

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

**MINUTES OF MEETING
SEPTEMBER 25, 2012
7:30 P.M.**

MEMBERS PRESENT: Ralph Dawes, (Chair), Anthony Altomare (Vice Chair), Jerry Harper, Albert Bille, Jack Leonardo, Jan Wicks, Robert Doherty, Dorothy Ryan (Alternate I), Sara Winchester (Alternate II)

MEMBERS ABSENT: Louis Fischer, William Wiseman

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., (Hiering, 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

NEW BUSINESS:

- A. 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
REMAND HEARING ON SETTLEMENT PLAN**

Mr. McKenna explained this application was denied for a conversion, a lawsuit was filed and settlement negotiations were entered. The Applicant is here tonight to make a presentation of the settlement plan, which addresses some if not all of the issues from the prior application.

Mr. Hess summarized his review letter.

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

Carl Erler, Esq., in-house Counsel for K. Hovnanian

Mr. Hluchan stated the litigation has been put on hold and there is an order granting a remand of this matter to the Board to consider the settlement plan. He explained the transcripts from the previous hearings were reviewed and the comments made by the Board as well as the public were addressed and this settlement reflects those concerns and allows for a viable project for the Applicant.

Peter Ciliberto, P.E. Najarian Associates, sworn.

Mr. Ciliberto placed his credentials on the record.

Motion by Mr. Altomare to accept as an expert witness; second by Mr. Harper.

All voted aye. Motion carried.

- A-1 Approved Age Restricted Plan (Approved)
- A-2 Conversion Plan (Denied)
- A-3 Settlement Concept Plan
- A-4 Entryway and Sign
- A-5 Family Targeted Units
- A-6 Age Restricted Units
- A-7 Club House

Mr. Ciliberto used exhibits A-1, A-2 and A-3 testifying to what the original approval was, the conversion plan, which was denied and now the proposed plan for settlement. He addressed the differences between the three plans. The conversion plan had the eastern section having the family targeted homes; now the age restricted homes will be located there abutting Horizons at Barnegat. The family targeted homes are now on the western side of the development. The conversion plan had the 60 market rate units in townhomes, now 35 units are affordable, but are disbursed throughout the age restricted area. The road network is the same as the previous two plans, with the exception of four cul-de-sacs in the settlement plan. The cul-de-sacs keep the age restricted and family targets homes separate. The recreation for the age restricted component has been relocated to the eastern portion of the site. The size of the sign and entry features have been reduced. The current plan will maintain all the same buffers as the original plan. Impervious coverage is reduced from the original plan, the RSIS is complied with throughout the site; no additional variances or waivers are being requested other than what was previously granted.

The Board clarified the development is being flipped from the previous denied application. The age restricted will be abutting Horizons, so the family units will be on the other side of the development. The traffic patterns are consistent. The affordable units are being maintained in the age restricted portion of the site, the original approval was for 35 units, which is being maintained and consistent with the Township's Fair Share Plan. There was a discussion regarding the foundation of the proposed homes and the type of curbing proposed.

Francis J. Wood, Land Development Manager Northeast Division, of K. Hovnanian Homes, sworn.

Mr. Wood testified the predominant foundation feature in the age restricted homes would be a slab on grade. If a home buyer chooses to have a basement, it will be a full basement. There will be no homes constructed on a crawl space, for either the age restricted or family targeted homes. Vertical Belgium block curb is being used.

Motion by Mr. Altomare to open to the public; second by Committeeman Bille.

All voted aye. Motion carried.

Michael Dimino, 6 Marblehead Place, sworn.

Mr. Dimino commented he feels there will be animosity in the development with only one clubhouse, which would only serve the age restricted residents.

Lucy Cappello, 3 Weymouth Court, sworn.

Ms. Cappello inquired if due to the reconfiguration and lack of basements if this will create drainage issues, as currently the residents in Horizons experience issues; and is aware that there was discussion regarding the two developments sharing the one basin. Mr. Ciliberto reiterated basements would be offered throughout the entire project. He testified to the basins locations stating all drainage from this site is kept onsite explaining the overflow is what would be directed to their basin. Ms. Cappello questioned the number of exits and entrances in to the development. Mr. Ciliberto stated there is one main entrance and exit, but there is also an emergency access.

Nancy Reid, 7 Weymouth Court, sworn.

Ms. Reid inquired if there would be a HOA for both age restricted and family target homes. She expressed concerns over the size of the lots versus the potential for the size of the homes for the family targeted side. Mr. Hluchan commented both facets of the development will have a HOA, and that lot size complies with zoning requirements. Ms. Reid questioned the maintenance of the basins, the drainage of the site and the firebreak. The HOA will be responsible for the maintenance and it was reiterated that the basins on site will handle all the storm water with the Horizon basin handling the overflow. Mr. Ciliberto explained there is a 50 foot buffer on each side, essentially giving you 100 feet between the two developments. Mr. Hess explained the history of the firebreak easement and drainage easement between the two property owners.

Rudy Gromosaik, 5 Weymouth Court, sworn.

Mr. Gromosaik commented what if the project becomes abandoned. Mr. Wood explained the developer currently owns the site and explained the phases they intend to follow. Mr. Taylor commented the developer is required to post bonds with the Township, so there would be monies in place to restore the site to the design conditions. Mr. Wood stated the clearing would be done in phases as they move to each section. The Board inquired regarding the affordable housing and the timing of that construction. Mr. Erler explained they would be constructed at the time they are constructing the age restricted side and would be in compliance with the Township ordinance .

Michael Rice, 118 Marshfield Hills Boulevard, sworn.

Mr. Rice questioned the different colors and their representation of being age restricted and family targeted. He clarified that only the township would ascertain the need to open the emergency exit. Mr. Rice inquired if K. Hovnanian's original permit for the age restricted community would be surrendered to receive this approval. Mr. McKenna commented this conversion is a negotiated settlement and nothing could be changed without an appearance before the Planning Board. Mr. Rice commented he likes the fact that the age restricted will be abutting the current age restricted community. However, there are still concerns due to the mix use of this development, such as school buses, traffic and noise.

Joe Reiser, 108 Marshfield Hills Boulevard, sworn.

Mr. Reiser commented Route 554 is not in the best condition and during the construction, there will be many dump trucks traveling and inquired if there is any plans to do improvements prior to construction. Mr. Hess explained that it is a county road and any determinations regarding impacts on a county road are made by the county engineer's office.

Annette Prestino, 9 Marblehead Place, sworn.

Ms. Prestino inquired about the price range of the homes within the proposed communities. Mr. Hluchan commented at this point in time the applicant does not know. Ms. Prestino commented there will be an increase in traffic on West Bay Avenue and inquired how the roadways are going to accommodate this increase. Mr. Hess explained the levels of service indicated are fine and he is confident the adjustments are minor and any future upgrades found to be required is the responsibility of the county.

Linda Fasano, 6 Marblehead Place, sworn.

Ms. Fasano expressed concerns with there only being one emergency exit, stating there had originally been two proposed and if there is a fire or an emergency there would be an awful lot of people using one exit. Mr. Hess comment there is the main entrance to Sea Crest Pines and only one emergency exit was ever proposed, the gate Ms. Fasano is referring to is for access for water/sewer personnel for the easement.

Michael Rice, 118 Marshfield Hills Boulevard, previously sworn.

Mr. Rice commented some of the homes in Horizon's along Marshfield Hills Boulevard have an eight foot retaining wall and if there was consideration given to some type of a divider between the two communities.

Motion by Committeeman Bille to close to the public; second by Mr. Harper.

All voted aye. Motion carried.

Mr. McKenna charged the Board.

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

Aye: Doherty, Leonardo, Ryan, Wicks, Winchester, Altomare, Dawes

Nay: Bille, Harper

Motion carried.

RESOLUTIONS:

- A. RESOLUTION NO. P-2012-28
DOCKET NO. PB 12-11
OCEAN COUNTY DEPARTMENT OF PARKS AND RECREATION
CLOVERDALE FARM COUNTY PARK
BLOCK 92, LOT 33
COURTESY REVIEW**

Mr. McKenna summarized the resolution.

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

Aye: Bille, Doherty, Leonardo, Ryan, Wicks, Winchester, Altomare

Motion carried.

- B. RESOLUTION NO. P-2012-29
DOCKET NO. PB 12-12
OCEAN COUNTY DEPARTMENT OF PARKS AND RECREATION
LOCHIEL CREEK COUNTY PARK
BLOCK 144.02, LOT 2.01
COURTESY REVIEW**

Mr. McKenna summarized the resolution.

Motion by Committeeman Bille to adopt; second by Mr. Leonardo.

Aye: Bille, Doherty, Leonardo, Ryan, Wicks, Winchester, Altomare

Motion carried.

APPROVAL OF VOUCHERS: P-2012-30

Motion by Mr. Dougherty to adopt; second by Mr. Wicks.

Aye: Dougherty, Wicks, Bille, Harper, Leonardo, Ryan, Winchester, Altomare, Dawes

Motion carried.

MASTER PLAN/LAND USE ORDINANCES:

- A. REFERRAL ORDINANCE NO. 2012-22 ORDINANCE OF THE COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY APPROVING AND ADOPTING THE ZONING MAP WHICH INCORPORATES THE REVISIONS FOR THE LOTS IN OCEAN ACRES PHASE 3, FROM RESIDENTIAL CONSERVATION (RC) ZONE TO RESIDENTIAL HIGH (RH) ZONE.

Mr. Hess explained this is the rezoning of the lots in phase three of Ocean Acres as part of a three party agreement. The Planning Board previously voted in favor of this several months ago, this is now just to vote on the Zoning Map, which has been revised in accordance with the agreement.

Motion by Mr. Altomare to adopt; second by Ms. Ryan.

Aye: Altomare, Ryan, Doherty, Harper, Leonardo, Wicks, Winchester, Dawes

Abstain: Bille

OPEN MEETING FOR GENERAL PUBLIC COMMENT:

Motion by Mr. Harper to open to the public; second by Ms. Ryan.

All voted aye. Motion carried.

Mr. Dawes noted for the record there was no public.

Motion by Mr. Harper to close to the public; second by Ms. Ryan.

All voted aye. Motion carried.

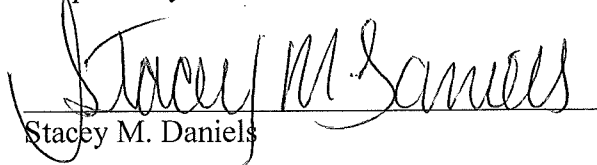
ADJOURN MEETING:

Motion by Mr. Altomare to adjourn meeting; second by Mr. Wicks.

All voted aye. Motion carried.

Meeting adjourned at 9:08

Respectfully Submitted,


Stacey M. Daniels