

**Planning Board Meeting 2-5-2015**

**TOWNSHIP OF OCEAN  
Planning Board  
Meeting  
February 5, 2015**

**Pledge of Allegiance**

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

The regular meeting of the Planning Board was held on the above date and time; Chairman Bill Sneddon called the meeting to order.

**ROLL CALL**

Members Present	Nicholas Bonamassa	Daniel Collamer	Ben LoParo
	Aaron Shapiro	William Sneddon	Dennis Tredy
	Tina Wetter	John Petrosilli	Don Lippincott

Members Absent: Ralph Avellino, James Eckert

Professionals Present: Steve Yost, Patrick Jeffery, Scott Taylor

Chairman Sneddon asked if there were any amendments or discussion on the minutes of the Re-Organization Meeting and the Regular Planning Board meeting of January 8 2015.

Motion was made by Aaron Shapiro to approve the Re-Organization meeting minutes of January 8, 2015 and seconded by Ben LoParo. Roll Call (Ayes) Shapiro, LoParo, Tredy, Wetter, Petrosilli, Lippincott, Collamer, Sneddon

Motion was made by John Petrosilli to approve the regular meeting minutes of January 8, 2015 and seconded by Daniel Collamer. Roll Call (Ayes) Petrosilli, Collamer, LoParo, Tredy, Wetter, and Lippincott, (Abstain) Sneddon.

Chairman Sneddon asked if there was a motion to approve the vouchers for payment.

Aaron Shapiro made the motion to approve the vouchers, Ben LoParo seconded it. Roll Call (Ayes) Shapiro, LoParo, Bonamassa, Tredy, Wetter, Collamer, Sneddon.

**CORRESPONDENCE:** None

### **Planning Board Meeting 2-5-2015**

**RESOLUTIONS:** Resolution 2015-1-PB – Authorization for the Planning to direct the execution of contracts of agreement with the Professionals.

Deputy Mayor Dennis Tredy made a motion to approve **Resolution 2015-1-PB** and seconded by Aaron Shapiro. **Roll Call** (Ayes) Tredy, Shapiro, Collamer, LoParo, Wetter, Petrosilli, Lippincott, Sneddon

### **INFORMALS:**

**Chairman William Sneddon** – I want to bring before the board in reference to the Master Plan. Mr. Collamer and I have been meeting with Planners and we have to hold a meeting before the board an informal meeting to go over the master plan and any suggested changes. The date that we have come up with is Wednesday March 25<sup>th</sup> at 7:00 P.M. and that is to discuss the master plan. This would be a special meeting in addition to our normal regular scheduled meeting.

**Aaron Shapiro** – 7 P.M.?

**Deputy Mayor Dennis Tredy** – I have a question Mr. Chairman. Is our regular meeting going to be so crowded that it can't be combined?

**Chairman William Sneddon**- This is going to be a closed meeting just for the Planning Board so there won't be any of the public here. It's a workshop, yesterday when we had out meeting with the Clerk.

**Laurie Clune** – Can I just clarify something? (*Reply – Yes*) The regular March meeting of March 5<sup>th</sup>; correct me if I am wrong, I believe the conversation was March 5<sup>th</sup> we were going to use it as a workshop to go over the preliminary plans so to speak. Than the 25<sup>th</sup> was our final meeting for the presentation to the board also to the public because there will be notification. It is not closed for the sake it is going to be noticed, so that we are prepared to take action at the April meeting. April is when the board takes action (if they so choose) to forward to the Committee for action.

**Vice Chairman Daniel Collamer** – I think we also had talked about one more sub – committee meeting.

**Laurie Clune** – What our sub – committee has been discussing, we are going present that to the rest of the planning board members and get their feedback. Since we have now narrowed it down, that is what the March 5<sup>th</sup> meeting will do. The special meeting on March 25<sup>th</sup> will be the full presentation from Stan and to the public about the whole entire plan.

Aaron Shapiro – Just to reiterate, March 5<sup>th</sup> we are meeting as the review of the master plan....

**Patrick Jeffery supplied an email from the clerk's office which described the schedule in detail.**

**Laurie Clune** – Here it is..... Workshop of March 5<sup>th</sup>, like we were speaking of, public hearing is the March 25<sup>th</sup> and the full adoption is going to be on April 2<sup>nd</sup> meeting.

**Chairman Sneddon** – Under old business there will be Buy Rite liquors and at this time myself and Mr. Shapiro have to reclude ourselves and Mr. Collamer will assume the Chairmanship of the meeting.

## **OLD BUSINESS:**

Docket No. 02-1-PB  
Buy Rite Liquors, Saibaba Reddy  
589 Route 9  
Block 41 Lot 42.04  
Major Site Plan

**Salvatore Alfieri, Esq.** – Good Evening everyone, Salvatore Alfieri, Cleary, Giacobbe, Alfieri and Jacobs on behalf of the applicant. We are here for preliminary/final site plan approval to the Buy Rite Liquors, seated to my right your left is Mr. Reddy who is a principal of the entity that owns the real estate. We are going to call him as our first witness to give you the testimony of the operations of the site. Than our engineer is seated behind me we'll bring him after that if we can?

**Steven E. Yost, Esq.** – Mr. Reddy has been sworn prior hearings. Mr. Reddy understand that you were sworn under oath at prior meeting and you are still under oath (**Reddy reply – Yes**)

**Salvatore Alfieri Esq.** – Some of this testimony is going to be duplication of what you probably heard in the past, just so that we have a complete record as if no one has heard anything, if I can? We will try to be as brief as possible. First of Mr. Reddy you are a principal of the entity that owns the real estate is that correct? (**Reddy reply – yes**) And who owns the liquor license? (**Reddy reply- my wife**) And you are familiar however with the operation of the liquor business that is located on the property is that correct? (**Reddy reply – Yes**) Now first can you tell the board that hour's operation, and the number of employees that are there during the off-peak and peak hours? (**Reddy reply – number of employees can be sometimes between 5 and 8 is the maximum, so far**)

**Deputy Mayor Dennis Tredy** – What are the hours? (**Reddy reply – hour's 9-10 weekdays and 9-7 Sunday**)

**Salvatore Alfieri, Esq.** –You said weekdays so Saturdays is with the weekdays is that correct? (**Reddy reply – yes 9-10 Monday through Saturday**) In terms of deliveries, what types of trucks make deliveries; what is being delivered to the site and how frequently those deliveries are made? (**Reddy reply – The major deliveries are on the weekdays, mornings normally.**)

**Occasionally the Coca Cola and Miller Lite, Coors Lite they have big tractor trailers now, they are coming to do the deliveries but not much. Weekends normally nothing comes out. Maybe Saturday if there is long weekend or something, Saturday small ones. If they have like a long weekend like Mondays off so they may deliver a little, but most of the times weekdays deliver)** And the deliveries are primarily in the morning? (**Reddy reply – In the morning, occasionally some small amounts, if they go to Atlantic City and deliver, ours is the last one they come here. So come around 4 o'clock, 5 o'clock , but small like 5 – 10 cases and they just leave fast.**) Do you have an idea how many deliveries are made in the normal day? (**Reddy reply – We have like 5, 6 companies so we distribute them most of the time. The big deliveries like the three companies we have we distribute to delivery not all of them on one day and that way we have easy to check them out. So maybe 10-15 deliveries, even if they have some small ones come back like in the middle of the week, end of the week. So 15 deliveries probably**) A day? (**Reddy**

*reply – No, a week.*) Ok that's what I thought. Assuming the board was to approve this plan as drawn, when do you intend to start the work and how long will it take to complete. *(Reddy reply – as soon as we get o.k. we start working looking for the contractors and things like and work at the same time. We have to apply for the permits. Once we get the permits we should be ready to start right away.* ) When you say right of way, as soon as the weather allows? *(Reddy reply – yeah)* Your intention is to finish everything before the summer is that correct? *(Reddy reply – Yes I want to, I will too)* And do you intend to remain open during the time that you are performing this work? *(Reddy reply- Yes)* And how are you going to divert traffic from the areas you are working in and not working, perhaps if we may if we mark this plan he can than point out.

**Steven E. Yost, Esq.** – Mark it A1 for identification, and let us know what it is

**Salvatore Alfieri, Esq.** – The plan is in your plan set that submitted it is preliminary/final major site plan it is identified as layout plan. So Baba, most of the activity is going to occur in the front of the building is that correct? *(Reddy reply – Yes)* Can you show the board how you intend to stage the work *(Reddy reply – Reddy pointing at exhibit A1 explaining how he proposes to stage the construction while remaining open for business.)* So you will do it is two phases? *(Reddy reply – Yes)* One of the features of this application is you have three existing wall mounted signs, you have the large Buy Rite over eave and then you have a beer sign and a wine sign. First question as it relates to the beer and wine sign. Those signs were built per the 2010 approval, is that correct? *(Reddy reply – Yes, 10 SF)* As far as the larger sign is concerned, first of all, it was approved to be no more than 90 SF. *(Reddy reply – it is 90SF and less)* Less than 90SF, but the original approval said it had to be rectangular and could not extend over the eaves, this sign is not rectangular and it does at some point extend over the eaves, is that correct? *(Reddy reply – on the corners, yes)* Is it your request of this board to approve as it is currently configured on the building? *(Reddy reply – Yea, I would like to, I would like to leave it the way it is, for that would cost a lot of time and money)* The next question is, the original building had a cross at the top, you had agreed as part of the approval to put a nautical themed weathervane up. *(Reddy reply – yes, I will)* You never put that up is that correct? *(Reddy reply – No)* But you put it up as part of this *(Reddy reply – yes)* and that will be up before the summer too? *(Reddy reply – before the final)* O.k. let me move on. In terms of parking, the original approval of 2010 was for 49 parking spaces and this application maintains that same 49 parking spaces although in different locations, during the four years or so that you have been in operation, what has been your experience as to whether 49 parking spaces are adequate during your peak operation. *(Reddy reply – Very adequate)* Is there ever a time where all the spaces are full? *(Reddy reply – No, not even holidays, no it is not)* Another part of this application, on the side of the building parking lot you have an area, corral area for carts, there is no corral area in the front of the building for those new parking spaces, *(Carpenter – yes there is by the front door)* First question when people bring their product out of the store how do they get it their car? *(Reddy reply – shopping carts most of the times)* And they bring it right to their car? *(Reddy reply – right to the car, than they leave it, some people they leave right there next to their car, some people leave it on the curb and some people bring it back all the way and out people go and collect them)* How frequently do you have your staff gather those carts a make sure they put in the corrals? *(Reddy reply – one hour, half an hour as busy as we are, ya know sometimes they don't do it, we are over looked, sometimes it happens but we try to get them out of the way, because less than 10 minutes for us)* Is it your testimony that you will attempt to have your employees at least hourly bring those carts *(Reddy reply – we do that all the time)* You are also providing two

spaces for RV's or oversized vehicles, can you describe to the board what the purpose of those two spaces are, and what type for vehicles would go there? (*Reddy reply – summer time we do get the people with the boats, fishing and they come there to buy the beer, I thought that would be really good to have them since we have already open space, that is a good idea to have two spaces for them, and for cars we have separate space*) One of the suggestions...

**Deputy Mayor Dennis Tredy** – can I stop you a minute?

**Salvatore Alfieri, Esq.** – Yes

**Deputy Mayor Dennis Tredy** – You been open quite a while, couple of years now. During the past summer, did you have many of these RV's come in. (*Reddy reply – no people told me, that's all. I never see them because I am busy there, I never see them, and people tell me. I get the report, like how many parking lots how much is full; my employees tell me all the time and they even asking to open early for fishing, “we come early and we need to get the beer” We can't open because 9 o'clock. So they will begging me to open on Sundays at least by 9 AM, then Sundays we can try in summer because by Township Ordinance we can after 9 o'clock. I was telling them if we can we will do it but can't. I have never saw them because I am never here summer time I go back*) The board engineer makes recommendation that at the completion of this work you were going to seal coat and re – strip the entire parking lot, is that something you are going to do? (*Reddy reply – Yes*) and the other thing is there is small free standing sign and your intention is to.... (*Reddy reply – gong to be removed right of way. The island is gone the whole thing is gone*) And you are going to install a new freestanding sign per the plans?

(*Reddy reply – I'd like to*) Now in the T&M report there are photographs of temporary signs that may have existed on the site in the past. You don't have temporary signs ... (*Reddy reply – they have been gone since the day I took over the business, my wife took over. Since the day they haven't been there, only small signs that were there, recently our zoning girl came and she asked me to remove, I removed on Christmas Eve, I removed them.*) So you understand that no temporary signs or any other types of signs other than those that are drawn on the plan cannot be put up unless you get approvals from the town. (*Reddy reply – unless I get temporary permit.*)

**Deputy Mayor Dennis Tredy** – Have those temporary signs that you removed are they still on the property, behind the building? (*Reddy reply – they are behind the building*) Yeah but they are still visible, I go to your building all the time, I buy a six pack once in a while. I can see like five signs, so whether there in the front or in the back if they are visible to the public, they are signs.

**Salvatore Alfieri, Esq.** – Ok, so you will make sure they are stored somewhere within the building or removed (*Reddy reply – We'll ask them to pick them up, we don't need them*) so you will have them removed from the side? (*Reddy reply – Yea*) You agree as a condition of any approval that would happen (*Reddy reply – yea*) Those are all the operational testimonies we have of Mr. Reddy, he is prepared to answer any questions the board or public may have.

**Vice Chair Daniel Collamer** – At this point does the board have any questions they would like to ask the applicant or the attorney?

**John Petrosilli** – Could I make a recommendation Mr. Vice Chairman? Our professionals had given us a letter and I would like if possible for them to go through that letter and probably most of our questions may be answered going over their letter rather than going Hodgepodge here and there, if we could work it that way if possible.

**Vice Chairman Daniel Collamer** – Very good, sure. Mr. Jeffery.

**Salvatore Alfieri, Esq.** – We have Mr. Carpenter sworn in, than we can go point by point, most of it would be covered as far as operation and I will identify what we did, and then otherwise Mr. Carpenter can comment and your professionals can comment.

**Patrick Jeffery** – I will run through it if you don't mind? (*Alfieri reply – ok, yea*)

**Reddy** – Sign I have no intention to leave them there, it was Christmas Eve that she asked me to remove them before Christmas, three days, two days notice I got. So I wanted to remove them, I was busy there I have two stores to operate so I told them to remove, they put them there. After that probably I came two times, three times that's all I did.

**Deputy Mayor Dennis Tredy** – while we are having a conversation I would like to know, do you have any control over the deliveries? (*Reddy reply – We try to control them, only way we can control them, send them back and then we don't have merchandise.*) No, no. no, what I mean is do you have any control, can you tell Miller High Lite I want my deliveries on a certain time before a certain time after a certain.... (*Reddy reply – they have their own dates, they set up, some people they you are getting on Wednesday, you are getting on Tuesday. The set the dates too, we can ask for, they can temporarily change but the set the routes, like this, we have to have that way,. And some people are flexible some people are not. We don't want to have anyone come after 5 o'clock, sometimes they come and they cry, "I am sorry I got stuck traffic in Atlantic City, we are so sorry" we can't say just take it back, 5 cases, "so ok just bring them in" I don't like to take anything after 4 o'clock all the crew is gone.*)

**Vice Chairman Daniel Collamer** - Is there a particular time that you're concerned with?

**Deputy Mayor Dennis Tredy** – No, no, no, I just, he gave testimony about the deliveries coming this time, that. I was wondering if as a store owner if you had control over your deliveries. I don't have an answer.

**Ben LoParo** – I can testify that you don't. My father owned a liquor store when I was junior high school and high school and everything is routed in. You get certain days and you also get emergency deliveries too. If you run out of something you call American B&B up and they'll deliver you something out of hours if you run out of stuff. So you really can't control. That was the thing about deliveries before noon on here. That's virtually impossible to have every delivery before noon. It depends when you are routed in, that almost impossible to ask a business to do.

**Salvatore Alfieri, Esq.** – Mr. Reddy did testify that most of them are, but there are some stragglers that come afterwards.

**Ben LoParo** – Yeah, and then if you get traffic in the summer time on the parkway, there is an accident, there is a snow storm they may change the day too, You really don't have control over that.

**Deputy Mayor Dennis Tredy** – I just want to hear what he has to say.

**Steven E. Yost, Esq.** – Just for the record Mr. LoParo says he could testify that, obviously he using it as a figure of speech, he is a board member he is not testifying tonight.

**Ben LoParo** – That's as right as a family owned liquor store we had no control over out deliveries.

**Steven E. Yost, Esq.** – I just wanted to clear that for the record.

**Reddy** – We try too, most of the major deliveries, if 500 cases are coming from one Beer Company, they are all on one truck, and they come first thing in the morning. Usually before we open they are waiting there for us. Only small deliveries go to several stores, come back those are the ones coming late.

**Vice Chairman Daniel Collamer** – But for the most part most of your deliveries are during the regular business day, 9-5 kind of thing and most during the morning?

**Reddy** – Yeah

**Ben LoParo** – I just had a question about tractor trailer deliveries, it says there will not be any tractor trailer deliveries.

**Vice – Chairman Daniel Collamer** – We’ve actually talked about that, prior meetings and it’s been discussed in that is sort of new thing since that’s happened since there prior approval, They have done some work their design to facilitate the tractor trailers.

**Ben LoParo** – So that shouldn’t be in here then?

**Scott Taylor** – I am not sure if you are referring to our report?

**Ben LoParo** – Yeah, the report I have.

**Scott Taylor** – If you read that, those were from the 2010 approval and those were actually things that the applicant had said that “we don’t get tractor trailers no and we won’t take tractor deliveries because the site circulation was a concern” and the board also asked the question about deliveries and at the time they said “we’ll restrict all of our deliveries until before noon.” Now, I think the board realizes to the extent that Mr. Reddy wants all to happen as early in the day as possible, some o those are going to be outside of his control. So they were just regurgitated from their 2010 initial approval which was based on the applicant’s testimony at that time. So we were just using those as a point of reference for some of the discussion topics because that approval expired because they had a certain time they were supposed to really perfect that but we wanted to use this for the boards sort of edification of” hey these are the things we talked about last time” as we start this new application because it was unique. I t was church converted to liquor store, it was an existing site and the board wanted to facilitate getting them open and that is sort of what lead to where we are today.

**Ben LoParo** – Thank you

**Salvatore Alfieri, Esq.** – Let’s be clear that the old application is null and void, we are talking about a new application no, so whatever they were approved for before is off the table.

**Scott Taylor** – That’s correct, we only raised those as a potential topics of discussion that were of concern to the board, that you may want to ask for some of that testimony to at least be addressed.

**Steven E. Yost, Esq.** – You’re correct Mr. Petrosilli, I think what Mr. Taylor is saying is they kind of use it as a template or a base line because a lot of the issues that were raised when they first got approval are still there. But the approval yes expired so there are no vested rights.

**Salvatore Alfieri, Esq.** – Mr. Carpenter you have been sworn and qualified in the past, you understand that you remain under oath (*Carpenter – Yes I do*) An Mr. Jeffery is going to run through his report and either you or Mr. Reddy can comment as we go through them.

**Patrick Jeffery** – We are going start Mr. Chairman on page 7, we have a heading off street parking and loading and then we will go through the more technical comments of the report. The first page is pretty much covered in detail tonight and previously. Page 7 item 1 under off street parking and loading; Mr. Chairman this more of a comment for reference, it just notes that the site is proposing 49 parking spaces, 49 existing previously, 56 space would be require per the municipal ordinance, it would just note that of the 49 spaces two are designated for recreational vehicles and people with boats, so there would be 47 spaces for regular passenger vehicles. Mr. Carpenter isn’t correct that you will not need a CAFRA permit based off the number of spaces that are proposed

**Ray Carpenter** – it’s once you reach 50 parking spaces it kicks in CAFRA and requires permit.

**Patrick Jeffery** – Item 2, Mr. Chairman is in regards to loading space, the applicant proposes a 19 foot by 69 foot loading space which actually exceeds the municipal requirements so that again

it's just a comment and it is satisfied. The applicant has also provided testimony about loading and unloading of goods that to cars using the carts as he testified earlier. Item 3 I reviewed with Mr. Carpenter earlier today pertains to circulation plan and just for the board reference we list some vehicles and their basically, the first on is single unit truck, it's the typical truck that you would probably see most deliveries come in. It is not a tractor trailer; it's a single unit, like a large box type of truck. The next on that says PB is a passenger car with a boat attached to it. The next one is a motor home and then a motor home with a boat and Mr. Carpenter and I have reviewed all those and as a condition of approval he is just going to tweak the circulation plan that he already provided to the satisfaction of our office, is that correct?

**Ray Carpenter** – That is correct.

**Vice Chairman Daniel Collamer** – If I may at this point, going back to the tractor trailer, are any of these classifications take in the delivery?

**Patrick Jeffery** – None of them are tractor trailers, the two with boats, would be some type of articulated....

**Vice Chairman Daniel Collamer** – So we would have to technically address that since Mr. Reddy testified that he gets some of his deliveries by tractor trailer.

**Patrick Jeffery** – So if the board would like we can add that to the list.

**Ray Carpenter** – I would make a comment that, you take a motor home, with a boat tied the back of a motor home without looking at the actually numbers, I would think that would duplicate the size trucks that Mr. Reddy gets. When people think of a tractor trailer, they think of truck that has a 40 foot trailer on it. That is not what Mr. Reddy gets.

**Vice Chairman Collamer** – But it should be included as an item; I don't disagree with it I just think that you need to call it out in this list, that's all.

**Patrick Jeffery** – Item 4, proposed driveway, the applicant since the last hearing on the current plan has added stripping, stop bars to the current entrance to help the delineate the entrance drive from the exit drive as well as indicate that people are supposed to stop when they are on the lot, located on the side of the building, we reviewed that with Mr. Carpenter and we don't have any further issues with that. Item 5 we just note that parking spaces are 9 foot by 25 foot, they exceed the length requirement in the ordinance. As was previously discussed it was felt that the extra length was warranted to allow people to safely load and unload items into their cars especially if they are going to have shopping car adjacent to the drive isle, is that correct Mr. Carpenter?

*(Carpenter reply – That correct)* Item 6 pertains to the use of the shopping carts and the corrals which Mr. Reddy gave testimony too; I believe that there is two locations Mr. Carpenter, right?

*(Carpenter reply – Yes there is one right by the entrance door, actually the reason we put it there is because people come into the store, take the carts go into the store and when the guys gout collect the carts they would probably return them back to that, it's more of a pickup spot than a deposit spot. And then we put the cart corral out in the parking area for people in the southerly parking spots and that should hold more than adequate for the carts that are available.)* We recommend that the carts be collected every hour which I believe the applicant gave testimony that he agreed to that condition. *(Salvatore Alfieri, Esq. reply – That's correct)*

Item 7 pertains to the replacement of the curb, I reviewed that with Mr. Carpenter and the applicant would like to leave the curb and after our discussion it is indicated that it would work with the proposed grading and he would have to replace it. So if the boar doesn't have an objection our office would allow that curb to remain.

**Vice Chairman Daniel Collamer** – That's the curb immediately in front of the building?

**Patrick Jeffery**- No.

**Ray Carpenter** – There is an existing run of curb, if you follow my finger it comes down here and goes like that, we are taking out this portion and this portion we want to leave the portion because there is actually a high point in the center and it drains this way to a catch basin that is already there and being it drains in this direction to a catch basin that we are going to construct, so there is no drains issue, I think that Mr. Jeffery just wanted to be assured that the grading was proper, we went over it prior to the meeting and he was satisfied.

**Vice Chairman Daniel Collamer** – Fine

**Patrick Jeffery** – Now we are on to a section on page, signage, and the first item just says that the applicant is proposing a sign that are 40 SF where they are allowed 20 SF sign area. Do you have the sign area plan Mr. Carpenter? (*Carpenter reply – yes*) So the sign we are talking about is a free standing sign that will go in front of the building out by the road. Could you please kind of point to where the sign is going, like on the site plan? (Carpenter reply – It is going right up against the front property. You have a fifty foot wide easement that is owned by the County. So in effect that sign is 50 feet back from the road) and the sign requires relief Mr. Chairman because the property line is located quite far from the edge of pavement, but the sign itself I believe in one foot from the property line (*Carpenter reply – that’s correct and the idea of the pile on sign is, you will see directly in this area here there are at least four trees, evergreen trees they are about 30 foot high. When you come south on Route 9 you can’t see anything until you get past those trees. So Mr. Reddy is trying to provide a sign.....*)

**Deputy Mayor Dennis Tredy** – You mean the trees on the adjacent property? (*Carpenter reply – They are on the adjacent property that’s correct.*)

**Patrick Jeffery** – And how high will that sign be? (*Carpenter reply- The top of the sign is at 16 feet from the ground to the top of the sign*) To the top of the sign? (*Carpenter reply – Top of the sign, that’s correct*) and the sign is as was noted Mr. Chairman he is proposing 40 SF where he is only allowed 20 SF and the setback required from the front property line is 15 feet where one foot is proposed.

**John Petrosilli** – Question about the sign Mr. Chairman, are we talking about lighting or is that going to covered under

**Scott Taylor** – We can talk I think they are integral

**Salvatore Alfieri, Esq.** – They are all infernally illuminated

**John Petrosilli** – Internally lit signs is not part of our ordinance at this time.

**Patrick Jeffery** – No, actually I have the sign ordinance here and it says regarding sign illumination was repealed 10/14/2010 by ordinance 2010-11 this ordinance also.... And it goes on. There is not current requirement in the sign ordinance that prohibits an internally lit sign.

**John Petrosilli** – How about the nautical design around the sign?

**Scott Taylor** – Well one of the things that we had asked, with many of the other applications, we had talked about because there is a street tree and planting requirements, even in the rail trail there is some landscape. One of the disadvantages of having like this where the sign is up at 16 feet, after those trees start to mature they are going to block visibility of the sign. A lot of the other projects we have done lower monument signs, particularly where they had size or setback relief. When they are brought down, as those trees mature you actually get a lot better visibility of those signs. So having some monument based sign is more consistent with what’s been done with some of the other projects in town over the last several years. And we actually think that long term it provides visibility for the businesses than having a sign in that 12 to 16 foot range.

**Ray Carpenter** – I did take a ride up and down Route 9 today looking at signs specifically. And I saw the monument signs that he is referring to I think one is down by the Shoprite and there is

another I can't think of the name of it right off the top of my head. But What I did notice was that where the signs were the signs were actually 10 feet above the road. You had the rail trail that basically at the same elevation as the road and then it had detention basin and then here was the monument sign, so that is not the case in Mr. Reddy's site. From the rail trail after his building is almost perfectly level. So if you put a monument sign there it's going to get lost, you are never going to set it.

**Scott Taylor** – I think the CVS across the street has....

**Ray Carpenter** – But it doesn't have the rail trail in front of it, it sits right on the highway.

**Scott Taylor** – Long term I think you are going to get better visibility of a monument sign because of the canopy trees and you can agree to disagree and I can show you photographs of a lot of other signs where as those trees start to mature because the County has planted some trees and there are other planting requirements in there. As far as the nautical theme normally instead of just the sign form around there is kind of a base that would compliment or match the building and then above that there is some trim or some frame work instead of just the outline of the sign itself.

**Ray Carpenter** –I mentioned that to Mr. Reddy to go down and take at the Shoprite shopping center there free standing sign actually has a fake roof line on the top of it and below the sign it has like a secondary roof line to make it look like some sort of a building, I mean it is the gray and white colors which is typical of the shore, that's what they did to modify the sign to have some nautical look to it.

**Scott Taylor** – What the board has done in the past the applicant has requesting some relief from some of the size requirements and also the setback requirements and part of that balance on some other applications has been, we understand to move it closer there is some rational for that and we understand that perhaps the number of the signs or the size of signs or the sign extending above the gable roof on the front those might be justifiable. But I think there might be an opportunity here to do a sign that is a little more consistent with what's been done in some other places in town and I think actually the long term for the viability of your site, having that lower monument sign that is where the sign itself is in that 6-10 feet range above the road and below the mature street canopy it is going to provide much better economic viability and visibility of the site. If your concern is also the motoring public, traveling south on Route 9 you could move the sign a little further south so that it doesn't conflict those every green trees. I think everybody coming from the north, you drive by there now and you can see the building from a quarter of a mile. Because the buy rite, the bright yellow sign is very bright very striking contrast.

**Ray Carpenter** – That's its intent.

**Scott Taylor** – Right, but that just the sign that already on the building which sits back about 100 feet from where you proposed doing the free standing sign.

**Vice Chairman Daniel Collamer** – I would like to weigh in on this a little bit we are talking about compromise and what have you I personally my own feeling is I don't have a problem with the elevated sign. However given that we have the requirement to the nautical theme trying to work something into that I understand it is a corporate sign, it is a approved sign. But trying to work something into that brings it into that more nautical setting would be appropriate.

**Salvatore Alfieri, Esq.-** And Mr. Reddy while Mr. Taylor was talking about the sign, whether he would make that free standing more nautical similar to the Shoprite, Mr. Carpenter?

*(Carpenter reply – The Shoprite sign and also the Shoprite sign actually has a vase on it which again is in the same color scheme made it look like a planter with same color scheme with white trim and gray base so it didn't look like two stanchions there holding up the sign, it was*

*actually a base. I didn't see anything planted in it, but maybe in the spring or summer time.)*

Mr. Reddy agreed a freestanding sign he will work with Mr. Taylor on a nautical theme, nautical design for that sign.

**John Petrosilli** – Mr. Taylor are you recommending to the board that we consider a lower sign as opposed to the 16 footer?

**Scott Taylor** – That's really a matter of preference for the board, if the board is not particular concerned about the number of signs or the relief for sign area or the setback and they think the higher sign is appropriate than that is a balance you all need to make. I think it will help to add some design elements to it at whatever size. That's really a board policy of are you comfortable taller free standing sign up on poles.

**Vice Chairman Daniel Collamer** – Even the posts themselves could be of a nautical theme, is the shape of a piling or something along that ....

**Scott Taylor** – You could simply do some square posts can be done in sort of a white trim that than comes up and wraps around,. The hard part is the free standings signs that are on those narrow posts, you can chunk the posts up a little bit, there are something's you can try to do, and it still ends up being a sign that is 16-20 feet in the air and that some.....

**Deputy Mayor Dennis Tredy** – I liked to mention something here. Well two things. First of all I have a question. The adjacent property with these trees on it; who is the owner and have you tried to make contact with them? Is there a possibility that you could get those trees removed, which would help you in one respect? (*Reddy reply – They are in the county property*)

**Vice Chairman Daniel Collamer** – I do believe most of the trees are on public right of ways, yea.

**Salvatore Alfieri, Esq.** – Mr. Reddy did tell me a moment ago that he wouldn't mind bringing it down 12 feet from 16 feet and moving it a little further south as Mr. Taylor had suggested. His only concern is that when people are walking on that trail, can they jump and hit the sign if you lower it.

**Deputy Mayor Tredy** – Well that's because you have it one foot from the line, step it back.

**Vice Chairman Daniel Collamer** – It's a situation where his distance from the cart way is so far back because of that easement, the exposure to that sign, he is limited by that easement. If he is made to move it back much further it may as well be on the building.

**Deputy Mayor Dennis Tredy** – Listen I drive by that at night, right? And even though there is two of the letters on the Buy Rite are out, it's still visible. No matter where you are as you driving north or south, you say, "there's buy rite liquor" with two lights out. I would suggest as a compromise that the sign be placed a nautical theme base that's just above the height of the rail trail walkway, I don't know how high they are, 4 feet, 5 feet. If the base of the sign or the bottom of the readable part of the sign is slightly above that, that would dictate the height, whatever that is. (*Carpenter reply – You have a four foot split rail fence on either side of the walkway*) O.K. so the base of the sign starts at 5 foot and if the board grants the variance for the additional size that's where it goes.

**Patrick Jeffery** – Mr. Alfieri you said that he was willing to place the sign 12 feet, so when we talked about the 16.5 feet that was to the top of the sign is the 12 feet to the top of the sign?

(*Reply Alfieri – yes*) So what would the bottom of the sign be at Mr. Carpenter? (*Carpenter reply – 8 feet*) They said that they would lower it so that the bottom of the sign is 8 feet off the ground. (*Tredy reply – We are talking 5 feet*) ok.

**Deputy Mayor Tredy** – I am telling you anybody drives there tonight, there is no missing where the store is. Store owners have a habit, they want expose their property to the public as much as

possible, but there is a limit to where it's useless, it doesn't do anymore good it just makes it look awkward doesn't fit.

**Vice Chairman Collamer** – In some situations I would agree with you and this one as is obscured by vegetation I think they need a little more, along the road frontage.

**Scott Taylor** – I am trying to draw something here, that if the top, and we are trying to get some architectural design at the top of that. If the peak of that is at 12 feet, it might be that the bottom of that sign can be at around 7 feet and the top of the sign up to 10.5 or 11 feet. That way you start to get that sign out of, it's above someone walking. We really don't see issues with vandalism of signs like that.

**Mayor Tina Wetter** – Do we need that sign? Answer my question. Do we need that sign?

**Scott Taylor** – That is not up to us the applicant is requesting it and that is an issue for the board to determine whether or not if it adequate.

**Mayor Tina Wetter** – They have that huge sign that lights up half of Waretown.

**Vice Chairman Collamer** – Is there any other testimony of the professionals for the applicant on the sign?

**Salvatore Alfieri, Esq.** – Mr. Reddy wanted to add, you wanted to say something about the sign? (**Reddy reply- I have no objection going lower, only thing is that it would be you could 5 feet of the ground, anybody can touch it and damage the sign.**)

**Vice Chairman Daniel Collamer** – I personally happen to agree with you.

**Ben LoParo** – I agree with you too.

**Reddy** – Just the sign costs 9 to 10 thousand dollars.

**Vice Chairman Daniel Collamer** – Let's take a trip around the table here and get some opinion from the board starting with Mr. Lippincott.

**Donald Lippincott** – I tend to agree that you probably want the sign high enough so that it is not going to be vandalized or damaged but not too high.

**John Petrosilli** – I have a lot of reservation about the sign being as big as it is, twice as big as what is allowed number one. And secondly while we are on the sign thing, the sign that is on the building is over sized too. So we are considering a whole lot of extra size signs for this applicant. I think the applicant has to give us a little back, possibly making the sign that's on the "A" part of the building to conform a little better to the sign ordinance that what it is. As Mr. Tredy says that sign pops right out at you as you going down the road. I am not in favor of a 6 footer but I would be a little bit in favor of something a little bit higher than 5 foot so that there could be a less of a vandalism thing. I think we have to consider something about the sign that's on the "A" part of the building too to be somehow brought into compliance, if we can do that.

**Vice Chairman Daniel Collamer** – On that subject I actually, are you finished? (**Petrosilli reply – yes**) ok. On that subject I actually took a look at the sign that is on the gable the other day and the respect of that sign that is out of compliance where it extends past the gable could actually be brought into compliance by bringing it straight down, It would take some different brackets and things like that, so that respect that respect of that compliant. You could bring that into compliance by doing that. So that's just a point of information on that particular sign.

**Nick Bonamassa** – I'm in favor of the way you first presented it. I know when I drive, headed south I fell the trees block everything and whatever you can do make that sign visible to enhance your business, I don't see a problem with the height the way it was presented.

**Ben LoParo** – I agree I am in favor of the 16 foot sign instead of the 12 or the bottom sign because someone is going to vandalize it, someone is going to spray paint it. There is people on bicycles and stand on their bike and whack the sign. He is spending a lot of money I think it is hi

prerogative what he wants to spend his money on. It is his business if he wants spend \$12,000.00 on a big sign; he wants to make money like everybody else in their business. I think the higher we have it the less chance there is going to be for vandalism and trouble. Maybe putting a peak on top to match ShopRite might be a nice thing, it may be 17 feet to the peak than something, or do something with the poles. It will be more visible and less of trouble spot. Kids are going to climb on top of a 10 foot sign; they are not going to go up 16 feet. You will have a kid on top that if it's low. Same thing with a sign on the ground like by CVS. The rail trail gets more traffic than CVS does, kids will be climbing on it and causing trouble, that my opinion.

**Deputy Mayor Tredy** – I said my peace.

**Mayor Tina Wetter** – Like I said I don't know why we need a second sign, because of the big one. But that's a good idea to being that sign down, the big one. As far as that one goes I have really no preference, let them do the 16 foot.

**Salvatore Alfieri, Esq.** – The truth is, whatever the board ultimately decides if Mr. Taylor's theory turns out to be correct and that sign as the trees matured becomes less visible I am sure **Mr. Reddy** is going to try and make a revision to the sign so it is visible. But as of now he thinks this is the idea.

**Deputy Mayor Tredy** – I have a question I couldn't really tell when I looked at the schematic of it the foot print, the sign it facing north and south or east and west? (*Carpenter reply – North and south*) So the only portion of the sign that would come to with one foot of the rail trail would be the corner. (*Carpenters reply - correct*) The idea of damaging stuff is kind of out of whack. I am just telling you it doesn't happen like that.

**John Petrosilli** – I think at the last meeting that 16 foot sign was going to be east west not north south.

**Deputy Mayor Dennis Tredy** – I can't really recall John.

**Vice Chairman Daniel Collamer** – The faces of the sign would be north and south, I don't recall it being presented otherwise.

**Scott Taylor** – Your cone of vision is better from a vehicle approaching a sign if that sign is perpendicular to the motoring public. When something is set far back like the building you typically better off having it parallel with the road so you maximize that visibility.

**Vice Chairman Daniel Collamer** – Can I just ask, Can we settle this issue right here and now and move on? Decide where we are going to be with, get a motion?

**Steven E. Yost, Esq.** – That's funny you should raise that, because there has been quite a disparity of opinion, I don't know if we could make a motion at this point, I would like some kind of a consensus, if we could get one before we moved on. I suppose we could make a conditionally resolution in the form of, if we were to approve this subject to other things that we're going to discuss later. Let's settle this portion of it, and do it that way.

**Salvatore Alfieri, Esq.** – On the table from our presentation is the same height but with a nautical theme to the satisfaction of your board professionals.

**Vice Chairman Daniel Collamer** – And there were other variances that they needed for that issue correct Mr. Jeffery? (*Jeffery reply- they need setback of 1 foot where 15 is required and the size of 40 SF where 20SF is permitted.*) So we are going to call for a motion for a conditionally approval of those issues.

**Steven E. Yost, Esq.** – If the board were to approve it subject to things which will be subject to a later motion, can we settle this section this particular aspect.

**John Petrosilli** – I am not understanding what we are conditionally approving again? Mr. Taylors Recommendation or the 16 foot.

**Steven E. Yost, Esq.** - We are not approving anything it's going to be whatever motion. What I am anticipating is a motion by a board member who's going to say on this particular issue this is page sheet 8 signage number 1 there is a sign that's proposed and been discussed for about a half hour now, the applicant proposes 20 SF only 20 is allowed the applicant proposed to put it one foot of the setback when 15 feet is required and there is also a discussion of what the board would allow in terms or what they would accept in terms of height and is that consideration to be modified at all by the applicant agreeing to work the boards planner to set a nautical theme for the base of the sign.

**Vice Chairman Daniel Collamer** – Would anyone like to make a motion to that effect?

**Ben LoParo** – I motion that we make conditionally approval or a 16 foot sign with a nautical theme approved by our engineers. So as presented in the position and the height with a nautical theme.

**Vice Chairman Daniel Collamer** – Anyone wish to second that motion.

**Nick Bonamassa** – I second that motion.

**Roll Call (Ayes): LoParo, Bonamassa, Wetter, Collamer (No) Tredy, Petrosilli, Lippincott**

**Patrick Jeffery** – Moving on? Item 2 under signage, pertains to the building not the signs, there are three proposed, first one is the buy rite liquor store sign which is on the eaves of the overhang, that sign is approximately 86 SF than there is a beer sign which is approximately 9.5SF and there is a wine sign which is also about 9.5SF. The municipal ordinance permits up to three signs on a wall, no more than four per building, so they conform to that aspect of the ordinance. The section of the ordinance where they don't conform the sign area is limited to 5% of the wall in which they are located on and what's somewhat unique is the building is an octagon so the wall area compared to the total square footage of the building is somewhat small and based on our calculations they would be limited to about 32SF per wall which would require variance relief for the size of the signs proposed.

**Salvatore Alfieri, Esq.** – And because of that peculiar shape of the building that building mounted sign is very small. If you were to measure from the width of the building on one end to the other, I think we would more than conform, where I believe 160 is the most we could have, is that correct? (*Jeffery reply – that is correct*) Mr. Carpenter if you could show them (*Carpenter reply – The width of the building is 62 feet.*)

**Vice Chairman Daniel Collamer** – In your opinion Mr. Jeffery if this was a conventionally designed building, would they be closer to compliance?

**Patrick Jeffery** – And there are some other issues with the sign in Mr. Taylor report you may want to chime in on too, but the main sign I guess wouldn't be a concern the way the ordinance is currently written is the buy rite liquor sign... I don't want to speculate but if you took three of the sides of the building and said that was the front instead of just one side of the octagon it would most likely be conforming, it would be close but it would be conforming.

**Vice Chairman Daniel Collamer** – Because I do agree that given the shape of the building the wall area does become smaller because there are so many walls.

**Patrick Jeffery** – If you were to consider the three sides there would be allowed about 90 SF and that's right around where that sign is.

**Vice Chairman Daniel Collamer** – Mr. Taylor you have a comment?

**Scott Taylor** – Well it got back to one of the prior comments you had indicated about that relationship between the sign sticking up above the gable wall on that end.

**Salvatore Alfieri, Esq.** – Portions of the sign do extend over the gable. And Mr. Reddy and I did talk about that if the board is concerned with, we think it looks fine; but if you're concerned with

that he can lower it slightly change whatever braces are holding and bring it so that is flush with the face.

**Vice Chairman Daniel Collamer** – Would that bring it in compliance with the ordinance?

**Patrick Jeffery** – Not with the area requirement.

**Ben LoParo** – Did anyone measure how far above the gable it is?

**Vice Chairman Daniel Collamer** – Personally I would have to guess it is close to two feet.

**Salvatore Alfieri, Esq.** - - Probably at its worst point.

**Patrick Jeffery** – There is a picture in our report you can see, page 9. Somewhat of a perspective of how far over it is.

**Ben LoParo** – By ordinance he can have another sign on that wall?

**Patrick Jeffery** – No, if you considered that to be the well, as far as the number of signs go, yes, but as far as the area goes no.

**Ray Carpenter** – If you want to get an idea in what the sign would look like lowered, if you look at my elevation drawing of the sign on the building, that drawn up about four years ago, that was the intent.

**Scott Taylor** – I think that is a revision because the original it actually extended above and that's why that 2010 there was a lot of discussion in 2010 at that meeting about dropping it down and I think it ended up getting constructed based on your initial plan which showed it up higher.

**Salvatore Alfieri, Esq.** – The end result is Mr. Reddy has agreed that if the board wishes he will lower that sign so it doesn't extend over any of the roof lines.

**Vice Chairman Daniel Collamer** – Any comment or questions from the board regarding that?

**Ben LoParo** – How far will it from the ground and will that be in compliance if it's lowered?

**Patrick Jeffery** – there is no height requirement to a building mounted sign. I couldn't speculate, perhaps Mr. Carpenter could on high it would be.

**Ben LoParo** – And will that extend below? How far below the canopy will it go?

**Scott Taylor** – The canopy no longer extends over the drive area with the new site layout.

**Ray Carpenter** – You are talking the sign is probably in the neighborhood of around 9-10 feet off the ground, to the bottom of the sign, after its lowered.

**Vice Chairman Daniel Collamer** – Which would be reasonably.... As far as any construction codes I don't know what's there, as far as you know it would comply with any construction codes to be done that way?

**Ray Carpenter** – would be fine. The canopies actually will if you look at the layout plan, the canopy actually ends right at the edge of the parking.

**Salvatore Alfieri, Esq.** – Item 3 we do not extend more than 12 inches.

**Patrick Jeffery** – We discussed the sign and I believe the testimony it is proposed to be internally laminated. What about the hours that it would be internally illuminated?

**Salvatore Alfieri, Esq.** – What time does these lights shut off on the sign? (**Reddy reply – I don't know. There is a timer I just don't know what time they go off**) whatever the boards...

(**Reddy reply – I think they go off at night or something**)

**Vice Chairman Daniel Collamer** – If it were to go out when the store closed would that be reasonable?

**Patrick Jeffery** – that's for you to decide.

**Salvatore Alfieri, Esq.** – The only thing you might want to extend a little past that because there are still workers there who are cleaning up and everything so those lights do provide more than just advertising.

**Vice Chairman Daniel Collamer** – Give us a proposal

**Scott Taylor** – A lot of times what we see done typically is the sign lighting will go off when the store closes, that way people don't keep driving in, but you leave the parking lot lighting on for up to 30 minutes after that way your employees can safely get to and from the store or trash enclosures.

**Reddy** – Can I put motion sensor lights around the building?

**Scott Taylor** – And we had talked about that if you want to put them on motion sensors over night that way if for some reason you have an emergency or you need to get there or if there is a security issue the lights will go on and that will alert the police and anybody else.

**Salvatore Alfieri, Esq.** - That's fine the signs will be on timers to shut off when the store closes.

**Patrick Jeffery** – The next item Mr. Chairman, we already discussed given that the temporary signs will be removed from the site and if the applicant proposes any signs they will go obtain the necessary permits to put those up. Landscaping I will just skip over because that's for Mr. Taylor. General Comments the plans which required a few small revisions to some of the title blocks, I think the second sheet Ray

**Ray Carpenter** – There is two sheets the second sheet and the sign sheet

**Patrick Jeffery** – Just refer to it as a major site plan. Item two refers to the grate of one of the inlets on entrance drive. Mr. Carpenter and I discussed that and he is going to revise the inlet so that it collects the water. Item 3 pertains to grading along the access drive, which kind of goes along with the elevation of that inlet, again I discussed this with Mr. Carpenter and he agreed that he will make the necessary changes. Item 4 Mr. Carpenter and I discussed and it was our consensus that the site will not require any modifications other than install in g new inlets as far as the storm water management system goes to the basin that is currently there will function for the proposed site. Item 5 the applicant provided testimony that they intend for the site to remain during construction and they will submit a paving plan, I would just condition that phasing plan should approved by the board professionals before he starts construction.

**Salvatore Alfieri, Esq.** – That's fine

**Vice Chairman Daniel Collamer** – And we have already discussed some of that earlier.

**Patrick Jeffery** – Item 6 requires the applicant to seal coat and restripe the entire parking lot which again I believe the applicant agreed to do.

**Salvatore Alfieri, Esq.** – Yes

**Patrick Jeffery** – Item 7 the applicant already agreed to remove the existing free standing sign and Item 8 just be made a condition of approval that the applicant obtain all necessary outside agency and local permits required and that's all for out letter.

**Salvatore Alfieri, Esq.** - Yes

**Vice Chairman Daniel Collamer** – Thank you Mr. Jeffery, Mr. Taylor

**Scott Taylor**- Yes Mr. Chairman our office an updated report date February 4. I will summarize and go through this because through the course of the last several hearings the applicant has revised their plan to comply with the majority of the comments that have been in our reports and from board's requests. A number of the other items they have already provided testimony on this evening. So I think we have addressed a majority of these, I will not that under, on page two item "T" there is a low landscaping wall that is about 16 inches high and it is right against some sidewalks and we are concerned that creates a real problem for a lot of business for shoveling snow and people actually catching an ankle or tripping on that. We thing that with some of the plantings and using some ground covering junipers, I think that may have come out of a board comment to stop people from cutting across that lawn area. So what they've done they actually

put a five foot wide sidewalk on a diagonal through there. We are actually suggestion and I don't know if Mr. Carpenter has had the chance to talk to his client about it, to flare the opening a little bit so people can flow into the store a little bit better. And then instead of having that wall which could be a trip hazard or sort of an ankle breaker, I would set that wall back or just do with ground covered junipers and that will really in our experience that directs people in there. It will probably be from a cost perspective less expensive to handle it that way than to have to construct that wall when that sidewalk will be the path of least resistance.

**Salvatore Alfieri, Esq.** – We are fine with that.

**Reddy** – I wanted to ask to put a wider one; sidewalk?

**Scott Taylor** – Yes

**Vice Chairman Daniel Collamer** – I would have just from having some familiarity with this and the laziness of people. I would think that you might want something a little more substantial to deter the flow of traffic across the grass way there. I am thinking personally something along the line of split rail fence or the likes.

**Scott Taylor** – We can try and come up with something and even to do some shrub plantings. The one thing we were talking about using which is almost indestructible is a short juniper it has a really spiny feel to it, it gets about 12 inches high, if you are going to try and walk through that stuff.

**Vice Chairman Daniel Collamer** – that would be a good start.

**Salvatore Alfieri, Esq.** – The applicant agrees to work with your planner.

**Vice Chairman Daniel Collamer** – That is just my observation. It's absolutely impossible to try and maintain any sort of ground cover with people on it all the time. People go out of their way to take the path of least resistance.

**Scott Taylor** – With that angled sidewalk particular if the applicant wants to actually widen that a little bit; I don't think it is storm water or an impervious issue, if they wanted to make that 6 or even 8 feet wide. The rest of our, and I know that the applicant had discussed a little but about the lights being off over night, they would be on motion sensor and photocell for security purposes only. We had a couple of very minor comments, we worked with them they actually as far as the landscape improvements were relatively consistent with the towns center design standards. We did a sketch analysis we sent that to them they revised the plan and there were a few sort of mislabels and other things but I think the applicant has agreed to revise the plan and update per those couple minor landscaping comments. That would conclude out comments, especially with the applicant indicating the phasing to really work to get that done before the summer. I think that will be a nice addition to get that wrapped up.

**John Petrosilli**- The lighting, we didn't hit the lighting to hard. Is the existing lighting plus the new lighting going to be sufficient to cover all the areas that's required as far as illumination?

**Scott Taylor** – It will be

**John Petrosilli** – The four acorn lamps, there is not number that we required them to have? They show four on the plan.

**Scott Taylor** – Yea there was not a requirement in terms of the number, there has been some flexibility on other sites where site frontage has been the decorative acorn and then backward in the site a shoebox or a more efficient pole type has been used. They have agreed to provide adequate lighting through.

**John Petrosilli** – Four of those lightings on their plan are acorn. And the rest are the down box lighting and there was a comment that you (Scott Taylor) made about moving lights back so the vehicles wouldn't hitting them?

**Scott Taylor** – As a rule we always want lights to be 4 feet back from curb lines so that way if somebody in a pickup truck backs up their bumper is not catching a light pole. It usually doesn't have impact on the distribution of the lighting within the parking to do that.

**John Petrosilli**- And you identified those that have to moved, so they know?

**Scott Taylor** – Well we had as a general comment and Mr. Carpenter had agreed to comply with that recommendation of our report.

**John Petrosilli** – We talked about the dumpster the area, there is supposed to be compound put in the back.

**Salvatore Alfieri, Esq.** -Yes

**Scott Taylor** – And they have provided and they increased that in size, it was smaller before and it now almost 10 foot by 20 foot trash enclosure area in the rear.

**John Petrosilli** – What material design? Has that been discussed at all? The applicant talked about moving forward as soon as he got approval. And the applicant talked about he had no contractor he that he talked to yet as far as getting everything going. At our last meeting we talking about time frames, those ties frames are now a month gone.

**Vice Chairman Daniel Collamer** – We definitely have to redraw the time frames, no question.

**John Petrosilli** – looking at the site where you got your dumpster is that going to interfere with that loading platform at all. The dumpster being right near the loading platform?

**Ray Carpenter** – Well think about this when the garbage that's comes to load out the garbage will come the store is not open, so...

**John Petrosilli** – We know that?

**Salvatore Alfieri, Esq.** – You have a private carrier.

**Ray Carpenter** – Normally what happens is they try doing the garbage before the store is open and we use the loading areas a lot of times at end of the loading areas so that it is always open for the garbage trucks to come and go as they please. It is combination use and will work out very well.

**John Petrosilli** – understand. Can we talk a little bit about priorities as far as the site now is in deplorable shape? The dumpsters are sitting out there, the dumpster enclosure being a priority to get that done first to get the dumpsters somewhere into that enclosure.

**Salvatore Alfieri, Esq.** - Is the dumpster enclosure on the pavement or off the pavement?

**Ray Carpenter** – Behind the curb

**Salvatore Alfieri, Esq.** – Your construction isn't impacted by that? How quickly can you put the enclosure in for the dumpsters? When do you want it besides tomorrow?

**John Petrosilli** – I just think that would be a priority.

**Deputy Mayor Dennis Tredy** – It should be a priority that junk is laying out there all the time.

**Salvatore Alfieri, Esq.** – It's a block wall so we are going to have to wait until it warms up a little bit.

**Scott Taylor** – It will need to warm up, it is masonry wall it is going to be treated to compliment the colors of the building and then there are solid gates that go on the front of that because the front is facing the parking lot.

**Nick Bonamassa** – I have a question about the dumpster enclosure. Does it have to have gates?

**Scott Taylor** – They normally do otherwise what happens is.....

**Ben LoParo** – They don't have them in Shoprite?

**Nick Bonamassa** – They are right in the open when you drive in. There is no enclosure; you can see the dumpster right there.

**Deputy Mayor Dennis Tredy** – Shoprite is by a far one of the only places that doesn't have gates, they all start with gates.

**Ben LoParo** – I wouldn't want gates, because I have to open them to throw my garbage out.

**Nick Bonamassa** – When you say all you assume everyone, and it is obvious, because everyone has mentioned that Shoprite has no enclosures.

**Scott Taylor** – What we see is a lot of times the retailers want to have gates so their customers aren't walking by open dumpsters. The other thing that could happen is it will contain when trash flow. I worked at a restaurant you go to throw it in stuff falls out, some blows around. When the gates it can sort have hold some of that in.

**John Petrosilli** – Are we going to talk about the time frame now or are we going to catch that later?

**Vice Chairman Daniel Collamer** – Time frame?

**John Petrosilli** – As far as when he anticipates and what the board might expect him to start doing.

**Vice Chairman Daniel Collamer** – Now is as good as a time as any. I think we need to put.. We would like to actually try to put a real time window.

**Scott Taylor** – I think you started by saying that ALL of the work would be completed by summer, you mean July 1.

**Reddy** – I want to once we get the permits we will have everything lined up and start working on it. And this is February, March.... I hope we finish by 1<sup>st</sup> of July. I don't want to go into June also to be honest with you. That's my busy time of year.

**Vice Chairman Daniel Collamer** – So you would like to be completed by June 30?

**Reddy** – I do, but if I can't I just like to have until the end of June. But that would be a little hard.

**Vice Chairman Daniel Collamer** – What are we going to call a beginning date and a completion date?

**Reddy** – Beginning date will be the date that I get the permits.

**Salvatore Alfieri, Esq.** – Weather permitting what are you talking about March, right?

Assuming you give us approval the next meeting is when? You are going to have you resolution in March we are not concerned with an appeal period, he can start work. We probably can't do anything until the resolution is adopted, right? So sometime by mid March?

**Vice Chairman Daniel Collamer**- O.K so we will call it tentatively March 15<sup>th</sup>, to begin of construction or when permits are secured.

**Deputy Mayor Dennis Tredy** – The fact that you don't have permits and you don't have approval or you don't have a resolution, doesn't mean you can't search for a contractor, which is what we asked you to do last month.

**Salvatore Alfieri, Esq.**- If the board were to vote yes tonight he will immediately start searching, the problem is to go and get quotes from a contractor when you don't what the final approved plan is hard because it is a moving target. That's why he hasn't received quotes yet. But we will immediately do that. We don't need to wait for the resolution for that.

**Patrick Jeffery**- Some of the work doesn't require permits, we just require the board's approval process and bonding and inspection fees that type of stuff you posted, while the site work and Laurie is here but I don't believe they would require a permit so it shouldn't hold up. The only thing getting in his way of getting started is how fast he can comply with our resolution if he were to get approval tonight.

**Salvatore Alfieri, Esq.**- And just so you know Mr. Reddy did post \$170,000.00 cash with the town in 2010 and he didn't get it back so we are assuming it is still sitting here so there is a lot of money posted.

**Patrick Jeffery** – And we can verify that when we move forward.

**Salvatore Alfieri, Esq.**- But yes what has to happen is these plans have to be revised to address the comments made tonight assuming its approved and these technical comments. Your professionals have to sign off and say that plan has met all the conditions and then he can start doing the site work, right?

**Patrick Jeffery** – And the resolution if he were to be approved wouldn't technically be read until next meeting

**Steven E. Yost, Esq.** – It has to be a vote on the form of the resolution, yes.

**Patrick Jeffery** – Just for planning purpose the earliest that they would technically be able to start to comply with the resolution wouldn't be until March.

**John Petrosilli** - Again to start some of the preliminary stuff they don't need permits? Example you could take away those big boulders and start taking away the center island without a permit, to get that rolling, where you have all the big boulders in the center.

**Patrick Jeffery** – The problem is that the improvements they require guarantees and they require inspection fees. None of that stuff would be in place if he were to go out there tomorrow and start doing the work, so our recommendation be that he doesn't do any of the work until the resolution compliance process is complete for that reason.

**John Petrosilli** – ok.

**Vice Chairman Daniel Collamer** – But he can still go ahead and start soliciting contractors and what have you.

**Patrick Jeffery** – absolutely

**Salvatore Alfieri, Esq.** – Assuming you voter favorably tonight between now and your next meeting he will start to line up contractors. Mr. Carpenter will start to change plans so that hopefully when you do the resolution we can hit the ground running and start moving.

**Vice Chairman Daniel Collamer** – And all that being said we are looking for a target completion date of July 1<sup>st</sup>. everybody comfortable with that?

**Scott Taylor** – It will also help the earlier you can get done especially with the getting the seeding and getting the landscape, if there is any way that can be done in April or May it's going to help you with your survivability out there.

**Salvatore Alfieri, Esq.** – That concludes our presentation.

**Patrick Jeffery** – The only thing I want to add, if the board or somebody was going to make a motion and that motion was to approve that the board should just include the relief and the design submission waivers in our report as part of that motion that that be granted along with the variances that we discussed this evening just so it is formally on the record because there was number of waivers which we talked about in depth in depth at previous meetings and it just should be part of the formal approval.

**Salvatore Alfieri, Esq.** – And those are set forth on pages 6 and 7 of your report, I believe.

**John Petrosilli** - I just want to say a few things unfortunately Mr. Reddy dragged this on for a couple years and because of his location his property is one of the first properties we see coming into town and to be truthful it does not look very well right now. But we are hoping you won't be dragging your feet again and as you come into town the first thing you see is your original

property on the left which is questionable and then you run into this current property which needs quite a bit of improvement. Given your track record I am hoping you make every effort to get this thing off the ground at least by March 15<sup>th</sup> date.

**Reddy** – Can I say something? My track record, you have to see two of my stores in Manahawkin, they are top notch stores, this would I had to join partnership and my partner wasn't managing it. I am not taking the responsible job off my shoulders. We had problems were we were trying to get out of partnership that's why. Otherwise I have pride I don't like to see my property. I don't like to see somebody pointing their finger at it. I am sorry I am going to make it look good, that's why I haven't even advertised the place yet since July 1<sup>st</sup> we took over I haven't made a single attempt to increase the business. I don't want people to come and see the dump. I want people to come and say "oh what a nice store"

**John Petrosilli** – We will know by July 1<sup>st</sup>.

**Nick Bonamassa** – It may be the nicest thing when you enter Waretown.

**Reddy** – We hope so.

**Deputy Mayor Tredy** – I have a couple little questions. I just had some things that may have been said may or may not have heard them, just some house keeping things here. Outside of the fact that you are most likely going to get an approval for what you agreed to so far, what you are going to about say this sign that you are in love with, always has lights out on it, it's never lit. It only has, in other works I am getting to maintenance. There doesn't seem to be any maintenance on that property for the last 3 years and I am happy that you are here now trying to get your site plan approved but I don't even know who to ask how do we guarantee that you keep it up. You don't have to answer that. There was some statement about a weather vane who is going to make the decision as to weather vane is nautical or not nautical, is that going to be our people?

**Scott Taylor** – That has been deferred to us.

**Deputy Mayor Dennis Tredy** – O.K I didn't hear that, so that may have been on the other meetings

**Scott Taylor** – The cross is down correct?

**Deputy Mayor Dennis Tredy** – You mentioned the fact that you have a corral for the shopping carts, how many shopping carts are going to be on the premises?

**Reddy**- We probably have 20 or 30 we are going to increase to 50, depending upon my need.

**Deputy Mayor Dennis Tredy** - And you said you were going to remove the signs that are behind the building, correct? Ya know you can call a scrapper they would be glad to take them, they are metal.

**Reddy**-I don't need them. The people who drop them will take them back happily. Every town has them so they probably put them because the last four years, he (Lou) has been managing them they have been all over, last four years.

**Deputy Mayor Dennis Tredy** – Well, when we expect to see them gone?

**Reddy** – by next week? I tell them to pick it up, first part of the week.

**Deputy Mayor Dennis Tredy** – By Friday next week?

**Reddy** – We don't even need Friday, Monday. There are major issues but the sign is not a problem for me, I will get rid of them. I can put them in the dumpster if I have to.

**Deputy Mayor Dennis Tredy** – O.K. That's all I have.

**Vice Chairman Daniel Collamer** – Given what we have heard tonight....

**Scott Taylor** – I was going back in my notes from the... I am really sorry.... Just for clarification, it was from the November 6<sup>th</sup> 2014 meeting. Mr. Yost may have these, the two

conditions that I saw, there was one restriction that said no overnight deliveries or trash pickup, that all deliveries and trash pickup will be between 8 a.m. and 9 p.m.

**Reddy** – yes, yea

**Scott Taylor** – Because I know we sort of talked in general before.

**Steven E. Yost, Esq.** – Mr. Taylor I am sorry

**Salvatore Alfieri, Esq.**- No overnight deliveries or trash pickup.

**Scott Taylor** – And they would all be limited to 8a.m. to 9 p.m. and I had that from the November 6<sup>th</sup> meeting. We did have some discussion, the ordinance requires that the entire site be irrigated and know that at one point we had some discussion about just irrigating the front portion of the site. I don't think the plans had been revised to reflect that, but I think it was discussed.

**Reddy** – I put the well, we have the well than, right?

**Ray Carpenter** – you don't have to.

**Scott Taylor** – It would probably be more cost effective to do the well. I would say to the board, the ordinance required the entire site to be irrigated, we have on other projects focused on the front portion of the site, so that is an item that I think at one of the hearings was discussed and I think Mr. Reddy is agreeing to provided irrigation in those areas.

**Ray Carpenter** - Which areas?

**Scott Taylor** – Why don't we say from the rear building line forward, we can work on that but basically from the rear building line forward, we can come up with an actually line and dash that.

**Deputy Mayor Dennis Tredy**- I have one other question.

**Vice Chairman Daniel Collamer** – Just a side note on the irrigation the plan does show a case well on the property.

**Scott Taylor** – Yeah there is an existing well somewhere

**Ray Carpenter** – I remember seeing it actually.

**Vice Chairman Daniel Collamer** – Whether it is in service or not I don't know; but it is showing a well on the property. And Mr. Tredy has a comment.

**Deputy Mayor Dennis Tredy** – Yeah, Mr. Carpenter could you come up here I want you to show me something. What do these represent along Route 9?

**Vice Chairman Daniel Collamer** – They are traffic signs aren't they? Yeah speed limit signs

**Ray Carpenter** – I believe that is correct, and a no parking sign.

**Vice Chairman Daniel Collamer** – I am going to defer to Mr. Yost as to how we are going to proceed from here.

**Steven E. Yost, Esq.** – Ok two things, number one. I think we want a clean vote and we want to protect the record, I know Mr. Alfieri said tonight that we were proceeding as if this was our first application and I understand why the applicant approached it that way. We do have some new board members and I apologize in advance because I probably should have discussed this with you before, Mr. LoParo

**Ben LoParo** – LoParo and its Doctor.

**Steven E. Yost, Esq.** you are able to vote on an application as would be any of the new members if they listened to all the prior transcripts on the overall application. Tonight we had kind of a, if you recall a contingent we were settling one form of it, which was only discussed tonight. It was appropriate from my opinion to vote on that because you were here for everything that was discussed about that. But despite the fact that Mr. Alfieri had said we are presenting it all as if it's tonight I know that we had a hearing in November and maybe another hearing to which other aspects of the application were presented. So I am raising this, I really should have spoken with

you about this in advance or any of the new members but we don't always finish the application on a particular night and we could have discussed this and you would have had an opportunity to listen to any of the prior hearing records that would put you in a position to vote tonight if you hadn't otherwise listened to everything. It looks like the applicant is concluding its presentation tonight but it appears to as if some of the other aspects of what's going to be voted on tonight took place at prior hearings, so in order for us to keep a clear record what I have to do is ask two things. I don't know if anybody else who intends to vote on this, I want to make sure everybody has been at each one of the meetings where the application was substantively presented, so that's number one. We have at least a November 16<sup>th</sup> presentation, so does anybody have a question in their mind? I don't know if you had an opportunity to do that or not.

**Ben LoParo** – To review November 16<sup>th</sup> record?

**Steven E. Yost, Esq.** – Yes

**Ben LoParo** – No one told me I should have.

**Laurie Clune** – Steve if I may, there was July there was July, September, several meetings which is why...to be honest this has gone back for a year. The members had listened to the tapes for the one meeting that each of them which would be Tina Wetter and Nick Bonamassa. I have their certifications here.

**Steven E. Yost, Esq.** - ok, alright.

**Deputy Mayor Dennis Tredy** – So who would be exempt?

**Steven E. Yost, Esq.** – It is easier to say who could vote, I think.

**Laurie Clune** – Everyone here except for Mr. Lippincott and Dr. LoParo.

**Steven E. Yost, Esq.** – This doesn't mean you can't vote on the application tonight. I am going to defer to the applicant and ask them if they want a vote tonight because a lot of times we don't finish all of our business in particular evening.

**Salvatore Alfieri, Esq.** – Our preference would be if the two members who cannot vote tonight are interested in listening to the tapes of those other hearings and if the board can authorize you to get a resolution between now and March at least we won't lose another month since we under this tight time constraints. So we don't lose any time those members who... If you're willing to listen to the tapes. If you don't have time to listen to the tapes than it's not worth discussing that but my preference would be we have full complement of the board to vote.

**Vice Chairman Daniel Collamer** – Do we have enough to pass it?

**Steven E. Yost, Esq.** – It depends how the vote goes really. You have a quorums certainly. Are you suggesting Mr. Alfieri that we take a vote and then just suspend the vote and give the Doctor an opportunity to listen to the tapes.

**Salvatore Alfieri, Esq.** – Some towns, I don't always agree with the way they do it, they vote favorably to authorize their attorney to prepare a resolution approving the application and they all voter formally at the resolution phase. We just don't want to lose another month.

**Steven E. Yost, Esq.** – Yeah, we want to accommodate you if we can do that.

**Salvatore Alfieri, Esq.** - If the five members who can vote tell me that three are voting yes than we should vote tonight that's my.....

**Deputy Mayor Dennis Tredy** – There is no problem as far as debating the vote, it appears to me that it is going to be yes vote so why don't we, I am directing this to both the chairman and to you, why don't we just vote and the people who are not qualified under the statues abstain and we go forward.

**Vice Chairman Daniel Collamer** – We have to.... That's the call of the applicants not ours.

**Salvatore Alfieri, Esq.** – that's fine.

**Laurie Clune**-I only call the applicants that can vote?

**Steven E. Yost Esq.** - That is the appropriate way to proceed. Or we could as Mr. Alfieri suggested, I could prepare a resolution and have the members vote, the eligible members vote and I suppose we could have a vote recorded after you have an opportunity to listen to the tapes, advise the board secretary to advise me. The resolution is going to come back for a vote in front of the board as far as the form of the resolution.

**Mayor Tina Wetter** – Does she have to call all the names?

**Salvatore Alfieri, Esq.** – no, we are comfortable that you vote tonight, those members who were eligible to vote. We shouldn't complicate it any further. I agree Mr. Yost.

**Vice Chairman Daniel Collamer** – With that said I will entertain a v

**Laurie Clune** – I just want to make sure I am just calling the eligible voters?

**Steven E. Yost, Esq.** -yes

**Laurie Clune** – Ok

**Steven E. Yost, Esq.** – Yes that's what the applicant has requested.

**Vice Chairman Daniel Collamer** – I will entertain a motion for approval.

**Nick Bonamassa** – I will second it.

**Steven E. Yost, Esq.** – Anybody want to take a stab at it?

**Vice Chairman Daniel Collamer**- Yeah, its lengthy, basically we are approving the application contingent upon all the agreements and concessions that are made through the discussion, that is not going to be the legal language obviously but its, but I think that gets the point across.

**Steven E. Yost, Esq.** – What I would characterize it as I understand it would be that the board wants me to draft a resolution approving it subject to the conditions discussed and agreed to by the applicant recommended by the board professionals and agreed with by the applicant with the understand that the board believes that to the extent that we had waivers or variances that are being granted tonight that the board is of the opinion that the granting of the waivers or variances are not in any way detrimental to the master plan of the town but it in fact is a good land use procedure with respect to this particular application.

**Vice Chairman Daniel Collamer** – Roll call in order?

**Nick Bonamassa** – Oh my God, I vote yes.

**Tina Wetter** – Hold on she has to go in order.

*Roll Call (Ayes) Collamer, Bonamassa, Tredy, Wetter, Petrosilli*

**Salvatore Alfieri, Esq.** - Thank you, Sorry for all the delays and Mr. Reddy will make you all proud.

**Vice Chairman Daniel Collamer**- We are looking forward to it.

**Ben LoParo** – Mr. Yost, so if I listen to the tapes I can vote on the resolution?

**Steven E. Yost, Esq.** – The applicant decided to do it the other way.

**Ben LoParo** – So I don't have to listen to

**Vice Chairman Daniel Collamer** – We need a motion to open to the public

*Ben LoParo made a motion, seconded by Deputy Mayor Tredy, Roll Call - All in favor - Ayes*

**Vice Chairman Daniel Collamer** – Do we need a roll call on that Laurie?

**Laurie Clune**- No, all in favor is fine.

**Vice Chairman Daniel Collamer** – Meeting is officially opened to the public does anyone wishes to come forward to speak? Seeing none can we have a motion to close?

*Nick Bonamassa made a motion to close the open public portion of the meeting, seconded by Deputy Mayor Dennis Tredy Roll Call - All in favor – Ayes*

**Vice Chairman Daniel Collamer** – Do we have a motion to adjourn?

*Nick Bonamassa made a motion to adjourn the meeting seconded by Deputy Mayor Dennis Tredy – All in Favor - Ayes*

**Meeting adjourned at 8:49 p.m.**

**Respectfully Submitted by:**

---

Laurie Clune