



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

AGENDA • APRIL 27, 2021

Regular

REMOTE/VIRTUAL

7:00 PM

Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order

II. Board Policy

- It is Board Policy that no application will be opened after 9:30 P.M.
- No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.

III. Open Public Meetings Statement

This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 22, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. This meeting is also being broadcast on the Borough's Local Public Access Channel, Verizon FiOS Channel 28. Members of the general public can register for meetings from the Borough website at www.oceanportboro.com by scrolling to the bottom of the homepage and clicking "REGISTER for Planning Board Virtual Meetings". Registering allows the general public to view and participate in meetings on their computers, smart phones and tablets. Once registered, members of the general public will be muted upon entry to a meeting. Registration allows a member of the general public to participate during the public portions of a meeting by using one of the following options:

- (a) Use the Raise Your Hand Feature in the Go-to-Webinar toolbox to be acknowledged for an opportunity to speak. Once recognized and advised to speak, members of the general public may need to unmute themselves to participate in the meeting.
- (b) call the Borough's Public Comments Line at (732)-272-8337. The Public Comments Line is only answered during the livestream broadcast of a meeting when the Chairman has opened the meeting to the public. A caller to the Public Comments Line must provide his or her name and address in order to participate in a meeting. Once this information is provided, callers will either be admitted to speak at the meeting immediately or they will be called back by the Board Secretary at the appropriate or designated time so that they can speak. Speakers participating through the Public Comments Line will be placed on speaker and all comments made will be part of the digital record of the meeting.

The instructions for Public Participation in the Borough's meetings are also available on the Borough's website at www.oceanportboro.com.

IV. Flag Salute

V. Roll Call

VI. Board Business

1. Approval of Minutes- Special - Mar 16, 2021
2. Approval of Minutes- Regular - Mar 23, 2021
3. Annual Financial Disclosure Statements
4. Report of Pending Applications

VII. Old Business

1. 2012 : Resolution of Approval - 675 Oceanport Way; Oport Partners
2. PB2020-07 Ft Monmouth Business Center (FMBC)
Fort Monmouth Allison Hall Parcel
Block 110, Portion of Lot 1
Signal & Oceanport Avenues
Preliminary & Final Site Plan
CARRIED from March 16, 2021

VIII. Petitions from the Public

IX. Adjournment

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • MARCH 16, 2021****Special****REMOTE/VIRTUAL****7:00 PM****Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:00 PM
- II. **Board Policy:** Chairman Widdis advised the public of the below Board policies:
- It is Board Policy that no application will be opened after 9:30 P.M.
 - No new testimony will be taken after 10:00 P.M., except at the discretion of the Board
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 22, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. Ms. Smith 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.
- IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.
- V. **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	Remote	
Joseph Foster	Environmental Committee Liaison	Absent	
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	Remote	
Jeanne Smith	Board Secretary	Present	
William White	Board Engineer/Planner	Remote	
Kevin Kennedy	Board Attorney	Remote	

VI. New Business:

1. PB2020-07 Ft Monmouth Business Center (FMBC)

Fort Monmouth Allison Hall Parcel
Signal and Oceanport Avenues
Block 110, Portion of Lot 1
Preliminary and Final Site Plan

EXHIBITS:

- A-1 Land Development Application
- A-2 Plans entitled "Preliminary and Final Major Site Plan, Fort Monmouth Post Allison Hall Parcel", 19 Sheets, prepared by Morgan Engineering and Surveying, last revised Feb. 1, 2021
- A-3 Boundary and Topographic Survey, Portion of Lot 1, Block No. 110, 2 Sheets, prepared by Morgan Engineering and Surveying, dated August 2, 2018,
- A-4 Stormwater Management Report for Preliminary and Final Major Site Plan - Allison Hall," prepared by Morgan Engineering and Surveying, last revised Feb. 4, 2021

- A-5 Stormwater Operation & Maintenance Report for Preliminary and Final Subdivision - Allison Hall, prepared by Morgan Engineering and Surveying, dated Feb.4, 2021
- A-6 FMERA Mandatory Conceptual Review dated September 11, 2020
- A-7 Traffic Report prepared by McDonough and Rea Associates, Inc., revised Feb. 10, 2021
- A-8 Maser Consulting Review Letter dated February 19, 2021
- A-9 Architectural Plans, 21 Sheets, prepared by MODE Architects, last revised March 1, 2021
- A-10 Presentation of Hearing Package

Mr. Kennedy asked if there was anyone from the public with a question as to the sufficiency of the notice. Ms. Smith provided the public with options to participate. While waiting for the public to call in, Mr. Kennedy described and marked Exhibits A-1 through A-10. As there were no objections to the notice Mr. Kennedy advised he and the Secretary had reviewed and found the notice to be in order.

William White, Board Engineer/Planner was sworn in.

Mr. Kennedy asked Mr. Gouin to identify the owners of the corporation so to perform internal conflict, Michael Abboud and Christopher Ilvento with no Board members expressing conflicts.

Steven Gouin, Attorney for the Applicant, providing opening remarks, list of witnesses to appear, stipulated that the Applicant agrees to make all plan revisions pursuant with the Engineer's letter; described project for adaptive reuse of the site for office space, business center, retail center and restaurant; project designed to fully comply with FMERA Land Use Rules and Regulations; one variance being sought for monument signs but otherwise fully conforming.

Michael Abboud, Owner/Applicant, was sworn in and provided testimony on the vision for developing the property, member of the community, working with partner Christopher Ilvento who was the driver in terms of the artistic and architecture of the site; described the existing site location and conditions and proposed plans to reuse 3 of the buildings including Allison Hall which is historically preserved and construction of new buildings; design has been based on anticipated demands for the area with an open, airy interior that will attract businesses.

Chairman Widdis invited questions from the Board members which there were none.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public for this witness only. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Liz Rizzolo, 5 Russel Ave, asked about the stores and was there intent for local businesses or a Starbucks/chain store and was told local businesses. She asked if all stores were the same size and was told no, depending on tenant needs they were flexible spaces. She asked what would guarantee sufficient screening from site and trash from her property which is 3 doors down. Mr. Gouin responded that the engineer would be testifying as to the landscaping but it was their intent to provide sufficient screening. She asked about the drive aisle that intersects with Carty Ave and could it be make a one way. Mr. Abboud said he would defer to the traffic engineer but they had done studies to address. She asked why there was more parking than building down by the water and was told yes, because it was a restaurant. Mr. Gouin also added that the turn in from Oceanport Ave to the drive aisle was a one-way.

Jordan Rizzo, 6 Carty Avenue, asked questions about the tie-in with Russel Hall and was there any attempts to tie-in with residential community at East Gate. Mr. Abboud responded they tied it in terms of the architecture. Mr. Rizzo asked what intended hours of operation and was told that the site would comply with all Borough ordinances and depended on the tenant and use but deferred to engineer. Mr. Rizzo asked about driveway shown on plan to Russel Ave and was told that would not be there.

Matthew Wilder, Applicant's Engineer, was sworn in, presented his qualifications and having previously appeared before the Board was accepted as an expert. Mr. Wilder, referring to presentation slides posted on screen, provided testimony for

the adaptive reuse of the site including historical characteristics and aerial mapping showing previously the site being fully developed; described existing characteristics and adjacent roadways, Parker's Creek to the north, East Gate to the west and Barker's Circle to the south; intent to save building 210, Allison Hall, and construct 3 new buildings; application planned and was fully conforming with the exception of monument signage for the site; reviewed demolition plan, landscape plan, accessibility; the importance and consideration taken to provided accessibility in and around and through the site to adjacent properties and pedestrian use and promoting bicycle use with bike racks; described the proposed trees and shrubs planned; will coordinate with adjacent development in order to be consistent with pavers and the like. Mr. Wilder also provided testimony concerning stormwater controls, 4 basins shown and there locations. Mr. Wilder's testimony also covered plans for a drive-thru feature on the retail building and intentions to reduce/eliminate all impacts to adjacent drive aisles and circulation. Mr. Wilder next provided supplemental testimony in response to Mr. White's review letter related to the design waivers being sought including lighting candles that exceed permitted in order to assure adequate illumination for turning movements – Mr. White expressed no issues with this request and felt the design waiver was justified. Chairman Widdis asked about the lighting of the site and operating hours which Mr. Wilder responded would depend on the tenant and use but would be on timers and reduced to a safe level that still provides safe conditions when businesses/retail were closed. Fixtures were designed with full cutoff shields and downward focused and would not impact adjacent properties. Mr. Wilder advised that they were also seeking a design waiver of the requirement for indoor bicycle racks which were impractical for the site's uses and the Applicant has provided for outdoor bicycle racks. Mr. White stated he had no problem with the requested waiver for indoor bicycle racks. Mr. Wilder next addressed Mr. White's general comments providing testimony concerning the extension and construction of Signal Ave through to Oceanport Ave which would remain as a private road and access way that would be the responsibility of the Applicant to maintain; Applicant agrees to comply with grading changes, lighting and landscaping comments. Chairman Widdis asked about the ingress and egress of Signal Ave at Oceanport Ave to which Mr. Wilder responded that the roadway would be open through and that Monmouth County had approved the design for access from Oceanport Avenue which fell under their jurisdiction. Mr. Wilder testified as to the parking and the approach was taken to account for a variety of uses not knowing yet the tenancy; should tenancy later during CO process indicate a need for additional parking they would have to return to the Board; 593 spaces are proposed where 587 are required. Mr. Gouin elaborated that the number was projected based on a mix of tenant uses and should the mix projected exceed the parking provided, they would have to return for a variance. Mr. White stated his concern was if the mixed use shifts down the road every time they come in for a CO and they are fitted out but last minute there's a parking issue. He recommended that the Applicant provide an analysis of existing uses in order for the Zoning Officer to expedite and approve. Mr. Gouin suggested that a requirement be made for the leasor when applying for a CO be required to provide the Zoning Officer with a certification that outlays the existing uses and the parking requirement. Mr. White stated that puts the onus on the Applicant. Mr. Wilder reviewed the proposed use of each building, the calculation for parking for each use.

Chairman Widdis recognized Mr. Davis who asked a question on the calculations on the retail in the front and garages in the back. Mr. Wilder answered that the design provides for the tenant walls to move so that the retail was in the front for customers and the industrial towards the rear area. Mr. Davis expressed concern about the anticipated percentages for retail versus industrial/medical, etc. and what if it is all retail and other scenarios. Mr. Wilder responded that worst case scenario was if everything was all medical/retail there would potentially be an issue, they are proposing a combination of A and B.

Mr. Wilder continued with testimony concerning the trash enclosures, materials, design and completely enclosed and access for service by private hauler with set time frames and doesn't anticipate conflict with vehicular movement; Applicant is willing to accommodate a second enclosure on the north end also enclosed.

Mr. Wilder next spoke to the comment concerning sidewalk widths and Mr. White's request to widen all sidewalks to 6'; they will do what they can to increase with the exception of some areas where its intended to prevent vehicles from hanging over the curb and where it can't be increased, they will incorporate concrete wheel stops.

Chairman Widdis asked for questions from the Board.

Mr. Dailey asked questions about the parking for mixed use building 1 where 5 garage doors were in the back and how do you parking in front of a garage. Mr. Wilder answered those were for loading equipment not for vehicles to pull into, they're easier when using a pallet jack to get supplies into the building. Mr. Dailey asked questions about the access to the back doors, the trash enclosures, and recommended hashing out two areas in front of the doors. Mr. Daiely asked if the 4 drainage basins were sufficient for the amount of parking area. Mr. Wilder responded that they will provide additional

permeability testing and would comply with Mr. White's comments. Mr. White commented that the basins were sized appropriately.

Mr. Kahle asked about the trash bins on the one way drive. Mr. Wilder answered those two bins that would be accessed by front-loaded truck coming from Oceanport Ave through the loading zone, pick up trash and continue.

Mr. Davis asked questions about the drive thru on the "L" building and how it impacts the walkways and doors along the back of the building. Mr. Wilder responded that the expectation is that the eastern side of the building would load from the loading zone and the loading for the southern/western portion would occur via dedicated loading zone; large trucks not anticipated but more likely vans that park and occupy a spot to bring delivery in and expected to be relatively infrequent. Mr. Davis expressed safety concerns with doors opening, walkway, curb and throughfare; Mr. Wilder offered concrete bollards and signage. There was discussion about the practicality of the access, safety, sidewalk widths, drive aisle width, parking space size. The Applicant agreed to adjust aisle widths in order to increase sidewalk widths at rear of building 1 and 2. Also parking in rear would be restricted for the tenants and employee parking.

Mr. Davis next expressed concern for the drive thru lane and ingress/egress at rear of building into that lane.

Councilman Tvrdik also expressed concern for the drive thru lane. Options for other locations were discussed in order to improve safety. Mr. Wilder advised that they had initially proposed the drive thru on the end corner but FMERA only would give approval for the armpit/corner tenant but offered tweaking the sidewalk width there as well. Mr. Davis suggested an internal hallway so the doors didn't open out to the drive lane.

There was a brief recess to allow Mr. Gouin to speak with the Applicant.

Mr. Gouin returned and advised that they agreed with the reasonableness of the request and the Applicant would agree to revise the plan to provide for an interior hallway, while still providing some ingress/egress for fire safety reasons.

Mr. Davis also asked if a decorative fence could be added into the landscaping to block the "L" building and Building #2 from the adjacent residential development. Mr. Gouin responded yes, the Applicant would agree to do that.

Mr. White added that the fence would require FMERA and another design waiver as regs limit to 4' and 50% open. The Applicant requested to add that design waiver to the application which was agreed upon.

Mr. Kleiberg asked questions about the storm basins, design and function.

Councilman Tvrdik stated he agreed with the testimony for two garbage bins instead of multiple and asked for Applicant's testimony on the times that they would be limited for service and would the "L" unit have any garbage units at the front of the stores interior or exterior. Mr. Gouin advised that they were open to suggestion for hours. It was agreed that the earliest would be 6:30 am, minimum of 3 days serviced. Councilman Tvrdik asked if the landscape could be infilled further as a screen to the residents and was told yes, the fence and they would add plantings between the trees. Mr. Wilder answered on the retail building there would be some exterior garbage bins for the outdoor eating areas. The other buildings such as the restaurant may have some do to outdoor eatery. Councilman Tvrdik urged them to address with the tenant leases that they be changed daily. Mr. Gouin interjected that the Applicant agrees to no outdoor bins and the tenants would be responsible for changing them.

Councilman Tvrdik also commented that they be cautious about tenants such as a cabinet maker that's in the building late at night working in the shop, radio going, saws going and be mindful of the noise impacts on the residents. Mr. Gouin and Mr. Wilder responded that they would comply with the Borough's noise ordinance and be mindful of that when dealing with tenants and leases as conditions that they comply with that.

Councilman Tvrdik asked more questions about the drive thru lane, FMERA's directed location.

Chairman Widdis asked if it would have an order window and a pickup window and how many cars could line up. Mr. Wilder responded yes, and the land was 150' to provide cuing for 8-9 cars. Chairman Widdis commented his concern that it may not be sufficient and gave example of a store in Eatontown where it currently lines up around the building and impacts other retailers. Mr. Gouin responded that the traffic consultant would discuss that further.

Councilman Tvrdik asked about the species of landscaping being used and when told Leland cypress asked why such an aggressive species. Mr. Wilder responded that the intent was to establish the buffer quickly, the property will be maintained year-round including trimming of the bushes and mowing grass.

Ms. Cooper thanked them for the thorough presentation, their willingness to respond and address Board's concerns.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public for this witness only. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Liz Rizzolo, 5 Russel Ave, previously sworn in and under oath, thanked Mr. Davis and Councilman Trvdik for requesting the 6' fence. She asked questions about drive-thru and what type of store was intended – Starbucks, etc. Mr. Wilder answered they were not envisioning a chain like Starbucks but more community oriented business. She requested that they consider not renting to a Starbucks or a CVS and asked if it were possible to not have a drive thru. Mr. Wilder answered they believe it was a benefit of the project and the visual buffers would minimize visual impacts. She asked questions about the lighting hours; lights were to be shielded and downward directed with the height limited to 18' tall which would be shorter than her 3rd floor bedroom. She asked questions about the mixture of uses and any restrictions and was provided with examples of the different uses permitted which were developed knowing they would need to be in concert with the adjacent residential neighborhood. She asked questions about the trash enclosure at the rear of the "L" building, vicinity of residential areas, maintenance, potential relocation, landscaping and size sufficient to service the site. Chairman Widdis asked them to prepare for the next meeting a plan to demonstrate the details for the trash enclosures which they agreed to provide.

Mr. Kahle pointed out that the tenants would be loading their trash from the inside of the enclosure and the gate would remain closed and only opened when being serviced.

Ms. Rizzolo asked about the sidewalk on Barton Ave and if it was same size as the industrial side. Mr. Wilder answered it was not as wide. Chairman Widdis asked for the dimensions. Discussion ensued after which the Applicant agreed to adjust the fence and landscaping and widen the sidewalk to match. There is no parking permitted along Barton.

Ms. Rizzolo asked about the original drawing that had opening to Russel Ave and was told that Monmouth County required them to close that driveway. She commented that she would prefer Barton entrance/exit closed and open to Russel Ave. She also asked if there would be a light on Oceanport Ave to Carty and was deferred until traffic expert testimony.

Jordan Rizzo, 6 Carty Ave, previously sworn in and under oath, asked questions about zoning requirements. Mr. Gouin responded the site falls under the Fort Monmouth Redevelopment and Reuse Plan which supersedes the Borough's zoning. Mr. Rizzo asked if restaurant was same as retail. Mr. Wilder answered that restaurant with outdoor seating and take-out were permitted uses and that was the plan but currently no tenancy to confirm which uses would be in place. Mr. Rizzo asked if anything would be permitted 24 hours and if there was could the hours be limited. Mr. Gouin responded that they were not proposing anything not permitted by the Borough's ordinances and agree to be governed by that for hours of operation. Mr. Rizzo asked if they outdoor space would be limited and was told yes, they would limit per the Borough's ordinances permit and they would provide that information.

Mr. Rizzo asked how the drive-thru window would work with the walkway and would someone be coming out.

Mr. Davis interjected that he would suggest to take the sidewalk out and to push a buffer of those lines in between the one way and have 3' buffer with the lines. Mr. Gouin answered they agree with that and they will take a look at it when they come back. Councilman Trvdik asked that they include elevations so they know what drive thru will look like.

Mr. Rizzo asked if there would be menu boards and speaker boxes and was told they would come back with Mr. Kennel with an explanation for that.

Mr. Rizzo asked about the driveway between Carty and Barton and was told to make it the site more accessible. Mr. Rizzo asked if they would consider closing that section off and reposition the trash closure. Chairman Widdis answered that would be readdressed when they come back. Mr. Wilder answered that access points were thoroughly reviewed with FMERA and the County and it was vital to the project. Mr. Gouin clarified and stated no, they would not re-evaluate eliminating that entrance – they've gone through FMERA, CAFRA and Monmouth County for approvals which were based on the design being proposed.

Mr. Rizzo asked about the design waiver for 1 foot candle at the property line and there would be spillage hitting the opposite property line. Mr. Wilder clarified, .2 foot candles is less than ambient moon light and at the sidewalk on western part of Barton would not be visible. The waiver is sought for safety reasons for users of the property.

Mr. Rizzo asked if they would agree to open Signal Ave at beginning of construction to provide that access and was told no as it would not be completed for most of the construction project and no they would not allow Somerset, adjacent developer to use for access because they had their own construction ongoing. Signal Ave would be ripped up and they can't provide safe access on their property; and it was not a reasonable consideration for their construction plan timing wise and safety prospective and not able to accommodate another developer's project.

Don Solecki, 1 Russel Ave, was sworn in and asked how would the construction project enter/exit and was told through Oceanport Ave, into and out of the site. Mr. Solecki also commented for Mr. Abboud on the complimentary architecture of the project and looks forward to the site being finished and contributing to the quality of life of Oceanport residents.

Chairman Widdis stated due to the hour, the hearing would be continued to April 27th. Mr. Gouin consented to extending the time frame through the end of April or the next regular meeting.

Mr. Davis asked that the architecture testimony include how equipment on the roofs would be hidden based on the facade shown on the plans.

Motion to Carry to April 27, 2021 with no additional notice

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Darren Davis, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdek, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Foster, Savarese

VII. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public presented, Chairman Widdis closed that portion of the meeting.

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

Respectfully submitted,

Jeanne Smith
Board Secretary

**BOROUGH OF OCEANPORT****PLANNING/ZONING BOARD****MINUTES • MARCH 23, 2021****Regular****REMOTE/VIRTUAL****7:00 PM****Clement V. Sommers Municipal Building, 910 Oceanport Way, Oceanport, NJ 07757**

- I. **Call to Order:** Chairman Widdis called the meeting to order at 7:02 PM.
- II. **Board Policy:** Chairman Widdis advised the public of the below Board policies:
- It is Board Policy that no application will be opened after 9:30 P.M.
 - No new testimony will be taken after 10:00 P.M., except at the discretion of the Board.
- III. **Open Public Meetings Statement:** This meeting complies with the Open Public Meetings Act by adequate and electronic notification on January 22, 2021 of this virtual/remote meeting and its location, date and time to the Asbury Park Press, Star Ledger and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site. Ms. Smith 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.
- IV. **Flag Salute:** Chairman Widdis led attendees and members of the Board in the flag salute.
- V. **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	Remote	
Joseph Foster	Environmental Committee Liaison	Remote	
John (Jack) Kahle	Class IV	Remote	
Michael Savarese	Class IV	Remote	7:24 PM
Robert Kleiberg	Class IV	Remote	
Darren Davis	Class IV	Remote	7:09 PM
Michael Dailey	Alternate I	Absent	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	
Jaclyn Flor	Conflict Engineer	Remote	

VI. Board Business:

1. Approval of Minutes - Mar 9, 2021

RESULT: **ACCEPTED AS AMENDED [8 TO 0]**
MOVER: James Whitson, Vice Chairman
SECONDER: Joseph Foster, Environmental Committee Liaison
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSTAIN: Savarese
ABSENT: Dailey

2. Approval of Minutes - Oct 13, 2020

RESULT: **ACCEPTED [8 TO 0]**
MOVER: James Whitson, Vice Chairman
SECONDER: John (Jack) Kahle, Class IV
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSTAIN: Savarese **ABSENT:** Dailey

3. Approval of Minutes - Sep 22, 2020 7:30 PM – Tabled to April 13, 2021
4. Administrative Request - 282 E. Main Street – Site is being required by NJ American Water to install hot box not known at time of site plan approval; discussion ensued on whether the change is minor and should come back to the Board for amended site plan, the need for the hotbox as a result of pushing building back at request of Board in order to provide for additional parking spaces but triggered more than 100' from curb which requires hotbox, its location, landscaping of box to be provided, does not impact the site triangle, no different than other sites required to have a traffic box or transformer. Afterwards, the Board directed Ms. Smith to notify the Zoning Officer by letter that the change is minor in nature, does not require the owner to return to the Board for amended site plan and may be processed administratively.
5. Report of Pending Applications
Ms. Smith advised of upcoming applications for the April 13th and April 27th meetings, confirmation that Oport Partners had submitted Phase II and Phase III and were under review.

VII. Old Business:

1. Resolution of Approval, PB2020-33, Torregrossa - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions, which Councilman Tvrdik made a motion to approve the Resolution, which was seconded by Mr. Foster and received the below roll call:

RESULT:	ADOPTED [8 TO 0]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Committee Liaison
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Dailey
INELIGIBLE:	Savarese

2. Resolution of Approval - PB2020-34, Kohler - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions, which Mr. Kahle made a motion to approve the Resolution, which was seconded by Mr. Davis and received the below roll call:

RESULT:	ADOPTED [8 TO 0]
MOVER:	John (Jack) Kahle, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Dailey
INELIGIBLE:	Savarese

3. Resolution of Approval - PB2020-32, Rosenbloom/O'Shaughnessy - As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions, which Mr. Davis made a motion to approve the Resolution, which was seconded by Mr. Kleiberg and received the below roll call:

RESULT:	ADOPTED [8 TO 0]
MOVER:	Darren Davis, Class IV
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Dailey
INELIGIBLE:	Savarese

Mr. Savarese entered the meeting at 7:24 pm

4. PB2020-29 Oport Partners LLC

675 Oceanport Way
Block 110.14, Lot 1
Fort Monmouth Commissary Parcel

HISTORY:

02/09/21 Planning/Zoning Board**EXHIBITS:**

- A-1 Oceanport Planning Board Land Use Development Application
- A-2 "Boundary and Topographic Survey Map of Property Known as Parking & Commissary PX Parcel - Front Monmouth" prepared by John T. Luts, PLS, dated January 23, 2020, revised through July 22, 2020, consisting of one (1) sheet;
- A-3 Site Plans entitled "Preliminary and Final Plat - Major Site Plan for Oport Partners, LLC Phase:1 Commissary Parking, Lot 1 in Block 110.15 & Lot 1 in Block 110.16, Borough of Oceanport, Monmouth County, New Jersey" prepared by James A. Kennedy, PE, dated August 31, 2020, revised on October 01, 2020, consisting of (7) sheets;
- A-4 Architectural Plans entitled "FT. Monmouth Commissary Core/Shell, 1007 Alexander Ave., Oceanport, NJ" prepared by Cybul Cybul Wilhelm Architects, AIA, dated August 6, 2020, consisting six (6) sheets.
- A-5 Traffic Impact Analysis Report prepared by John H. Rea, PE and Scott T. Kennel, of McDonough & Rea Associates, Inc. Traffic and Transportation Consulting, dated October 5, 2020;
- A-6 Freehold Soil Conservation District Certification Letter, dated November 5, 2020;
- A-7 Monmouth County Planning Board Approval Letter, dated November 9, 2020;
- A-8 MCR Application Review, dated November 18, 2020;
- A-9 Stormwater Management Compliance Statement, dated August 31, 2020;
- A-10 Natural Resource Inventory, prepared by Phillips Preiss Grygiel LLC, dated May 2015.
- A-11 Correspondence requesting waiver of Environmental Impact Statement, prepared by John A. Giunco, dated December 21, 2020
- A-12 MCR Application Review - Preliminary Major Site Plan, Prepared by FMERA, dated December 21, 2020;
- A-13 Flood Hazard Area Verification Approval, prepared by Keith P. Stampfel, PE, dated May 12, 2020;
- A-14 ENGenuity Infrastructure Review Letter dated January 28, 2021
- A-15 Aerial Exhibit prepared by Kennedy Consulting Engineers, LLC, dated February 9, 2021
- A-16 Illustrated Rendering of Building
- A-17 Illustrated Rendering of Future Building Styles
- A-18 Site Plan Rendering, 1 Sheet, prepared by Kennedy Consulting Engineering LLC, dated February 9, 2021
- A-19 Conceptual Site Plan of Phase II, prepared by Kennedy Consulting Engineering, LLC, undated

March 23, 2021 Meeting**EXHIBITS**

- A-20 Site Plans entitled "Preliminary and Final Plat - Major Site Plan for Oport Partners, LLC Phase:1 Commissary Parking, Lot 1 in Block 110.14, Borough of Oceanport, Monmouth County, New Jersey" prepared by James A. Kennedy, PE, dated August 31, 2020 and revised on February 15, 2021, consisting of eight (8) sheets
- A-21 MCR Application Review Supplemental - Preliminary Major Site Plan, Prepared by FMERA, dated March 1, 2021;
- A-22 Environmental Impact Statement, prepared by Giordano, Halleran & Ciesla, P.C., dated March 10, 2021
- A-23 Stormwater Management Compliance Statement, prepared by James A. Kennedy, PE dated February 15, 2021
- A-24 Response Letter to 1st Engineering Review, prepared by James Kennedy, PE, dated March 9, 2021.
- A-25 Access, Utility, and Roadway Easement Agreement, dated October 8, 2021
- A-26 Traffic Impact Analysis Report prepared by John H. Rea, PE and Scott T. Kennel, of McDonough & Rea Associates, Inc. Traffic and Transportation Consulting, last revised March 9, 2021;
- A-27 ENGenuity Infrastructure Review Letter #2 dated March 19, 2021
- A-28 Rendering - Phase II and Phase III Conceptual, prepared by Kennedy Consulting Engineers, LLC dated March 23, 2021
- A-29 Phasing Exhibit - Phase I: Commissary Parking, Lot 1 in Block 110.14, Oceanport, New Jersey prepared by Kennedy Consulting Engineers, LLC dated March 23, 2021
- A-30 Rendering Phase I - "Phase I: Commissary Parking, Lot 1 in Block 110.14, Oceanport, New Jersey prepared by Kennedy Consulting Engineers, LLC dated March 23, 2021"

Ms. Smith advised that Councilman Tvrdik was eligible to participate in the hearing having certified listening to last hearing.

Jaclyn Flor, Board Conflict Engineer, was sworn in. Ms. Flor provided the Board with a summary of the changes she reviewed.

John Giunco, Attorney for the Applicant, summarized the issues from the last meeting and how the Applicant addressed them: building to be adaptively reused for the following permitted uses: craft production facility, food service for dish related establishments, N three, food service, research and development; revised plans submitted for Phase I as well as Phase II and Phase III as requested by the Board; introduced two witnesses – traffic and engineering.

Mr. Kennedy described and marked Exhibits A20 – A-27.

James Kennedy, Applicant's Engineer, was sworn in, presented his credentials and having previously testified before the Board was accepted as an expert for engineering. Mr. Kennedy provided supplemental testimony including a revised Phasing Exhibit schedule

marked as Exhibit A-28; adjustments for lot consolidation and zoning tables, the limits of Phase I, Phase II and Phase III marked as Exhibit A-29, proposed improvements for Phase I and subsequent site improvements of asphalt and parking island to be taken out concurrent with Phase III; said phased improvements with restrictions and conditions for fixed timing to be covered in a developers agreement with the municipality; proposed safety upgrades. Mr. Kennedy, described and marked Exhibit A-30, and provided testimony concerning the design waivers and variance being sought for Phase I development; existing asphalt to be repaired until redone with Phase III; proposed lighting upgrades to the existing fixtures with a waiver sought to replace poles at 20' in lieu of 18 as required by FMERA which will provide for adequate spacing of light and reduces incidence of glare and is a better design alternative considering the layout of the lot; the requirement of a hotbox to service the building; and design waiver for plantings on 3 sides of the hotbox instead of all around – the 4th side providing for inspections and maintenance; designed crosswalks in accordance with design waivers with the exception of full extension which was not possible due to parking field, crosswalks provide access from parking field to the loading area and into the main entrance of the building; site now proposes bike racks outside the building so a design waiver required for that; a design waiver is also sought to add lighting to old Anson Ave and site driveway as the foot candles for that area exceed the permitted with good and safer condition as it spills out to unlighted Oceanport Way; they are admittedly lighting two areas across the property line; design waiver sought for building mounted lights on the northern side of the building to light those 5 parking spaces, the drive aisle which cannot be provided as no lighting fixtures located there on the adjacent lot owned by JCP&L. Mr. Kennedy also provided testimony concerning the variance needed for lot coverage of Phase I which technically will go away with Phase II and III but Phase I needing to stand on its own they have provided stormwater compliance statement as they are not increasing runoff and the existing infrastructure is satisfactory to convey water from the parcel therefore his conclusion is that there is no adverse impact from the existing condition. The plan does show a portion of the site as barricaded to indicate no use of that portion of the property as the parking field provides adequate parking for the commissary. Mr. Kennedy also provided testimony concerning ADA compliance and its relation to existing parking stalls and guidelines to conform with ADA which they agree to follow that document consistent with federal requirements including upgrading of signs, striping, parking stalls but doesn't mean they have to repave the parking lot but provide reasonable accommodation, aesthetically pleasing and safe place to work. Mr. Kennedy lastly reviewed with Ms. Flor her technical letter to and provided testimony addressing each item satisfactorily with the exception of traffic and planning to be provided by other witnesses.

Chairman Widdis asked for questions from Ms. Flor. Ms. Flor asked questions about the spaces near the emergency access and if they would be signed or say employee only because if general public parks there's no pedestrian sidewalk to the front of the site and could the hotbox be moved to allow for a sidewalk. Mr. Kennedy answered no, NJAW mandates 100' from main; the door will not be marked and very unlikely to be taken as an entrance way. Plan will be revised to add note that that door be marked temporarily as employee access only. There's a balance between that and impervious coverage. Mr. Kennedy stated they would provide the requested spot elevations. Refuse container enclosure would be located in the back of building. Mr. Kennedy testified that for section 10, the Applicant has engaged an LSRP on the site to address soil, construction and excavation; there is no contamination on the commissary lot. Mr. Giunco added that there may be potentially contaminated soil on adjacent lots but the LSRP would oversee and provide for clean soil.

Ms. Flor stated she had recommended a licensed EIS based on her review of the State's Geomap but Mr. Kennedy had assured that it was being overseen by LSRP and if the Board would accept that or require it be prepared by an environmental scientist. Mr. Kennedy stated that the report was prepared by FMERA's environmentalist and the Applicant has done a Phase I and a Phase II and did research on the army's efforts as well. Mr. Kennedy provided some history on LSRP (Licensed Site Remediation Professional) and NJDEP and that process. Mr. Kennedy provided testimony for stormwater stating that the existing infrastructure supports the site with FMERA as the utility. Chairman Widdis pointed out Ms. Flor's note concerning televising of the stormwater pipes. Mr. Kennedy opined as to why he felt it was not necessary, no visual indication of system failure, no ponding, and the system is private and FMERA owned and would not impact the Borough. Ms. Flor stated she did not observe any ponding and while pipes are clay and likely in poor condition but felt comfortable accepting it as a temporary condition being replaced with Phase III. This would be covered within a developer's agreement.

There was some discussion on what would be covered by a developer's agreement and what would fall under a performance guarantee. Ms. Flor further recommended that drainage be addressed in the developer's agreement.

Mr. Kennedy next spoke to the water service comment; FMERA is under contract with NJAW to update the system but was unable to provide a timeline but were assured that it was forthcoming. Mr. Kennedy also agreed to show on the plan the limits of curbing repair. Mr. Kennedy also testified that a structural evaluation of the roof – free span was not capable of supporting solar panels. Ms. Flor asked that the buildings be secured during asbestos removal and demolition which the Applicant agreed to comply.

Ms. Flor stated that she felt the testimony addressed the majority of her comments but recommended that the site triangle issue may require the removal of the impacting trees but can take a look when they visit on site for the curbing. Mr. Kennedy stated they would agree to removal of the trees in the way based upon the site visit.

Chairman Widdis asked for questions from Board members.

Mr. Foster asked on Lot 5 belonging to Conrail were there any utilities that would transfer. Mr. Kennedy stated Lot 5 was actually JCP&L and yes, there were utilities – and they were not willing to convey. Chairman Widdis asked who would be maintaining those lots and was told under the easement rights the Applicant would maintain those areas.

Mr. Foster asked about the LSRP certification and soil certification which came from Freehold Soils. Mr. Foster asked if they had any knowledge of the type of contamination found. Mr. Kennedy answered those areas were former railway bed with historic fill which broad range of material with the potential for contamination, excavation is observed by the LSRP. There is a deed restriction against the use of the groundwater which they attribute to naturally occurring metals in the soils.

Mr. Kleiberg expressed concern for the ADA parking compliance and asked if they were compliant and nearest to the doors open during working hours and was told yes.

Mr. Whitson asked if there was a timetable on the developer's agreement and was told it would have to be done before they start.

Mr. Kahle asked about the buildings to the west of the commissary building were they part of Phase II and was told yes, and they were to be demolished. Mr. Kahle asked if the reason for not putting in sidewalk by the hotbox was not enough room. Mr. Kennedy answered they could but they didn't want to lose the greenspace, the landscape around hotbox for a sidewalk he didn't believe it would be used.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Chairman Widdis asked what would be the use of the building, retail? Mr. Kennedy answered it was a large space but presently there were 3 leads on leases – one was direct to consumer meal prep service, second was a professional chef for food prep, third was a potential micro-brewery – all permitted by the plan. Microbrewery would be manufactured and permitted to have a tasting room. Mr. Foster asked if it included wine and was told no – they had separate licensing.

Scott Kennel, Traffic Engineer, was sworn in, presented his qualifications and was accepted by the Board as an expert witness. Mr. Kennel provided testimony concerning the traffic generation study and conclusions which included a traffic generation for the entire buildout with Phase I, phase II and phase III. Mr. Kennel reviewed projected trip generations, peak hours, study included intersection of Anson and Main and was based on 2013 traffic data due to COVID impacts on traffic; trucks were factored into analysis and would depend on users and tenants ultimately using the site but they did include trucks, commercial traffic, personal traffic, employee generated primarily; range during peak hours was 10-30% but was speculative with no known tenants. Mr. Kennel further testified that the report provides results based on build and no build; intersections studied Oceanport Ave and incorporated traffic generated by other developments such as the university, bowling center, etc.; reviewed the service levels of B, C, and D and the periods for those varying service levels.

Ms. Flor asked why they took a small # of trips from Anson Ave which seems to be the closest intersection and why the split was low for that intersection. Mr. Kennel answered there could be deviation – their assumption was 15% and because Rt 537 and Rt 35 were collector roadways for the Fort but was confident that Anson would remain level C based on the road network. Ms. Flor asked if his testimony changed should the tenants go more 50-50 and based on the 3 potential tenants mentioned would that change anything. Mr. Kennel responded that they did consider it but the anticipated use for the commissary believed it would remain a level C.

Mr. Davis asked if a restriction could be placed on the roadway and access from Anson Ave. Mr. Kennel didn't believe it would impact the traffic but would redirect the volumes. The Applicant had no objections. There was discussion Mr. Foster felt that most users would try for the shortest distance and local traffic was more likely to use Main Street access. Mr. Whitson expressed concern that the proposed uses seemed more retail than industrial resulting in increased volumes on Main Street which already has bottle neck issues. Less gates available for ingress/egress also impact congestion.

Ms. Flor commented on the traffic study being conducted with COVID volumes and recommended that updated traffic study be provided for Phase II and then Phase III as volumes return to pre-COVID.

Chairman Widdis asked for questions from Board members.

Mr. Whitson requested updated traffic study as more activity has come about since the period.

Councilman Tvrdik agreed that an updated traffic study would be appropriate and thought it an excellent idea to divert commercial and keep it to 35 and 537 and off of Main Street.

Mr. Foster commented that in 1970's the Fort generated a lot of traffic considering the number of troops at that time.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Andrew Janiw, Applicant's Professional Planner, was sworn in, presented his qualifications and was accepted by the Board as an expert. Mr. Janiw provided testimony concerning planning, described the zone permitted uses and bulk requirements; variance being sought for Phase I was for impervious coverage of 83% where 75% permitted; factors being Phase I taken separately from Phase II

and III, and the site being an existing condition; several design waivers cured but remain design waivers were temporary and would be cured with the development of Phase II and III; design waivers are practical; reviewed the Borough's Master Plan, goals for the 15th amendment; all of which the site is consistent with; the application demonstrates a public benefit providing sufficient space for variety of uses and redevelopment of the Fort for commercial development; site is naturally existing for commercial purposes. The application is for an existing site and existing building with both variance and design waivers eventually being cured with phase II and III development. Mr. Janiw provided testimony concerning the balance test for "c" variances including existing infrastructure; no nuisances, and believes the site qualifies under C1 criteria as well as criteria for C2 as the positives outweigh any negatives, which are demonstrated by the reuse of an abandoned building and fostering the re-use plan; and opined that there were no substantial detriments and no impacts to the zone or the master plan; negative criteria typically entails nuisances such as the creation of excessive traffic, noise, trash or drainage which have been addressed by the engineer's testimony and based on recommendations for traffic he believes there is no substantial impacts to the neighborhood and that the positive impacts outweigh any detriments.

Chairman Widdis asked for questions from Board members.

Mr. Davis stated that there are nuisances and difficult to calculate the parking without knowing the uses; doesn't necessarily agree with everything said but it was an improvement to existing conditions. Mr. Janiw responded that the commissary was previously a retail use which was more intense use than what was being proposed at worst the conditions would be equivalent but at best it would be an improvement. Mr. Davis added but the site was not open to the public so not necessarily relevant.

Mr. Foster commented that he felt comfortable with the testimony and the answers provided to questions.

PUBLIC:

Chairman Widdis opened the meeting to questions from the public. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

PUBLIC:

Chairman Widdis opened the meeting to comments on the application. Ms. Smith provided the details for participation. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Councilman Tvrdik made a motion to approve, as stated and testified, with commentary captured by the recording of professionals heard and both attorneys which was seconded by Mr. Savarese who commented that he would rather see a dilapidated site redeveloped than worry about road networks; and developed correctly and as an asset to the town. Mr. Kennedy reviewed summarized standard conditions, general compliance with all promises, commitments, compliance with FMERA regulations, Ms. Flor's review letter.

Motion to Approve Application with Conditions

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Michael Savarese, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Savarese, Kleiberg, Davis
ABSENT:	Dailey

- VIII. Petitions from the Public:** Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public presented, Chairman Widdis closed that portion of the meeting.

Chairman Widdis thanked everyone for participating over the last long four weeks.

- IX. Adjournment:** As there was no further business, the meeting was adjourned at 10:12 pm on a motion by Mr. Davis which was seconded by Mr. Foster and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

ABANDONED

RESOLUTION - PB 21-13

7.1

Meeting: 04/27/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Resolutions
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 2012

PR-21-13 Resolution of Approval - Oport Partners

HISTORY:

04/13/21	Planning/Zoning Board	DISCUSSED
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RESOLUTION

**BOROUGH OF OCEANPORT PLANNING BOARD
APPROVAL OF THE APPLICATION OF OPORT PARTNERS, LLC
FORT MONMOUTH / THE COMMISSARY BUILDING
BUILDING #1007
OCEANPORT, NEW JERSEY
BLOCK 110.14, LOT 1
APPLICATION NO.: PB2020-29
PHASE I
APPROVAL DATE: MARCH 23, 2021
MEMORIALIZATION DATE: APRIL 27, 2021**

INTRODUCTION

WHEREAS, Agents of Oport Partners, LLC have made Application to the Oceanport Planning Board for the property designated as Block 110.14, Lot 1, Fort Monmouth Campus, Oceanport, New Jersey, within the Borough's District A Zone, for the following Phase I approval: Preliminary and Final Major Site Plan Approval, Bulk Variance Approval, and Design Waiver Approval to effectuate the following:

- Adaptive Re-Use of the existing Commissary Building;
- Partial Repair of the existing parking area which will serve the to-be-renovated Commissary Building (Phase I); and
- Partial/designated improvements to the water, utilities, lighting, and landscaping on the subject property (Phase I).

PUBLIC HEARINGS

WHEREAS, the Board held remote Public Hearings on February 9, 2021 and March 23, 2021, Applicant's representatives having filed proper Proof of Service and Publication in accordance with Statutory and Ordinance Requirements; and

EVIDENCE / EXHIBITS

WHEREAS, at the said Hearing, the Board reviewed, considered, and analyzed the following:

- *Development Application, introduced into Evidence as A-1;*

- *Survey, prepared by John T. Luts, P.L.S., dated January 23, 2020, revised through July 22, 2020, consisting of 1 sheet, introduced into Evidence as A-2;*
- *Site Plans, prepared by Kennedy Consulting Engineers, dated August 31, 2020, revised October 1, 2020, consisting of 7 sheets, introduced into Evidence as A-3;*
- *Architectural Plans, prepared by Cybul Wilhelm Architects, A.I.A., dated August 6, 2020, consisting of 6 sheets, introduced into Evidence as A-4;*
- *Traffic Impact Analysis Report, prepared by McDonough & Rea Associates, Inc., dated October 5, 2020, introduced into Evidence as A-5; (Note: the within document was superseded by a revised submission);*
- *Freehold Soil Conservation District Certification Letter, dated November 5, 2020, introduced into Evidence as A-6;*
- *Monmouth County Planning Board Approval, dated November 9, 2020, introduced into Evidence as A-7;*
- *MCR Application Review, dated November 18, 2020, introduced into Evidence as A-8;*
- *Stormwater Management Compliance Statement, dated August 31, 2020, introduced into Evidence as A-9 (Note: the within document was superseded by a revised submission);*
- *Natural Resources Inventory, prepared by Phillips Preiss Grygiel, LLC, dated May 2015, introduced into Evidence as A-10;*
- *Correspondence requesting Waiver of Environmental Impact Statement, prepared by John A. Giunco, Esq., dated December 21, 2020, introduced into Evidence as A-11;*
- *MCR Application Review, dated December 21, 2020, introduced into Evidence as A-12;*
- *Flood Hazard Area Verification Approval, prepared by Keith P. Stampfel, P.E., dated May 12, 2020, introduced into Evidence as A-13;*
- *Engenuity Infrastructure Review Memorandum, dated January 28, 2021, introduced into Evidence as A-14;*
- *Aerial photograph of the subject property, introduced into Evidence as A-15;*
- *Illustrated Rendering of the Flex Building, prepared by Rotwein & Blake (showing style of other types of buildings in proposed Phase 2), introduced into Evidence as A-16;*
- *Illustrated Rendering of the Flex Building (Office Building), prepared by Rotwein & Blake, introduced into Evidence as A-17;*

- *Site Plan Rendering, prepared by Kennedy Consulting Engineers, dated February 9, 2021, introduced into Evidence as A-18;*
- *Alternative site plan of the development, introduced for identification purposes only, introduced into the Evidence as A-19;*
- *Site Plans, prepared by Kennedy Consulting Engineers, dated August 31, 2020, last revised February 15, 2021, consisting of 8 sheets, introduced into Evidence as A-20;*
- *MCR Application Review, dated March 1, 2021, introduced into Evidence as A-21;*
- *Environmental Impact Statement, prepared by Giordano Halleran & Ciesla, P.C., dated March 10, 2021, introduced into Evidence as A-22;*
- *Stormwater Management Compliance Statement, dated February 15, 2020, introduced into Evidence as A-23;*
- *First Engineering Review Response Letter, prepared by Kennedy Consulting Engineers, dated March 9, 2021, introduced into Evidence as A-24;*
- *Access Utility and Roadway Easement Agreement, dated October 8, 2021, introduced into Evidence as A-25;*
- *Traffic Impact Analysis Report, prepared by McDonough & Rea Associates, Inc., dated January 21, 2021, revised on March 9, 2021, introduced into Evidence as A-26;*
- *Engenuity Infrastructure Review Memorandum, dated March 19, 2021, introduced into Evidence as A-27;*
- *Conceptual Exhibit Phases II & III Overall Development prepared by Kennedy Consulting Engineers, dated March 23, 2021, introduced into Evidence as A-28;*
- *Phasing Exhibit, prepared by Kennedy Consulting Engineers, introduced into Evidence as A-29;*
- *Phase 1 Rendering, prepared by Kennedy Consulting Engineers, dated March 23, 2021, introduced into Evidence as A-30;*
- *Affidavit of Service; and*
- *Affidavit of Publication.*

WITNESSES

WHEREAS, sworn testimony in support of the Application was presented by the following:

- Steven Denholtz, Managing Member of Oport Partners, LLC;
- Andrew Comi, Professional Engineer;
- James Kennedy, Professional Engineer;
- Scott Kennel, Traffic Expert;
- Andrew Janiw, Professional Planner;
- John Giunco, Esq., appearing;

WHEREAS, Jaclyn Flor, P.E., P.P., C.M.E., the Board's Conflict Engineer, was also sworn with regard to any testimony and information she would provide in connection with the subject Application; and

**TESTIMONY AND OTHER EVIDENCE PRESENTED ON BEHALF OF THE APPLICANT'S
REPRESENTATIVES**

WHEREAS, testimony and other evidence presented by the Applicant's Representatives revealed the following:

- The Applicant is the Owner of the subject property.
- The Applicant has owned the subject property since 2020.
- The Principals of the Applicant, have significant experience in the construction and development field.
- The subject property for Phase I is a 17.283-acre parcel located in the former Fort Monmouth Complex.
- The subject Phase I portion of the property hosts the existing Commissary Building, 9 administrative and Post Office buildings in the PX Complex, and the associated parking, pedestrian, and landscaped area.
- There are 3 overall Phases of the Project, namely, Phase I, Phase II, and Phase III.
- Phase I includes the rehabilitation of the existing Commissary Building, so that the same can ultimately host food-service related tenants and other permitted uses. (Phase I also includes the repair and restriping of a portion of the associated parking area.)
- The 9 existing and administrative and post office buildings will remain unoccupied during the Phase I portion of the proposal.

- Phase II and Phase III will ultimately involve the redevelopment of approximately 26 acres in the vicinity of the Commissary Building.
- The within application concerns only the Phase I aspect of the proposal.
- The existing 1 story Commissary Building, consists of approximately 53,700 SF.
- The Applicant's representatives propose to effectuate an adaptive re-use of the existing Commissary Building for permitted uses.
- Proposed exterior renovations associated with the Commissary Building include the following:
 - Parking lot renovations, including pavement repair and barrier placement;
 - Landscape plantings;
 - Installation of signage;
 - Installation of pedestrian access ways;
 - Installation of bicycle racks;
 - Installation of lighting improvements; and
 - Installation of utility improvements, including a "hot box" for water service.
- Proposed interior renovations associated with the Commissary Building include the following:
 - Building fit-out and preparation for tenant occupancy for permitted uses
- Upon completion of the renovation process, the Commissary Building will host tenants operating permitted uses under the controlling FMERA Re-Use Plan (and Amendments thereto).
- The controlling FMERA Re-Use Plan (and Amendments thereto) contemplate a) the renovation and re-use of the Commissary Building as a Retail and / or Community Center and b) demolition of the existing PX Complex.
- The FMERA-permitted uses at the site generally include the following:
 - a) Arts/Crafts/Goods production;
 - b) On site production of and assemblage of other goods, including, but not limited to, coffee roasting and alcoholic beverages ;

- c) Food Service-related establishment;
- d) Food Service research and development.
- No specific Tenants have yet been identified for the to-be-renovated Commissary structure.
- That notwithstanding, the Applicant's representatives are cautiously optimistic that the following types of Tenants will relocate to the site:
 - A Ghost Kitchen/Chef type of use;
 - A Micro-brewery; and
 - A wholesale Food Preparation Use
 - The above list is not exhaustive, and other Tenants may occupy the building as well, depending on market forces, demand, etc.
- It is anticipated that the improvements to the Commissary Building will take place in the near future.
- The Applicant's representatives will be utilizing licensed contractors in connection with the renovation process.

VARIANCE

WHEREAS, the Application as presented and modified requires approval for the following

Variance:

LOT COVERAGE (FOR A PRINCIPAL BUILDING): Maximum 75% allowed; whereas 83% is existing and proposed;

DESIGN WAIVERS / EXCEPTIONS

WHEREAS, the Application as presented and modified requires approval for the following Design

Waivers / Exceptions:

HEIGHT OF FREE-STANDING LIGHTS: The Prevailing Regulations provide that the maximum height of free-standing lights shall not exceed the height of the principal building or 18 ft., whichever is less. In the within situation, the Applicant is proposing free-standing light poles with a mounting height of 20 ft. and building mounted lights located 22 feet above the pavement surface, therefore, a Design Waiver is required;

MAXIMUM ILLUMINATION AT PROPERTY LINE: *The Prevailing Regulations provide that the maximum illumination at the property line shall be 0.1-ft. candle. In the within situation, the lighting levels exceed 1.6 ft. candle along Former Alexander Avenue (currently Oceanport Way); and the northern portions of the parking lot have lighting levels of 0.4-ft. candle and thus, Design Waivers are required;*

LIGHTING INTENSITY: *The Prevailing Regulations provide that the minimum lighting intensity in a given area cannot be less than 0.5-ft. candle; whereas, in the within situation, the northern portion of the Parking Lot has a lighting intensity of 0.4-ft. candle. As such, a Design Wavier is required;*

LANDSCAPING REQUIREMENTS: *The Prevailing Regulations provide that where natural foliage is not sufficient to provide year-round screening of any utility apparatus appearing above the surface of the ground (other than utility poles), the Applicant shall provide sufficient live screening so as to conceal such apparatus on a year-round basis. In the within situation, the Applicant's representatives are proposing a utility box which will only be screened/landscaped on 3 sides and, as such, a Design Waiver is required;*

SURFACE PARKING AREA SETBACK: *The Prevailing Regulations provide that surface parking areas should be setback from street-facing lot lines, as well as from interior or rear lot lines shared with adjacent uses, at least 5 ft. if one double-loaded bay of parking is provided, or at least 10 ft. if a deeper parking area is provided. In the within situation, the proposed development provides for a continuation of the existing parking with a 0 ft. Setback from the property line and, as such, a Design Waiver is required;*

WALKWAY BETWEEN PARKING BAY STANDARDS: *The Prevailing Regulations provide that where more than 50 spaces are provided in any surface parking area, or where any parking spaces are located more than 125 ft. from the primary building entrance, then, in that event, a pedestrian walkway or walkways should be provided through the parking lot, running parallel through the bays of parking. Additionally, the walkways should have a minimum clear walking area of 5 ft. wide, and the same should be sited so as to provide convenient, direct, and safe pedestrian access to the building. In the within situation, no pedestrian access ways are provided in the 236-stall parking lot and, as such, a Design Waiver is required;*

LANDSCAPE BUFFER: *The prevailing regulations require a 10-foot landscape buffer; whereas, in the within situation, the Applicant proposes to continue the existing landscape buffer of only 0 feet and, as such, a Design Waiver is required;*

PARKING LOT SETBACK: The prevailing regulations require that the parking lot have a minimum setback of 10 feet; whereas, in the within situation, the Applicant proposes to continue the existing parking lot setback of only 0 feet and, as such, a Design Waiver is required.

PUBLIC COMMENTS

WHEREAS, there were no members of the public who expressed any questions, comments, statements, objections, and / or concerns in connection with the Application;

FINDINGS OF FACT

NOW, THEREFORE, BE IT RESOLVED, by the members of the Oceanport Planning Board, after having considered the aforementioned Application, plans, evidence, and testimony, that the Phase I aspect of the Application is hereby **granted / approved with conditions**, as set forth herein.

In support of its decision, the Oceanport Planning Board makes the following Findings of Fact and Conclusions of Law:

1. The Oceanport Planning Board has proper jurisdiction to hear the within matter.
2. The subject property is identified as Block 110.14, Lot 1, Oceanport, New Jersey, within the Borough's District A Zone.
3. The subject parcel contains 17.283-acres.
4. The subject property has frontage along Oceanport Way (also known as Murphy Drive & Alexander Avenue) and Anson Avenue.
5. The subject property hosts the existing Commissary Building, 9 administrative and post office buildings in the PX Complex, and a parking area.
6. The subject property is located within the Oceanport portion of the former Fort Monmouth complex.
7. Pursuant to Prevailing Regulations, the property is subject to the Fort Monmouth Economic Revitalization Authority (FMERA) guidelines.

8. The FMERA regulations have been designed with the intention of providing comprehensive, cohesive, and consistent development of the various portions of the Fort Monmouth Complex, regardless of whether the particular development site is located in the Borough of Oceanport, the Borough of Eatontown, or the Borough of Tinton Falls.

9. Generally speaking, the FMERA regulations govern the uses at the former Fort Monmouth site, and the various host communities (including the Borough of Oceanport, and the Oceanport Planning Board) govern Site Plan and Bulk Variance – related issues/concerns.

10. The Applicant herein proposes the general development of the Commissary Building area and adjoining property in three separate Phases; namely, Phase I, Phase II, and Phase III. (The “testimony” section of the within resolution generally identifies the proposed three phases of the development).

11. As part of the Phase I aspect of the development, the Applicant herein proposes to effectuate the following:

- Adaptive Re-Use of the existing Commissary Building;
- Partial Repair of the existing parking area which will serve the to-be-renovated Commissary Building (Phase I); and
- Partial installation of improvements to the water utilities, lighting, and landscaping on the subject property (Phase I).

12. Details pertaining to the Phase I aspect of the proposal are set forth on the submitted Plans, and are set forth elsewhere herein.

13. Such a proposal (i.e. Phase I) requires Preliminary and Final Major Site Plan Approval, Bulk Variance Approval, and Design Waiver Approval.

14. The Oceanport Planning Board is statutorily authorized to grant the requested relief and therefore, the matter is properly before the said entity.

15. With regard to the Application, and the requested relief, the Board notes the following:

PHASING

The first public hearing occurred on or about February 9, 2021. At that time, there were some general references to the Phase I, Phase II, and Phase III aspects of the development. There was also testimony

and arguments presented which suggested that some of the requested design waivers could be granted, because the same would be ultimately eliminated/cured when the Phase II and III portions of the project were completed. Some Board members were concerned about such a simple analysis. Against such a backdrop, and with the consent of the Applicant's representatives, the public hearing was adjourned so that the aforesaid issues/questions/concerns could be more thoroughly reviewed, analyzed, researched, and addressed with the other interested parties.

- The Public Hearing was carried until March 23, 2021.
- At the March 23, 2021 Hearing, the Applicant's representatives advised that
 - a. – a number of the previously submitted design waiver requests were eliminated/satisfied;
 - b. - the Phase I aspect of the proposal is, in fact, a stand-alone project;
 - c. - that certain parking lot, grading, and landscaping improvements would, in fact, be immediately addressed/installed;
 - d. – that detailed Phase II and Phase III plans were completed and forwarded (for completeness) to the appropriate Board/Borough representatives;
 - e. – that the Applicant's representatives are committed to the overall project; and
 - f. -that the Applicant's representatives agreed that as part of a Developer's Agreement, the Applicant's representatives would agree to provide reasonable security to the Borough of Oceanport, so that the Borough could ensure that if the Phased improvements were not timely completed, then, in that event, the Borough could arrange for the aforesaid parking, landscaping, and drainage improvements to be promptly installed (at no cost or minimal cost to the Borough).
- The aforesaid revisions, commitments, and actions assuaged the reasonable concerns of many of the Board Members.
- The aforesaid revisions, commitments, and actions provided reassurance to the Board Members.
- The aforesaid revisions, commitments, and actions resulted in a much more compliant proposal.

- The aforesaid revisions, commitments, and actions allowed Board Members to have a much more thorough understanding of all 3 phases of the development, and the timeframes associated therewith.
- The Board Members very much appreciate the efforts of the Applicant's Representatives and the Applicant's professionals in so diligently and quickly preparing and finalizing plans (for completeness purposes associated with the Phase II and Phase III aspects of the proposal).

PARKING

- The parking situation at the site is of critical importance for the Board Members.
- It is imperative that there be sufficient parking for the Applicant's proposed use (in accordance with the specific testimony presented during the Public Hearings).
- The absence of sufficient / appropriate parking for any particular use in the former Fort Monmouth Complex will be detrimental to the Borough of Oceanport, and the other host communities.
- The absence of sufficient / appropriate parking for a particular use in the former Fort Monmouth Complex will compromise overall Fort Monmouth redevelopment efforts.
- Per the testimony and evidence presented, the Applicant's site is required to have 215 off-street parking spaces, calculated as follows:

4/1,000 sf required for food service-related establishments. 53,700
sf existing & proposed. $53,700 \times 4/1,000 = 215$

- As indicated, 236 off-street parking spaces are proposed in the immediate vicinity of the Commissary. Additional parking is provided on and off site, but is not included in the referenced calculations.
- The said parking spaces satisfy Prevailing Requirements.
- Pursuant to the Prevailing Regulations, the proposed development is required to have 215 parking spaces; whereas, the Applicant herein is proposing 236 parking spaces.
- As referenced, the proposed parking exceeds the minimum required parking requirements, and thus, no Parking Variance is required.
- The Board is aware that many times, developers attempt to under-park a site, which does not represent good planning, and consistently leads to quality-of-life concerns for future residents / occupants. The Board recognizes that the within Application is not under-parked but rather, the same contains more than sufficient / more than required parking spaces.
- In that sufficient parking is provided for the Applicant's proposed Uses, no Parking Variance is required.

- The evidence of sufficient parking is of the utmost importance to the Board Members – and but for the same, the within Application may not have been approved.
- Based upon the testimony and evidence presented, the Board finds that the parking is sufficient for the development site.
- As indicated, @ 215 off-street parking spaces are required; whereas 236 parking stalls are proposed.
- Currently, the parking lot area for the existing Commissary Building is somewhat in a state of disarray. In that the existing parking area for the Commissary Building has not really been utilized / maintained (to any significant extent) since approximately 2011, there are a number of significant deficiencies associated with the existing parking situation at the site. Some of the aforesaid deficiencies include the following:
 - i. The existing parking spaces are not clearly delineated;
 - ii. The existing parking area is cracked, worn, and uneven;
 - iii. There are a number of tripping hazards at and around the parking area at the site;
 - iv. There is a significant amount of pavement in the area which is either broken, cracked, or otherwise compromised;
 - v. The existing parking lot area has not been sufficiently paved to prevailing municipal standards;
 - vi. The existing parking lot at the site has not been maintained to prevailing municipal standards;
 - vii. There are a significant amount of potholes, divots, and other indentures / imperfections throughout the existing parking lot;
 - viii. The parking area is not sufficiently illuminated, in accordance with Prevailing / Modern Design Standards;
 - ix. The existing lighting scheme at the site (from approximately 1980) is not energy-efficient; and
 - x. The existing lighting scheme at the site (for the existing parking area) is not dark-sky compliant.

The existence of the aforesaid existing conditions is problematic.

- The aforesaid parking lot area conditions are problematic and need to be repaired / addressed / cured / improved.
- The retrofitting approved herein will ultimately result in vast improvements for the subject parking area.

- The proposed parking improvements (associated with the within Application) include the following:
 - i. The ultimate repairing of the designated parking stalls;
 - ii. The ultimate repair of the existing parking area;
 - iii. The elimination of the existing pavement irregularities at the site (including the elimination of the cracked pavement);
 - iv. The elimination / removal of the existing tripping hazards in the existing parking area; and
 - v. The installation of new LED dark-sky compliant lights (at the parking area) so as to ensure that the lighting will be directed to the ground, and not up to the sky (which could, in turn, contribute to light pollution).
- The aforesaid parking lot improvements will significantly enhance and improve the quality of the existing parking lot / area.
- The aforesaid parking lot improvements will improve the safety for the individuals / visitors who will utilize and / or otherwise visit the to-be-renovated Commissary Building.
- The aforesaid parking lot improvements will ultimately result in the parking areas being paved to a safe standard.
- The aforesaid parking lot improvements will significantly improve the overall parking scheme at the site.
- The aforesaid parking lot improvements will significantly enhance the overall parking arrangements at the site.
- The parking lot improvements, as aforesaid, will ultimately improve the ease with which vehicles / drivers can safely enter / exit / maneuver the site.
- The size of the parking space stalls in the within Application satisfies the prevailing Design Standards.
- Parking on Lot 5 is not included in the calculations, but the spaces may be utilized as permitted by the easement agreement. The parking lot which is adjacent to Lot 5 will also ultimately be repaired as necessary so as to be reasonably safe for its intended use.
- The Applicant's representatives will be making the necessary repairs to the pavement, loading area, and access points.
- The width of the parking circulation aisle is sufficient.
- The site is appropriately designed, from a traffic engineering perspective.

TRAFFIC

- The traffic issues associated with the proposal were of paramount importance to the Board Members.
- The Applicant's representatives submitted a Traffic Impact Study in connection with the Application.
- The Traffic Impact Analysis Report, prepared by McDonough & Rea Associates, dated January 21, 2021, last revised March 9, 2021, was entered into the Record as A-26.
- Per the Traffic Impact Analysis, in preparing the Traffic Report, the Applicant's representatives undertook a number of steps / initiatives to gather the necessary information to provide a comprehensive traffic analysis. Such undertakings included the following:
 - a. *A field examination of the site and the surrounding road networks was conducted so as to inventory physical and regulatory conditions regarding the surrounding roadways, including the number of lanes, lane assignments, channelization, traffic control devices, lateral clearances, and other traffic-limiting capacities;*
 - b. *Traffic counts were calculated at the County Route 537 / Oceanport Way intersection, the County Route 537 / Todd Avenue (aka Oceanport Way) intersection, and the County Road 537 / Oceanport Avenue intersection;*
 - c. *The preparation of traffic estimates, generated by various uses based on the Institute of Transportation Engineers Trip Generation Manual;*
 - d. *The preparation of future traffic volume demand estimates, in consultation with other approved Applications or Applications which are under construction in the immediate Fort Monmouth Area; and*
 - e. *The analysis of the service capacity of the aforementioned County Road 537 intersections, in accordance with procedures established by the Highway Capacity Manual.*

See Traffic Impact Analysis (A-26)

- The aforesaid extensive analysis was appropriate, and necessary, for a project such as that proposed herein.
- Moreover, the Board finds that in the absence of such an extensive and detailed Traffic Impact Study, such a development could not have been properly approved.

- During the Public Hearing process, the Board Members were provided with a description of the roads, intersections, and traffic volumes in the immediate area of the development site.
- Per the testimony and evidence presented, the Applicant's representatives arranged for turning movement counts to be conducted during the morning and evening peak periods on a typical weekday (at the study intersection) so as to examine traffic conditions at and near the development site.
- The aforesaid traffic counts identified distinct times during the weekday morning and evening when traffic experienced its highest levels on the network. Based upon the data collected, and the analysis thereof, the Applicant's representatives determined that am weekday morning peak hour generates 18 in trips and 6 out trips, for a total of 24 trips. Additionally, the peak hour afternoon trips generate 4 in trips and 24 out trips, for a total of 28 trips
- As a result of the data obtained and analyzed, as is standard, the Traffic Impact Analysis generated various findings and conclusions.
- Some of the findings / conclusions as set forth in the Traffic Impact Analysis included the following:

It is concluded, based upon this analysis, that Plans to redevelop the Warehouse District and Commissary / Post Office properties within the confines of Fort Monmouth can be approved and operate compatibly with future traffic conditions in the area. Levels of service at all studied intersections including the signalized intersection of County Route 537 / Oceanport Avenue will operate well within accepted Traffic Engineering parameters.

See Traffic Impact Analysis Report (A-26)

- After extensive testimony, debate, questioning, and an opportunity for public comment, and subject to conditions, the Board Members ultimately accepted the Findings and conclusions as set forth in the Traffic Impact Study (A-26).
- Subject to the conditions set forth herein, the Board accepts the Findings / Conclusions of the Traffic Impact Study, and the professional testimony associated therewith. Moreover, the Findings and Conclusions of the Traffic Impact Study are incorporated herein at length.

ADAPTIVE REUSE

- Approval of the within Application will result in the appropriate reuse / renovation of the Commissary Building under the controlling FMERA Reuse Plan (and amendments thereto).
- Approval of the within Application will not result in the demolition of the Commissary Building.

- Approval of the within Application represents an adaptive reuse of the Commissary Building.
- Approval of the within Application will allow the Commissary Building to be appropriately renovated and utilized for modern purposes.
- There was extensive testimony and evidence presented as part of the Application suggesting that existing Building will be restored in an appropriate fashion. The Planning Board specifically finds there are many benefits and beneficial features associated with restoring the existing building in a appropriate fashion.
- Approving a Development Application which allows buildings to physically remain intact advances a legitimate development goal.
- The renovation approved herein will allow the Commissary Building to be preserved, but nonetheless utilized, for modern purposes.
- The Board recognizes that the existing Commissary Building is vacant right now, was determined by the FMERA Reuse Plan (and amendments thereto) to be capable of being adaptively reused, is not listed as a historic building in the FMERA Reuse Plan (and amendments thereto), and approval of the within Application will restore the said building to productive use.

PLANNING / FINDINGS

- The Application as presented requires a Variance for Lot Coverage. Specifically, the allowable lot coverage is 75%; whereas the Applicant herein is proposing to continue the existing lot coverage of 83% for a principal building.
- Under the circumstances, and for all the reasons set forth herein, and set forth during the Public Hearing process, the Board finds that the Lot Coverage Variance can be granted without causing substantial detriment to the public good.
- The Application as presented also requires a Design Waiver for lighting. Specifically, pursuant to the prevailing regulations, a maximum illumination level of 0.1-foot candles are permitted; whereas, in the within situation, the Applicant's representatives are proposing slightly greater than the same. Towards that end, the Board notes said increase is minimal, is limited to small locations, and the same will not result in any negative impact to the surrounding properties.
- The existing Commissary building contains approximately 53,700 sf Per the testimony and evidence presented, approximately 15,000 SF of the existing Commissary Building is in very good shape. That notwithstanding, the remaining square footage of the existing structure is in need of repair / improvement. Moreover, approval of the within Application will result in several

significant safety upgrades at the site. Some of the aforementioned safety upgrades include, but are not necessarily limited to, the following:

- Installation of new exterior lighting;
 - Installation of new building utilities (as shown);
 - Repair and maintenance of existing asphalt parking area;
 - Repair of existing concrete walkways;
 - Installation of access signage; and
 - Landscape trimming for adequate sight triangles at intersections.
- The significant safety upgrades, as referenced above, will simultaneously advance the interests of the Applicant, future visitors to the site, and the Borough of Oceanport.
 - The health and safety upgrades, as referenced above, will promote the health and safety of all future visitors to the site.
 - The health and safety upgrades, as referenced above, will allow the existing building to be appropriately retrofitted so that the same can be safely and functionally utilized for modern purposes.
 - The health and safety upgrades, as referenced above, will help facilitate the ability of the to-be-renovated building to comply with all Prevailing / Modern Building / Construction Code Requirements.
 - The Application as presented requires a Design Waiver for the maximum height of the free-standing and building mounted lights. Specifically, the Prevailing Regulations provide that the maximum height of free-standing lights should not exceed the height of the principal building, or 18 ft., whichever is less. However, in the within situation, the Applicant's representatives are proposing free-standing light poles with a mounting height of 20 ft. and building mounted lights mounted 22 feet above the pavement surface,. As such, Design Waiver relief is required.
 - Though the proposal does not satisfy the Prevailing Design Standards, the Board is aware that there is adequate spacing between the proposed light fixtures, so as to minimize any excessively bright areas of illumination.
 - Per the testimony and evidence presented, though the proposal does not technically meet the Design Standards for the light mounting height, the Applicant's illumination proposal will result in more light at the site, which will, in turn, result in less overall glare at the site, which does, represent a better overall zoning alternative for the Borough of Oceanport.
 - Under the circumstances, the light mounting height deviation is de-minimis in nature.

- The Application as presented requires a Design Waiver for the nature / extent of the landscaping which will surround the proposed utility box. Specifically, the Prevailing Design Regulations require the utility box to be fully landscaped on all sides. That notwithstanding, in the within situation, the Applicant's representatives propose landscaping on 3-sides of the utility box. (The Applicant's representatives are not proposing any landscaping on the side of the utility box which contains the Fire Department connections / access.) As a result, the Applicant's representatives argued that there was no real functional way to satisfy the aforesaid landscaping requirements, without compromising Fire Department access to the site, etc. The Board accepts the arguments and rationale of the Applicant's representatives which were issued in connection with the above point / waiver.
- The Board Members recognize that there are a number of Utility / Municipal / Building / Construction Code Regulations which need to be satisfied with regard to the location of the utility box, and the landscaping surrounding the same. Based upon the testimony and evidence presented, the Board recognizes that landscaping around 3-sides of the utility box will allow the Applicant to satisfy all Prevailing Building / Construction / Safety Regulations.
- The Board is also aware that the landscaping which will be placed around the 3-sides of the proposed utility box will, in fact, be year-round landscaping, which will serve as a meaningful visual / aesthetic barrier throughout the entire year.
- As a condition of the within approval, the Applicant's representatives are also required to perpetually replace / replant the aforesaid landscaping (around the utility box), so as to perpetually ensure the absence of any aesthetic issues associated with the landscaping (around the utility box).
- The Application as presented requires a Design Waiver for the Minimum Lighting Intensity Regulations. Specifically, the Prevailing Borough Regulations require that the proposed lights can be no less than 0.5-ft. candles. However, in the within situation, the northern portion of the parking lot will have lights which have a lighting intensity of 0.4-ft. candles, which is below the minimum standards. As such, Design Waiver relief is required.
- Towards that end, the Board Members are aware that because Oceanport Way (in the vicinity of the development site) is currently not illuminated, there is a need to modify / exceed the otherwise Prevailing Minimum Lighting Standards.
- Given the situation that Oceanport Way is not currently illuminated, and there will be a need for the same to be illuminated (in conjunction with the within approval), the lighting levels (slightly exceeding the minimum brightness standards) are desirable and appropriate.
- Under the circumstances, approving greater than required minimum lighting requirements will render the site safer.
- The Applicant's proposed illumination levels are safe from and reasonable.
- As referenced, the lack of current lighting on Oceanport Way helps justify the Design Waiver relief approved herein.

- The Design Waiver relief approved herein will not compromise pedestrian / vehicular access to the site, exit from the site, or site circulation.
- The Board Members also recognize that pursuant to the subject Design Waiver, the Applicant exceeds the minimum light standards at the property line, but such illumination is predominately located in areas, such as driveway entrances, roadways, and parking areas, which should be illuminated and therefore will not cause detrimental off-site light spillage or glare.
- The Board recognizes that the Applicant cannot place compliant light poles on property which the applicant herein does not own.
- The Board Members recognize that in light of the pedestrian and vehicular activity which will be occurring onsite, there is a need for the Applicant's lighting illumination to be appropriate and safe. The Board finds that granting the requested Design Waivers (relative to lighting) will not compromise the overall interests of the Borough of Oceanport, or the residents of Oceanport. In fact, the Applicant's proposed lighting scheme will actually help improve the overall public safety.
- The Application as presented also requires a Variance for Lot Coverage. Specifically, a maximum lot coverage of 75% is allowed; whereas 83% lot coverage is existing and proposed.
- The Board recognizes that the non-conforming Lot Coverage is, essentially, an existing condition, which is not being exacerbated herein.
- The Board Members also recognize that the excess Lot Coverage in many respects, stems from the recent FMERA consolidation of the former Commissary Lot, the PX Building Lot, and the Post Office Lot into a single tax lot.
- The Board recognizes that in that no demolition is proposed for Phase I, the Applicant is merely proposing to continue the existing lot coverage (until such time as the Phase II and Phase III elements are approved and constructed.
- The Board recognizes that the construction of the Phase II aspect of the proposal, will result in an overall compliant lot coverage.
- The Board notes that per the revised Plans, the Applicant will provide a sufficient number of bicycle racks so as to satisfy the Prevailing Standards (and / or so as to satisfy modified design standards embraced by FMERA).
- The Board is aware that the Prevailing Fort Monmouth Economic Revitalization Authority Regulations permit the granting of Design Waivers / Exceptions when either the literal enforcement of a particular regulation is impractical; or when literal enforcement of the design regulations will exact undue hardship. Upon critical review of the matter, and subject to the conditions set forth herein, the Board finds that the Design Waivers requested herein, and approved herein, are reasonable, and will not compromise public health or safety.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which provide for, or otherwise guide, the appropriate use or

development of all lands in the State, in manner which promotes the Public Health, Safety, and General Welfare. The Board finds that, subject to the conditions contained herein, approval of the within Application will advance such a purpose. Specifically, appropriate renovation of the Commissary Building, and the adaptive reuse of the same for modern residential purposes, will, in fact advance the general welfare.

- One purpose of the Municipal Land Use Law encourages the approval of Applications which provides sufficient space in appropriate locations for a variety of uses – and, subject to the conditions set forth herein, the Board finds that approval of the within Application will advance such a purpose. Specifically, the aesthetically appropriate renovation of the Commissary Building will be effectuated at the site. Per the testimony and evidence presented, and subject to the conditions contained herein, there is sufficient space to accommodate the Applicant's proposed uses on the site (as evidenced by the more than compliant parking, and the overwhelming compliance with other prevailing bulk conditions, etc.).
- Per the testimony and evidence presented, and subject to the conditions contained herein, the Board finds that the renovation of the Commissary Building for use as a modern / permitted use, is appropriate for the site (in accordance with the operational parameters testified to at the Public Hearing.)
- Likewise, as previously set forth, the Board finds that approval of the within Application constitutes, and represents, an adaptive reuse the Commissary building.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which promote the design of transportation routes which encourage the free flow of traffic, with an efficient traffic circulation plan. Subject to the conditions contained therein, the Board finds that approval of the within Application will advance such a purpose. Specifically, the Applicant's representatives provided more than sufficient parking spaces to accommodate the Applicant's proposed uses which will, in turn, help promote a safe and efficient traffic circulation flow in conjunction with the Applicant's proposal.
- One purpose of the Municipal Land Use Law encourages Applications to be approved which promote a desirable visual environment with good civic design standards and arrangements. Subject to the conditions contained herein, the Board finds that approval of the within Application will advance such a purpose. Specifically, the adaptive reuse of a vacant, worn, and underutilized building will be beneficial for the site, the neighborhood, and the Borough of Oceanport as a whole. Additionally, as referenced herein, the Board Members recognize the many benefits associated with the preservation of the building.
- The Board is also aware that in conjunction with the within Application, there will be major improvements to the existing Commissary Building, and that the same will be upgraded pursuant to applicable building codes and regulations. The Board finds that the significant improvements, as aforesaid, will clearly improve the overall aesthetic appeal of the site.

- Proposed improvements to the existing Commissary building include electrical, plumbing, other utility and aesthetic improvements for tenant occupancy.
- The aforesaid architectural and aesthetic improvements will help beautify the site.
- The Board is also aware that the renovations approved herein will result in a building which is fully compliant with Prevailing Building / Construction / Fire Code Regulations.
- Based upon the testimony and information presented, the Board finds that approval of the within Application is consistent with the FMERA Reuse Plan, as amended. Specifically, as the same relates to the within tract, the FMERA Reuse Plan, as amended, provides for the adaptive reuse of the Commissary Building. (See section 2.3 of Reuse Plan Amendment #15.)

The Board finds that subject to the conditions contained herein, approval of the within Application will, in fact, advance such a purpose.

- In accordance with the FMERA Reuse Plan, the Board finds that, subject to the conditions contained herein, approval of the subject Application will aid FMERA in its efforts to attract suitable ventures which wish to relocate to the former Fort Monmouth site, and such ventures which also have the potential to replace jobs which were lost when the former army base was closed.
- In accordance with the FMERA Reuse Plan, the Board finds that approval of the within Application will, subject to conditions contained herein, help attract visitors to the Fort Monmouth site.
- In accordance with the FMERA Reuse Plan, the Board is aware that approval of the within Application will generally advance the FMERA goal/objective of creating an extensive system of bikeways, pedestrian trails, and sidewalks, circulating throughout the former army base site.

MISCELLANEOUS FINDINGS

- The Board is aware that the Applicant's proposed uses are permitted under the Prevailing FMERA Land Use Regulations.
- The Applicant has a proven track record of successful development.
- The Applicant's representatives have, throughout the entire development process, worked in good-faith with municipal representatives – and the Planning Board appreciates the good-faith efforts in the said regard.
- Throughout the Public Hearing process, the Applicant's representatives have in good-faith, expressed a willingness to reasonably cooperate with the Board, to revise the Plans in accordance with Board requests, and to consider other design options when available – all of which resulted in a better overall proposal.

- Throughout the Public Hearing process, the Applicant's representatives have addressed a majority of Board concerns, and either revised the Plans accordingly, or agreed to revise the Plans (as a condition of the within approval), which will ultimately minimize any adverse impacts otherwise associated with the proposal approved herein.
- As a result of the Applicant's good-faith commitment to work with the Borough / Planning Board to address legitimate development / design concerns, the Applicant's representatives have caused the Plans to be revised on a number of occasions, arranged for Phase 2 and Phase 3 Plans to be prepared / submitted on an expedited basis, and appeared at 2 extensive Planning Board Hearings. The Board appreciates the Applicant's ability and willingness to work with the Board.
- The site will be appropriately landscaped (subject to the conditions set forth herein).
- There will be sufficient landscaping throughout the development site, as necessary / appropriate.
- One purpose of the Municipal Land Use Law encourages the approval of Applications which, under appropriate circumstances, result in the creation of a variety of commercial uses, in appropriate locations. Based upon the Prevailing circumstances, and based upon the Prevailing FMERA Regulations/ Reuse Plan (as amended), the Board finds that the subject development site is an appropriate host site for the proposed Development.
- To a large extent, the renovation associated with the within Approval will take place on land which has already been developed. Thus, subject to the conditions noted herein, approval of the within Application will allow appropriate development to occur with little or no adverse impact on the environment.
- The Board recognizes that the Borough's Master Plan and FMERA's Redevelopment Plan essentially (and generally) encourage the approval of Applications which enhance various neighborhoods throughout the Borough by providing for appropriate redevelopment, reinvestment, revitalization, and capital improvements, all designed to strengthen and improve the fabric of each area. For the reasons set forth herein, the Board finds that the approval of the within Application will, essentially, advance such general / presumed Redevelopment Plan objectives.
- The Board is also aware that the Borough's Master Plan and FMERA's Redevelopment Plan essentially encourage the approval of Applications which promote a cooperative approach to economic development and revitalization through investment, maintenance, and reinvestment in existing areas – and, for the reasons set forth herein, the Board finds the approval of the within Application will generally advance such a presumed goal / objective.
- Subject to the conditions set forth herein, approval of the within Application will not impair the character of the existing area.

- Subject to the conditions contained herein, approval of the within Application will have no known detrimental impact on adjoining property owners and thus, the Application can be granted without causing substantial detriment to the public good.
- Approval of the within Application will promote various purposes of the Municipal Land Use Law; specifically, the same will provide a desirable visual environment through creative development techniques.
- The Application as presented and modified satisfies the Statutory Requirements of N.J.S.A. 40:55D-70(C) (Bulk Variances).
- Subject to the conditions contained herein, the Application as presented and modified satisfies the Preliminary and Final Major Site Plan Requirements of the Borough of Oceanport and the FMERA Redevelopment Regulations.

Based upon the above, and subject to the conditions contained herein, the Board is of the unanimous opinion that the requested relief can be granted without causing substantial detriment to the public good.

CONDITIONS

During the course of the Hearing, the Board has requested, and the Applicant's representatives have agreed, to comply with the following conditions:

NOTE: Unless otherwise indicated herein, all Plan revisions shall be acceptable to the Board Engineer.

- a. The Applicant shall comply with all commitments, promises, and representations made at or during the Public Hearing process.
- b. The Applicant shall comply with the terms and conditions of the Engenuity Review Memorandum, dated March 19, 2021 (A-27).
- c. The Applicant shall sign a Developer's Agreement which shall be approved as to form and content by the Borough Council of the Borough of Oceanport, the Borough Attorney, and the Borough Engineer. The said Developer's Agreement shall address such things which include, but are not necessarily limited to, the following:
 - The timeframe within which the Phase 2 and Phase 3 improvements are to be commenced / completed;
 - Some type of assurance / security (acceptable to the Borough Council of the Borough of Oceanport), be it a bond, letter of credit, or some other vehicle guaranteeing that if the Phase 1, Phase II, and Phase III parking lot improvements, utility improvements, and grading / drainage improvements are not completed in a timely manner as agreed-upon by the Developer and Borough, then, in that event, the Borough of Oceanport can utilize / release the agreed upon security so

as to ensure that the necessary Phase 1, Phase 2, Phase 3 parking lot improvements, grading / drainage improvements, and utility improvements are completed (at no cost to the Borough of Oceanport);

- An incorporation of any Borough-approved commercial traffic routes (to and from the site) which will minimize / restrict / eliminate certain truck / trailer traffic through the Borough's more residential streets; and
 - Other standard items as the Borough of Oceanport may require / prefer.
- d. The Applicant's representatives shall officially commence the Developer Agreement process within 90 days of the adoption of the within Resolution.
- e. The Applicant shall comply with Prevailing ADA Standards and, in furtherance thereof, the Applicant's Architect shall supply calculations so as to ensure that the amount of money spent on ADA improvements at the site complies with Prevailing Requirements associated with the retrofitting of an existing building. The said calculations, and / or interpretation of the calculation methodology, shall be reviewed and approved by the Board Attorney and Board Engineer.
- f. Unless otherwise waived by the Board Engineer, the Applicant shall submit parking spot elevations in accordance with the Board Engineer's Review Memorandum (A-27)
- g. In the event any contaminated soil needs to be removed from the site, the Applicant shall ensure that the same is effectuated, in compliance with all Prevailing Environmental Regulations. Additionally, the Applicant shall ensure that a Licensed LSRP shall oversee the same, and the associated methods employed (including soil testing process, removal process, remediation process, disposal process, etc.).
- h. Unless otherwise approved by the Board Engineer, the Applicant shall arrange for the Environmental Impact Statement to be prepared by a Licensed Environmental Scientist.
- i. The Applicant's representatives shall consider the possibility of installing solar panels at the site, and the Applicant's representatives shall advise the Board Secretary, in writing, as to any developments in the said regard. (The Applicant shall be required to obtain any and all necessary approvals which may be required in connection therewith.) (Note: The within condition shall not be interpreted or otherwise construed as a bases for which any building / construction / zoning permits are to be delayed or denied.)
- j. The Applicant shall obtain any and all necessary approvals as the municipal / county Board of Health may require.
- k. The Applicant's representatives recognize that the Oceanport Planning Board has no authority / jurisdiction over alcohol-related matters, and thus,

any Applicant proposal which includes the use / distribution / consumption / manufacture of alcohol shall require the Applicant to obtain any and all necessary approvals from the Alcoholic Beverage Control, the State of New Jersey, the Borough of Oceanport, as well as any other Agency having jurisdiction over the matter.

- l. Because of the Coronavirus Pandemic, and the Emergency Restrictions associated therewith, and the impact the same has had, or may have had, on the traffic counts presented to the Board (in conjunction with the within approval), the Applicant's representatives shall be required to submit an updated / new Traffic Impact Report in connection with the Phase 2 / Phase 3 development approval process. The said Reports shall appropriately reference / consider / count / calculate the impact of other previously approved / anticipated developments in and around the Borough of Oceanport (including residential developments, commercial developments, and other mixed-use developments).
- m. Given the importance of the situation and the inter-related nature of the Phase 1, Phase 2, and Phase 3 aspects of the development, the Applicant shall diligently, and in good-faith, pursue the Phase 2 and Phase 3 approvals of the within site, in accordance with the parameters of the to-be-negotiated Developer's Agreement with the Borough of Oceanport.
- n. The Applicant's representatives shall comply with the FMERA Re-Use Plan, and Amendments associated therewith, and any uses at the site shall specifically be uses which are permitted under the Prevailing FEMA Regulations.
- o. The Applicant's representatives shall obtain any and all necessary / applicable demolition permits as the Borough of Oceanport (and any other Agency having jurisdiction over the matter) may require.
- p. The Applicant's representatives, shall perpetually maintain, replace, and replant landscaping at the site, as necessary to maintain the landscaping aesthetics for the property, as contemplated by the approved Plan (and / or as otherwise testified to during the Public Hearing process).
- q. The approval granted herein shall comply with all applicable Prevailing FMERA Regulations and the FMERA Mandatory Conceptual Review approval.
- r. The Applicant's representatives shall cause the Plans to be revised so as to portray and confirm the following:
 - i. The inclusion of a note confirming that the 236 parking spaces at the site shall be immediately and appropriately repaired, in a safe and durable fashion, so as to simultaneously improve the overall functionality of the same, eliminate trip hazards therein, and improve the overall aesthetic appeal of the same;
 - ii. The plans shall show that the utility box will be sufficiently landscaped (with year-round landscaping) on 3 sides of the

structure (without compromising the Fire Department connection / access);

- iii. The inclusion of a note confirming that the year-round landscaping placed around 3-sides of the utility hot box shall be perpetually maintained / replaced / replanted, as necessary, so as to have the same perpetually shielded;
- iv. The inclusion of a note confirming that a sidewalk shall be placed around the utility box, unless landscaping is placed around the same. (Note: Landscaping is preferred);
- v. Sufficient bicycle racks shall be shown on the plan in accordance with Prevailing Regulations (as no such Design Waiver is granted);
- vi. The inclusion of a note confirming that the parking lot shall be re-striped in accordance with Prevailing ADA Standards (including the installation of designated / appropriate signs / stalls, etc.);
- vii. The inclusion of a note confirming that the trees in the area behind the Commissary Building shall be maintained on site, but that the Applicant shall have the limbs removed from the same which are below 6 ft. (so as to confirm the absence of any violation / compromise of the Sight Triangle Easement);
- viii. The inclusion of a note confirming that if the aforesaid tree limbing (below the 6 ft. mark) of the trees behind the existing Commissary Building do not significantly clear the Sight Triangle Easement, (or otherwise compromises the Sight Triangle Easement), then, in that event, the Applicant's representatives shall arrange for the referenced trees behind the existing Commissary Building to be removed. The Board Engineer shall have the discretion to determine if the tree limbing is sufficient, or whether the actual tree removal is preferred / required, etc.);
- ix. The inclusion of a note confirming that an "employee entrance only" sign shall be placed on the door / façade, facing Lot 5/26, along with a sign in the island, identifying "employee parking only";
- x. The inclusion of a note confirming that per Point 13.3 of the Board Engineer Review Memorandum, the limits of concrete repair shall be portrayed on the Plans and spray-painted at the actual site;
- xi. The inclusion of a note confirming that boards shall be placed on / over the doors of the vacant / dilapidated / unsafe buildings located on the site which are not demolished prior to the issuance of a Certificate of

Occupancy in connection with the within Phase I conditional approval;

- xii. The inclusion of a note confirming that per the Easement and Exhibits associated therewith, the Applicant's representatives shall perpetually and properly maintain adjacent Lots 5 & 26 (which are not owned by the Applicant) in accordance with property owner's rights and subject to property owner's approval, as necessary;
- xiii. The inclusion of a note indicating that the applicant shall use diligent efforts to work with the Borough to provide reasonable signage so as to minimize / eliminate heavy vehicles (8,000 pounds and over) being operated through residential areas and to encourage trucks to utilize the CR537 and/or State Highway Route 35 corridor, in accordance with the Borough's approved route;
- xiv. The inclusion of a note providing that Applicant shall, in good faith, petition the Borough of Oceanport and FMERA to: (1) determine a suitable commercial traffic route in accordance with the Planning Board's recommendations; (2) adopt ordinances or rules to govern such suitable commercial traffic routes; and (3) direct tenants to utilize such preferred commercial routes. The Applicant's Representatives shall periodically report back to the Board Secretary, in writing, to reasonably advise as to any substantive developments in the said regard;
- xv. The inclusion of a note confirming that unless otherwise requested by the Borough of Oceanport, the Applicant (and any successor owner, shall maintain the roads within the subject property boundaries;
- xvi. The inclusion of a note confirming that if requested by the Borough of Oceanport, the Applicant shall provide the Borough of Oceanport with Title 39 Jurisdiction over the property;
- xvii. The inclusion of a note confirming that the Applicant shall mark-out the curbs, as necessary;
- xviii. The inclusion of a note confirming that the Applicant shall block-off parking areas not in use (so as to promote public health and safety); and
- xix. The inclusion of a note confirming that the Applicant shall include a provision in its Lease (with all Tenants for the buildings at the site) (all Phases) to specifically direct the preferred commercial traffic route for deliveries to / from site. A copy of the language to be inserted in the Lease shall be submitted to the Board Secretary and Board Attorney.

- s. The Applicant shall comply with all prevailing/applicable Affordable Housing Rules, Regulations, Directives, and Contributions, as required by the State of New Jersey, COAH, the Borough of Oceanport, the Court System, and any other Agency having jurisdiction over the matter.
- t. Any Easements required / provided hereunder, if any, shall be reviewed and approved by the Board Engineer and Board Attorney. Upon such review and approval, any such required / provided Easements shall be recorded in the Office of the Monmouth County Clerk – and proof of same shall be submitted to the Board Secretary.
- u. If requested by the Borough of Oceanport, the Applicant shall sign a Developer's Agreement – and the said Agreement shall be reviewed and approved by the Borough Attorney, the Borough Engineer, and the Borough Council of the Borough of Oceanport.
- v. The Applicant's representatives shall, in good-faith, meet with the Municipal Bureau of Fire Prevention representatives to review fire safety requirements, if any.
- w. The Applicant's representatives shall have a pre-construction meeting with Municipal representatives (including Police representatives) so as to appropriately identify, establish, and enforce mutually agreeable construction access routes, and other construction-related details (so as to minimize / limit any construction disturbance to the other residents in the former Ft. Monmouth Complex).
- x. The Applicant shall comply with any and all applicable Prevailing ADA Requirements.
- y. The Applicant shall obtain any applicable permits/approvals as may be required by the Borough of Oceanport - including, but not limited to, the following:
 - Building Permits
 - Plumbing Permits
 - Electric Permits
 - Fire Permits
- z. The Applicant shall comply with all Prevailing FEMA / Flood Regulations.
- aa. Unless otherwise waived by the Board Engineer, the Applicant shall submit Grading / Drainage Plans (for the review and approval of the Board Engineer), so as to confirm that the same will have no adverse impact on the site or the surrounding properties
- bb. The construction shall be strictly limited to the Plans which are referenced herein, and which are incorporated herein at length. Additionally, the construction / renovation shall comply with Prevailing Provisions of the Uniform Construction Code.
- cc. The Applicant shall comply with all terms and conditions of the Review Memoranda, if any, issued by the Board Engineer, Borough Engineer,

Construction Office, the Municipal Project Assistant, the Department of Public Works, the Bureau of Fire Prevention and Investigation, and/or other agents of the Borough.

- dd. The Applicant shall obtain any and all approvals from applicable outside agencies - including, but not limited to, the Federal Government, the State of New Jersey, the Department of Environmental Protection, the Monmouth County Planning Board, and the Freehold Soil Conservation District, etc. Additionally, to the extent the application materially changes as a result of any of the aforesaid outside approvals, then, in that event, the Applicant shall be required to return to the Board for further review / relief.
- ee. The Applicant shall, to the extent necessary, secure any applicable RSIS Exemption Approvals as may be required by the State of New Jersey.
- ff. The Applicant shall, in conjunction with appropriate Borough Ordinances, pay all appropriate/required fees, taxes, and charges.
- gg. The within conditions/restrictions shall be binding on any successor owners, tenants, operators, etc. (to be liberally construed).

SUMMARY OF VARIANCE RELIEF GRANTED

LOT COVERAGE: 75% allowed; whereas 83% approved.

BE IT FURTHER RESOLVED, that all representations made under oath by the Applicant and/or its agents shall be deemed conditions of the approval granted herein, and any mis-representations or actions by the Applicant's representatives contrary to the representations made before the Board shall be deemed a violation of the within approval.

BE IT FURTHER RESOLVED, that the Application is granted only in conjunction with the conditions noted above - and but for the existence of the same, the within Application would not be approved.

BE IT FURTHER RESOLVED, that the granting of the within Application is expressly made subject to and dependent upon the Applicant's compliance with all other appropriate Rules, Regulations, and / or Ordinances of the Borough of Oceanport, County of Monmouth, and State of New Jersey.

BE IT FURTHER RESOLVED, that the action of the Board in approving the within Application shall not relieve the Applicant of responsibility for any damage caused by the subject project, nor does the Planning Board of the Borough of Oceanport, the Borough of Oceanport, or their

agents/representatives accept any responsibility for the structural design of the proposed improvements, or for any damage which may be caused by the development / renovation.

This resolution memorializes an action taken at the regular meeting of the Oceanport Planning Board held on March 23, 2021 on roll call that evening by the following vote:

Offered by: _____

Seconded by: _____

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Rue (Alt. 2)	()	()	()	()	()

This resolution was offered by _____, seconded by _____, and adopted on roll call by the following vote:

ROLL CALL	YES	NO	ABSTAIN	ABSENT	INELIGIBLE
Widdis	()	()	()	()	()
Whitson	()	()	()	()	()
Davis	()	()	()	()	()
Tvrdik	()	()	()	()	()
Foster	()	()	()	()	()
Kleiberg	()	()	()	()	()
Kahle	()	()	()	()	()
Savarese	()	()	()	()	()
Cooper	()	()	()	()	()
Dailey (Alt. 1)	()	()	()	()	()
Rue (Alt. 2)	()	()	()	()	()

I hereby certify that the foregoing Resolution was adopted by the Planning Board of the Borough of Oceanport at its meeting of April 27, 2021.

Jeanne Smith, Secretary



Planning/Zoning Combined Board

PO Box 370
Oceanport, NJ 07757

SCHEDULED

PLANNING BOARD APPLICATION (ID # 1858)

Meeting: 04/27/21 07:00 PM
Department: Planning/Zoning Board
Category: PB Applications
Prepared By: Jeanne Smith
Initiator: Jeanne Smith
Sponsors:
DOC ID: 1858 A

PB2020-07 Ft Monmouth Business Center (FMBC)

Fort Monmouth Allison Hall Parcel
Block 110, Portion of Lot 1
Signal & Oceanport Avenues
Preliminary & Final Site Plan
CARRIED from March 16, 2021

EXHIBITS:

- A-1 Land Development Application
- A-2 Plans entitled "Preliminary and Final Major Site Plan, Fort Monmouth Post Allison Hall Parcel", 19 Sheets, prepared by Morgan Engineering and Surveying, last revised Feb. 1, 2021
- A-3 Boundary and Topographic Survey, Portion of Lot 1, Block No. 110, 2 Sheets, prepared by Morgan Engineering and Surveying, dated August 2, 2018,
- A-4 Stormwater Management Report for Preliminary and Final Major Site Plan - Allison Hall," prepared by Morgan Engineering and Surveying, last revised Feb. 4, 2021
- A-5 Stormwater Operation & Maintenance Report for Preliminary and Final Subdivision - Allison Hall, prepared by Morgan Engineering and Surveying, dated Feb.4, 2021
- A-6 FMERA Mandatory Conceptual Review dated September 11, 2020
- A-7 Traffic Report prepared by McDonough and Rea Associates, Inc., revised Feb. 10, 2021
- A-8 Maser Consulting Review Letter dated February 19, 2021
- A-9 Architectural Plans, 21 Sheets, prepared by MODE Architects, last revised March 1, 2021
- A-10 Presentation of Hearing Package