

CAUCUS SESSION: 7:00 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

DISCUSSION: **Minor Site Plan Subcommittee Application**

Kane Brewing Company/Michael Kane
Block 176 Lot 2

Planning Administrator Marianne Wilensky explained that the applicant is proposing a new chiller unit to be placed next to the new silo that was recently approved. Ms. Wilensky said that a resolution has been prepared incorporating the conditions in the Board Engineer's report. The minor site plan subcommittee members had no concerns with the application and unanimously recommended it to the full Board for approval.

REGULAR MEETING: 7:30 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS

PRESENT: Robert Acerra
 Anthony Andrisano
 Joseph DiBenedetto, Alt I
 John Duthie, Alt II
 Warren Goode, V Ch
 Brian Lefferson
 Stephen Levy
 John Verrilli

MEMBERS

ABSENT: Fred Brody
 Estelle Klose
 Thomas Means, Chair

OTHERS PRESENT: Nicholas Falcone, Esquire, Board Attorney
 James Higgins, P.P., Board Planner
 William Fitzgerald, P.E., Board Engineer
 Marianne Wilensky, P.P, Planning Administrator
 Rachel Montemarano, Planning Board Secretary
 Recording Secretary

Vice Chairman Goode announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice having been sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on July 28, 2015.

CASE CARRIED to March 14, 2016

4N Investors (Dean's Market)

Block 209 Lot 15
1119 Highway 35 North
Ocean

CASES CARRIED to April 25, 2016

58 Monmouth Road, LLC
(Juno/Rook Coffee)

Block 26.04 Lot 2
58 Monmouth Road
Oakhurst

Brielle Avenue, LLC
(Corner of Brielle Avenue & Rose Avenue)

Block 184 Lots 1, 4
1304-1306 Brielle Avenue
Ocean

MINUTES FOR APPROVAL

A motion was made by Stephen Levy and seconded by Joseph DiBenedetto to approve the minutes from the meeting of **December 14, 2015**.

In Favor: Acerra, DiBenedetto, Duthie, Lefferson, Levy, Verrilli
Opposed: None
Ineligible: Andrisano, Goode
Absent: Brody, Klose, Means

CONTINUED CASE

Cindy Lane Family Ventures, LLC This is an application for preliminary and final site plan approval in order to construct a 48 unit apartment community. Variances are required.
Block 1.02 Lot 51.11
Cindy Lane
Ocean
Zone AR3/PRD

Attorney for the applicant: Peter S. Falvo, Jr., Esquire

Board Members Robert Acerra and Brian Lefferson left the dais as they are disqualified on this application.

Board Member Anthony Andrisano has listened to the recording of the previous hearing and is eligible to vote on this application.

The Board's information packet containing the reports of the Board's professionals was marked B-2. Board Planner James Higgins, P.P. summarized his report, which described the new variances as a result of the revised plans. He noted that he is uncomfortable with the Board making the tree location and preservation plan as a condition of approval because he thinks the Board needs to look at it. Board Engineer William Fitzgerald, PE summarized his report, noting that more information is needed on the lighting plan and that he typically does not recommend variances from the ordinance. He recommended an intersection traffic control plan be submitted in order to address the traffic along Cindy Lane, Kings Highway and West Park Avenue, suggesting a three-way stop sign. Mr. Fitzgerald also suggested a curb widening at the Cindy Lane and West Park Avenue intersection as opposed to a signal modification. He referred to the Traffic Safety report provided by the Police Department in which they would like to be involved with the plans for these intersections.

The attorney for the applicant, Peter S. Falvo, Jr., Esquire submitted the following items into evidence.

- A-11 Site Plan dated December 28, 2015 revised through February 10, 2016 consisting of 12 sheets.
- A-12 Survey dated November 13, 2015 revised through December 22, 2015.
- A-13 Architectural Plan consisting of 4 pages. Ms. Wilensky noted that the plan is incorrectly dated February 22, 2016, as they were on file at least 10 days before the hearing.
- A-14 Stormwater management plan dated December 22, 2015 revised through February 10, 2016.
- A-15 Supplemental letter from Traffic expert dated February 11, 2016.
- A-16 Transmittal letter from Parkhill dated February 11, 2016.
- A-17 Exhibit of rendered site plan dated February 1, 2016.

Mr. Parkhill referred to A-17 to describe the changes that have been made to the plan. The layout has been modified to flip the buildings with parking in the middle and a single entryway. Only one basin is now proposed. He said that a revised landscape plan prepared by a licensed landscape architect will be submitted. Building A has the community room with the leasing office and an adjacent tot lot. Each building has 24 units with a combination of one, two and three-bedroom units. There will be one on-site

building attendant. The drainage on site will be designed in accordance with Township and State stormwater management requirements.

A copy of the preliminary pre-development drainage area was marked into evidence A-18 and the post-development drainage area was marked into evidence A-19. Mr. Parkhill referred to A-18 to show two major drainage areas, one to Cindy Lane and one to the south. A-19 shows three areas including the undisturbed land to the south in yellow, the areas draining to Cindy Lane in green and the areas draining to the infiltration basin proposed on-site. Mr. Parkhill said that water quality will be maintained through the basin, which will remove sediment as water flows through. There will be a maintenance schedule. Mr. Parkhill explained the mounding concept and that the impact the infiltrating water will have on surrounding areas will be minimal. There is only one structure within 200' of the basin and more studies are needed to determine if the basement will be impacted. There are alternative plans for the basin should it be determined that there will be an impact on that structure.

Mr. Parkhill said that they can comply with the lighting ordinance. There will be proper illumination and shielding at the property lines. They will comply with erosion and sediment control measures. Mr. Parkhill referred to A-7 to describe the TOSA easement. He said that at some point curbing and sanitary sewers were installed and an easement would be necessary for emergency access. He said that they have removed that easement from the revised plans. Mr. Falvo said that they will meet with the Fire District to determine if that easement is necessary.

Vice Chairman Goode asked about the Cindy Lane right-of-way and who owns the property that it spans. Mr. Parkhill said that the right-of-way curves up to the North. Mr. Fitzgerald said that the property is owned by BVB III Associates. Mr. Falvo said that he understands that BVB III Associates has a court order for 72 units and assumes that they will be responsible for the Cindy Lane extension and improvements.

Mr. Falvo referred to the report of the Board Planner and noted that they will mix up the species of trees in the buffer and will work with Mr. Higgins on the type, size and amount of trees. The site will have a combination of a sprinkler system and drip line, with drip lines throughout the buffer area. There will be sodding on site but the area around the basin will be seeded.

Bernard Reilly, Esquire, the attorney representing the owner of Bodymotion, asked about the curb work. Mr. Parkhill said that they are agreeable to doing their share of the cost of the work. Mr. Falvo said that the cost should be borne by all that will be utilizing it and that they feel more comfortable making a financial contribution of their percentage of use of the intersection. Mr. Reilly asked about the drainage problem on Cindy Lane. Mr. Parkhill said that he has been told there is a problem, but does not know the extent. He said that they have met the standards for this site and are not addressing issues on Cindy Lane. Mr. Falvo said that they are not exacerbating the problem and they comply with stormwater management regulations.

Referring to A-18, Mr. Reilly asked about water in the open areas marked in green. Mr. Parkhill explained that the 2 year storm volume from the existing site has been reduced by 65%. Referring to A-19, Mr. Reilly asked about the drainage into the basin showing in white. Mr. Parkhill said that there is no outflow from the basin onto Cindy Lane. The effect on the water table will not affect the Bodymotion property. The impact to Cindy Lane, even during a heavy rainstorm, will improve compared to what presently exists. While the overall volume will be greater, the rate at which it leaves will be less than what exists today.

With the hour time limit approaching, Mr. Falvo said that he has spoken to the attorney for the next application, Jeffrey Donner, Esquire, and he has agreed to this application getting more time.

Leonid Kantor, 20 Lotus Court, asked about the buffer requirements and how it will affect the development to the south. Mr. Parkhill said that they are requesting relief from

the required 100' buffer. What they are proposing ranges from 40 – 70 feet. Mr. Falvo said that the planner has suggested taller trees to supplement the buffer. Mr. Kantor asked if a fence is proposed. Mr. Parkhill said no, but the applicant would not object to a fence along the southern property line.

Mr. Reilly asked if the property across the street, which is within 200' of the basin, is swampy. Mr. Parkhill said that he has testified that there will be no impact. Mr. Reilly said that if the land is swampy and if there is standing surface water, it will be worse if the water table is higher. Mr. Parkhill said that it won't be worse because surface water is a separate issue from the ground water infiltrating the basin.

Bill Smith, of All American Gym at 19 Cindy Lane, said that he has pits filled with foam blocks in his gym. He had to install sump pumps and there are mold issues and expressed concern that the problem will get worse. He asked for groundwater studies. Mr. Parkhill said that it has been determined that this project will not cause an impact on the surrounding properties and can provide a written report.

George Miller, of IV Miller & Sons, 15 Cindy Lane, expressed concern for the buffer area and noise for the residents of this development as he is an industrial use with compressors that run 10-12 hours per day. Mr. Parkhill said that the buffer is currently proposed to have staggered evergreens that will be 6' at time of planting. He said that the applicant would not object to additional plantings along that property line.

Leonid Kantor, 20 Lotus Court, said that his sump pump is going daily and asked if a complete study can be done to determine if there will be an effect on their residential area. Mr. Parkhill said that he will do any studies required by the Board Engineer. He explained that they are not required to have the water infiltrate the basin, and if it is determined that it will have an effect on the surrounding properties, it can be changed to an alternate plan.

Mr. Reilly asked how long the water would remain in the basin during a 2-year storm. Mr. Parkhill said that 2' of water would remain for 72 hours. Mr. Reilly asked if there was any safety concern for children. Mr. Parkhill said that a 4' fence is proposed around the basin, so there are no safety concerns.

With no more questions for Mr. Parkhill, Mr. Falvo introduced the architect for the applicant, Steven Schoch. A conceptual view labeled 2 was marked into evidence A-8 and a conceptual view labeled 1 was marked into evidence A-9. Mr. Schoch described the three story buildings which incorporate the required mix of units for COAH. The entrance doors lead to a common space for 12 units. Each entrance is secure with a key fob for entry only for those 12 units. There are also security cameras and an on-site maintenance manager. There are no elevators. There is a community room just under 2,000 sq ft near a tot lot for children. The design incorporates a mix of colors and textures with gable elements and stone veneers. The units are fully functional with washers and dryers. The units are designed to Energy Star version 3 standards which ultimately lead to lower utility bills for residents. The buildings are three-story wood frame construction, fully sprinklered and fire rated per State codes. The entrance sign is not illuminated.

Mr. Higgins asked if the proposed colors and materials are consistent with the rendering shown. Mr. Schoch said yes.

Mr. Reilly asked how many children will be living in the units. Mr. Schoch said that the number of bedrooms statistically determines the number of children, but that it is not something that he can testify to as it is not an architectural issue.

With no more questions for Mr. Schoch, Mr. Falvo presented the traffic engineer for the applicant, Dave Shropshire, who prepared the traffic engineering assessment and supplementary report. He said that this development will generate 30-35 peak hour trips, which is an increase of 1.3%. Options including widening the road, changing the intersection signs or adding a traffic signal were discussed. Mr. Shropshire said that a traffic

signal is not warranted based on the volume. He suggested preparing a traffic control plan. A three-way stop sign was discussed as a possible option.

Mr. Reilly said that the traffic counts were conducted in December and asked if they would increase in the summer. Mr. Shropshire said that it could be affected, but he does his counts during an average month for typical traffic counts.

Bill Smith, 19 Cindy Lane, asked what time the studies were performed. Mr. Shropshire said that they were done in the morning and afternoon peak hours. Mr. Smith said that he has 100-150 kids coming to the gym from 3 to 9 PM. He said that the stop sign would be right at his driveway where cars would be trying to come in and out and that it is dangerous. Mr. Falvo said that they will be preparing a plan that the Police Department, Board Engineer and Township Engineer can determine the best option. Mr. Smith asked if there was a way to redirect traffic through the Twinbrook Apartment roads. Mr. Fitzgerald said that the apartment roads are private and the lands between may be wetlands which would prohibit a connection.

With no further questions for Mr. Shropshire and no more witnesses for Mr. Falvo to present, Mr. Reilly presented his client, Michael Bavaro, the owner of Bodymotion. Mr. Bavaro said that cars do not use their signals at the intersection and he has seen cars go through the sides of buildings and hit the fire hydrant. Adding more traffic will only make the problem worse. He said that he was required to install underground water retention when he went before the Board years ago because Cindy Lane could not handle any more water. He said that all the white pines he planted have died because the ground is too wet. The ground is swampy all year long and there is a mosquito problem. He said that there must be a study done to find a solution to the problem. He submitted thirteen photographs of the area that were marked into evidence O-1. He also noted that the Township does not plow all the way to the end of the street.

Mr. Falvo said that he is not saying that Mr. Bavaro does not have a problem on his property, but he does not know the cause. He suggested that the catch basins on his site may need to be cleaned out and may not be fully functioning. He said that the applicant will not exacerbate the problem. With regard to traffic, Mr. Falvo said that they are willing to submit traffic delineation. He asked the Board that they approve the application subject to the basin design being finalized. The use is permitted in the zone and satisfies the affordable housing need.

Vice Chairman Goode asked that Mr. Bavaro's observations be forwarded to the Township Council as they are problems that should be addressed.

Robert Miller, 41 Branch Road, said that he experiences flooding on his property quite often and is afraid that it will get worse.

Leonid Kantor, 20 Lotus Court, said that he loves Ocean Township but pays high taxes. He said that this project may be nice for the community, but the dumpster is right behind his property and there will be flooding and traffic problems. He asked the Board to think twice before approving this application.

Cheryl Miller, 41 Branch Road, said that Branch Road is bearing the brunt of all the development and the traffic on West Park Avenue is horrendous any time of day. She asked if they had considered the Environmental Commission's report as they are against this project. Mr. Higgins said that some of the points they made in their report were good.

George Miller, 15 Cindy Lane, said that the traffic is horrendous from 7:00 – 9:00 AM and he often has to direct traffic so trucks can get through. He said that he disagrees with the traffic expert's testimony and asked the Board to consider this issue. He submitted two photographs of trucks and cars on the road that were marked into evidence O-2.

A motion to close the public hearing was made by Anthony Andrisano and seconded by John Duthie.

In Favor: Andrisano, DiBenedetto, Duthie, Goode, Levy, Verrilli
Opposed: None

Chairman Goode asked if Mr. Fitzgerald was satisfied with what is proposed. Mr. Fitzgerald said that a traffic control plan needs to be prepared and discussed with the police. The stormwater management needs to meet state standards regardless of the plan, but Mr. Fitzgerald said that more needs to be studied as far as making changes to the basin.

Mr. Reilly said that there are major issues with traffic and drainage and he needs more time to review and study the plans. Mr. Falvo said that the applicant is willing to satisfy the professionals concerns with regard to traffic and drainage on site. He said that this project is funded through the State and requires preliminary approvals by the end of this month or the funding will be lost. He requested that the Board grant preliminary approval conditioned upon traffic and drainage. Mr. Reilly said that the final approval should be on public notice so that the neighbors have the opportunity to review the plans beforehand. Ms. Wilensky said that the ordinance specifically does not require notice for final approval, but it could be required as a condition of this approval.

A motion to approve the application for preliminary approvals conditioned upon the landscape, drainage and traffic plans subject to the review and approval of the Board's professionals, and new notice being given for the final application was made by Warren Goode and seconded by Anthony Andrisano.

In Favor: Andrisano, DiBenedetto, Duthie, Goode, Verrilli
Opposed: Levy
Ineligible: Acerra, Lefferson
Absent: Brody, Klose, Means

The resolution will be memorialized on March 1, 2016.

The Board took a break, resuming at 10:15 PM.

Board member Robert Acerra returned to the dais. Board members John Verrilli and Brian Lefferson left the meeting.

NEW CASES

Roller Road, LLC
(Corner of Roller Road &
Rose Avenue)

Block 182 Lot 2
1414 S. Roller Road
Ocean
Zone I-1

This is an application for preliminary and final site plan approval with variances.

Attorney for the applicant: Jeffrey A. Donner, Esquire

The Board's information packet containing reports of the Board's professionals and in-house departments was marked B-1. Board Planner James Higgins, PP and Board Engineer William Fitzgerald, PE summarized their reports.

The attorney for the applicant, Jeffrey A. Donner, Esquire submitted the following a photograph of the existing building and a rendering of the proposed building which was marked into evidence A-1. Mr. Donner said that the goal is to address an already developed property in a cost effective and efficient way. He said that the freestanding sign is 6' tall and only one façade sign is proposed.

Dave Boesch, project manager at Nelson Engineering, submitted the following items into evidence:

- | | |
|-----------------|---|
| A-2 | A rendered survey dated July 21, 2015 revised through October 9, 2015. |
| A-3 | A rendered landscape plan of sheet 4 of the site plan set, dated October 9, 2015 revised through December 11, 2015. |
| A-4 for ID-only | A color rendering of the building façade. |
| A-5 for ID-only | Revised architectural plans revised through October 14, 2015. |

Mr. Boesch referred to A-2 to describe the existing conditions on site, which includes a two-story building with paved parking areas along the North and East sides. A variance for change in grade is required for the northeast corner of the property in order to add part of the parking field into that area. Mr. Boesch referred to A-3 to describe the proposed improvements to the site. The loading platform will be recessed into the building in order to better accommodate a large truck, whereas previously trucks would hang out into the street. By moving the loading activities into the interior, it also reduces noise.

A small showroom and storage area is proposed for the southeast corner of the building, which will be the only part of the site where visitors will access. Visitor parking will be in the southeast portion. 9' wide hairpin striped spaces are proposed in order to provide as many spaces as possible.

A 5' wide buffer is being added to the north side of the property with juniper hedges where there is currently no buffer or separation. Disturbed areas are being restored with sod and all landscaped areas will be irrigated.

The site plan revised through December 11, 2015 was marked into evidence A-6.

Board member Dr. DiBenedetto asked about tree replacement. Mr. Boesch said that there are a number of trees being removed, but they will provide the appropriate donation in addition to the street trees that they are planting. Mr. Fitzgerald said that the applicant has complied with stormwater management measures that are not required and suggested that the Board waive the tree replacement requirement in order to help him pay for the more expensive stormwater management plans proposed. Vice Chairman Goode said that he agrees.

With no further questions for Mr. Boesch, Mr. Donner presented the owner of the property, Jacob Cohen. Mr. Cohen said that his company, Nationwide Campus Corp is a distributor of health and beauty aids that is currently operating in Neptune City and Eatontown. There are 15 employees. Approximately 4-5 trailers come for daily deliveries, Monday through Friday from 8 am – 7 pm. It is important to have the office by the loading dock for incoming and outgoing shipments. The showroom is for vendors to see the products and place orders. There is an employee lounge and kitchen. Mr. Fitzgerald said that he will need to get approval or a letter of no interest from the Monmouth County Board of Health for the kitchen. Mr. Cohen said that the kitchen will only have tables, a microwave and a fridge.

With no further questions for Mr. Cohen, Mr. Donner presented the planner for the applicant, Andrew Janiw, PP. Mr. Janiw submitted an aerial photograph of the site that was marked into evidence A-7. He said that what is proposed is a permitted use. The proposed redevelopment of the site meets the intent of the Master Plan in that they are aesthetically enhancing the property, adding a landscape buffer, improving the circulation and parking and improving the loading area. Mr. Janiw said that they will incorporate the greenbank parking as a condition of approval.

Mr. Higgins said that he has no issues with the requested variances being granted, but that the architectural rendering must be revised to show only one sign and the color scheme must be consistent on everything submitted. Mr. Donner said that it is the applicant's intention to use blue and white as the essential colors.

A motion to close the public hearing was made by Warren Goode and seconded by Robert Acerra.

In Favor: Acerra, Andrisano, DiBenedetto, Duthie, Goode, Levy
Opposed: None

A motion to approve the application was made by Warren Goode and seconded by Joseph DiBenedetto.

In Favor: Acerra, Andrisano, DiBenedetto, Duthie, Goode, Levy
Opposed: None
Ineligible: None
Absent: Brody, Klose, Lefferson, Verrilli, Means

The resolution will be memorialized on March 1, 2016.

Kane Brewing Company/
Michael Kane
Block 176 Lot 2
1750 Bloomsbury Avenue
Wanamassa
Zone I-1

This is an application for minor site plan subcommittee approval in order to add a chiller unit.

The minor site plan subcommittee unanimously recommended this application to add a chiller unit to the site for approval by the full Board conditioned upon the submission of revised plans to be reviewed and approved by the Board Engineer.

A motion to approve and memorialize the application was made by Warren Goode and seconded by Anthony Andrisano.

In Favor: Acerra, Andrisano, DiBenedetto, Duthie, Goode, Levy
Opposed: None
Ineligible: None
Absent: Brody, Klose, Lefferson, Verrilli, Means

Meeting adjourned at 11:05 P.M.

Rachel Montemarano
Board Secretary
Recording Secretary