BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● APRIL 9, 2019

Regular	**Maple Place School**	**7:30 PM**

2 Maple Place, Oceanport, NJ 07757

I. Call to Order: Chairman Widdis called the meeting to order at 7:30 p.m.

II. Open Public Meetings Statement: This meeting complies with the Open Public Meetings Act by notification on January 9th and 11th, 2019 of this location, date and time to the Asbury Park Press and the LINK News and by the posting of same on the municipal bulletin board and Borough Web Site.

III. Flag Salute: Chairman Widdis led the audience and members of the Board in the flag salute.

IV. Roll Call:

Attendee Name	Title	Status	Arrived
Christopher Widdis	Chairman	Present	
James Whitson	Vice Chairman	Present	
Darren Davis	Mayor's Designee	Present	
Robert Proto	Council Liaison	Present	
Joseph Foster	Environmental Commission Liaison	Present	
John (Jack) Kahle	Class IV	Present	
Michael Savarese	Class IV	Absent	
Robert Kleiberg	Class IV	Present	
Daphne Halpern	Class IV	Absent	
Thomas Tvrdik	Alternate I	Present	
Eric Motzenbecker	Alternate II	Present	7:49 PM
Jeanne Smith	Board Secretary	Present	
William White	Board Engineer/Planner	Present	
Kevin Kennedy	Board Attorney	Present	

V. Board Business:

1. Approval of Minutes, March 12, 2019
2. Approval of Minutes, March 26, 2019

Chairman Widdis advised that minutes would be available for the next meeting.

VI. Resolutions:

1. PR-19-11 Resolution of Approval, NJ City University

As the resolution had been previously provided to the Board, Mr. Kennedy summarized the Resolution, reviewed evidence to support testimony, recommends resolutions be automatically provided to FMERA and not rely on applicant to communicate with FMERA, advised of minor changes requested including the allowance of tables in the kitchen/café, and typographical error for total square feet for 2 signs. Mr. Foster pointed out the responsibility for the multi-use trail lies with Applicant so he will remove FMERA and replace with Applicant as the responsible party for constructing the multi-use trail, after which Mr. Whitson made a motion to approve the resolution as amended which was seconded by Mr. Foster and received the following roll call:

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Widdis, Whitson, Davis, Foster, Kahle, Kleiberg, Tvrdik
ABSENT:	Savarese, Halpern, Motzenbecker
INELIGIBLE:	Proto

2. PR-19-12 Resolution of Approval, 275 Port Au Peck Assoc.

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

RESULT:	**ADOPTED [4 TO 0]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Foster, Kahle, Kleiberg
ABSENT:	Savarese, Halpern
INELIGIBLE:	Widdis, Davis, Proto, Tvrdik, Motzenbecker

VII. Old Business: None

VIII. New Business:

1. PB2019-01 Denholtz Custom Homes

27 Shore Road
Block 73, Lot 5
Variance relief for proposed construction of single-family home, pool and associated improvements.

Chairman Widdis advised that this matter had a deficiency in the notice and would be providing new notice for the May 14, 2019 meeting. Mr. Kennedy confirmed with the Applicant's attorney that he consented to extend the timeframe within which the Board has time to act.

2. PB2019-02 Martelli Development

222 Monmouth Blvd.
Block 65, Lot 1
Major Subdivision - 12 Lots

Chairman Widdis advised that Councilman Proto and Mr. Davis recused themselves from hearing the Application.

Exhibits

A-1 Land Use Development Application of Martelli Development
A-2 Traffic Study Waiver Request, dated March 22, 2019
A-3 Maser Consulting Review letter dated March 28, 2019
A-4 Stormwater Management Report prepared by InSite Engineering, LLC, dated February 21, 2019, last revised February 27, 2019
A-5 Environmental Impact Statement prepared by InSite Engineering, LLC, dated February 21, 2019, last revised February 27, 2019

A-6 Preliminary and Final Major Site Plan, 14 Sheets, prepared by InSite Engineering, LLC, dated February 21, 2019, last revised February 27, 2019
A-7 Color Site Rendering with Aerial Overlay, prepared by InSite Engineering, LLC, undated.
A-8 Illustrated Boundary & Topographic Survey, prepared by KF2T Professional Land Surveyors, dated September 8, 2018, last revised March 4, 2019.
A-9 Marketing Brochure prepared by Michael James Monroe, Architect, dated February 2, 2016.

Mr. Kennedy asked if there was anyone present who had an objection to the notice provided for this application. Hearing none, advised that he had reviewed the notice and found service in order and the Board had jurisdiction. Mr. Kennedy then marked for the record **Exhibits A-1, A-2, A-3, A-4, A-5** and **A-6**.

William White, Board Engineer/Planner was sworn. Mr. Salvatore Alfieri, Esq. appeared on behalf of the Applicant. He advised the principal of the Applicant is Salvatore Martelli, Patrick Ward, Applicant's Engineer/Planner and Michael Monroe, Applicant's Architect.

Mr. Alfieri advised that on the left side of the property, there is an easement that is labeled "to be vacated". He stated the Applicant does not have authority or permission from the beneficiary of that easement to vacate it, so that language will be eliminated. Mr. Ward was sworn, presented his qualifications and was accepted as a professional engineer and planner. Mr. Ward identified and marked **Exhibit A-7** into the record. Mr. Ward described the location and present condition of the property. He stated the Applicant is seeking preliminary and final major subdivision approval for 12 conforming lots. Mr. Ward stated there will be a new road with public right of way and access to the site from Monmouth Blvd. He described where homes will be located on the parcel.

Mr. Ward noted the property is in a flood hazard area and stated the base flood elevation (BFE) is 10 ft. Therefore, the Applicant is required to fill the property as much as possible. The proposed first floor elevation for the homes is 13.4 ft. Crawl spaces and garages will be at elevation 11. Mr. Ward entered **Exhibit A-8** into the record and explained this revision was submitted to the DEP for the LOI. The Applicant is proposing a 10 ft. strip of vegetation in an effort to restore some of the previously disturbed areas. The Applicant is proposing a 30 ft. wide road and is seeking a sidewalk waiver. He stated the roadway allows for emergency vehicles and semi-trailers access and referenced truck turning templates. The Applicant is proposing new utility connections for the site.

Mr. Ward testified that the previous storm water management infrastructure will be removed and replaced. He described the proposed storm inlets in the right of way and the wetlands areas to collect runoff and discharge into the County system on Monmouth Blvd. and eventually to the tidal water.

Mr. Ward compared the previous trip generation for old Borough Hall to the proposed trip generation. He described the proposed on and off street parking, proposed street lighting, landscaping and street trees. Mr. Ward described the 50 ft. wide right of way easement from Myrtle Ave and continues to the south behind the Port Au Peck Firehouse. Mr. Kevin Brinsley, Esq. entered his appearance and advised that his client, Barbara Reagor, is the owner of the easement.

Mr. Alfieri referred Mr. Ward to **A-3**. Mr. Ward advised that there will be no bulk variances associated with the project. Mr. White stated that plot plans have not been submitted, but when submitted, the side yard setbacks will be reviewed for compliance. Chairman Widdis requested clarification of the proposed plans. Mr. Ward stated the Application shows illustrative house boxes, they do not define the footprint of the dwellings. Mr. Alfieri stated that the Applicant will comply with all comments contained in **A-3** except for the requirement to vacate the easement.

Chairman Widdis had additional questions regarding elevation. Mr. Ward explained the entrance, road elevations and lot grading. Mr. Tvrdik asked about privacy details. Mr. Ward explained there will be a berm and plantings. Mr. Kleiberg asked if the plan included sufficient street lighting. Mr. White discussed lighting with Mr. Ward and agreed to place lighting only where it was needed. Mr. Kahle asked about drainage and runoff to the existing lots to the east. Mr. Ward stated most of the property drains mostly to the wetlands area. Mr. Foster asked about elevations. Mr. Ward explained the average is 6 ft. There was discussion regarding the future elevation, and Mr. Ward stated it would depend on the individual homeowners. There was additional discussion regarding building elevation and DEP requirements. Mr. Whitson asked questions about the wetlands areas. Mr. Ward explained DEP requirements and the Applicant's proposal. Mr. Motzenbecker asked why sidewalks were not included. Mr. Ward explained that the plan matches the neighborhood. There was discussion regarding installation of fire hydrants, landscaping and landscape easements.

PUBLIC:
Chairman Widdis opened the meeting to questions from the public for this witness only.

Kevin Bransley, Attorney for Barbara Reagor, appeared and asked about landscaping on the right of way easement. Mr. Alfieri stated the Applicant stipulated to that. Mr. Bransley asked if the plan would increase drainage to the easement which would cause flooding. Mr. Ward stated the prior development was a more intense use, and felt the drainage would be improved with the planned grading and addition of a swale to direct any runoff. Mr. Bransley asked if the swale could be moved from the easement and still allow the same desired effect. Mr. Bransley asked where the water would go towards Myrtle Ave. Mr. Ward explained that there are County inlets which lead water off-site. Mr. White explained that the ditch runs parallel to Myrtle Ave. to a County ditch where it is piped down Myrtle Ave. Mr. Bransley asked if anything in the plans would have an effect on adding water to his client's property to the south. Mr. Ward advised nothing would and provided an explanation.

Robert Holden, 7 Blue Point Cove, was sworn and asked about the setbacks from houses that back up to Monmouth Blvd. Mr. Ward stated it's technically a front yard setback, which is 30 ft. If a house is built with a setback less than that, the purchaser would need to apply for a variance. Mr. Holden asked about screening from Monmouth Blvd. Mr. Ward stated there would be staggered arborvitaes and shade trees. Mr. Holden asked if there was a prohibition to fencing. Mr. White explained the Borough's fence requirements.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Foster expressed concern regarding the right of way, in particular 4 houses to the east, where future homeowners may install fencing or drainage where it's not permitted and asked what would preclude that from happening. Mr. Ward stated the Applicant could make a specific disclosure to purchasers regarding the easements, which going forward would appear on a future title search. There was additional discussion regarding the easements.

Mr. Bransley appeared again and asked what for the distance between the 50 ft. setback and the back 4 homes. Mr. Alfieri replied it was approximately 15 feet, and reminded Mr. Bransley that these were illustrative house boxes and final build out could be different.

Michael James Monroe, Applicant's Architect was sworn, presented his qualifications and was accepted as an expert in architecture. He introduced **A-9** and described its contents, which included average square footage, different footprints, landscaping and buffering. Mr. Monroe testified that it's roughly 3500 sq. ft., 2 story dwellings, crawlspace and 2 car garages. Mr. Foster expressed concern regarding configuration of the properties to the east and asked if the scope of the project could be moved so the easement could be fenced off for suitable plantings. Mr. Monroe explained the footprint could be modified to keep usable yard space.

PUBLIC:
Chairman Widdis opened the meeting to questions from the public for this witness. As there was no one, he closed that portion of the meeting.

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

3. Motion to Approve Major Subdivision for 12 Lots. Mr. Whitson made a motion to approve the application which was seconded by Mr. Kleiberg and received the following roll call:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Robert Kleiberg, Class IV member
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Tvrdik, Motzenbecker
ABSENT:	Davis, Proto, Savarese, Halpern

4. PB2019-03 Martelli Development

282 E. Main Street
Block 121, Lot 4
Preliminary and Final Site Plan approval with Variances and Design Waivers/Exceptions for proposed three (3) story mixed use development consisting of 1,400 sf of commercial space and eight (8) apartments.

Exhibits
A-1 Land Use Development Application of Martelli Development
A-2 Traffic Study Waiver Request, dated March 22, 2019
A-3 Maser Consulting Review letter dated March 26, 2019
A-4 Site Plan, 11 Sheets, prepared by InSite Engineering, LLC, dated February 21, 2019, last revised February 27, 2019
A-5 Architectural Plans, 2 Sheets, prepared by Michael James Monroe, Architect, dated February 21, 2019, last revised February 25, 2019
A-6 Stormwater Management Report prepared by InSite Engineering, LLC, dated February 27, 2019
A-7 Environmental Impact Statement prepared by InSite Engineering, LLC, dated February 27, 2019
A-8 Letter Report of Phase II Investigation, prepared by RTP Environmental Associates, dated January 10, 2019
A-9 Memorandum from Kendra Layle of Clark Caton Hintz, Borough Planner
A-10 Colored Rendering of Sheet 1 of Exhibit A-5
A-11 Colored Site Rendering with Aerial Overlay, prepared by InSite Engineering, LLC, dated April 9, 2019.
A-12 Wetlands Locations Survey, prepared by KF2T Professional Land Surveyors, dated January 29, 2019.
A-13 Marketing Brochure prepared by Michael James Monroe, Architect, dated February 2, 2016.

Mr. Kennedy advised this was a use variance application and advised that Councilman Proto and Mr. Davis, Mayor's Appointee, would not hear the application. He asked if there was anyone present who had an objection to the notice provided for this application. Hearing none, advised that he had reviewed the notice and found service in order and the Board had jurisdiction. Mr. Kennedy then marked for the record **Exhibits A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8 and A-9.**

Mr. Salvatore Alfieri, Esq. appeared on behalf of the Applicant. He advised the principal of the Applicant is Salvatore Martelli, Patrick Ward, Applicant's Engineer/Planner and Michael Monroe, Applicant's Architect.

William White, Board Engineer/Planner was sworn.

Mr. Alfieri described the Application as a mixed use project, and the D variance relief is not due to the uses, but because of the design within the building. The project is a partner to the previous Application. The prior Application had 12 single family homes. This project has 8 apartments, for a total of 20 residential units. He explained that 4 of the apartment units will be designated as affordable housing to comply with the redevelopment agreement for the 222 Monmouth Blvd. project.

Michael James Monroe, 12 Broad St., Red Bank, Applicant's Architect was sworn, presented his qualifications and was accepted as an expert as an architect. He introduced **Exhibit A-10** and provided a description of the building and streetscape. He stated the first floor is planned for commercial use, and the Applicant has a tenant interested in opening a small bakery on the first floor. He described parking, entrances, bedrooms per unit and other amenities on the building. Mr. Monroe testified that it is a 3 story building, which will require a variance. Mr. Monroe provided an explanation for the distribution of COAH and market rate units and the square footage requirements.

Mr. White noted there was no restroom for the bakery. Mr. Monroe replied that there will be a barrier free bathroom. Mr. Whitson asked if the location could accommodate emergency vehicle access. Mr. Monroe replied the entire building will have sprinklers, and he did not have a concern about access. Mr. Foster asked about the building height. Mr. Monroe replied their height measurement was taken 6 ft. away from the building. From the crown of the road, the height will be 38 ft. and the elevator shaft will extend approximately another 3 ft. Mr. Kahle asked why some units had laundry rooms versus utility for the COAH units. Mr. Monroe stated it is possible to get a stackable washer and dryer in each unit, but they are not required for COAH units. Mr. Kleiberg noted that the ADA bathroom must be available for staff and patrons. Mr. Monroe stated there will be small tables and an ADA accessible bathroom for both. Mr. Kleiberg stated the kitchen will need a three compartment sink and wanted to know how the ovens will be exhausted. Mr. Monroe stated there will electric ovens with a heat hood and acknowledged the need for 4 sinks.

Mr. Tvrdik wanted information regarding front lighting and access to the back. Mr. Monroe explained the illumination and foot candle levels. The Applicant's Engineer will discuss trash and recycling. Mr. Whitson asked if the current debris will be removed, and Mr. Alfieri stated it would be removed. Mr. Foster had questions regarding hook ups in the utility rooms. Mr. Monroe stated all units will have hook ups to allow for appliances. Mr. Widdis led a discussion regarding locating the building at the back of the property versus the front of the property.

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

Patrick Ward, Applicant's Engineer/Planner was sworn, provided his qualifications and was accepted as an expert. He introduced and described **Exhibit A-11.** He testified to site layout, circulation, setback compliance, driveways, patron, pedestrian and residence access, trash enclosure, site landscaping, and fencing. Utilities are provided by public sewer, water, gas and electric. The Applicant is proposing new connections, but maintaining those services. He stated traffic generation will be increased by a de minimus amount and explained the traffic impact calculations and peak hours. Mr. Ward discussed street lighting and parking lot lighting, which will not have any spillover, but provides sufficient lighting for safety. He described landscaping to screen vehicles and headlights, foundation plantings, and trash enclosure screening. The Applicant is proposing one building mounted sign for the commercial unit.

Mr. Ward testified that the Applicant will comply with comments contained in **A-3**. Specifically, the Applicant will address Page 3 Items, C, D, E and F, previously provided testimony regarding traffic impact, and the Applicant will comply with C1. Under Item G, other than handicap parking, all other spaces will be reserved for occupants and/or patrons, without assigned spaces. Mr. Ward stated the trailer on Lot 5 will be removed. Mr. Ward testified the Applicant will obtain any outside agency approvals required, there is no NJDEP approval required. Mr. Ward explained that there is one portion of the site in a flood hazard area. Wetland zones are not a concern. The Applicant will fill in low areas of the flood hazard areas. Mr. White confirmed the Applicant's plans are compliant with the Base Flood Elevation, with a finished first floor at 10.5 ft. Mr. Alfieri introduced **Exhibit A-12**.

Mr. Motzenbecker expressed concerns about the construction site having a pre-school as a neighbor, including noise from construction impacting the school. Mr. Ward advised that he would meet with pre-school representatives and coordinate construction around their peak times. Mr. Motzenbecker asked about roof runoff, and Mr. Ward explained the Applicant will comply with Mr. White's recommendations, including installation of swales and re-grading to control runoff. Mr. Whitson asked if a garbage truck and another vehicle would be able pass through at the same time. Mr. Ward stated with private sanitation pickup, specific schedules can be made so as not to impact patrons. Mr. Whitson asked how anyone would know a bakery existed when viewed from the street. Mr. Ward replied that will be up to the tenant. Mr. Foster noted that it's a dangerous curve and expressed concern regarding the sight line. Mr. Ward stated the sight triangles will be provided to Mr. White and will ensure no landscaping is within the sight triangle. Mr. White stated he was not aware of any issue with the adjacent use and its traffic.

Mr. Kahle asked questions about the fencing. Mr. Ward stated the Applicant proposes board on board around and running it as close as possible to E. Main. There was discussion regarding timing of deliveries, site and security lighting and signs. Mr. Tvrdik had privacy concerns regarding the pre-school, garbage disposal and the parking, but was satisfied with the Applicant's response. Chairman Widdis led a discussion on the sight triangles, hours of lighting.

PUBLIC:
Chairman Widdis opened the meeting to questions from the public for this witness.

Kerin Slattery, 10 Elliott Pl., previously sworn, owner of Oceanport Pre-School, thanked the Applicant for addressing its concerns. He questioned the number of parking spaces and expressed concern that there will be overflow parking at the pre-school. He asked when construction would begin. Mr. Ward stated the delivery of the affordable housing units is tied to the construction on the homes on the sister project.

As no one else from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

Mr. Foster asked additional questions regarding parking. Mr. Ward replied that the number of spaces was based on the number of bedrooms in each unit, and commercial parking is based on the Borough's ordinance.

Mr. Ward listed the variances requested by the Applicant: 3 D-1 use variances for number and location of residential units; a D-6 variance for height; maximum building height and stories, 2 bedroom unit floor area, parking and parking lot setbacks. He provided details and reasons for each of the requested variances. Mr. Ward described how the benefits of the project outweigh the negative criteria.

Mr. Ward listed the requested design waivers and provided details and reasons for each request.

Mr. Kahle asked why the building couldn't be moved back 9 ft. and add 2 more parking spaces in front, increasing the number of spaces to 21. Mr. White concurred that it was a good idea. Mr. Monroe stated the Applicant will move the building back at least 9 ft. for 2 spaces, and maximum 18 ft. to add another 2 spaces.

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

5. Motion to Approve. Mr. Whitson made a motion to approve the application with conditions including increasing 2 to 4 parking spaces by moving the building back either 9 or 18 ft., which was seconded by Mr. Tvrdik and received the following roll call:

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	James Whitson, Vice Chairman
SECONDER:	Thomas Tvrdik, Alternate I
AYES:	Widdis, Whitson, Foster, Kahle, Kleiberg, Tvrdik, Motzenbecker
ABSENT:	Davis, Proto, Savarese, Halpern

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Chairman Widdis closed that portion of the meeting.

X. Adjournment: As there was no further business, the meeting was adjourned at 10:26 pm on a motion by Chairman Widdis, which was seconded by Mr. Kleiberg and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary