

**PLANNING BOARD
TOWNSHIP OF BARNEGAT – COUNTY OF OCEAN
STATE OF NEW JERSEY**

**MINUTES OF MEETING
February 28, 2012
7:30 P.M.**

MEMBERS PRESENT: Ralph Dawes (Chair), Danielle Novak (Vice Chair), Jack Leonardo, Albert Bille, Louis Fischer, Anthony Altomare, Jan Wicks, Robert Doherty (7:45), William Wiseman (7:45), Dorothy Ryan (Alternate I), Sara Winchester (Alternate II)

ALSO PRESENT: Stacey M. Daniels, Acting Secretary to the Board, John J. Hess, P.E., P.P., C.M.E., (Birdsall Engineering, Inc.), Board Engineer, Michael McKenna, Esq., (Hiring, Gannon & McKenna), Board Attorney, Scott D. Taylor, (Taylor Design Group), Board Landscape Architect

FLAG SALUTE

OPEN PUBLIC MEETINGS ACT

NOTICE OF CURFEW

FIRE EXITS

ROLL CALL OF MEMBERS AND CONSULTANTS

BUSINESS OF THE BOARD: NONE

MASTER PLAN/LAND USE ORDINANCES:

Mr. Dawes announced that the Master Plan Subcommittee would have their first meeting of the year tomorrow. He welcomed Ms. Ryan back to the Board and subcommittee. The Action Items due between now and the end of the year will be addressed in addition to the Town Center review.

APPROVAL OF MINUTES: NONE

CORRESPONDENCE:

Mr. Dawes stated *The Planner* was in everyone's packet and noted there were several good articles.

RESOLUTIONS:

- A. RESOLUTION NO. P-2012-4
DOCKET No. PB 11-29
SHERER'S BOAT BASIN
BLOCK 207, LOTS 1, 2, 2.01, 3 & 4
482 EAST BAY AVENUE
APPROVAL OF MINOR SITE PLAN**

Mr. McKenna summarized the resolution.

Motion by Mr. Leonardo to adopt; second by Mr. Altomare.

Aye: Leonardo, Altomare, Wicks, Bille, Novak, Dawes, Winchester

INFORMALS: NONE

OLD BUSINESS:

- B. DOCKET No. PB 01-11
FOUR SEASONS AT SEA CREST PINES
(FORMERLY FIFTH AVENUE TRACT)
VARIOUS BLOCKS & LOTS
WEST BAY AVENUE
CONVERSION OF PLANNED ADULT COMMUNITY
TO NON-AGE RESTRICTED DEVELOPMENT**

Richard Hluchan, Esq., from Hyland Levin, LLP, representing the Applicant.

Mr. McKenna recapped what had transpired with the application at the last meeting. He again advised the Board and the public on the law regarding the Conversion Statute.

Art Bernard, P.P., Art Bernard Associates, previously sworn,

Mr. Bernard stated at the last meeting he had testified regarding the findings within the Conversion statute that are relative to the application. He explained the legislature found there to be an over supply of age restricted housing approvals in the state, and 55% of New Jersey families are one and two person households, who are unable to find housing that meets their needs. Zoning practices have resulted in a lack of land approved to address the needs of smaller households, and a majority of the workforce has difficulty finding housing near their jobs. As a result, the Legislature determined a mechanism was needed to permit the conversion of these age-restricted developments, where they were approved, but not built.

Mr. Bernard addressed the criteria, which must be met in order for the Board to grant the conversion. He testified to the location of the property and the surrounding land uses. He reiterated besides the emergency access, there would be no traffic circulation between this proposed community and the adjacent age-restricted communities. Mr. Bernard testified the proposed community is compatible with the surrounding land uses.

A-9 Najarian Zoning Map

Mr. Bernard testified using exhibit A-9 describing the surrounding area, he stated the relation between open market developments and age restricted is not unusual in this community. The site has access to Bay Avenue, which is a county road and is in close proximity to the parkway, not having a substantial impact on the local roads. The State Plan was reviewed and this is the precise area the State is encouraging this type of growth. The regional affordable housing obligation was to be reached in part through this approved community; market conditions matter when creating a realistic opportunity for affordable housing. This application for conversion is consistent not only with the Conversion Statute; it is consistent with the Constitutional Obligation to provide a realistic opportunity for affordable housing and the Township's Master Plan's language. The Master Plan also encourages bike paths; this conversion proposes a bike path to hookup with the proposed bike path along Bay Avenue.

The conversion promoted various goals of the Housing Element, Master Plan Goals and Objectives and the Open Space Plan. The proposal will provide housing for a large segment of the population that cannot find housing to meet their needs, addressing the concern expressed in the Conversion Statute. Sixty- one Affordable Housing units will be created through the conversion; which is inherently beneficial and will be created in the regional growth area, which is what is encouraged through the State Plan. The proposed lot size and layout are very similar to the approved project. Changing to non-age restricted is not significant, due to the buffer provided and there only being an emergency access to the age-restricted communities. There is also no significant impact to the traffic levels of service in the area. The impact is positive to the zone plan and the ordinance.

Mr. Bernard testified to the recreation amenities the Applicant is proposing and those amenities meeting the needs of the development. There was a discussion regarding the recreation section of the township's ordinance, and the requirement for not only reserving open space, but also reserving 5% to then be developed by the developer for active and passive recreation. Mr. Bernard stated he feels the Applicant meets the spirit of the ordinance and the Conversion statute. Mr. Holmes used exhibit A-5 advising of the layout of the proposed development and the acreage for the family section, age targeted side section and general open space. They feel with the age target side the ordinance requirements are met, the family side does not have specific requirements other than the 5% for active and passive recreation.

Mr. Holmes testified to the size of the lots and buffer provided in the Horizons development. There was a discussion regarding flipping the proposed project, so the age-targeted homes would abut the existing age-restricted development. Mr. Taylor expressed concerns stating he felt it to be incompatible, if the family units backed up to the Horizons development. Mr. Bernard testified the proposal as presented allows for more contiguous open space. The possibility of flipping the project was also looked into; there were engineering concerns and in order to stay within the confines of the Conversion Statute, the layout had to remain as originally approved. The Board expressed concerns regarding the traffic, which will be generated during commuting hours in both the morning and evening. Mr. Kennel explained the difference between traffic generation and level of service at the driveway. There will be increased traffic, but adequate capacity to accommodate it.

A-10 Resume

Mary Faith Nugiel, Sworn

Ms. Nugiel placed her credentials on the record.

Motion by Mr. Doherty to accept as an expert witness; second by Mr. Fischer

All voted aye. Motion carried.

Ms. Nugiel testified having one homeowner's association for both the single family and age-target homes would make the most sense. She explained the disadvantages with multiple associates, stating this is the most cost efficient and effective. Ms. Nugiel testified the condominium should have their own association, as they are essential out on their own, they will not share any of the recreational facilities, and have their own streets and parking lots. The Board inquired how many communities Ms. Nugiel has been involved with in the past having this type of setup. She explained this is unique setup explaining it does not make sense to have a master association. There was a discussion regarding the process of modifying the bylaws once established.

(Whereupon the Board took a recess; proceedings then continued as follows:)

John Flood, P.E., sworn

Mr. Flood placed his credentials on the record.

Motion by Mr. Leonardo to accept as an expert witness; second by Mr. Fischer.

All voted aye. Motion carried.

Mr. Flood testified he reviewed the project relative to the Conversion Statute. He advised he was involved originally with the water system for the original Fifth Avenue Tract, as well as other projects in the township from a water/sewer perspective. Mr. Flood addressed the designs and specifications regarding water/sewer and adequate capacity for this project. He testified to the relative statutes that applied to the original project and the proposed conversion. The ability to accommodate the flow was addressed by the design of the pumping station for the original project, which was approved by the TWA at a higher capacity, making it adequate for the proposed conversion. The Ocean County Utility Authority has adequate treatment capacity.

Motion by Mr. Leonardo to open for public comment and or questions on the application; second by Committeeman Bille.

All voted aye. Motion carried.

Jerry Harper, 181 Bayshore Drive.

Mr. Harper commented he felt this proposed application with the layout of the housing and clustering of the affordable housing is a detriment of the township.

John Profitko, 9 Hingham Lane.

Mr. Profitko stated he had safety and drainage concerns, as it will relate to the Horizons development.

Helen Makarewicz, 50 Plymouth Way.

Ms. Makarewicz reiterated the concerns regarding drainage. She questioned the type of gate and lock that would be on the Todd Hollow Road emergency access, and if it would always remain strictly an emergency access. Ms. Makarewicz suggested the buffer between the communities be increased.

Steven Keller, 1309 West Bay Avenue.

Mr. Keller inquired if this application for the conversion was filed within the proper time, and if the notice sent to the property owners was adequate.

Nancy Reid, 7 Weymouth Court.

Ms. Reid stated Horizons as well as Mirage are Certified Fire Wise Communities, and inquired if this new proposal will meet the guidelines for the street widths and turn arounds for emergency vehicles.

Emmet Bivins, 3 Hingham Lane.

Mr. Bivins commented he had concerns that the expert witnesses were paid and does not feel that any of the real questions have been answered. He questioned the validity of the traffic report.

Michael Rice, 118 Marshfield Hills Boulevard

Mr. Rice requested to submit a letter from a consulting engineer for the Horizons community. Mr. Hluchan objected, stating there was no opportunity to cross-examine. Mr. Hess commented he had a concern with submitting a letter from FWH questioning some of the design parameters, since they were the original designers of the project and to now provide information objecting to the design is unfathomable. Mr. Rice inquired regarding the buffer and commented on the standing water in the basin, which will only become worse.

Jocelyn Scull, 1301 West Bay Avenue.

Ms. Scull questioned where the utilities would be placed and where the force main would be located mentioning a property line dispute that had occurred several years ago. Mr. Hess referenced a Memo from Mr. Dempsey from 2005, stating the force main and water main would be relocated within the

easterly 20-foot portion and that is in conformance with that agreement. Ms. Scull inquired why the utilities could not be located elsewhere; she also questioned the size of the fuel break.

Hugh Magee , 7 Cohasset Court.

Mr. Magee stated he did not hear about the increase in noise from the children and buses.

Frank Scimeme, 5 Cohasset Court.

Mr. Scimeme commented on the increase in property taxes this year and the possibility of an additional increase with this development and the possibility to have to build additional schools.

Helen Makarewicz, 50 Plymouth Way.

Ms. Makarewicz commented in north Jersey, K. Hovnanian is continuing to build senior homes, and feels this situation is temporary.

Motion by Mr. Leonardo to close for public comment; second by Mr. Fischer.

All voted aye. Motion carried.

Mr. Altomare questioned if the Applicant would consider flipping the proposal, so the age targeted would abut the existing senior development. Mr. Hluchan commented this is the proposal.

Motion by Mr. Altomare to deny; second by Committeeman Bille.

Aye: Leonardo, Fischer, Altomare, Wicks, Doherty, Bille, Novak, Dawes

Motion carried.

NEW BUSINESS: NONE

APPROVAL OF VOUCHERS: **RESOLUTION NO. P-2012-5**

Motion by Mr. Fischer to approve; second by Ms. Ryan

Aye: Leonardo, Fischer, Altomare, Wicks, Doherty, Wiseman, Bille, Novak, Dawes

Motion carried.

OPEN MEETING FOR GENERAL PUBLIC COMMENT:

Mr. Dawes noted there was no public.

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LITIGATION/EXECUTIVE SESSION: NONE

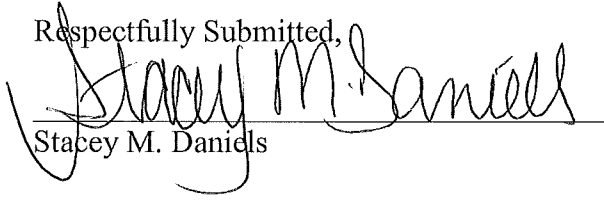
ADJOURN MEETING:

Motion by Mr. Altomare to adjourn; second by Committeeman Bille.

All vote aye. Motion carried.

Meeting adjourned 10:54 p.m.

Respectfully Submitted,



Stacey M. Daniels