

Planning Board Meeting 08/04/2022

## TOWNSHIP OF OCEAN

### Planning Board

August 4, 2022

7:00P.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	Nicholas Bonamassa	Ralph Dawes
Anthony DeCondo	Dr. Shawn Denning Jr	Donald Lippincott	Dr. Benjamin LoParo
Peter Nese	John Petrosilli	Aaron Shapiro	

Members Absent: Robert G. Beck

#### PROFESSIONALS PRESENT:

Steve Yost, Haines & Yost

Ray Savacool, T&M

Scott Taylor, Taylor Design Group

#### APPROVAL OF MINUTES – Regular meeting minutes of June 2, 2022

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

#### APPROVAL OF BILLS – Attached.

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

#### CORRESPONDENCES:

- List attached.

#### INFORMALS: NONE

**OLD BUSINESS: Docket No. 01-22-PB, Robert Wooley, 59 Chestnut Street. Block 79 Lot 5.01, Minor Subdivision with variances. Originally Heard May 5, 2022**

- Docket No. 01-22-PB will be carried until the September 1<sup>st</sup> meeting.

## RESOLUTIONS - NONE

### NEW BUSINESS

- a. **Docket No. 04-22-PB, Herman & Marsha Zell; Oceanaire East, Final Major Subdivision and Site Plan; 38 Route 9, Block(s) 241.11; 343; 352; Lot(s) 12.02, 13.01, & 13.02; 20 & 1**

Keith Davis Esq., representing Mr. Zell noted to the board this is an application for an amended preliminary subdivision approval along with a final subdivision and site plan approval. With 117 total residential units, 99-market rate and 18 affordable units. This project will be known as Ocean Isle, referring to block 241.11 lot 12.02, 13.01, 13.02, block 343 lot 20, and block 352 lot 1. Physical street address is 148 Route 344 N. Main Street Route 9.

Mr. Davis lists his professionals present. Robert Regazzoni of 13200 Fountain Head Plaza, Hagerstown, MD, William Feinberg of 1010 Haddonfield Berlin Road, Voorhees, NJ, Robert Fecso of 2040 Briggs Road, Mount Laurel, NJ, Thomas Roesch of 634 Lost Pine Way, Galloway, NJ and Herman Zell.

Dr. Denning went on record and read a statement concerning the applicant's testimony.

Mr. Regazzoni provides testimony and has prepared elevations of the clubhouse, which was a conception that the applicant made at preliminary along with a cabana. Noted, these were not on the original plans. Dr. LoParo stated that the original plans that went in front of the redevelopment committee did have a pool and a clubhouse. Mr. Davis commented that this is an amendment to the plan that was submitted at preliminary to add cabana, clubhouse, and pool structure. Dr. LoParo went on record stating that they changed their original plans when they showed up to the planning board.

Exhibit A1 – Architectural elevations and colors of clubhouse, cabana, and pool structure

Exhibit A2 – Floor Plan

Included in the clubhouse is a community room, bathroom, and drinking fountains, with french doors to the covered porch that opens to the pool. It has an independent access to the bathrooms from outside. It has a mechanical closet and storage for things associated with the pool. The colors and materials are similar to what is being used on the townhomes and affordable units. The one thing that the rendering did not depict is that there will be a pedestrian gate for the townhouse residents. The other end will provide access for the staff to bring chairs in and out. This amenity will be open to all residents including townhome residents and residents in the apartments.

Exhibit A3 – Rear elevation

Similar to the front, same features, includes fencing and seating area under the porch.

Dr. Denning inquired if there are any safety mechanism to prevent a child from getting out of the clubhouse to the pool area. Mr. Regazzoni noted it is a construction code requirement and they will prepare the proper construction documents for the UCC code.

Chairman Mr. Lippincott referred to Mr. Savacool for anything additional to add.

Mr. Savacool noted that the applicant agreed to comply with all building code requirements if granted approval.

Dr. LoParo inquired if there is a capacity on the clubhouse. Mr. Regazzoni noted one person per 15 square feet by code, plus the outside area as well. Dr. Denning inquired if it will be swim at own risk or will there be staff. Mr. Davis noted there would be a lifeguard on site.

Exhibit A4- Side elevation of clubhouse and cabana

Exhibit A5- Front elevation of townhome

Mr. Regazzoni mentioned there would be three different color schemes and combinations of different materials. That they are treating this as an ABC combination, it will never be the same as the adjacent unit. Depending on the color scheme, some units will have cedar shake and some may not. The units will be staggered.

Exhibit A6, A7, A8 - Color boards, materials, and color schemes of market rate units

Exhibit A9- Rear elevation of townhome

Mr. Regazzoni noted they added 4 windows on the side, including window trim and shutters to address the comment to make it more similar. As well as carrying the stone water table around, with two colors of siding to create a contrast.

Dr. Denning inquired if there are any pictures of any type of balcony for the slider, reason being is with 99 units, we foresee 99 variances for balconies. Mr. Davis noted that he does not know if they would meet the setback for a balcony but that would be subject to a construction permit submitted by the homeowner.

Chairman Mr. Lippincott inquired about having a sliding door on a second floor. Mr. Regazzoni said it is a Juliet balcony. DR Horton considers it an amenity.

Mr. Taylor responded that the redevelopment plan does permit decks and patios, the lots do look deep enough depending on the jog. If the HOA permits decks to be constructed then 20/30/50 percent of those homes will apply for deck permits over the next 3/5/10 years. One of the questions Mr. Taylor has is what are the standards in the HOA documents in respect to what types of decks, materials, and fencing specifically along Route 9. Typically, what we try to avoid is having white vinyl, next one with stockade, next one with metal, it gives a real disjointed look. Mr. Taylor asked for clarification, as there is an expectation for the residents, for this board and the HOA of what can and cannot be in the future.

Mr. Davis stated they could include such requirements in the HOA. If that is what the board request. We cannot tell you what materials or dimensions would be at this time, but we are happy to work with your office to come up with the appropriate standards, guidelines, and any deed restrictions. Mr. Fecso from DR Horton mentioned that all other fences would be restricted in the rear yard within the deed restriction.

Mr. Taylor believes it is important to note that in the public offering statements.

Mr. Regazzoni spoke on the mechanicals, that they would be located on the rear patio of each unit.

Mr. Bonamassa was reading the covenants and it said the resident could apply for fencing. Mr. Fecso from DR Horton noted the covenant is a sample of guidance and they will revise it. Mr. Taylor reiterated that Mr. Davis is saying whatever the board decides; they will revise the documents according to the approval to comply with any conditions of any resolutions.

Dr. Denning inquired about if they will be restricting the size of the patio in the rear as well as deed restricting it. Mr. Davis agreed noting they can restrict that as well.

Mr. Taylor discussed any prohibitions against any rear yard sheds, storage structures, and hot tubs. DR Horton will deed restrict that as well prohibiting against such.

Dr. LoParo inquired about any discussion on generators. Mr. Taylor said there has been no discussion. Dr. Denning noted by township ordinance any unit can have a generator. DR Horton will restrict any permanent generator.

Mr. Davis starts discussion on the garage.

Exhibit A10 – Floor plan of townhome model

Mr. Regazzoni speaks on the garage; they created a nook that can handle two 96-gallon trashcans that are located much closer to the door. Dr. Denning stated if the garage is 10'2" wide, with the EV charging station hanging of the wall, it does not give you much space to move. A large SUV would still not be able to park in it. Dr. Denning asked if any considerations could be made to push the garage wall back.

Mr. Davis noted it will require significant changes to the floor plan and it will reduce the size of the great room, but we could move it approximately 18". Mr. Savacool commented that the additional 18" of depth, would allow a car to pull further and to get the garbage cans out of the nook.

Dr. LoParo asked Mr. Yost if we can deed restrict that there will be no outdoor storage for the garbage, on the outside patio or driveway. Mr. Fecso from DR Horton has no problem agreeing with that.

Mr. Davis also commented about the hours of operations for trash pickup and when trash receptacles would be placed to the curb. Mr. Taylor clarified that was meant more for the commercial site, between 7AM and 7PM. Mr. Davis noted residents will wheel there trash out the night before, they can restrict it to 24 hours prior and can include that in the HOA.

Mr. Taylor wanted to get more clarification on the townhouses. The rear façade shown, we had a comment in our report that the redevelopment plan has a requirement that the rear façade shall have the same architectural features as the front façade. I think the offsets make a difference and color changes make a difference. Our greatest concern is the rear units that backup to Route 9, that the level of detailing implored there should be more consistent.

Mr. Regazzoni commented that the only different is that we do not have dormers in the rear. Mr. Taylor discusses potentially adding dormers, adding bay or box windows. That many things can be done so these units do not look as if they are turning their back.

Mr. Taylor and Mr. Davis holds discussion about facades.

#### Exhibit PB1 – Design rendering of townhome project in Medford

Mr. Taylor's other concern is the starkness of the white, recommends some of those colors to be deepened. Mr. Taylor's request is to use deeper and more varied pallet for the façade, some changes to textures, include some board and baton, introduce color and texture variations for roof elements.

Mr. Fecso from DR Horton agrees to work with Mr. Taylor's office to add those elements and to try to achieve what they achieved in there Medford project.

Mr. Dawes inquired about what landscaping the owner is allowed to have.

Mr. Fecso has no restriction to setting up landscaping rules, such as how far a garden can be, what types of trees, etc. As long as there are no trees in drainage areas. This can be set in the HOA.

Mr. Feinberg steps forward to discuss the commercial building.

Exhibit A11- Elevation and coloring of commercial building

Exhibit A12- front a side Elevation of commercial building

Mr. Feinberg discusses item 14 in the resolution. They had added decorative elements to the short end of the side of the commercial building. They included two double windows with awnings on the left and right side. Another request was to match as best as possible with the brick and the water table that runs down across the front and side of building.

Exhibit A13- Fully rendered front elevation of commercial building

Included is an Alamo blend cedar shake that will match the color schemes you saw earlier from Mr. Regazzoni's presentation. The block on the rear elevation and the rear loading areas, will have more robust material with water table details that runs around the three sides.

Mr. Feinberg commented on the signage. That they have depicted signage on the drawings, referring to exhibit A11. Signage will consist of pin-mounted metal or plastic letters all will be externally lit, these are not box signs. When permits are pulled for signage for each tenant fit out, it will have to be submitted to the construction department for permits.

Mr. Taylor inquired if the townhomes color schemes get deeper/darker can that same principle be applied to the commercial building. Mr. Feinberg agrees. Mr. Taylor also noted the rear façade, water table, is all a single color. Can the color of the brick be carried around in either a paint or CMU. Mr. Feinberg agreed, they would match something close, such as an Alamo blend lighter color to be carried.

Mr. Feinberg noted decorative lighting on the front elevation over the entrance doors would be gooseneck lighting.

Mr. Dawes inquired about the intended use of the occupancy.

Mr. Davis said there are no tenants yet, that is still being decided. Mr. Dawes' meaning behind that was if a medical facility came in; there would be a need for more parking based off the ordinance. Mr. Davis completely understands that a need for an application to the board might be required again, but as of right now, just retail is being proposed.

Mr. Taylor inquired about the roof color, the rendering looks black. Mr. Feinberg noted it is a textured roof with brownish shingles.

Exhibit A14 - Front and rear elevation of the affordable units (10 unit building)

Exhibit A15 - Front and rear elevation of the affordable units (8 unit building)

Mr. Feinberg stated, they would modify all elevations, color schemes, and materials to match the townhouses that was presented tonight. The unit count for the affordable units will be three 1-bedroom units, four 3-bedroom units, and eleven 2-bedroom units for low moderate income families. Noted, AC contraptions will be in the rear of the building, including natural gas as well, and electric will be at the end of the unit building.

For the townhome's it will be the same testimony, at the back of each unit.

Mr. Roesch - Project engineer steps forward

Exhibit A16 – Color rendering of proposed conditions

Mr. Roesch noted with CAFRA, the lot lines were slightly reoriented due to modifications with storm water management between the basins and the units. The lots of the townhomes were originally 80ft deep; they have now been reduced by 5ft to make all units 75ft deep.

- Phasing Plan

Phase 1: Will be the clearing of the entire property due to the storm water management systems. Phase 1 construction would be the front of Bay Breeze Drive that runs parallel to Route 9 and Pancoast Road that runs perpendicular to Route 9. Including a portion of the affordable units as well as the 4 unit townhomes closer to Route 9.

Phase 2: Will be all the rest. As a condition of approval, we agree no CO's to be issued in phase 2 until the pool / clubhouse center is complete.

Mr. Davis stated that they could not agree to set a timeline for the commercial building.

Dr. Denning commented stating that, that could lead to the potential of the commercial phase never being built, that the project is being proposed as a mixed use and by not having the commercial aspect, it is really a mischaracterization. Mr. Davis acknowledges that, that it is certainly a possibility based on demand but land use approval gives the developer the right but not the obligation. The applicant has submitted a phasing plan, the commercial aspect would be owned separately. That it is legal to have separate ownerships.

Mr. Davis stated that the applicant is here tonight seeking approval to build a mix use development. Mr. Zell has every intention to build the commercial side but he cannot sit here and tell you how the market is going to be next month or next year, whether there will be a need for retail or not. We cannot have it as a condition of the approval to build an empty building.

Dr. LoParo mentioned that the township would be losing tax money if the commercial building was never built, on top of having an eyesore on Route 9 as well.

Mr. Yost stated the statute for preliminary approval gives the applicant their rights locked in for 3 years, at the end of the 3-year period, zoning can change. The applicant does not have

the obligation to construct it, but if they do not construct it within the 3 years, they run the risk of zoning changes and then might not be able to do it, and would have to forfeit their rights.

#### 5 Minute Break

Mr. Zell speaks to the board, that he has owned this property for the past 47 years and has paid taxes on it. He has been in the commercial development business since 1975, and that he has been working on this project since 2019. That he would like to build the commercial building but he is not going to build a building to sit there vacant. His intent after all permits and approvals is to leave the land vacant and wooded. To hire a commercial broker familiar with the general area so that we can find tenants. At that time, if needed come back for a new approval.

Chairman Mr. Lippincott questioned, that Mr. Zell would not cut and clear the property.

Mr. Zell stated that is correct.

Mr. Davis stated they do have to clear sections for the storm water management system to be put in, but will work with the townships professionals with clearing and preserving as many trees on that portion of that property, as well as establishing a berm. Mr. Davis reiterated to the board that Mr. Zell wants this project to be an asset to the community.

Mr. Savacool inquired since there is a lack of specificity of when the commercial side will be built, if the applicant would move forward with public improvements in the front of the proposed commercial establishment, referring to the curb, sidewalk, decorative lighting along Route 9. Mr. Zell agreed that they could move forward with that. Dr. Denning agreed with Mr. Savacool and added if the applicant would work with Mr. Taylor's office in respect to clearing, basins, and a replanting plan. Dr. Denning noted from a resident perspective if the applicant can iron down those commitments to keep it wooded with those conditions, it would be a nice improvement. Mr. Zell agreed.

Board members hold discussions about future tenants and parking requirements.

Mr. Davis asked Mr. Roesch if there has been any changes since preliminary for any site plan issues. Mr. Roesch stated that we are in compliance with the new state law provisions of electric vehicles with made ready spaces. We comply with the provisions of the statute as 41 spaces are required and we exceed that. Mr. Davis stated that Mr. Feinberg went over some commercial lighting, but asked if any other lighting had been changed. Mr. Roesch stated since preliminary, they have added more lighting along the main drive as requested.

#### Exhibit A17 – Landscaping

Mr. Roesch stated the landscaping will consist of mixed trees, shrubs and vegetation. As Mr. Taylor pointed out in his letter that he would like to see more and we are willing to work together to get additional landscaping.

Mr. Davis mentioned the engineer review letter, pointed out that additional buffer in the back of the basin where there are existing trees and or forest, along the vacated portion of the street, we asked to supplement that, which we believe we can do, to add as much as we can. There is also a tree save area on the plan subject to deed restriction. That was a part of the CAFRA permit, and we received a letter of interpretation from the DEP that was submitted.

Mr. Roesch had a conversation with the postmaster back in March. Recommended the mailboxes to be in one location and not scattered. Best location would be a spot along Pancoast Road going in an east direction, consists of a concrete area with gang boxes.

Mr. Roesch noted the fencing around the rear basin; right now we have a 4-foot post and rail fence. Mr. Taylor requested it to be a free board fence, so we will revise that detail. Mr. Fesco likes to use PBC white paddock fence with the black fabric in the back. Dr. Denning inquired since it is a dry basin if we can get rid of the black fabric. DR Horton believes it is needed, but if for some reason it is not required, they will get rid of it. Mr. Savacool noted he would look into the ordinance. Mr. Davis revisited the trash at the commercial site, which will be 7AM to 7PM. Mr. Roesch mentioned there is another requirement, which is the critical wildlife habitation mitigation component. Once received, they will provide a copy to the board.

Dr. Denning recommends dividing the basins in the back into three to put some additional planting for buffers along the sides. Mr. Taylor agrees, inquired if the applicant would agree to break up those basins. The applicant agreed.

Mr. Davis speaks on the comments concerning affordable housing. The applicant agrees to provide more bike racks with concrete pads but DR Horton is not agreeing to put benches on concrete pads and walkways, that it adds costs to the HOA and their experience placing benches on the ground works better.

Mr. Taylor inquired if there are any other benches in the community besides the ones by the basins. That the board asked about additional recreation with suggestion of having picnic tables closer to the affordable units. Mr. Savacool commented since the affordable units are further away; it would be nice to have something local and beneficial for them. Mr. Fesco from DR Horton agrees to a small pavilion near the east building of the affordable units with a couple picnic tables and benches.

Mr. Petrosilli inquired about when the pool construction would start. Mr. Davis noted the construction will start in phase 1 and would be completed before the first CO in phase 2.

## **OPEN TO PUBLIC**

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

Anna Hopkins of 3 Navajo Drive

Concerns regarding deed restricted land and water basins.

Glenn Kenworthy of 418 Third Street

Concerns about the proposal for mixed use of commercial property.

Carol Cornelius of 442 Cheyenne Drive

Spoke about the buffer between the proposed development and the back of Third Street.

Jeffrey Hayes of 32 N Navajo Drive

Concerns about residents walking from that development into Pebble Beach area and the traffic on Route 9.



## **CLOSED TO PUBLIC**

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

Chairman Mr. Lippincott refers to the professionals for any more questions in respect to their reports.

Mr. Taylor does not have any comments. Mr. Savacool stated, the applicant agreed to address the drainage comments. Also providing amenities at the affordable housing side. The calculated required parking for a development such as this where the garage space counts as a space, the driveway counts as another space. The residential site improvement standards require and assume a half of space per visitor for each dwelling. Therefore, there is a requirement for general parking throughout the community. The applicant has provided 48 parking spaces; we did calculate it to be three short for visitor parking. Mr. Savacool noted he did have a conversation previously with the applicants engineer about where they can find those three spaces, assuming they agree with that. Mr. Davis agrees. Also, asks for an amenity walk path around the basin to provide another access point. There is one by the south side, but we ask that another one be provided. Mr. Davis agrees. Mr. Savacool mentioned the topic of garages and balconies were already spoken about, that concludes his report.

Chairman Mr. Lippincott wanted to make sure there was still at 70ft buffer that is wooded between this development and the closest residential dwellings. Mr. Taylor noted yes and that the basins are probably 15ft to 20ft from the property line from the perimeter from their property. Mr. Taylor suggested they plant arbor such as large scale more durable trees that do not get damaged by wind or ice. Also agreed to more supplemental plantings in that area.

Dr. Denning suggested for the COAH units, a management plan to keep the COAH residents from being victimized by short parking. Applicant agrees they can assign parking and allowing title 39 with the police department and will work with our professionals and police department for any signage required for code.

**MOTION TO APPROVE:** Motion to approve subject to the representations from applicant that they agreed to and also requirements from the board and planners and anything else we required.

- Mr. Baulderstone motioned to approve, seconded by Dr. Denning.

## **ROLL CALL**

Mr. Baulderstone: Yes    Dr. Denning: Yes    Mr. Bonamassa: Yes    Mr. DeCondo: Yes  
 Dr. LoParo: No    Mr. Nese: Yes    Mr. Petrosilli: No    Mr. Shapiro: Yes    Mr. Lippincott: Yes

## **MOTION TO ADJOURN**

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

**MEETING ADJOURNED AT 9:56 P.M**

**NEXT SCHEDULED MEETING WILL BE SEPTEMBER 1, 2022 @ 7:00 P.M**

Laurie Clune

Board Secretary