

CAUCUS SESSION: 7:00 P.M. Council Chambers
Deal and Monmouth Roads
Oakhurst

DISCUSSION: **Litigation**

CLOSED SESSION

RESOLUTION

WHEREAS, the Planning Board of the Township of Ocean, pursuant to the Open Public Meetings Act of 1975, intends to exclude the public from a portion of this meeting for the purpose of discussing litigation;

WHEREAS, during this closed session appropriate minutes will be maintained, and

WHEREAS, no formal action will be taken by the Planning Board during this closed session,

NOW, THEREFORE, BE IT RESOLVED that pursuant to the exceptions contained in the Open Public Meetings Act of 1975, the Planning Board will now go into closed session for the purpose of discussing litigation.

BE IT FURTHER RESOLVED that the appropriate minutes shall be taken and at such time as the confidentiality of these minutes is no longer necessary they will be released to the public.

BE IT FURTHER RESOLVED that no formal action will be taken by the Planning Board during this closed session.

Motion to enter into closed session was unanimously agreed upon.

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
Christopher Healy
Estelle Klose
Stephen Levy, Alternate II
Thomas Means, Chair
John Verrilli

MEMBERS George Sarios
ABSENT:

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 July 28, 2009.

MINTUES FOR APPROVAL A motion to approve the minutes from the meeting of **January 25, 2010**, was made by Warren Goode and seconded by William Garofalo.

Mr. Higgins explained to the Board Members that they have to decide if the plan is consistent with the Master Plan. The property is now zoned R-3 and will be changed from one residential zone to another residential zone with zoning standards similar to the R-6 zone.

Councilman William Garofalo gave the Board a brief history of the applicant's proposal. Mr. Epstein first came to the Town with a proposal for a more highly dense development of 24 homes and 17 three-story townhouses on Monmouth Road. He was told that his proposal was not in the best interest of the area. He changed his proposal to what the Board was shown this evening. Mr. Epstein met with the neighbors and showed them the plan and they felt that the second plan is preferable over the first.

Chairman Thomas Means said that he did not think the proposed plan is consistent with the neighborhood and it is not consistent with the Master Plan. He felt that if the subject site is developed as proposed, then it will be opening a door for other tracts of land to be developed similarly. There is a very large parcel across the street that is currently Camp Oakhurst. There is a possibility that someday down the road that parcel might be developed and they might ask to increase the density if the subject site is developed as proposed. Mr. Means did not feel that the Master Plan can justify this type of development in this location.

Mr. Higgins said that the Master Plan describes this parcel of land as quasi-public. The proposal will just be another form of residential. Currently, this is an R-3 zone with an R-4 zone adjacent to it.

Chairman Means said that he does not want to 'open the door' to other developments in the future. The proposal is way too intense and the lots are too small. It does not fit in the neighborhood.

Mr. Higgins explained that the subdivision will be enclosed behind other homes and that subdivisions like this are becoming the norm.

Mr. Means felt that it would make more sense if the property were developed as cluster zoning which would allow green areas.

Board Member John Verrilli noted that the intersection of Monmouth Road and West Lincoln Avenue is very busy. This development might add 50 to 60 more cars to it.

Mr. Higgins said that the traffic associated with the Day Camp and School was busier than the proposed development traffic. He also pointed out that if the applicant were to take this parcel to court, the Judge could look at it and tell the Town that we would have to put a Fair Share Plan on this property.

Chairman Means said that the density is far too high and that he is willing to 'give them something', but not what is proposed.

Board Engineer William Fitzgerald felt that the proposed setbacks are too tight. There are no rear yards. There is no room in the front to park cars without being in the right of way. Mr. Fitzgerald calculated that the footprints are 2,000 square feet and they will be two-story homes. They have the room to require garages.

Planning Administrator Marianne Wilensky said that there is no requirement in the proposed ordinance for garages. They would be able to convert any garages to living space.

Vice Chairman Warren Goode asked what type of market the applicant will be selling to.

Mr. Garofalo said that he was under the impression the homes would be for starter homes or retirement homes.

Mr. Goode explained that as Chairman of the Board of Adjustment, there have been problems with previously approved developments in overlay zones. The homeowners come to the Board of Adjustment for variances for construction that was not permitted in the original approvals. The planned designing of the communities did not communicate

well to the homeowners and they do not know that they cannot build certain things on those lots. It creates a problem for the Board of Adjustment.

Mr. Goode continued to explain that since there is R-4 zoning next to this property, he could see rezoning it to R-4. He felt that the proposal as presented would come back to hurt the municipality. The Planning Board is supposed to watch over good planning. With an approval of the proposed, the Planning Board would lose all credibility. He felt that he cannot recommend the proposed plan to Council. He felt that if the Council approves the proposal they will regret it.

Mr. Fitzgerald noted that the plan shows about six homes per acre.

Mr. Means said that as Chairman of the Planning Board he cannot recommend approval of the proposed application.

Board Member Estelle Klose asked if there are other developments in the Township with the proposed density. Mr. Higgins said that the R-6 zone has the same density.

Mr. Means pointed out that in the R-6 zone the setback requirements are better.

Ms. Klose voiced concern that if the Board sends away the applicant the property might remain undeveloped for many years. It is an unsightly, vacant parcel and the homeowners adjoining the property are having problems with the property. She did not think there would be any problem with traffic and noted that the traffic for the school was a problem at times.

Mr. Fitzgerald noted that there will be no place for people to park. The homes will be 4,000 square feet and there needs to be parking available. He felt that the proposed 70% impervious surface is insane.

In response to Ms. Klose, Marianne Wilensky explained that Rolling Meadows and Cedar Village were developed similarly, but with many restrictions. The setbacks are greater and there are requirements for open space. They are not allowed fences or sheds, which create problems with the Board of Adjustment. The proposed subdivision will allow fences and sheds.

Ms. Wilensky said that she will prepare some information for the Board to review. She will await the Board Member's input prior to giving it to Township Council.

Mr. Means noted that the Planning Board does not like the proposal.

DISCUSSION

Board Member Christopher Healy explained that he is the Planning Board liaison from the Environmental Commission. At the last Environmental Commission meeting there was someone from the NJ Smart Start Program with a presentation promoting energy efficient units for small and middle size businesses. The Environmental Commission asked Mr. Healy to make the Planning Board aware of energy efficient units and thought that they might be able to ask applicants to provide them in their applications.

The Planning Board Members discussed Mr. Healy's comments and determined that it would not be appropriate for the Planning Board to make people do certain things.

Mr. Higgins suggested that perhaps applicants could be given some zoning incentives to use energy efficient units. The Board said that they would take his suggestion under advisement.

Meeting Adjourned 8:15 P.M.

Margo Simpson
Board Secretary
Recording Secretary