BOROUGH OF OCEANPORT

PLANNING/ZONING BOARD

MINUTES ● JANUARY 25, 2022

Regular | **Clement V. Sommers Municipal Building** | **7:00 PM**

910 Oceanport Way, Oceanport, NJ 07757

I. Call to Order: Chairman Whitson called the meeting to order at 7:00 PM

II. Board Policy: Chairman Whitson 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 20, 2022 of this meeting and its location, date and time to the Asbury Park Press and Two River Times and by the posting of same on the municipal bulletin board and Borough's Web Site.

IV. Flag Salute: Chairman Whitson led attendees and members of the Board in the flag salute.

V. Roll Call:

Attendee Name	Title	Status
James Whitson	Chairman	Present
John (Jack) Kahle	Vice Chairman	Present
Patty Cooper	Mayor's Designee	Present
Thomas Tvrdik	Class III	Present
Joseph Foster	Environmental Commission Liaison	Present
Christopher Widdis	Class IV	Absent
Robert Kleiberg	Class IV	Present
Darren Davis	Class IV	Present
Michael Dailey	Class IV	Present
Leslie B. Widdis	Alternate I	Absent
Michael Savarese	Alternate II	Absent
Jeanne Smith	Board Secretary	Present
Marc Leckstein for Kevin Kennedy	Board Attorney	Present
William White	Board Engineer/Planner	Present

VI. Board Business:

1. Report of Pending Applications - Ms. Smith advised of upcoming applications for the Feb. 8th including 45 Main Street, 73 Monmouth Blvd and 9A Pocano Ave for the Feb. 22nd meeting.
2. Motion to Accept Resignation of Michael Savarese *- Added*

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Thomas Tvrdik, Class III
SECONDER:	Joseph Foster, Environmental Commission Liaison
AYES:	Whitson, Kahle, Cooper, Tvrdik, Foster, Kleiberg, Davis, Dailey
ABSENT:	Widdis, Widdis, Savarese

3. Development Review Committee Appointments

Pursuant with Borough Ordinance, Chairman Whitson appointed the following members of the Board to serve as the Board's Development Review Committee: Chairman Jim Whitson, Vice Chairman Jack Kahle, Councilman Tvrdik and Ms. Cooper. The Committee will participate informally in development discussions and completeness reviews.

4. Referral from Governing Body - Area in Need Study

Ms. Smith reviewed the referring resolution from the Governing Body to undertake a study for an Area in Need of Redevelopment for Blocks 110.13 and 110.14. As the parcels were related to Fort Monmouth redevelopment, the Fort Monmouth Economic Revitalization Authority would procure and provide the study for the Board's review. Upon receipt of the study a public hearing will be scheduled.

VII. Approval of Minutes:

1. Planning/Zoning Board - Reorganization - Jan 11, 2022 7:00 PM (Rescheduled for Feb. 8, 2022 meeting)
2. Planning/Zoning Board - Regular - Sep 28, 2021 7:00 PM

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

VIII. Old Business:

1. PB2021-16 Barker's Circle

Applicant: Barker's Circle Partnership, LLC
Block 110, Portion of Lot 1
Proposed New Block 110.20, Lot 1 - 2000 Avenue of Memories
Proposed New Block 110.21, Lot 1 - 2200 Avenue of Memories
Proposed New Block 110.22, Lot 1 - 100 Barker's Circle
Proposed New Block 110.23, Lot 1 - 200 - 500 Barker's Circle
Major Site Plan Approval
CARRIED from December 14, 2021

EXHIBITS:

A-12	Plan entitled “Preliminary & Final Major Site & Subdivision Plan,” prepared by Morgan Engineering & Surveying, last revised December 29, 2021, consisting of 22 sheets.
A-13	Parking Analysis Letter Report dated December 30, 2021, prepared by McDonough & Rea Associates.
A-14	Plan entitled “Preliminary and Final Major Sites, Left sided Subdivision, Plan Shared Parking Exhibit, prepared by Morgan Engineering, dated May fourth, 2021.
A-15	Colored Site Plan Rendering, prepared by Morgan Engineering & Surveying, dated Jan. 25, 2022
A-16	Interior Renderings, 8 Sheets, prepared by MODE Architects, dated Jan. 13, 2022
A-17	Plan entitled “Preliminary & Final Major Site & Subdivision Plan, Shared Parking Exhibit” prepared by Morgan Engineering & Surveying, last revised September 12, 2020.
A-18	Residential Floor Plans, 4 Sheets, prepared by MODE Architects last revised July 19, 2021
B-3	Colliers Engineering Review Letter dated January 21, 2021

Marc Leckstein, Board Conflict Attorney, described and marked additional Exhibits A12, A13, A14, A15, A16, A17.

Mathew Wilder, Applicant’s Engineer, remaining under oath from previous hearing, testified that they took the Boards comments and suggestions and made some changes. The security is updated on the plans by adding black aluminum fencing, installing a key fob system to keep residents safe inside. We made the affordable housing units more spacious by increasing the size they went from 850 sq feet to 920- 1124 sq foot. Updated the plans to show where hvac condenser’s will be. They have changed the idea from apartments to upscale condominiums.

Mr. Wilder reviewed plan changes including Exhibit A15 which shows how they incorporated a loading zone into the development. They reduced the parking by 6 spaces from building 206. The exhibit shows the areas where they eliminated parking. West of Kaplan Hall they eliminated 1 row. They still need 3 design waivers. One would be a proposed 24-foot drive aisle. Second would be illumination levels at property line. The last would be for bikes. They do not want the bikes in the buildings, so they provided outdoor bike racks. Each building will have its own rack. There will be 2 more for the public. They have provided accessible handicap ramps into every building. They will provide additional details for the engineer for all buildings to be fully ADA accessible including additional crosswalk striping and full pedestrian connectivity throughout the development. He reviewed utility locations with exterior mechanicals proposed, a VRF system which would include split systems that would provide heat and air. Serviced by electric no need for gas. They will be located behind the buildings and screened. The last part of Mr. Whites letter was regarding storm water management. They will perform and provide results of a televised inspection of the pipes which will tell the sizes and condition of pipes. In regard to elevation of the mechanicals they will all be elevated to at least 10.4. They have added landscaping around the perimeter and foundation planting up against the building.

Mr. Wilder next provided testimony concerning parking - all buildings will have their own parking, an overlap of some shared spaces through a shared parking agreement and the accessibility from each building. There will be sidewalks and cross walks throughout the areas. Electric vehicle parking is required and they will provide the 15% requirement for residential, with 1/3 required to be built at time of construction, remainder to be easy made spaces. He discussed at length the process by which they designed parking and circulation. Residents will be allowed to use the communal grills no one will be able to have a grill on their porches. There are conflicting details on plan regarding lighting which they will address by clarification to the engineer as well as a detail breakdown of the ADA accessible details for elevation and turnaround information. They are proposing black metal trash receptacles. There is also a proposed dog park, with 5-foot black aluminum chain link around it with one point of access into and out of park.

Chairman Whitson invited questions from the Board for this witness.

Mr. White asked how are they going to delignate the shared parking spaces? Mr. Wilder responded there will be adequate signage everywhere for the parking to let cars know where there are designated spots for the specific tenants. Mr. White asked about the charging stations for the electric cars and if there would be a developer's agreement as the it's a 3-year staging process and you must add a percentage every year to keep up with the State regulations. How were they going to follow these guidelines? Mr. Brooks, Applicant, remaining sworn in from last meeting, responded they will build all the spaces now for the electric cars instead of doing it in stages. Mr. White asked about the proposed backup generators as they are not shown on the plans. Mr. Wilder said the generators are in the process of being designed based upon the loads. They will be located adjacent from where the 16 units will be. They will be small and sufficient for only the common area and not the entire building. They will be added to the plans. Mr. White asked about the two hotboxes shown on plan. Mr. Wilder responded that those are a proposed area subject to the utility companies. Mr. White commented that it should be noted that the hotboxes have to be required at grade (not underground).

Mr. Dailey asked questions about the shared parking; 4 separate lots, what happens when one gets sold. Mr. Kromer, Applicant's attorney, responded they will have recordable documents that run with the land. Agreement between residential and office by an easement it will be recorded and run with the land. There will be an easement agreement between Kaplan Hall and the Firehouse which will be recorded, and buyers will be given the agreement. Mr. Dailey expressed concerns for how it would work with the distance from parking to buildings. Mr. Wilder acknowledged his concerns but stated that they had to meet FMERA requirements. Discussion ensued concerning various scenarios of how it would work particularly between office and residential uses.

Mr. Davis asked questions regarding the shared parking and questioned why not make the whole area shared parking; will there be a management company to oversee all the properties. Mr. Wilder said for each of the 4 buildings there will be a different property manager. They discussed about the parking how to make sure all the residents have their own parking and the other buildings have enough. There will be 1 designated spot for each resident and ample amount for guests. They discussed the parking for office use and the restaurant to make sure there was enough and that there was safe crossing. Mr. Davis asked additional questions concerning grill locations, access walkways, landscaping for generators, management services, dumpster enclosures - Mr. Wilder testified the enclosure will be a solid concrete block and the color will match the condos. There will be solid wood gate across the front. There will be 4 buildings converted to a condominium association. Mr. Brooks commented that the challenge was to be sure that sufficient parking for all buildings which is why they went across the street. He was amenable to suggestions to make the entire area shared parking. Mr. White commented that to look at it as true shared parking, it works because the office spaces are leaving when residential not home. Discussion ensued on the best way to approach the parking. Mr. Wilder ran numbers and across all uses they need 211 and they have 310 proposed. There's a surplus of parking even if considering all uses at same time. It was decided that the only restricted parking would be the ones designated for residential units which would be handled by the condominium association management. Mr. Leckstein cautioned that numbering of spaces can cause issues when users don't follow signage. There was discussion of whether this was any concern but it was decided because there was surplus parking wouldn't be an issue. Mr. Brooks testified that he was agreeable to change the plan to provide one dedicated space for each residential space and the rest open. Mr. Davis asked additional questions concerning grill locations, access walkways, landscaping for generators, management services, dumpster enclosures - Mr. Wilder testified the enclosure will be a solid concrete block and the color will match the condos. There will be solid wood gate across the front of the dumpsters for shielding. Plans will be updated to show the generators shielded. Mr. Davis asked about lighting – specifically the pedestrian crossing and was told no. Mr. Wilder testified there will be low light illumination around any walking paths. There won't be lampposts. Higher lighting will come from the buildings. Mr. White the Borough Engineer said there is plenty of lighting throughout all the parking lots.

Mr. Kleiberg asked questions about the ADA spaces and proximity to the doors, van accessible spaces. Mr. Kleiberg asked if HVAC would be heat pumps – and was told there would be multiple condensers but not one for every unit. Mr. Kleiberg asked if dog park would have proper gating and would it be an off-leash park. Mr. Wilder said they would add that to the plans. He showed the Board where the area for the dog park will be. It's in a common area. Mr. Kleiberg asked who was responsible for taking care of the park? Mr. Wilder said the Condo Association will be responsible for the dog park.

Mr. Kahle asked about how many affordable units will be going in and will they be spread amongst all the buildings? Mr. Wilder said the affordable units will be mixed in amongst all the buildings. Building 205 will have 6 affordable units, 287 will have 4 units, 207 will have 3 and 208 will have 2 with a total of 15 units. Mr. Kahle asked if the fence around the perimeter of property – Mr. Wilder corrected – not perimeter – only along Oceanport Avenue and was not like a security fence, and would not be extended to the water/bridge. Mr. Davis stated he would prefer that the fence extended to the water. Mr. Wilder commented that there are easements there that they would not be permitted to cross over with the fence due to easement restrictions. There was discussion whether or not the fence was permitted – Mr. White commented that typically fences are not usually an issue because they can be taken down. Mr. Kahle commented that they would like to see the fence extended as far south as possible. Mr. Wilder responded that they will have the conversation with Two Rivers Sewer Authority and see what can be done.

Mr. Foster asked if building 205 was already refinished as on office by the army with an elevator? Mr. Brooks said the office is building 206 and it will be kept as an office building. Mr. Foster asked questions about lighting of the Barkers Circle and would they consider installing along walkways for more security? Mr. Wilder said there are 13-foot light poles on Barker Circle. Mr. Foster asked if they would be dark-sky compliant. Mr. Wilder answered yes. Mr. Foster asked if the proposed restaurant would remain a property owned by FMERA? Mr. Brooks provided details concerning original bid sale terms, and that it was set up as a lease in order for a State's concessionaire's license to encourage restaurant development. The land under the Firehouse and Kaplan Hall are owned by FMERA. The buildings on top of the land are owned by Barkers Circle. The property is a 99-year lease.

Mr. Tvrdik asked for an explanation about the difference between the apartment/rental and the condo concept and why they chose to go with condos? Mr. Brooks said the market has changed and it made them decide to go with condos. They fall under the townhouse large prices but are still very nice and more affordable. They have always had high end finishes in them. Mr. Tvrdik asked about a fence being built all the way across the property and not being stopped in the middle of property. Concerns for people crossing street to get onto site. After last meeting they put the fence in as a deterrent. Mr. Brooks was concerned with the fence going into wetlands. He said they wouldn't have a problem if the DEP agreed it was okay. Mr. Brooks asked if their DEP representative could be sworn in to discuss the property.

Mr. Ritchings, President of Environmental Group and Consultant was sworn in. Mr. Ritchings worked closely on this project and feels running a fence all the way across the property depending on type of fence could work. He would work closely with the DEP to properly have it placed and installed. Mr. Wilder said he originally didn't bring the fence all the way over because there are 2 easements, JCP&L and Two Rivers. The easement holder may refuse but they have no issue with asking.

Mr. Tvrdik asked about the trash pickup and keep up of the trash being neat and tidy. Mr. Brooks said they would make sure that would be part of the resolution compliance that the Board would have a copy of the HOA rules about trash.

Mr. Davis asked if the grills are gas? Mr. Brooks said no gas, they will have to use briquettes and no propane.

Mr. White asked about the drainage across the lots and would who be responsible for ownership and maintenance. Mr. Brooks said that the HOA will maintain sewer drainage and the fire house, office buildings and the theater are going to have an agreement to pay percentages of that. Mr. White commented that all plans have to be filed with the Borough for compliance.

Mr. Foster asked for more clarification as to who owns what and who is responsible for the maintenance of said properties. Mr. Wilder clarified that there are four separate parcels if you own the parcel, you are responsible for maintenance of the property within that parcel. The common access point is owned by the residential parcel, following the rule if the property is within your boundary lines the HOA will be responsible for the access road. The other parcels will take care of all their own maintenance besides the sewar easement in which the HOA from the residential parcel will be responsible.

PUBLIC: Chairman Whitson asked for questions from the public of this witness only.

Lewis Fernandez, 42 Riverside Ave., was sworn in at last meeting and is still under oath. Mr. Fernandez asked questions about the units now being for sale and no longer rentals; where will children that move in play or will be there an area designated such as park area; and is there a maintenance person on site to take care of issues that may come up? Mr. Wilder said there is a park like setting at Barkers Circle for kids to run around throw a ball but there is no proposed playground. Mr. Brooks said regarding maintenance they will be hiring an outside management company to come every day and make sure the property is kept clean and take care of any issues that may evolve. There will no onsite management company.

Matt Zieniewicz from 1215 Turf Drive was sworn in at last meeting and still under oath. Mr. Zieniewicz commented he was pleased with change to "for sale" units and asked who would be paying for the electric car charging stations? Mr. Wilder said this is a new statute in NJ and all the details are not available yet. They can say that the town will not be paying for them. Mr. Zieniewicz commented that they should consider requiring other 3 buildings to contribute to maintenance of the common area roadway. This will be addressed when reviewed by the State for conversion to condominium.

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

Mr. Brooks noted that he was questioned at a previous meeting about who would run the affordable housing units and he was able to let the Board know it was Community Grants Planning and Housing which is the Oceanport entity that administers the Oceanport housing. He has been in contact with them concerning the development.

John Rae, Applicant's Traffic Expert, principal with McDonough and Rae Associates Traffic and Control, 1331 Lakewood Rd. Manasquan, NJ was sworn in. Mr. Rae, having worked on many mixed-use projects, commented that he agreed that what was agreed upon to simply dedicate one space per residential unit and the rest open was the proper way to handle the parking arrangement. Mr. Rae provided testimony concerning the conduction of the traffic study submitted for the project, summarized the traffic counts, survey conduction times during morning and afternoon peak hours, reviewed the studies prepared for other Fort developments including Allison Hall and Fort Athletic Club, analyzed levels of service for signal at 537 and Oceanport Avenue, unsignalized intersections and concluded that the adjacent roadway network, intersections – offsite as well, will operate within acceptable traffic parameters. Mr. Rae addressed issues related to Mr. White's review letter concerning the type of project, use of the Institute of Transportation Engineers generation manual and the results of the trip counts, illumination of parking spaces and possibility of adding an additional point of access to the property somewhere along the frontage in the vicinity of Riverside Ave. Due to a transition area for wetlands it would be a challenge. He also opined that the additional access would encourage cut-through traffic and believes the County would not support another unsignalized intersection. He also noted that it would be in opposition of the requests for fence all along that roadway as it would bring a point of access for pedestrians. He added that the project does have two entries and noted their locations.

Chairman Whitson invited questions from the Board for this witness.

Mr. Foster commented that he agreed with the decision to not have the additional intersection access and thanked them for minimizing the amount of traffic being generated by this project.

Mr. Kahle asked questions about the traffic numbers going out by Gosselin Ave and out to Main Street. Mr. Rae responded yes, those scenarios were considered and does believe that the Kaplan tract will contribute to traffic on that route but doesn't believe it will be significant. Mr. Kahle commented that he believes it will be significant as it provides a bypass route around 2 traffic signals out to Main Street. Mr. Rae further commented that that would aid in providing options to travelers and will aid in the traffic impacts.

Mr. Davis asked questions about how the study was conducted and if it reflects current trends, not just historical. Mr. Rae responded that the pandemic had impacted numbers but he overestimated on his traffic projects and does not believe there will be capacity issues. Impacts from possible Netflix development would have to be thoroughly considered.

Mr. White asked about the changes to the Oceanport Ave intersection that now permits right-turn movements and would that not assist with the flow and movement. Mr. Rae responded that he had not seen that and it would help traffic flows and provide additional capacity.

PUBLIC: Chairman Whitson asked for questions from the public of this witness only. As no one from the public appeared, Chairman Whitson closed that portion of the meeting.

Mr. Wilder re-appeared and testified that he had misspoke about the total number of spaces – there are 240 (not 310) so there is still a surplus of about 30 spaces on the residential side. He will provide exact numbers.

Daniel Doherty and Jason Hanrahan, with MODE Architecture, were sworn in. Mr. Hanrahan stated he was not licensed, he is a partner of the firm and has worked in the field of architecture for 22 years, testified as an expert witness on numerous boards. Both persons were not licensed.

Chairman Whitson expressed concern that there was no license. Mr. Leckstein commented that he too had a concern. Discussion ensued on what their testimony would include – mostly confirmation of their work on the plans and would be redundant. Mr. Leckstein advised that they are not licensed and could not answer questions. If they were only testifying that the plans accurately depict the development and renderings then there was no issue. Mr. Brooks stated that this had been a last-minute issue due to COVID and if it became any concern at all he could answer most of the questions. Mr. Dailey commented that the plans had not changed, he had no issues. Mr. Tvrdik commented that he was okay with proceeding and if it became an issue to stop the testimony. Mr. Davis commented that the buildings were existing and the architect had testified last meeting as to the alteration of the dormers, he was okay with it.

Courynn Waryn, Project Coordinator from MODE Architects, was sworn in. Ms. Waryn provided testimony concerning the characteristics of the existing buildings and the number of units in each – a total of 75 units with 15 of them being affordable units; Building 205 has 21 units, Building 207 has 21 units, Building 208 has 18 units and Building 287 has 15 units. She referred to Exhibit A-16 as an example of the interior finishes.

Mr. Hanrahan further described the proposed improvements including upgrading flooring, countertops, modern look with spiral duct work with the intent of attracting an elegant buyer.

Mr. Brooks added that the units have high ceilings as well.

Ms. Waryn continued testimony with descriptions of the private balconies, walkways, stairwells at ends with egress at the ground level at rear of buildings so not necessary to enter through 1st floor balcony as shown on Floor Plans which were described and marked as Exhibit A-18.

Chairman Whitson invited questions from the Board for this witness.

Councilman Tvrdik asked questions about storage which at last hearing was not sufficient and asked what was planned for storage and the balconies. Mr. Brooks responded that there was storage available in the basement. Mr. Leckstein asked if the association documents would indicate no storage on the balconies which Mr. Brooks agreed. Mr. Leckstein added that it would be in the master condo deed filed with the State. Councilman Tvrdik advised he would also like to see that the loft areas could not be turned into bedrooms.

Mr. Foster asked how the storage area would be assigned by units. Mr. Brooks stated they would have one storage area per unit. Mr. Leckstein added that the master deed should include that language as well. Mr. Foster further commented his concerns that there be no storage on the exterior and that the space in the basement would be important to address that.

Mr. Kahle asked questions about the designations on the plans which Ms. Waryn advised was required by the Borough Planner to specifically designate which units were affordable so that the units were scattered and not all in one location.

Mr. Kleiberg asked questions about the handicap parking locations and ramps and was referred to the engineering plans on Sheet 21. They do not have a separate plan of the ramp elevations but the material on the sides of the ramps should match the material on the buildings which Mr. Brooks confirmed yes, they would match – in color for sure.

Mr. Davis commented that at last hearing they had already addressed the storage and entrance security. Mr. Davis noted that there was still a need for a storage place for Amazon boxes and the like. Mr. Brooks answered that there was storage in the lobby that they would designate for each unit. Mr. Davis also expressed concern about the lofts being non-ADA compliant and concern that it not be made into a bedroom. Mr. Brooks referred to A002 of the architect plans that designate that space for office/flex space. There was discussion on the challenge of ensuring compliance by occupants and the mechanisms available to enforce. Councilman Tvrdik recommended that there should be noted in lease documents that there are heavy fines for non-compliance.

Mr. Davis asked questions about the affordable units, bedroom counts, size. Mr. Brooks answered all the affordable units would be 2-bedrooms and yes, the overall size was increased from last plans by adjusting space from some of the oversized units. Ms. Waryn testified that the affordable units had previously been 850 s.f. and have been increased to 920-1,100 s.f. to be more in line with the market rate units.

Mr. Dailey asked how it was determined that all the affordable units would be 2-bedroom. Mr. Brooks answered that at the last meeting the Borough Planner had advised that the Borough has an agreement for its affordable housing obligations that required the provision of 2-bedroom units. Mr. Leckstein added it was specific to a lawsuit settlement which Ms. Smith confirmed that it was specific to the Fort development – all the other bedroom makeups had been used by other developments and the requirement for 2-bedroom units was placed on this development.

Mr. Dailey asked if there could be some provision for a table and 2 chairs on the patios which Mr. Brooks agreed to. Mr. Dailey asked how the mechanical units were addressed by the units and was told they are mostly interior.

PUBLIC: Chairman Whitson asked for questions from the public of this witness only.

Matthew Zeniewicz, Turf Drive, asked questions about the affordable housing guidelines and would the units be owner-occupied and not permitted to lease out. All affordable units would be owner occupied, no rentals.

As no one else from the public appeared, Chairman Whitson closed that portion of the meeting.

Councilman Tvrdik asked if there would be any restrictions on the leasing/renting of the market units. Mr. Brooks responded that as a developer they were encountering issues because of things such as Air B&B and his intent was to require language that a minimum of 12 month rental. Councilman Tvrdik clarified he wanted to know if there would be a limit on the percentage of units that could be rentals such as 25% of total units available for rental.

Mr. Foster commented further about the unit use and suggested that language for the association provide for guidelines on the maximum rentals. Mr. Brooks responded that he was willing to incorporate a percentage but wasn't sure what that number should be and it would need to be included with the master condo deed documents. Discussion ensued with concerns for bank funding limitations, and whether the restrictions were reasonable for private property. Mr. Doherty opined that it seemed unreasonable and very restrictive for an owner particularly that may be struggling and needs to rent out the unit. It was suggested that they consider limiting rentals to 20% of the units.

Motion to Approve Application as Amended

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Robert Kleiberg, Class IV
SECONDER:	John (Jack) Kahle, Vice Chairman
AYES:	Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey
ABSENT:	Widdis C, Widdis L
INELIGIBLE:	Foster

3. Resolution of Approval - 523 Port Au Peck Ave/Villapiano – Ms. Smith summarized the resolution and conditions after which Mr. Dailey made a motion to adopt the resolution which was seconded by Mr. Davis and received the following roll call:

RESULT:	**ADOPTED [7 TO 0]**
MOVER:	Michael Dailey, Class IV
SECONDER:	Darren Davis, Class IV
AYES:	Whitson, Kahle, Cooper, Tvrdik, Kleiberg, Davis, Dailey
ABSENT:	Widdis C, Widdis L
INELIGIBLE:	Foster

4. PR-21-33 Resolution of Approval - Oport Partners, Phase II

Ms. Smith advised that Mr. Kennedy had distributed a memorandum concerning the conditions discussed for the resolution. The memorandum provides each of the conditions with the page from the transcript of the hearing as to what was testified. If Board members have had time to review, the resolution could be voted on that night or if the Board needed additional time to review the matter would be rescheduled for the next meeting. Discussion ensued. Board members unanimously agreed that they wanted additional time to review. Councilman Tvrdik suggested that Board members review over weekend and submit questions and comments through Ms. Smith for Mr. Kennedy to review.

IX. Petitions from the Public: Chairman Widdis opened the meeting to Petitions from the Public.

Louis Fernandez, 42 Riverside Ave, commented that he hopes the fence gets through that whole area and knows it's a DEP issue and thanked the Board for the efforts on the application.

As no one else 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 10:21 pm on a motion by Mr. Kleiberg which was seconded by Mr. Dailey and approved by the Board.

Respectfully submitted,

Jeanne Smith
Board Secretary