

**OCEANPORT PLANNING BOARD
MINUTES
May 26, 2015**

Vice Chairman Whitson called the meeting to order at 7:31 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 29, 2015, and by the posting of same on the municipal bulletin board and Borough Web Site."

Vice Chairman Whitson led the flag salute.

MEMBERS PRESENT: Mayor Mahon, Councilman Gallo, Mr. Kleiberg, Mr. Kahle, Mr. Sullivan, Mr. Whitson, Mr. Fichter, Mr. Savarese

MEMBERS ABSENT: Mr. Widdis

OFFICIALS PRESENT: Marygrace Barrett, Deputy Board Secretary, Jeanne Smith, Board Secretary(entered 9:14), Rick DeNoia, Esq., Board Attorney, William White, Board Engineer/Planner, Conflict Board Engineer/Planner David Marks (Claire Aboud attending on his behalf)

OLD BUSINESS:

1. PB2014-07 Parent, Kimberly
23 Branch Avenue
Block 139, Lot 44
Request for Minor Subdivision with Variances

CARRIED from April 28, 2015

REQUEST to ADJOURN – new notice required

Vice Chairman Whitson advised that the Applicant's Attorney has requested an adjournment of the matter to allow their Engineer additional time to complete revised plans. Per the Chairman's directive at last carry, new notice is required.

Next, Mr. Armen McOmber appeared before the Board concerning the AcuteCare matter under new business. As it was unlikely that the Board would get to his matter, Mr. McOmber requested that the Board accept jurisdiction and carry them to the next available meeting. Mr. DeNoia confirmed that service had been reviewed, was in order and would be carried to the June 9, 2015 meeting with no additional notice required.

NEW BUSINESS:

CARRIED to June 9, 2015

1. PB2014-01.02 – AcuteCare LLC
1075 Stephenson Avenue
Block 110.01, Lot 1
Request for Site Plan Approval with variance(s) – Phase II

Mr. DeNoia then stated for the record that the Parent matter had not been carried to a date certain and new notice would be provided to advise of the new hearing date.

2. PB2013-05 Ardito, David & Lisa
477 Driveway
Block 76, Lot 12.01
Request for Bulk Variances for retaining wall and impervious coverage

CARRIED from April 28, 2015

- A-2 (A-4) Drainage Plan prepared by DJ Egarian & Associates, Inc. dated May 26, 2015**
A-3 (A-5) Zoning Plan prepared by DJ Egarian & Associates, Inc. dated May 26, 2015
A-4 (A-6) Amended Site Plan prepared by DJ Egarian & Associates, Inc. dated April 28, 2015, last revised May 14, 2015

The following persons were sworn in: David Ardito, Owner/Applicant and Jeffrey Egarian, Applicant's Engineer.

Mr. Ardito gave opening remarks and stated that he and his wife had worked diligently to reach a plan that would satisfy the Board's comments at last hearing and that they had attempted to develop a plan that would not need any variances. Mr. Ardito stated that they were seeking relief for front yard setback which requires 30' where 29.1' was proposed; a variance for retaining walls 3' from the north and south property lines where 10' was required; a variance for maximum impervious coverage where ordinance requires no more than 40% and 43% was proposed. Mr. Ardito summarized the various issues brought up by the Board at the last hearing including drainage, moving retaining walls in 2', lower the height of the retaining walls, a better way of showing proposed impervious coverage, moving the house, lowering the backyard deck and pool, keeping the lot as green as possible and be specific with words. Mr. Ardito then discussed the consideration of each of those items, testifying that the front yard setback puts their house further back than those of his adjacent neighbors and they would be unable to move house without going back to CAFRA and Freehold Soils.

Mr. White asked Mr. Ardito to describe the changes made to address the Board's concerns.

Mr. Egarian described and distributed to the Board 2 new documents which were marked as Exhibits A-2 (A-4) and A-3 (A-5) and requested that the amended site plan map be marked as Exhibit A-4 (A-6). Mr. Egarian proceeded to describe the changes made to the previous plan including relocation of proposed retaining walls, decking and pool elevation, patio and rear deck and wall heights and drainage patterns. Mr. Egarian testified to the changes in the drainage improvements, catch basins, pvc piping and directed towards the river. Mr. White asked about his review comments requesting additional note on the outfalls. Mr. Egarian responded that they had no objection to the note and would comply. Mr. White commented to the Board that he requested additional inlets on the drainage pipe and why. There was discussion on how to document that requirement per Mr. White's review letter should there be an approval. Mr. Egarian then addressed Mr. White's comments concerning the proposed retaining wall advising that they had proposed it along the driveway but would be a wooden guard rail and would submit the required documentation for same.

Mr. Egarian, referring to A-4, then provided testimony concerning the change in elevation of the pool and deck lowered by one foot, retaining walls moved off property lines from 1 foot to 3 feet.

Mr. White asked what was the finished floor elevation of the house next door as Mr. Egarian had indicated at the last hearing that the house had been elevated. Mr. Egarian advised that they had obtained an elevation certificate from the neighboring property that showed the finished floor at 13'.

Vice Chairman Whitson asked for questions from the Board.

Mr. Kahle asked questions about the retaining wall heights, 4' foot fence on top of the wall, the wall location, the rip rap and its height, elevation of the existing bulkhead, the pergola, its foundation, the amount of fill and what the plan shows as a wall under the pergola.

Mayor Mahon echoed the same questions, concerns with the height of the retaining wall, the 3' setback which he felt should have been more.

Mr. Kahle asked about the wall along the water if it was over 4-5' was there a railing or was there not one required. Mr. Egarian responded that it would be landscaped buffered. Mr. Kleiberg commented that a railing was still required.

Mr. Savarese expressed same concerns with the wall and felt that it should come down more, would like the plans to show the landscape buffers. Mr. Savarese also asked about the impervious coverage

variance of 43% where 40% allowed and why couldn't pavers be used in the driveway to bring that down. There was discussion with Mr. White on the challenges with pavers and the gaps, materials to be used and DEP requirements as well as deed restrictions that make it difficult to consider as a pervious area.

Mr. Kleiberg asked about the change in drainage on the one side from 6" to 8" and was told correct. Mr. Kleiberg asked about the other side near the garage schedule 4" across front of garage and was told it was a roof leader above. Mr. Kleiberg asked was there anything underground and was told yes, a collection pipe. Mr. Kleiberg asked about the top of slab elevation and recommended changing the pipe from plastic to something that wouldn't crush over a period of time.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions or comments. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Mr. Sullivan made a motion to approve the application based on the testimony that was provided tonight which was seconded by Mr. Kleiberg and received the following roll call:

AYES:	Councilman Gallo, Mr. Kleiberg, Mr. Sullivan
NAYES:	Mayor Mahon, Mr. Kahle, Mr. Savarese, Mr. Whitson
ABSTAIN:	None
ABSENT:	Mr. Widdis

Mr. Whitson stated the motion did not pass.

Mrs. Ardito asked for clarification – all 3 variances not approved? Mr. Whitson answered the application in whole was not approved.

3. PB2014-11.2 RPM Development
Fort Monmouth Officer's Housing – SOUTH
Gosselin Avenue
Block 110.02, Lot 1
Final Major Site Plan Approval

CARRIED from May 12, 2015

James Berube, Attorney for the Applicant, presented on behalf of RPM Development for Fort Monmouth's Officer Housing – South parcel, gave opening remarks and introductions and called Mr. Zegener back for further testimony.

The following persons were sworn in: Claire Odud, Professional Engineer on behalf of David Marks for the Board and Louis Zuegner, Professional Engineer for Applicant.

Mr. Zuegner provided additional testimony to address the Board's concerns for parking expressed at the last meeting. Testimony was that parking had been previously based on RSIS standards for townhouses, review of standards provides one for duplex which under the standards could be seen the same as a single family home and changes the requirement to 2 spaces per unit which was met with the garages and driveways meet that requirement for a total of 95 spaces, 99 provided off-street, supported documentation provided to Board Engineer of same. Ms. Odud responded that they were in agreement with their position. Mr. Zuegner concluded that there was no issue for parking as a result.

Mr. Berube asked Mr. Zuegner how Gosselin Avenue depicted on plans – as a separate parcel that would remain as a private drive for this application.

Mr. Zuegner also testified that they would satisfy Mr. Marks comments concerning easements depicted on final plat maps; that the DVD/DVT video inspection of drainage pipes would be made at end of

construction and correct any issues in accordance with Mr. Marks letter dated May 7, 2015; that they would comply with the request for a complete environmental compliance statement in furtherance of the summary document done.

Vice Chairman Whitson asked Ms. Odud for any additional questions. Ms. Odud responded no, as long as the resolution stipulated that they were to meet all the requirements of the review letter and related comments.

Vice Chairman Whitson asked for comments or questions from the Board.

Mayor Mahon requested confirmation of previous testimony and that any approval be subject to the establishment of a management company to operate and maintain the South post, rental agent for the rentals and maintenance of all properties shall be to the standard acceptable to Oceanport, accessibility for the Borough's property maintenance officer, all common areas remain responsibility of management company, lighting and maintenance of any and all playgrounds to be performed by the management company all of which the Applicant agreed to comply.

Mayor Mahon commented that per the testimony that evening, that the parking was no longer an issue as the street would remain private which Mr. Berube confirmed yes, at present.

Mr. Kahle asked for confirmation that if the cars parking on the street during a snowstorm, because the road was private they would not have to move their vehicles off the street according to the Borough's ordinance. Mr. Kahle asked if those cars have to get off the road for the private company do they have a place to go. Mr. Zuegner responded that the regulatory requirement off the road was met, they would still like to keep the spaces on the street and as a private road would not be the town's responsibility but he was not familiar with the town's ordinance and whether it also applied to private roads. Mr. Kahle asked but if the town does take the road in the future was there a place for the cars to go. Mr. Zuegner responded that for this community there was enough space off the street.

Mr. Whitson asked about the traffic study, has noticed increased traffic in Oceanport with summer approaching and that he had a concern with traffic maybe not with this application but over the long term the impacts of each development aggregated. Mr. Berube responded that they recognized the concern and that with large redevelopment parcels such as this area, the Municipal Land Use Law does not require the Applicant to prove the effect that one development might have on off parcel and that they have had discussions with FMERA on this issue and were not able to address but hoped that FMERA would be successful in performing a study for same.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions or statements. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Mr. Berube stated that completed their testimony and gave closing comments highlighting the unique circumstance of the historic parcel being redeveloped and the tight guidelines for the site and the investment that RPM has made to improve the neighborhood and what they are proposing would bring new life to this section of Oceanport and that there were no planning impacts.

Mayor Mahon made a motion to approve the application based on the testimony that was provided tonight, compliance with the engineering comments and compliance with other comments and suggestions made by the Board; with respect to the parking and the roadway remaining private which was seconded by Mr. Sullivan and received the following roll call:

AYES:	Mayor Mahon, Councilman Gallo, Mr. Sullivan, Mr. Kahle, Mr. Kleiberg, Mr. Whitson
NAYES:	None

ABSTAIN: None
ABSENT: Mr. Widdis
INELIGIBLE: Mr. Savarese, Mr. Fichter

Ms. Barrett stated the motion carried.

At 8:22 p.m. Mr. Berube requested a 5-minute recess to review exhibits with counsel prior to beginning the next application to which the Board had no objection.

At 8:34 p.m. the meeting resumed with all previous members remaining present.

PB2015-11 RPM Development
Fort Monmouth Officer's Housing - NORTH
Russel and Allen Avenues
Block 110.03, Lot 1
Preliminary and Final Major Site Plan

- A-1 Preliminary/Final Major Site Plan & Subdivision Plans, Fort Monmouth Officer's Housing Redevelopment North Post, Block 110.02, Lot 1, 32 sheets, prepared by Louis L. Zuegner IV, P.E. of MidAtlantic Engineering Partners, LLC dated March 6, 2015, last revised April 20, 2015.**
- A-2 Subdivision, Site Plan Review Variance Application, dated April 20, 2015**
- A-3 Stormwater Management Narrative prepared by MidAtlantic Engineering Partners dated December 22, 2014.**
- A-4 Traffic & Parking Statement prepared by MidAtlantic Engineering Partners dated December 22, 2014**
- A-5 Street Dedication Report prepared by MidAtlantic Engineering Partners dated December 22, 2014**
- A-6 Architectural Plans, 11 Sheets, prepared by Kitchen & Associates dated April 14, 2015**
- A-7 Drainage System TV Video Inspection Summary, prepared by MidAtlantic Engineering Partners, dated April 13, 2015**
- A-8 Hydrant Flow Test Report prepared by MidAtlantic Engineering Partners, dated October 30, 2014.**
- A-9 Phase 1 Environmental Site Assessment, North Post, Sheet 1 of 28 only, undated**
- A-10 Presentation board – Site Plan - Louis Zuegner PE**
- A-11 FMERA Concept Plan Approval letter - May 8, 2015**
- A-12 Review letter of David Marks, PE dated May 8, 2015**
- A-13-16 Presentation Board of Eugene Schiavo, AIA**

Mr. DeNoia stated for the record that notice had been reviewed, was in order and the Board had jurisdiction.

Claire Odud, Professional Engineer T&M Associates for David Marks, Board Conflict Engineer was sworn in.

James Berube, Attorney for the Applicant, gave opening remarks and whom would be testifying for the application. Several documents were introduced, described and marked as **Exhibits A-1 through A-9.**

Brendan McBride, Vice President of RPM Development Group, managing project, was sworn in as a fact witness. Mr. McBride testified the details of the development, the number of units, types of units, the concept for a diversity of housing opportunities, the total areas of units, market rate units with no affordable income restrictions, common areas to be maintained by one entity to maintain aesthetic standards, the site's historic classification on the national register of historic places, projected sale

prices, description of garage features – some attached, some as a common areas by multiple units, each unit would have an assigned space, that a homeowner's association would be established and would have responsibility of upkeep of those garages used by multiple units, described "open space" land including a pocket park, a walking/bike trail along the creek to be managed by either the town or county which not known yet.

Vice Chairman Whitson asked for questions from the Engineer and Board.

Mayor Mahon stated they covered the homeowner's association which addressed one of his questions and asked who the site would be marketed towards. Mr. McBride answered that marketing firms have stated that it would be appealing to "down-sizers" and first time homeowners. Mayor Mahon asked if any of the units would have features appealing to older population such as a ground floor bedroom. Mr. McBride responded that due to the historic restrictions and the building layouts that didn't favor that type of feature that they had not been able to reconfigure the floor plans to do so. Mayor Mahon asked didn't the same historic regulations apply to the north post as the south parcel. Mr. McBride answered that the funding from HUD required a percentage of ADA accessible units and HUD overcomes historical restrictions for accessible and rental housing and explained how they were able to reconfigure the south units to be unit over unit to accomplish.

Mayor Mahon asked about the property along the creek being open space land to be deeded to the town or the county and was part of the reuse plan as a river walk and would they be providing a river walk in the portion of the property they were redeveloping. Mr. McBride showing on the presented plan where a continuous multi-modal trail would be incorporated and that they would match what was done elsewhere to keep consistent and yes, they were committed to providing the river walk.

Mr. Kahle asked if the individual property owners would have ability to get a building permit and do any additions to the structure. Mr. McBride explained how federal, FMERA and HOA restrictions would limit their ability to do so because of the historic guidelines.

Mr. Kleiberg aske who would oversee that. Mr. McBride and Mayor Mahon commented the role of the State and that the Planning Board would be considering them for adoption in the future.

Vice Chairman Whitson asked if there would be a deed restriction requiring participation in the HOA and was told yes.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions or statements. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Louis Zuegner, Professional Engineer for the Applicant was sworn in and having been previously qualified by the Board was accepted as an expert in the field of engineering.

Mr. Berube introduced and described a plan prepared by Mr. Zuegner which was marked as **Exhibit A-10**.

Mr. Zuegner testified that Exhibit A-10 was a compilation of the other plans, gave an overview of the application for preliminary and final site plan and subdivision approval of the officer' housing north parcel, described the details of the plan including open space/parkland, walkways, existing vegetation along creek which could not be removed per DEP regulations, 68 for-sale homes on fee simple lots, the responsibilities of a homeowner's association, the creation of 73 lots, no environmental constraints, confirmation from DEP of no CAFRA permitting required and FMERA's endorsement of the project and its compliance with the reuse plan.

Mr. Berube presented the letter of concept plan approval by FMERA which was marked as **Exhibit A-11**. Mr. Berube asked Mr. Zuegner had he prepared exhibits A-1 through A-10 with the exception of the architectural plans. Mr. Zuegner responded yes but also excepted the Phase I Environmental Assessment which had been secured by FMERA. Mr. Zuegner continued with a description of the building types and sizes – quads, duplex, single family, garages.

Mr. Berube submitted for record review letter prepared by David Marks, PE of T&M Associates dated May 8, 2015 which was marked as **Exhibit A-12**. Mr. Berube asked Mr. Zuegner to highlight the comments on page 2, variances and need for clarification of residential densities. Mr. Zuegner testified that Mr. Marks had made corrections on some of the numbers which he agreed with and would need to amend their plans to show the densities as shown by Mr. Marks. Mr. Zuegner further explained that their approach to calculating density was confirmed with FMERA as the overall acreage of the parcel including HOA and park land and was in compliance with their rules on density. Mr. Berube asked Ms. Odud if it stated that in the FMERA letter that it complied with the density. There was discussion on how FMERA stated their approval which Mr. Berube pointed out in the FMERA letter and based on that there was no issue on density. Mr. DeNoia asked if that meant there were no variances requested which Mr. Berube affirmed.

Mr. Berube asked Mr. Zuegner to address parking issues as discussed in Mr. Marks letter. Mr. Zuegner attested that there were some occasions where the redevelopment complied with RSIS standards and not the local ordinance and in this case they were in compliance with RSIS for the on-street parallel parking spaces 7' wide but there were some streets where the parallel spaces could be 8' wide. Mr. Zuegner also discussed the design waivers being sought including curb cuts and driveway widths all of which were endorsed by FMERA and the uniqueness of the circumstance being existing nature of the community, easements that should be shown on the plan such as the utility easements and would be done as part of the final plat. Mr. Zuegner further commented for clarity regarding stormwater maintenance that they would video all and repair as needed; irrigation and the intent to use drought tolerant vegetation as they did not want to install and maintain an irrigation system which was a suggestion and not a requirement; lighting by poles that would match existing street lighting and that they would submit the entire environmental impact document.

Mr. Zuegner then elaborated on the parking requirements, the standard for determining the number of spaces, existing 114 provided spaces and 128 parallel on-street spaces for a total of 242 provided where 144 required.

Ms. Odud commented that with the 128 spaces on the street, there were 32 spaces not within their property limits.

Mayor Mahon asked if they were claiming those spaces because the streets remain private. Mr. Zuegner answered that the streets as proposed now would remain private and they would like the on-street parallel spaces to be counted.

Mr. Berube asked if FMERA had accepted those calculations. Mr. Zuegner answered there were discussions with them and that FMERA supported the existing conditions and no additional parking to be added and that on-street parking was part of how it was operated historically and was an acceptable provision under RSIS standards.

Mr. Zuegner provided additional testimony concerning the creation of the 73 lots, the lots that were common areas and would be managed by the HOA, identified which garages would be maintained by homeowners individually and it was their intent to comply with Mr. Marks' letter.

Ms. Odud asked for clarification on the 2-car garages would they or would they not be the responsibility of the HOA. Mr. Zuegner responded that those would be the individual owner's responsibility.

Vice Chairman Whitson asked for questions from the Board.

Councilman Gallo asked on the 2-car garages was 1 space for one unit and the other space for another unit? Mr. Zuegner explained that for a duplex the eastern half would own the western half of the garage that sits between the 2 units. Mr. Kleiberg asked then you would have 2 people owning the same building and was told yes.

Councilman Gallo asked those garages would be maintained by 2 individuals and was told yes by the individuals but would be regulated by the HOA rules.

Mr. Kahle asked questions about the HOA and would they have an office on-site and store equipment? Mr. Zuegner answered similar to typical neighborhood they would contract out the service.

Mr. Kahle asked if there had been testing for oil tanks and how was it addressed. Mr. McBride responded that a Phase One and Two were done on the properties and there were no tanks on the property and there haven't been any major ongoing findings of concerns and if anything were discovered the Army was on the hook to handle it as per their agreement. The Army was also responsible for lead and asbestos abatement.

Mr. Kahle asked questions about the utility improvements and would it be like the south post. Mr. Zuegner responded it was very similar to the south parcel – the sanitary sewer, potable water lines would all be replaced; storm drains would remain but would be videoed before and after construction as they believed they were in good condition. Mr. Kahle asked if that would be done in the road or behind the curb. Mr. Zuegner responded that the configuration was not as linear as the south post but would mostly be behind the curb.

Mayor Mahon asked about Sheet MP-8 and the easements, existing conditions, but he had just stated they would be upgraded/replaced and wouldn't a new install replace some of the exceptions shown on MP-8 - specifically a sanitary manhole that goes under the corner of a building, and also between 2 quads there was a sanitary manhole at the back of the property next to an electrical transformer that runs south before the 1-story brick garage that runs to a catch basin and hoped they were mistakes, and easements that were existing and exceptions if they were putting in new utilities why couldn't those be corrected. Mr. Zuegner responded that they were willing to sit down with the Engineer and find those that could be fixed. Mayor Mahon added that they couldn't have a mix of stormwater and sanitary and had to be resolved which Mr. Zuegner answered yes, there were certain confines they were working with particularly the sanitary that would have to be designed to fit with existing connections but all storm and sanitary would be separated. Mayor Mahon commented that as long as it was subject to approval by the Borough Engineer and the regional sewer authority should be a condition of any approval.

Mayor Mahon asked about FMERA's determination on the density and their letter that it was not an issue and commented that per the FMERA statute density was determined by the local planning board and not by the FMERA letter and that if they were correcting the calculation that was one thing – was that the case. Mr. Zuegner responded that it was on the calculation and explained the process for determining density by FMERA's rules is what was clarified. Mayor Mahon asked if the calculation had deducted the carve out for open space that was planned and was told that it was included. Mayor Mahon asked if the open space was not included would the density be an issue. Mr. Berube responded that it certainly would be an issue but would penalize the Applicant for dedicating open space which it owns and was only fair that if the Applicant was making an application on a 27-acre parcel that it be included. Mayor Mahon commented that subject to a clean bill of health environmentally that it would be an advantage for the municipality to gain that open space for public use.

Mayor Mahon asked about the park light poles and commented that like the south post he would like to see the same as the south post that the light poles be provided for security reasons and asked if they would and was told yes.

Mayor Mahon asked if the historic preservation rules prohibited additional parking being constructed at the site consistent with the existing parking in that development. Mr. Berube stated that the difficult part was there was no area that could serve the residents and the rules were that what exists be maintained and that what they propose was in accordance with the guidelines.

Mr. Savarese commented on the parking and didn't understand why the parking couldn't be made diagonal instead of the parallel. Mr. Berube responded that they were taking out a basketball court and some ugly paved areas to make a park and why couldn't some of the environment be changed to put parking there. Mr. McBride responded that there were 2 different sets of regulations they were subject to – first the set of standards by FMERA of what can be done to the individual houses and throughout the area – the historic regulations and while he doesn't believe there to be a specific prohibition on parking but his understanding of the requirements was that they had been crafted based on what exists there and what would maintain the historic character of that neighborhood. The second set of regulations subjected to were the State Historical Preservation Office which required them to submit an application on what they proposed to do and the State would comment to their opinion of how it would impact the site and it was their belief that they would not be on board with a parking area that had no historic feature and that the basketball court was added and not part of the original historic character of the north post.

Mr. Zuegner added that from a technical perspective, the benefit of the on-street parallel spaces versus a parking lot was proximity and gave examples.

Mr. Kleiberg asked what was the condition of the houses. Mr. Berube answered that Mr. Schiavo would be testifying to that shortly but they were well maintained. Mr. Kleiberg asked if the individual homeowner would be allowed to come in and do the work themselves or would it be "turn-key". Mr. McBride answered that it would be a purchase "as-is". Mr. Kleiberg asked if they could put in their own sprinkler system after the house was bought. Mr. McBride answered it would be up to the Borough's code. Mr. Kleiberg asked to confirm there were no oil tanks on that site and everything was gas-fired. Mr. McBride answered no, not to their knowledge.

Mr. Kleiberg asked questions about the sanitary sewers and connections with existing systems beyond property and what would they do if they come up with how many fixture units there and you come up and need 8" pipe but only have 6" pipe to tie into what do they do. Mr. Zuegner explained that they know how many fixture units and they know what is there and have designed to replace into the existing system and that the sanitary size of the pipe was adequate and that they have the Army's mapping and know what pipes and sizes they have. Mayor Mahon added that FMERA was meeting with the Two Rivers Water Reclamation Authority to resolve those issues.

Mr. Fichter asked questions about the number of parking spaces – and how many of the on-street spaces were on their property. Mr. Zuegner answered there were 30 spaces but did not see it as a negative.

Mr. Kahle asked what the process was if a homeowner wanted to expand their driveway. Mr. Zuegner stated that it would likely need prior approval per ordinance, historic guidelines and any rules of the HOA and RPM.

Vice Chairman Whitson asked about ground signs and was there any proposed. Mr. Zuegner stated they have no signage proposed. Vice Chairman Whitson asked about the engineer's comments concerning emergency response access and asked if the on-street parking would inhibit emergency vehicle access at all. Mr. Zuegner stated that the road width meets RSIS requirements for roadway and did not feel there was any turn or movement that would limit emergency vehicles. Vice Chairman Whitson suggested they consider limiting on-street parking on the road turns to minimize any problems. Mr. Zuegner stated they could do that as they have more than enough spaces. Vice Chairman Whitson asked when did they think the development would be completed. Mr. McBride stated that the

completion date really depended on the final acquisition from Army and the whole turnaround of the renovation itself was about 6 months but between marketing, renovation and closing would be about one year but they would be phasing it in about 3-4 homes per month. Vice Chairman Whitson commented about issues with subdivisions that created more lots than would have houses on and asked for confirmation that they do not intend to build on the 5 lots of the total 73 that would not have houses. Mr. McBride responded there was no intention to construction new dwellings on those lots.

Ms. Odud commented that they indicated they would comply with their comments but asked about D-5 and their proposal to crack seal. Mr. Zuegner stated it he road had sections of asphalt paved over concrete and was a significant road and was his proposal that they would walk the road with the Borough engineer to address areas of settlement resulting from the concrete under the asphalt and that they would also propose to seal any reflection cracking as well.

Ms. Odud commented that it was their opinion that it should be milled and overlay it. Mr. Whitson stated for the record that the engineer stated it should be milled over.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions or statements. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Mayor Mahon asked about the existing dwelling to be demolished – it was not shown on the plan and what was the intent of the land. Mr. Zuegner testified that there is access, parking lot and an existing building in the section of what will be the waterfront park and it was a requirement of FMERA that the building be demolished and removed and was part of their proposal with the area of parking to remain for the waterfront park. Mr. McBride added that the building was in the flood plain and was severely damaged during Sandy and FMERA deemed that it was not to be saved and should be demolished.

James Kyle, Professional Planner for the Applicant, was sworn in, presented his qualifications and was accepted by the Board as an expert in the field of planning. Mr. Kyle provided testimony concerning the calculations for density and therefore a variance was not needed for density; provided his opinion that the development complied with the Borough's zoning ordinance and the Fort Monmouth Reuse and Redevelopment Plan, compliance with RSIS requirements, compliance with historic guidelines and State Historic Preservation rules, the appropriateness of the design waivers based on existing conditions and it being a historic site and was an appropriate reuse of the existing structures and land.

Vice Chairman Whitson asked for questions from the Board.

Vice Chairman Whitson asked when were the units built and was told that would be better answered by the architect.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions or statements. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Eugene Schiavo, Architect for the Applicant, was sworn in and having previously been qualified by the Board was accepted as an expert in architecture. Mr. Schiavo presented 2 boards of photographs and architectural renderings which were marked as **Exhibits A-13, A-14, A-15 and A-16.**

Mr. Schiavo offered testimony concerning the exterior elevations and interior designs of the various types of units, unit sizes, described the changes planned for handicap accessibility units, that the Applicant will provide exterior cosmetic repairs as were necessary in accordance with Historic District Redevelopment Standards and SHPPO regulations, new energy efficient appliances, new HVAC service and the replacement of wood siding in kind.

Vice Chairman Whitson asked for questions from the Board.

Vice Chairman Whitson asked if some or all of the windows would be replaced. Mr. Schiavo answered only where needed. There was brief discussion on the age of the existing windows and conditions. Mr. Kleiberg asked if they were new windows 15 years ago and was told yes.

Mr. Berube stated that was the completion of their testimony.

PUBLIC:

Vice Chairman Whitson opened the meeting to the public for questions or statements. As no one from the public wished to be heard Vice Chairman Whitson closed that portion of the hearing.

Vice Chairman Whitson asked for any additional comments or questions from the Board.

Mr. Fichter commented on the paving, and not sure what was decided, and if reflection cracking was a concern there was reinforcement matting that could be put in the paving section.

Mayor Mahon added that any streets that would potentially be subject to dedication would have to be constructed in accordance with the standards set by the Borough of Oceanport and the Borough Engineer.

Mr. Whitson asked then they would have to upgrade them before the town would take them and was told correct. Mayor Mahon added that the streets within their complex would not be subject to that but any street planned for future dedication in the future would have to be.

Mayor Mahon made a motion to approve subject to testimony given tonight, in particular the homeowners association being formed, the street dedication not being part of this application, the willingness of the Applicant to market the properties to seniors of age 55 and older, the inclusion of a river walk to be installed along the river frontage with lighting to be provided in the park which was seconded by Mr. Kleiberg and received the following roll call:

AYES:	Mayor Mahon, Councilman Gallo, Mr. Sullivan, Mr. Kahle, Mr. Kleiberg, Mr. Fichter, Mr. Savarese, Mr. Whitson
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Widdis

Ms. Barrett stated the motion carried.

RESOLUTIONS:

1. PB2015-07 CATEL Inc. (440 Port Au Peck Ave). As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Sullivan made a motion to approve the resolution which was seconded by Mr. Kleiberg and received the following roll call:

AYES:	Mr. Sullivan, Mr. Kahle, Mr. Kleiberg, Mr. Whitson
NAYES:	None
ABSTAIN:	None
ABSENT:	Mr. Widdis
INELIGIBLE:	Mayor Mahon, Councilman Gallo, Mr. Fichter, Mr. Savarese

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 8:14 p.m. on a motion by Mr. Whitson which was seconded by Mr. Sullivan and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary