

Minutes of the Zoning Board Public Meeting of Wednesday, July 23, 2014

Present are Mr. Bucco, Mrs. Anderson, Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, and Mr Byock, who arrives at 7:45 p.m.

Also present are Marc Leckstein, Esq., Leckstein & Leckstein, Tim Gillen and Anthony Abbonizo, CME Associates, and Anthony Rodriguez, T&M Associates.

Absent is Mrs. Gotell, who is ill.

Mr. Bucco moves to accept the minutes of the May 14, 2014 public meeting, seconded by Mr. Phillips, and on voice vote all eligible members agree.

**Memorialization of Resolution, V14-104/Walker, Applicant and Property Owner: Carol Walker, 1011 North Concourse, Block 376, Lot 10, Variance** request to maintain first floor deck, 12.2 ft. x 15 ft. and second story balcony 7-1/2 ft. x 10 ft. over first floor deck, built without prior approvals during reconstruction of existing home, located in the R50 zone. Set back of deck and balcony is approximately 18 ft. to top of back where 100 ft. minimum is required is summarized into the record by Mr. Leckstein. Mr. Falco moves to memorialize, seconded by Mr. Bucco.

Yes: Mr. Bucco, Mrs. Anderson, Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps

No: None

Abstain: None:

**Continued Business V13-104 (revised)/Saad, Applicant and Property Owner: Emad Saad, 59 Wilson Avenue, Block 120, Lot 6, Revised Variance application;** based on revised survey prepared 6/6/2014, the variances are: (1) existing trees are in public right of way; (2) existing Jarith fence is 5 ft. high (not 4-1/2 ft. as previously testified to), and is located 3 ft., 1.5ft., 1.2 ft. and 0.8 ft. inside front property line, where 4 ft. high fences are permitted in front yard and over 4 ft. high must be located 35 ft. back from front property line; (3) maintain existing 54 inch +/- stone pillars (no height given on revised survey) located 0.5 ft. inside front property line, where maximum height for structures in a front yard is 4 ft., and structures over 4 ft. must be 35 ft. back from front property line; (4) maintain gates connected to pillars (no height given but applicant testified the gate is 54 inches high and no set back to gate given, but structures in a front yard cannot be over 4 ft., and if over 4 ft. must be located 35 ft. back from property line; (5) maintain 5 ft. high solid vinyl fence on right side of property line, sitting on a concrete wall that was testified to be an 18 inch high knee wall, where 4 ft. high fences are permitted in a front yard and over 4 ft. must be located 35 ft. back from property line. Applicant has testified he will change out post to post two panels of this solid vinyl fence with a Jarith fence. **This application was carried to the May meeting for the applicant to obtain a new survey, which was not prepared in time for the May meeting, and the June meeting was cancelled.**

Note that Mr. Bucco steps down from the dais for this application as he is related to an objector.

Mr. Leckstein marks the new survey dated 6/6/2014 as Exhibit A-1 with today's date. Note that the survey is showing trees. The series of photographs taken after 6/6/2014 showing the trees have been removed as Exhibit A-2 with today's date.

Mr. Phelps says he visited the site and the applicant's property as well as the property of Mr. Bucco, the objector, on June 24, 2014, and he can testify the trees were removed when he visited.

Mr. Abbonizio states after the revised survey was submitted, he had no issues from an engineering perspective. As far as the line of sight, once they transition the fence from side yard, two panels of solid fence to a Jarith fence, there should be no issue. Mr. Leckstein says this will be a condition of approval, and the applicant agrees to do this, with a white Jarith fence, and to the same height as the front fence. The new fence will be white, not black.

Note that Mr. Byock arrives.

Mr. Leckstein says the only conditions to this application are the removal of two full panels of fence and replace with the same height as the Jarith fence, (an open fence) in white. The trees have been removed and will not be allowed to put them back up. The line of sight must remain open at all times with no plantings. The electric for the pillars and the pillars themselves will be a condition of approval for permits/inspections from the building department.

Mr. Abbonizio says the fence along the left side is in the wrong way. The good side has to be facing out on the left side facing the house as well as in the rear. Mr. Saad objects to this condition. He does not mention flipping the fence. He has back to back fences with his neighbor, he has a fence up, and he has good side to himself. It does not make sense to him but he will do it. Mr., Leckstein says this will be a condition of approval that they flip the fence, good side facing out, in the rear and left side. The line of sight in the front must remain open; there are to be no plantings at any time.

Mrs. Friedman moves to grant approval, seconded by Mr. Phillips.

Yes: Mr. Falco, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

No: None

Abstain: None

Note that Mr Bucco returns to the dais.

**New Business V14-102/SP14-503/241 Cliffwood Properties, LLC, Applicant: 241 Cliffwood Properties, LLC, Property Owners: Joseph, Sharon, Felicia, Dennis and Gary Bruno, 239, 241, 255-277 Cliffwood Avenue, Block 183, Lots 7, 11, 11.01, 12 and 12.01, Bifurcated use variance application to construct seven (7) multifamily residential buildings, consisting of 66 residential units, including up to ten (10) COAH units, on property located in the NC Zone (front of property) and the R 100 zone (rear of property), where multifamily dwellings are not a permitted use. This application was originally scheduled for the June meeting, which was cancelled.**

Salvatore Alfieri, Esq., attorney for the applicant has Mr. Leckstein mark as Exhibit A-1 the application packet; Exhibit A-2 is the February 27, 2014 Stonefield Engineering & Design letter entitled Traffic and Parking and Assessment Proposed Multifamily Residential Development Report, marked Exhibit A-3 is the Fiscal Impact Analysis for the Kontos Multifamily Development, prepared by John McDonough, LA, AICP, PP, John McDonough Associates, LLC; marked Exhibit A-4 are the townhouse layout plans

prepared by Chester Ploussas dated March 19, 2014, revised March 20, 2014; marked as Exhibit A-5 is Stonefield Engineering and Design, LLC proposed multifamily residential development plan, dated February 27, 2014; marked as Exhibit A-6 is an aerial exhibit. Mr. Leckstein marks as Exhibit B-1 the CME Associates letter of May 21, 2014; Exhibit B-2 is the CME Associates review letter of May 27; Exhibit B-3 is the T&M Associates review letter of May 2, 2014.

Mr. Alfieri states this is a bifurcated application; they are here tonight solely for the use variance aspect of the application. If the Board grants the use variance, they will come back for another hearing with revised plans. They are presenting a concept plan of the layout of the site. Engineering will be done upon approval for the site plan application. The application is for a 66 unit townhouse development, to include ten COAH units.

Sworn in by Mr. Leckstein is Charles Olivo, a principal of Stonefield Engineering, 75 Orient Way, Rutherford, NJ, who states he is a licensed professional engineer in the State of New Jersey as well as holding licenses throughout the East Coast. He is also a Certified Professional Traffic Operations Engineer. Answering Mr. Bucco, he will weave traffic and the site together in his testimony.

Mr. Alfieri says most of the items on the checklist are requested waivers, pending approval of the use variance and submission of the site plan. The Board agrees to waive these requirements until site plan is submitted.

Under questioning by Mr. Alfieri, Mr. Olivo, referring to Exhibit A-6, the aerial, and states the middle of the lot is the subject property, shown in red on the exhibit, located in Block 183, Lots 11.01 and Lot 12, in the Neighborhood Commercial ( NC) and the R100 (single family residential) zones. They are looking to build multifamily residential homes, not a permitted use in either zone. The site is located to the east of the New Jersey Transit rail line; nearby to the west of the site is the Glassworks plan approved last year on Cliffwood Avenue, The roadway is classified Urban Minor Arterial, under the jurisdiction of Monmouth County; it carries about 11,000 trips a day, running east/west. Cliffwood Avenue is approximately 1.5 miles in length, running from the Middlesex County border to Route 35. There are a number of structures on site, which will be razed, and seven buildings containing 66 townhomes will be constructed.

The site plan application will detail more information about the proposed site, especially set back requirements.

In order to support the 66 units, they are proposing 152 parking stalls. His interpretation of two per unit says they will exceed the requirement of the Ordinance, and will exceed the RSIS requirements of 2.3 parking stalls. The way the stalls are configured, there are two principle access points along Cliffwood Avenue, and they will go to the County to seek approval of those driveways. There are a number of parallel parking stalls coming into the site from either access point.

The architectural shows each unit has its own colored garage, and in that garage you can park a vehicle, as well as in the driveway, so that is how they arrived at two parking spaces per unit.

They pulled the structures out of the setbacks; they will be over on building coverage. He reminds the Board this plan is conceptual in nature; they will come back with extensive

detail for how the site will be developed. Impervious coverage will be part of the site plan submission.

There will be two access points on Cliffwood Avenue; there are two circulation aisles that serve the buildings allowing for easy access into and out of the units.

They looked at trip generation for 66 units. Again this is an NC and R 100 zone. If part of the site were built as retail or commercial, he believes it would generate more traffic than the proposed residential development. Based on the *Trip Generation Manual*, this 66 unit multifamily development would generate 54 or less peak hour trips in and out of the site during the week day morning and evening peak hours. Based on the *Manual*, a trip increase of less than 100 vehicles would not change the level of service of the roadway system or appreciably increase the volume to capacity ratio of an intersection approach. No trip generation credit has been taken for the existing, vacant use.

Based on the professionals' review letters, they looked at the Glassworks project approved to be built out in the near future; the proposed site would not have a significant impact to the traffic generated by the proposed Glassworks facility.

If there is a need for additional traffic study, they will provide that detail when they come back to the Board.

Mr. Alfieri, referring to the CME report of May 27, some of which has been addressed by Mr. Olivo, Mr. Olivo says they will prepare a Stormwater Management calculation and provide that in the site plan, as well as clarify if the basins shown are large enough for the 100 year flood as well as providing water quality treatment.

Referring to the landscaping and buffering comment, Mr. Olivo, answering Mr. Alfieri, says a more detailed plan will be presented; there will be adequate room to buffer to the adjacent homes and to the railroad site to the rear, west and east of the property. They are meeting the side yard set back to the side and rear property lines. There are mature trees located in the general area and a conservation easement. They propose a 10 ft. set back on the westerly side. They are meeting the other setback. Along the rear property lines that abut the residential properties the setback of 25 ft. is met. They will be holding a 25 ft. rear yard set back and looking to landscaping and buffers. The eastern side property line will be 10 ft. set back. Building structures at the closest point will be 16 ft. Based on preliminary calculations they are looking to meet their stormwater requirements at the eastern property line. Cliffwood Avenue has a 35 ft. set back and they are looking to increase that.

Mr. Olivo says, speaking with the applicant, no decision has been made, but there is a desire for onsite recreation areas; there are areas that could be used as small recreation areas on site.

There will be one or two areas on the property to handle garbage, and the turning radius will accommodate trucks.

Mr. Bucco, addressing Mr. Olivo, says if the set back to New Jersey Transit is roughly 10 ft., is there a sound barrier wall proposed. Mr. Olivo says there is no intention; there is no stop there, but residential near train lines tend to be landscaped to create a sound barrier.

Mrs. Friedman says her concern is residential next to a train line, is safety an issue; are there any proposals preventing people from going from backyards to the tracks. Mr. Oliva responds they can fence that area or do something that is a stop gate.

Mrs. Friedman says if she lived in the proposed development and wanted to go to the Glassworks, how would she get there. Mr. Oliva says she would make a left turn out of either driveway, go westerly direction and then a left turn into the Glassworks site down the road.

Mrs. Friedman says from their study of the traffic, this development would not be an encumbrance to Cliffwood Avenue? Mr. Oliva says the Glassworks development is anticipated to generate much more traffic than coming out of this proposed development. He believes they prepared a detail traffic analysis report as part of their application, there may be some off site roadway improvements associated with the Glassworks project, but for the traffic associated with this proposed project, it is a very low generating use.\

Mrs. Friedman asks how easy is it to convert this area to a residential area because there is no sewer, it is just land. Mr. Oliva says the applicant has extensive experience in preparing sites for residential use. Looking at it from a use variance perspective, they have not gotten that far with hard engineering of the site, but based on preliminary review, grading, he is confident that they can make it work.

Answering Mr. Falco, referring to architectural plans marked as Exhibit A-4, states they will be two story buildings, attractive roof lines and features in deference to some of the single family homes in the neighborhood. For side elevations they will use some of the same aesthetics. The highest peak is 28 ft. at the center of the building, according to Mr. Olivo.

Answering Mr. Leckstein, Mr. Olivo says they have not submitted the number of bedrooms for the various building units, but the COAH units will have a different bedroom mix of one, two and three bedrooms, as required by COAH. Everything else will probably be two bedrooms. Mr. Olivo says they are asking for the approval of the 66 units, but how they decide the number of bedroom counts in each units in each building will be determined later. The architectural plans are concept only.

Mr. Phelps asks if the concept plans take into account services such as fire, garbage removal, etc.; Mr. Olivo responds he always takes into account traffic and circulation aisles. There will be some tweaking as they develop their site plan and look at fire apparatus, emergency vehicles, etc.

Mr. Alfieri says the Board can stipulate that the non COAH units can be two bedrooms only, if there is concern about school children. If the Board wants more than two bedrooms, they would consider, but it will be the Board's call. But they are required to have a mix of one, two and three bedrooms for COAH units.

Mr. Bucco asks, in considering the square footage in perhaps Unit A, does that include the garage, 1421 sq. ft. Mr. Olivo says that is living area, not including the garage.

Mr. Phelps asks if Unit C are the two car garages, and the standard unit will be Unit A; Mr. Olivo confirms this.

Mr. Leckstein asks if they are locked in to the 152 parking spaces, or could it fluctuate; Mr. Olivo says they are going to try to maintain that; garages will account for 66 spaces of the 152. Mr. Alfieri says they will comply with the Residential Site Improvement Standards, which is 2.3 spaces per units. Mr. Leckstein says this will be a condition of approval. Mr. Rodriguez says that can be addressed at site plan; Mr. Leckstein confirms as a condition they will meet RSIS.

Mrs. Friedman asks if there are sidewalks in that area of Cliffwood Avenue; Mr. Olivo responds there are sidewalks. There will be sidewalks within the site but they have not designed it yet along with landscaping.

Addressing Mr. Abbonizio, Mr. Olivo addresses the drive aisles; in the area of parallel parking stall. When they get to site plan stage, they will look for 24 ft. They are providing 20 ft. The areas that are 20, they have to add four feet. They believe they can maintain 152 parking spaces, even increasing the spaces. Driveway aisles will be 24 ft. Mr. Abbonizio asks if some units can be dropped rather than have the 66 units because there will be an issue with the fire department, and he does not think they can meet the aisle width. Mr. Alfieri says when the engineering is done and that is the case and they have to knock off units from buildings to give adequate width, they will do that. Mr. Abbonizio says they are asking for 66 units; if they start enforcing the standards the Board wants to see, they will be hard pressed to get 66 units. Mr. Alfieri says with the bifurcation process, if the Board were to grant the use variance for 66 units, it would never be more than that, and if when full engineering is done they have to reduce units, they will comply. It could be less, and they acknowledge it is a strong possibility. Mr. Abbonizio wants the Board to know that 66 is an awful lot for this site.

Mr. Falco asks Mr. Leckstein what is the Board locking itself into if it approves the concept of 66 units; Mr. Leckstein replies the Board is approving the concept of 66 units. They still have to come back for site plan; this approval is conditioned on them coming back for site plan approval. All the Board is doing today is saying the site is appropriate for 66 units; if they can't do that, they will come back with whatever number they come up with, but it cannot be more than 66.

Mr. Alfieri says they will have a more detailed report from the Board's professionals that will have to be addressed as well than what was given for this meeting if they are approved for the use variance subject to site plan approval. They will also have to go to Monmouth County for any road improvements, approvals for the two access driveways, among other issues that might come up with the County.

Answering Mr. Falco and Mrs. Friedman, Mr. Leckstein says that any approval tonight is conditioned on the applicant coming back for site plan; if the site plan is not approved, this variance goes away.

Mr. Leckstein, going back to the recreational aspect, where would it be located, Mr. Olivo says the area to the southwest. The recreation and type would be done with the site plan; he would have the landscape architect in his office come up with a pocket park type plan. It could be a gazebo, plantings, passive recreation. They are not talking about a pool. Mr. Alfieri says whatever is proposed, if the Board does not like it they can deny it and make suggestions.

Mrs. Friedman asks if there is age restrictions; Mr. Alfieri says no, other than the COAH units, there are no restrictions; they will be market rate units available for sale.

Mr. Leckstein asks if there are any other amenities other than proposed recreation, no clubhouse. Will this be an association? Mr. Alfieri says yes, someone has to maintain all the common areas, so there will be a condo association.

Mr. Falco says if this is just a concept, all the issues at this point are not important since it will be discussed in the site plan. How it will affect the town, the schools, garbage pickup. Mr. Alfieri says he will have another witness to discuss these issues. Mr. Alfieri says State statute says the town either provides garbage pick up or reimburses the association for whatever the cost would be if the town provided it. So there is no choice on how this operates. Mr. Gillen says that is not correct; the Township has districts that are taxed; Mr. Alfieri says they will then pay the tax. Mr. Olivo is not sure how the collection will be handled; Mr. Rodriguez says there is also a requirement for recycling. Mr. Leckstein says, looking at this plan, where is it all going to go. Mr. Falco asks if the Township is responsible for the roads or plowing snow within the site, the parking lots. Mr. Alfieri says the town would reimburse. Mr. Leckstein says if it is not a public street, the township does not have to reimburse. So inside the complex would be an association fee. Mr. Olivo proposes the pickups of dumpsters//garbage/recycling in various areas where it could fit, outside the setbacks in the easterly and westerly buildings, and an issue is whether it would be enclosed. Mr. Leckstein says the Board would not want to see dumpsters sitting out there, they should be enclosed. Mr. Bucco asks if rather than dumpsters would each unit just put out garbage cans for garbage and recycling pick up, like a regular street. Mr. Olivo will look into this issue and present it in site plan. Mr. Bucco thinks it should be alike a regular neighborhood; put the cans out on pick up day and then bring them back in. Mr. Leckstein says if they propose a recreation area they will need a trash refuse area, there has to be a common refuse area. Mr. Alfieri says he will discuss how trash should be handled with the refuse people and incorporate the ideas into the site plan for the Board's review.

Mr. Leckstein notes that no one from the public asks questions.

Mr. Leckstein swears in James Kyle, employed by John McDonough Associates, LLC, and states he is a licensed professional planner and licensed Landscape Architect in the State of New Jersey. Under questioning by Mr. Alfieri, Mr. Kyle states he has reviewed the plan submitted with this application, reviewed the **Master Plan** of Aberdeen and the **Land Use Ordinance**. They are bifurcating the application, 66 units proposed, ten of which are COAH units. The affordable housing issue has had rules proposed, rules invalidated, and other rules proposed by the State over the last several years. One thing that will not go away when all is said and done is that towns will have to provide affordable housing.

This project will help to meet that obligation as well as the Ryan Homes and Glassworks projects already approved that have affordable units. This helps the town meet its constitutional obligation.

They are required to meet uniform housing affordability control for any project the town will seek credit for. Bedroom mix is important. Ten COAH units equal a bedroom mix of 20%, so there would two one bedroom or studio units, 20% would equal two three bedrooms units, and the balance at 20% would be six two bedroom units. The remainder of the market rate units will be two bedrooms

They are required to seek a D 1 use variance because multifamily development is not permitted use in either the R100 or the NC zone. The applicant must demonstrate sufficient special reasons to grant relief. Two thirds of the project is in the R100 zone, and one-third is in the NC zone.

Referring to Mr. Rodriguez' memo, in which Mr. Rodriguez says "special reasons" for granting a use variance include (1) where the proposed use inherently serves the public good; (2) where the property owner would suffer undue hardship if compelled to use the property in conformity with the permitted uses, and (3) where the use would serve the general welfare because the proposed site is particularly suitable for the proposed use.

Mr. Kyle, referring to legal cases, says one case says affordable housing is inherently beneficial, and then an advanced case came out and said in an inclusionary development only the portion that is affordable is inherently beneficial. Agreeing with Mr. Rodriguez, he will not approach this as inherently beneficial use case. He believes some component of it has some benefit to the community in terms of the affordable units. He will not hang his hat on the entire project being inherently beneficial.

Justification for the variances are as follows: For positive criteria, Mr. Kyle says Purpose A, they do promote public welfare, advancing with new housing to support a growing population and appropriately sized units that respond to the economy. The site is suited for the proposed use, flat, free of environmental constraints. It is a good size to have adequate drive aisles, adequate parking and adequate amenities on site, and all required infrastructure could be placed on site. Purpose E, G and M are advanced as they have a good relationship to high intensity in that a self storage facility and other non residential uses across Cliffwood Avenue, and a relationship to the south and east of single family homes. It is a good transition between the commercial and residential uses on Cliffwood Avenue. It is a good location, proximate to schools and Township parks. It is a good location proximate to Route 35 and other arterial roadways.

It can also promote some of the reasons of zoning and Municipal Land Use Law. First, encourage municipal action for development of all lands in the state. There is the affordable portion that provides help to the community and to the town to meet its obligation for affordable housing and reduce its overall obligation. For these reasons the site is good for the proposed use.

The inclusionary project is good social planning. When building affordable units, different types of projects can be used. When you look at inclusionary development, there is a mixing of income and people. It promotes variety to the community and helps the Township. It provides reasonable transition between the mixed uses along Cliffwood Avenue. Densities are similar to other zones in the Township, such as the ARAH zone. It provides space in appropriate locations, good access to transit, not necessarily to walk but you can ride a bike about 1-1/2 miles, good access to Route 35, community facilities including parks. They are redeveloping an existing commercial use that is in disrepair, replacing it with a vibrant residential community that will increase the use of the area and the appearance of the area. They are proposing a development consistent with state planning objectives, reducing sprawl as this is a compact development. They are promoting efficient use of the land but not necessarily getting the most out of the site by going just two story units, but that respects the existing single family development in the area.

In terms of the negative criteria, the impact to the public good, specifically to sprawling properties, and addressing the Medici case, they have to reconcile the fact this use is not permitted in either district. He feels the variance can be granted without substantial detriment to the public use as there are commercial and residential uses in the area, and where residents exist proximate to the site, they would provide adequate buffering, fencing, combination of landscaping, and things of that nature. They are confident they can adequately address those impacts.

Referring to the aerial Exhibit A-6, the homes to the rear on Dogwood Court, there is a conservation easement shown on the survey, so he presumes the vegetation and trees located along the southern portion of this site will remain. The houses to the east of Dogwood Court could be addressed in landscape and fencing for buffering, and they run proximate to the train line.

Mr. Kyle, looking at the proposed architectural plans, the two story units do fit in with the existing development; primarily the homes along Dogwood Court are all two story homes. They are trying to maintain some consistency with the architecture they have. Looking at the Ryan Homes development, they are three story stacked townhouses, but here they are trying to respect the scale of the neighborhood and keep the scale of the buildings down.

Mr. Kyle does not feel this project significantly increases traffic. Typical nuisance factors are traffic, noise, odors, and he does not feel there will be any of that from this project impacting the neighborhood.

Based on the fiscal analysis they do not feel it will overburden municipal services. There is a surplus, there is a positive side for municipal and school tax. He does not tend to hang his hat on a positive fiscal benefit for this Board to grant the variance, but it is useful information for this Board to use in determining overall community impact. The bottom line is it comes out on a positive; they are not overburdening the school taxes with the proposed.

Mr. Kyle believes the variance can be granted without substantial detriment to the Zone Plan or Zone Ordinance. This does meet some of the Master Plan objectives, to provide smaller, more modern type housing; he is not sure of the price point, but a townhouse arrangement with two bedrooms gives a more moderately priced unit for young professionals, people returning from college, looking to buy before they can afford a single family home. It gives another option to people in that regard, and he feels is the vision of the Master Plan. Also in the Master Plan is to move away from scattered site commercial development., The Master Plan talks about phasing this out; this application will achieve that.

This application also achieves the overall purpose of the housing element of the fair share plan, which to meet the constitutional obligation to provide affordable housing. This is not in the housing plan but can easily be inserted when next applying for credit.

We have a reasonable approach in terms of density and reasonable set aside during the transition period between the two rules. They are about 15%. The Board has to make the finding the applicant demonstrates they are not inconsistent with the Zone Plan, even though not a permitted use. Inclusionary housing has specific parcels identified and put into the plan and developed. While this project is not in the plan, the approach is consistent with the approach that should be taken. It can be inserted in the Town's plan

along with sites that are included, both under construction and not yet have construction started. The obligation will probably go up as the third round is decided, so the scattered site approach where increased densities are granted achieving affordable housing units are built.

Mr. Leckstein asks if they have to reduce one of the non COAH units, Mr. Alfieri states there will be no less than ten COAH unit regardless. This would be a condition of approval.

Mr. Falco asks about school children. Mr. Kyle, referring to his March 12, 2014 report,, Exhibit A-3, states they projected as total of nine school age children and a total of 137 residents. Generally speaking, when you have two bedroom market ratable townhome development, it produces hardly any school children. It is .070 school children per unit. The COAH units produce one half child per unit.

Mrs. Friedman, referring to the train tracks, asks would the tracks butt up against one of the buildings. How sellable will they be. She does not want to see it built and no one move in because no one wants to live near the tracks, and the liability to the town if enough safety measures are not in place. Mr. Kyle says the developer is interested in safety; you will see some sort of safety fence running the entire length of the property. Mr. Gillen says the Board could grant a variance for an 8 ft. high fence. Mr. Alfieri says in terms of marketing, there will be attractive landscaping if they come back that will buffer the tracks as well as any type of fence the Board wants. Mr. Kyle says the COAH units will be spread throughout the development; it is a requirement with waivers to do otherwise not usually granted.

Mr. Leckstein marks as Exhibit A-7 the Planning Analysis.

Mr. Kyle believes the Ryan homes project has all their units in three buildings; it is typically a cost saving measure to have all the measures in a single building. They would have to seek a waiver from COAH to do that.

Mr. Rodriguez says the Board should pay special attention to the densities permitted in the Zoning Ordinance, which densities being quoted for the ARAH zone. This is not that zone. The Board must consider is this density of almost 15 units per acre characteristic of the area. Is it falling within the intent of the Zoning Ordinance. By right the R 100 zone permits a little more than four dwelling units per acre, and we are looking at 14.7. Single family homes are permitted in the R 100 zone, not townhomes, however. It would be the acreage of the site divided by the number of units equals the density. They are proposing more than three times that permitted.

Mr. Kyle says the APT/TH district allows ten dwelling units per acre. If you are balancing the benefits of providing the affordable units, vs. the potential negative impact, the appropriateness of the density is one thing, but the additional density is what subsidizes the creation of the units. We are consistent with affordable housing rules. There is much discussion about whether the prior rules permit a developer to build a development of this size. The COAH units are a loss to developer because they are sold below market rate. The Board should question does this particular project have an impact on the neighborhood. His opinion is the appearance of the two story structures will not be a substantial impact to the area.

Mr. Rodriguez says the density is about 12.2 dwelling units per acre and the affordable units are about 2.2 dwelling units per acre.

Zelford Leonard, 34 Locust Street, Cliffwood, is sworn in by Mr. Leckstein, asks if there will be sidewalks on the side of the buildings. There are sidewalks across the street. Mr. Olivo says there will be sidewalks on Cliffwood Avenue.

Mr. Leonard asks about the turn where the glass company is; Mr. Olivo says there will be two driveways coming out of the site. Even though the volume generated by this project is very little; Mr. Leonard asks if they considered when a train is coming through. Mr. Olivo says at that time it is normal for there to be backed up traffic, but that would be temporary. Mr. Leonard says it will create a snarl.

Mr. Bucco clarifies that the entrances/exits are two way traffic; Mr. Olivo agrees. He further says they will come back to this Board for site plan if this project is approved.

Robert Rybnicky, 32 Arie Drive, Marlboro, is sworn in by Mr. Leckstein, and states he co-owns the property with his sister at 280 Cliffwood Avenue, for over 40 years; traffic has increased in that time. The entrances to this proposal he thinks will be a problem with the train tracks. They work/live in that area, he has seen the traffic that goes on, especially during storms, blockage, all of Cliffwood Avenue gets backed up. When the school lets out at 3 p.m., the children are walking Cliffwood Avenue, and there are traffic concerns. His concern is the exit closest to the train track. He does not think it will work, although he is not a professional. It will negatively impact the traffic pattern to his building and the surrounding neighborhood.

Mr. Olivo responds he understands the points and he will have a traffic analysis when they come back and will discuss the driveway entrances.

Mr. Rybnicky says sometimes traffic is rerouted from County Road and it gets backed up on Cliffwood Avenue. He says the density is too many units for the site. The amount of people going in and out will negatively impact the value of his property.

Mr. Phelps asks Mr. Rybnicky if he would see any additional revenue generated by this project; Mr. Rybnicky says his company does religious printing, and he sees next to zero local business. He does national and international business. He would like to see something presentable across the street, but on a negative note it will be a traffic problem, and since there are issues in that area of vandalism and children doing things they are not suppose to, it will be more of a problem. There are some benefits but the density is his main issue. He gets deliveries via UPS, one truck a day.

Mr. Bucco asks if the applicant has attempted to portion the northeastern part of the property.

Russ Weber, 5 Greenbrook Drive, Matawan, NJ, is sworn in by Mr. Leckstein, and states he is a principal in this project. Answering Mr. Alfieri, Mr. Weber says he tried to purchase the other properties, but the person living in the house is a relative and one of the owners and does not want to sell. Mr. Leckstein said this Board granted the subdivision couple of years ago that divided the properties, and they indicated at the time they did not want to sell. Mr. Phillips asks about the house next to the track; Mr. Weber said they tried to purchase that but it was sold to someone outside the family. Mr. Weber

says the house on the right is not for sale and owned by the Bruno's, the one closest to the railroad tracks is vacant but sold to someone else. He believes it has to come down, but it is not his property.

Mr. Leckstien says if the Board was inclined to approve the application, it is for the use variance with the condition no more than 66 units, no less than 10 COAH units, spread out throughout the site, there will be a recreational component added to the site plan, there will be some sort of fence structure separating the site from the train tracks, no market three bedroom units, market units will be two bedrooms, will comply with RSIS parking and aisle with standards, COAH mix to be two one bedroom, two three bedroom and six two bedroom, and refuse collection plan.

Mr. Leonard asks about widening the road; Mr. Bucco says that is not part of this application, they would have to go to the County.

Mr. Bucco moves to grant the use variance, seconded by Mr.. Byock

Yes: Mr. Bucco, Mrs. Anderson, Mrs. Friedman, Mr. Phillips, Mr. Phelps, Mr. Byock

No: Mr. Falco

Abstain: None

Meeting adjourned.







