OCEANPORT PLANNING BOARD
MINUTES
May 23, 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, Ms. Halpern, Mr. Widdis

MEMBERS ABSENT: Mr. Sullivan, Mr. Savarese, 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 May 9, 2017 were approved as presented on a motion from Mr. Whitson and a second from Mr. Kleiberg and approved by the eligible Board members.

NEW BUSINESS:

2. PB2017-08 FM Partners, LLC
   Fort Monmouth Fitness Center
   Block 110, Portions of Lots 1 & 4
   Preliminary and Final Major Site Plan

A-1 Colored Rendering of Building prepared by USA Architects, undated.

A-2 Proposed Elevations Fort Athletic Club prepared by USA Architects, undated.

A-3 Landscape & Site Exhibit, colored, 1 sheet, prepared by Kennedy Consulting Engineers, LLC, dated March 28, 2017

William White, Board Engineer/Planner was sworn in. Mr. DeNoia stated for the record that service had been reviewed, and was in order and the Board had jurisdiction. Mr. DeNoia next addressed the matter of order.

Mr. Bruno, Attorney for the Applicant, appeared before the Board on behalf of FM Partners, LLC. The following persons were sworn in: Chris Champeau, Partner/CEO; Scott Marchakitus, CFO; David Callahan, Partner/General Manager.

Mr. Bruno asked Mr. Champeau for a description of the project. Mr. Champeau testified as to his experience as a basketball coach, college coaching, it was 3 years ago that the group submitted a bid for the fitness center which in a great location with a great deal of history. Their plans are to make it a one-stop shop for training on the East Coast, with youth, adult and veteran programs, basketball courts, weight room, physical therapy, swimming, nutrition, yoga in addition to other programs. He stated the group wants to become part of the community, and that the partners are involved in charitable activities and offered their services to the Borough. Mr. Bruno introduced and described **Exhibits A-1** and **A-2** and referring to Exhibit A-1 showed the rear of the current building proposed to become the new front entrance. Mr. Champeau discussed using the Oceanport logo and Fort Athletic Club on the existing water tower, including a picture of a pigeon in a nod to the Fort's carrier pigeon history. The entire facility will be renovated and be the best of its kind.

Mr. Callahan introduced himself, provided his background, attendance at Villanova University and served 4 ½ years as a naval officer. He emphasized the center will have many youth activities. Mr.

Marchakitus introduced himself, provided his background and desire to merge athletics and financial analytics, which he found in this project. All emphasized they want a connection with the community.

James Kennedy, P.E., P.P., Engineer and Planner for the Applicant, was sworn in and having been previously before this Board was accepted by the Board as an expert in both engineering and planning.

Mr. Kennedy presented and described **Exhibit A-3** showing the parcel is 7.82 acres and is an area considered a retail use with retail parking requirements. Referring to Exhibit A-1, Mr. Kennedy stated the rear of the property is proposed to become the new front entrance of the building. Mr. Kennedy provided testimony including a description of the site's historical uses, FMERA's regulations, the Fort's Reuse Plan and Amendment #7, which provided for the proposed uses of the site; ingress and egress, including barrier free access points, lighting levels and higher illumination needed for outside courts; pedestrian areas, parking lot lights; athletic facility lighting on an as needed basis; FMERA's review and request to review lighting along sidewalks, basketball and exterior perimeter that technically requires a design waiver under FMERA's requirements; seeking waiver for the driveway openings that do not meet requirements of FMERA's design rules but do not impact safety, some stalls are 8' wide, 8.5' wide, 10' wide and plans to redistribute stall widths to 9', but does not anticipate any loss of stalls, removal of all unnecessary overhead utilities not associated with JCP&L's distribution line and is proposing a drop from existing poles to an on-site transformer, removal of unnecessary utility poles; gas, water and sewer will serve letters received. Another design waiver is for a maintenance driveway proposed to be removed which a review has shown no impact on runoff; televising of drainage system; storm water management and increasing on-site landscaping to improve water quality.

Mr. Kennedy addressed items outlined in Mr. White's May 15th, 2017 letter. Sight triangles will be provided at intersections and driveways as required. Mr. Kennedy testified regarding the re-use of the existing parking lot and driveways. The existing above ground power lines will remain as they are related to JCP&L's distribution mains. Therefore, a design waiver is being requested. Mr. Kennedy summarized the design waivers being sought for lighting; additional lighting is needed for the basketball court, but it is landscaped on both sides. He explained the foot candle measurements for the parking lot and the practice fields.

Mr. DeNoia then asked for Mr. Kennedy to comment on FMERA's criteria regarding design waivers and why the Board should grant such waivers. Mr. Kennedy testified that it was his opinion that the deviations were minor and a requirement to redesign the parking lot would create an undue hardship. The Applicant has no control over the overhead power lines. It is impractical to reduce the lighting for the basketball court and practice field. Both sites would be unusable if they were in compliance with the 2-foot candle average maximum. With regard to the parking lot, there is a .25 deviation. The parking on Nicodemus Avenue is unique because it is off site. If the design waiver was not granted, the parking lot would not be safe to park in.

Mr. DeNoia asked Mr. White if he had any comments. Mr. White stated he agreed with Mr. Kennedy with regard to the planning aspects. His concern was with the reuse of the parking lot. If there is a Phase 2, he asked if the Applicant would consider redesigning the parking lot to be more efficient, by using 90 degree spaces instead of angle parking. He believes the Board can grant the design waivers. Chairman Widdis asked for questions from the Board for Mr. Kennedy on the design waivers.

Mr. Whitson asked questions about the various parking spot sizes, which should be 9 ft. Mr. Kennedy stated some spots would be smaller than the 9 ft. Mr. Whitson asked how the Applicant would address the shortage of parking spots. Mr. Bruno advised testimony on the parking variance will be provided later. Mr. DeNoia advised the width of the parking spaces is the design waiver, and the number of spaces is the variance issue.

Mr. Foster asked what the prescribed candlelight power for the athletic facilities would be. Mr. Kennedy answered that the INSA recommends lighting different lighting levels for different uses. He explained the practice field is being uniformly lighted from one side in rather than all four sides out. The prescribed amount by INSA is much higher that what is proposed. He believed that the proposal is

more consistent with the use. Mr. Foster asked if the lighting was sufficient for safety. Mr. Kennedy stated it was sufficient for “object recognition”.

Mr. Kahle asked if there were any plans in the future to improve the field for regular use not just practices and thereby a need to increase lighting. Mr. Kennedy stated why he believed the site was not appropriate for that use and noted that it would require a significant financial investment to upgrade the lighting to allow for league play. Mr. Kahle asked how they would address loose balls from streets. Mr. Kennedy replied that the field is designed with a safety zone, using border landscaping. Also, depending on which sport is being played, temporary netting could be used. Mr. Kahle asked if the former front entrance, now the rear, would continue as an entrance and if there would be a drop off area. Mr. Kennedy said it would be used as a secondary entrance, but there is no design for a drop off. He stated the Applicants do envision a drop off area in the rear.

Mr. Kleiberg asked if there was a fence around the practice field and was told no, the line designates the 15’ buffer safety area around the field. Mr. Kleiberg asked questions about handicap parking at the secondary entrance and main entrance. Mr. Kennedy advised that handicap parking currently exists. A secondary barrier free ramp will be added at the rear.

Chairman Widdis asked how high the lights would be placed. Mr. Kennedy referring to Exhibit A-3 advised the poles would be 30’ with 3 heads mounted. Chairman Widdis asked about lighting on the basketball court. Mr. Kennedy referred to Exhibit A-3 again to show 20’ poles. Chairman Widdis asked if the basketball court would be fenced. Mr. Kennedy stated nothing is currently proposed.

Chairman Widdis asked about the poles in the parking lot and how many were there. Mr. Kennedy answered there were 17 lights at 18’ high throughout the parking area, lighting from the perimeter and in the landscape islands and would be a traditional light pole height. There was discussion about lighting on Todd Ave., Nicodemus Ave., and Saltzman Ave. Chairman Widdis asked questions about the time lighting would be on for the basketball court and practice field. Mr. Kennedy advised those areas would be lit only when used. Mr. Bruno stated if used, the lights would be off when operations ceased at 11 p.m.

Asked if there would be any lighting on the water tower. Mr. Kennedy advised no, as lighting was not permitted per the FMERA Reuse Plan Amendment #7 nor were cellular antennae. A use variance would be required. There was discussion regarding lighting at the “old” front. Mr. Kennedy replied there would be low level fixtures installed in that area and two lights directed at the flagpole.

Councilwoman Cooper requested clarification regarding the distribution lines. Mr. White confirmed that they were from the old Conrail right of way, which explains why they can’t be removed.

Councilwoman Cooper asked what preventative measures or barriers would be used around the practice field. She asked for the distance between the safety line and the street. Mr. Kennedy stated the barrier would be temporary depending on the type of drills being run. Snow fencing would be used for soccer, but for lacrosse, netting would be raised behind the goals would be used. She expressed concern for the Alexander Ave. area. Mr. Kennedy stated it was 40’ from the paved edge to the safety line, for a total of 55’ from the field. She expressed safety concerns regarding parents parking along Alexander Ave. Mr. Kennedy stated it is an active roadway, but there will be no parking signs, and employees will be present when the field is in use.

Mr. Foster commented that years ago, there may have been a 10 p.m. curfew for lights either by command or ordinance; he wasn’t sure if that was still in place. Mr. Kennedy stated he had reviewed the requirements and did not see that type of performance detail. Councilwoman Cooper noted that once the property is sold, it would be subject to Oceanport’s ordinances. Mr. DeNoia concurred. Mr. Kennedy stated the Applicant will comply with the ordinance for the field, but for safety reasons, the parking lot will be illuminated until 11 p.m.

Chairman Widdis asked if there was any plan to cover the fields. Mr. Bruno stated there were no plans for that. Mr. DeNoia stated that anything inconsistent with site plan approval would require an amendment to the site plan.

Mr. White noted that an additional design waiver for fixture height would be needed for the 30' poles on the soccer field.

Ms. Halpern asked questions about handicap access. Mr. White stated that handicap access was not based on having a physical therapy facility, but based on overall parking demand. Ms. Halpern asked how handicapped individuals would access the field. Mr. Kennedy stated there would not be a hard surface walkway to the field for safety reasons. Ms. Halpern asked what would prohibit parents from dropping children off on Saltzman Ave. and leaving them to cross unsafely. Mr. Kennedy was reluctant to change the existing conditions and did not want to bring attention to it and believes placing a loop chain across it would be sufficient deterrent.

Chairman Widdis noted that the plan shows parking on Saltzman, but does not include lighting. Mr. Kennedy stated it Saltzman is a County right of way, which means that is an issue for them. Chairman Widdis asked additional questions about handicap access to the practice field. Mr. Kennedy explained that the barrier free subcode requires access to hard surface. The surface of the practice field and the surface adjacent to the field are non-conforming with the firmness requirement, so the access provided meets the standards. Chairman Widdis asked how an individual in a wheelchair could watch participants on the field. Mr. Kennedy stated that spectator access is required and the plan provides for it.

Mr. Whitson raised the issue of the width of the parking spaces. Mr. Kennedy advised that the width of current spaces ranged from 8' to 10'. The intent is to re-stripe the parking with the paving improvements that Mr. White suggested. The width will average 9', although some will be less than 9'. It would be impractical to redesign the islands. Mr. Whitson asked why not make them all 9'. Mr. DeNoia state there are two issues: space width, which is a design waiver, and the number of spaces, which is a variance. If the width of the spaces is increased, that would reduce the number of spaces, which would in turn create a larger variance. Mr. Bruno stated the Applicant will revisit the issue. Councilwoman Cooper asked approximately how many spaces out of the 93 spaces would be 8.5'. Mr. Kennedy stated the estimate is 10-15% will not meet 9'.

Mr. Foster stated that potash and chlorine used to be delivered there and that there is an engineering space beneath the pool. He asked if the engineering to the pool would be changed drastically. Mr. Kennedy stated he would defer that issue to the architect.

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.

Mr. DeNoia recommended the Board first take action on the design waivers and then address the variance request.

Councilwoman Cooper made a motion to approve the 6 requested design waivers as detailed in Mr. White's review letter dated May 15, 2017 noted B2-B6 and the additional design waiver for 30' light poles for practice field and basketball court where 18' maximum is permitted which was seconded by Mr. Kahle. The motion received the following roll call:

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

Ms. Smith stated the motion carried.

Mr. Bruno explained that although the Applicant does not meet the minimum for on-site parking, however between on-site, off-site parking and using spaces in an adjacent parking lot, there is more than ample parking Mr. Kennedy proceeded with testimony related to the parking variance for number of stalls: on Nicodemus Ave., parallel parking along the front and on Saltzman Ave., and perpendicular stalls on Todd Ave. On-site there are 93 parking stalls, where 146 spaces are required. He explained that a fitness center is different than a health club, and FMERA's Amendment #7 defines the fitness center as a retail use, not as a health club use, so the 1 space per 200 is consistent with the Master Plan and ordinance. By using both on-site and off-site parking, the fitness center will have 153 spaces where 146 are required. The variance request is to include off-site parking in the parking total. Mr. Kennedy testified that FMERA reviewed the plan as part of their MCR, and FMERA issued a letter stating it was supportive of using on-site parking and off-site parking. FMERA located overflow parking within 500'for the fitness center to use. Mr. Bruno explained that some type of valet system would be used if necessary. Mr. Kennedy discussed peak hours of operation. Chairman Widdis asked how many off-site spaces were contiguous to the property. Councilwoman Cooper noted there were 56, so with the 93 on-site, the total was 149. Mr. Kennedy stated that with the 4 ADA spaces, the total was 153. Councilwoman Cooper for the location of the additional parking. Mr. Kennedy stated the FMERA showed him 2 concept plans. He stated the parking was located near the FMERA building on Caren Franzini Way.

Ms. Halpern asked if the Armstrong Hall on Todd Ave. would need to use those parking spaces, which the Applicant has included in its total. Mr. Kennedy replied that Armstrong Hall has its own dedicated on-site parking.

Mr. Whitson had several questions about parking, including where cars parking on the street would park in the event of a snow storm and whether the outdoor recreational facilities made an increased demand for parking. Mr. Kennedy replied that in the event of snow, vehicles could be parked at the FMERA parking lot. The outside recreational facilities do not create an increased demand because the use is based upon an independent variable as to gross floor area. They are accessory spaces to the gross floor area. Mr. Whitson stated that the proposal is to include parking that is not part of the Applicant's property. As a matter of precedence, Mr. Whitson stated there may be future applicants who will want to count street parking in their proposal. He suggested caution and expressed concern on the shortfall of parking for the application.

Chairman Widdis asked Mr. White if he had any questions. Mr. White asked if there was an agreement with FMERA regarding the off-site parking. Mr. Bruno stated there is an agreement which will be memorialized in more detail at closing. Ms. Halpern asked how many spaces are available on Todd Ave. Mr. Kennedy replied there were 27. Ms. Halpern noted that 18% of the parking is adjacent to another building. Mr. Bruno stated that if demand for parking becomes so great, the Applicant will appear before the Board for an expanded parking lot. Mr. Kleiberg asked if the lot behind the FMERA will be sufficient to accommodate both valet parking and parking during snow events. Mr. Bruno stated most fitness clubs close if roads are snow covered. There was further discussion regarding adequate parking. Councilwoman Cooper asked if the letter dated April 26th from FMERA will designate the parking by its building would be considered overflow. Mr. Whitson asked who would maintain the overflow lots. Mr. Bruno stated whoever owns the lot would be responsible and the Fitness Center would most likely be paying for the use of the lot. Councilwoman Cooper asked what uses were planned for the Armstrong building. Mr. Bruno replied that a FMERA representative is in attendance and could address that.

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.

Kara Kopach, FMERA Project Manager was sworn. She testified that under Amendment #7, the plan for Armstrong Hall is shared use; one entity using both buildings. That entity would get the same opportunity to use an overflow lot as this Applicant is receiving. The overflow lot has the capacity for

both. Her understanding was that the in the past, the overflow lot would only be used if there was a tournament on weekends. Armstrong Hall is traditionally during the week. FMERA would maintain ownership until it was sold as part of another property, and there would be either license or easement use granted to the off-site properties that were permitted to use the lot. FMERA has previously entered into similar arrangements for shared uses. FMERA will enter into an agreement prior to closing to ensure adequate parking.

Mr. Whitson stated that the problem is that in the past the Army was the sole owner. Now, there will be separate owners. Chairman Widdis asked who will maintain the lot. He also noted that this affects not only this project, but future applications. Ms. Kopach stated there would have to be a transition plan. There will be a suitable arrangement so that if ownership is transferred to someone else, the non-exclusive use would remain. Mr. Kahle commented further on the parking; 93 on-site, 26 plus 6 touching the property, the remainder across the street and his concern about the safety of children getting out of cars and crossing the road on Todd Ave. and Saltzman Ave. Mr. Kennedy replied that Todd Ave. may not be accepted by Oceanport. Chairman Widdis said the conversation is about a lot of hypotheticals. Mr. Bruno said the plan includes a drop off site. If additional parking is required, Mr. Bruno stated the Applicant will come back before the Board with new plans. Chairman Widdis commented that there should be more lighting on Todd Ave. to accommodate people crossing the street. Mr. Kennedy stated there are existing poles and the Applicant could install 2 heads and backlight the area. Mr. White agreed that it was a good idea. Chairman Widdis stated that Monmouth County and FMERA should discuss lighting on Saltzman Ave. and pedestrian safety should be a top priority. There was discussion regarding designated crosswalks.

Mr. Foster noted the traffic will be different than when the Fort was active. This is a destination location. He suggested the County install a traffic light on Saltzman Ave. for safety. Ms. Kopach replied that FMERA would work with Mr. Bruno and the County to address issues on Route 537/Saltzman Ave. Mr. Kahle asked if Armstrong Hall fronted on Todd Ave. Chairman Widdis confirmed that it did. Mr. Kahle asked about parking in front of Armstrong Hall. Ms. Kopach stated there are two entrances to Armstrong Hall, one on Todd Ave. and one in the Armstrong's parking lot. Chairman Widdis stated in the future, the agreements on parking would have to be provided to the Board.

Mr. Bruno agreed to stipulate to a site visit with Mr. White to determine pavement issues and landscaping.

Chairman Widdis asked if the water tower was functioning; Mr. Bruno advised that it was not. An engineer will review the structural integrity and ensure that it is safe. Mr. Whitson asked if it was part of the water utility. Mr. Bruno advised they contacted NJAW. Chairman Widdis requested a letter from the Applicant's engineer to stipulate that the water tower was not in use and structurally sound. Mr. Bruno stated there will not be cell towers or antennae placed on the water tower. It is simply for aesthetics. Ms. Halpern asked if the Applicant could include measures to prevent people from climbing up the water tower. Mr. Bruno agreed. Mr. Foster asked if the Applicant would be painting the water tower. Mr. White noted that there will be logos painted on the water tower and asked if it would comply with the sign ordinance, which could require a design waiver. Mr. Kennedy read a portion of Amendment #7 which permitted signage on the water tower, so no waiver would be required.

Mr. White stated there are 3 monitoring wells between the transmission lines and the building and asked if they were active and what was being monitored. Mr. Kennedy advised the did not belong to the Applicant. They were installed by FMERA. But they will be maintained, but no problem is anticipated.

PUBLIC:
Chairman Widdis opened the meeting to the public for comments on the application. As no one from the public wished to be heard, Chairman Widdis closed that portion of the hearing.

Chairman Widdis asked if an additional design waiver was needed for lighting. Mr. White stated that was previously granted and it should be added to the resolution. Mr. DeNoia noted the Board has 6 design waivers. Mr. Kahle asked if there was striping to designate crosswalks. Mr. White stated that

during his site visit, there were crosswalks. They do need striping and signage. Mr. White asked what the address of the building was. There was discussion regarding how to identify the building.

Mr. Kahle made a motion to approve the application for preliminary and final site plan and parking variance, with the conditions of increased lighting on Todd Ave. and markings on the road, which was seconded by Councilwoman Cooper. Mr. Whitson voted against the motion because of the significant lack of parking, the double counting of parking spaces that will potentially be owned by other entities, the safety concerns, the burden on Oceanport Police to enforce illegal parking. Mr. Foster voted against the motion for the same reasons as Mr. Whitson and the lack of legal documentation to guarantee the proposed parking. Ms. Halpern voted for the motion because of the representations from FMERA regarding discussion about safety on Saltzman Ave. The motion received the following roll call:

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

Ms. Smith stated the motion carried.

RESOLUTIONS:

3. PB2016-13 Knight, Juliette - As the Resolution was made available to the Board previously, 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:

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

   Ms. Smith stated the motion carried.

4. PB2017-03 Tetherview - As the Resolution was made available to the Board previously, Mr. DeNoia summarized the Resolution after which Mr. Kleiberg made a motion to approve the resolution which was seconded by Mr. Foster and received the following roll call:

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

   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 9:53 p.m. on a motion by Mr. Kleiberg which was seconded by Mr. Kahle and approved by the Board.

Respectfully submitted,

JEANNE SMITH
Secretary