

CAUCUS SESSION: 7:00 P.M. Second Floor Conference Room
Deal and Monmouth Roads
Oakhurst

DISCUSSION: Housing Element and Fair Share Plan

Mary Beth Lonergan, Planning Consultant for the Township of Ocean, explained that the municipality has attempted to address the adjusted Fare Share obligation to meet the court muster. The obligation has been reduced from 873 to 216. She briefly explained what the public presentation will be at the meeting this evening.

Jeffrey Surenian, Special Counsel on affordable housing, explained that there was a deadline date of June 15, 2011, for BVB and Roosevelt to file objections. Since that time, the objections have been addressed and the next submittal date is July 15, 2011. Adjustments may need to be made in the future. The plan is allowed to be submitted 'under protest' and that right will be exercised. This leaves options open to the change in course in the future.

Mr. Surenian says that the proposal offers apartment owners \$27,500 for each apartment they deed restrict. In the alternative, 777 West Park Avenue could be used as a total affordable complex.

REGULAR MEETING: 7:15 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT:	Anthony Andrisano Fred Brody, Alternate I Carlo Gallelo William Garofalo Warren Goode, Vice Chair Christopher Healy Stephen Levy, Alternate II Thomas Means, Chair John Verrilli	MEMBERS ABSENT:	Estelle Klose George Sariosotis
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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
Martin Arbus, Township Attorney
Jeffrey Surenian, Esquire, Special Counsel on Affordable Housing
Mary Beth Lonergan, Planning Consultant

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 August 23, 2010.

RESOLUTION MEMORIALIZATION

<u>R & S Realties, LLC</u> Block 1.05, Lot 9.01 18 Cindy Lane Wayside Preliminary and Final Site Plan Approval with Variances	MOVED: Means FAVOR: Andrisano, Brody, Healy, Verrilli, Means OPPOSED: None INELIGIBLE: Gallelo, Garofalo, Goode, Levy ABSENT: Klose, Sariosotis	SECOND: Andrisano
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CASE CARRIED to July 25, 2011

Martelli at Wayside, LLC

Block 37.16, Lots 33, 33.01, 34, 35, 36, 46, 47
Bowne Road and Deal Road
Wayside

CASE CARRIED to August 22, 2011

Pitti Bimi

Block 22, Lot 81
264 Norwood Avenue
Oakhurst

PUBLIC HEARING

Housing Element and Fair Share Plan

Dated May 6, 2011, with additional documents on corrections dated June 16, 2011
Prepared by Mary Beth Lonergan, P.P.

Jeffrey Surenian, Esquire, Special Counsel on Affordable Housing, explained that the Fair Share Plan addressed two components; rehabilitation and a prior cycle component. There is a third component called Third Round Growth Share Obligation which is not yet known. A resolution has been drafted to adopt the plan under protest. This means that we are meeting the requirements but have the ability to adjust the course.

Mr. Surenian presented Mary Beth Lonergan, Planning Consultant representing the Township of Ocean in COAH litigation. Ms. Lonergan explained that affordable housing is defined as restricted housing for thirty years for households that are income restricted or for families of four who earn under \$71,000. It also serves the very low income, which is under \$26,000. Rent or sale prices have to be restricted over a thirty-year period. Some of the lands in Ocean Township are already modest.

Ms. Lonergan explained that there is a draft plan dated May 6, 2011, with a few additional documents and one page of corrections dated June 15, 2011. It also includes a vacant lands analysis that looked at 900 vacant or municipal-owned sites in the Township. The court order for Ocean Township has required it to address rehab share, which is a census derived number. It deals with over-crowding, incomplete kitchens or plumbing, etc. They put a number of 52 units in Ocean Township.

In addressing the prior round obligation of 873 units, Ocean Township does not have sufficient vacant land to accommodate that number for the Fair Share obligation. She did an analysis and determined for residential development a total of 216 units. COAH's rules allow a municipality to use any compliance mechanism that is within the rules. There are over 3,000 garden apartments in Ocean Township that clearly show a full range of modest housing. COAH sets up that those units which have to be regulated rent-restricted with income eligibility. Technically, they are not available to go into Fair Share housing.

Ms. Lonergan continued to explain that the Township has developed a plan to address the 216 unit obligation and a portion has to be produced as affordable rental units and 25% must be senior units.

Primrose Place has 19 affordable rental units. Whalepond Village and Poplar Village are affordable units. Poplar Village has a FEMA grant to demolish 32 units and build new units on lot 27 next to the site and they are also attempting to purchase additional land next to it on lot 26. They are proposing a two-story building with up to 68 units. There will be full renovation of the remaining units.

The BVB site, which is located off Cindy Lane and Clearview Drive, can hold up to 72 units with 14 of them being affordable. The Roosevelt Avenue property is heavily constrained and is located west of the Poplar Village site. It is 2.5 acres and would allow up to 20 units, 4 of which can be affordable.

Ms. Lonergan said that the Township would like to take some of the existing garden apartments and offer the owners an up-front payment of \$27,500 per unit to change the rents to market rate affordable.

In addressing the 216 units, if the proposal fails the Township will build a 100% affordable rental units complex at 777 West Park Avenue with 53 affordable units.

Whalepond Village was built in 1994 with a twenty-year control period. They fit in the COAH rules as utilization for senior units.

There are two privately-owned golf courses; Hollywood Golf Course and Deal Golf Course. The Township will do an over-lay zone so that if in the future they are no longer golf course they will have to be developed as affordable.

A motion to close the public hearing was made by Thomas Means and seconded by Stephen Levy.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Healy, Levy, Verrilli
Opposed: None

A motion of approval of the Housing Element and Fair Share Plan, dated May 6, 2011, with additional documents on corrections dated June 16, 2011, was made by Thomas Means and seconded by Stephen Levy.

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

NEW CASES

Smart Access

Block 33.34, Lots 5, 6
1705-1709 Highway 35
Oakhurst
Zone C-3

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

Attorney for the applicant: Mark S. Shane, Esquire

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1** and the reports were read into the record. Board Planner James Higgins explained that the applicant is proposing to remove the front 40' feet from two existing buildings and construct a two-story building.

Board Engineer William Fitzgerald felt that the application was a very good proposal to improve a site that is in disrepair. The site has some environmental constraints. They need access on Bellmore Street in the rear for loading. Mr. Fitzgerald recommended that they finish the curbing along Bellmore Street as far as their driveway to keep the gravel roadway in tact. He felt that the applicant is proposing a good circulation plan.

Mark S. Shane, Esquire, representing the applicant, presented Shlomo Arbatl, who explained that he is an owner of the property with Michael Sheffer. They have a consumer electronics home and car audio company. The customers bring their cars in for custom installation. They also will do custom home installations. The installations will be done inside the building in the rear. There will be a second floor for storage.

Mr. Shane had a ledger sized copy of the elevations marked into **evidence A-1**. Copies were passed out to the Board Members for review. Mr. Arbatl explained that the façade will be slate/stone with stucco in earth tones.

Mr. Higgins noted that the scaled elevation for the free-standing sign and the rendering are different. Mr. Arbatl said that they will meet the ordinance requirement for the free-standing sign. The name of the business will be on the building. There will be three or four retail units and the names will be above the doors. He agreed to comply with all the recommendations of the Board Engineer.

From the audience: David Dorfman said that he owns the property to the east of the subject site. He wanted to know if Bellmore Street will be curbed on both sides. Mr. Fitzgerald felt that the street should be curbed on both sides and the lights in the back should be aimed downward.

Mr. Shane presented David Boesch, Project Manager for the applicant. He had the site plan, dated January 26, 2011, revised through April 12, 2011, marked as **evidence A-2**. He referred to sheet 1 of 1, which was a colored copy of the topographic page. He explained that there are two existing buildings on the site and a limited pavement area. There is an overgrown gravel area in the rear of the buildings. The applicant is proposing to remove the front 40' of the buildings to provide a parking area. The landscaping plan showed the ingress area from Highway 35 and 32 parking spaces. There will also be an ingress/egress driveway on Talmadge Avenue. Customers will bring the cars to the front of the building and employees will drive them to the rear of the building for service.

Mr. Boesch explained that the applicant is doing the best he can to make upgrades to the site. He will refurbish Bellmore Street and provide curbing to contain the gravel surface. The curbing will be extended to the driveway area, which is about half way down the street on both sides. The stormwater will be addressed as per the report of the Board's Engineer.

A motion to close the public hearing was made by Thomas Means and seconded by Warren Goode.

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

A motion of approval was made by Thomas Means and seconded by Fred Brody.

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

Memorialization will take place on July 25, 2011.

CONTINUED CASE

Ocean 35 Developers, LLC **Ocean 733 Associates, LLC**

Block 140, Lots 105, 106, 107, 109
731 and 733 Highway 35
Colonial Terrace
Zone C-3

This is an application for preliminary and final site plan approval to permit a change of use and to erect a free-standing sign with variances.

Attorney for the applicant: Rick Brodsky, Esquire

The Board's information packet, containing the reports of both the Board's professionals and in-house departments, was marked into **evidence B-1** and the reports were read into the record.

Board Planner James Higgins explained that the applicant had provided a report comparing the subject site to other restaurant sites in the area.

Rick Brodsky, Esquire, said that the applicant has agreed to remove the proposed parking in the back area close to Berkeley Avenue as per the request of the Board at the last hearing. The applicant does not yet have a restaurant tenant, therefore, they do not know how much restaurant square footage will be needed.

Mr. Brodsky introduced Elizabeth Oltman, Traffic Engineer for the applicant. Mr. Brodsky placed a Shared Parking Analysis dated February 25, 2011, into **evidence A-2**; and additional analysis dated April 1, 2011, into **evidence A-3**; and a letter dated June 15, 2011 into **evidence A-4**.

Ms. Oltman explained that she prepared the original report for an 8,000 square foot proposed restaurant/retail use with 78 parking spaces on-site where 92 spaces are required. A shared parking agreement was proposed with the adjacent office building after 6:00 P.M. and on weekends. Ms. Oltman said that she did an analysis for mid-day peaks. She noted that 75% of the parking demand occurs in the morning peak hours, 100% at noon, and 80% from 6:00 to 8:00 P.M. The peak months are December and August. Using the analysis it was determined that the site will operate within the perimeters.

Ms. Oltman said that she looked at the Applebee's site for comparison. She drove through the parking lot at lunch time several times to count the open spaces. There were 20% of the spaces open during the lunchtime peak hours. She felt that converting retail to restaurant on the subject site can be accommodated. The use of shared parking at night can also accommodate the site.

Mr. Brodsky said that the ordinance requirement is 92 parking spaces. There are 78 onsite and the difference can be made up with shared parking.

Ms. Oltman felt that the shared parking will not be needed, but it is nice to know that it will be available.

Board Member William Garofalo noted that the shared parking is in the rear of the site. He asked about walkways to get between the sites. Ms. Oltman explained that there is a walkway on the side of the building leading to the parking on the adjacent property.

Mr. Brodsky presented Jon Buletza, Engineer for the applicant. Mr. Buletza said that the overflow parking will be in the north side of the building. There will be a walk along the site leading to a striped cross walk.

Mr. Fitzgerald suggested that the parking in the rear should be for employees. Mr. Brodsky agreed to that condition.

Chairman Means had concerns with the parking in the rear of the site because it is adjacent to residential property. He said that he could not agree to 8,000 square feet of restaurant use and thought that 4,000 square feet would be a better number.

Board Member Carlo Gallelo pointed out that it is not known how the restaurant use and the retail use will balance out because the tenants are not yet known.

Chairman Means felt that the adjacent cross-easement parking should be acquired whether it is needed or not.

Mr. Brodsky presented the applicant, Rudy Samandarov, who said he would agree to limit the amount of restaurant use. He said that Green Mountain Coffee has rented 1700 square feet of space and are allowed 9 seats by the Zoning. They would like to have more seats if possible.

Mr. Buletza noted that currently 1,681 square feet is the smallest space and 2,551 is the largest. After some discussion between the Board and the applicant's professionals, it was agreed that the Board will grant 4,250 square feet for restaurant use. If there are no problems, that number might be able to be increased in the future.

Board Planner James Higgins felt that rather than having a tall, free-standing sign, it would be better to have a monument sign, up to 50 square feet in area. The sign area is on a slightly raised hill. It could be 10' high with a 4' base. Mr. Buletza noted that the applicant is allowed 72 square feet.

Mr. Brodsky presented James Monteforte, Architect for the applicant, to address the sign questions. Mr. Monteforte said that the location of the sign is by the access driveway closest to the Highway Circle. He referred to sheet A1 of 3, revised through April 7, 2011, which was marked into **evidence A-5**. He explained that if there are eight tenants listed on the sign they would have placards of only 9" each.

Mr. Higgins said that they can have the same sign that they propose, but lower it to the ground with a 10' height. The free-standing sign should be coordinated with the façade signs. Mr. Monteforte agreed that it can be accomplished.

A motion to close the public hearing was made by Thomas Means and seconded by Carlo Gallelo.

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

A motion of approval was made by Thomas Means and seconded by Christopher Healy.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Healy, Levy, Verrilli
Opposed: None
Ineligible: None
Absent: Klose, Sariosotis

Memorialization will take place on July 25, 2011.

Gateway Day Treatment Program

Block 152, Lot 3
1 Centre Street
Wayside
Zone O-2

This is an application for minor site plan approval in order to erect and keep fencing.

The Minor Site Plan Subcommittee did not recommend approval of this application. They instructed Planning Administrator Marianne Wilensky to contact the applicant and ask them to provide additional information.

Ocean 35 Developers, LLC

Block 140, Lot 109
731 Highway 35
Colonial Terrace
Zone C-3

This is an application for minor site plan approval in order to change façade signs.

The Minor Site Plan Subcommittee reviewed the application and recommended approval to the full Board with the condition that the applicant shall provide information regarding materials and color of the background, borders, text, and graphics as set forth in the report of the Board Planner dated June 20, 2011.

A motion of approval was made by Thomas Means and seconded by Carlos Gallelo.

In Favor: Andrisano, Brody, Gallelo, Garofalo, Goode, Healy, Levy, Verrilli
Opposed: None
Ineligible: None
Absent: Klose, Sariosotis

Memorialization will take place on July 25, 2011.

Meeting Adjourned 9:15 P.M.

Margo Simpson
Board Secretary
Recording Secretary