

TOWNSHIP OF OCEAN  
PLANNING BOARD  
SPECIAL MEETING  
May 19, 2010

Meeting began at 7:40 PM

The meeting of the Township of Ocean's Planning Board was held on the above date and time. The meeting was called to order.

**Pledge of Allegiance**

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

**ROLL CALL**

Members Present: Anepete, Avellino, Eckert, Knowles, Lachawiec, Sneddon, Sweeney, Tredy, VonSchmidt, Bynoe

Members Absent: James

Professionals Present: Steve Yost, Attorney, Wayne McVicar, Engineer and Scott Taylor, Landscape Engineer

**OPEN COMMENTS**

Chairman Anepete addressed the possibility of reducing the size of plans for board members from full size to 11x17 sheets. Mr. McVicar has done research and finds that we can change the Planning Board procedure. Professional sets and file sets would remain full size. A motion was to reduce the size of the plans required for the Planning Board members to 11x17. All in favor: (aye).

**NEW BUSINESS**

**Reddy Application, Block 41, Lot 42.04, Docket No. 04-10-PB, Minor Site Plan**

Mr. VonSchmidt spoke with board attorney Steve Yost and then recused himself from the application as he knows the applicant and at the risk of any impropriety, Mr. VonSchmidt stepped down.

Mr. Sal Alfieri of Cleary, Alfieri and Jones approached and addressed the board. Applicant is seeking approval to have a liquor store at the River of Life church.

Mr. Saibaba Reddy, 149 Kristine Avenue, Manahawkin was sworn in by Mr. Yost. Mr. Reddy is the contract purchaser and will be affiliated with the liquor store as a manager. Approximate sales area of this location will be 4,500 S.F. The applicant will be looking to expand, coming back before the board in the future to expand. No other uses are proposed within the building. Hours will be 9:00 AM – 10:00 PM Monday thru Saturday, 9:00 AM – 7:00 PM on Sunday. There will be 5 employees. The

liquor store located across the street will be relocated. No significant internal renovations will be done at this time. Elaborate renovations are planned for January/February 2011. No exterior renovations are planned. The cross will be removed. Deliveries will be in the front door at this time. The dumpster at the site will be increased to three. One will be for refuse and two will be for recycling with two gates. Fencing and landscaping will be at the board's discretion.

Mr. Ray Carpenter of RC Associates, 2517 Route 35, Manasquan approached and was sworn in by Mr. Yost. Mr. Carpenter provided his credentials to the board and Chairman Anepete accepted his credentials.

Mr. Carpenter identified the property. The property is a conditional use with no conditions.

Marked into Evidence is

- A-1: Aerial photograph
- A-2: Site Plan Top Sheet
- A-3: Existing Conditions
- A-4: Layout Plan
- A-5: Sign Plan

Mr. McVicar pointed out that the property is dual zoned. The rear is I-1, the front is C.

The loading area will be stripped and marked "No Parking Loading Zone". Existing retention basin is in the rear of the site. The garbage enclosure will remain where it is now but will triple in size. Signage being proposed would be one entrance sign off the right-of-way in a conforming location and also a sign in the overhang of the building. That sign exceeds the allowable requirement. Mr. Alfieri then noted that the applicant has requested tonight that the front sign be as large so it is the same size as the overhang. The overhang is 30' x 5' high, increasing the length from 18 to 30' long.

Mr. Carpenter and Mr. Alfieri then went through Mr. McVicar's review letter. 56 spaces are needed where 49 are proposed. Mr. Reddy testified comparing parking in his other stores in Manahawkin and feels the 49 spaces are sufficient. Signage will be nautical in theme. The applicant is looking for internally lit signs rather than bottom or top lit which will require a variance.

Mr. Yost asked Mr. Alfieri regarding the notice and if the notice requested a variance for the signs. Mr. Alfieri stated that it was noticed. Deputy Mayor Tredy also requested verification that the 200' list was noticed which it was as well.

The professionals and the board further discussed the sizes of the proposed signs. Mr. McVicar asked what size the applicant would need for the free standing sign for site recognition. Mr. Carpenter answered 40 feet would be a substantial sign. Mr. Taylor would like the sign on the building to fit within the gable. Mr. Yost added that in doing reference work in the Cox book concerning signs, one consideration of a variance would be if you could see the sign from the highway. The building is 187 feet from the right-of-way set back.

The easement and rail trail were discussed in front of the property.

Chairman Anepete suggested channel lettered signs would be preferred to a white/black internally illuminated sign. Mr. McVicar suggested that the utility department might grant an easement for a more centrally located free standing sign. The applicant said they would investigate the possibility of getting this variance.

Mr. Yost brought to Mr. Alfieri's attention that two of the mailing receipts from the 200' list were not stamped with the post office receipt. Mr. Alfieri assured Mr. Yost that they were sent and would provide the board secretary with the mailing receipts.

Mr. Alfieri continued with Mr. McVicar's review letter. The floor plan will change as the project evolves over time. Basketball hoops will be removed. The property will be cleaned up. Transformer will be screened and buffered. Handicapped spaces will be ADA compliant, however, they will be restriped.

Sidewalk improvements along Route 9 were discussed. DOT permission would be required. Mr. Knowles asked about the rail trail that will front this property. Bike racks, litter receptacles and acorn lighting would be required along the rail trail. Mr. McVicar felt he could forgive the sidewalk if the rail trail was put in instead. A time frame cap of two years would be allowed in case the County did not expand the rail trail past this property. Mr. Taylor understands that the cost of a 4' sidewalk to the rail trail was almost comparable. The applicant agreed to check into the possibility of running a rail trail instead of a 4' sidewalk and either install the rail trail, or contribute in lieu of installation of a sidewalk.

Sizes of delivery trucks were discussed and that they would be delivered on the East side of the building which is currently customer entrance doubling as the loading zone. Deliveries will be early in the morning. Some long term goals would be a loading zone in the rear or side of the building. The overhang is over 15' high where the delivery trucks will unload. Applicant will patch and seal the parking lot. When the applicant comes before the board again, they would repave the parking lot. Parking spaces will be 9' wide. Modify the storm drains to include the new eco-heads. Maintenance plan will be done by the applicant.

A five minute break was taken by the board.

The professionals and the board revisited the option of the applicant getting in touch with the county regarding the rail trail. The acorn lighting would run along the rail trail. Applicant is willing to bond. Mr. McVicar is concerned with the spacing of the lights and if the acorn lights are to be put within the 50' right-of-way. Spacing should be reevaluated. The width of the property is 350' of area, driveway is 30'. Maintenance of the rail trail would be the responsibility of the county. If the applicant puts in the sidewalk, the applicant would be responsible for maintenance. Parking lot lighting is functional. If it were a new site, more decorative lighting would be required but since this is an existing site, the lighting is sufficient at this time prior to the night-time lighting test being done. If it is found that additional lighting in either fixtures or fixture wattage, deficiencies would be taken care of.

Solar panels were suggested to the applicant to look into in the future.

Trash pick-up schedule was discussed. Waste Management will be the carrier. Mr. Taylor suggested that there not be overnight pick up since this is a mixed use area. Mr. Taylor suggested a restriction that pick-ups would happen between 7:00 AM and 11:00 AM. The applicant agreed to these time constraints.

Lights will be placed on timers. Applicant will revise the schedule on the plans to reflect ordinance standards.

Applicant's goals are to open up as quickly as possible. Some of these provisions will take time so applicant is willing to post a bond to guarantee that everything discussed will get done. Bond would be posted before the store opens.

Chairman Anepete asked for clarification on signage. Mr. Alfieri stated that the applicant would like to come away with is doubling the size of the free standing sign so that there is good visibility from the road, relocating to the center if the utility department allows, if not leaving where it is proposed and the 90' building mounted sign which would require a variance that only allows 32 SF. Mr. McVicar added that a nautical theme would be provided on the signs and use channel lighting on both signs. The building mounted sign hangs below the triangle and does not fit within the gable.

Fire suppression was brought up by Mayor Lachawiec. This building is not sprinkled. The fire hydrant is at the corner of Bay Avenue and Route 9 and if there was a fire, hoses would be run across Route 9, shutting down Route 9. There is currently no water line down the west side of Route 9. Mr. Sneddon spoke that no traffic would be moving along Route 9 if there was a fire anyhow. He does not feel that the hoses running across the street would be an issue. If there was a fire, for public safety, the road would be closed anyway, regardless of whether there is an accident or a fire. The fire department would make a call to the surrounding towns and have them divert traffic away from the area. Chairman Anepete suggested that there may be a discount on insurance if a hydrant were closer to the property, and this may be something to check into in the future. The board reviewed on the site maps where the hydrant was located. The board found no objections with regards to the location of the hydrant and based on Mr. Sneddon's comments agreed this was not an issue. However, the applicant agreed to comply with all building code regulations.

Buffers to surrounding properties were discussed immediately to the south. Mr. Taylor explained the ordinance is written that the applicant would be required to do the buffer for the parking lot and headlights of cars. Intensity from a church to a liquor store has increased daytime and nighttime intensity of cars. Board Attorney suggested to Chairman Anepete that the board go into closed session at the next meeting to discuss any pending matters surrounding the applicant's property. Mr. Taylor added that each developer is required to put a buffer on their site to prevent Route 9 from becoming a sea of asphalt. The commercial developer has a requirement for their site knowing that any adjacent lot is planned and zoned for residential, it should be planted with residential buffer standards. When a residential property comes in, they will also have a buffer requirement adjacent to the commercial property. Each will have to build half the buffer. Mr. Taylor suggested a low evergreen hedge; it would be relatively inexpensive and would grow over the years to be a decent headlight shield. Applicant agreed to this.

Mr. Taylor's letter was reviewed further by Mr. Alfieri. Landscape plan will be created for approval by Mr. Taylor. Gravel parking area – the applicant would prefer to leave. Applicant would agree to resod and reseed wherever necessary. Mr. Taylor said this looks as this was added on without approval as the gravel area was not on the original plans. The church had the option to come back before the board for additional overflow parking, but they never did. Mr. Alfieri stated that currently it is not a parking issue as much as a cost issue. Mr. McVicar stated that in the long run he would like to see it taken out. When you come in for an amended Final Site Plan, it will be considered at that time.

Mayor Lachawiec asked if the cross could be taken down and a decorative nautical weathervane could be put in its place. Mr. Reddy agreed to this suggestion, such as a sailing ship.

Deputy Mayor Tredy asked about signs on any other walls. Deputy Mayor Tredy wants signs to be finalized. With regards to Redevelopment standards, Mr. McVicar explained to the board that wall signs are limited to one per wall, per business (such as a strip store). Mr. Taylor suggested that a condition can be set that no additional wall signs be permitted. Mr. Reddy stated that he does not plan on any banners. Applicant would request some sort of temporary signage until permanent signs are completed and installed. Two additional wall signs, not greater than 10 SF each would be requested that say "BEER" & "WINE". These signs would not be neon, however they would be permanent. Approximate sign size would be 3 x 4. They would be channel lit like the other signs.

Mr. Yost went over the agreements by the applicant of the signage. Applicant agreed to double the size of the free standing sign, relocating to center if utility permits, going to 90 SF for the building mounted sign. Sign will be channel lit and two additional signs, same channel lighting not greater than 10 SF each. Mr. Alfieri added that if the street sign is relocated, the zero set-back variance would be granted.

Deputy Mayor Tredy asked when the applicant begins using the entire square footage of the building would there be another use of the building. No public consumption would be entertained. Extra liquor would not be warehoused to applicant's other stores. Mr. Reddy assured the board that he would not be stocking other stores with liquor from this store.

Mr. Taylor and Mr. McVicar reviewed the agreed upon terms to be put into a resolution.

Applicant has agreed to construct the streetscape improvements that are required by the ordinance to include lighting, benches, litter receptacles and bike rack and either a 4' concrete sidewalk or the counties trail within the Right-of-Way, subject to the design approval of the board professionals and the county engineer's office. In terms of implementing that, the applicant will either at the discretion of the county, either construct the improvements or enter into an agreement and reimburse the county for an agreed upon amount for those improvements. Mr. Alfieri added that the applicant would bond for that cost so that if it's not done within two years, the applicant would install the ordinance improvements. Final location and design of the acorn lighting to be approved by the board professionals and the county.

Deliveries will be permitted in the front on a short term basis. Eventually applicant will be back before the board for an Amended Minor Site Plan and will design a full loading zone in the rear of the building at that time. Timing for an Amended Minor Site Plan shall be two years maximum.

Dumpster enclosure has tripled in size. 3 dumpsters – one for regular trash, two for recycling. Enclosures will be screened and fenced.

Parking Lot will be patched and resealed and restriped at a minimum of 9' wide parking spaces and handicap spaces will conform to current EVA standards.

Applicant will comply with all building code issues. The cross will be removed and replaced with a nautical themed weather vane.

The applicant agrees to the night lighting test. The trash picks up and deliveries would not be over night hours, but will comply with the townships 7:00 AM provisions.

The low level shrubs along the southerly parking line would be an evergreen and comply with Mr. Taylor's letter concerning landscaping, fixing topsoil where it is receding.

When the applicant returns for an Amended Final, they will address the gravel area.

Hours of business are 9AM – 10PM, Monday – Saturday and 9AM – 7PM on Sunday. The lighting should be reduced to security levels within a half hour or hour after closing that 50% of the lighting should get turned off.

Temporary sign (non-illuminated) will be allowed for 90 days. If needed for more than 90 days, the applicant will have to come back before the board to ask for an extension. Two additional signs stating "wine and beer" have been agreed to.

Bonding to assure the work will be completed will ensure a summer opening of the store as several items will take a while to perfect. The engineer will come up with an estimate. Any building code requirements will be met.

Wayne will complete a meeting summary and circulate to the professionals.

A motion was made to approve the application as represented in the Resolution to be drafted by Mr. Yost. The motion was seconded by Mr. Avellino. Roll Call: (aye) Eckert, Avellino, Knowles, Lachawiec, Sneddon, Sweeney, Tredy, Bynoe, Anepete.

Secretary confirmed that the next meeting will be June 3, 2010.

## **BOARD COMMENTS**

Mr. Avellino felt that Mr. Reddy is a good business man and is happy to be dealing with him again.

Motion to adjourn was made by Chairman Anepete, seconded by Mr. Eckert. All in favor: (aye).

Meeting was adjourned at 10:40 PM.

Respectfully submitted,

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Beth O'Connor  
Secretary