

Chairman Martinelly called the meeting to order @ 7:30 pm

Salute to the flag, roll call, open public statement read.

Present: Martinelly, Canonico, Murphy, Daly, Edwards, Carnes, Roache, Pietricola
Absent: Schuster
Attorney: Kennedy
Engineer: Cranmer

Minutes: none

Correspondence: none

PB Rep: none

Ms. Martinelly announced that this meeting is for the sole purpose of a special meeting for **SBC Holdings d/b/a as National Realty Development Corp for the proposed Shop Rite.**

Mr. Kennedy stated that this meeting was advertised in 2 newspapers, posted on the Municipal bulletin board, and filed with the Borough Clerk, which makes this a lawfully convened meeting.

Mr. David Cranmer, Engineer/Planner/Zoning Officer was sworn in

Mr. Kennedy marked the following:

B-8: Certification of Mr. Daly 12/7/2016 meeting

B-9: Certification of Mr. Edwards 12/7/2017 meeting

A-26: Monmouth County Planning Board, 12/8/2016 – Conditional Approval

Transcriber in attendance.

Unfinished Business:

SBC Holdings,L.P.

National Realty Development Corp.

Shrewsbury Business Center

Shrewsbury Ave

Bl: 31, Lots 1 & 3

Bl: 29, Lot: 18

Continuation of Public Hearing

Mr. Marc Policastro, Esq represented the applicant.

Mr. Paul Phillips, was sworn, Principal Phillips Price Rigel, Planning/Consulting
He has been a professional Planning for 35 years and gave his professional & educational background and was accepted as an expert witness.

Mr. Pepe had no concerns with Mr. Phillips credentials.

Mr. Phillips described the site, Bl: 31, Lot: 3 located in LI Zone

- Consisting of 3 flex office building – shown on exhibit A-23
- Shopping Centers are allowed in the B-2 Zone where Bl: 29, Lot: 18 is located
- Reviewed the 2014 Master Plan, LI was going to be changed to the OP88 which was not done
- Flex buildings to be taken down and replaced with a Shop Rite which requires a D1 variance use variance, without outdoor merchandising & sales
- “C” variances, maximum impervious coverage, parking area, landscaping & design, signs for freestanding and façade

Mr. Phillips described the positive & negative criteria for the application.

See Transcript for full testimony.

Mr. Phillips reviewed the 2 studies of the closing of Fort Monmouth and the impacts of the closing on the area, 650,000 sq. ft. of space would be vacant when the Fort closed, and 95% of the Contracts would result in the loss of jobs, and how it would affect the future of the Business Center. Mr. Phillips reviewed the reasoning why the proposed Shop Rite would enhance the area, due to the convenient access, visibility, the 10 acres in size would accommodate the store, and conveniently located just north of the intersection of Broad St & Shrewsbury Ave. and would good for the capacity and to accommodate the development for Shrewsbury Ave.

A-27 - Aerial View Lots: 1 & 3

A-28 - Subject property & Zoning Designations

Mr. Phillips discussed both exhibits and the suitability of this site for a Shop Rite.

Mr. Phillips reviewed the purposes of the Municipal Land Use Statute would be advanced by the granted of the D1 Variance, which would include:

Purpose **a**: site is particularly suited for the use

Purpose **g**: this development would replace an unproductive & outdated flex office space with a new supermarket use to provide sufficient space in appropriate locations for a variety of uses including commercial to meet the needs of the States citizens.

Purpose **i**: the use would repurpose and upgrade a site that is fallow & unproductive, for an economically viable use which would have a positive use. Would promote a desirable, visual environment to create a development with good techniques and civic design.

Mr. Phillips stated that there will not be any negative criteria, no substantial detriment to the public good if the D1 variance is granted, and without any traffic impacts, and the concerns of the assisted living separation & buffer has been addressed.

Mr. Philipps testified that there was no impact to the public good or to the Master Plan or Zone Plan if this application was approved. **See Transcript for full testimony.**

Mr. Philipps addressed the Policy Objectives in the Master Plan for economic development and reinvestment, maintenance & reinvestment in existing industrial activity within the Borough, objectives are Germain of relocating public commercial industrial and professional office and other non-residential uses at sites which are suitable for their use, environmentally, economically, and geographically and are compatible with existing land uses.....**See Transcript for full testimony...**

Mr. Philipps testified that the Borough will update the Master Plan and Land Use as new data becomes available with community goals.

Mr. Philipps reviewed the “C2” variances and the benefits that outweigh the detriments in the granting of the application. He feels that these variances relate to the redevelopment of a fallow site. Purpose a, g, i would be advanced.

Mr. Philipps reviewed each variance, and stated that there isn’t any substantial detriment in the granting of the variances:

See Transcript for full Testimony. Referred to A-23

No questions from board members

Mr. Cranmer referred to 1.17: Variance for parking to be located on same lot that the use is located on. Mr. Philipps testified that the 17 parking stalls will be located on Lot: 1 and for the purpose of “employee parking” on Lot: 3 only for overflow, and will not have any detriment to the Zone Plan.

Mr. Cranmer referred to the correspondences on the Affordable Housing, Mr. Policastro stated that they will comply with their obligation:

B-10: Correspondence Mr. Jedziniak to Mr. Policastro dated 10/5/2016

B-11: Correspondence Mr. Surenian to Mr. Kennedy dated 10/10/2016

B-12: Correspondence Mr. Policastro to Mr. Surenian dated 10/10/2016

See Transcript for Mr. Cranmer’s explanation of the Affordable Housing element.

Mr. Policastro agreed to a contribution to trust fund.

Ms. Canonico asked Mr. Philipps why does the Borough need a Shop Rite, when the Acme moved across the street? Mr. Philipps answered **– see transcript for his reply**

Mr. Carnes referred to the freestanding sign, Mr. Phillipps referred to A-18 and described same, and explained the actual sign variance would be at 20’ where 15’ is permitted.

There were no further questions from the board.

A motion was made by Mr. Carnes, seconded by Ms. Canonico to open the meeting to the public for questions of Mr. Phillipps. All approved.

Mr. Pepe asked for a 5 minute break.
Break 8:05 pm to 8:12 pm. All present at roll call

Mr. Donald Pepe Esq, represents objector Mr. Anthony Victor, Rosewood Drive, Shrewsbury NJ. Mr. Policastro asked if he is funding this on his own. Mr. Pepe said that he received a personal check from him. No other checks were received from anyone else.

Mr. Pepe asked Mr. Philipps questions with regards to: market studies and the closing of Fort Monmouth, 2004 Zone Plan and 2014 Master Plan. **See Transcript for full questions of Mr. Pepe read Master Plan Page 3 Executive Summary II into the record.**

Mr. Pepe asked questions with regard to the freestanding sign, parking counts, and the Shrewsbury Ave which is an arterial roadway, and the parking spaces of 9' x 18' which would lessen the impervious coverage, referred to A-23
See Transcript for Mr. Phillips responses.

A motion was made by Mr. Daly, seconded by Ms. Canonico to close the meeting to the public. All approved.

Mr. Pepe's objecting case:

Mr. Robert Larsen, Planner/Architect was sworn gave his educational & professional background was accepted as a Planner/Architect and functioned as a Design Planner.

Mr. Policastro asked what is he testifying as? Mr. Larsen said in the line of what Mr. Philips just testified to.

Mr. Larsen gave his review of the relief that is being requested, with the positive criteria, visibility, suitability, the D1 variance, the need for the Affordable Housing, and the negative impact on Rt 35.

See Transcript for the full testimony of Mr. Larsen.

O-1: Alternative Site Plan Overlay – 12/7/2016 – prepared by Mr. Larsen's office Mr. Larsen prepared an exhibit for the site, based on L2A Land Design, C0-5, which eliminate 6 variances, and stated that the building is too big on an over parked site, the parking is being calculated on 83,000 sq. ft. where a mezzanine & mechanical space is currently being included in the parking calculation and is not being occupied.

See Transcript for full testimony.

Discussion between Mr. Policastro & Mr. Pepe on the intention of his client was to object to the application for parking or something specific to the application. See Transcript for testimony.

Mr. Murphy asked what is the required number of parking spaces? Mr. Cranmer stated that the requirement is based on the square footage of the structure Ordinance 94-8.26 and defines a shopping center, over 30,000 sq. ft. with a number of tenants. The demand would be slightly higher with the duplication of services this would, C05- shows the proposed parking. Mr. Cranmer explained the reasoning for the calculations of the parking requirement, and he advised that the applicant has met the standards of 393 parking spaces. **See Transcript for full testimony.**

Discussion between Mr. Policastro & Mr. Larsen as to his traffic experts that were consulted, and Mr. Larsen advised that he is not a traffic expert only Planner, and he did not consult one, and he was not aware that a traffic expert was engaged in this project from the objector. Mr. Policastro asked Mr. Larsen if he agrees with the positive criteria given by Mr. Philipps? Mr. Larsen said nothing is coming to his mind.

A motion was made by Ms. Canonico, seconded by Mr. Carnes to open the meeting to the public. All approved.

No comments/questions.

A motion was made by Ms. Canonico, seconded by Mr. Murphy to close the meeting to the public. All approved.

Mr. Paul Phillips, remained under oath. Mr. Philipps gave his comments to the testimony that was given by Mr. Larsen, with respect to the deminimus impervious coverage variance, see **Transcript for full testimony**, where 397 are required and 403 giving a 6 space cushion, and the Mr. Larsen would like to reduce the number of spaces to 348 spaces, which will not be sufficient parking for this user. He also feels that there is not a significant amount of impervious coverage for the variance 65% allowed they are proposing 69% with buffering. He doesn't feel that there is not an unsafe condition as shown on A-23, there is separation between the main access and the entrance to the parking area, it will not create an unsafe situation. **See Transcript.**

A motion was made by Mr. Carnes, seconded by Ms. Canonico to open the meeting to the public. All approved

No comments/questions

A motion was made by Mr. Daly, seconded by Mr. Carnes to close the meeting to the public. All approved.

Mr. Kennedy pointed out that Mr. Policastro has completed his direct testimony and Mr. Pepe completed his objecting testimony, and asked for summations.

Mr. Policastro stated he has nothing further.

Mr. Pepe explained all the options to show that this store is not suited to for the site and too big, especially for the number of parking spaces, and the size of the sign.

A motion was made by Mr. Carnes, seconded by Ms. Canonico to open the meeting to the public for comments. All approved

None

A motion was made by Mr. Murphy, seconded by Mr. Carnes to close the meeting to the public. All approved.

Mr. Kennedy summarized the application. **See Transcript for full explanation.**

Mr. Carnes asked for clarification on the size of the sign.

Mr. William Vogt referred to A-23 & A-18, the sign will be 25' from the r.o.w. line and 35' from the curb line. The height will be 24' from the base to the top of the cornice and the architectural portion to the 32' height, and 5' from the ground to the sign, and 20' from the ground to the top of the Shop Rite panel. The sign will be out of the site triangle @ the same grade of the road, and Monmouth County Planning Board has approved the internally illuminated sign.

Mr. Policastro said that they will reduce the size of the sign to 24' if the board desire, to match the size of the existing centers sign, and there will not be any advertising on any of the architectural features of the sign and limited to the areas as shown.

Mr. Edward Turkot, was sworn, he explained that they have used the 9' wide parking stalls in other projects that he has designed.

Mr. Kennedy asked board members to give the reasons why they are approving or not approving the application.

Ms. Canonico is inclined not to approve the application, the applicant has not established the need in this small residential town. They will be open until midnight or 24 hours that brings as aspect that we are not looking for when the stores have to close at 10:00pm. Acme has moved, Trader Joes is here, Stop & Shop has closed, and for those reasons her vote would be no.

Mr. Edwards would be inclined to approve, the Acme & AP coexisted at the same time, and the future development at the Fort will bring residents, and he doesn't see being opened at 12:00 is not a bad thing, and it will be a good thing.

Mr. Carnes is inclined to approve the application, Trader Joes is the only store in town, and the competition will be a good thing, the property has been abandoned for years and in terms of keeping it as office space is not an option. He would be inclined to restrict the hours of operation to 10:00 pm

Ms. Martinelly would approve this application. She has concerns with all of the empty office space, and the A&P & Acme were successful when they were both running, Trader is limited to their products. Shop Rite will be successful there.

Mr. Roache feels that it will be an asset to our town. Shop Rite has a greater variety of products.

Mr. Murphy is in favor of the application, Food town is a parking nightmare and an asset to the town and tax ratable, no issues with the 24 hour opening times.

Mr. Daly feels that this site needs to be developed, and is inclined to vote in favor, it will be a good use and needs to be developed now.

Mr. Pietricola is in favor and this site is antiquated office space and not being used, and this will keep people in our town to shop.

A motion was made by Mr. Carnes, seconded by Mr. Daly to approve the application of SBC Holdings LP, / National Realty Development Corp, for Preliminary & Final Site Plan Approval with conditions:

Mr. Kennedy read the conditions that were discussed during the proceedings – **See Transcript for testimony.**

- Compliance with Cranmer Engineer letter
- Affordable Housing
- Storm Water Management Plan to Engineer
- All outside agencies
- Developers Agreement – Engineer/Borough Engineer
- Title 39
- 17 Parking spaces off site on Shrewsbury Plaza – Easement to cross
- Impervious Coverage to be placed on plans
- Easement for interconnection – proof of recording to Secretary
- Sign details to be revised to 140 sq. ft -
- MCPB approval
- Deliveries only when store is open
- No advertising on the architectural feature of the sign
- Limit the sign areas as shown on the plans

Mr. Kennedy explained that this application is being approved, if its approved, based upon the testimony and the parameters that the applicant has set forth, and that will be the envelope that they will operate and any material deviations would be an enforce issue.

Roll Call:

Affirmative: Martinelly, Murphy, Daly, Edwards, Carnes, Roache

Negative: Canonico

Resolution: 3/1/2017.....

A motion was made by Mr. Murphy, seconded by Mr. Carnes to adjourn the meeting at 10:00 pm All Approved.....