

CAUCUS SESSION: 7:00 P.M. Caucus Chambers, Second Floor
Deal and Monmouth Roads
Oakhurst

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

MEMBERS Anthony Andrisano
PRESENT: Fred Brody, Alternate I
Carlo Gallelo
William Garofalo
Warren Goode, Vice Chair
Thomas Means, Chair
George Sariosotis
John Verrilli

MEMBERS Estelle Klose
ABSENT: Stephen Levy, Alternate II
Joanne Nadell

OTHERS PRESENT: Sanford Brown, Esquire, Board Attorney
James Higgins, Board Planner
William Fitzgerald, Board Engineer
Marianne Wilensky, Planning Administrator
Margo Simpson, Planning Board Secretary
Recording Secretary

Chairman Thomas Means 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, the Coaster, and the Atlanticville, posted in the Township Hall, and filed in the Office of the Township Clerk on June 11, 2009.

REORGANIZATION

Warren Goode nominated **Thomas Means** as **Chairman** from July 1, 2009, through June 30, 2010. The nomination was seconded by Anthony Andrisano. There were no other nominations.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sariosotis, Verrilli
Opposed: None
Abstained: Means
Absent: Klose, Levy, Nadell

Thomas Means nominated **Warren Goode** as **Vice Chairman** from July 1, 2009, through June 30, 2010. The nomination was seconded by George Sariosotis. There were no other nominations.

In Favor: Andrisano, Brody, Gallelo, Goode, Sariosotis, Verrilli, Means
Opposed: None
Absent: Klose, Levy, Nadell,

Motion was made by Thomas Means and seconded by Warren Goode to approve the following **meeting dates for the year from July 1, 2009 through June 30, 2010:**

<u>Regular</u>	<u>Workshop</u>
July 27, 2009	
August 24, 2009	
September 14, 2009	
October 26, 2009	
November 23, 2009	
December 14, 2009	
January 25, 2010	
February 22, 2010	February 8, 2010
March 22, 2010	March 8, 2010
April 26, 2010	April 12, 2010
May 24, 2010	May 10, 2010
June 28, 2010	June 14, 2010

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sarios, Verrilli, Means
Opposed: None
Absent: Klose, Levy, Nadell

Motion was made by Thomas Means and seconded by Warren Goode to appoint **Sanford D. Brown, as Planning Board Attorney** from July 1, 2009, through June 30, 2010.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sarios, Verrilli, Means
Opposed: None
Absent: Klose, Levy, Nadell

Motion was made by Thomas Means and seconded by Carlo Gallelo to appoint **James Higgins as Planning Board Planner** from July 1, 2009, through June 30, 2010.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Sarios, Verrilli, Means
Opposed: None
Abstained: Goode
Absent: Klose, Levy, Nadell

Motion was made by Thomas Means and seconded by Warren Goode to appoint **William Fitzgerald as Planning Board Engineer** from July 1, 2009, through June 30, 2010.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sarios, Verrilli, Means
Opposed: None
Absent: Klose, Levy, Nadell

Motion was made by Thomas Means and seconded by Warren Goode to appoint **Margo Simpson as Planning Board Secretary** from July 1, 2009, through June 30, 2010.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sarios, Verrilli, Means
Opposed: None
Absent: Klose, Levy, Nadell

SWEARING IN OF PROFESSIONALS: Board Attorney Sanford Brown swore in Planning Administrator Marianne Wilensky, Board Planner James Higgins, and Board Engineer William Fitzgerald for the upcoming year.

MINUTES FOR APPROVAL

A motion was made by Thomas Means and seconded by Warren Goode to approve the **minutes from the meeting of June 1, 2009.**

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sarios, Means
Opposed: None
Ineligible: Verrilli
Absent: Klose, Levy, Nadell

CASE CARRIED to August 24, 2009

Seaview Square, LLC

Block 141, Lots 1, 23
Highway 35 and Route 66
Wanamassa

CONTINUED CASES

Michael Basso
Block 63, Lot 11
610 Palmer Avenue
West Allenhurst
Zone R-5

This is an application for a minor subdivision to create two lots with variances.

Attorney for the applicant: Mark Kitrick, Esquire

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record. Board Planner James Higgins read his report into the record. He noted that the applicant has put a small retaining wall on the east side of the lot to eliminate the drainage concerns. They have moved back the house to eliminate the variance for a front yard setback. There are now no variances required for this subdivision. A donation of \$1,050 to the Shade Tree Fund is necessary.

Board Engineer William Fitzgerald explained that there are a few small items that need to be addressed that the applicant has agreed to comply with. The main issue has been the drainage. The applicant's engineer has done a good job of making it comply with the Board's recommendations. The drainage will be better than it currently is and the situation will be improved for the adjoining property. He noted that the roofline of the house should go east/west so that the water drains to the street.

Mark Kitrick, Esquire, representing the applicant, said that the builder agreed to comply with the request of Mr. Fitzgerald.

From the audience, Gladys Petko, 617 Palmer Avenue, asked how many trees will be planted. Mr. Higgins explained that there will be two street trees added and the applicant will have to make a donation to the Shade Tree Fund of \$1,050.00.

The applicant's engineer, Charles Surmonte, had the subdivision plan, revised through July 15, 2009, marked as **evidence A-2**.

A motion to close the public hearing was made by Thomas Means and seconded by Anthony Andrisano.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sarios, Verrilli, Means
Opposed: None

A motion of approval was made by Thomas Means and seconded by Warren Goode.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Sarios, Verrilli, Means
Opposed: None
Ineligible: None
Absent: Klose, Levy, Nadell

Memorialization will take place on August 24, 2009.

Ocean Seniors
Block 1.02, Lot 72
20 Hidden Meadows Drive
Wayside
Zone AR3-PRD

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

Attorney for the applicant: Thomas Hirsch, Esquire

The Board's information packet was marked as **evidence B-1**. This packet contained the reports of the Board's professionals and in-house departments, which were read into the record. Due to the large number of people in the audience, Chairman Thomas Means asked Board Planner James Higgins to read his entire report, dated July 22, 2009, into the record.

At this point, there was a problem with the recording system and a new disc had to be installed. The reading of the report was not recorded. The recording began with the reading of the Board Engineer's report.

Board Engineer William Fitzgerald read his report into the record. He indicated that the applicant has revised the plans to meet his recommendations.

Thomas Hirsch, Esquire, representing the applicant, explained that the site was approved several years previously. Currently, the economy is not good and the Township Council has allowed the age restriction to be lifted to allow market rate units. The Township of Ocean has changed the zoning to remove the limitations and allow them to add Council on Affordable Housing (COAH) units.

Mr. Hirsch continued to explain that there is currently a lower section of the building that the applicant will build up to match the rest of the building in look and design. There will 20 units added, 19 of which will be COAH units in a mix of one, two, and three bedroom units. COAH determines what that mix will be.

There will be a new parking lot to the rear of the site so that they can comply with the requirements of the Township. There will be amenities for children and a tot-lot will be added. There will be new parking that was previously approved as land-banked parking.

Chairman Thomas Means explained to the people in the audience that there is a State law that allows the developer to put in the COAH units.

Mr. Hirsch added that there is a constitutional mandate to provide affordable housing.

Board Planner James Higgins explained that this is an AR3/PRD zone in which the 'A' stands for affordable. It was zoned this way because of the Hidden Meadows development, which allowed Whalepond Village as the affordable housing component.

Mr. Hirsch presented John Rea, Traffic Expert for the applicant. Mr. Rea had a plan titled 'Proposed Addition to Primrose Place' marked as **evidence A-7**. This plan showed the underground parking, which had been an issue regarding the access to the rear parking lot through the garage. He felt that there are no safety issues involved because it is well lit and there is a 24' drive aisle. It is covered from the elements and well lit. He found no safety implications.

The elevator area that had been questioned at the last hearing has a vestibule area and is not an issue as far as safety is concerned.

Mr. Hirsch noted that a parking variance is necessary for spaces with 9' widths. Mr. Rea explained that the parking requirement according to the Residential Site Improvement Standards (RSIS) has been met because they require nine-foot stalls.

Mr. Rea continued to explain that there is a 24' drive-aisle on the east side that is reduced to 20' for about forty feet where the handicapped ramp is located. It is more than sufficient for a two way traffic flow for a short distance.

Mr. Rea explained that he did his first traffic study of this area in 1994 and has done other studies of the West Park Avenue corridor. Currently, he placed a Traffic Impact Study, dated April 8, 2009, into **evidence A-8**. He noted that it is a full impact study that shows the impact of the twenty additional units regarding Hidden Meadows Drive and West Park Avenue.

Mr. Rea said that he conducted a peak hour study in March of 2009 on a day when school was open. He chose a typical day when there were no weather factors. The counts in March were compared to counts taken in the same area for the St. George Greek Church application in the summer of 2008. In comparing them, it was found that the peak commuter hours were higher with the summer traffic.

There are currently 124 units in Primrose Place, but only about 60 are occupied. The new units will be non-age-restricted, which will result in a bit higher traffic number because they are not all retired. This had to be factored into the equation.

Mr. Rea said that he visually observed the cars coming in and out. There are 328 units in Hidden Meadows and 96 units in Whalepond Village. Added to the 124 units in Primrose Place this totals 548 units currently to which 20 new units will be added.

Mr. Rea said that in looking at the level of service under the existing conditions, the A.M. and P.M. level of service is consistent with what is in the traffic study. There will be some additional delay as a result of the units being added with an increase in the A.M. of 2.2 seconds per vehicle and in the P.M. of 4.6 seconds per vehicle.

Chairman Means noted that in looking at the plan and listening to the testimony, he felt that there is no need to use the emergency access to the new parking lot in the rear.

Mr. Rea agreed, adding that the garage is acceptable and there is no benefit to using the emergency access. The buffer would be lost and paving would have to go to the property line and the building.

Mr. Fitzgerald felt that using the emergency access would change the dynamic of the project.

Vice Chairman Warren Goode asked if anything could be done to improve the level of service on West Park Avenue and Hidden Meadows Drive.

Mr. Rea noted that the West Park Avenue is a County road and he did not think they would approve a traffic light at this intersection because there is already a light in close proximity at Poplar Road. There is an access to Hanley Road which is stubbed. If cars were able to access West Park Avenue through that road that would take them through the development to the traffic light.

There are some gaps in traffic from the light at Poplar Road, but the traffic exiting Route 18 also needs to be taken into consideration.

Planning Administrator Marianne Wilensky explained that when the Greek Church was approved, one of the requirements was that they approach the County about right of way changes at Poplar Road. The County denied the request.

Mr. Rea added that the applicant went to the County about the intersection that is currently striped with two eastbound lanes. They asked the County to change it to three lanes which would be used for left turns, right turns, and straight traffic. The County declined the request because they did not think the road is wide enough.

Board Member Carlo Gallelo asked for clarification on the status of the construction access through the Greek Church property.

Mr. Hirsch explained that he has been attempting to gain access through the Greek Church property over a sewer easement on the east property line where the Church currently has a construction trailer. When he approached the Church he was told that they would have to present it to the Church Council for approval. There has not yet been a response. If the Church Council does not approve it, the project will have to access Hidden Meadows Drive.

Mr. Fitzgerald explained to the audience that the traffic numbers Mr. Rea referred to are 'averages'. Some cars might exit Hidden Meadows Drive in thirty seconds and others might have to wait two or three minutes. The numbers are averaged.

Mr. Hirsch said that he has made a good-faith effort to gain the access and the applicant has even offered a contribution to the Church. One of their concerns was that they do not want to have their project held up because of the applicant's project. Mr. Hirsch said that he approached the Church with this request prior to the meeting of June 1st.

From the audience: Ken Sauter, Esquire, representing the Hidden Meadows Condominium Association, said that the Association has concerns regarding the access and construction. There are concerns because of prior issues. He asked Mr. Rea what he took into consideration in regards to the traffic study.

Mr. Rea said that he also did the traffic study in regards with the Greek Church application. That use will be primarily on Sundays. There will also be gym activities on Wednesday nights and some school activities. The school runs from 4:00 to 6:00 P.M. on Wednesdays, which does not interfere with the peak hours. There will be a dance class after school that will go to 7:30 P.M.

Mr. Sauter asked if the Board is planning their own traffic study. Chairman Means explained that the Board does not feel that their own study is necessary for twenty additional units.

Mr. Sauter explained that Hidden Meadows Drive is owned by the Association with a generic easement for the subject site. It does not address anything about rights to access the site for construction. There might be damage to Hidden Meadows Drive. In addition, the Association is concerned with the adequacy of parking and what will happen if the parking is not adequate.

Mr. Rea said that in his opinion he does not think that will happen because there is an excess of parking on the property. There are 288 parking stalls required, but realistically the demand should be 240 to 250.

Mr. Sauter felt that another concern is the safety factor of lighting changes from daylight to the garage light. Mr. Rea said that it is a very well lit parking garage and there should be no change-of-light issues.

Mr. Higgins asked about visitor parking and if there will be a designated area. Mr. Rea said that it is his understanding that in the garage there is one space per unit and the balance of the stalls are for visitors.

Mr. Higgins pointed out that there is a garage door that is kept closed and needs access to open it. Mr. Hirsch confirmed that it is a secure garage for the residents. There will be visitor parking on the east side of the building.

From the audience: Susan Epstein, 3 Tanya Circle, felt that snow plowing had to be taken into consideration because in Hidden Meadows it is a disaster when snow events occur. She was concerned that cars will park on Hidden Meadows Drive when the parking lots are being plowed.

Mr. Rea explained that he counted cars and did his calculations. Then he referred to the [Institute of Traffic Engineers] Manual (ITE) to see how their calculations agreed. With all the 484 units and the traffic coming in and out, his calculation was right on target with what the ITE suggests. The property is over-parked by about fifty spaces and there should be no problem with the snow.

Chairman Means said that snow cannot be a consideration in a site plan application. Hidden Meadows Drive is not signed for 'no parking'. It could be marked by Hidden Meadows because it is private property.

From the audience: Tito Vasilki, 37 Charles Court, explained that the police will not ticket on Hidden Meadows Drive because they have not been given Title 39 for the private property.

From the audience: Maureen Kirilin, 92 Tanya Circle, said that she heard there was a flooding problem in the garage of Primrose Place. From the audience, a chorus of voices said 'never'.

From the audience: Martin Kranzler, 8 Tanya Circle, was concerned with what will happen if the applicant does not get the approval for the construction entrance through the Church property.

Mr. Hirsch presented the applicant's engineer, Matt Robinson, who had presented testimony previously, so that he could be questioned by Mr. Sauter. Mr. Sauter asked if there were any improvements planned to Hidden Meadows Drive or the stub road and what measures will be taken to protect Hidden Meadows Drive. Mr. Robinson said that no changes are proposed. Hidden Meadows Drive is a stable roadway, which is adequate for truck traffic. There will be a tracking pad for the trucks.

Mr. Sauter pointed out that there was damage to Hidden Meadows Drive during the previous construction and there were trucks parked along the road during the construction. Hidden Meadows Drive is owned by Hidden Meadows and they are responsible for maintaining the roadway. He asked if the applicant will take responsibility if there is damage to the roadway.

Mr. Hirsch stated that Hidden Meadows Drive is dedicated for public use and unobstructed access to Hidden Meadows.

Mr. Sauter wanted to know if in designing the site there was consideration to the occupancy mix and asked if any materials will be stored offsite of the property. Mr. Robinson responded that additional parking and a play area were added in the rear and all materials will be stored onsite.

Chairman Means said that one of the main concerns is the construction trucks. He asked Mr. Hirsch if he would prefer a vote this evening with a condition that the construction access must be through the Church property, or if he would rather be carried to the next meeting to resolve the issue.

Mr. Hirsch said that he will continue to make his best effort to obtain the construction easement. However, there are rights that Hidden Meadows Drive is an unobstructed access. If Hidden Meadows has issues with that, it is another issue and not the jurisdiction of the Planning Board. Mr. Hirsch said that he can show the Board written documentation that they are attempting to utilize the Church property and are waiting for a response. Using Hidden Meadows Drive is not a legal reason to deny this application. The applicant will agree to a condition that they will not park any construction vehicles on the road.

Mr. Hirsch presented Arthur Corsini, principal in Ocean Seniors, L.L.C., who explained that the foundation work for the building is already complete so there will not be the need for any excavation vehicles. They expect to have the construction completed in thirty to sixty days. Once the framing is complete and the siding and roofing are done, the majority of the work will be interior work. The contractors will be working from the garage. The construction will be no where near what the original construction was. They will start immediately when possible and hope to be completed in nine to twelve months.

If they are responsible for any damage done to the Hidden Meadows Drive roadway they will be responsible to fix it. Garbage trucks, moving vans, and other large trucks utilize the roadway to go to Hidden Meadows. He said that he will not be responsible for alligating or normal wear and tear of the road. There can be a condition that there will be no staging of vehicles on Hidden Meadows Drive. Every effort will be made to keep all the vehicles on the subject property.

Mr. Sauter asked if a bond could be posted for the roadway. Mr. Corsini said that he is not willing to post a bond. He agreed to a prohibition of parking on Hidden Meadows Drive, no staging or queuing, and no parking or storage of vehicles in the Hidden Meadows Complex.

Mr. Sauter said that the Association would like to know when the heavy equipment will be coming to the site because they have had damage in the past from construction vehicles. Mr. Corsini agreed that there will be some heavy trucks, but not to the extent that there were when they first built the site. Mr. Fitzgerald noted that there is a limit for the gross weight of vehicles on roadways to 80,000 pounds.

Mr. Corsini noted that there will be a pre-construction meeting with the Township. At that time, they will notify the Hidden Meadows board when construction will start. There is no work planned on Hidden Meadows Drive.

Mr. Sauter asked if Mr. Corsini would be willing to share costs for Hidden Meadows Drive because the condo association is bearing the brunt of something that was not dealt with when the easement was put in place. Mr. Corsini said that he would not be willing to share costs, but any damage done to the roadway by the contractors will be repaired.

Mr. Sauter asked for a condition of approval for no parking on Hidden Meadows Drive. He said that the condo association has never sought Title 39 on their property.

From the audience: Michele Mastrangelo, 84 Tanya Circle, asked if Mr. Corsini was aware of any damage done to Hidden Meadows Drive during the original construction for Ocean Seniors.

Mr. Corsini said that they repaired the road after the utilities were installed. He did not think that the alligator cracks were his responsibility because they go all the way into the condo property. There was an area where the cars went off the road that was filled and seeded.

From the audience: Maureen Kirlin asked if Ocean Seniors has the right to make more affordable units in the complex. She asked how much the units currently rent for.

Mr. Higgins explained that they must have a certain number of units that have to be tied up for thirty years. He thought that the applicant might not want to tie up a lot of units for thirty years.

Mr. Corsini said that the units currently rent for \$1,850 to \$2,200. They have had a difficult time renting because of the age restriction. They originally tried to sell the units, but failed, so they decided to keep the property, own it and manage it.

Chairman Means explained that the Planning Board can only look at the site plan. Mr. Higgins noted that the applicant is entitled to having the age restriction changed because the zoning is in place. They comply with all the requirements that are necessary. It is not up to the Planning Board to look at whether it is viable financially.

From the audience: Annette Keleher, 311 Daniele Drive, asked if the State or the Township is required to come up with the number of new affordable housing units.

Mr. Higgins explained that there are state requirements for affordable housing that are constantly changing and are very complex. There is a past obligation and a future obligation. The Township feels that they have over 3,000 apartments and have addressed the affordable housing. There is an obligation to supply about 1,000 new units. If this developer were to sue the Township, the Township would have to put in 1,000 units. Therefore, the Township is working together with this applicant.

From the audience: Mary Woolley, 110 Tanya Circle, asked if there were controls over how many people live in a unit.

Mr. Corsini said that the occupancy is regulated by the law and will have to be complied with. There are other agency approvals that will also have to be obtained before construction can commence.

Ms. Wilensky explained that the Housing Division is in her department. They will know the mix of bedrooms and the number of occupants. Bedrooms have regulations based on code regarding the size and number of occupants. Certificates of Occupancy are required. The application for a Certificate of Occupancy lists the sizes of the rooms and the ages of the people.

Ms. Woolley was concerned with the number of parking spaces. Mr. Corsini said that there will be two spaces per unit.

Chairman Means carried this application to the meeting of September 14, 2009.

Meeting Adjourned 10:00 P.M.

Margo Simpson
Board Secretary
Recording Secretary