

Township of Ocean Planning Board Meeting Minutes

November 5, 2020

Prepared by Corinne Anderson

This meeting was held virtually via Zoom Meeting

Start Recording: 7:01

Lippincott: Okay, we will now call to order the regular meeting of the planning board. All join me for the flag salute please.

The Pledge of Allegiance

Lippincott: Okay, Laurie, open public meeting act.

Clune: Pursuant to the provisions of New Jersey open public meetings act the notice of the meeting has been properly provided by sending copies of the notice of the meeting to the Asbury Park Press and the Press of Atlantic City. Notice was posted on a bulletin board in the administration building.

Lippincott: Okay, and just before we do the roll call. I would like to point out to everyone in attendance here, in whatever form that may be, that when we have public comments tonight, we are going to be pretty strict and limit it to 5 minutes to each individual. I want to announce that right off the bat. Roll call, please.

Roll Call

Robert G. Beck: Here

Nicholas Bonamassa: Here

Ken Boulderstone: Here

Shawn Denning, Jr.: Yes

Lydia Dodd: Here

Paul Kavka: Here

Donald Lippincott: Here

John Petrosilli: Here

Aaron Shapiro: Here (microphone issues, not able to speak, used hand signals)

William T. Sneddon: Here

Rita Sweeney: not in attendance

issues with audio and background noise occurring during roll call, request for muting individuals entering from Zoom waiting room

Clune: Let the record reflect that the professionals present this evening are Steven E. Yost from Haines & Yost, Jason Worth, engineer from T&M Associates, and Stanley Slachetka, the planner of T&M Associates.

Steven Yost swears in Nick Bonamassa.

Discussion regarding background noise took place

Item 5, Resolutions

Lippincott: Okay, resolution number five, 2020-04PB Ocean Township Board, open public meeting, standard protocol. Do we have to read that, Laurie? [*Ocean Township Planning Board Remote Public Meeting Standard Protocols*]

Clune: I don't believe so. Do we have to read that Steve?

Yost: I'm sorry, what's that?

Clune: Do we have to read the protocol? Or just do the resolution for it?

Yost: I think you just do the resolution for it.

Clune: Yeah, because it has been posted.

Lippincott: Okay, do we have a motion?

Denning: I'll make the motion.

Lippincott: Okay, do we have a second?

Dodd: Second

Lippincott: Okay, roll call.

Roll Call

Denning: Yes

Dodd: Yes

Boulderstone: Yes

Beck: Yes

Bonamassa: Yes

Petrosilli: Yes

Shapiro:

Sneddon: Yes

Lippincott: Yes

Clune: Thank you.

Lippincott: Okay

Denning: I'm sorry, Mr. Chairman, one privilege, Nick, could you mute whatever audio you have in your background? Can you mute that please?

Bonamassa: Yeah, I think so.

Denning: Someone has a TV on, it's coming though super loud. So if anyone has on any TV or any noise, please mute it.

Robert Wood: Understood, this is Robert Wood, unfortunately you cannot see me. I believe I am being blocked via the admin at this time. Can I please be unblocked so you can see who I am, thank you.

Denning: Who is Robert Wood?

Dodd: Part of the public.

HOST: Public video is going to be disabled for now, until public comment.

Item 6: Approval of Minutes

Minutes from August 6, 2020 meeting minutes approved, Denning motions, Voice Seconded.

Roll Call

Denning: Yes

Petrosilli: Yes

Boulderstone: Yes

Dodd: Yes

Shapiro: (giving thumbs up, audio issues)

Kafka: Yes

Lippincott: Yes

Minutes from September 3, 2020 meeting minutes approved, Dodd motions, Petrosilli Seconded.

Roll Call

Dodd: Yes

Petrosilli: Yes

Baulderstone: Yes

Denning: Yes

Shapiro: (thumbs up)

Lippincott: Yes

Item 7: Approval of Bills approved - Denning motions, Shapiro Seconded.

Roll Call

Denning: Yes

Shapiro: (thumbs up)

Baulderstone: Yes

Beck: Yes

Bonamassa: Yes

Dodd: Yes

Petrosilli: Yes

Sneddon: Yes

Lippincott: Yes

Item 8: Correspondence

Attached

Item 9: Informals

NONE

Item 10: Old Business

NONE

Lippincott: Okay, very good. That brings us to new business. There is no, for the record tonight, informals tonight, there is no old business and the correspondence list is attached. If there is any correspondence, please see our Secretary.

Yost: Mr. Lippincott, Chairman, before we get any further into the meeting, can we please have our technician explain to the general public how to operate the muting function and how the technology works to participate in the public part of the zoom meeting this evening.

Technician: It is set to not allow members to unmute themselves at this time. In order to speak during public comment, you will need to raise your hand via the Zoom function, and then we will call on you and unmute your microphone. We will also start your video if you so choose, with a limit of 5 minutes to speak.

Item 11: New Business

Presentation from T&M Associates, by Stan Slachetka, Planner of T&M Associates; Redevelopment Study & Preliminary Investigation Report regarding Block 241.11, Lots 12.02, 13.01, and 13.02.

Steven Yost, swears in Stan Slachetka, 11 Tindall Road, Middletown NJ, T&M Associates. He is a licensed professional planner in the State of New Jersey, also a member of the American Institute of Certified Planners, which is the national accreditation and certification for planning professionals throughout the country. He has a masters in City Regent Planning from Rutgers University, been in practice and a licensed planner for over 30 years. He has worked with the township for about 15 years in a variety of capacities, including the township planner and the planner for the planning board and prepared many redevelopment and master plan studies and plans for the township. Also, co-author of the Redevelopment Handbook, a guide to rebuilding NJ communities, co-published by the NJ Department of Community Fairs, and the NJ Chapter of the American Planning Association.

Steven Yost submits that Mr. Slachetka qualifies as an expert witness in municipal planning in the state of NJ. Suggest the acceptance of his credentials.

Slachetka stated to the board that this is a process that is prescribed by the redevelopment housing law, which is the enabling statute which governs redevelopment planning and implementation in NJ. The Local redevelopment housing law is similar to the Municipal Land Use Law.

Important points to note:

Responsibilities of the board, is hear the testimony and presentation, hear analysis and

recommendation, to open the question up to general public for input and testimony that the public may have to the issue, and if the board to concur or not concur to recommendation, they will then forward those findings to the governing body. If the area is in need for redevelopment (Township Committee) they have the responsibility to designate this area as in need for redevelopment. The action taken by the board tonight is a recommendation to the Township Committee.

The designation of the area in need of redevelopment itself, is not the end stop of the process. If it is determined to be in need of redevelopment, the next step would be the adoption of a redevelopment plan by ordinance that would govern and act as de facto-zoning for the area and identify the types of uses and design standards that would govern the redevelopment of the area.

The designation of the area does not represent the plan or a specific proposal for a specific type of development. It is very clearly and simply put, whether or not the area meets for the criteria for an area of redevelopment.

Only when the redevelopment area is designated and approved as an area of redevelopment and an ordinance of redevelopment plan adopted can a proposal for redevelopment project proceed in accordance with the redevelopment plan.

Presentation begins (Screen Sharing with Study Report).

Redevelopment Study & Preliminary Investigation Report (Block 241.11, Lots 12.02, 13.01, 13.02)

Marked as: Slachetka 1

Study was Prepared October 16, 2020, includes testimony and maps, Prepared and signed by Stan Slachetka.

Exhibit to be forwarded to Board Secretary at completion of the presentation

A portion of the study area is located within the C-1 General Commercial district. It has been previously decided by the committee that this portion has already been recommended for redevelopment.

Area approximately 22.44 acres of land, undeveloped and unimproved land -- predominately wooded. Primary frontage on route 9. There are some wooded trails that correspond with some right aways, but are unimproved. See Map 2 in Slachetka 1.

Lot 13.02 is where there are properties that have previously been determined to be in need of redevelopment.

Per the Mod-IV, the lots were assessed as:

Lot 12.02 and 13.01 Class 3B Farm Qualified

Lot 13.02 Class 3B Farm Qualified and Farm Regular, as well as Class 4A Commercial.

Lot 12.02, C-1 District and R-PB zones. (General Commercial/Residential Pebble Beach)

Lot 13.01, C-1 District and R-1B (General Commercial/Medium-Low Density District)

Lot 13.02, C-1 District and R-1B (General Commercial/Medium-Low Density District)

Permitted uses discussed, included in plan

Yost, interrupted to comment: “In terms of the Township seeking to meet its obligations for affordable housing, the public should be aware that there has been a long history of litigation in the State of New Jersey under a case called Mount Laurel, to really put it in a nutshell, that if the township does not meet a certain amount of affordable housing that is required by the state, the township would be exposed to what's called a builder's remedy, which means that someone who owns a piece of property and wants to develop it, could take advantage of the township and impose a project on the township in a place where the township would have no control basically over where it was placed or how much affordable housing was put there. It's known as a builder's remedy and it could also expose the township to pay legal fees for the developer while they impose their idea of affordable housing obligation on the township. The general public needs that to put into perspective why it is important for the township to take the bull by the horns and work their obligation into an area and in a manner that is in the best interest of the township, while also meeting their obligations to the state.”

Slachetka finished presentation at 1:05:15; open for questions should the board or public have questions.

Lippincott: Okay, at this time should we open for public comment?

Denning: Mr. Chairman, I have a few questions at this time that I would like to ask before we open to the public.

Lippincott: Go ahead.

Denning: Mr. Slachetka, thank you for the presentation. The first question I have is, the area that is hashed out on the screen, brownish-checker, does that entire area have to be redeveloped in order to maximize the property. The reason I am asking is that the area along route 9 offers a substantial amount of property for C-1 usage but it seems to buffer the neighborhood in the back. If we were to designate the entire parcel in need of redevelopment and eventually becoming C-1, what would stop an applicant from coming in and developing the entire piece with more commercial style development, abutting to neighborhoods currently buffered by forest?

Slachetka: If any redevelopment project that takes place, would have to take place consistent with a redevelopment plan. The redevelopment plan would essentially control development. The interesting thing about a redevelopment plan, unlike a zoning ordinance, where you say this is zoning district and you allow a range of uses and establish certain standards, the redevelopment plan you can be very, very specific in terms of the type/design of development, the location of the development in the study area. For example, if the area was designated as an area for redevelopment plan was put in place, redevelopment plan for be very specific and specify that this area of the site could only be used for drainage or some other type of infrastructure, and could be specific in areas of the site that is appropriate for development.

The environmental factors, there are not many factor constraints except there are some wetland areas that are identified in this portion, mapped wetland areas, of the site. There is also a letter of interpretation that when the DEP has confirmed the boundary lines of the wetland areas.

*Overall, the redevelopment plan could be very specific and whoever then moves to redevelop that area would have to abide by those specific redevelopment plan requirements. More protection provided with a redevelopment plan than with a zoning plan in place.

Denning questioned whether someone could purchase 13.01 and put a commercial function in the front of the property and divide the back end up for 1-acre minimum housing - whether the board would be able to stop that. Based on the current zoning, as long as they avoided any environmental constraints (like wetlands), they would be able to develop the land as it stands in its current zone based on the zone's current requirements.

Denning questioned if the land was left as it is and not deemed for redevelopment, whether someone could come into the C-1 zone and put in certain types of housing (apartments, row homes, etc.) that are permitted in C-1. Slachetka responded that those types of housing are not currently permitted in the C-1 zone and referred back to the correct usage of "mixed use" as it applies to this zone. .

Review of section where this is indicated takes place

Denning questioned the assessed status of "farm assessed" in comparison to zoning. Zoning is what you are allowed to do with a property, whereas farm assessed deals with the use and taxation of the land.

Denning questioned whether the applicant would be required to mitigate any stormwater discharge that they have on their property--keeping it from flowing onto other people's property, creating flooding, or causing negative detriment to neighborhoods.Slachetka deferred specifics to Jason Worth.

For clarification for the public, Denning questioned Slachetka regarding whether or not designating this area in need of redevelopment is beneficial to the township in achieving the master plan, or if the township should discourage redevelopment. Slachetka noted it is beneficial.

Denning directed questions regarding stormwater management to Jason Worth, regarding requirements of an applicant managing their storm water and impact to the surrounding neighborhood.

Jason Worth, obtained a degree in Civil Engineering from Rowan University in 2005. Been a licensed professional engineer since 2011 in New Jersey, also a licensed professional planner since 2014. Board engineer for the last 3 years in the Township of Ocean. Steven Yost submitted that his credentials were acceptable.

Any applicant on any project when consider it is a major development (more than 1 acre of disturbance or ¼ acre of new impervious coverage on the property, has to meet the township and the state's stormwater standards. Potential for CAFRA approval as well.

Denning questioned, whether the properties surrounding the area; would their water management plan be taken in consideration of this land's development plan; and it would be.

Lippincott noted that it might be more achievable to maintain the preserved waterfront off Camp Lighthouse.

Motion to open for public comment made by Sean Denning. Seconded by Bill Sneddon.

Roll Call:

Denning: Yes

Sneddon: Yes

Boulderstone: Yes

Beck - Yes

Bonamassa: Yes

Dodd: Yes

Petrosilli: Yes

Shapiro: thumbs up

Lippincott: Yes

Laurie Clune reads comments received from the public prior to allowing the first member of the public to speak.

First correspondence read was received from KHF421@aol.com on Monday, October 19, 2020 @7:16 PM.

“Dear Diane Ambrosio and Laurie Clune,

As a resident of Greenbriar Oceanaire, I am requesting that you have the largest meeting room available for the planning board meeting to be held in November in regard to the Zelle Property. I would also appreciate it if you could webcast it for those who are unable to attend.

Thank you,
Kathy Foc

Second correspondence from Rochelle Hafrey, sent on Friday October 23, 2020 @12:55 PM. Laurie Clune noted that per the request from Rochelle Hafrey, her letter was forwarded to all board members.

Third correspondence from Rocehlle Hafrey sent on Friday October 23, 2020 @ 9:554 PM.

Fourth correspondence from Rochelle Hafrey sent on Monday, October 26, 2020 @ 7:59 PM.

Those were all the pre-meeting correspondence received - Lippincott moves on to open the public comment portion of the meeting.

Yost notes that the correspondence was received by the board, and noted for the record that there were no nefarious motives in the board choosing to proceed in an all virtual Zoom meeting for the planning board due to noticing requirements, State guidelines, and public safety.

Lippincott, also noted that there is no negative intent to pass any plans. There is no plan up for approval at this meeting. Open to public comment.

Yost swears in first public commentator: Paul Gavin, 7 Bay Head Court, Waretown, NJ 08758.

Gavin: Over the past 37 years, I have dealt with development and redevelopment properties, I have reviewed the redevelopment committee files for the Zell application. Some of the documents are very disturbing. So serious that I am blowing the whistle on the redevelopment committee. Five minutes only allows me to address some of my assessment. The township planner is T&M, September 17 review report to committee, evidence in serious issues including financial issues that the committee ignored. Just three of those red flags. ONE, Zell's planner used the 60% discount method, to forecast township costs that no other applicant to the redevelopment committee had ever used before. T&M requested Zell's planner to provide a

credible reputable source for the 60% discount. Zell's planner failed to do so. Using the normal method, Township costs are significantly higher. Major red flag. TWO: Zell's planner used the 2006 multiplier to calculate costs to the township, although T&M advised that they should be using the significantly higher 2018 multiplier. The costs to the township are significantly higher than the Zell report. Major red flag. THREE: T&M advised the committee 2019 master plan reexamination report, just adopted December 2019, recommended no change in zoning to the Zell property. Zell zoning does not permit multi-family development, A master re-examination is a very big deal. Major red flag. Then there is the serious financial issue not covered by T&M. Zell's 51-2 bedroom townhomes are really all 3-bedroom townhomes. Zell took a floor plan that had 3-bedrooms, changed bedroom 3 to a den by simply removing the closet doors and shelf. PRESTO, it is not bedroom three anymore. I saw this in five seconds. And, in the alternate layout the plan still says bedroom 3. Zell did it because the multiplier to calculate the number of school children is 3x higher for 3 bedroom versus 2-bedroom townhome. Zell says there are only 22 children, any responsible official would see the sham den, the room labeled bedroom 3, and know there are significantly more than 22 school children and township costs are significantly higher. It is so obvious. The township committee, the redevelopment committee members ignored this obvious financial issue. Responsible officials would have stopped everything and directed the township planner to do a real impact study. These three officials did not. There has been no transparency regarding Zell. Township dealt with Zell people for one year without public knowledge. Secrecy. The committee advantaged Zell and disadvantaged the public. Conduct of the redevelopment committee members has been irresponsible, negligent, and against public interest. Tomorrow the planning board will have more of my assessments and documents For their review. I offer this advice to the planning board. ONE: direct T&M to do a real financial impact statement which conforms with the 2017 plans and comments, and also updates the sham 2-bedroom townhomes as 3-bedrooms. TWO: take no action that would permit multi-family housing on the Zell property. THREE: Mayor Baulderstone and Deputy Mayor Dodd must not (inaudible) on planning board matters relating to Zell. Mayor Baulderstone and Deputy Mayor Dodd, I have two questions for you. Number one, do you get benefits of the Zell project, TWO why didn't you direct T&M to do a financial impact statement for the benefit of the township? Please both of you, answer these questions.

Yost: Mr. Gavin, before they answer any questions, you said you were involved in projects for most of your career. Could you give the board a little bit of background, what is your involvement, educational or work experience in these kinds of projects.

Gavin: My experience has been 37 years as a broker, also acted as a consultant, and an expediter on a number of projects. They involve everything from redevelopment properties to become a Costco to a 648 unit development in Mount Laurel, to even one currently working in Wall township, which is 220 apartments, plus 115 townhomes, plus a 130-room hotel. I have read many CIS reports, I've made numerous review reports from planners, the reports are very clear.

Yost: So I understand that your expertise is more in the nature of commercial and residential real-estate and you are not a licensed engineer?

Gavin: Oh, absolutely not.

Worth: Mr. Chairman if I could add one thing, and I'm sure Stan can speak to the community impact statement that was presented by Mr. Zell's professionals which we have reviewed as Mr. Gavin indicated, and they provided multiple iterations of updates to that community impact statement. I just want to remind everyone that this hearing here is not for the approval of any specific project on that site. This is specifically relative to the residential portions of the site, and whether or not the planning board would make a recommendation that those be included as an area in need of redevelopment, which Mr. Slachetka has been over, indicating that the inclusion of the residential portions at the rear of the site, would allow for the effective redevelopment of the up-front portion along route 9. So this is in no way the planning board tonight will not be taking any action to approve any specific project and moreover, the redevelopment committee has not taken action to approve any specific project on this site as well. So I want to, again, reiterate that to the public and for the record, and if Stan you would like to make any comments relative to the community impact statement and the iteration and reviews that we have looked at.

Slachetka: Thank you Jason, that is a good point. A couple of things that are really important to understand, and the testimony from the resident is accurate as to the things that we had pointed out in our review report of the community impact statement and Zell proposal. And I agree with you that this is not about a specific application, when we talk about the need for effective redevelopment. It's the concept of concentration development, whatever that development may be, along the route 9 corridor. Two points with regards to the community impact statement, the burden is on the applicant that is submitting to the township to prepare and do the analysis satisfactory to the township. So rather than engaging the township's consultants to do on behalf of an applicant to do the community impact statement or analysis, that is not, that burden is on the applicant to prove that they are consistent with the community standards and do the evaluation. Two, as I mentioned before, the next step, assuming that the full area was identified in need of redevelopment, C-1 already being identified, the next step is the crafting of the plan, beyond that assuming the plan is then adopted after public input, an applicant or potential redeveloper then have to submit their application to the township committee again, acting as the redevelopment entity, to prove that what they are proposing is consistent with the redevelopment plan. That's even before it gets to the planning board, so we're not approving a specific application or specific development proposal here, you're making a determination whether or not there is substantial evidence to make the determination, once we have gone two steps down the process, redevelopment plan is adopted an applicant would have to come back to the township committee, show how their plan/proposal is consistent with the redevelopment plan and then ultimately go to the planning board for a specific site plan approval. So again, all these steps, in

which the proposed redevelopment takes place, the burden is on the applicant/potential redeveloper to show how it conforms to the plan and to prepare a community impact statement that is acceptable to the township.

Worth: And any comments we may have, remain outstanding and remain for the applicant to address.

Slachetka: Yes, there has been no resolution for that. We have not made a determination that they have satisfactorily addressed all our comments in the CIS. That's a very, very important point. There has been no final determination on that at all.

Denning: Could I have clarification, because Mr. Zell who owns these properties has made a proposal to the redevelopment entity, should we not be hearing comment or the board not be commenting on any potential projects by Mr. Zell as it may be something to come in front of the planning board, and they are not here to defend their project, not here to answer comments, and I don't wish to be potentially biased as a planning board member.

Mr. Chairman requests advice from counsel.

Yost: Mr. Gavin, I guess the consensus of what is being discussed, you have to understand we are not here to vote on the Zell application. And the point Mr. Denning raised is accurate, the applicant is not here to defend or clarify or whatever, they were not noticed for this. This is strictly, as Mr. Slachetka has said, a meeting to either refer back to the committee or not to refer back to the committee Mr. Slachetka's report which is whether we should be looking to approve this as an area of redevelopment.

Gavin: I do understand the process. I've been there before. Mr. Slachetka gave review comments, five months before the meeting in September, he gave them in April. He made those identical comments in April, another CIS was done by Zell's planner, and those same issues, those same financial issues were never resolved. So I don't understand how we got out of the redevelopment committee when there is a CIS that doesn't meet the standards of Mr. Sl firm, T&M, which is a very respected firm, and he's saying Red Flag, why didn't even get to this stage when there's a specific proposal that hasn't been reviewed from a financial review. Why don't we have a financial impact study done by T&M based on what was already submitted, it costs a couple thousand bucks to find out what Zell proposed anywhere close to being reasonable. It is my judgment having read the CIS that Zell's planner put in, in reviewing the findings and comments of T&M and looking at this school-aged children farce, this bedroom townhome scam, my opinion is that is a very very substantial negative impact. Why are we advancing on Zell when he has made a proposal.

Yost: I think your commentary needs to be directed to the redevelopment committee. We're not the redevelopment committee, we are here to decide whether or not we should approve the study that has been submitted by Mr. Sl - as this area being designated for redevelopment. We are not voting on Zell tonight.

Gavin: I understand that, and I respect that this is totally independent. What I don't respect, is one year of secrecy that the committee had with Zell.

Petrosilli: Mr. Yost we shouldn't be discussing anything about Zell's property at all.

Yost: Let me make a point of order, Mr. Chairman. I started my clock here on Mr. Gavin, we have been going on 12 minutes. I think we understand your position at this point Mr. Gavin, you've made your record. I think, Mr. Chairman that we have to move on. We thank you for your comments.

Denning makes a comment that if people begin speaking regarding Zell, that they have to be stopped. Lippincott agreed, we are not accepting commentary on the Zell project, only on the matter at hand of redevelopment of the land being discussed in Mr. Slacheka's report.

Comment is five minutes, response will be separate to that. Clune keeping a timer.

Yost swears in Robert Wood, the Second, 5 Cedar Ave, Waretown, NJ 08758.

Wood: I am a father of three and work 50-70 hours a week for my wife, family, and elderly father, I work very hard for my money as I am sure all of our townspeople do. I would also like to state as a sergeant in the U.S. Marine Corp, and I speak very directly. My wife and I attended the September 21, redevelopment committee meeting, by the time it was over and by the lack of question by our governing body, we knew the project was already a done deal. In reviewing the September 17, T&M review report of the redevelopment committee, I see several flags that hopefully we can rectify tonight. Over the last several weeks I've had the opportunity to look over the two-bedroom plan (I know you just went over, don't talk about Zell, but I will be heard. I'm sorry this is part of it, and it's within my five minutes so please let me get it across. I'm a Sergeant in the marines, let me get this across.)

Wood: My wife and I have looked over the redevelopment committee and T&M report that was submitted to the redevelopment committee and I was not thrilled with what I saw. The two bedroom townhome plan is just a three bedroom plan that was labeled as a den. Any reasonable person can see this immediately. They removed the closet doors, to low-ball the number of children and the expenses to the township. Hopefully this minor detail was just missed while reviewing these plans and not choosing to look the other way. Knowing all these townhomes

have three bedrooms the committee failed to recognize the town's expense for children who are going to be exponentially higher than Zell planner estimates. We all knew there would be 22 children in this development: more than 22 children and the committee should know this as well.

Petrosilli points out that the discussion is getting away from the topic at hand.

Wood: I will finish momentarily sir, and I appreciate it, I really do. But T&M have been trying to protect the township and they've been awesome at what they've done so far and they've done their job. But as responsible officials, you need to stop the process and direct this to the township planner to do a real financial impact study for the township. The committee and Zell's team has seemed to keep the public in the dark for over a year. We as faithful tax payers had no fair chance to look into the project or prepare decent questions to our elected representatives in less than two weeks notice. The public meeting seems to be another rubber stamp in the process and it looks like bad business to people. I understand there is a lot of power in our elected officials and their appointees within several committees. As representatives and executives of our town, we expect you, the mayor, the development entity, the redevelopment entity, and the planning board to be looking out for our best interests . Working together for a better town and keeping independent thought to make your own conclusions without repercussions or malice if you choose to go against the grain when making these big decisions on our future. After this meeting, I would think all work on this project will come to a swift halt. I hope you understand that residents and taxpayers are watching you and deserve a township government that works for all of us. Your decisions on this project and other projects in the future will be under close watch. Semper Fi Delas, thank you and have a wonderful evening.

Yost again directs the board to not address any comments about the Zell application. It is not before the board tonight.

Wood: Unfortunately, Mr. Yost, I appreciate your candor this evening but unfortunately this is my first delve into local politics ever in my life, so I of course I prepared statements accordingly, because I did not know. But you have me on record for this meeting.

Mr. Yost swears in John Signorelli, lives on the property adjacent to the Zel development, 6 Camp Lighthouse (drive or road depending map).

Signorelli: I have no political aspirations, in fact I shun the idea to relish in the drama. I'm a retired New York City traffic-homicide investigator, so I have a lot of curiosity. I have conducted thousands (inaudible) fatal motor vehicles accident investigations. I've always had that objective mind and persistence to get to the truth. I moved to Waretown to become part of it not to change it. To get away and forget some of things that one person can do to another person in the world, and to live a simpler life. I am not against Mr. Zell making money on a property

that he has owned for years. What I am against, nor will I accept, is in my opinion the slipshot rebuttal by the town on behalf of the Zell team presentation. The redevelopment committee accepted while we all sat down choking on it. This has now transpired into this meeting. They had an air of a lack of transparency as far as I was concerned, and the town residents have been forced to accept it. The obvious lack of inquisitiveness or objectivity by town leaders into this project, presented at the redevelopment board meeting was stunning. I hate to be the bearer of bad news, Mr. Mayor and Mrs. Deputy Mayor, everyone at that meeting commented on how little you asked and said very little to help your town understand why this is a good thing for this town. I have little knowledge of township protocol and procedures, even less in the development process. Your life experience and view of this project into real-estate would have been a breath of fresh air that night. But alas, there was nothing. Every other development leaves breadcrumbs to follow and compare, I cringe to say, I am going to say it, even though I fear reprisal, because there is no way to it without insult. But either preferential treatment is abound or I am truly missing something. Please understand why I dare to say this in a public forum. You have given very little. The Zell's interior decorator told me more about the siding than you told me about this entire project, or why you support it. Or why the impact statement numbers seem reasonable to you and no one else. You Mr. Mayor and Mrs. Deputy Mayor, the people I voted for to represent me and to be available to explain to me what's going on when I don't understand. I gave you the ability to appoint representatives to committees and boards so you don't have to sit on multiples. You've made my inquisitive mind work overtime, you've given me fight or flight mode due to your lack of ability to reassure me that this is a good project for me or the town. You force me to chase rumors and disprove them instead of giving me facts that I need to defend your position. When a large percentage of your town is present at your meeting and a resounding no is heard, the three representatives on the board voted yes in favor of one person. What are we to believe? The rumors of impropriety, the rubber stamps, the back-door deals, the done deal, the black cloud that looms over Waretown from ten years ago. Then to see $\frac{2}{3}$ members in the next step of the process voting again. I would, with the utmost respect, to the Mayor and Deputy Mayor, ask the planning board attorney and the planning board chair to conduct an inquiry into the Mayor and Deputy Mayor's interaction and conduct regarding the Zell application before they are allowed to make any decisions or allowed to vote. I don't want to question everything that is presented, I don't want to mistrust the people I voted for, I don't even want to be involved tonight. You are forcing my hand by the lack of movement from your hand. I am no friend to the media, yet they are contacting me because I have a property adjacent to them. Willing to investigate and defend me, explain things I don't understand and get answers that I cannot. As I started to look over the development, I realized that there were so many things obviously planted or recommendations that were blatantly disregarded, I had to ask help from my neighbors. Kudos to you that you united the town, unfortunately it may be coming against you. I don't want that, no one does. But you are not listening or providing reasonable answers or details. Just like you, we are proud of Waretown and we want what is best. Mr. Lippincott, Mr. Yost, what's the rush? The redevelopment committee hasn't even met to approve the meeting

minutes that you are making decisions on tonight. I humbly, respectfully request that we stop this development approval process right now and do nothing more until at least the town's financial planner has had the time to conduct a more thorough financial impact study that can be evaluated by the public and planning board. We need to wait until all aspects of environmental research can be completed, reviewed by the public board. We need to wait until the educational entities can provide accurate rebuttals to Zell's proposal and are documented and gained public approval. We need to wait until the township is able to conduct, review present research plans. Approval and rebuttal to the traffic research plans. And we need to wait until the town's first responder entities have replied to their request for manpower and equipment needs. Thank you.

FIVE MINUTES WAS UP. Mr. Yost allowed, to proceed.

Mr. Yost reiterated again that the planning board is not here to vote up or down the Zell application. Asked Mr. Boulderstone and Mrs. Dodd if they had any reason they cannot sit as a member of the planning board tonight to make a decision as to whether or not the study by Mr. Slachetka to designate this area as an area in need of redevelopment.

Boulderstone: Mr. Yost, firstly, it is my understanding that the law of the State of New Jersey requires the Mayor and Deputy Mayor to be members of the planning board. That is to clear up the reason why we are members of this board. It is not because we chose to be on the board, but because of the positions that we hold, we are required to be on this board. Secondly, Mr. Yost, there are absolutely no actions, verbal or otherwise, that I have taken that would prevent me from being able to vote this evening.

Dodd: I too, have no reason, at all, I've done nothing that I can't sit here tonight and vote on this. And as the Mayor stated, this is a requirement that I sit on this board. I don't really like to go out for all these meetings, but it is part of my job.

Signorelli noted that he appreciated their response, but he thinks we are rushing.

Mr. Yost swears in James Keady, family has owned the Lighthouse Tavern at 397 Route 9 in Waretown for the last 38 years.

Keady: I've been running the tavern since 2007 since my father's death. My family has been significant tax payer in this town for 38 years, also a former council member in the city of Asbury Park, when I served on council from 2005-2008 I was charged as a member of council and member of the redevelopment committee with overseeing five redevelopment areas with over a billion dollars in redevelopments. I served as the co-chair of the Springwood Avenue redevelopment committee and won a state award for that planning process. Also served as the

co-chair of the affordable housing sub-committee for the city, as well as a number of other sub-committees. So, first I would like to thank all of the members of the board who are volunteers because I know this is a tremendous amount of time and effort that you do for the town. And you don't get paid for it, so thank you very much for your service. Look, to have this development that would potentially go on to this parcel to go through, would probably benefit no one more so than me. It's very close to my tavern and could potentially bring in a number of customers but I also deeply believe in good government and transparency. With all due respect to the chairman and engineer and to the attorney, and to Mr. Denning, I understand the scope of this meeting tonight is about discussing these parcels and it is not about the Zell proposal, per se, but it is a little disingenuous to say it is not about that. Because the only reason that you are meeting and discussing these parcels is because Zell wants to build what they want to build. And you are trying to determine whether or not you can merge these parcels together so that they can maximize their return on their investment. So I think we have to be fair to the public to say, the only reason you are meeting tonight is to determine whether or not Zell could moved forward with this project. Because without these parcels

Petrosilli: That's not true

Keady: Excuse me sir, the time is mine. Without merging these parcels this project does not happen in the way it is proposed. Concerns that I have, is I went back through six years of redevelopment committee agendas and town council agendas, and other than the last meeting where this got sent from the redevelopment committee to the council, then to the board, there is no record of this being discussed at any public meeting prior to this. Again, I worked on dozens of these. Where is the workshopping that got it to this point? Were there any workshop sessions that were done? Were their emails that went back and forth for the redevelopment committee with regard to the project that these parcels are in discussion on to be merged. If those emails were sent, were they sent to all three members, if they weren't that is public record and potentially a violation to the Sunshine Laws. So these are really critical questions, specific to the planner, things that came up for me, as a former elected official. How are we determining this area as potentially blighted? Because it has to be blighted to trigger the redevelopment law, correct?

Slachetka: As I explained, under the local redevelopment housing law, there is a section 3 on properties where you can determine or include properties that are needed for prospective redevelopment of the area that would otherwise not be determined to meet the statutory criteria or be determined to be blighted.

Keady: Okay, so then is the trigger for that highest and best use in terms of the economics?

Slachetka: No, that would not be the case.

Keady: Okay, so then we just have to ask a general question of whether or not this is beneficial to the town. And that, I would agree with, and I understand isn't within the purview of tonight's meeting, but I do want to go on the record as saying that I do think it is absolutely necessary that we get a financial impact statement that is done by our people, which I believe is T&M is under contract by the town to be our hired gun in this fight. I dealt with too many developers from the dais. They are sharks and they just want to squeeze as much money as possible as they can out of a parcel. Which you understand, that's what they are supposed to do and that's what their sharks are supposed to fight for. But were supposed to have elected officials, appointed members of the public, and our professionals, who are looking out for our best interests. Some other questions that just came up as I was listening to the deliberations. Mr. Slachetka, in your testimony that section 3, I think it was, that talked about contributing to the economic development and fiscal soundness of the township and that was one of the major things that you took under consideration in your analysis, correct?

Slachetka: Well, I think to clarify, I think what I was referencing to was the overall comprehensive plan of the community and the smart growth policies that weren't intended to direct development toward areas that were appropriate and away from areas that would be inappropriate for development. I don't think I addressed economic issues in that context.

Keady: Exactly, so we need to address those economic issues.

1 minute warning issued

Keady: Mr. Slachetka, and maybe this is for the Chair or Mr. Yost, will answer this. Who directed this study to be done by Mr. Slachetka? (Keady apologizes, as he came into the meeting a little late).

Slachetka: As I indicated the committee, I did provide a little bit of context . As part of the process under the local redevelopment housing law, the first step is that the township committee adopts a resolution (the governing body adopts a resolution) directing the planning board to undertake the study and public hearing as to whether or not the study area is in need of redevelopment.

Keady: That's enough for what I need. The next question I would have would be to the two members of the planning board that sit on the township committee and also the town council and to the chair. What triggered this? What triggered the planner doing the study that they did.

At five minutes

Keady: It must have been the application submitted by Zell, right? So, to say that, again I want to be clear, you've tried to push the public away from trying to talk about Zell. The only reason you are meeting tonight is because Mr. Zell wants to develop the parcel.

Yost: Excuse me sir, we're not trying to push you away from discussing Zell. We made it clear repeatedly, at least a half dozen times this evening, the purpose of this evening's meeting of the planning board is not to discuss the Zell application. It is to discuss whether this property is suitable for consideration for redevelopment.

Keady: I understand, but with all due respect the reason they are meeting is because of the Zell parcel, or the Zell proposal that will tie these parcels together.

Yost: With all due respect, your commentary will be totally, and your questions, and your protests would be totally appropriate in front of the redevelopment committee but not the planning board. That is not what we are here to do tonight.

Keady: I understand that, but what I am asking is that the planning board send this back to the redevelopment committee and send it back to the council to say that there are far too many issues that have been raised by citizens, you need to look at this before before we would consider merging these parcels and looking at these extra parcels to combine them into a large area in need for redevelopment. And just a point of clarity, for the attorney, Mr. Yost, the mayor had said that his inclusion on the planning board is via state statute and unless things have changed, and I may be incorrect, isn't it possible that the Mayor and the Deputy Mayor could both have themselves or duly appointed appointees serve in there place on the planning board?

Yost: They can appoint somebody, but there is nothing inappropriate with them sitting on

Keady: I'm not saying there is anything inappropriate but I don't want members of the public to be misinformed. Mr. Baulderstone, Mayor Baulderstone misinformed a member of the public saying he had to be on the planning board and that is factually inaccurate.

Yost: He is totally entitled to sit on the planning board. As the mayor, as deputy mayor Dodd is, or they have the power to designate a representative. Either way, again nothing nefarious - and with all due respect, he's not a lawyer, I am the lawyer for the board, so maybe it isn't really a fair question for him.

Keady: That is why I asked you. I just wanted to be clear because, I'm not saying there is anything nefarious, I'm not saying they don't have the right, or the commitment to serve on the planning board, I just want people to know they don't have to be on it. If they wanted to, they could appoint people to those positions. It's at their discretion under the statute. That's all I

wanted to point out. And I know my time has gone longer than five minutes , I appreciate that, as I said no one would benefit more than potentially me but I am deeply, deeply committed to good government. I would ask that the planning board push this back with no vote on the merger of these parcels with the greater area that is already designated in need of redevelopment until some of these key questions that were brought forth by the public tonight have a chance to be answered and you have a chance to vet them with the professionals, the attorney and with members of the public who have professional background and experience in these types of zoning and planning issues. Thank you Mr. Chairman and the board.

Clune requested Mr. Keady's primary address, which was given as 1120A Third Avenue, Spring Lake, NJ 07762.

Mr. Yost swears in Rachelle Hafey of 85 Bayville Way, Waretown NJ - resident of Greenbriar.

Hafey: I hear your concerns about COVID and I appreciate them. I just want to say that all our kids are in school and stores are opened. I don't see the reason why we can't meet. So I am asking Mr. Chairman, many municipalities including Barnegat have resumed in person meetings in addition to the virtual meetings to maximize participation of the residents so will you request that the township make accommodations for in person meetings in addition to virtual participation starting in December?

Lippincott: We have in the past but there is a great misunderstanding here. Our secretary, our township administrator, our attorney have (voice drops out) - Steve, Laurie, do you want to comment?

Yost: Yes, if I can. Ma'am, we actually had a planning board meeting about two months ago, where we did in person. It was the Mandrake application but we kind of had, we didn't anticipate there would be large public interest. One of the reasons why we could not accommodate this as a live meeting was we had heard, and I had heard from the board secretary that this was a matter of large public interest when it was before the redevelopment agency. So we anticipated that there would be a good possibility that too many people, if we scheduled it and tried to have the meeting as a practical matter it would break down because we would not be able to accommodate everybody so we made and had this discussion with the board secretary probably three weeks or more ago and we determined, also based upon the fact that based upon projections recently that the virus is accelerating, that factored in for public safety reasons and the good possibility that we might start this meeting and not be able to proceed, we made the election to go with the virtual meeting. This is not easier for any of the board members or the professionals, I can tell you. Even from personal experience, I would much rather have a live meeting. But because of those factors we felt for the safety of the public and to make sure the application could go forward and get heard, we determined to go virtual and also, we followed

the state standards for the open public meetings act had been amended to address this particular problem, so government can still function. We follow all protocols and are doing the best we can. So that's the reason.

Hafey: But Barnegat is doing it in person. So maybe someone should contact Barnegat and see how they're doing it. Because they are doing it in person and virtually. And if we can't figure out how to do that, maybe we should push all this back until we can all get together.

Yost: Well, your statement is a little bit non-specific, as I just told you we had a meeting on Mandrake two months ago and we did proceed live. It depends on the application. We anticipated that there would be so many members of the public that we wouldn't be able to accommodate them safely and we made the decision based on that. There is nothing nefarious about it. We are doing the best we can and we are all struggling with this virus.

Hafey: So why don't we push this back until we can get everyone together, moving forward?

Yost: I don't want to argue with you ma'am, but do you know when the virus will be over? Are we going to hold up all government operation and all public hearings until we can all have them safely?

Hafey: I don't see why this has be moved so quickly. We can't we just put this one on hold. This is the one that a lot of us are concerned about.

1 minute warning

Yost: This has been referred to us by the governing committee and the board has been asked to act on it this evening, and I anticipate they are going to act on it.

Mr. Yost, swears in Robert Iralane, own 56 Harvey Cedar Way, 47 New England Dr., Lake Hia (inaudible) NJ, Township of Parsipanny, Cherry Hill?

Iralane: Mr. Slachetka you may remember me, you were my planner for a number of years. I would like to compliment Mr. Slachetka on the job that he did (inaudible). By way of background, I have 30 plus years experience on the zoning board. I've been the chairman on the zoning board for the last 20 years. I have heard many applications for the zoning redevelopment of this nature, not the method of redevelopment but rather in zoning , request for variance, zoning etc.. I understand that we are not dealing with the application right now, I only hope that when the application comes before you and it seems like it is a done deal. That you will take care and make sure to not overbuild this property. I have had many, many, many development applications before me, where the developer wants 106 homes and building apartment etc., and

then walks out of that room and is very happy. So keep that in mind. I have looked at the project, it is not in like a lot of projects I've seen before, but it needs to be done properly. Mr. Baulderstone, you can recuse yourself from this application. Just because you are sitting there doesn't mean you have to vote on it. If you had any integrity, you would recuse yourself on an implied conflict of interest. Ms. Dodd, same thing. Take a seat and let the rest of the board deal with it. You two are already more involved in this application then you should be.

Lippincott: Again, just for your knowledge, we are not voting on approving any particular project tonight, either way.

Iralane: I understand that, but I think they should recuse themselves from any vote this evening. And they can do that, even though they are sitting on the board right now. I have done it many, many times as chairman when people came before and I had a perceived conflict of interest. I was the first one to get up out of my chair and sit down in the gallery and that is what they should be doing. Can I mention one other thing? When Mr. Gavin was speaking, you kind of implied that he didn't know what he was talking about because he is not a professional, and I am not a professional either, but I have many, many, many, many years of experience, listening to professional thought., and traffic reports, and site plans, OK but I'm not a licensed engineer, or a licensed planner, but I understand a lot of that, so I've said my piece.

Discussion takes place, complimenting volunteers.

Signorelli: I just wanted to say thank-you again. But again, my lack of knowledge in this process: What happens after tonight? How long of a period of time does it take to get to the next step, usually, pre-COVID. What also, are we waiting for. Like I had anticipated waiting for the minutes to be approved from the redevelopment committee before tonight's meeting, that's not being the case. So, what actually happens from here on out?

Lippincott: First, this isn't a specific project or anything that we can vote yes or no on, as for the amount of details, we can't go into that, this is a conceptual thing. But I am going to ask Stan to address this question for you okay. Stan?

Slachetka: And Steve can supplement as appropriate. Essentially, as I indicated right from the very beginning the action is whether or not the planning board after hearing all the testimony and comments makes a determination that the properties are in fact are either need of redevelopment or not in need for redevelopment. And whatever the recommendation is that gets transmitted to the governing body, the township committee. If the recommendation is that the property is in need of redevelopment or in need for the effective redevelopment of the area, than that recommendation is transmitted to the township committee. The township committee then would adopt, if it agreed with that recommendation, would adopt a resolution designating the area. A

copy of that resolution, the governing body resolution has to go down to the department of community affairs, pursuant to the statute. So, I don't know what the timetable is between now and whenever the township committee would act on a recommendation from the planning board, no statutory required timeframe. Theoretically, they could act on that at the township committee meeting after this, whenever that is scheduled, after this planning board meeting. But that is up to the township committee to decide when they are going to take up a resolution or recommendation that may be passed on from the planning board. Steve, I don't know if you wanted to add anything to that.

Yost: No that's fine, Stan. I think you said it.

*No other hand-raises or public comment wanting to speak or testify at this time.

Motion to close public comment, made by XX, seconded by Sneddon. All in favor.

Board Comments

Bonamassa: When I first looked at this I was a little bit concerned that part of this approval of this study would be to possibly be to combine the C-1 with the R-1B. I had concern about that but I wanted to hear the public speak. But hearing the public speak, it is obvious to me that if we do approve this study as it is presented to us; and again I have to play a little ignorance because of health reasons I did not attend any redevelopment meetings. I know nothing about what was discussed about the Zell report or the Zell property, so I want to get that on the table first so I am open with everybody. But I was concerned about a financial impact and I think given that the study, basically what we are really saying is let's give it an OK to develop it. Development could be stores or townhouses and I think a financial impact study would certainly be very beneficial. Because it is not simply approving whether we should combine two different zones or two different types of properties. It is a little more than that, and it also has an impact greatly on the traffic that we have. So maybe, I am jumping the gun here, but I am going to make a statement that this should be on hold until more information is included in this study. And that is all I am going to say on the matter right now. So I will vote to not approve at this time. Thank you.

Slachetka: Mr. Chairman, just a point of clarification, and I think it is an important point. If the planning board makes the recommendation to designate, the existing boundary between C-1 and residential does not change. This is not a request to rezone these properties that are currently in the residential zone. As I said, as it took place would be pending the crafting of the redevelopment plan. But you are not changing the zone boundaries with this recommendation.

Worth: The report you prepared, typically there is no financial impact statement that gets prepared with your report. Your report is specific to whether or not a property or portion of your property should be included in a redevelopment area.

Slachetka: That is correct. There is no impact statement. As I mentioned before, if a re-developer proposes a redevelopment project pursuant to the redevelopment plan that may take place. They would have the obligation and the responsibility to address financial impacts and community impact statements. That can be clearly expressed in the plan that is a requirement, just as we do with every application that the CIS is required and it has to be done in a manner that is satisfactory to the township as well as their professional consultants.

Worth: And that is a function of the redevelopment committee, not specifically the planning board.

Slachetka: That is correct.

Denning: For the members of the public who don't know who I am, I am the president of the School Board, my role here on this committee is to represent the interests of the school and the school district, as well as the town obviously, but there has been many comments and testimony about inquiring about a financial impact to the township. They will all come. Children, if a piece of property is developed and their is residential or not residential, and it brings children all of that gets assessed and nobody is more vocal about impacts to the school, and I'm sure Mayor Baulderstone and Deputy Mayor Dodd will back me up on this, than I am. If it is bad for the schools, I will voice my concerns about it. If it is good for the schools, than I will also voice my concerns and accolades. And if it's neither good or bad but will be an impact, our professionals at the district will analyze any impacts on the schools and make recommendations, and I will provide that testimony to the board. So I want the public to know, with regards to schools, we are well represented and the school and the school board are very much in-tune with the town in regards to the township and we will advocate on behalf of those interests and let those be known. There won't be a secret surprise of bad equations and things like that, we get a boat load of kids somewhere and no one saw it coming. We have our finger on the pulse. The public should rest assured that with regard to the school and impact to the school we are acutely aware of any impact. But in regards to the project tonight there is nothing to even talk about schools because we're not considering a project. We're just considering whether or not a piece of property could be developed and any application that comes to us we will then critically look at the impact of the schools, the town and the finances based on specifically what is being proposed, because even though it was an application to the redevelopment entity that may never come to the planning board and any comment or testimony or doing financial impact reports from us would just be a waste.

Lippincott: Absolutely, Sean, and you know what, a lot of the public unfortunately don't have the opportunity to be with us when we have projects in front of us when we're talking about stormwater run-off and we're talking about what the aesthetics of the outside are and we're talking about outdoor lighting and a million other little things, so I'm just following up that I totally agree with you. And we are not a rubber stamp for anyone, nor will we become one at this point.

*More hands have been raised, even though public comment has been closed. Discussion takes place on whether to reopen public comment and if they do, where to end it. Per Yost, opening public comment is at the discretion of the chairman, however a motion is required. Denning mentioned limiting to two minutes, allowing them to speak quickly is reasonable. Dodd notes that it is only fair that we hear them. Decision made to limit comment to 2 minutes, but to reopen.

Denning: Motion to open discussion for two minutes.

Shapiro: Seconded

All in favor.

Yost swears in Douglas Martin, lives on 21 North Navajo Drive.

Martin: As far as the traffic study was concerned. Did you talk to the county as far as seventh street and main street because that is a through route of county roads?

Petrosilli: There is no traffic study.

Worth: There is no traffic study that's been presented to the planning board, yet.

Martin: There was a traffic study done at the last meeting.

Worth: That was the redevelopment committee?

Martin: Yeah

Lippincott: We can't comment on that, we don't know.

Martin: You don't know?

Worth: Yeah, the application here tonight is not relative to any approval for Zell or their traffic, or anything like that. I could just offer that that project obviously would front, or any project on this site fronting on route 9 will require an NJDOT major access permit. And the projects will go to the Ocean County Planning Board and they will review traffic as well.

Martin: Okay, and as far as the retention basins?

Worth: Any project in town that is considered a major development, gets reviewed against township ordinance as well as the NJDEP will review it during a CAFRA approval and the Ocean County Soil Conservation District will review it when they are looking at stabilization and impacts and the Ocean County Planning Board would review that as well.

Martin: As far as this project, would they be able to re-zone the areas for the wetlands if they want to pursue the project even further?

Worth: Again, the discussion tonight is not relative to any specific project or what that project would include. There are wetlands on lot 13.01 that are adjacent to North Navajo. Those have been deemed wetlands and there is a specific buffer that the DEP requires. Unless the DEP itself approved any deviation, than no. Those are wetlands and they cannot be constructed upon.

2-minute warning given

Martin: Yeah, but they can be re-zoned somewhere else, correct?

Worth: The DEP will also require certain forested preservation on any lot that is developed like this, so there will have to be forested preservation on the lot as well. So if the area along route 9 is developed then areas in the back would have to be encumbered by that forest preservation.

Martin: Right, so they can locate to somewhere else. That's all I had. Thank you.

Yost swears in Roger Pearly, 26 Harvey Cedar Way.

Pearly: I'd like to tell you that I've listened to everything for the last three hours, I did hit the button but for some reason I didn't get recognized. So I've been with you for three hours, and I appreciate a few minutes of your time. I come from a volunteer background similar to many of the people that are on the board. I've volunteered as a zoning board member in a 50,000 town area in New Jersey, I volunteered as chairman of Open Space in the same town, and the Park board. I am also a volunteer for the state of NJ, governor appointed for 13.14 years, and its commodities and service council to help people with disabilities gain employment. Just to give you a little background, so I respect that. My question, goes to the governing body here tonight,

the mayor, deputy mayor and attorney. I've noticed that, I looked at the number of participants in the meeting and I think 53, of which you guys are part of them. So why are we rushing? You've got tax payers in this town, I realize it's something that you are trying to deal with tonight. But there is no rush. You've got COVID out there, you've got the governor saying hold back on Thanksgiving, hold back on this. I realize its not, you got the public totally confused because you had a meeting on September 21. Mr. Yost, in my opinion, and I respect him 100% as an attorney but I don't get the rush tonight, I don't. We have taxpayers, a lot, there are 1500 people that signed a petition, you've got less than 30 people in this meeting and I've been on for three hours and I have listened. It's not clear, it's not transparent, there is no rush to do this. And I completely request, respectfully, to the mayor not to vote on this tonight. What are you going to gain? Help the public be recognized, they're tax-payers. We're all tax-payers, we want to be recognized. You've got nobody completely on this meeting, but mainly the board and maybe 10 or 15 other people. I can tell you, living in Greenbriar people are not Zoom friendly. They are not. And represent the people, we put you in the office, Mayor Baulderstone and Deputy Mayor. Help us, by putting this off there is no rush.

Lippincott: Sir, excuse me, you do understand that there is no project for us to vote on

Pearly: I realize that it's not a project but do you realize you are

Lippincott: We opened public comment to hear from you sir, so let me give you some information. If this does become a project, there will be numerous public meetings for you to give all kinds of testimony, people protest and say whatever they want, I just want to make sure you understand.

Pearly: I understand that completely, however, why do you need to vote tonight for the redevelopment? That is my point, you have no representation. That is the key. Where is the tax-payer representation tonight. I need to know that Mr. Yost, why he's saying that we couldn't do a meeting and push this off because I don't get it. I'm really confused and I need some tax-payer representation. And I am here to provide it. Thank you. Tonight. No rush. The public doesn't understand it and you need to help communicate it. You don't need to have a vote tonight. Thank you.

Wood: Thank you again for having me, I really appreciate it. Now I can do some unscripted lines. My question are to Mr. Sean Denning, Jr. You are the education board executive. Yes or no?

Denning: Yes, I am the President of the Board.

Wood: You're the president, thank you again. Once again, my first step into the public form ever. So I have three little boys that are going to be coming up through the ranks for all intents and purposes. And going forward we already have a project in town across from the Shoprite that we don't know the impacts of, it's 140 units okay, we don't know what that impact is. My biggest thing is when I moved to Waretown with my wife, my children and elderly father was that fact that we saw this little small town thing, we saw a really good school system and we were like yes, this is where we want to go. And that's kind of what we want to preserve. And one of my biggest reasons why I am here tonight and why I speak so passionately about it is the fact that that's what I am really all about. It's this town, I want to be a part of this town for many years and I want you, being the educational body of this delegation to understand my concerns okay, we already have 140-units that are not even filled up yet and we're looking at proposing to re-zone other areas of the town. And, of course that's going to be a huge impact in another way, and we don't know what the first impact is going to be. Let's give it some time, let's figure it out. And then from there let's go forward with this. And I'm not saying don't redevelop this in the future and figure out a better way to do it, but just this quickness of this and of course the lack of questions at the first meeting that my wife and I have ever been to in Waretown, it was upsetting for both of us, you know being new tax payers in town. And I'd like you to really understand where I come from with that. It means a lot to me, to raise our children in this town, I would think that with your children Mr. Denning, hopefully you are from here, and I really hope that you hear my voice and the the other voices that have also spoken this evening, and please take that, and really think about it when there are decisions out there and if you,

Denning: If I may, sir, without belaboring a point. Something that you have to understand is that in order for our school to survive we have to really be focused on things that help improve the ratable base in this town. And part of that has to go into the fact that over the next three years our school is going to lose about 15% of our overall operating budget because of state funding cuts. And that one of the ways to help stop that is to attract projects that perhaps bring some children, the increased ratable base so that we can maintain the great school environment that we have and that is one of the things that we are really in tune with, and this is why, unusually a school board is so in tune with projects going on. My other four members we go over a project, what's going in, how many kids, what's it going to bring, what is the ratable base, how much of an increase is the ratable base by? Most of the time school boards are never concerned with that but because of what we are facing. Because of the governor's new formula for school aid, we're losing almost all of our aid. Some of it has to do with lower enrollment numbers over the past 20 years.

Wood: And I know the State of New Jersey, I do understand all of that. You don't have to beat the point up, I really do understand.

Denning: We're really focused then, because I want to make sure that your kids, my kids, everybody's kids, even when I don't have kids going through school anymore, I want to make

sure everybody gets a good education and that we provide the resources. Mrs. Dodd, she worked at the schools for a long time, she loves the children. I think everybody here loves the kids and we want to do the best thing we can for them. And I appreciate the fact that you send your kids to the school and that you moved here for the great school and I am committed to making sure our schools stay great and that's why I sit on this board and that's why I think that this piece of property is prime to bring something good as far as a ratable of this town and that we should consider it for redevelopment. I am not locked into a project, I'm willing to hear anything so we have to consider all the things.

Wood: I understand your point of view on that. I just would like, as other people have spoke, let's give it some time. Let's figure out what the first project across from Shoprite. Those townhomes, apartment complexes, let's let that filter in, see what that is going to do long before we start re-zoning and figuring out what we are doing for the future. Oh, and Mr. Yost, I do still know I am under oath, and I do know.

Lippincott: Thank you for your comments, there are a few things I'd like to update you on. AS far as the project across from the Shoprite that has an interesting history. That was dormant, that was approved, I probably have the wrong number, but somewhere around 12/13 years ago there was a permit issued for that. Those people aren't even around in government now that they have issued that. It was dormant. Then it got bought up recently there was nothing we could do, we heard it, they have their permits, and they were able to build which they are. But I want to share with you to, in terms of open space in this township, and I've done a lot of work on this and I know Mr. Petrosilli did to. We have an open space tax, so when you look at your tax bill you preserve a ton of property. We have one of the longest stretches of continued, undisturbed waterfront in the county, if not the whole state of New Jersey. We've done a lot of work, one of the reasons our taxes are at the low-level they are is because of all the planning we've done with the town center, that was another thing that was done. So I just wanted to let you know, this township does everything it can do to try and control your taxes and have a decent town. And not have it become overcrowded. So we really share your concerns with that.

Wood: Now, Mr. Lippincott, I do appreciate what you do, and all the volunteers out there, don't get me wrong. I guess my biggest issue, aside from what I've already spoke about this evening. Was lack of transparency on my first meeting that I went to with lack. I will have to say, that our elected officials had a lack of questions for the Zells, not to say they are going out there to, there going to make money on their property one way or another and I couldn't really care less about. At the end of the day that lack of questions from our governing body was an alarm to me. And that's when I started digging in. I would like to say, thank you all for your time this evening, I know its getting late, and 3 o'clock rolls around a little early so I have to get up and go to work, but thank you very much for your time, all of you.

Motion to close public comment made, seconded

All in favor.

Lippincott requests Steve and Stan where we are with all of this. Yost noted that the public seemed to really want to discuss the Zell application not what was actually before the board tonight. Stressed again that we are not here to discuss the Zell application, but are here to discuss the report by Mr. Slachetka, majority of comments would be best directed to the redevelopment committee when the Zell application is being discussed. Yost recommends that the board focus on the report done by Mr. Slachetka and the standards that he provided for determining whether or not this is an area that is consistent with smart growth, and if this parcel meets the statutory criteria for effective redevelopment in the area, and does it fit with the criteria under the state statute. Slachetka did not have anything further to add, however, Lippincott asked whether or not the at this point in time is or is not in the township's best interest to recommend this to the township committee.

Slachetka: Let me clarify, again it is not a question about best interest or valuation. I mean, I did relate some of the master plan issues that are specifically related to the statutory criteria. The real focus on the analysis and your recommendation is that based on the evidence presented that it meets the criteria and the requirements for the local redevelopment and housing law for being designated. So I think the issue itself, what is in the best interest, that's a planning concept versus what are the conditions , do you feel the report meets the criteria.

Petrosilli notes that the report was very comprehensive and we did get a lot of feedback in relation to a possible application but as far as the report - very comprehensive and we should move forward with a vote. Petrosilli motioned to accept this report as it is and vote on it. Denning seconded the motion.

Roll Call

Petrosilli: Yes

Denning: Yes

Baulderstone: Yes

Beck: Yes

Bonamassa: No

Dodd: Yes

Shapiro: Yes

Sneddon: Yes

Lippincott: Yes

Eight YES, One NO

Next step to vote on the resolution.

Vote on Resolution - Accepts Stan's Report and recommends sending this on to 2020-05-PB: Resolution Recommending the Designation of Certain Lands Known as Block 241.11, Lots 12.02, 13.01 & 13.02 on the Tax Map of the Township of Ocean, Ocean County, New Jersey, hereinafter referred to as the Study Area as being areas designated as non-condemnation areas in Need of Redevelopment in Accordance with the local redevelopment housing law, NJSA 40A:12A-1.

Bonamassa: Let me ask a question before I vote, being that I don't approve of the preliminary investigation report does that automatically mean that I don't approve of the resolution?

Discussion takes place regarding if they vote no tonight, can they vote on the resolution. It is determined that since Bonamassa voted to not accept the report, he will not be eligible to vote on the resolution either.

Motion to vote made by Denning, seconded by Beck, followed by Roll Call.

Denning: Yes

Beck: Yes

Boulderstone: Yes

Dodd: Yes

Petrosilli: Yes

Shapiro: Yes

Sneddon: Yes

Lippincott: Yes

Public Comment for Mr. Lang will be read when Mr. Lang notices for his meeting. Mr. Slachetka leaves meeting as he is no longer needed. Mr. Lang does not need to be publicly carried because he didn't notice properly but we just want to make a mention about the application because he has sent out letters to the property owners. Mr. Lang will re-notice. His noticing was not adequate for the new virtual meeting.

Motion to open to the public, Ayes. For the record there is no one to participate in open discussion at this point in the meeting. Motion to close to the public, Ayes.

Sneddon motions to close, Shapiro seconds.

Motion to adjourn made by Denning, seconded by Beck.

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<http://twpoceannj.gov/PB/2020/110520/PB-agenda-110520.pdf>