

SPECIAL MEETING: 7:00 P.M. Public Meeting Room
Deal and Monmouth Roads
Oakhurst

MEMBERS PRESENT: Maureen Bonney, Alt IV
Jane Grabelle
Eric Menell, At II
Leon Pflaster
Richard Van Wagner
James Worrell, Alt III

MEMBERS ABSENT: Russell Malta
Henry Schepiga, V Chair
Sylvia Sylvia, Alt I
Warren Goode, Chair

OTHERS PRESENT Mark A. Steinberg, Zoning Board Attorney
James Higgins, P.P. Board Planner
Bill Fitzgerald, P.E. Board Engineer
Marianne Wilensky, Planning Administrator
Rachel Goncharko, Board Secretary
Recording Secretary

Acting Chairman Richard Van Wagner announced that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice was sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on May 8, 2013.

NEW CASE

Heritage Village at Oakhurst, LLC
Block 3 Lot 16.03
777 West Park Avenue
Oakhurst
Zone O-1/80

This is an application for a “d” variance, “c” variances and preliminary site plan approval in order to construct age-restricted affordable housing.

Attorney for the applicant: Gary S. Rosensweig, Esq.

Board member Richard Van Wagner served as Chairman for this application.

Board Attorney Mark Steinberg, Esquire said that the applicant's publication was in order and that service and notice was made. He said that this is an application for preliminary site plan approval and that the applicant would have to return for final site plan approval and re-notice.

The Board's packet containing reports of the Board Professionals and in-house departments was marked B-1.

The attorney for the applicant, Gary S. Rosensweig, Esquire said that the applicant will proceed with the number of Board members present. Mr. Steinberg advised that there are 6 Board members present and 5 affirmative votes are necessary.

Ray Ross, President of the Ocean Senior Citizens Housing Corporation, gave a history of Poplar Village. He said that it was built in a flood zone and there have been flooding problems forcing residents to evacuate many times. After Hurricane Irene, flooding destroyed about 2/3 of the complex, displacing residents. He said that their objective is to bring the displaced residents back into a new senior citizen housing complex. Mr. Ross said that the people remaining in Poplar Village also want to move to avoid future flooding. Mr. Van Wagner asked if Poplar Village residents had priority in the new facility and if it was expected to be fully occupied. Mr. Ross said that there is a waitlist for Poplar Village. Board Planner James Higgins, P.P. said that based on previous demand, this complex will be occupied.

Mr. Ross said that there are about 120 parking spaces for 93 units at Poplar Village. Only about half of the residents had cars and only half of those with cars went out during the day. He said that they would go out together and be home before 4:30 PM to avoid traffic.

Christiana Foglio, President and Owner of Community Investment Strategies, was presented as an expert in affordable housing and a fact witness. She said that she became aware of the flooding at Poplar Village and worked with the Town to find a good location for a new complex. She explained that the federal government issued money to construct replacement housing with a short window of time to apply, as the applications are due May 30, 2013. She said that the project will cost \$20 million and they could receive an \$18 million subsidy. Ms. Foglio believes that most of the residents from Poplar Village will be eligible to occupy the new units. She anticipates that they will also qualify for Section 8. The complex will be completely age restricted for 55 years of age and older.

Ms. Foglio said that CIS is a for-profit developer and that Poplar Village will be a special partner in governing the property. She said that she has partnered with non-profits before and has worked with towns meeting COAH obligations. There will be a 30 year deed restriction on the property and the units will be counted towards COAH obligations.

Mr. Higgins asked if Poplar Village was also 55 years and older. Ms. Foglio said that it was 62 years and older. She explained that newer developments are 55 years and older. She said that they could petition for the 62 years and older if the Township preferred that but that it would limit who could live there. Mr. Van Wagner asked if the number of cars and parking spaces would be the same for 55 years and older. Ms. Foglio said that in most other complexes there is 1 space per unit. She said that it is not dependent on age, but more on lifestyle. She said there is a free van service and the first thing they want to do is to get rid of their cars as it is an expense. Ms. Foglio said that the average age of the residents in other communities is 73. Ms. Bonney asked if changing the age restriction to 62 would affect funding. Ms. Foglio said that she did not think it would.

Barbara Hudson, 13 Mahoras Drive, said that 55 is fairly young and that residents of Poplar Village were much older. She said that a big concern is that the residents of Ocean have no preference. Ms. Foglio said that the state does not allow CIS to give preference to the local municipality. She said that they will publish when applications are available, but six months before they will notice the local religious organizations and social workers and start the marketing process very early in the local communities. The seniors will be ready to apply as soon as the applications come out.

Mr. Van Wagner said that he does not see the 55 year age restriction as an issue. Mr. Higgins said that Ms. Foglio's testimony that it is a lifestyle choice is true.

Thomas Ribaud, 44 Branch Road, said that the proposed location is in a flood zone. He asked what percentage of Poplar Village was Section 8. Pam Morley, Manager of Poplar Village, said that there were 43 Section 8 vouchers out of the 93 units. Mr. Ribaud asked how many units are being added. This will be addressed.

Patrick Lynam, LLA, P.P. from Maser Consulting described the site. He said that it will be a 4 story apartment complex. He addressed drainage, saying that drainage will be captured into a basin and that they will meet all the requirements for the DEP, RSIS and the Township. Two year storm flows will be reduced by 50%, ten year storm flows by 75% and 100 year storm flows by 80%. He said that they are improving the existing condition.

The set of plans entitled 'Preliminary Major Site Plan' dated 5/1/13, consisting of 11 sheets, was marked into evidence A-1.

The Illustrative Site Plan prepared by Barton Partners dated 5/10/13 was marked into evidence A-2 for ID only.

Mr. Lynam referred to the report of Board Engineer, William Fitzgerald, P.E. and said that he will work out the details with him for the final plan.

Mr. Fitzgerald summarized his report. He noted that the elevators should be able to accommodate a cot from an emergency vehicle. Mr. Rosensweig said that they will meet that requirement. He also made note of a path to be constructed across Weltz Park to the Senior Center. Mr. Lynam said that this should not be an issue. Mr. Steinberg said that it would cross county owned land. Ms. Foglio said that they will request permission from the county. Mr. Fitzgerald said that they have to meet barrier free code for the path and suggested a natural stone product that can accommodate a motorized chair. Mr. Fitzgerald's report suggested access to Lot 16.04 which is owned by the Township so that it is not landlocked. Ms. Foglio said that an access easement will be granted when the deed is recorded. Mr. Fitzgerald's report said that the island should be removed from the entrance driveway and the drive aisle should be reconfigured for a dedicated left out and right out. Mr. Lynam agreed to that, but it will have to be reviewed by the county as West Park Avenue is a county owned road. Mr. Fitzgerald said that there may already be an easement for access to Route 35 for emergency vehicles. Mr. Steinberg said that he is not sure if there is an easement, but if there is no easement, the applicant would have to prove that it is not possible. Mr. Lynam said that that will have to be investigated. Mr. Fitzgerald expressed concern for the number of parking spaces and how the property will be used in 30 years. Mr. Lynam said that they were attempting to reduce the amount of impervious surface. Ms. Foglio said that after 30 years, the Township would have first right of refusal. Mr. Steinberg suggested that greenbanking be considered for the future. Mr. Higgins said that future parking demands need to be looked into.

With regard to drainage, Mr. Rosensweig said that they are not prepared to present a full plan and it must be studied more. Mr. Fitzgerald recommended that they treat the site as if it has no impervious surface, as it was when it was developed in 1977. He suggested that a condition of the preliminary approval should be that the site will be analyzed as if it has no impervious cover. Mr. Rosensweig said that they will investigate this, and then if it is not possible, they will have to prove that it cannot be done. Mr. Fitzgerald said that a variance for change in grade of 2 ft. or more would be required for the stormwater basin.

Al Kerecman, 748 Bowne Road, said that drainage is the most crucial issue and that if the problem cannot be solved then it should not be considered. Mr. Rosensweig said that they have agreed to work towards Mr. Fitzgerald's standards. Mr. Steinberg said that if Mr. Fitzgerald is not satisfied, the Board will not grant final approval.

Thomas C. Barton, of Barton Partners, PA is the architect for the applicant. He submitted the architectural plans, dated 5/1/13 consisting of 2 sheets into evidence A-3. Color renderings of the architectural plans, consisting of three sheets were marked into evidence A-4 for ID only. Mr. Barton described the proposed complex, consisting of 93 one- and two- bedroom units. Every floor is served by an elevator and the building is handicap accessible. He described the facilities on the first floor, including a community room, laundry facilities, a fitness room, a computer room and a mail room. He said that there is an interior trash area where trash is stored until garbage day when it is moved outside to a temporary storage area for pick-up. There is 400 cubic sq ft of storage per unit, which Mr. Barton said is not an issue as the residents are downsizing. Each unit will have a balcony.

Mr. Barton described the layout of the units, indicating that they each have hook-ups for laundry units and handicap accessible bathrooms and kitchens. He said that they meet the state requirements for room dimensions for affordable housing. The one bedroom units are 700-750 sq ft and the two bedroom units are 970-1090 sq ft. Mr. Barton said that the elevators will not function during a power outage and that they typically do not provide back-up power for the elevators. The building will be an energy efficient building in the Energy Star 3.0 program. Ms. Foglio said that an emergency generator will only power the community rooms, hallway lights and hot water systems. Ms. Bonney asked if there were other community rooms in addition to the one on the first floor. Mr. Barton said that that is the only community room as it is easier to monitor.

Mr. Kerecman asked about the roof. Mr. Barton described it as a flat, membrane roof. When asked if it could be a pitched roof, Mr. Barton said that that was not the look they had wanted and it would add to the height of the building. Mr. Kerecman asked if solar panels would be used. Mr. Barton said that none are proposed. Mr. Kerecman asked what size generator is required to run the elevators. Mr. Barton did not know.

John Jahr, of Maser Consulting is the traffic consultant for the project. He said that he agreed with the parking concerns expressed by Mr. Fitzgerald in his report and that he will work with him to determine the appropriate number of parking spaces. He explained the trip generation at peak hours as follows: 17 trips in the morning and 20 trips in the evening, with 26 trips on Saturdays. He compared the proposed trips to those that would be generated by a permitted office building, which would be 4 or 5 time more intense. Mr. Jahr said that he agreed with the Mr. Fitzgerald's suggestion for left turn and right turn only lanes.

Joe Maloney, 40 Branch Road, asked if he has considered summer traffic. Mr. Jahr said that this housing complex is the lowest intensity traffic use that could be put on that property. Mr. Fitzgerald said that there are a number of uses permitted in that zone and traffic cannot be considered in an application when the use is permitted.

Mr. Kerecman asked if the trip generation is different for 55 years of age and older and 62 years of age and older. Mr. Jahr said that there is a very minimal difference. Mr. Kerecman said that many 55 year old people are still working. Mr. Jahr said that a balance is created between the younger residents that still have cars and the older residents that don't have cars.

Cheryl Miller, 41 Branch Road, asked if he considered visitors. Mr. Jahr said that visitors are taken into consideration with parking requirements. When asked if there would be an increase in the number of car accidents, Mr. Jahr responded that there would not be an increase. Ms. Miller said that the town had purchased the property to create an access to Route 35 from West Park Avenue. Mr. Fitzgerald said that years ago the town looked into the possibility of creating a loop but it never amounted to anything. He said that he cannot testify to the Town's intention of purchasing the property, but there is no physical way to create access to Route 35. Mr. Van Wagner said that it is not relevant to this application.

Mr. Jahr continued his testimony, saying that RSIS standards require 170 parking spaces for a general apartment complex. Township ordinance requires 1 ½ spaces per unit with 61 parking spaces being the maximum parking demand. He said that he can only testify as to the parking required for this application, not to the future parking needs. Mr. Fitzgerald asked if he would submit a report to supplement his testimony. Mr. Jahr said that he will work with Mr. Fitzgerald on the parking in order to submit a report. Mr. Fitzgerald said that he would like greenbanking whether it is onsite or offsite. Mr. Steinberg said that they will defer the parking variance to the final approval. He said that this application is only for age restricted housing. If the use changes after 30 years, the applicant would have to return to the Board.

Mr. Higgins summarized his report dated 5/14/13. He explained that the most stringent standards of the zone where the use is permitted apply to this application. He said that he would not recommend granting the waiver of the landscape plan and recommended that as a condition of approval a landscape plan be submitted. Mr. Higgins asked for the actual size of the storage areas for the units. Mr. Barton said that the 1 bedroom units have 278 cubic feet of storage space and the 2 bedroom units have over 400 cubic feet.

The planner for the applicant, Daniel N. Block, PP, AICP of Maser Consulting submitted an exhibit with aerial photographs of the site from 1979 and 2010 into evidence A-5. A map from Bing.com with a tax map overlay was marked into evidence A-6. Referring to A-5, Mr. Bloch said that the photo from 1979 shows parking spaces, and the photo from 2010 shows that the area has been overgrown with trees. He said that A-6 shows the surrounding park and residential areas. Mr. Bloch went through the

requested variances, noting that the use is less intensive than a permitted use in the zone. He said that the site is suitable for an affordable housing unit as it is situated near compatible land uses. Mr. Bloch said that there is no substantial detriment to the public good or zone plan and the plan is consistent with the housing plan and the master plan.

When asked about the number of stories, Mr. Barton explained that the four story structure is best as it shortens the walking distance to the elevators and common areas. It also reduces the footprint on the ground.

Mr. Kerecman asked about the negative impact to the lot to the north and why that lot was not included to reduce the number of variances. Mr. Bloch said that the Town owns that lot and that there will be no negative impact.

Mr. Rosensweig said that he had no more witnesses. Mr. Van Wagner opened the meeting for public comment.

Joe Maloney, 40 Branch Road, said that the applicant should be held to the highest level of stringency. He said that they fall victim to every storm and their main concern is the drainage. Mr. Van Wagner responded that this is an opportunity to address some of those problems and put a use on the property to make it better.

Bob Miller, 41 Branch Road, asked what happens if it does not work. Mr. Fitzgerald said that longterm maintenance is required by law and an maintenance agreement and manual must be submitted with escrow for the town to inspect the system to make sure that it is working properly. Mr. Miller asked about access to Route 35. Mr. Fitzgerald said that it will only be for emergency vehicles.

Cheryl Miller, 41 Branch Road, said that the Whale Pond Brook Watershed Association is against this application and asked if the Board considered the Environmental Commission's concerns. Planning Administrator Marianne Wilensky said that the report of the Environmental Commission is included in the Board's packet and was forwarded to the Board Planner and Board Engineer for consideration in their reports. Ms. Miller asked the Board to consider their report. Mr. Fitzgerald read the comments of Mr. Pogwist from the 1st paragraph of the last page. Mr. Fitzgerald said that the applicant will address drainage and has testified that the use is a less intense use. Mr. Higgins said that other uses that are permitted in that zone, including manufacturing and distribution, would be much worse.

Ms. Hudson expressed concern that there would be no preference for Ocean residents and that the building will mostly be occupied by 55-65 year old people who are still working. She said that Poplar Village served the Township well and that it was a not-for-profit, with only one story and questioned why Poplar Village was working with CIS.

Mr. Kerecman wanted testimony on walking, biking and handicap access as it could eliminate traffic. He said that a walking path to the Township pool would be a good idea. He suggested a walkway from the site to the Sheraton Hotel in Eatontown so that people can stay there while visiting. He said that the lot to the North should be used to alleviate some of the parking and drainage issues and eliminate the variances. Ms. Bonney said that the Board cannot consider that as it is not part of the application. Mr. Kerecman submitted a list of his recommendations for the site which was marked into evidence O-1.

A motion to close the public hearing was made by Jane Grabelle and seconded by Maureen Bonney.

In Favor: Bonney, Grabelle, Menell, Pflaster, Van Wagner, Worrell
Opposed: None

A motion to approve the D-1 use variance was made by Maureen Bonney and seconded by Eric Menell.

In Favor: Bonney, Grabelle, Menell, Pflaster, Van Wagner, Worrell
Opposed: None
Ineligible: None
Absent: Malta, Schepiga, Sylvia, Goode

A motion to approve the D-5 density variance was made by Maureen Bonney and seconded by James Worrell.

In Favor: Bonney, Grabelle, Menell, Pflaster, Van Wagner, Worrell
Opposed: None
Ineligible: None
Absent: Malta, Schepiga, Sylvia, Goode

A motion to approve the D-6 height variance was made by Maureen Bonney and seconded by James Worrell.

In Favor: Bonney, Grabelle, Menell, Pflaster, Van Wagner, Worrell
Opposed: None
Ineligible: None
Absent: Malta, Schepiga, Sylvia, Goode

A motion to approve bulk variances for minimum front yard setback, maximum number of stories, maximum building length, maximum units per structure, an enclosed storage area, location on improved frontage, and change in grade of 2' or more was made by Eric Menell and seconded by James Worrell.

In Favor: Bonney, Grabelle, Menell, Pflaster, Van Wagner, Worrell
Opposed: None
Ineligible: None
Absent: Malta, Schepiga, Sylvia, Goode

A motion to approve the preliminary site plan was made by Jane Grabelle and seconded by Maureen Bonney.

In Favor: Bonney, Grabelle, Menell, Pflaster, Van Wagner, Worrell
Opposed: None
Ineligible: None
Absent: Malta, Schepiga, Sylvia, Goode

The landscape plan is deferred to the final site plan approval.

Meeting adjourned at 11:00 P.M.

Rachel Goncharko
Board Secretary
Recording Secretary