

TOWNSHIP OF OCEAN  
PLANNING BOARD  
REGULAR MEETING  
November 4, 2010

Meeting began at 7:30 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 Press of Atlantic City 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, Bynoe, James

Members Absent: VonSchmidt

Professionals Present: Steve Yost, Attorney, Wayne McVicar, Engineer

Chairman Anepete asked for a motion to take action on the minutes of the Regular Meeting of October 7, 2010. Mr. Tredy made the motion to approve the minutes. Mr. Avellino seconded the motion. Roll Call: (aye) Tredy, Avellino, Knowles, Lachawiec, Sneddon, Sweeney, Bynoe, James, Anepete.

Chairman Anepete asked for a motion to take action on the voucher list. Mr. Avellino made the motion to approve the vouchers. Mr. Knowles seconded the motion. Roll Call: (aye) Avellino, Knowles, Eckert, Lachawiec, Sneddon, Sweeney, Tredy, Bynoe, James, Anepete.

Correspondence is available in the board office for anyone wishing to view.

**BOARD COMMENTS**

In the interest of allowing the most time possible for the applicants on the agenda, Chairman Anepete asked the professionals to hold their discussion topics until next month.

Chairman Anepete asked the board to consider changing the agenda as the Chairman has to recues himself from the old business application. New business would be put first. Mr. Eckert made a motion to amend the agenda, seconded by Mr. Bynoe. Roll call: (aye) Eckert, Bynoe, Avellino, Knowles, Lachawiec, Sneddon, Sweeney, Tredy, James, Anepete.

Chairman Anepete addressed the board and residents concerning the MSC Enterprises application that is on the agenda. This applicant has asked to be carried until the December meeting. The board asked if there was a reason for this request. Mr. Yost spoke that it is required by the Township's ordinance that any applicant that comes before the board has their taxes current. As part of the application, prior to the hearing, the applicant must obtain certification from the Tax Office that the taxes are current and we do not have that certification. Mr. Yost stated he is pretty sure that is why the application was carried. They do not specify in their request to be carried as to a reason. Mr. Eckert made a motion to carry the application. Mr. Sneddon seconded the motion. Roll call: (aye) Eckert, Sneddon, Avellino, Knowles, Lachawiec, Sweeney, Tredy, Bynoe, James, Anepete.

## **NEW BUSINESS**

**Township of Ocean Minor Subdivision, Block 6 & 7, Lots 4.01 & 1, Wells Mills Road, Docket No. 03-09-PB, Courtesy Review.** Mr. Gregory McGuckin approached and spoke. Mr. McGuckin is filling in for special counsel regarding this property. Mr. McGuckin's credentials were accepted by the Chairman. Mr. McGuckin introduced Martin Miller, Township Engineer from Alaimo Associates. Mr. McGuckin stated that the property is still owned by the Southern Ocean Landfill Corporation. It was a subject of litigation starting in 1988. It was not completed until 2006. During that time, the landfill was properly closed in accordance with DEP regulations and as a result of the litigation the Southern Ocean Landfill is required to convey a substantial portion of their property to the State of New Jersey for an environmental research damage claim. The township has been trying to provide revenue to the municipality and has been actively engaged to make this into a solar farm. The township has gone to the Pinelands Commission and DEP and has contacted the property owner. The property owner has signed the application but the applicant is the Township of Ocean. Mr. Miller was sworn in by Mr. Yost. Credentials were accepted by Chairman Anepete. Mr. Miller went through Mr. McVicar's review letter. The property is located in the FO Zoning District. The ordinance requires that any property with a minor subdivision is not supposed to be landlocked. The existing partial contains two pieces. The rear parcel has always been landlocked; however it was always contiguous with the front parcel. It was the same owner. This application is simply to move a lot line approximately 300' to 400' feet. Mr. Miller gave to the board prior to the start of the meeting an aerial photography of the site and it shows the existing landfill, and the lot lines current and proposed. The intention is to move the property line along the edge of the wood line in order to take the property that is in the rear and keep it all out of the landfill. The rear parcel will all be wooded and dedicated to the State for conservation purposes. The township's intention on the front parcel is to utilize the existing area to complete the solar project. The landfill will now be one contiguous lot. The variance condition is an existing condition and this application does not change the existing condition. The stipulation of settlement in the litigation matter which provides that the rear portion is to be dedicated for conservation purposes to the State of New Jersey. It is not to be utilized for any other purpose. It would not be desirable to have an access road through the landfill or future solar project. The conservation parcel is intended to have minimal activity. The adjoining properties on either side are either owned by the county or the township. The property to the rear is owned by an individual most of which is dedicated to a conservation area. Design comments in Mr. McVicar's letter were reviewed and agreed to. Mayor Lachawiec asked about Pinelands approval. Mr. McGuckin stated that the Pinelands Commission has provided permission for the Township to come before the Board- a COF was received from the Pinelands Commission. Mr. McVicar pointed out that the COF is specific to the minor subdivision. Another step will have to be taken with the Pinelands Commission prior to any further development. Chairman Anepete reminded the board that the application is not for the solar farm, but merely the subdivision. Chairman Anepete asked about the land-locked parcel and access perhaps by a right-of-way would be in order. Mr. McGuckin spoke that the State of New Jersey has

received notice of the application. The State is entitled to a right-of-way if they chose. However, the Township feels it would be inappropriate for such access. We do not want to encourage access to the rear portion.

Mr. Tredy made a motion to open to the public. Seconded by Mrs. Sweeney. Roll call: (aye) Tredy, Sweeney, Avellino, Eckert, Knowles, Lachawiec, Sneddon, Bynoe, Anepete.

### **PUBLIC COMMENT OPEN**

Mr. William Rott, 179 Wells Mills Road approached and was sworn in by Mr. Yost. Mr. Rott inquired about the property owned by the Township of Ocean adjacent to the landfill parcel.

Mr. Avellino made a motion to close to the public. Mr. Tredy seconded the motion. Roll call: (aye) Avellino, Tredy, Eckert, Knowles, Lachawiec, Sneddon, Sweeney, Bynoe, Anepete.

### **PUBLIC COMMENT CLOSED**

Chairman Anepete asked for a motion to take action on the application. Mr. Bynoe made a motion to approve the application. It was seconded by Mr. Eckert. Roll call: (aye) Bynoe, Eckert, Avellino, Knowles, Lachawiec, Sneddon, Sweeney, Tredy, Anepete.

### **OLD BUSINESS**

Chairman Anepete recused himself and left the meeting at 7:52 P.M. Vice-Chairman Avellino took the chair.

**Green Minor Subdivision, Block 186, Lot 5, 85 Illinois Avenue, Docket No. 05-10-PB, CARRIED from the October 7, 2010 meeting.** Mr. Bennardo approached and spoke. Mr. Bennardo had spoken to Mr. Miller, but had not seen the written report prior to the meeting. The secretary stated that the report was only received at 4:00 PM today. Mr. Bennardo and Mr. Marciano were each given a copy of Mr. Miller's report. Mr. Marciano, Project Engineer approached. Mr. Bennardo reviewed Mr. Miller's letter. Mr. Bennardo spoke about one of the statements that Mr. Miller has made is in regard to minimizing any impact from the development of this lot by an under drain system connecting to the existing drainage system which is on Illinois Avenue. The applicants have indicated that they would be willing to do that type of system to the satisfaction of the board engineer. Work was done during the month by the Public Works Department in this area.

Mr. Miller approached and was sworn in by Mr. Yost. Chairman Avellino accepted Mr. Miller's credentials. Mr. Miller was asked by the Township Committee to take a look at the drainage in this immediate area. Mr. Miller did a site visit in the rain on November 4, 2010. Mr. Miller observed that this entire area is severely affected by the tidal conditions in the lagoon. At high tide, all the inlets were filled close to the top and ponding was everywhere. The report indicates that the west side of the drainage on Illinois seemed to be working reasonable well. The drainage on the north side of Illinois Avenue did not seem to be collecting a lot of the runoff however the runoff was running down the gutter line. There is no drainage on Adriatic between Delaware and Kennedy. Mr. Miller observed that the drainage was running down the gutter line freely. Mr. Miller walked through the lot in question and didn't see any ponding. Mr. Miller was asked by the neighbor to look at his property. Mr. Miller saw through the doorway that the doorway elevation is about the same as the center of the

road. However, when you go in the house, you have to step down to get to the first floor living area. In addition, to get to the bedroom area at the rear of the same dwelling, there is another step down. On Illinois there is an existing drain adjacent to this property and that drain had flooding around it and did not seem to be accepting a lot of water. Mr. Miller went back this evening and there was less ponding around the inlet, but it was still flooding. The other inlets around the street seemed to be working better and the inlets on Kennedy the water had subsided. Those are the conditions in the immediate area. In Mr. Miller's letter he indicated that the area is influenced by the tidal conditions and any improvement on the subject property would cause some additional run-off and that this additional run-off may be minimized by an addition of an under drain that would connect from along the adjacent property line and connect into that existing inlet. If the board chose to allow the subdivision, Mr. Miller recommended that any of the downspouts be connected to the under drain which would minimize any of the overland drainage. It would run into the existing drainage system but the existing drainage system currently does not work as well as it could be. Mr. Miller added that when we have a northeast wind and a push the water will flow into the inlet and you very possibly will introduce water where it never was before.

The board then reviewed A-9 already in evidence and the drainage issues in this area. The water currently drains down to Kennedy and makes a turn south and works its way to the yacht basin. The DPW feels there may be an obstruction of some sort. The water could have an easier path. Mayor Lachawiec stated that the town should correct this problem and have a working system before any conclusions are made. Mayor Lachawiec asked Mr. Miller if he observed any water inside the house that he observed and Mr. Miller commented not that he observed. Mayor Lachawiec asked about the proposed under drain system. Mr. Miller stated that an under drain system would be at minimal grade and would be connecting to the existing grate. Essentially it would be a French drain which could possibly fill up from the bay also. In this area the water flows both ways. Mr. McVicar added the proposed house – the area has a 4 contour across the area. The under drain system would be tying in from there down to the catch basin at Illinois which has an elevation of 2.51. If water was to back up, Mr. McVicar asked if it would back up to the new house. Mr. Miller answered not likely. It would overflow at the grate on Illinois. In addition, should the grate be full on Illinois, and there is water coming into the under drain system which is tied into the grate and it fills up, where will it overflow? Mr. Miller answered down the gutter line. It will follow the path that Mr. Miller observed earlier today. Mr. McVicar asked about flapper valves to stop the backflow of the tide. Mr. Miller stated the DPW has had flapper valves and they found that they are a severe maintenance problem. There is a new valve called a tide-flex which squeezes the pipe in an up and down motion so the small flows can continually go out the bottom end. However, it is limited where you can use those kinds of valves. Mr. McVicar added that he thinks tide-flex has a newer valve and explained how it would operate. It would be done at the outfall either at the bulkhead or at grade. Mr. Bennardo had no questions of Mr. Miller.

Mr. Bennardo stated that he submitted a letter today on the merger that had also been discussed along the way. We have heard information about the drainage situation. It is an area wide problem; it is not particularized to this lot. This lot would have a minimum impact. There are ways to improve the drainage which have been discussed with the under drainage system. Based on the proofs that have been submitted, with the 60x80 lot being consistent with a lot of development in the neighborhood, looking at the aerial it is clear that a house should be there. Mr. Bennardo submits that the subdivision should be granted along the old file map line. The variances are related to the size of the lot which is a classic hardship situation and it does not increase any of the pre-existing variances on the Illinois lot.

A motion was made by Mr. Tredy and seconded by Mrs. Sweeney to open to the public. Roll call: (aye) Tredy, Sweeney, Eckert, Knowles, Lachawiec, Sneddon, Bynoe, James, Avellino.

### **PUBLIC COMMENT OPEN**

Vice-Chairman Avellino asked all speakers to please limit their time to five minutes.

Mr. Kris Pistone, 84 Adriatic approached and was sworn in by Mr. Yost. Mr. Pistone said that Mr. Miller was at his house earlier in the day and they discussed elevations on the current survey. Mr. Pistone quoted from the Cox book regarding storm water and the Flood Hazard Area Control Act. Mr. Pistone feels the detriments far outweigh the benefits. It is a self-created hardship. Mr. Pistone also asked for a continuance as he will be retaining an attorney and an engineer. Mr. Yost asked Mr. Pistone if he has signed a retainer agreement and Mr. Pistone answered no not yet. If a continuance is granted, he will have an attorney and engineer present at the next meeting. Mr. Bennardo objected to any adjournment as this is the third hearing. He felt an adjournment would be unfair to the applicants.

Ms. Nicla Pistone, 84 Adriatic approached and was sworn in by Mr. Yost. Ms. Pistone spoke about homes in the area that are on Adriatic and Illinois Avenue that have been recently built that are larger homes and fit on their size lots. Ms. Pistone commented about the Green's owning multiple properties whereas she and her husband only own one. Mr. Bennardo objected to this comment and felt it was inappropriate that what they do for a living is not relevant.

Ms. Lisa Capuano, 87 Adriatic approached and was sworn in by Mr. Yost. Ms. Capuano is adjacent to the property on Adriatic. Ms. Capuano is concerned with the drainage and the parking on the street. Adriatic is a small street and with numerous cars parked on the street it creates a hazard with emergency vehicles. Ms. Capuano also added that 8" of water is in her yard from today's rains. It has not subsided. Ms. Capuano feels there are other lots on these streets that will subdivide also if this subdivision is permitted. Ms. Capuano spoke about the enjoyment of the open space view she has from her front yard. Mr. Bennardo asked Ms. Capuano to look at a photograph and inquired about the view of the shed and Mr. Pistone's trailer. The photograph was then put in evidence and marked as A-1 for this evening's hearing.

Mr. Matthew Bunn, 91 Illinois approached and was sworn in by Mr. Yost. Mr. Bunn spoke about the drainage. His house is on a foundation, 16" above ground. Mr. Bunn's residence is the lowest grade on Illinois and he is concerned about the flooding to his property if the water is piped from Adriatic to Illinois.

Ms. Arlene Stinziano, 289 South Second Street, Surf City approached and was sworn in by Mr. Yost. Ms. Stinziano is a co-owner of 84 Adriatic. Ms. Stinziano was concerned and spoke about the flooding of the area.

A motion was made by Ms. Sweeney, seconded by Mr. Sneddon to close the public portion of the meeting. Roll call: (ayes) Sweeney, Sneddon, Eckert, Knowles, Lachawiec, Tredy, Bynoe, James, Avellino.

### **PUBLIC COMMENT CLOSED**

Mr. Tredy stated what Mr. Bennardo spoke about regarding the area is low-lying and it is subject to poor drainage, and because of the elevation basically there is not much that can be done. Mr. Tredy

brought out that the this entire hour that we have been talking about drainage does not have anything to do with the application. The application has to do with a subdivision and I feel it was the obligation of the attorney to present to the board information that shows that this is something that has been going on and should be done and that part Mr. Tredy disagrees with. There are many street to street lots and the zoning in that area is 12,500 SF. Without even taking the drainage into consideration, which Mr. Tredy stressed he knows is an important thing for the town and residents and are constantly trying to correct, but it does not have anything to do with this application. The idea of going against the current zoning which requires 12,500 SF and making an undersized lot into two undersized lots to Mr. Tredy does not make sense and he doesn't feel it is the right thing to do. There was a lot of testimony using mathematics and percentages but the fact of the matter is that there are more street to street lots within that area than there are small lots. The reason why they wanted zoning to be 12,500 was because they didn't want small lots and were hoping that any of the small lots someone may buy two so they could put in a decent house on a decent sized lot. Mr. Tredy feels this application should be denied.

Mayor Lachawiec asked if the letter of November 4<sup>th</sup>, 2010 from Mr. Bennardo was properly read. Vice-Chairman Avellino stated that he just received it tonight. Mr. Bennardo spoke about the letter that was submitted. Mr. Bennardo spoke that you have to look at the Illinois lots and the Adriatic lots as separate entities. The whole subdivision when it was laid out was small lots. At one time, and I think this is an important point and it did pre-date the ordinance and an upgrade in the ordinance with the lot size but as Mr. Marciano said there is no one in the area that is going to meet what the current zoning is so how does that make any sense. Mr. Avellino commented that we did that for the simple reason that we wanted to maintain the rural atmosphere in this town. If you go to 12,500 there aren't going to be many big houses built because the lots aren't that big. To maintain that you have to adjust the zoning for that reason. That is how our Master Plan was designed in order to keep our rural aspect of this town. It was approved by the State and we were also granted a Town Center which coincides with smart growth. Mr. Bennardo said then the Zoning Board should be disbanded then because there is no point. The whole idea of a variance is to grant relief under the appropriate circumstance. I think it is important when the township itself owned these properties and deeded them to the same person but in different years. The two Illinois lots were transferred at one time and the two Adriatic lots were transferred at one time. There was a lot line from the filed map that divided them. If one person had either of the lots, then they clearly would have been able to build. So now we have a circumstance where one person happens to own both. What we have is a merger by common ownership. We have a Loechner situation. But I submit to you that the Loechner situation doesn't apply and in effect there is no merger because where you have street to street you look at each piece of property separately. If that lot line were still there, then how it disappeared we don't know. Mr. Bennardo suspects it was the tax office doing something to help a property owner to make it one and less taxes instead of two buildable lots, but if that hadn't been done and that lot line were there, someone could have gone for a variance. It is a reasonable use of that property. The idea of merger is something that doesn't apply. If it did then I would think that you have a better point to make to look at the whole piece that I submit that it does not and you look at the two lots on Adriatic separately from the two lots on Illinois. That I submit to you is a legal concept that has been long standing cited in the treatises, cited in the cases and upheld all the time in courts. If you had that lot line there, and you were in a different town and you asked them about do I need a subdivision, they would tell you no you have street to street, and you need to apply for a variance. So I think that it is prejudicial to this applicant to hold up that form and say somewhere along the line that lot line disappeared and so now we are going to prejudice you because you can't develop your property the way you want to, the way it should be developed. Everyone there has water. Whether there is a house here or not it will not eliminate it. But by building a house that has a minimal impact when the construction plans are submitted through the grading plan and the drainage plan it can be handled as to not adversely impact the other properties. When you have a bay

of problem and put a teaspoon of water in it who can say that that teaspoon is what is causing everyone's problem. It's nice to say protect my property but when you have a house that doesn't meet a setback requirement and it's below grade, how can you logically say well let's deprive this person of the right to use their property because of that situation. We're trying not to hurt that person which is why we are willing to put the drains in and the under drainage system but we'll never make that house better and if this house is never built on this lot, that house is never going to improve. And it's no obligation to the township to put drainage along Adriatic. That is just the way it is and when they bought the house that is the way it was. And we are not going to do anything by building our house that is going to change that. So I think that we have to do is, cases can be hard, this may be a hard case because we have a lot of neighbors out, they have legitimate problems with drainage. But there is nothing about this application that is going to worsen their problem and the Green's have a ligament property right that they can exercise. Again, I will point to the aerial because when you look at it, it just calls for a house to be built there. And it is not uncommon situation in that area and you just don't look at a 200' neighborhood, you look at a greater area. I will submit to you that it is not inconsistent with development. It's going to be an improvement. It's going to be an upgrade. It's going to be a benefit to the township and therefore, it should be granted.

Mr. Tredy answered Mr. Bennardo I am going to say openly that I disagree with everything from your first sentence to your last sentence. One of the things that you mention about these people have their property and they have their right to deal with it. When your clients bought the property, was there a property line there? It was one lot correct? Mr. Bennardo answered correct. Mr. Tredy continued it wasn't two lots and joined. You keep talking about how it was joined. It was joined long before they purchased it. They purchased it with their eyes open. This is what it was and it was similar to many other lots in the neighborhood. It was an undersized lot. Just because all the other lots even if they are street to street are undersized, that is not a reason to create an additional undersized lot that is half the size. It doesn't make sense.

A brief discussion by the board regarding Executive, Legislative and prior Planning Board decisions then took place.

A motion was made to take a ten minute recess by Mr. Tredy, seconded by Mayor Lachawiec. A break was taken at 9:12 PM. Roll Call: (aye) All in favor. The meeting resumed at 9:24 PM.

Mr. Yost spoke that we have a ten day rule that ordinarily we are not suppose to consider any documentation that hasn't been submitted ten days before the hearing. Unfortunately, Mr. Bennardo didn't get his brief to me until this afternoon. We also have a report from the Township Engineer that we didn't until 4:00 today and Mr. Yost didn't see it until this evenings meeting. Mr. Yost did comment on Mr. Bennardo's brief however as he had the opportunity to read it and did some research. The merger doctrine is pretty confusing in a lot of respects. Loechner vs. Campoli means that you have lots next to each other – the same owner than can be deemed to merge and be part of the same lot in essence. There are exceptions to the Loechner case. One of them is a case call Chirichello vs. Zoning Board of Adjustment. There are a couple instances where you have lots that are next to each other and they are not equitably deemed merged. If you have an "L" shaped lot, which may be an exception where they are not deemed merged because it doesn't make sense from a land use and planning standpoint. The exceptions specifically discussed in Chirichello is where you have back to back lots which front on different streets. That is what the case stands for. There are exceptions to the exceptions. Chirichello doesn't apply if for some reason the owner treats them as one lot. For instance if you have a building on the two lots that overlapped the rear line and went on both properties that would be inconsistent with treating as separate lots. Here one of the things we have in the records is a

shed on the other property which could be something that the board could consider to be a use adjoining the house on the other lot and the board could find if they deemed it significant enough that this was a reason why Chirichello would not apply. Mr. Yost went on to explain the applicant would also still have to meet the criteria for a “C” variance. I do think that any time there is an issue of health and safety that that is a factor and may be considered and upheld by a court. The board, if they were to find that the merger doctrine did not apply because we have two separate streets and they found that the shed was a significant argument against treating this separate, then they would not have to grant the subdivision. If the board found that the shed was incidental and there was no merger, then the applicant would still have to meet the negative and positive criteria on the “C” variance. That is what the board should keep in mind when they make their determination. Mr. Yost added he knows the board is struggling with it and trying to do the best job they can.

Mayor Lachawiec asked for clarification on the applicant’s willingness to do the condition of the under drain. Mr. Bennardo stated that absolutely the applicant would agree to that as a condition and also having the roof drains piped to that under drainage system. Mr. Tredy added that what is being agreed to is standard construction practices and still has nothing to do with the subdivision and meeting the minimum requirements of the “C” variance. Mr. Tredy does not feel that testimony was presented that makes the application meet those standards. The applicant is agreeing to things they would probably have to do anyway once the construction department sees their architectural.

Mr. James made a motion to deny the application. Mr. Yost spoke that before a motion is made there was a request by one of the objectors that the meeting be carried for them to engage council and an engineer. Mr. Pistone spoke from the audience that he would like to see what pans out. Mr. Yost acknowledged this. Mr. Yost then withdrew his comment and allowed the board to proceed with the motion. Mrs. Sweeney seconded the motion to deny. Mr. Yost clarified that Mr. James made a motion to deny the application. Roll call: (aye) James, Sweeney, Knowles, Sneddon, Tredy, Bynoe, Avellino. Against: Lachawiec.

Mrs. Sweeney asked about the sign ordinance and why the sign ordinance committee was not informed of the changes until after the ordinance was passed. Mr. Avellino and Mr. Bynoe, also on the sign committee, agreed. Mr. Tredy apologized for the committee. Mr. Tredy agreed that this possibly should have been brought back before the Planning Board sub-committee, although that is not a requirement, it should have. Both Mr. Tredy and the sign-ordinance committee agreed that it could have been discussed between the two parties prior to being passed. The Committee tried to move this along for the businesses in town that are in financial trouble and need signage.

A motion was made by Mrs. Sweeney, seconded by Mr. Tredy to open to the public. All in favor: (aye).

## **PUBLIC COMMENT OPEN**

Mr. Shawn Denning, Jr. approached and commented on the MSC Enterprises. Mr. Yost interrupted Mr. Denning and explained that we cannot have any type of hearing regarding this since they are not here. A motion was made by the board to carry the application until December. Mr. Yost suggested to Mr. Denning either he make next month’s meeting, or have someone speak for him, or write a letter to the board and request that the letter be read into the record. Mr. Yost said he will personally read Mr. Denning’s letter into the record next month. Mr. Denning spoke about the lack of notice. Mr. Yost suggested you can always call the board office prior to 4:00 PM to see if the agenda has been changed.



Another resident of Morey Place approached and tried to speak on the condition of the road. Mr. Yost explained again that this cannot be talked about at this time and by speaking it is creating procedural problems which could benefit the applicant in the event that the board took adverse action and they appealed.

Mrs. Jacqueline Petroselli, 11 Vessel Road approached and stated that she commended the board on turning down the subdivision application. Mrs. Petroselli said she realized it was a hard decision but feels the board did the right thing.

Mrs. Sweeney made a motion to close to the public, seconded by Mr. Eckert. All in favor: (aye).

### **PUBLIC COMMENT CLOSED**

Mr. Yost stated he doesn't feel there is a reason to go into Closed Session this month. There has been no activity to report.

Mr. Knowles is uncomfortable when shouting occurs between members of the board. A sense of dignity needs to be maintained by the board and given to the members of the public when they speak.

A motion to adjourn was made by Mr. Knowles and seconded by Mr. James. All in favor: (aye).

Meeting was adjourned at 9:50 PM.

Respectfully submitted,

---

Beth O'Connor  
Secretary