

**OCEANPORT PLANNING BOARD  
MINUTES  
August 8, 2017**

Vice Chairman Whitson called the meeting to order at 7:30 p.m. and gave the Statement of Compliance with the Open Public Meetings Act: "Adequate notice of this meeting has been provided by notice to the Asbury Park Press and The Link News on January 11, 2017 and by the posting of same on the municipal bulletin board and Borough Web Site."

Vice Chairman Whitson led the flag salute.

**MEMBERS PRESENT:** Mr. Foster, Mr. Savarese, Mr. Kleiberg, Mr. Whitson, Mr. Kahle, Ms. Halpern

**MEMBERS ABSENT:** Mr. Sullivan, Councilwoman Cooper, Mr. Fichter, Mr. Widdis

**OFFICIALS PRESENT:** Jim Miller, Acting Board Secretary, Rick DeNoia, Esq., Board Attorney, Board Engineer/Planner William White, Elizabeth McManus, Clarke Caton Hintz, Planner

**BOARD BUSINESS:**

1. Minutes of the meeting of June 27, 2017 were approved as presented on a motion from Mr. Kleiberg and a second from Mr. Foster and approved by the eligible Board members.

Vice Chairman Whitson advised that new witnesses would not be permitted after 10 pm and no testimony will be permitted after 10:30 pm.

**OLD BUSINESS:**

2. PB2017-08 FM Partners  
Former Fort Monmouth Fitness Center  
Block 110, Portions of Lots 1 & 4  
Request for administrative change

**A-3 – Landscape & Site Exhibit, colored, 1 sheet, prepared by Kennedy Consulting Engineers, LLC, dated March 28, 2017 (Previously Introduced 5/23/17)**

William White, Board Engineer/Planner, and James Kennedy, Applicant's Engineer were sworn. Mr. DeNoia stated for the record that service had been reviewed, was in order and the Board accepted jurisdiction. Mr. DeNoia noted that Mr. Bruno, Applicant's Engineer, had submitted an explanatory letter regarding the Applicant's request.

Mr. Bruno stated that the Board had approved a preliminary and final site plan for the Fitness Center. He referred to **A-3**, previously introduced at the May 23, 2017 meeting, which depicted a utility right of way. Originally, the Applicant anticipated that it would acquire fee-simple title to the right of way, be granting an easement to JCP&L, and the easement would continue as it currently does. Through the approval process, the Applicant learned this would result in a significant delay in closing on the property. As such, the Applicant has agreed to accept an easement from JCP&L, which will be recorded in the Monmouth County Clerk's Office and remain with the property in perpetuity. No other variances are required. It will be a change in the form of ownership, instead of an acquired right of way, it will be an easement.

Mr. Kennedy, previously sworn, testified that he agreed with Mr. Bruno's statements. The designated area will be an easement. There are no structures proposed within the easement. FM Partners will be responsible for maintenance. There are no functional changes or differences. Mr. White requested clarification on the right of way. He believed it was actually part of Lot 5. Mr. Kennedy concurred that it was Lot 5, and it had to be subdivided. Mr. White stated the application then is actually for part of Lots 1, 4 and 5.

Mr. DeNoia noted that while the Applicant appeared before the Board for the sake of transparency, all Board resolutions include a condition that all representations are specific conditions of the approval and any

deviation is considered a breach of the approval. He stated that advising the Board of the change from fee simple ownership to an easement is consistent with the Board's conditions of approval.

**PUBLIC:**

Vice Chairman Whitson opened the meeting to anyone from the public who wished to be heard. As no one from the public wished to be heard, Vice Chairman Whitson closed that portion of the hearing.

Mr. Foster made a motion to approve the revisions as presented and the approval be granted to change the ownership from easement as opposed to fee simple for the right of way, which was seconded by Mr. Kleiberg and received the following vote:

AYES: Mr. Whitson, Mr. Foster, Mr. Savarese, Mr. Kleiberg, Mr. Kahle, Ms. Halpern  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Sullivan, Councilwoman Cooper, Mr. Fichter, Mr. Widdis.

Vice Chairman Whitson stated motion carried.

Mr. DeNoia stated that in preparation of the meeting, he spoke with Mr. Bruno, Mr. Kennedy, Mr. White and Chairman Widdis regarding the anticipated testimony. He supplied a prepared resolution in the event the Board voted to approve, which could also be approved at the meeting. Mr. DeNoia summarized the resolution and its 3 special conditions as well as all conditions of the previous approval, which received the following vote:

AYES: Mr. Whitson, Mr. Foster, Mr. Savarese, Mr. Kleiberg, Mr. Kahle, Ms. Halpern  
NAYS: None  
ABSTAIN: None  
ABSENT: Mr. Sullivan, Councilwoman Cooper, Mr. Fichter, Mr. Widdis.

Mr. DeNoia stated for the record that this resolution was voted on pursuant to a motion to adopt the resolution as the findings and conclusions of the Board for the administrative amendment.

**NEW BUSINESS:**

- 3. PB2016-13 Market on Main, LLC  
275 E. Main St.  
Block 88, Lot 35  
Request for Preliminary & Final Site Plan with variances

**A-1 Colored rendering, prepared by Challoner & Associates, 1 page, dated August 8, 2017**

**A-2 Proposed Plans & Elevations Scheme 4, prepared by Perez & Radosti, 1 page, dated May 8, 2017**

**A-3 Colored rendering, front of building, prepared by Perez & Radosti, 1 page, undated**

**A-4 Colored rendering, rear of building, prepared by Perez & Radosti, 1 page, undated**

Mr. Rick Brodsky, Applicant's attorney, appeared before the Board and asked if service had been accepted. Mr. DeNoia stated for the record that at this time that service had been reviewed, was in order and the Board accepted jurisdiction. Mr. Brodsky explained that the application was for preliminary and final site plan approval to permit a second story expansion to the existing shopping center in the VC district. The application proposes the single-story retail center to remain unchanged in terms of retail tenant makeup with proposed upgrades. The application seeks approval to construct a second story to add 20 residential apartments, including 4 affordable housing units. Revisions to the plans are in response to comments from the Borough's Engineer/Planner.

The following individuals were sworn: Elizabeth McManus, COAH Planner, and Stuart Challoner, Engineer/Planner. Mr. Challoner presented his qualifications and credentials after which, the Board accepted Mr. Challoner as an expert in Engineering and Planning.

Mr. Challoner introduced and identified **A-1**. He described the current condition of the property: primarily 1 story retail, with a partial 2<sup>nd</sup> floor of offices; 4 access points; nearby buildings, including residential and commercial. He explained that the Applicant is seeking to maintain retail use on the first floor, remove the partial second floor, and reconstruct the entire second floor to provide 20 residential apartments. The plans are to maintain the 4 access points and enhance the existing parking, add trash enclosures and handicap parking. Mr. White's review letter suggested removing parking on the property adjacent to E. Main St. to allow for a better cue in to E. Main.

Mr. Brodsky stated that the initial plans called for green bank parking and maintaining the islands around the existing fruit trees and that the plans were revised in response to Mr. White's July 7, 2017 review letter. Mr. Challoner testified that the plans were revised to address Mr. White's comments including 132 parking spaces as required by ordinance.

Mr. Brodsky asked Mr. Challoner questions regarding impervious coverage. 80% is permitted, currently the property is 82.9%. Mr. Challoner stated that with the elimination of the parking spaces in front, new islands around the apple trees and increasing the parking spaces, the Applicant will add less than 1%. Mr. Challoner described the current traffic flow, ingress and egress. Mr. Challoner stated that since impervious coverage is minimal, the existing drainage system will remain. The drainage will be inspected during construction, to comply with Mr. White's recommendation.

Mr. Brodsky asked Mr. Challoner to address specific items in Mr. White's review letter. Mr. Challoner stated the Applicant will not seek a height variance. The Applicant will provide a 10ft. wide dedication and an updated boundary and topography survey. The Applicant will provide 2 separate trash enclosures. The building mechanicals will be located on the roof behind parapets. The minor changes to impervious coverage do not affect grading. The Applicant will provide top and bottom of curb grades and any additional spot grades required. Handicap parking will be ADA compliant. Mr. White asked that they be shown on the plan. Mr. Challoner stated that on Riverview, the Applicant will replace the stockade fence with low hedges and maintain the existing trees to provide a screen from lighting.

Mr. Brodsky asked Mr. Challoner to explain plans for bikes and pedestrians. Mr. Challoner stated the Applicant will replace the current 4 ft. sidewalk with an 8ft. wide walk of pavers, add benches and bike racks. The plans will be revised to show those changes. Mr. White noted that the period lights are required by the Village Center zoning. There was additional discussion regarding current lighting and lighting requirements. Mr. White stated that there are 2 trees in the middle of the sidewalk, which do not encourage pedestrian traffic, and they should be removed. He added that the current fruit trees are about 30 years old. Vice Chairman Whitson stated that fruit trees pose a safety problem when the fruit falls on the sidewalk.

Mr. Challoner discussed changes in traffic: reduced commercial, additional residential with different peak hours. The Applicant will provide a truck movement diagram to the Engineer for review. There was discussion regarding current deliveries by various types of trucks. Mr. Kahle asked about turning radius. Mr. Challoner replied that it is 18 ft., which is the minimum distance for fire access. Mr. Challoner testified that the paver sidewalk from E. Main to the parking lot would eliminate 2 unwanted trees. Mr. White had suggested removing the southernmost driveway. He stated side by side driveways are unsafe. Mr. Challoner stated the Applicant will modify the plans to reflect Mr. White's suggestion. Mr. White and Mr. Challoner discussed parking in the rear of the building, an 18ft. turnaround requirement, curbing and restricting the size of trucks entering. Mr. Kahle asked about entry to the upstairs apartments. The Applicant's architect will respond to that question. Mr. Challoner advised the Applicant will install sight triangles on all access drives. The Applicant will supply 132 parking spaces on site; therefore, no green banking is required. Parking at the north entrance on E. Main St. will be removed to meet the Engineer's recommendations.

Mr. Challoner stated the Applicant's contractor will investigate all pavement failures and catch basins for seepage. Pavement repairs will be boxed out with new base and top coat. The Applicant will install concrete pavers. The Applicant seeks a design waiver for the granite block curbing. Mr. White stated that the granite blocks are consistent with the Village Center design and Borough's ordinance. The Applicant will inspect the existing storm water system, clean the pipe network, certify the pipes are clean, and provide capacity computations.

There was discussion regarding signs and which ordinances govern the Village Center. Mr. Challoner stated the Applicant would like to replace the current pylon sign with a monument sign. Mr. DeNoia noted that there have been many modifications to the plans that were submitted to the Board. The Board normally would not grant conditional approvals. There was additional discussion regarding revised plans and notice. Mr. Foster expressed concern about the number of revisions and his inability to vote on the application after so many modifications. Mr. Brodsky agreed and said the Applicant will submit revised plans for Mr. White. He also requested a revised report from Ms. McManus, Borough Planner. Ms. McManus stated after reviewing the revised plans, she will provide an updated report. Mr. Kahle asked if the Fire Marshal could also review the revised plans. There was further discussion regarding utilities. Mr. Brodsky advised the Applicant received "will serve" letters from the utility companies.

Mr. Challoner advised the Applicant will install bike racks and the fencing along Riverview will be removed and replaced with vegetation. The well on the property is old. The Applicant will investigate and determine whether or not to abandon it. Ms. Halpern asked for the height of hedges in the rear. Mr. Challoner stated they will be a minimum of 24 in. and expected to grow between 36 to 40 in. Ms. Halpern expressed concern about curbing for safety, since some curbing is at 4 in. where it should be 6. Mr. Challoner explained that there will be milling and where possible, the curb will be raised to 6 in.

Mr. Foster asked if the floor plans would be distributed. Mr. Challoner stated the architect would review those with the Board. Mr. Kleiberg noted the Applicant still requires approvals from CAFRA, fire marshal, sewer, water, Freehold Soils and road opening permits. Mr. Challoner stated there was no requirement for CAFRA since the plans call for less than 24 residential units and will provide a jurisdictional determination letter. Mr. Savarese asked about the trash enclosures. Mr. Challoner stated that the trash enclosures were redesigned for front load pick up. Mr. Savarese asked if the residential parking spots would be numbered. Mr. Challoner replied that at least one spot would be marked for each unit. Vice Chairman Whitson stated his concerns regarding the fruit trees and granite block curbing.

**PUBLIC:**

Vice Chairman Whitson opened the meeting to the public for questions for this witness only.

Roseann Letson, 37 Morris Pl., stated she was in favor of the project, but feared that it might be a little too big. She asked what happens to the 1<sup>st</sup> floor tenants during construction. Mr. Challoner stated the Applicant intends to allow those tenants to remain open. Details have not been completed. Ms. Letson expressed concern about parking, especially in light of the recent opening of the dance studio, which generates a lot of cars. She suggested shaving the plans in order to provide adequate parking. She also asked for a definition of greenbanking. Mr. Challoner stated the Applicant was originally going to leave the parking as it is, and show where additional parking can be provided if it was required. However, the Applicant decided not to greenbank, but to add the parking. Ms. Letson expressed concern about delivery trucks and resident parking. She discussed the various scenarios of how many people could be living there, meaning a one-bedroom unit could have two people, a two bedroom could have 3 people, each owning a car. Parking is a problem. She asked what a monument sign was. Responding to her questions in order, Mr. Challoner explained the parking requirements based on unit size. The current sign is a pylon sign, which is elevated off the ground. A monument sign is similar to that on the adjoining property, mounted on the ground. Her final comment was that it's a good project, but it's too big.

As there was no one else from the public who appeared to be heard, Vice Chairman Whitson closed that portion of the hearing.

Mr. Savarese asked why the site plan didn't address the three-bedroom. Mr. White responded that there was one three-bedroom unit. Mr. Challoner explained that COAH has a 20 percent requirement for affordable housing. Mr. Savarese asked about the parking spaces related to each unit and guest spots. Ms. McManus discussed which units would be desirable as affordable housing.

Ricardo Perez, Applicant's architect, was sworn. He presented his qualifications and was accepted as an expert in architecture. Mr. Brodsky asked Mr. Perez to explain the architectural plans. Mr. Perez introduced **A-2, A-3 and A-4**. He explained that the basic footprint will remain, with the exception of fire exit stairs on either side of the building. Entry will be through the current front walk through, and a lobby will be added. An elevator will be added for handicap access, and some mechanicals will replace some current retail on the

first floor. The front façade will be replaced and upgraded. He provided the breakdown of units. Vinyl shake products will be used to give the building a Victorian look. Signage will be presented separately after meeting with retail tenants. Awning signage will be removed. The building height will be slightly below the maximum 35 ft. Mr. Perez reviewed the March 27<sup>th</sup>, 2017 memorandum from Ms. McManus, indicating changes made in response to her report. Mr. Perez described material changes for the front façade, including stucco paint rather than concrete block. Wood clapboard will not be installed, rather vinyl or cement in order to reduce maintenance. The seaside village ascetic and mechanicals were addressed. New columns will be aligned with current columns. Additional storage rooms were included in each unit. Units in the rear will have balconies; the front will have 2 faux balconies. Mr. Perez testified that the revisions meet the modifications requested by the Planner. Ms. McManus stated she will review the plans for a final time, and commended the Applicant for their efforts to make the site more appealing.

Ms. Halpern asked if the elevator was existing. Mr. Perez replied it was not. She noted the elevators and handicap parking were disjointed. There was discussion regarding relocating the handicap spaces. There was discussion regarding entries, the location of mailboxes, and the false windows in the rear of the building. Mr. Foster was pleased with the modifications. He had questions about the columns and the color scheme. There was discussion regarding card access and other security issues. Mr. Kleiberg asked if there was a structural engineer to ensure support of the load of the second floor. Mr. Perez advised there will be a structural engineer and preliminary work has started. Mr. Kleiberg also had questions about venting and ADA compliance. Vice Chairman Whitson also complimented the ascetics. Ms. Halpern asked about uniformity of window coverings. Mr. Foster noted that the Board had required uniform window treatments for the Village Center, and that would be desirable here. Ms. McManus asked for discussion about deliveries, such as Amazon purchases, for residents. Details will have to be worked out.

**PUBLIC:**

Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As there was no one from the public who appeared to be heard, Vice Chairman Whitson closed that portion of the hearing.

Mr. Brodsky asked that the Application be carried to a date certain in order to avoid re-notice. Vice Chairman Whitson suggested carrying to September 26<sup>th</sup>, which Mr. Brodsky will confirm. Mr. DeNoia suggested that the Applicant be prepared to address the sign issue, have a definite list of required variances and design waivers and the provide reasons for those requests at that meeting.

Marilyn Shvarzblat, affirmed. She stated she has joint ownership with her husband of this property. She noted that Mr. Sam Teicher, the original builder of the property, was her father. He developed this area from wetlands to the business center it became. She thanked the Board for their assistance. She stated her father planted the fruit trees. They have been neglected, but she is confident that with pruning, the trees can be contained. A groundskeeper does gather the fruit. The trees have a sentimental value to her. Mr. Foster asked if the Applicant would stipulate that the trees would be taken care of. Ms. Shvarzblat agreed.

**PUBLIC:**

Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As there was no one from the public who appeared to be heard, Vice Chairman Whitson closed that portion of the hearing.

Moses Shvarzblat, affirmed. He is the other 50% owner of the property. He stated that during the construction, he hopes to have a minimal impact on the current tenants. He advised that he will be bringing a pre-fab building to the 2<sup>nd</sup> story. He described some recent improvements even though he knew this application was being prepared. Since most of the curbing will be disturbed by the project, Mr. Shvarzblat will provide Belgian block curbing.

**PUBLIC:**

Vice Chairman Whitson opened the meeting to the public for questions for this witness only. As there was no one from the public who appeared to be heard, Vice Chairman Whitson closed that portion of the hearing.

The application was carried to the September 26, 2017 meeting with no additional notice requirements.

**PETITIONS FROM THE PUBLIC:** Vice Chairman Whitson opened the meeting to Petitions from the Public. As no one from the public wished to be heard, Vice Chairman Whitson closed that portion of the meeting.

**RESOLUTION:**

4. PR-17-17 (PB2012-14.3) Oceanport Village Center, LLC. As the resolution was made available to the Board previously, Mr. DeNoia summarized the resolution, after which Mr. Kahle made a motion to approve the resolution, which was seconded by Mr. Foster and received the following roll call:

|          |   |
|----------|---|
| AYES:    | Mr. Whitson, Mr. Foster, Mr. Kleiberg, Mr. Kahle, Ms. Halpern |
| NAYS:    | None  |
| ABSTAIN: | Mr. Savarese  |
| ABSENT:  | Mr. Sullivan, Councilwoman Cooper, Mr. Fichter, Mr. Widdis    |

Vice Chairman Whitson reminded Board members identify themselves while making comments for the accuracy of the record.

**ADJOURNMENT:** As there was no further business, the meeting was adjourned at 10:02 PM on a motion by Mr. Kahle which was seconded by Mr. Savarese and approved by the Board.

Respectfully submitted,

JEANNE SMITH  
Secretary