

At 6:30 PM, Board Attorney Sanford Brown, Esquire announced that the caucus session originally scheduled for 6:30 PM has been changed to 7:15 PM.

CAUCUS SESSION: 7:15 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

DISCUSSION: Minor Site Plan Subcommittee Application

**Selma, LLC
Block 34 Lot 14**

Planning Administrator Marianne Wilensky explained the history of approvals granted to the applicant. She said that the applicant was now proposing to change the phase line so that the front portion of the building can be issued a temporary certificate of occupancy and the rest of the building be done in the remaining phase. Board Planner James Higgins explained the issues raised in his report and recommended that revised plans be submitted. Ms. Wilensky said that the applicant must complete the work by January 31, 2014. The Subcommittee members unanimously recommended this application for approval with the conditions set forth in Mr. Higgins' report.

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

MEMBERS

PRESENT: Anthony Andrisano
Fred Brody
Joseph DiBenedetto, Alt II
William Garofalo
Warren Goode, V Chair
Estelle Klose
Stephen Levy
John Verrilli
Thomas Means, Chair

MEMBERS

ABSENT: Carlo Gallelo
Ray Menell, Alt I

OTHERS PRESENT: Sanford Brown, Esquire, Board Attorney
James Higgins, P.P., Board Planner
William Fitzgerald, P.E., Board Engineer
Marianne Wilensky, Planning Administrator
Rachel Goncharko, Planning Board Secretary
Recording Secretary

Chairman 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 and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on October 21, 2013.

PUBLIC HEARING: Master Plan Re-Examination

Chairman Means and Dr. DiBenedetto are disqualified on this hearing and left the dais. Vice Chairman Warren Goode served as chair.

Board Planner James Higgins, PP referred to his Re-Examination report of the Master Plan and explained that he is intimately familiar with the subject area, which is Block 35 Lots 6, 7, 8, 10, 11, 13, 14, and 46, as he is a resident of Wayside and has served as the Township Planner for many years. He described that a developer has proposed 102 townhouse units with an affordable housing contribution or 114 units total that would

include some affordable housing units. He explained that there are two components which make this site appropriate for development: that it is available and that someone is willing to develop it. He said that if the Township does not have a plan for the site, it is likely that the Court will mandate more units than what this developer is proposing.

Mr. Higgins said that the site, as it is currently zoned, could be developed with up to 30 single family homes. Mr. Higgins referred to a study performed by Rutgers University which made projections on the number of students that would be generated in townhomes as compared to single family homes. He explained that 25 students would be generated by 30 single family homes. Twenty-six students would be generated by 102 townhomes or 29 students would be generated by 114 townhomes.

Mr. Higgins said that of the 82 acre site, 30-35 acres are buildable. The remaining land in the western portion of the site is wetlands. He said that this plan provides access to Green Grove Road only. He said that this type of development would generate 1 car per minute during peak hours. Mr. Higgins recommended 50' buffers, 75' setbacks and access to Green Grove Road with emergency access only to West Park Avenue.

Ms. Klose asked about the number of students, saying that the projected numbers sounded low. Mr. Higgins said that the number is usually less once the units are actually built. Townhomes are not as conducive to children as are single family homes. He said that the figures he used were state standards, but that the standards for this region are actually lower.

Rick Isaacson, 19 Pal Drive, asked if a less dense development would be preferred in an area with such traffic. He asked about the developer. Mr. Higgins explained that the developer, Toll Brothers, would need a use variance if they were to go before the Board for the proposed development and because there is a shortfall of affordable housing, they would probably propose a much more intense development. Mr. Isaacson asked who owns the property and who asked for the re-zoning. Mr. Higgins said that he does not know who owns the property and that he believes that Toll Brothers requested the re-zoning. Mr. Isaacson asked if the master plan was being reviewed as a result of the re-zoning request. Mr. Isaacson asked if this was the only property available in town. Mr. Higgins said that it was not, but that it was the most desirable. Mr. Isaacson asked if any engineering reviews were performed on the wetlands. Mr. Higgins said no, that that is not done at the zoning/master plan level but rather during site plan approval. Mr. Isaacson asked about the previous re-zoning which allowed for 75 units. Mr. Higgins said that that plan did not include affordable housing. Mr. Isaacson asked if the floodzone had changed since Hurricane Sandy. Mr. Higgins said that he did not know. Mr. Isaacson asked when the last Master Plan Re-Examination took place. Ms. Wilensky said that she believes it would be the Housing Plan in 2011. Mr. Isaacson asked if the land has changed since then. Mr. Higgins said that since Hurricane Irene, the number of affordable housing units has changed. Mr. Isaacson said that all the land has been preserved east of Highway 35 and asked why they don't preserve the land west of Highway 35. Mr. Higgins said that most of the site will be open space when it is completed. Mr. Isaacson asked for more time to consider the application. Mr. Goode said that it is a possibility.

Eric Levin, 12 Cambridge Way, asked about traffic. Mr. Higgins said that a traffic study was not done but that his traffic estimate was based on three to four bedroom townhomes. He said that if the case goes to the Court level, that traffic will not be considered and he is convinced that the Courts will require more units than what is currently being proposed. Mr. Levin asked the sale price of the homes. Mr. Higgins said that he did not know.

Gary Pess, 13 Pal Drive, asked about the estimates of school-aged children. Mr. Garofalo explained that when he served on the Board of Education they used the same study. He said that they found that the numbers were too conservative and that the

number of students was much less than what was projected. Dr. Pess asked questions about the proposed buffers and setbacks and asked if they could have more time to review the plans and get more information. Mr. Higgins explained that the master plan is a

broad plan that sets up the ability for the governing body to adopt ordinances consistent with the master plan. He said that the litigation has not been resolved and that the adopted housing plan is now obsolete due to Hurricane Irene, so they are trying to reconcile the lost units. The Township wants to get a less intensive development before it goes to Court where a more intensive development might be required.

Tom Ross, 9 North Woods Road, asked if this is the answer to COAH. Mr. Higgins said that it may or may not be, but that he suspects it will show the Courts that the Township is trying to reach its obligation. He explained that the Township is requesting a waiver of 53 units and that the Court Master has not decided to grant a portion or all of the waiver, but that if the Township can show that they are attempting to solve the obligation, it may give some relief. Mr. Ross asked why the Township cannot look for other locations in town and put all the affordable housing in one area. Mr. Higgins said that this property is available for development and someone wants to build on it and that is why it is being considered. Mr. Brown explained the Mount Laurel decisions and COAH, saying that builder's remedy lawsuits are approved and sanctioned by the courts and that it is a reality that the town has to deal with. Mr. Ross said that there was no way that a traffic expert would agree to this development. Mr. Higgins said that he disagreed.

Ken Ledwitz, 1218 West Park Avenue, said that it is intimidating that they are being told that if they don't adopt this plan, something worse will happen. Mr. Higgins explained that now that someone has proposed the 114 units and it is before the Courts, there is no way that it will be reverted back to the 75 units allowed by the overlay zone that was first adopted.

Scott Delaney, 1206 West Park Avenue, asked how long the town has known about this. Ms. Wilensky said that the first lawsuits were filed in 2009. Mr. Brown said that the Planning Board has not been involved with this matter until tonight. Mr. Garofalo explained that the Council got the request for the rezoning 6 weeks ago and referred it to the Planning Board. Mr. Delaney asked if there was a better way of notifying the public than a posting in the Coaster and the Asbury Park Press.

Mr. Goode carried the application to November 25, 2013 for the purpose of announcing a date for the next hearing on the Master Plan Re-Examination. The date will also be posted on the website.

The Board took a break from 8:45 PM to 8:50 PM.

Chairman Means and Dr. DiBenedetto returned to the dais.

RESOLUTION MEMORIALIZATION

Sovereign Bank, NA

Block 8 Lot 17
57 Monmouth Road
Oakhurst

Preliminary and Final Site Plan

MOVED: Goode SECOND: Levy
FAVOR: Andrisano, Brody, DiBenedetto, Goode, Levy,
Verrilli
OPPOSED: None
INELIGIBLE: Garofalo, Klose, Means
ABSENT: Gallelo, Menell

CASES CARRIED to November 25, 2013

Seaview Acquisition, LLC

Block 141 Lots 1, 23
2301 Route 66
Ocean

Scott Borbely

Block 119 Lot 2
1503 Sunset Avenue
Wanamassa

Ms. Klose left the meeting at 8:55 PM.

CONTINUED CASES

1910 Investments, LLC

Block 34 Lot 22
1912 State Highway 35
Ocean
Zone C-2

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

Attorney for the applicant: Meryl Gonchar, Esquire

Mr. Garofalo and Dr. DiBenedetto have listened to the recordings of the first hearing on October 9, 2013 and are eligible to vote on this application.

The Board's information packet containing the reports of the Board's professionals and in-house departments was marked B-2. Board Planner James Higgins, P.P. summarized his report. Chairman Means read the report from the Police Department. Board Engineer, William Fitzgerald, P.E. summarized his report.

Attorney for the applicant, Meryl Gonchar, Esquire submitted a DOT permit and plan which was marked into evidence A-14. Ms. Gonchar referred to the resolution from June 2003 where the second access onto the jughandle was approved and said that the resolution does refer to no access to Route 35 but that it is unclear.

Mr. Salvati explained that when he purchased the property, it had many issues. He reviewed the files many times and found that the Permit Extension Act applied to the expired permits, but he wanted to make exterior modifications. He said that he could pull the existing permits but that the DOT permit and the approvals do not match. Mr. Salvati said that he will apply to the DOT again with what the town approves.

Ms. Wilensky said that the permits and the approved site plans need to be checked. It needs to be determined if there was a default or extension of approvals. Mr. Brown said that they should not assume that the Permit Extension Act applies and that they need to find out what was approved by the DOT.

The Board discussed the parking requirement calculations for the medical and non-medical uses of the building. A chart showing the breakdown of calculations was marked into evidence A-15. They are required to have 215 parking spaces and are providing 204 spaces.

Revised architectural plans were marked into evidence A-16. Ms. Gonchar explained that they changed the notations to clarify the tenant spaces and square footage. Ms. Wilensky said that she does not know how the Township would police the laboratory use and general office space. Ms. Wilensky explained that a business license is required by the Township but that many professional offices have state licenses so they do not think they need a township business license.

The Board discussed the parking requirements for the laboratory use. Ms. Gonchar explained that the lab is owned by the doctor that owns one of the practices. The lab is only used by that practice. Chairman Means asked the Board members how they feel about granting a parking variance for 11 to 15 spaces. The Board members unanimously agreed to the granting of the parking variance. Chairman Means said that he has concerns with the parking due to the safety concerns of the access driveways. Mr. Brown said that the applicant has stipulated that he will go back to the DOT. Mr. Salvati agreed. The Board agreed that they would approve the plan without access to the jughandle but that if the DOT said that they have to have the access to the jughandle, then the applicant will have to do that.

The Engineer for the applicant, John Buletza, PE referred to A-14 and explained that the DOT permit is protected under the Permit Extension Act. He said that the plan shows that egress onto Route 35 had been removed, which is different from the approved site plan. He referred to the parking analysis marked A-12, and said that he performed a parking count on August 26th where he counted 23 vehicles in the lot and again on August 27th where he counted 27 vehicles in the lot. He said that the lot is underused for

the 78 spaces required. He said that this lab is different from clinical labs like Labcorp which has a high demand. He said that this lab is accessory to the practice and suggested that the resolution state that the lab is a "pathology lab".

Mr. Buletza said that the previous owner came before the Board and then went to the DOT. Then he went back to the Board and then back to the DOT again. He is not sure what happened after that.

Chairman Means said that the Permit Extension Act does not apply since the applicant is not building the approved building. Mr. Brown said that whatever was approved does not apply as this is a new application.

Ms. Gonchar said that a signed, sealed traffic analysis stating that the egress onto the jughandle is safe will be provided as requested by Mr. Fitzgerald in his report. She said that the applicant will contact BJs to see if they can enter into an agreement to maintain the sight triangle at the jughandle.

The Board discussed the wording in the resolution as to the approval from the DOT. Mr. Brown suggested that they make it a condition that they make a formal application to the DOT and whatever is approved by the DOT will be what is permitted. The Board agreed that they will approve only the right turn exit onto West Park Avenue if the exit onto Route 35 is permitted. But if the exit onto Route 35 is denied, both left and right turns onto West Park Avenue will be permitted.

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

In Favor: Andrisano, DiBenedetto, Garofalo, Goode, Levy, Verrilli, Means
Opposed: None

A motion of approval was made by William Garofalo and seconded by Joseph DiBenedetto.

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

To be memorialized November 25, 2013.

NEW CASE

Selma, LLC
Block 34 Lot 14
1710 Highway 35
Oakhurst
Zone C-2

This is an application for minor site plan subcommittee approval in order to move a phase line.

The Minor Site Plan Subcommittee unanimously recommended this application for approval by the full Board for a change in the previously approved phases with the conditions set forth in Mr. Higgins' report.

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

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

Meeting adjourned at 10:40 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary