be very specific and members should state the reasons for their vote on the application. Discussion ensued amongst the Board including proposed 2-hour limit on parking, prohibiting grilling, outdoor storage, sitting in front of the units other than the existing benches, holiday lighting and maintaining the uniform window treatments.

Mr. Whitson stated for better land use and overall economically sustainment made a motion to approve the application for use variance granting additional residential use on the 1st and 2nd floors, i.e., 14 additional residential units, 3 of which would be designated affordable, conditioned upon installation of uniform window treatments, no grilling on the premises, no outside storage and seating outside only with existing seating which was seconded by Mr. Kleiberg and received the following roll call:

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| AYES: | Mr. Whitson, Mr. Foster, Mr. Kleiberg, Mr. Kahle, Ms. Halpern, Mr. Widdis |
| NAYES: | Mr. Savarese |
| ABSTAIN: | None |
| ABSENT: | Councilwoman Cooper, Mr. Sullivan, Mr. Fichter |

Ms. Smith stated the motion carried.

Mr. Whitson supported the application because it provides for additional residential use, including affordable housing and on the conditions that there will be uniform window treatments, and grilling, outside storage and seating will be restricted. Mr. Kahle concurred with Mr. Whitson's position. Mr. Foster expressed concerns from a planning perspective, but supported the application because of the difficulties attracting retail tenants. Mr. Kleiberg commented his support was because of the Borough's COAH obligation. Ms. Halpern concurred with the previously stated positions and acknowledged the quality of the building, safety of the tenants and economic betterment for the Borough. Chairman Widdis concurred with the previous positions and stressed that the Applicant must properly manage the property and take responsibility for "policing" the tenants.

**RESOLUTIONS:**

4. PB2015-07 Borough of Oceanport/CATEL - Mr. DeNoia summarized the Resolution after which Mr. Foster made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

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| AYES: | Mr. Whitson, Mr. Foster, Mr. Kleiberg, Mr. Kahle, Ms. Halpern, Mr. Savarese, Mr. Widdis |
| NAYES: | None |
| ABSTAIN: | None |
| ABSENT: | Mr. Sullivan, Councilwoman Cooper, Mr. Fichter |

Ms. Smith stated the motion carried.

**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.

**ADJOURNMENT:** As there was no further business, the meeting was adjourned at 9:23 p.m. on a motion by Mr. Whitson which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Linda Landrigan for
JEANNE SMITH
Secretary