

Planning Board Meeting 05/04/2023

TOWNSHIP OF OCEAN

Planning Board

May 4, 2023

6:00P.M

FLAG SALUTE

STATEMENT: Pursuant to the provisions of the New Jersey, Open Public Meetings Act, adequate notice of the meeting was properly provided by sending copies of the notice of meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on the bulletin board in the Administration Building.

The meeting of the Planning Board was held on the above date and time; Chairman Donald Lippincott called the meeting to order.

ROLL CALL

Members Present: Kenneth Baulderstone, Robert G. Beck, Nicholas Bonamassa, Ralph Dawes, Anthony DeCondo, Dr. Shawn Denning JR, Donald Lippincott, Dr. Benjamin LoParo, Peter Nese, John Petrosilli, Aaron Shapiro

Members Absent:

PROFESSIONALS PRESENT:

Jason Worth – T & M Associates

Steven Yost – Haines & Yost

APPROVAL OF MINUTES – Regular Planning Board meeting minutes of April 6, 2023

- Mr. Beck motioned to approve minutes, seconded by Mr. Nese All in favor.

APPROVAL OF BILLS – Attached.

- Mr. Shapiro motioned to approve bills, seconded by Dr. Denning. All in favor.

CORRESPONDENCES:

- List attached.

INFORMALS: NONE

OLD BUSINESS: NONE

RESOLUTIONS: NONE

NEW BUSINESS:**a.) Ordinance No. 2023-8 Adopting a Redevelopment Plan for Block 192, Lots 3, 5, and a part of Lot 7**

Mr. Worth discusses that the Township Redevelopment Committee referred ordinance No. 2023-8 to the planning board for determination of consistency to the Townships Master Plan. Referring to Block 192 Lot 3, 5, 6, and 7. Located at the corner of Route 9 and Chapel Street. The applicant is proposing a site plan and a sub division, as a mixed-use site, residential and commercial use, with automotive garages built within two different phases. The redevelopment plan establishes the permitted uses, as well as accessory uses. Mr. Worth would offer to the board relative to the master plan that all the prior redevelopment plans that the township has approved in the past, that this one does meet the general development goals of encouraging the use of BMP's for development to ensure the least negative impact for overall quality of residential life and environment in the township. As far as commercial development, it does discourage strip development along the frontage of Route 9, and it does minimize access for egress points wherever practical. Redevelopment of the site will only have one point of egress and ingress out onto Chapel Street. The master plan also encourages review of the economic development in the redevelopment plans and programs to encourage both new construction and conversions of existing noncommercial uses. Mr. Worth would offer to the board that there are several goals from the master plan that are advanced from this redevelopment plan.

Dr. Denning inquired about that site being so close to the traffic light at the corner of Route 9 & 532, that it might drive traffic down Chapel Street for those who desire to go south, through a neighborhood. In addition, in the plan it makes allowances for nonconforming buildings. Dr. Denning agrees that the site needs to be redeveloped. However, he does not see value for allowing buildings that are nonconforming to stay. By removing those buildings, it allows for curbing and sidewalks, which would provide safety for pedestrians to go up and down the road. Along with streetlights conforming to the rest of the town. Lastly, Dr. Denning noted the buildings should conform to the other garage like buildings within town. Also, to keep up with the decorative and nautical theme.

Mr. Worth mentioned that this ordinance was referred over to the planning board for consistency of the master plan and the comments suggested tonight will be shared with the committee for consideration.

Mr. Baulderstone stated that the redevelopment plan that is being presented is the second plan. That there were eleven changes to the plan requested by the developer. The Township Committee agreed to nine of those requests and two were not agreed on. The nine that were agreed on, there are two that we need to consider. Mr. Baulderstone stated that they do not conform to the townships design and approval standards included in Chapter 410 of the code, Zoning Article 16 - Site Plan Regulations. Particularly regarding sidewalks, curbs, and decorative lighting.

Mr. Baulderstone noted for the record the following codes

- Chapter 410-16 Site Plan Regulations: Section 5 Design Standards, Section A - Sidewalks, & Section D - Curbside Street Lighting both A & B.

- Chapter 340 - Subdivision & Site Plan Review - Section A9 - Street Light & Section 15 - Sidewalks.
- Chapter 340 - Subdivision & Site Plan Review – Design Standards
- Chapter 340-51 - Approval Standards, Section B & H.
- Chapter 410-140 - Exceptions and Waivers of Requirement, Section A & Section B.

Mr. Baulderstone read each section and stated that he thinks this should be considered for this application. Mr. Baulderstone stated he does not believe this meets the code and has not seen any evidence as why we should approve this exception.

Dr. LoParo noted that the board is not approving an exception. That, this is not about the curbs, sidewalks, etc. Dr. LoParo stated we are talking about conception and approving compliance with the redevelopment plan.

Mr. Yost discussed procedurally, that it starts with a 1st reading of an ordinance by the Township Committee, then comes to the planning board. Mr. Worth's reports are presented and the planning board then hears testimonies and suggestions. The planning board then applies the knowledge of those township ordinances to the master plan and makes recommendations to send it back to the Township Committee for determination. Mr. Yost stated that we are not hearing the plan itself tonight, that we are just looking at the ordinance and the understanding of it, with the application in mind.

Dr. Denning noted that the report by T&M included a clear sketch of the property and that is where the concern of sidewalks, streetlights, etc., come into play. Dr. Denning noted that previous applicants come before the planning board already having prior agreements made within the redevelopment plan that the planning board are held too and cannot change. Dr. Denning noted that the planning board needs to take into consideration the egress points, the streetlights, and the pedestrian safety with sidewalks and crosswalks. The planning board also needs to take into account existing buildings. Dr. Denning does agree that the site needs to be redeveloped, as anyone that comes into town will see this property. Dr. Denning noted that whatever is done here will be here for a long time and will most likely not come back before the planning board, which includes no sidewalks, streetlights, and existing buildings that are non-conforming. Dr. Denning stated this is something he does not agree with. However, Dr. Denning discusses with the board that if the planning board tells the Township Committee that we strongly consider these recommendations that he might consider being a yes tonight. Dr. Denning likes the general concept but there are a few things he does not agree with.

Mr. Yost stated that the purpose of the planning board role is to look at the ordinance. That the board then collectively gives recommendations back to the Township Committee of whether or not you want to accept the plan as presented or whether you recommend certain changes.

Mr. Worth added that this is not a straight approval of the plan, but this plan will set the zoning standards for this lot. The redevelopment plan will supersede the township code ordinance, where or unless something is not covered then would be referred back. The board would be making the recommendations back to the Township Committee on adopting as is or recommending certain changes that you feel are appropriate.

Mr. Beck inquired about if this is a flag lot. Mr. Dawes inquired about what flexibility the planning board has on the items that Mr. Boulderstone read earlier. Mr. Dawes asked if they could add them on later when they come back for the site plan approval.

Mr. Yost discusses with the board that a suggestion could be to treat this as a resolution, and then he would need to hear the specifics. Mr. Yost also stated that if the applicant wanted to deviate from the ordinance, it would be a variance application.

Dr. Denning inquired if anyone has any testimony or answers on why the one building is very close to Route 9 and why that is being grandfathered in on this redevelopment plan. In addition, why are the curbs and sidewalks being granted in the exemption.

Mr. Worth discussed that the plan was structured around that existing building, and they would like to continue to have that building in the future and it would share a parking lot with the automotive use. Now, I would offer to the board that as far as sidewalks and curbing that the applicant requested a waiver from having those items from the site and presented testimony to the redevelopment committee.

Mr. Shapiro inquired about the lighting. Mr. Worth noted they requested a waiver for the streetlights off Route 9, but they are required to have parking lot lighting and building mounted lighting.

Dr. Denning noted keeping up with the rest of the town, they need lighting along Route 9. We required previous applicants and developments to do so. Also, any exemption from curbs and sidewalks on Route 9 is forever a mistake to exempt that. That is something that you give away and never get back. Dr. Denning noted for the record that any deviation from that is mistake and will be judged negatively and historically.

Dr. LoParo stated that we are not granting the exemptions, the Township Committee is. Dr. LoParo noted as a board we do not have the capacity to grant that. We have the capacity to strongly give suggestions to the committee to change the ordinance.

Dr. Denning noted his point is that our town is becoming more pedestrian friendly and we should strongly advise the Township Committee that they should require the applicant to curb and sidewalk.

Mr. Worth noted relative to lighting, the plan does require the parking lot to be lit, and any light poles within the parking lot would be the decorative kind, but no requirement for the frontage off Route 9.

OPEN TO PUBLIC

- Dr. Denning motioned to open to public, seconded by Mr. Shapiro. All in favor.

Mr. Robert Lange of 2 Shore Drive, Waretown, NJ steps forward to speak. Mr. Lange stated that they are trying to make the property better. Mr. Lange noted he is not selling the northern house to Mr. Petty. That it is not a part of the subdivision. That northern house is about 10' off

Route 9 and has been there since day 1. Mr. Lange stated it is almost impossible to put a sidewalk there, since you have the creek on one side and the other side is swampland. Mr. Lange stated it would be a waste of time and money to make Mr. Petty put the sidewalk in there. Mr. Lange also stated that interest rates are going up and if Mr. Petty does not get the property soon he is going to give up and it is going to stay the way it is now.

Dr. Denning inquired if you get the waiver for the sidewalk, why can't you curb along Route 9 as it is a basic safety standard. Mr. Lange asked why a curb is a safety standard. Dr. Denning noted so that debris from your lot does not wash into the road. Mr. Lange stated that it takes a lot of time and money to get an answer from the DOT. Mr. Lange also noted that the drainage is working fine and would not allow debris to wash out to the road.

Dr. Denning's concern is that if we allow your property this exemption, who's to say any other applicant could say the same thing about curbing their property. Dr. Denning understands the economics of it, but it sets the precedent for other applicants that come to the board.

Mr. Lange stated that he does not feel curbing is necessary. That he has been on other boards and each case stands on its own permits.

Mr. Beck mentioned that he thinks the board should take a vote. Mr. LoParo noted that we are voting on the concept and we can give strong recommendations with the concept. Mr. Yost also reiterates that the voting will be if this proposed ordinance meets the master plan and the redevelopment plan of the town.

Mr. Shapiro noted for the record that along Route 9 there is not much they can do with sidewalks and will agree with that. However, as far as curbing, it always looks better. Mr. Shapiro also noted that the real concern is the required lighting, as we require other developments along Route 9 to require lighting. Dr. LoParo mentioned that, that would be a committee decision. That the lighting would not light up Route 9, it would light a sidewalk, which would not fit there. The state lights Route 9, not those acorn decorative lights.

Mr. Bonamassa inquired if the board is ruling out the need of a sidewalk there. Mr. Bonamassa agrees that it would be a waste of money and time.

Mr. Thomas Petty of 21 Perkins Lane, Cedar Run, NJ. Mr. Petty states that he has been working in town for 7 years. He understands everyone's concern. Mr. Petty states he can only afford to do so much. If sidewalks, curbing, etc., becomes a requirement, I would have to give it away because I cannot afford it. Mr. Petty states curbing on Route 9 is not an easy task, that is 6 months of DOT approvals, lane shifts, closing of lanes, police have to show up, etc. Mr. Petty noted the price tag is big. He stated that his business can only sustain so much. Mr. Petty stated he could make a concession with acorn lights where the berm is going to be, but the curbs and sidewalks he cannot do that.

Mr. Petrosilli inquired why the sidewalk and curbing is such a deal breaker. Mr. Petty responded with that the sidewalks would go to nowhere and would only be a short section. In addition, curbing and sidewalks on Route 9 is over 6 figures.

CLOSED TO PUBLIC

-Dr. Denning motioned to close, seconded by Mr. Shapiro. All in favor.

MOTION TO APPROVE:

Mr. Beck motioned to accept the proposed application to the existing master plan set forth with the exhibits presented to us this evening. Mr. Beck stated we are voting on accepting the plan with no suggestions. Anyone with suggestions can write, email, and communicate to the commissioners and tell them your complaints.

Mr. Yost stated the motion Mr. Beck proposed is to recommend the proposed form of the ordinance and send it back to the Township Committee as drafted. Mr. Beck stated that is correct.

- Mr. Beck motioned to approve, seconded by Dr. LoParo.

ROLL CALL

Mr. Beck - Yes, Dr. LoParo – Yes, Mr. Baulderstone – No, Mr. Bonamassa – Yes, Dr. Denning – No, Mr. Nese – Yes, Mr. Petrosilli – Abstain, Mr. Shapiro – Yes, Mr. Lippincott – Yes

6 – Yes , 2 – No, 1 – Abstain

Mr. Petrosilli abstained from voting, stated there are many grey areas and it might end up going before the board of adjustments and he is on that board.

Dr. Denning wanted to the record to reflect that his vote was a no but he does support the project. However, the Township Committee should strongly take into consideration the topics suggested tonight and if the Township Committee decides, they do not feel that those are applicable standards that they should hold people to then they should have it removed from the code. Dr. Denning noted which he is not in favor of.

Mr. Baulderstone stated he is not opposed to the project either, he is just opposed to the experiences from the Township Code, which leads to the question, should the code be changed, to remove these for other projects and should we give consideration to allow projects already approved with these improvements to be reevaluated.

Dr. LoParo stated the redevelopment committee has the power to give exemptions on an individual basis for each individual project.

Mr. Baulderstone stated in respect to curbing and lighting we do have pedestrian traffic on Route 9, and curbs do provide lineation for cars to know where to drive so the absence of curbs does put the pedestrian at risk.

Mr. Nese stated that he appreciated that the applicant came up tonight and spoke about what he has done for the last 7 years and how he will continue to work on things.

Mr. Lippincott inquired to Mr. Worth, at some point in the future to perhaps spend about five minutes on enlightening the board on the cost involved on sidewalks and curbs in general and what is involved in that. Mr. Lippincott stated it would help all of us get a better idea of it.

OPEN TO PUBLIC

- Mr. Shapiro motioned to open to the public, seconded by Dr. Denning. All in favor

Mr. Thomas Petty thanked the board.

CLOSED TO PUBLIC

- Mr. Shapiro motioned to close to the public, seconded by Dr. Denning. All in favor

MOTION TO ADJOURN

- Motioned by Mr. Shapiro, seconded by Dr. Denning. All in favor.

MEETING ADJOURNED AT 7:06 P.M

NEXT SCHEDULED MEETING WILL BE JUNE 1st 2023 @ 6:00 P.M.

Laurie Clune

Board Secretary

