

MEETING MINUTES

TOWNSHIP OF OCEAN REDEVELOPMENT COMMITTEE

JUNE 10, 2013

6:30 PM

1. CALL TO ORDER

- ROLL CALL

Joseph Lachawiec Absent Dennis Tredy X Tina Wetter X

FLAG SALUTE

OPEN PUBLIC MEETING ACT – PURSUANT TO THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETING ACT, ADEQUATE NOTICE OF THIS MEETING WAS PROPERLY PROVIDED BY SENDING COPIES OF THE NOTICE OF MEETING TO TWO NEWSPAPERS, THE ASBURY PARK PRESS AND THE PRESS OF ATLANTIC CITY. THE NOTICE WAS POSTED AT THE OFFICE OF THE TOWNSHIP CLERK AND ON THE BULLETIN BOARD OF THE ADMINISTRATION BUILDING.

MEETING MINUTES

Motion to approve Meeting Minutes of January 11, 2012 was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

Roll Call: Tredy: Yes, Wetter: Yes

REGULAR MEETING

NEW BUSINESS

- Mackres Family LLC
Redevelopment Plan – Block 37, Lot 39.01
Apartments (256), townhouses (42), addition to motel, office space, commercial shopping Center

Jim Oris, T&M Associates, explained the deficiencies in the Mackres plan. Several of the documents submitted to the Township were reviewed. T&M Associates and Scott Taylor, Taylor Design Group have prepared a very detailed analysis and compliance review report for consistency with the most recently adopted Town Center Redevelopment Plan. Those documents include the conceptual site plan, sheet SK-7 dated December 11, 2012, a subdivision sketch plat, Tax Lots 37, 38.02, 39.01 Block 41 as prepared by Gravatt Consulting Group, landscape plan, Waretown Plaza Redevelopment Plan prepared by Bryce Bennett Landscape Architect dated October 9, 2012, as well as a binder of information entitled Mackres Family LLC dated October 2012 containing conceptual site plans SK5, SK5A, SK5B prepared by Melillo and Bauer.

Stan Slachetka, T&M Associates, discussed the T&M compliance review dated May 20, 2013 was read into the record as having been submitted by T&M Engineering. Mr. Slachetka discussed aspects of the

site plan as it relates to the consistency to the Waretown Town Center Redevelopment Plan, which amends the Economic Redevelopment Plan, and was adopted on April 11, 2013. The Town Center District Redevelopment Plan in this site is located within the Township's TC Town Center district.

The applicant is proposing 292 residential dwellings, including 250 multifamily dwellings in a variety of apartment and mixed use buildings and 42 townhomes. The applicant is also proposing to add to and renovate the existing hotel to a 90 room hotel and is proposing 93,000 square feet of nonresidential development, including 30,610 square feet in the existing Waretown Plaza retail shopping center on Route 9 and 63,184 square feet of new nonresidential development consisting of approximately 31,000 square feet of new office space, approximately 18,000 square feet of stand-alone retail, 9,800 square feet of retail in a new mixed-use building and 3,819 square feet in a new bank pad at the corner of Route 9 and Volunteer Way.

The subject site is on the west side of Route 9, north of Volunteer Way, and contains 40 acres. The front of the site is developed with the Waretown Plaza and the Seapine Motor Inn. There is a recycling contractor warehouse office with parking on the site, a former daycare center and the existing Longshots Bar & Restaurant. The eastern portions of the tract are vacant and wooded. The subject site is within the TC Town Center District, which is a designated Town Center, pursuant to the state development and redevelopment plan and pursuant to the Township's approved plan endorsement from the NJ State Planning Commission.

The Township's Master Plan identifies this area as being within the Waretown Town Center and has been designated as an area in need of redevelopment, which dates back to an amendment to the Economic Redevelopment Plan in 2007, which established the Waretown Town Center and the general conceptual development plan for the Waretown Town Center.

The amendments in April 2013 provide more detail and information on the specific standards within the Waretown Town Center. The conceptual development plan remains the same as in the 2007 amendment with some refinements.

With regard to redevelopment compliance in the zoning section, there has been discussion with the applicant, their professionals and the Township professionals. There has been improvements of the overall design from the original concept that was submitted to the Township Committee, however, there are still substantial inconsistencies between what the applicant is proposing and what is called for in the Town Center District and the Waretown Town Center Redevelopment Plan.

The applicant's proposal would require, pursuant to the Local Redevelopment and Housing Law, an amendment to the existing Waretown Town Center Plan. As currently constituted, the plan is inconsistent with the Town Center District Redevelopment Plan. The May 20, 2013 report gives specifics as to the inconsistencies. The Waretown Town Center Plan is designed and constructed as a form based code, which establishes a regulating plan with street layouts, street designs, street locations, open space locations for design and element, relationships of various building forms and types of uses to those improvements.

The key concerns with the applicant's proposal is it does not match up and is inconsistent with the fundamental key regulating components of the Town Center Plan, specifically with the building type, form and orientation. The architectural renderings submitted by the applicant are attractive and aligned appropriately in accordance with the plan and would be consistent with some of the forms the Township is contemplating, but the way the buildings are organized and oriented within the site in relationship to the street is inconsistent with the plan.

The overall concept of the Waretown Town Center Plan is to create a mixed-use walking development and to create a new Town Center for the community. The idea is to have the buildings up close towards the street edge providing mixed uses in certain areas, along Volunteer Way specifically, a downtown Main Street feel that would benefit the residents and community as a whole. Consistency is a very critical point with regard to the Township's comprehensive planning efforts.

Mr. Oris discussed the orientation has a significant impact on the overall development of the center with regards to the original intent and the plan endorsement process, which outlines how this center area of town would be put forth as a focal point for the redevelopment.

Mr. Slachetka discussed the importance of consistency to the Town Center Plan. It is the central organizing theme of the Township's overall plan, which was endorsed by the state and all the various state agencies including the Department of Community Affairs, Department of Transportation and the Department of Environmental Protection.

Mr. Slachetka discussed the other consistency issue is the distribution and types of land uses within the proposal. There is a general consistency in the proposal in terms of retail uses being closer to Route 9 with the transition to residential uses. However, how the Town Center Plan sees the distribution of uses is that the transition would occur from the retail to mixed use and multifamily and then to single family detached, further to the western most portions, organized along a variety of different residential streets and various blocks connecting to each other. The applicant did not provide single family detached and instead provided townhouses and multifamily units further to the back and to the west of the site, which is inconsistent with the plan.

The applicant is also proposing a use that is not permitted within the Town Center. To allow that use, the Town Center Plan would have to be amended to permit that hotel use. The Township has concerns about the location of that hotel. The applicant turned the plan on its head by putting the hotel behind the retail commercial uses and located it next to residential neighborhoods. A better location for a hotel use would be closer to the intersection of Route 9 and Volunteer Way and a different type of hotel than what is being proposed. There are some general consistencies and some key inconsistencies between what the applicant is proposing.

A very critical inconsistency is the circulation and parking. A fundamental component of the form based code is the regulating plan. The regulating plan is organized and structured along the street typology. There needs to be very specific guidelines for where those streets are to be located, how they are going to be designed and their relationship to each other. The streets have to match up. The higher achy of those streets have to be compatible and consistent between all the various development components so the plan is fully implemented. The streets must connect in a way that creates intersections that are pedestrian friendly and provide streets that work for vehicles, pedestrians and bicycles. The Master Plan provides for an overall bikeway circulation plan. There are to be links to the regional bikeway system.

The roadways are designed to provide a distribution of traffic throughout the area. The Town Center plan also provides for the regional connection to emergency access and reasonable, efficient means to getting out of the Township if necessary. That is why the Town Center designation, through plan endorsement, was so closely assisted by the Department of Transportation to design this road network. It is not just what the Township likes. It is important from a regional and local circulation planning perspective. The proposal does not have that grid network and connectivity that is recognized and supported in the Redevelopment Plan. That is a fundamental inconsistency. The streets do not connect. There are streets

that adjoin seas of parking that are not pedestrian or bike friendly. The amended Town Center plan identifies variations of the roadway linkages that were not in the original redevelopment plan. It was recognized there needs to be modifications based upon the constraints that are located there.

In the proposal parking is located within the central portion of the lots and buildings are located around the parking areas. There are seas of parking areas adjoined by streets and roads. That is totally inconsistent with the concept that is in the Town Center Plan. Parking is an important part of the block structure along with making attractive, walkable streets within the Town Center.

The Open Space areas are important organizing elements for the Town Center. The applicant discussed with the professionals over several meetings, areas where there could be places for open space and modified some of the original locations in the Town Center plan. The significant improvements and better design of those open space elements make them a community resource for the Town Center and the Township as a whole.

The applicant is proposing to locate solar panels in one of the open space areas. That is not consistent with the Town Center Plan. Ways to make the project sustainable is green building design and appropriate green design approaches as part of the overall site. Where the solar panels are located is inconsistent with the open space elements of the plan. There may be opportunities to coordinate the open space elements and work with the applicant and the Department of Environmental Protection to evaluate areas that are more appropriate for tree save by the noncontiguous clustering approach and using tree save environments outside the Town Center boundaries.

The building designs presented are very attractive and could work with the overall design of the plan. However, the issue is location, how buildings are placed within the site, organized on the block, placed in the context of other elements and where the parking is located as well.

There needs to be specific attention to the trail, the bikeway and its linkages to the plan. More information should be provided on this in the proposal. The applicant has to address the affordable housing requirements pursuant to the Township's affordable housing plan.

The applicant should explore the possibility of potentially acquiring the adjoining property that would make circulation improvements work.

The applicant should provide further information on the various environmental approvals and dialogue from discussions the applicant has had with the various agencies. The Township has not yet received that information. That is going to be very important to insure that the plan works. If that information becomes available, the Township has an opportunity to work with the applicant to insure the design is consistent with the plan and the applicant has the approvals necessary from the various state agencies.

The Township of Ocean and its citizens have put in a lot of time and effort to create a vision for the Town Center Plan that works with the other parts of the other neighborhoods of the communities. The Township Committee evaluates the consistency of the proposal to the Redevelopment Plan. There are concerns and inconsistencies between the applicant's plan and the Town Center Plan.

Deputy Mayor Tredy inquired if T&M Associates has had many meetings with the Township and applicant's professionals and were these issues discussed at the meetings.

Mr. Slachetka discussed there were two meetings, one in the fall 2012 and one in the early part of 2013. These are the same issues that were detailed in the original memorandum. The issues were defined further with the adoption of the new Redevelopment Plan.

Mayor Wetter inquired if T&M has spoken with the applicant since the May 20, 2013 report.

Mr. Slachetka discussed no. The applicant has not called T&M since receiving the report.

Mr. Oris discussed Mr. Slachetka and Mr. Oris worked together on the report and were both present at the meetings with the applicant. The building layout and configuration are both inconsistent with the approved Town Center Plan. The locations of the uses are inconsistent with the Town Center Plan. The hotel expansion is an existing nonconforming use. The applicant wants to expand something that is inconsistent with the Township's Town Center Plan.

The traffic circulation shown on the applicant's plan is inconsistent with the Township's Town Center Plan. Traffic circulation is key to the overall development of the center as it relates to the adjoining parcels.

The proposal has little or no detail on stormwater management in some of the areas and open space is inconsistent with the Town Center Plan. The use of solar panels on open space is inconsistent with what the Township would want to have for open space.

The Town Center Plan has a form based code. The proposal does not contain specific numerics as to how many units are permitted in any one given area. The applicant proposing 292 residential units, including 250 multifamily dwelling units and 42 townhomes is significantly inconsistent with the Town Center Plan. The number of residential units in the Town Center Plan is in the magnitude of 100 not 292. The magnitude of retail or nonresidential space that is being proposed is 93,794 square feet, which is largely inconsistent with the plan. It should be more in the range of 200,000 to 250,000 square feet of nonresidential space, depending on how the overall layout is presented.

Scott Taylor, Taylor Design Group, discussed issuing a prior report in January 2013. The plans have not been revised to reflect any of the recommendations in that report. Taylor Design has issued an updated report dated June 7, 2013. The only modifications made are some of the references to the newly adopted Redevelopment Plan for the area. There have been no plan submissions since that January time period.

There was very little information submitted with this application with respect to the streetscape improvements, open space areas, passive/active recreation that will be provided, pedestrian connections and amenities, plantings and lighting. This is the first step of the process of massing the mixture of uses and the intensity of the development. The information that has been submitted by the applicant is silent in the area of items that are required and specifically addressed in the Redevelopment Plan.

The applicant has provided a conceptual lot yield and layout plan as well as architecture. Some of the new architecture testimony would need to be provided on the exact materials. Some of the architecture appears to address some of the intent of the redevelopment plan and some is rather attractive. The applicant has done a nice job with the front facades that have been presented. All facades need to be presented to make sure it is four-sided architecture. Most of the buildings will be visible from all four sides.

The architecture for the hotel is not consistent with the other retail that is being proposed. It may be a lack of detail on the applicant's plans. It appears to be a stucco wrapping of the existing building. That is not consistent with the Victorian and historic maritime architectural vernacular of the Waretown Center and the existing architectural development that has already happened in the center.

The main area was detailed in Mr. Taylor's January report and today's report. The lack of neighborhood and single-family and the proportion and mixture of residential uses are grossly inconsistent. It appears the applicant is proposing 2 or 3 times the residential density permitted. It is not just by the newly adopted plan but also by the prior plan that had been in existence for years. There is a lack of vehicular and pedestrian connectivity. This is not a traditional neighborhood grid plan.

The hotel is in a very awkward location. It requires very awkward vehicular movements in and around that area. Previously, the Township had requested an explanation of the applicant's rationale and had strongly recommended that pro forma and information in the form of contracts from a national hotel chain be provided along with a prototype. Before any national chain enters into a site, the Township wants to see a pro forma and the chain's prototype. Sitting behind a restaurant in a strip center would not be an attractive location. Most hotels prefer to have greater visibility. There is concern of the economic viability of a national franchise hotel in that rear location.

Deputy Mayor Tredy discussed the applicant has been in front of the Redevelopment Committee on January 11, 2012. The Mackres plan included Longshots and did not have any easements or legal right to put it on the plan, which created a problem of notification and the Redevelopment Committee could not hold the hearing. The scheduled meeting in February was cancelled by the applicant, as the applicant did not make the arrangements with Longshots and did not supply the proper paperwork to the Township Attorney.

Since then, the applicant has had multiple readings and phone calls with the Township professionals. These communications detailed the inconsistencies with the plan, as referenced tonight by the two letters from Taylor Design and T&M Associates. The most recent review letters show huge inconsistencies with the Master Plan, Town Center Conceptual Plan and the Town Center District Redevelopment Plan.

The building layout is not consistent with the Waretown Town Center Conceptual Plan. The circulation system is not consistent with the Town Center Conceptual Plan. The open space elements are not consistent with the Town Center Conceptual Plan. The hotel expansion is not a permitted use in the Conceptual Plan. The lot standards are inconsistent with the Town Center District Redevelopment Plan. The thoroughfare standards are not consistent with the Town Center Redevelopment Plan. All of these inconsistencies would require the Township to amend the current Economic Redevelopment Plan.

Deputy Mayor Tredy recommends the Committee request the applicant to come back when they can at least get close to what the Township expects to see. There has been no change in the plan. The development program is the same as previously proposed.

Mr. Taylor discussed not receiving a response from the applicant on the Taylor Design report. Tonight's report is almost identical to the January 11, 2012 report.

Deputy Mayor Tredy discussed the Taylor Design report is almost identical to the T&M Associates report dated May 20, 2013.

Mayor Wetter discussed the applicant must realize they need to meet with the professionals again and does not understand why the applicant is not meeting the Redevelopment regulations.

Deputy Mayor Tredy discussed the Township professionals did their job. The applicant did not do their job.

Township Attorney McGuckin discussed the Township has spent time and effort over a number of years creating the rules, regulations and ordinances. If the Redevelopment Committee was interested in approving the applicant's proposal, the Township would require numerous amendments to the existing ordinance, which have been on the books for a number of years.

Mr. Butz, Mackres Family LLC Attorney, discussed the applicant had one meeting, which was adjourned as a result of Township Attorney McGuckin's opinion to the board that the applicant had to notice all people within 200' of the Longshots property, due to the existence of the driveway easement.

Township Attorney McGuckin discussed it was also because the applicant's plan included utilization of property, which the Township did not see an easement for and the Township did not know if the applicant owned. At that time, the Township inquired if the applicant could get the easement.

Mr. Butz discussed the applicant did send the right of way to Township Attorney McGuckin.

Township Attorney McGuckin discussed in February 2013, the Township received a call from the Longshots Attorney, who stated that issue has not yet been resolved. That is why the February meeting was cancelled.

Mr. Butz discussed the actual notices sent to everybody within 200' included 200' of the Longshots property. Mr. Butz discussed Mr. Slachetka's report states there have been improvements in the zoning made to the conceptual development plan and then continues with other comments that the plan is not sufficient.

Mr. Butz discussed the applicant has now learned that in April 2013, a lot of the regulations have been changed. The Township did not contact the applicant. The Township is not dealing with an underdeveloped, blighted area. This is an existing, successfully operating, 40-year-old business location with a motel, restaurant, bar and strip center, assessed by this Township for \$5 million.

Township Attorney McGuckin discussed that designation was made years ago. It is a matter of law that it is a Redevelopment Zone. If at the time of the designation, the applicant thought it was inappropriate, the applicant had the right to challenge it. The applicant did not challenge it.

Mr. Butz discussed everything in the Redevelopment Plan is based on vacant land. The motel has been there from the beginning. When the first redevelopment ordinance was adopted, the motel was a permitted use in the C-1 Zone. It was only a few years ago, the motel was taken out. The Township is requiring the applicant to take down every building on the site.

Mr. Oris discussed the Redevelopment Plan adopted in April 2013 and the prior Redevelopment Plan did not contemplate a hotel on this property or any property within the redevelopment zone. The applicant's property is part of a bigger area deemed to be in need of redevelopment. The professionals had several conversations with the applicant that in fact, the hotel was not contemplated. It should not come to anybody's surprise that this was the case in the prior plan and in this plan.

Mr. Slachetka discussed the prior Redevelopment Plan is the plan that was adopted as an amendment to the Economic Redevelopment Plan in 2007. The Economic Redevelopment Plan goes back several years before that. The 2007 plan reflected the Waretown Town Center, which was approved by the NJ State Planning Commission in December of 2005. There was a progression in transformation of the approach to the planning of this area as a result of the Township's plan endorsement and the adoption of the Town Center concept. The uses and types of uses were presented in the 2007 Economic Redevelopment Plan.

Mr. Butz would like to put on the record the applicant may reserve their right to appeal in this matter. Under the local redevelopment housing statute law 40A:12A-1 et. Seq., under section 40A-12-11, the redevelopment agency is to consist of 7 members and only 2 of the members can be members of the Township Committee and no more than 2 can be officers or employees of the municipality.

Township Attorney McGuckin discussed that is only if the Township of Ocean had established a Redevelopment Entity standing only. The Township has an option. The Township can create a Redevelopment Agency and can utilize a housing agency or it can utilize its governing body as its Redevelopment Entity. The Township of Ocean chose to utilize its Township Committee as its Redevelopment Agency. That decision was made 10 years ago.

Mr. Butz disagreed with Township Attorney McGuckin and would like to preserve that issue in the event of an appeal.

Township Attorney McGuckin inquired what the purpose of the applicant's testimony would be. The Township professionals have indicated the plan you would like to provide testimony about is inconsistent with the current ordinances.

Mr. Butz discussed the purpose would be to convince the Redevelopment Committee to comply with the plan. Mr. Butz discussed that Mr. Slachetka discussed earlier that the requirements are living documents subject to change. The applicant should be able to present reasons why some of the Township's positions are unreasonable or Waretown will never see any improvement in that shopping center.

Township Attorney McGuckin discussed the time to present the applicant's testimony would have been before 2007, when the Township spent thousands of dollars to create a Redevelopment Plan and vision for the future of the Township of Ocean. Now the applicant wants a hearing on a plan that has already been adopted because the applicant would like to change the plan to build what the applicant wants. The Township decides what the planning would be, not the individual property owners.

Mr. Butz discussed all of the applicant's plan is a result of what the Township's professional planners have recommended and the Township has adopted. The standards are not applicable to this property, as it is an existing property and already developed.

Deputy Mayor Tredy discussed the Township would like to see the applicant comply and be consistent with the plans that were mentioned in the letters from the Township professionals.

Mr. Butz suggested the remedy for the Township is to deny the application by vote on the record and go to court and see what Judge Grasso says.

Township Attorney McGuckin discussed this is a Redevelopment Agency meeting. This is not a Planning Board hearing. This is not a site plan application or subdivision application. The Governing

Body decides if the Township wants to approve a Redevelopment Plan for a portion of the municipality. The applicant's plan is inconsistent with the plan that has already been adopted. There is nothing to deny. The applicant has not presented an application and a plan that is consistent with the Township's ordinances. The applicant is asking to change the ordinances. That is not a denial of the application. That is a refusal to change the Township's ordinances. It is the decision of the Governing Body to amend or consider amending the Township's ordinance that has been adopted since 2007.

Deputy Mayor Tredy discussed the Township is willing to carry this meeting until such time that the applicant can submit information that is consistent with the plan.

Mr. Butz would like the right to proceed tonight.

Township Attorney McGuckin discussed it is important for the record to show the applicant is in front of the Redevelopment Agency. This is not a site plan application. This is not a variance application. This is a Redevelopment Meeting. The purpose of the Redevelopment Meeting is for the Governing Body to determine if the Redevelopment Plan is to be amended to accommodate what the applicant is suggesting. Two members of the Governing Body are indicating they are not in favor of that. The Governing Body is willing to hear a plan and may be willing to adopt the plan by ordinance if it is consistent with what has been going on in the Township since at least 2007 and before that.

The Professionals have reported the applicant's plan is inconsistent. The applicant has indicated that parts are inconsistent and parts may be inconsistent, depending on some testimony. The Governing Body has indicated if the applicant returns with a plan that is consistent, it is worth discussing. The Township can then enter into a redevelopment agreement where the parties agree on the time frame of development, phases of development, how the units are going to be constructed and architecture. It makes it a very simple process to get site plan approval at the Planning Board. That is the purpose of a Redevelopment Plan.

The applicant is asking for the Redevelopment Committee to hear the plan to amend the ordinance. The Township Committee is indicating they do not wish to amend the ordinance.

Mr. Butz discussed the applicant is here to make a presentation in accordance with the notice of this hearing.

Township Attorney McGuckin discussed if the applicant wants to have a meeting with counsel present and the professionals, it is up to the Governing Body.

Mr. Taylor suggested the amended Redevelopment Plan that was adopted in April 2013 by the Township Committee, was done in response to some of the site conditions that were present on the site, namely the wetlands area and also the road connections. Comparing the distinction between the prior plan and the recently adopted plan, that was done consciously to the applicant's application. The Land Use Plan remains very consistent. There were form based codes that were flexible. The applicant's plan is wholly inconsistent with the intent for the massing of the overall. A third of the parcel in the rear has been designated for years as single family residences. There are zero single family residences proposed on the applicant's site. The professionals have given the applicant direction that the Township would prefer to see the existing strip center removed or a portion of it brought forward to reinforce the street edge so there was a stronger walking streetscape along Route 9.

The applicant has been continually reminded that the hotel is an awkward location and a use that is not consistent. There have been no efforts on the part of the applicant, aside from one modification of a concept plan to do anything to bring this plan into any conformance with the prior Land Use Plan or this plan that has been adopted in April 2013 to specifically address some of the roadway connections and site constraints in terms of wetlands.

Mr. Slachetka discussed there are fundamental core components of the Redevelopment Plan that are critical for this site to work and for the entire Town Center. Other parts of the plan can be modified to address the Township's concerns. There are critical issues with circulation, open space, building form, relationships to the streets and street connectivity. The applicant received the professionals' comments and met with professionals. Mr. Slachetka inquired if the applicant made any revisions to the plans since the professionals received the applicant's packet.

Mr. Butz discussed changes were made after the two meetings.

Mr. Slachetka inquired if the applicant submitted any revised plans since December 2012.

Mr. Butz discussed he thinks they have.

Mr. Slachetka discussed if there are revised plans, they should be submitted to the Township to allow the Township professionals to review them to determine if they are more consistent to the plan.

Mr. Butz discussed everything has been submitted to the Township.

Mayor Wetter discussed the plans are not in conformance.

Mr. Taylor discussed the applicant did not submit a plan that has any single family residential on it at all. Under the Redevelopment Plan, a third of this site calls for single family.

Mr. Butz discussed he is very familiar with that. Mr. Taylor is not the engineer and is the Landscape Architect.

Township Attorney McGuckin discussed Mr. Taylor is a professional planner in the state of New Jersey and with the American Institute of Certified Planners.

Township Attorney McGuckin discussed Mr. Butz wants to present testimony and have a hearing. The question is what would be the purpose of the hearing. The applicant would like the Township Committee to consider amending the ordinance. If the Township Committee chooses not to do so it is a legislative function and that would be appropriate.

Deputy Mayor Tredy discussed there are huge inconsistencies between the applicant's plan and the Town Center Conceptual Plan, the Town Center District Redevelopment Plan and the Master Plan. The Township Committee is not going to change the ordinance for the applicant. The applicant should come before the Redevelopment Committee with a plan that fits the requirements of the Redevelopment Plan, Master Plan and the Township Committee would be glad to hear it.

Mr. Butz discussed the only way that could be done is if the applicant took down every building.

Deputy Mayor Tredy discussed that is incorrect. The applicant misread the report.

PUBLIC COMMENT

George Mackres, discussed owning the property for 40 years for \$4 million. The professionals have gone back and forth. The escrow account has been replenished three times. The professionals are recommending to knock everything down. The property is assessed for over \$5 million and Mr. Mackres has paid over \$4 million. The buildings were not built without permits. The board approved the shopping center and everything else. Mr. Mackres has been trying to improve them for the last two years. It has been two years since submitting an application to the Redevelopment Committee. Mr. Mackres submitted an application August 2012 and did not get a meeting until 9-10 month later.

Deputy Mayor Tredy discussed Mackres Family LLC is not in conformance with the Redevelopment rules.

Mr. Mackres discussed the Landscape Architect thinks for the Engineers. The professionals recommended to knock the shopping center down and move the rear of the shopping center to face Route 9. The motel was there already. Mr. Mackres discussed in two years, the Township has not given Mr. Mackres the opportunity to clean it up. Mr. Mackres would like the opportunity to present.

Mr. Mackres stated he has been paying taxes and water/sewer for 35 years. The Township received 22 acres for nothing. \$1.5 million for ½ point. The Township liberates. Mr. Mackres tried to put water on the property and the Township wanted \$160,000. Mr. Mackres paid \$100,000 for sewer. Shop Rite got it for nothing.

Mr. Slachetka discussed why the professionals recommended the buildings be taken down. On page 9 of the professional report, there is a comment with regard to the improvements, "Taken on its own, the proposed redesign of the existing Waretown Plaza into a new mixed-use building as shown in the architectural rendering by Darren Vickory would be a significant enhancement of the existing shopping center and a possible first step in the overall redevelopment of the tract. However, the proposed improvement of the shopping center does not mitigate the other problems with the current proposal as discussed in this letter for its inconsistency with the adopted redevelopment plan for the area".

The roadway network that is shown in the current version of the Waretown Town Center Plan was revised to reflect the potential for that shopping center. The categorization that the professionals are asking everything to be removed and knocked down is simply incorrect.

Larry Doane, 146 Bonita Road, discussed holding architecture licenses in 12 states and continues to hold the license in New Jersey. Mr. Doane was elected to the fellowship to the AIA by his colleagues and has designed more than 15 million square feet of buildings, including Master Plans for Boeing, Downtown San Jose and a number of other communities. Mr. Doane is disappointed in the nature of this meeting at this early stage. The objective in designing buildings is to always give the property owner something better than expected and to give something back to the community. The property owner's consultants have missed trying to bring a real project of pride. There's nothing wrong with making money in a project. There are a number of town centers that work beautifully with a retail mix. Route 9 is boring. There is an opportunity to do something special here. Mr. Doane thinks the applicant needs to start over.

Denise DeAlmeida, 81 Dock Avenue, inquired if there is anyone in the Sea Pine Inn that is registered under Megan's Law?

Township Attorney McGuckin discussed it is public record at this juncture as to who is on the Megan's Law list. The Township Committee does not know the answer.

Mrs. DeAlmeida discussed concern with the expansion of the hotel having the same continued use. Mrs. DeAlmeida had papers that were printed off the NJ State Police website.

Nick Mackres, applicant, Mackres Family LLC, discussed wanting to get the property fixed up. Mr. Mackres takes pride in this project and has been here as a child. What the Township wants to do with this property is almost impossible. The initial documents did not take into account environmental issues and constraints. Mr. Mackres remembers being in Iraq when he received a call from his father informing him there are numerous documents saying the Township is taking his land via eminent domain.

Mr. Mackres has a project comparison of all the other projects in town that have been approved. Every lot gets its own Town Center designation. The Township wanted things moved and turned around, the post office knocked down and move certain conditions. It took months to get meetings scheduled. The professionals are recommending things that are impossible. Taking out Clayton Block is not going to happen. Mr. Mackres would like to develop 500 square feet of commercial for every unit of housing. Phase II of the Shop Rite received their approvals within 3 weeks. The professionals are \$1,500 per hour. Mr. Mackres received DEP approvals for solar panels in a drainage basin.

Mr. Slachetka inquired if the applicant has submitted any new or revised plans since December.

Mr. Butz discussed he is not going to answer the question.

Adjourn

Motion to adjourn was moved by Deputy Mayor Tredy, seconded by Mayor Wetter.

Roll Call: Tredy: Yes, Wetter: Yes

Signed and Submitted:

Diane B. Ambrosio, RMC
Township Clerk

Date