



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • APRIL 27, 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 7:00 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.
Moment of Silence: Chairman Widdis called for a moment of silence in honor of the passing of Rachel Savarese – wife of Board member Michael Savarese and the passing of former longtime member Jim Slattery.
- 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	Absent	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Absent	
Darren Davis	Class IV	Remote	
Michael Dailey	Alternate I	Remote	
Jeanne Smith	Board Secretary	Present	
Kevin Kennedy	Board Attorney	Remote	
William White	Board Engineer/Planner	Remote	

VI. **Board Business:**

1. Approval of Minutes - Special - Mar 16, 2021 7:00 PM

RESULT: ACCEPTED [UNANIMOUS]
MOVER: James Whitson, Vice Chairman
SECONDER: Patty Cooper, Mayor's Designee
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Davis, Dailey
ABSENT: Kahle, Savarese, Kleiberg

2. Approval of Minutes - Regular - Mar 23, 2021 7:00 PM

RESULT: ACCEPTED [6 TO 0]
MOVER: Joseph Foster, Environmental Committee Liaison
SECONDER: James Whitson, Vice Chairman
AYES: Widdis, Whitson, Cooper, Tvrdik, Foster, Davis
ABSTAIN: Dailey
ABSENT: Kahle, Savarese, Kleiberg

3. Annual Financial Disclosure Statements

Ms. Smith reminded Board members of the requirement to file their Annual Financial Disclosure Statements.

4. Report of Pending Applications

Ms. Smith advised of upcoming applications for the May 11th meeting.

VII. Old Business:1. **PR-21-13** Resolution of Approval - 675 Oceanport Way; Oport Partners

As the Resolution had been previously provided to the Board, Mr. Kennedy summarized the resolution and conditions, which Mr. Foster made a motion to approve the Resolution, which was seconded by Mr. Whitson and received the below roll call:

RESULT:	ADOPTED [6 TO 0]
MOVER:	Joseph Foster, Environmental Committee Liaison
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Davis
ABSENT:	Kahle, Savarese, Kleiberg
INELIGIBLE:	Dailey

2. **PB2020-07** Ft Monmouth Business Center (FMBC)

Fort Monmouth Allison Hall Parcel

Block 110, Portion of Lot 1

Signal and Oceanport Avenues

Preliminary and Final Site Plan with variance

CARRIED from March 16, 2021

EXHIBITS:

A-11 Revised Site Layout (Pg 4 of 19), prepared by Morgan Engineering & Surveying, last revised April 12, 2021

A-12 Revised Landscape Plan, Notes & Details (Pg 10 of 19), prepared by Morgan Engineering & Surveying, last revised 4/12/2021

A-13 Renderings of Carty Avenue Access, 6 Sheets, prepared by MODE Architects, undated

A-14 Revised Architectural Floor Plans and Elevations, 7 Sheets, prepared by MODE Architects, last revised April 14, 2021

A-15 Revised Renderings of Site Plan, 3 sheets, prepared by Morgan Engineering & Surveying, dated April 15, 2021

A-16 Hearing Presentation Package for April 27, 2021, 55 pages

Chairman Widdis announced next order of business, Fort Monmouth Business Center also known as Allison Hall, Block 110, preliminary and final site plan carried from March 16th, 2021. Mr. Kennedy swore in William White, Board Engineer/Planner. Ms. Smith added for the record Mr. Foster did review the meeting for this hearing and is now eligible to vote on this matter. Ms. Smith described submitted revised exhibits which were marked A-11 through A-16.

Steve Gouin, Attorney for the Applicant appeared with Applicant, Mike Abboud and Applicant's Professionals - Matt Wilder, Paul Ricky, Scott Kennel and Dan Contour. Remaining under oath from last hearing were Mr. Wilder and Mr. Abboud.

Mr. Gouin provided a summary of the previous hearing's testimony, continuing testimony to be given by Mr. Wilder concerning the revised site plan as requested by the Board as well as testimony from the architect, traffic engineer and professional planner.

Mr. Wilder explained revised plan, Exhibit A-11, describing changes including previously a 14' wide drive through lane, that abutted to 5' sidewalk in the rear of the retail building, now revised to reduce the width of the drive-thru lane to 11' - wide enough to accommodate the use, allowing the design to take the sidewalk at the backside of the retail building and widen it to 8', thereby creating an outdoor corridor. They are proposing a fence on the backside 6' off the retail building providing room to navigate and the fence will be an additional two feet from the curb adjacent to the drive through. Crosswalks provided to center depressed concrete area and then back to the area of the trash which is behind the retail building. Plan revised to relocate the trash enclosure - the one behind the retail store that was previously 15 feet from the retail building - pushed towards the retail building to recess it a little bit to give more benefit for the shielding that we have proposed for the landscaping, added some sidewalk in the rear to make it more accessible. Landscaping design along Barton proposed as a mix of Evergreen and deciduous tree with the addition of a 6' solid fence parallel to Barton in both behind the retail building and also behind mixed use building. The only other additional changes on this set of plans are the enlargement of the sidewalk behind mixed use building from what was previously 5' to 10' and that was the recommendation of board to accommodate moving pallets, and things of that nature into and out of the building with the additional space. They acknowledge that additional plan revisions do need to occur but thought it prudent to resubmit a revised plan showing some of the bigger changes that they thought the Board would like to see.

Mr. Gouin asked if any board members had any questions for Mr. Wilder.

Chairman Widdis asked for additional testimony concerning engineering and safety matters.

Mr. Foster asked questions regarding the stormwater runoff, volumes, sufficiency of system. Mr. Wilder responded they have received a permit from the state which included review for design and they are not required to mitigate the volume of run off. The system has been designed to treat the storm water that falls onto the paved surfaces, they've met the requirement for the water quality and disburse stormwater off site by discharge into Parkers Creek. Mr. White added that the DEP also reviews for the CAFRA permits so there are two sets of eyes looking at review of the stormwater.

Councilman Tvrdik asked if they had a tenant for the drive thru space, and was told not at this time.

Mr. Davis expressed concern regarding running the sidewalks from the interior hallways to the walkways. Mr. Wilder responded that they did consider that design but had concerns relative to creating an interior walkway for maintenance purposes, being fully enclosed people may be more inclined to just leave items in the hallway getting ready to take them out. In the event of an emergency or some other hazard where people had to leave the buildings quickly, concerns for fire exit access.

Mr. Davis asked questions about mesh size of the fencing proposed and would like a tighter mesh to avoid kids being able to stick their hands through if car moves forward. Mr. Wilder testified that the fence is 8ft to the face of the curb - the height is 2 feet.

Mr. Davis expressed concern for the island that comes through as a walkway to the dumpster and suggested bollards to bring it down to ground level. Mr. Gouin told Mr. Davis his comments about the fence are acceptable and the curb being lowered and adding the bollards. Mr. Davis had questions about disabled parking, Mr. Wilder explained to the board the spots were put where they are because that's the closet route to the entrance. When you place it against the actual building, where the sidewalk is running parallel to the building, you're requiring them to traverse the sidewalk. The only accessible means to enter the ramp because of the gray change is adjacent to the driver. When relocated there it's just going to be a longer route for handicapped person to access this ramp.

Daniel Condatore, Applicant's Architect was sworn in, presented his qualifications and was accepted as an expert in architecture. Mr. Condatore testified regarding the historical preservation requirement for Allison Hall parcel, designed to comply with the Historic Preservation Guidelines, use of brick materials and masonry products. The buildings will not be one style but unified by their use of the brick material. Mr. Condatore took the board through building 210 which is on the northern most portion of the site. The building is along the waterway and promenade. It is an existing building that will be re used for two purposes. The lower will become a restaurant space and the second floor is going to be an office space. There is a new promenade that is being introduced along the waterway that connects to new residential further to west. They will be creating outdoor space and outdoor dining. We will be adding some small roof areas, and some pavilions. Mr. Condatore next described the characteristics and designs for Building 199, a pre fab not in uniform with other buildings. Proposal is to strip off existing metal cladding and come up with a new skin of the building that uses the colors and tones of some of the other buildings being proposed. Also add more lighting and windows to make it more inviting and usable as an office. Mr. Condatore talked about Allison Hall the overall goal of this building is rehabilitation within the guidelines of the historic regulations. The facade is primarily going to remain the same, Upgrades planned for ADA components within the building and upgrading the base building systems, mechanical systems and windows. The goal is to restore the building and bring it back to life. Displaying the floor plans for Allison Hall, Mr. Condatore continued testimony describing a mixed use space for the buildings to the south. The buildings will continue with the red brick look but will be more contemporary. Spaces will have front and rear access. Building number 2 is also a mixed-use space. He addressed a comment from the last meeting about the mechanical units being seen by residents, they have elevated parapets that provide screening so units will not be visible. Also they addressed concern from the board about the architecture looking the same from the front and the back of the building. He then showed the L shaped shopping center that is more traditional for a shopping center. This plaza is more walkable for consumers and provides shelter from weather. They also have 3 open air options, covered for outdoor seating on each end and one in the center. Updates include adding a fence where the drive thru is and relocating the exit doors so they aren't exiting onto the drive up.

Chairmand Widdis asked for questions from the Board.

Mr. Whitson asked how many cars can the drive thru reasonably handle without jamming up the parking lot? He was told they will come back to that question after questions about the architect.

Mr. Davis asked questions and expressed concerns about the units on the roofs visually. He has concerns for the residents seeing them from their 2nd or 3rd floor windows. He asked if proper screening and a higher parapet would work. They agreed to add additional screening for any kind of mechanical venting or air handling unit.

Chairman Widdis addressed that building 210 should have the same screening on the roof because of the new homes that will be built. They agreed to that as well.

Mr. Foster would like to know how they will address parking requirements? Mr. Gouin responded to the extent that the tenant mix, impacts the number of permitted parking spaces they would need to return to the Board for parking variance with that tenant in order to get relief from that limitation.

Mr. Condatore continued testimony regarding the proposed signage - two monument signs, proposing signage for each of the tenants on the building. One monument sign will be at the entrance of Signal Avenue and the other is at the one-way drive thru that intersects with Oceanport Avenue. They then showed a rendering of the sign for the tenants the overall sign is 12 ft tall and 11 ft wide. The signage

area provided is 81 square ft. Proposal includes 1 sign per tenant that would be a face mounted sign a tenant would be provided area for placement and wouldn't be able expand beyond that.

Chairman Widdis asked what size those signs would be? They responded with 15 square feet.

Chairman Widdis wants to know how they will be lit? Mr. Condatore answered, the signage proposed on the building would be externally lit, with gooseneck fixtures that compliment the architecture.

Mr. Foster asked if the signs would be the same such as font and style. Mr. Condatore replied that some retailers have their own logo that would need to be presented.

Mr. Dailey feels the monument signs are too large, and how many tenant would be on the sign. He felt it was redundant to have the Monument signage and signage on the buildings. Mr. Gouin explained that each monument sign would be for 2 different buildings not the same building. One would be placed in front of a mixed use, the other in front of retail space.

Chairman Widdis asked what is their definition of mixed use, and what kind of tenant would be there.

Mr. Gouin said there are a number of uses that are permitted under Plan Amendment #11, but generally, they are the commercial office uses like karate studios. We are calling it mixed use, because it will be a mix of commercial office and other commercial uses, but largely not the same type of uses that would utilize the retail center.

Scott Kennel, Applicant's Traffic Expert, was sworn in and provided testimony regarding the Signal Avenue and Oceanport Avenue intersection, that will serve as primary site access and designed for full movements; provide 2 egress lanes, a left and a right turn lane. Proceeding in the southerly direction towards 537, there will be ingress only driveway where left turn ingress and right turn ingress should be permitted at that location. Into the site, turns permitted for left or right to go to the park and fields or continue straight to the mix building number two. Proceed south towards 537, another access serving park and field for the retail development. There will be a right in and right out only, come around in clockwise and on to 537 and then onto Russell. At Barty opposite Carty, there will be a full movement access point at that location to primarily serve the service areas that accommodates traffic originating from the west on 537 that can enter the site without having to go through the intersection of Oceanport Avenue and Rt. 537. The final access is at Barty Avenue and Signal Avenue. As far as the parking is concerned, the testimony for the parking needs met exceeds the municipal ordinance. The parking is well distributed throughout the site to adequately serve the 6 buildings. In Mr. Kennel's opinion, the parking is more than adequate, it's well distributed, and it will be able to accommodate the peak demands of the various type of uses that are on site. Next plan is to show a comprehensive pedestrian circulation of where they have crosswalks designated. There are sidewalks that permit pedestrian movement between buildings, whether it's on the south track or north track or between the two sites, if someone from the mixed use building wants to head to another mixed use buildings there are pedestrian connections to allow someone to walk safely and efficiently. Mr. Kennel then addressed the Drive-thru lane that's been designed at a length of approximately 170 feet that can accommodate 8 to 9 vehicles. The capacity for 8 to 9 vehicles is more than adequate. Its also in an area of low traffic volume.

Chairman Widdis asked for questions from the Board.

Mr. Dailey asked questions about the full movement of making a left out across the double lines onto Oceanport Avenue and having a right in left out, and having a left in, right out and left in within 250 ft of another entry point. Mr. Kennel said its only Signal Avenue where the northern most access that will be full movements, meaning that left and right turns from Signal Avenue where left and right turns in the driveway to the south is about 300ft it will be ingress only, left turns in and right turns in only.

Mr. White asked if the Applicant discussed with the county about putting a second signal there? Mr. Kennel responded yes, and as a result, the traffic projections did not meet the warrants for a traffic signal, And as far as the county is concerned, it was their preference for no signal at that location, given the proximity to Rt. 537, but in a review of the traffic projections, it would not meet the criteria to warrant the traffic signal at that location.

Mr. White asked, if an opposing entrance was provided for the other side of Oceanport Avenue would it warrant a signal? Mr. Kennel said it depended on the axis system and the intensity use. If enough traffic was generated they would open up the discussion about the signal with the county again.

Chairman Widdis asked if there was a definite plan in place or an agreement in place that these ingress and egress from Oceanport Avenue were approved by the County? Mr. Kennel said there is conditional approval.

Chairman Widdis asked what does conditional mean? Mr. Gouin replied and said there's no agreement, but the county reviews projects just like the board does, just like the approval that the Board would issue, there are conditions on the Applicant complying with all the recommendations of Mr. White's review letter, obtaining all outside agency approvals, making plan revisions, and agreeing to all the conditions. The County's approval is conditional on resolving those items until you can get a building permit. So its not final until we obtain other approvals including Oceanport's site plan approval.

Mr. Widdis asked if Oceanport approves the plans will the County go along with what you have presented?

Mr. Gouin said their expectations are that yes the county will go along with the plans, but in the future they could tell them they may have to change one thing or another, and if that's the case we would have to do that because one of the conditions of your approval is that we obtain final site plan approval from the county.

Mr. Tvrdik asked the traffic planner about the drive thru, if the cars are backed up where will excess cars line up, would they back up onto Oceanport Avenue? How would you stop cars from blocking? Mr. Kennel said they could add a provision, the cars could come into the site, the drive isle then circulate around mixed-use building number 1.

Mr. Foster has many concerns about the traffic patterns and safety of pedestrians. Also wanting another traffic light and why has the County deemed it not necessary? Mr. Gouin told Mr. Foster that they are providing sidewalks along the whole area. All the plans shown have been approved by the County. The traffic signal determination was that it did not meet the criteria established by the Federal Highway Administration for a traffic signal at this location.

Mr. Wilder said they went back and forth to the county a couple of times. At this point, they have no issues whatsoever with our access points as they are proposed. The conditional approval released to certain sight triangle easements, they're asking us to establish drainage areas for the adjacent bridge to the north of the property. The conditional approval is fully, essentially independent of the access points and the on-site circulation. When we say it's conditional approval, it's paperwork, odds, and ends. It's nothing of substance relative to the design. As was previously indicated, we did have a secondary right in right out only to Russell Avenue and the county did require us to close that. They have seen this plan and as Mr. Kennel indicated, from an access point of view, they are fully on board with our proposal.

Mrs. Cooper asked about the drive-thru and the reasoning for the middle driveway? Mr. Kennel said the intent is to provide more direct access for the loading areas for the two buildings, also to have more direct parking for the parking fields, such as the retail parking field without having to travel to Signal Avenue and then traverse to site or come down Barton Avenue to get to that parking field.

Paul Ricci, Applicant's Professional Planner was sworn in. Mr. Ricci provided testified that the project is in full conformance with zoning, except for the two freestanding signs that were mentioned. Regarding the signage, the only variance relates to the total sign area and the height of the two proposed monuments signs. The building mounted signs will conform to FMERAs regulations. These signs are modest, 15 square feet each represent around 3.5% of the facade area to which they are fixed anytime you're around 5% or less planners refer to that as boutique signage. Mr. Ricci referring to Oceanport Code Section 390:28C(6)D the zone plan permits free standing signs in shopping centers up to 20 feet but no greater in area of 100 square feet and no more than two freestanding signs shall be permitted per shopping center, the project is on par with all those standards. Mr. Ricci stated that they're only seeking variances for signage. Mr. Gouin stated that they comply with Oceanport's ordinance about sign use but need a variance from FMERA's land use regulations.

Mr. Davis asked questions of Mr. Wilder including installing a walkway along building number 2 around the dumpsters. Mr. Wilder agreed that they would provide the walkway. Mr. Davis requested additional trees and a narrower drive aisle. Mr. Wilder agreed to narrow the drive from 20' to 18' and add striped separation aisle instead of a line, giving a two-foot buffer. Mr. Davis asked at building 1 would they place trees in the grass strip. Mr. Wilder agreed. Mr. Davis said there is no landscape around building two. Mr. Wilder said there is no landscaping because part of their CAFRA approval they were required to provide underground recharge systems for as many buildings as possible so we have an underground recharge system that takes roof runoff from that mixed use building two and be recharged into the ground. They agreed to plant something with a very shallow root system and also add a tree at the tip of the aisle coming out of building to the right in right out access to go back out to Oceanport Avenue.

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

Elka Merz, 23 Russel Ave, asked questions at length about the drive thru circulation from Barton Avenue. Mr. Wilder described the various traverse options. Ms. Merz expressed concern that exit was big and directs drivers towards the residential section. Mr. Davis suggested a sign saying all drive through traffic and have an arrow pointing left. Mr. Gouin agreed to do that. Ms. Merz asked additional questions on the pedestrian routes and concluded by saying they were looking forward to the project.

Mr. Tvrdik asked if the signage could indicate "local traffic only" to dissuade people going through there to which Mr. Gouin agreed.

Jordan Rizzo, 6 Carty Ave., asked questions at length regarding the driveway to Barton Ave, its purpose, traffic flows and would they consider making it an entrance only. Mr. Kennel responded the driveway to Barton Avenue has multiple purposes - it provides access to the mixed use buildings access for patrons and for deliveries associated with the commercial development. Mr. Rizzo also asked questions about turn movements from Signal onto Oceanport Ave; turn movements for other exits out of the site;

Mr. Rizzo asked how the trash will be collected? Mr. Kennel said the trash enclosures on the two mixed use buildings could be used as a front loader then they can utilize the internal circulation to exit the site they're not required to go out Barton Avenue to leave the site. The site has been designed to accommodate large wheelbase vehicles to circulate internally. Mr. Gouin said they're ok with limiting the garbage haulers, the front-end loaders, and telling them that they have to circulate around the retail building rather than utilizing Barton Avenue for access. They have already agreed to provide signage directing traffic away from residential areas.

Mr. Rizzo asked if garbage and delivery hours have been established? They responded that garbage hours are 6am to 6pm but at Mr. Tvrdik's request they had agreed to limit hours to 8am to 6pm.

Mr. Rizzo asked about the hours of operation? Mr. Kennel said there is no prohibition on hours of operation within the Borough. Only prohibition on hours of operation within the borough involves the sales of alcohol. We will comply if we have a tenant that provides sales of alcohol, we will comply with their hours of operation, Beyond that they will comply with the noise ordinance but there are no restrictions within the borough ordinance within hours of operation. We will comply with the noise ordinance which permits 65 decibels during the daytime hours and 50 decibels during the nighttime.

Mr. Rizzo asked about the last meeting request to show additional landscaping towards rear of commercial building and concerns for headlights at night not being buffered. Mr. Wilder answered the dumpster was moved closer to the building, added 6' fence and there are evergreens proposed between the street trees and doesn't believe the residents will experience any nuisance lighting.

Mr. Rizzo asked about menu boards and would the applicant need to come before the board for approval?

Mr. Gouin said land use regulations at this property is a permitted use so he believes signage associated with the drive thru is going to be permitted as an accessory used in the drive thru.

Mr. Rizzo asked if there had been any further consideration of Mrs. Cooper's question to close the end of the drive thru lane off Oceanport Ave and would they be agreeable to closing that. Mr. Gouin answered yes, they spoke, but were not going to do that.

Mr. Rizzo asked about statements made concerning Starbucks not coming to the site.

Mr. Davis commented that there needs to be made clear the limits of the Board's jurisdiction and while many of the questions are being asked are good, they are not within the Board's jurisdiction. Mr. Kennedy commented on the uniqueness of the redevelopment of Fort Monmouth and the Borough has not control over use – only site plan, function, safety.

Mr. Davis also pointed out that Mr. Tvrdek had gone to FMERA and requested that they limit the drive thru which originally permitted 2 at the site and they changed it to permit only 1.

Diane Baxter, 19 Allen Ave, asked why is such commercial use permitted next to residential areas and no consideration made for that. Mr. Gouin responded that the site was not planned for residential and they are proposing exactly what was planned for the site by FMERA's development plan. Mrs. Baxter also asked why do they need such big signage and couldn't they design it more like the Grove where it is less intrusive on the residential areas? Mr. Gouin deferred to previous testimony given on same matter.

Liz Rizzolo, 5 Russel Ave, asked questions about the turn movements from the drive thru out to Barton and what would be permitted.

Mr. Kennel said the design there will be access to Barton, you can go left or right. The right hand movement would accommodate local trips within the Fort that would want to access the retail buildings. Ms. Rizzolo asked if it was possible to remove the Barton Ave access to the retail site. Mr. Kennel answered no, they could not remove that. She also questioned what low-volume drive through meant and was told something like a pharmacy. She also asked who would enforce the garbage trucks not coming in before 8am and was told the owner would address with contractors as a breach of contract.

Mr. Tvrdek asked if the applicant would limit the times of the drive thru to tenants like Rook that closes at 6pm versus a Cluck U Chicken that's open 24 hours? Mr. Kennel said not knowing what tenant will be in place it's hard to lock in any hours.

Mary Jo Balve, 2 Carty Ave, thanked the Applicant's for a beautiful presentation and they are thrilled that the development is coming through and asked Mr. Wilder about the overall site plan - are the trees that are on the West side running South and North on the plans going to be planted by the applicant? Mr. Wilder said yes, they would be planting the trees around the buildings.

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

Mr. Foster requested a letter from the Oceanport Police department regarding their view on traffic. He would like that as part of the resolution. Mr. Gouin said they would do that.

Mr. Davis commented that he believes that the Board has done everything within the Board's jurisdiction and appreciated the Applicant's efforts and looks forward to seeing the site cleaned up.

Mr. Tvrdek agreed with Mr. Davis and appreciated two Oceanport residents taking on the project and looked forward to the new site.

Mr. Davis asked about the sign for the drive-thru and if it needed a variance because he would like to address now so they don't have to return. Mr. White answered it was not currently being sought and would depend on what tenant come in which Mr. Gouin agreed.

PUBLIC: Chairman Widdis opened the hearing to comments from the public on the application. As there was no one from the public, Chairman Widdis closed that portion of the meeting.

Liz Rizzolo, 5 Russel Ave, thanked the Board for their support on traffic and the drive thru and commented that making a left out onto Oceanport Ave should be reconsidered; thanked Tetherview and requested an ice cream store or bagel shop!

Mr. Kennedy commented on Mr. Tvrdek's request for limited drive thru hours was not enforceable. Mr. Gouin commented that was not something they wanted consent to as they wanted the most flexibility for a tenant to come in.

Mr. Tvrdek asked wouldn't they be amenable to limiting the hours to 10pm for reasonableness and work with residents.

Mr. Davis stated he would prefer not to have a 24-hr drive thru and agreed with Mr. Tvrdek with the 10pm time which coincides with the noise ordinance.

Mr. Gouin conferred with Applicant and agreed they would limit it to 11pm which the Board was agreeable to and concluded with summary remarks and appreciated the Board's efforts.

Mrs. Cooper made a motion to approve the application with the changes agreed to and thanked the developer for being so flexible and listening to the concerns and for the changes agreed to. Mr. Davis seconded the motion and also appreciated the developer's flexibility and looks forward to it being completed.

Mr. Kennedy told Mr. Gouin just for the record you understand that the conditions of approval include all the promises and commitments and representations you made tonight and the other nights during this public hearing process to which Mr. Gouin agreed.

Motion to Approve with Conditions

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

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.

IX. Adjournment: As there was no further business, the meeting was adjourned at 10:57 pm on a motion by Councilman Tvrdik which was seconded by Mr. Davis and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary