



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:

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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, Tvrdik, 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