



BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES • JANUARY 26, 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 following Board policies: 1) It is Board Policy that no application will be opened after 9:30 P.M. 2) 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. Chairman Widdis 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 the Board members in the flag salute.
- V. **Roll Call:**

Attendee Name	Title	Status	Arrived	Departed
Christopher Widdis	Chairman	Remote		
James Whitson	Vice Chairman	Remote		
Patty Cooper	Mayor's Designee	Remote		
Thomas Tvrdek	Class III	Remote		
Joseph Foster	Environmental Committee Liaison	Remote		
John (Jack) Kahle	Class IV	Remote		
Michael Savarese	Class IV	Remote	9:08 PM	
Robert Kleiberg	Class IV	Remote		
Darren Davis	Class IV	Remote		
Michael Dailey	Alternate I	Remote		
Vacant	Alternate II	Absent		
Jeanne Smith	Board Secretary	Present		
Kevin Kennedy	Board Attorney	Remote		
William White	Board Engineer/Planner	Remote		
Richard Tilton	Acting Board Attorney	Remote	8:55 PM	

VI. **Board Business:**

- Acceptance of Resignation - Jacob Rue. Chairman Widdis noted for the record that the Board had been advised of Mr. Rue's resignation and thanked for Mr. Rue for his time of service and his valuable input.
- Approval of Minutes - Aug 11, 2020 7:30 PM

RESULT:	ACCEPTED [7 TO 0]
MOVER:	Joseph Foster, Environmental Committee Liaison
SECONDER:	John (Jack) Kahle, Class IV
AYES:	Widdis, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSTAIN:	Whitson, Tvrdek
ABSENT:	Savarese

- Report of Pending Applications

Ms. Smith gave a report of applications scheduled for the February 9th and 26th meetings subject to notice requirements

including Mohawk Ave and the former Fort Commissary and Allison Hall parcels.

VII. Old Business:

1. Resolution of Approval - 111 Hiawatha Ave, Stetter, Kevin - 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. Kleiberg and received the below roll call:

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

2. Resolution of Approval - 177 Comanche Drive; Jake Beim - 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. Whitson and received the below roll call:

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

Councilman Tvrdik stated that it was his understanding that one of the parties regarding the next application expressed concern about his communications with the Applicant and neighbors as a Councilman conducted in good faith interaction and therefore recused from the Arce matter and exited the meeting at 7:19 PM

3. PB2020-27 Arce, Rosetta

CARRIED from December 16, 2020
49 Sagamore Ave
Block 11. Lot 25

EXHIBITS:

- A-6 Grading Plan Revised, prepared by R.C. Associates Consulting, Inc., last revised Jan. 6, 2021
- A-7 Topographic Survey Revised, prepared by R.C. Associates Consulting, Inc., last revised Dec. 30, 2020.
- A-8 Maser Consulting Review Letter dated January 25, 2021

Mr. Kennedy marked and described Exhibits A-6, A-7 and A-8. Mr. Kennedy then swore in Mr. White the Board's Engineer/Planner. Mr. Kennedy told Mrs. Arce that she was sworn in at the last meeting and that she remains under oath. William Merumk, Applicant's Professional Engineer, was sworn in, presented his qualifications and was accepted as an expert in engineering.

Rosetta Arce, Applicant/Owner of 49 Sagamore Avenue re-introduced herself to the board. Mrs. Arce said after listening to the board's suggestions, they've revised the plans for the inground swimming pool, and taken the recommendations of the board, and the town engineer from the previous hearing, and have made a number of changes to conform. Plan changes include a reduction in the number of variances for the construction of the pool and have also reduced the initial requested impervious coverage amount. Concerning the engineering report from Maser Consulting, and the recommendations from the previous hearings, they have completed the additional requests listed from the November review letter.

Mr. Merumk testified that the pool was relocated to comply with the setback requirements include west setback to the house of 10' complies based on the latest review from Maser. The building setback to the porch deck in the back needs a setback

for 5.6 feet. For the landing they're proposing 4.5' by 7.5' and that's to get outside of the existing patio sliding doors that are on the back of the house. They reduced the original deck to a minimal so they can get outside of the house. At the rear property line they're proposing 2.5' setback to the pool. Right now the fence is about one foot off the property line so they're proposing to fill in the area between the pool and the existing fence line with some stone just to cover the areas to help with grading. There's not going to be any planned access way back there and it's just going to be if they need to go back there for maintenance of the pool. Variances are also needed for the existing shed on the property. The back shed is 0.7' off the side property line which is existing non-conformity and would like to keep that one, also the existing vinyl shed that sits in the driveway. They have revised the drainage design. They modified the walkway around the pool to just two sides. They have water directed into a trench drain which is then directed into a stone pit. They did a soil boring on the property and there is clay at the top of the ground level. They put a note on the plans to excavate below the clay layer then the bottom of the clay layer is going to be filled with sand or clean gravel on top of the good sand that's underneath the ground so that way the water will percolate into the ground and not get stuck in the clay layer. The building coverage is at 30.5% and we are reducing it down to 26.54% then the impervious coverage is being increased due to the pool going in, but that has been reduced since the original application. They also reduced the paved walkway around the pool to just the two sides.

Chairman Widdis asked to go over the variances that are requested.

Mr. Merumk replied proposed 2.66' for the rear setback and 5.6' from the house where 10' required. The pool is 10' from the actual dwelling but because the deck is counted as part of the building, they are 5.6' from the edge of the deck to pool.

Chairman Widdis asked if it was proposed to have walkway around two sides? Mr. Merumk stated yes that the side closest to the house and the side by the shed. The south side and east side only. On the north side would be decorative stone between the pool and existing fence just to cover the area since the pool is going to be elevated due to the existing slope on the property. Impervious coverage is 37% permitted, 50.5% exists and they want to increase that to 56.09%. that would include the enlarged pool, coping and the pool equipment. There is an existing frame shed on the property with a 7' existing setback where 10' is required and is a permanent shed so they would like to keep that and get the variance to let it stay. There is a shed in the front of the property that's off to the side at 7.8' and they want to keep that distance.

Chairman Widdis asked Mr. Merumk to address Mr. White's review letter.

Mr. Merumk testified that when they did the soil boring that the top left corner of the plan that there is clay soil down to about 6' and under that is all sand. They are proposing when they put in the stone pit to excavate out all the clay then fill in the bottom portion with clean sand and gravel, so that way at the bottom of the stone pit, that is being proposed 3x3x3 at the bottom of the 3' will be clean sand going down to the natural sand that's underneath the property. Mr. Merumk added that they can provide additional spot grades for water flow. The trench drain will catch all the water from the walkway and put it into that trench drain and recharge all the water. The area between the house and the pool will follow the existing flow over land.

Chairman Widdis asked what the level of the house, pool and backyard? Mr. Merumk said they're proposing the pool at 14.5, with a one-foot change in grade which they propose to fill with some stone.

Chairman Widdis asked if Mr. White had concerns or questions.

Mr. Whites expressed concern for the existing vinyl shed, impervious coverage, only one car able to park in the driveway, RSIS requires three and half cars, being it's a three to four bedroom house there should be parking for three. Mrs. Arce responded two cars fit in the driveway. Mr. White stated there was no room for a third car which was his concern. The driveway stops about 30' into the property and they look for about 18' to 20' depth per car. It looks like the bumper is going to be at the curb. Mr. Merumk asked if it would be acceptable to relocate the shed to give them the room in the driveway? Mr. White commented that increases the impervious coverage.

Mr. Whites also expressed concern that the pool coping is at 14.5, the rear fence is at 13.5 it's a very steep incline there and that basically a foot and half drop that's steep and unsafe. Mr. Merumk said if they lowered the grade down more they will have a big slope going from the yard into the pool. Mr. White said this a safety concern especially since there's only 1' coping around the pool.

Chairman Widdis opened up questions from the board members.

Mr. Foster asked if the stone being put in is impervious coverage? Mr. White said because its being used as landscape no. Mr. Foster asked about the Vinyl shed whats behind the steps, is it grass? Mr. Merumk said its all grass.

Mr. Davis asked Mr. White about the 3x3x3 recharge with the stone, is it going to clog, is it adequate, should it be a tank?

Mr. White said he asked drainage computations to demonstrate that was sufficient capacity.

Mr. Kahle asked if there were any other options to deal with the water that you're trying to catch in the dry well? Is this the only option available? Mr. Merumk responded the property drains from the right to the left side, side property drains down towards the west. Mr. Kahle asked if the dry well was going to catch the trench drain? Mr. Merumk yes, just catching the increasing impervious coverage that we are adding for the walkway.

Chairman Widdis asked where the fence is going? Mr. Merumk that there is a chain link fence at stairway going down the back of the driveway, they are proposing that the wall around the stairs to be increased to 4' to that it would be compliant, then add a fence down the east property line where the chain link fence is now at the back of the property line. Chairman Widdis asked about the fence on the eastside of property? Mr. Merumk proposing a 6' vinyl fence to go from stairway to the basement to the back property line where there is currently a 6' vinyl fence that's about 6 inches off the property line. Chairman Widdis asked what they were doing on the westside of the property? Mr. Merumk said they wanted to use the neighbor's fence to tie in with theirs. Mr. White commented that UCC code does not permit you to use somebody else's fence for a pool.

PUBLIC: Chairman Widdis opened this portion of the meeting to questions from the public for this witness. Ms. Smith provided the participation information.

Kathy Kenny, 84 Monmouth Blvd, located directly behind the Arces lot, was sworn in and described the backyard asked questions about water runoff and the pool being so close to her property and impacts to the value of her home was concerning. She expressed concern that there were only 2 dry wells planned for the backyard. She also stated that parts of her yard are at 12.09 elevation and the Arces are proposing 14.37 elevation which is 2' higher than hers. She is concerned about where the water will go and drainage issues for her backyard. Mr. Merumk responded the water will be diverted to the grass area to the left back corner towards Port Au Peck.

Mr. Kennedy exited the meeting with Mr. Tilton present in his stead.

Mr. Davis asked Mr. White what is the water table? Mr. Merumk said the water table is at 58 inches.

As there were no additional questions from the public, Chairman Widdis closed that portion of the meeting.

Mr. Foster asked if the 58-inch water table has an impact on the proposed 6' pool when you have heavy rains? Mr. Merumk said there is a water line 6 inches below the copane line. There is 6 inches of water that can go in there. When the pool is installed, there are ways around the water table. The pool contractor will have to take that into account.

PUBLIC: Chairman Widdis opened meeting to the public for comments on this application.

Kathy Kenny, 84 Monmouth Blvd., expressed concerned about water, privacy, size of the pool too close to her house. She asked the board to reject the pool until it fits the size of the yard.

Mrs. Arce commented that they have never had water in their yard, they have a full finished basement that's never gotten wet and that they have sump pump that has never gone off. She also said they have an engineer who would cooperate with the boards engineer about any run off.

As there were no additional comments from the public, Chairman Widdis closed that portion of the meeting.

Mr. Kleiberg made a motion to reject the application as it stands now.

Mr. Tilton advised the Board that some of the board members gave some good engineering solutions keeping in mind the balance of interests of the neighbors, the community and the zoning with the application. He suggested taking some of the suggestions and coming back with revised plans. He explained if Mrs. Arce moved forward she would risk having her application denied.

Mrs. Arce requested that her application be carried to provide additional time to address the Board and public concerns and prepare revised plans.

Motion to Carry Application to Feb. 23, 2021 with no additional notice required

RESULT:	ADOPTED [8 TO 0]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Foster, Kahle, Kleiberg, Davis, Dailey
ABSENT:	Savarese
RECUSED:	Tvrdik

Mr. Dailey recused himself from the Rosenbloom matter and exited the meeting at 8:32 PM

Councilman Tvrdik re-entered the meeting at 8:34 PM

4. PB2020-32 Rosenbloom, Matthew
47 Tecumseh Ave
Block 8, Lot 26
Variance relief for impervious coverage for deck, outdoor grill and associated improvements

EXHIBITS:

- A-5 Revised Plot Plan prepared by KEE Engineering Enterprises dated Dec. 22, 2020.
A-6 Revised Plot Plan prepared by KEE Engineering Enterprises, dated Dec. 22, 2020 with Expanded Zoning Schedule showing Zoning Conditions at time of Purchase by Applicant

The following persons were sworn in: Matthew Rosenbloom, Applicant and Board Engineer/Planner, Mr. White.

Mr. Rosenbloom described the application before the Board for a variance because he sold his home and was granted a temporary CO because there was no variance approval for the patio that was installed prior to sale. The patio is about 58.3% impervious coverage where 37% is allowed. He is coming before the board with a revised plan of 45% reduction of the impervious coverage.

Mr. Kahle asked how many square feet of impervious coverage did they take out from the previous plan? Mr. Rosenbloom said about 170 sq feet. Mr. Kahle asked if he had any permits for patio, gas line or electric? Mr. Rosenbloom said he was not able to get permits yet. Mr. Kahle asked if there is a block wall behind the grill on the rear? Mr. Rosenbloom said it's an outdoor kitchen.

Mr. Davis asked why Mr. Rosenbloom did not get the plans down to the 50.3 that was asked of him from the last meeting?

Mr. Rosenbloom said he is trying to work with the home's buyers but they are concerned about taking walkways out to meet the coverage for safety reasons. They did rip up driveway and reduced some of that coverage.

Mr. Foster said he didn't see any topographical markings on the plans so could Mr. Rosenbloom explain what the runoffs will look like? Mr. Rosenbloom said he has had no problem with water.

PUBLIC: Chairman Widdis opened the meeting questions of the witness only. Ms. Smith provided the participation information. As there was no from the public, Chairman Widdis closed that portion of the meeting.

Board members provided suggestions to Mr. Rosenbloom to reduce the coverage. He replied that he must go back to the homeowners. It was then suggested to have the new homeowners partake in the meeting as to avoid the back and forth. The homeowners have not accepted the invite to partake in the meeting with Mr. Rosenbloom. There was discussion on the matter.

Chairman Widdis asked for a motion on the application?

Mr. Whitson made a motion to reject application as stated which was seconded by Mr. Kleiberg.

Mr. Rosenbloom asked if he had the opportunity to carry the application so he could go back to the homeowners again to try and work through this.

Motion to Carry Application to March 9, 2021 with no additional notice required

RESULT:	ADOPTED [8 TO 0]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	James Whitson, Vice Chairman
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Davis
ABSENT:	Savarese
RECUSED:	Dailey

Mr. Savarese joined the meeting at 9:08 PM

Mr. Dailey re-entered the meeting at 9:09 PM

5. PB2020-21 Somerset Development

CARRIED from January 12, 2021

Fort Monmouth Lodging Parcel

Block 110, P/O Lot 1

Preliminary & Major Site Plan with variance(s) for construction of 180 residential units

EXHIBITS:

- A-11 Photograph / Rendering of the Westmont Station development site, a mixed community developed by the Applicant
- A-12 Elevations / Concept Architectural Plans, prepared by Graviano & Gillis Architects & Planners, LLC, dated Dec. 2, 2020
- A-13 HVAC Plan with Unit Example Location
- A-14 Photographic Exhibit of siding products, prepared by Ken Gold (of the Applicant's Office)
- A-15 A Composite of the Exhibit E (as set forth in the drop box), containing an existing aerial photograph, dated December 18, 2020, a proposed aerial Exhibit, dated December 18, 2020, a Landscaping Exhibit, dated December 22, 2020, and an overall Site Plan Exhibit (C102),

B-3 Fire Official Memo dated January 9, 2021

Mr. White, Board Engineer/Planner was sworn in. Mr. Kennedy marked and described Exhibits A-11 through A-15.

Michael Bruno, Attorney for Applicant, appeared along with Applicant, Ralph Zucker and Engineer Karl Pehnke who were both sworn in. Mr. Karl Pehnke is testifying as professional engineer with expertise in traffic engineering.

Mr. Bruno summarized the history of the application and previous hearings and that the Applicant has revised its plans to address the comments from the Board from the previous meeting and direct testimony of all the witnesses, except Karl Pehnke who will provide traffic engineering testimony on the submitted traffic impact study.

Mr. Bruno took time to address a comment made by a neighboring resident about a question to widen Carty Ave and create parking on both sides of the street. FMERA would allow them to widen the street. It will take about one foot which would come from the grass way that's between the curb line into the sidewalk area. It will provide between eight to ten parking spaces. Somerset is willing to do that in response to the resident's comment.

Mr. Bruno asked Mr. Pehnke to give testimony as to the parking, parking adequacy, location of the parking fields for the community as well as the means of circulation and access points for the project.

Mr. Pehnke said that they did prepare a traffic impact study on July of 2020 which was submitted with the application. They coordinated with FMERA and Monmouth County. They collected and observed traffic flow conditions on the area roadway networks. They visited the site, surrounding roadway network to take an inventory of the existing regulatory environment and roadway conditions and then prepared the traffic projections for the development, for developments that are occurring adjacent to the project. And with that data, we were able to prepare some modeling and analysis, which are documented in the traffic impact study. With that data, we were able to prepare some modeling and analysis, which are documented in the traffic impact study. Most important for the intersection of Oceanport Avenue and Saltzman as requested by Monmouth County. From a traffic standpoint referring to exhibit The primary access to this project is from Barton Avenue and from Bennett which both lead down to Russel Avenue and then ultimately connect down to Saltzman and then to Oceanport in the East and route 35 in the West. Ultimately the position of the application, there will be three primary points of access in, and out of this, this neighborhood. From a traffic standpoint, the project will generate about 20 or so inbound trips in the morning peak hour. As traffic engineers we study the peak of the roadways. When traffic is basically hitting its highest and peak generating hours of the development, which for a residential community is, usually, the weekday morning hours when people to and from work between 7:45 to 8:45 am and the weekday evening peaks which go 4:30 to 5:30pm. During the morning hours they expect about 20 vehicles arriving to the proposed 180-unit residential development, and around 60-65 those vehicles will distribute over Signal Avenue, Barton and Bennett where they are oriented to and from. In the evening it's a bit on the reverse with 65 vehicles returning to the residential community and between 35 to 40 leaving residential community. Traffic went through quickly with 40% of traffic wanting to travel west along Saltzman towards Tinton Falls on route 35 about 25% wanting to head north on Oceanport Avenue towards Little Silver, Red Bank and Rumson and the remaining 35% heading south bound to 36. The traffic will dissipate quickly, the traffic light at Hildreth and Oceanport Ave we continue to operate at good levels of service and will handle the modest amount of traffic that is projected to carry through the site. I will affirm statements that roadways have been properly designed following guidance, and then requirements of the residential site, improve standards which are promulgated by the department of community affairs they are statewide standard which govern residential development throughout the state of NJ. The design accommodates all the

types of vehicles that regularly using roadways and moving cars, delivery trucks, emergency vehicles, the standards were set specifically to be sure that a safe traffic flow will be provided in a residential community. Parking for the development meets and exceeds the requirements by the residential site improvement standards. A total of 414 spaces are required and we are providing 661 of our total spaces 589 are serving the townhouse community, both with one street and off-street parking. All of the townhouses are supported by two car garage, and two car driveway aprons. The driveway aprons all meet the minimum requirements.

Chairman Widdis asked Mr. Pehnke to explain what will happen with Cheryl Avenue.

Mr. Pehnke said the county has agreed to take over Sanger Avenue which connects in a north south direction between Cheryl Avenue where it intersects with Russell down to Saltzman so that will be a two-way roadway. The intersection where Sanger Avenue meets Cheryl Avenue to the west will become a two-way roadway. Cheryl will be a two way all the way as it goes to the west and turns onto Wilson Avenue and reconnects with Saltzman. To the east, which is Russell Avenue, it will remain one way in the west bound direction to the intersection with Sanger.

Chairman Widdis invited questions from the board members.

Mr. White asked when Signal Avenue gets extended out to Oceanport Avenue what kind of intersection is it? Signalized?

Mr. Penkhe its being viewed as an unsignalized intersection. Mr. White asked if the project never gets built what happens? How does that effect the access to Oceanport Avenue? Mr. Penkhe said they addressed that with the study and they have adequate access to Barton and Bennett which connects down to the primary roads which is Saltzman and Cheryl it doesn't affect them.

Mr. Tvrdik asked what is the plan for Allen Avenue? Mr. Penkhe said Allen Avenue will not have a direct connection to Oceanport Avenue the section of Signal Avenue from Allen Avenue to the site they propose to maintain for emergency access, pedestrian connectivity can also use it. They felt if it was opened there was a potential impact on the East Gate project as well as an impact on them by drawing traffic through Oceanport that rutted to bypass-to-bypass Cheryl Avenue and original bypass which isn't appropriate for the East Gate community as well. They gated it off. Mr. Tvrdik asked about the other end where it goes to Oceanport Avenue? Mr. Penkhe responded that connection would be permitted. The traffic from the residential community will be able to travel into the Allison Hall project which has some advantages because it has a commercial component to it which may be attractive to the residents. It provides another way in and out from both our neighborhood as well as East Gate that connection would continue through.

Mr. Savarese asked when they did the traffic counts with 180 units how many cars was generated for each unit?

Mr. Penkhe said the traffic regeneration estimates were utilizing data that's published by the Institute of Transportation Engineers entitled True Regeneration, 10th addition. A document is basically we resource documents for transportation professionals throughout the country. Within that document is this data that's been collected at similar communities, which we can use to project traffic flow. Mr. Savarese asked if looks at the fact that on a holiday or a summer day or a weekend that, each one of those units probably will have two vehicles all day long?

Mr. Penkhe said It reflects the typical traffic regeneration from a residential community. It reflects on data collected, from all times of the year and analyze to determine the average. There is going to be some days when there's more, some days when there is less.

Mr. Davis asked to be clear Allen Avenue is going to be blocked off on the West side? Mr. Penkhe said correct the connection between the Signal Avenue and Allen Avenue will be Emergency and Pedestrian only.

Mr. Davis asked Mr. White if he thinks it's a good application to close the gate? Would it help the disbursement of traffic if it was accessible? Mr. White said when the connection gets punched through you will be encouraging a shortcut and its going to be a problem. The fire Marshall has voiced concern already. It's a small community and they're trying to keep the traffic to a minimum and not have a high cut through.

Mr. Davis asked what adjustments were made pursuant to the fire Marshalls requests? Mr. Penkhe said the adjustments were minor. In the driveway areas between the townhouses were we had 20' wide cartway on the driveways with 20' deep driveway aprons we adjusted it to 24' driveway with 18'deep which is still compliant and it accommodates the largest emergency vehicle.

Mr. Kahle asked how many cars will enter and exit at Signal Avenue compared to the Russell Avenue entrance on Oceanport Avenue? Mr. Penkhe said Signal Avenue has a benefit for having more direct connection out to Oceanport Avenue. Mr. Kahle asked based upon numbers will Russell Avenue or Signal Avenue be used more? Mr. Penkhe said that Signal Avenue will be directly handling half of the traffic - it's a good diversion away from Bennett Avenue and Barton Avenue. Traffic that wants to go west will not find that desirable travel, you would still want to connect down to Cheryl and or Saltzman to get west to 35.

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

Don Solecki, 1 Russell Avenue, was sworn in and requested that there be some consideration and cooperation between the two developers Alison Hall and Somerset in ensuring that the Signal Avenue roadway is opened to Oceanport Avenue to facilitate the traffic flow. Mr. Bruno informed Mr. Solecki that is a separate application. Its between what FMERA and the planning board require. He said they're cooperating with them and they do have the common walk along the river and will cooperate because they're neighbors but as it relates to when Signal Avenue goes in they're not related to that issue.

Mr. Solecki asked if there could be a permit process that involves Signal Avenue opening up to Oceanport Avenue as a contingent about permitting the Somerset development? Mr. Bruno said the answer is no to that request.

Mr. Solecki asked about the traffic study on Bennett Avenue, as in figures 8, 9, in the Langdon engineering traffic study the drawings inaccurately portrayed Bennett Avenue aligned with Sanger Avenue. As Bennett Avenue exits Somerset Development it takes a hard left curve and it comes to Russell Avenue before it crosses to Stanger and where it takes the hard left turn the road narrows and the mailboxes and community bulletin board for East Gate exists, having the as a major traffic flow and egress and outgress is a dangerous situation how can you remedy that? Mr. Pencke said the traffic flows projected along Bennet are in the order of 30 or so for the peak hour direction of vehicles, it is a low amount of traffic, it is consistent with a residential neighborhood traffic flow. He sees no problem from a safety and traffic flow standpoint in that section of Russell and Bennett where it meets. They believe that the traffic they are projecting is low and modest and will not create difficulties.

Mr. Solecki asked how can they use data on traffic from a nationwide study when NJ has more cars per capita than any other state in the union? Is this data in any way, shape, or form localized so that the formulas for trip generation reflect the local traffic and not national patterns? Mr. Pencke said the data includes data that's been collected in New Jersey. The opportunity to monitor existing communities has shown that the data is correct and most importantly it is the data that is used by the Department of Transportation Monmouth County. Every county in the state of New Jersey, and every traffic engineer in the state of New Jersey, and is an accurate representation of the traffic flows that we can anticipate from a development such as this.

Mr. Solecki asked why they closed Signal where it meets Allen? Mr. Pencke said what became quickly evident in our analysis and evaluation of the circulatory system, particularly with the completion of signal out to Oceanport, is that it provided a very direct parallel roadway to Cheryl Avenue to the point that we are concerned that, if we did not somehow disrupt that connection, you would have a regional traffic flow of people making a right in, on signal, traveling through the lodging section down to Allen through the officers' quarters section on down the Russell, and then continuing want to show and vice versa. . It would be a quicker movement, then traveling down to the signal at Oceanport Avenue. It became evident that we needed to disrupt that, we disrupted by maintaining that connection by blocking it off for emergency access only because we still do want the emergency connectivity. The connection is always there and if something changes in the future it could always be opened. We saw that as a big concern from my standpoint that we could have had a unintentional impact on the East Gate community by drawing regional traffic through and with the opening of Signal out to Oceanport Avenue.

Mr. Solecki asked did they consider, at any point, surges of traffic that occur from the Little Silver train station to the north, and Monmouth Park Racetrack to the south and the proposed developments that include not only the Allison Hall parcel but the Barker Circle parcel as well as the 400 area right across the street from the signal at Oceanport and Hildreth?

Mr. Pencke said they incorporated the Alison Hall which directly impacts both.

Donald Gordan, 21 Russell Ave, was sworn in and asked about the limited access coming in from Allen Avenue from Signal and how was that going to be maintained for emergency vehicles? Mr. Pencke - the site plan incorporates a gate. The specific details of that will be worked out with emergency services as to what they prefer to be able to break away. There's a couple of different ways that can be done. A gate or a bob in chain, or some other mechanism at both ends of it will be employed.

Robert Schmidt, 1 Allen Ave, was sworn in and asked questions about the numbers used for traffic study and numbers used for parking study should be the same? Mr. Pencke testified that the traffic generation data sources based upon units so it's reflective of typical parking requirements for a residential community the analysis, and projections are based upon the number of parking spaces provided. It's based upon, are the residential units provided, which, presumably, have provided the appropriate number of spaces. Mr. Schmidt asked about the parking area adjacent to building 270 and 328 its in an area of a historic park, and the fire Marshal is asking for access through that from Allen into the back parking area. Is there somewhere else you can place that parking area and preserve the park? Mr. Bruno responded and said they are going nowhere near the park.

Douglas Johnson, 26 Russell Ave, was sworn in and asked if they could eliminate the nine units along Carty Avenue and replace with a buffer zone and add some additional parking. Mr. Bruno told them the answer is no. Mr. Johnson asked if the units facing Carty Avenue will have facades that will match the historic area across the street? Mr. Bruno said the historic façade was considered when designing.

Elke Merz, 23 Russell Ave, was sworn in and asked how they plan to control traffic at Y in the road where Russell meets Bennett. She also has concerns about where all the mailboxes are located and the safety of getting to them with traffic. Mr. Penkhe said they were not proposing and changes at that location. He said it's a discussion to have with the Mayor and the HOA.

Chairman Widdis asked Mr. Bruno, Mr. Penkhe, Mr. White, and the Board if they could open Allen Avenue up to let traffic flow through until Signal Avenue was ready to be opened. Once its open than Allen Avenue gets closed again. All agreed with that suggestion and will incorporate it in.

Mr. Sweeney, 3 Russell Ave, was sworn in and asked questions about the exit point and entrance points around Carty Avenue? Is there any entrance and exit points from the Somerset project onto Carty? Mr. Penkhe there is one entrance and exit off Carty.

As there were no questions from the public for this witness, Chairman Widdis closed that portion of the meeting.

PUBLIC: Chairman Widdis opened the meeting to comments from the public on the application.

Mr. Solecki, 1 Russell Ave, said he thinks that the townhomes should be uniformed with the surrounding buildings and add the same brick front. Mr. Solecki asked if the State Historic preservation office or the NJ Historic Trust granted approval for the designs of the townhomes? Mr. Bruno said they're in the processing of approval.

As there were no other comments from the public, Chairman Widdis closed that portion of the hearing.

Mr. Kennedy stated there were several conditions imposed or discussed throughout the various hearings, and some of them have already been agreed to and sought direction on the best way to incorporate the conditions - blanket statement that the approval is conditioned upon compliance with all the promises and commitments and representations that the applicants team made or highlight a couple of them or the main ones, knowing that whatever they said is going to be a condition, and it will be in writing and he thinks the only thing we need to get clarification on is brick design if it's a request or a condition?

Mr. Bruno said they have spent so much time on the design of these buildings and would request the Board does not impose a condition on them.

Mr. Kennedy summarized the standard conditions after which Ms. Cooper made a motion to approve the application with the conditions stated during the hearings which was seconded by Mr. Kleiberg.

Motion to Approve Application with Conditions

RESULT:	ADOPTED [8 TO 0]
MOVER:	Patty Cooper, Mayor's Designee
SECONDER:	Robert Kleiberg, Class IV
AYES:	Widdis, Whitson, Cooper, Tvrdik, Foster, Kahle, Kleiberg, Savarese, Davis
INELIGIBLE:	Dailey

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

IX. Adjournment: As there was no further business, the meeting was adjourned at 11:21 pm on a motion by Mr. Davis which was seconded by Ms. Cooper and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary