

Township of Ocean Planning Board Meeting Minutes
February 6, 2020

Prepared by Corinne Anderson; Completion:

Start Recording: 7:15:27 PM

Chairman: Good evening, I'd like to welcome everyone to the Township of Ocean Planning Board Meeting. And if you would all rise for the Pledge of Allegiance and the flag salute.

Pledge of Allegiance

Chairman: Okay, and Laurie, if we can have the open public meeting statment.

Laurie: Pursuant to the permission 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.

Chairman: Okay. Roll call.

Beck: Here

Bonamassa:

Boulderstone: Here

Denning: Here

Dodd: Here

Kavka: Here

Lippincott: Here

Petrosilli: Here

Shapiro: Here

Sneddon:

Sweeney:

Let the record reflect the professionals here this evening are Steven Yost, from Haines & Yost , Jason Worth from T&M Associates and Steve Lenon from Taylor Design Group.

Chairman: Okay, approval of minutes. You should have a package for the minutes of the December 5, 2019 meeting, and January 2, 2020 reorganization meeting.

Shapiro: Motion to approve

Beck: Second

Chairman: All in favor

Group: Aye

Laurie: Just one second, motion was made by Shapiro?

Shapiro: Yes

Laurie: And, second was made by?

Beck: Beck

Laurie: Thank you.

Chairman: Also in your package should see the bill list for the professionals. And if everybody has had a chance to review that and finds them in order. We can make a motion to approve them.

Voice: Motion to approve.

Voice: Second.

Chairman: All in favor?

Group: Aye

Chairman: Okay, we have no new resolutions at this time. That'll take care of old business. That brings us to the main order of business, New Business, Docket #519 for the Planning Board, the Mandrake Properties. Would the applicant care to come forward and state their name?

Voice: Mr. Chairman, before we do that I think Mr. Kavka (inaudible). Swear in Mr. Kavka.

Yost: Mr. Kavka raise your right hand please, you solemnly swear or affirm that you will support the constitution of the US and the constitution of the state of NJ you will bear true faith and allegiance to the same and the government established of the United States and in this state under the authority of the people and you will faithfully and impartially perform all the duties of the office of the planning board of the Township of Ocean as a member according to the best of your abilities so help you God.

Kavka: I do.

Yost: Thank you.

Chairman: Congratulations.

Yost: And I'll have you sign

Hock: Mr. Chairman, thank you. My name is Gregory Hock, I am an attorney from Darcy, John and Day in Toms River, NJ. I am here on behalf of the applicant before you tonight, Mandrake Properties FLP. I have some professional engineering testimony as well as the operator, proprietor of Mandrake to provide more insight on the design as well that was requested by your professionals. First and foremost, a little bit of history. The board is very familiar with the redevelopment process in town, that's how this project got started before your redevelopment entity prior to tonight, they, many moons ago, deemed this area in need of redevelopment. This past year, I think in July 2019 after our presentation as to this project, they agreed that this was appropriate for this site and in fact adopted the redevelopment plan. Which your council will tell you is sort of an overlay and adds a set of development regulations specifically to the parcel based on the testimony given under the law. We are back here tonight for testimony review, I

will say it is essentially the same plan that we proposed at the redevelopment entity. We just tweaked a few things and changes that they wanted. And we'll highlight those through the testimony. And with that, I will ask that Millis Looney, our professional engineer be sworn in.

Chairman: Very good.

Yost: Do you swear to tell the whole truth, so help you god?

Looney: I do

Yost: Your name and spelling and address for our Board Secretary.

Looney: Millis J. Looney, Millis J. Looney, 1705 Route 37 Toms River.

Yost: Ms. Looney, you are in fact a professional engineer in the state of NJ, correct?

Yes I am

(Inaudible) credentials.

Looney: I received my P.E. in 1991 after graduating from Rutgers College of Engineering, I've been practicing private and municipal law since then, I'm sorry, municipal design since then., And I am currently the Lacey Township engineer and I sit on a few boards also in Ocean County.

Yost: (inaudible) various language in the State of New Jersey?

Looney: Yes I have.

Yost: (inaudible) She's qualified.

Chairman: Good.

Yost: Ms. Loney your firm prepared the site plan on the docket before the board tonight, correct?

Looney: Yes

Hock: And you're also involved in the design elements as part of the redevelopment campaign and presentation as well. Correct?

Looney: Yes

Hock: And what we have here is essentially the same, is it fair to say, what the redevelopment entity approved in the redevelopment plan, correct?

Looney: Yes

Hock: There were a couple of professionals that issued reports in this matter. Did you have a chance to review those reports?

Looney: Yes, I have a review letter from T&M last review letter dated Jan 8 2020, and I have a letter from Taylor Design Group dated January 16, 2020.

Hock: Starting first with the T&M letter from January 8. The first page is essentially a historical review, we covered that already. Read the comments (inaudible) begin on page 3, paragraph 2. Could you take a look at that and respond as appropriate.

Looney: That item states that the applicant shall conform, compliance conform compliance of the following of the operational standards required int he redevelopment plan. All of the items are acceptable and the one that I would like to elaborate on that is the one that says no fabrication of products or cultivation of plants shall occur. No cultivation of plants, as far s fabrication he may have someone who does ductwork, like minor fabrication like that, we just wanted to make sure that was not precluded from that item.

Hock: So if we had an HVAC contractor as a tenant in the building, doing minor fabrication which technically could be a violation but we were looking for (inaudible) view that as fabrication.

Looney: Yes, minor fabrication if you would.

Hock: inaudible. Other than that, all those items were not seeking (inaudible).

Looney: Yes

Hock: There is a variance requirement.

The minimum rear yard setback is 90ft, we have proposed 88.8 and that is, if you would take a look at the display, which is the aerial display of the project, it is to the top if you would, toward the wetlands and the reason we have that variance shown now is at the redevelopment there was a request that the architectural plans have a bump out if you will so you don't have a straight facade across the entire back of the building, so by putting in a 2ft bump out it created the variance. However, I don't believe the variance would cause a negative impact anybody, because it is toward the wetlands at the rear of the site, there is no development that can be down at the adjacent property immediately there, because they also have wetlands, so I state that it is diminishes, and not a conflict.

Voice: Can we label that A-1 for identification, and tell us what that is?

Hock: A-1 is part of the site plan that was submitted to the board. Pages 3 of 11 prepared by Millis Looney, dated 11/15/18.

(inaudible chatter)

Voice: excuse me did you say the letter was dated January 8?

Hock: The most recent revision was September 9,

Voice: No, I'm referring to the letter from T&M.

Looney: Yes

Voice: Because the letter I have is dated December 20.

(murmurs of agreement)

Looney: I received a revised one January 8, actually dated January 8, 2020.

Worth: We did give an updated letter on January 8 it was just a correction to the zoning table only. All comments are the same.

Voice: Okay, thank you.

Hock: And the bump out was part of the design change that the redevelopment agency requested to have a dimensional change on the rear facade of the building, correct?

Looney: Yes

Hock: And are potential feet to it.

Looney: Yes

Hock: And do you feel the aesthetic improvement by that change outweighs the approximately one foot deviation to the setback?

Looney: Yes

Hock: And again, due to the property you feel that there is no detriment or affect offset by that?

Looney: Yes

Hock: (inaudible) offices, information on that.

Looney: The maximum square footage of the offices are 150 square feet, we will comply with that requirement.

Hock: And you did in fact, amend the architectural plans with the office space, correct?

Looney: Yes

Hock: We did revise the archeticuls, if I could submit those as A-2.

Chairman: That is fine.

Hock: (inaudible) office space delineated in the units.

Looney: Yes they do, and they also show the offices square footage as 150 square feet.

Hock: There are some other (inaudible)

Looney: There was a question regarding the truck turning radius. The truck turning plan, we had provided a plan showing that the sanitation truck would be able to access the site. Access those dumpsters and then be able to turn around and come out. As the site does not have a turnaround at the end, the site cannot provide a turnaround for a firetruck. What I would like to do is defer to the fire official for approval of the site, as designed.

Hock: For comment, we are compliant with the parking?

Looney: Yes we are.

Hock: And is designed to handle the sanitation trash truck, (inaudible) in your opinion?

Looney: Yes, no problem.

Hock: Discussion of the curb. What are our curb issues there?

Looney: Currently,

garbled background noise

Voice: I couldn't hear her.

Worth: What date provided testimony on is that,correct me if I'm wrong, the firetruck should be able to come in to the site. And get to the far side,

Yost: Jason, excuse me; let me stop you there. Mr. Hock, we have a couple of housekeeping matters if you can bear with me. This is our first meeting after our reorganization, so Mr. Worth, you promise to tell the whole truth so help you god?

Worth: I do,sir.

Yost: What do you do for a living?

Worth: I am a professional engineer

Yost: Are you licensed in the state of NJ?

Worth: Yes, since 2011

Yost: How long have you been licensed?

Worth: Eight years.

Yost: Mr. Chairman, I submit that he is qualified.

Chairman: Very good. Why don't we do Mr. Lennon while we're at it?

Yost: Mr. Lennon, do you promise to tell the whole truth, so help you god?

Lennon: Yes

Yost: What are your credentials?

Lennon: I am a landscape architect with the NJ State Parks, since 1997. And I have a bachelors of science in landscape architecture from Rutgers University.

Yost: Mr. Chairman I submit that his credentials are acceptable.

Chairman: Okay

Yost: While we're at it, so we don't have to interrupt again. I Want the record to reflect that Miss Lydia Dodd has spoken to me about the fact that she knows Tomas Bergstrom, the applicant's principal. Has met him socially, and I have met him socially as well. We have no financial relationship with Mr. Bergstrom, and advised that she does not have a conflict of interest and I don't think I do. So I don't think I; 'll have to interrupt you again.

VOICE: If I could, I did have a question about the firetruck. With the paper crinkling, I think I missed something. They can get in but they can't turn around?

Looney: That's correct. They can access the site and they can—
(inaudible discussion about moving up closer)

Voice: I think we have the mic's up as loud as it goes. So, some of it to get to the sweet spot of the microphone. If you're too close it's no good, if you're too far away.

Looney: I'm sorry, yes. To answer your question, the firetruck can access the site. As you can see, it can turn around off of Seminole into the parking lot, however because we don't have a turnaround at the end, they would not be able to turn around.

VOICE: They would have to back out.

Looney: They would have to back out. Like I said, if we can leave that up to the Fire Bureau for their determination for whether or not this is acceptable. We really have no other option, I don't know if they would actually pull all the way in the fire.

VOICE: It wouldn't be wise.

Looney: No, but - my thoughts too.

VOICE: And one other item of clarification. You indicated that the offices would not exceed the maximum allowable of 150 sf. The plan actually indicates 126 sf, that's correct? I had to squint to see that. So that is what is proposed? Okay.

Female Voice: I have a question. On the architectural plan, design data, it says on unit 1 that it's 2500 sf, if you look at the plans I'm thinking it's the wrong unit. It also says, in building 2, unit 8 is 1250.

Looney: I believe you're right. Looking at this it looks like Unit 8 should be 2500 as well as unit 7. Those are the two larger units.

Female Voice: Thank you.

(inaudible talking)

Voice: The doors and pedestrian access.

Looney: What I have shown on the plan, and I apologize that we didn't have this done professionally, but please excuse my rudimentary red striping, what that shows is the areas where you can park and where you can't park. Because the question for us to delineate where the parking stalls were. The areas that are clear are the areas that have access to the contractors

warehouse that would be the overhead doors. Then adjacent to it, the red areas, the areas that are red striped are the areas in front of the pedestrian access into the building so you can see there is no parking in front of the doors, pedestrian doors to the building and the areas that have clear spaces are the areas for the trucks or whatever to be able to access the contractor's warehouse. We also show red striping in the area of the handicap spaces to show that there is no additional parking in that area other than for the handicap spaces.

Worth: So you're hatching actually does represent the hatching you are proposing for the pavement.

Looney: Yes

Worth: And for the board's edification the reason we made the comment was that they were delineating parking spaces in front of their overhead doors as well as the parking spaces across the drive aisle but all of that area in front of the building was to be paved. So there was really nothing potentially to limit unlimited parking in front of the building, as much as it can fit. So they are proposing to hatch out those other areas as parking.

Chairman: Ok.

Hock: And the handicap stalls be outside the loading area as requested, is that correct?

Looney: Yes

Hock: There were some comments about right turn only, can you address that.

Looney: Yes, we currently have a sign shown coming from the parking lot onto Seminole saying Right Turn Only, we also will stripe traffic pavement saying the same thing, Right Turn Only with the right arrow going out.

Hock: And the request regarding the handicap ramps and crosswalks, you're going to comply with that?

Looney: Yes, we'll be ADA compliant.

Hock: And the trash enclosures, I notice the two of them, how is that going?

Looney: There are two of them, they are roll out four yard dumpsters, so if its not accessible from the front of the truck or the side of the truck, depending on what sanitation truck picks of the truck, the sanitation operator will be able to roll the dumpsters out and dispose of the trash that way.

There is some comment regarding traffic impact. Required any vision test (inaudible).

Yes, that basically went through and said that the comments previous comments had been addressed and these are just statements.

Stormwater, what is the latest comment on that?

Well, there are a lot of comments here on stormwater. What I would like to submit is that we are in the process of revisions for the Ocean County SOils district./ One of the revisions we are coming up with are that we are --(mic cuts out)

Chairman: Is that going to be part of A-1 or separate?

Looney: A-2?

Voice: We already have A-2, so we'll make that A-3.

Yost: What shall we call that?

Hock: Aerial photograph, it is undated with the building superimposed.

Chairman: Thank you.

Looney; If you refer to the aerial you can see two purple areas. One in front of the building closest to Seminole, you'll also see a narrower one closer to route 9. As part of the requirements of OC Soils, we had to add a separate infiltration system near route 9. So all the comments that Mr. Worth comments came up with, what I would like to submit is after we make the changes for OC soils and submit back to him, that we work out the technical comments between the two of us as far as stormwater is concerned.

Worth: Yeah, I mean most of the comments we made, and I'm trying to see this second basin that looks like its proposed, I mean I see where it is.

Looney: It is very shallow. We wanted it not as intrusive. And we weren't using the backyard anyway.

Worth: Okay, yeah, most of the comments we made were relative to the design inputs if you will. We did request some additional sole borings, I don't know if there is any issue—

Looney: Yeah, we will be doing them.

Worth: So in general you will, along with this redesign that OC Soils is providing you, will comply with the requested updates for those inputs?

Looney: Yes

Worth: Okay

Hock: How are we handling lighting on the site?

Looney: The lighting, there is lighting on the buildings, and also in the parking lot. We are meeting the criteria of the ordinance. What we plan is having photocells so the lights will be on from dusk to dawn. That will also act as security lighting. IF requested we could certainly cut down on the lighting left on overnight. It is up to the board at this point, we are going to leave them all on. But we can of course cut them back.

Hock: (inaudible) the lights be shielded?

Looney: Yes

Hock: inaudible

Looney: that's correct, with the exception with a little on seminole and route 9 but they are public streets. As far as the adjacent properties they all have up there is no spillage whatsoever.

Hock: Signage. What's proposed for signage

Looney: We have a sign detail, shown on the detail sheet. And what we are proposing is there are 14, a maximum of 14 tenants, each tenant will have a 5in by 30in sign allocated on the main sign that is 7 tenants on one side of the sign and 7 tenants on the other side of the sign.

Hock: And then any additional signage on the building just as ordinance.

Looney: Yes

Hock: specific tenants

Looney: Yes

Hock: Screening, Screening around parking areas. Vinyl solvents for foot rail on that.

Looney: Yes

Hock: And I think foot rails were also addressed by the landscape architect as well .

Looney: What we have proposed is on the east side, or right side of the detention basin. We are proposing a solid vinyl fence to buffer the adjacent property even though the adjacent property is still commercial, just to provide a little more of a buffer area there. As far as the other areas, the other three sides of the basin we are providing a split rail fence. We felt that was more aesthetically pleasing. In addition we also have landscaping up against the fencing so that will also provide an additional budder.

Hock: So looking at the site from Seminole we would see landscaping buffering split rail as opposed to solid vinyl.

Looney: Yes and if you take a look at the landscape plan, you can see how many trees or whatever how much landscaping we have shown and I think it is significant that it will provide a nice buffer.

Hock: And you feel it is more aesthetically pleasing form the roadway as opposed to a solid fence?

Looney: Yes.

Hock: As to the compliance of the material issues by the Taylor Design Group letter as far as them being treated material so that they last, we have no objection to that?

Looney: That's correct, no objection.

Hock: As to miscellaneous details, we are going to comply with the stop bar, crosswalk, concrete, (inaudible)

Looney: That's correct.

Hock: Other than that outstanding issues of agency approval (inaudible)

Looney: Yes

Worth: There are a couple things to double back through

Looney: Sure

Worth: Expeditionously, we did touch on curb limits on site. So will there be bollards in front of the doors, or are you just proposing the striping?

Looney: No, just the striping. Mr. Bergstrom actually has five of these contractor warehouses and he has no problem with that. He feels that the booldards or wheel stops can become a problem with plowing, et cetera.

Okay, but there won't be parking directly in front of those doors.

Looney: That's correct

Just the roll open doors

Looney: Correct

Worth: And the type of curbing that will be used on site.

Looney: It's cement concrete curb.

Worth: Concrete. Okay, the handicap stalls are you still proposing them in front of the building unit.

Looney: Yes

Worth: The NorthWestern corner of the site.

Looney: Yes

Worth: Will that interfere with the operation of those units at all. Because those will be right in front of the roll open doors, I presume.

(inaudible chatter)

Yost: Do you promise to tell the whole truth and nothing but the truth, so help you god?

Bergstrom: Yes

Yost: Please give your name, spelling and address for the board secretary.

Bergstrom: Thomas Bergstrom, THOMAS BERGSTROM, 1407 Isabella Court, Toms River.

This is an operational question?

Worth: Yeah, you have the two handicap stalls, proposed in front of the building so those will be in front of the roll open door I presume for those two units, is that an issue for those two units, operationally.

Bergstrom: No, it wouldn't be.

But will that create access issues with those units with the roll up doors, if there are handicap persons using those spaces when visiting?

(inaudible)

Worth: I understand, it would seem to me that there could be an issue, you know, a contractor comes back and someone from 4 units down is parked in front of their unit. They have no access to their unit, potentially. It certainly seems like a valid, potential issue but--

Denning: Is there a reason why they are together, I would find it hard to imagine that there would be two handicap people in the same vicinity. It would seem logical to me to at least split them up on different sections. Because if you're a handicap person that would essentially limit you, realistically, to those two units. You wouldn't be able to get to the second building. I mean I'm just--

Voice: (inaudible) across the aisle that way, there would be one on each side.

(inaudible discussion)

Worth: Yeah, I think from a utility standpoint, Together they may be the gift that keeps on giving.

Bergstrom: That makes perfect, logical sense. Absolutely.

Worth: Relative to our analysis of their traffic study, they did provide a supplemental report. Dated December 27th, so that was another aspect of our update, Mr. Beck. And they did address those concerns that we brought up. The inner-section with Seminole Ave and Route 9 does continue to operate at acceptable levels of the service in the PM peak hour there is an extension of the delay from the turn to Seminole Ave to Route 9, it does increase from 35.3 seconds to 46.9 seconds. But it is under 50 seconds which it continues to operate at the level of service. We touched on the stormwater system, so do you know the size of the basin that you're going to be building?

Looney: I apologize I don't. Like I said, it is relatively shallow, I don't have the information. My designer is still working on it.

Worth: More for water quality?

Looney: The two year and the ten-0year.

Worth: Okay, we touched on the soil borings. Knowing that the larger basin out along Seminole Ave will change. There will still be an emergency spillway. Will you be treating that spillway between the basin and Seminole Ave.

Looney: You mean as far as showing as stable?

Worth: Stabilize

Looney: Yes

Petrosilli: Question on the retention of the area. IS there going to be standing water in there?

Looney: It has to dewater within 72 hours, but it is designed where is it an infiltration basin It doesn;t have an outlet below the emergency, or the main overflow

Worth: But it is not designed to always hold water

Looney: That's correct.

Worth: Designed so that it will fill up after a rainstorm and then will infiltrate into the ground.

Petrosilli: So it won't be a hazard to any children or anybody in the area.

Worth: And you will be fencing the entire basin?

Looney: Yes

Worth: And you are proposing the 4ft high split row fence with the wire mesh.

Voice: I believe it's 3 ft.

Worth: 4 ft is more typical, which is why I said it off the top of my head.

Looney: Okay, we'll go with four foot.

Worth: We noted, I don't know if you foresee any guide rail. I mean your curbing that one side of the parking drive mile along the basin, so any need for a guide rail or anything for any cars that park abutting the basin.

Looney: We didn;t see a need for that, no.

Worth: Because it's curbed. Okay.

Petrosilli: While we're talking about curbing. Is the whole property going to have curbs and sidewalks.

Looney: No.

Worth: For the sidewalks, do you want to describe the sidewalks proposed, I believe they are on Seminole and Route 9.

Voice: We do have sidewalks (inaudible)

Looney: We do have sidewalks along Seminole and sidewalk proposed Route 9. As far as the site, there is no sidewalk proposed but there is curbing for a portion of it.

Worth: So you guys are not proposing sidewalk

Looney: Within the site, no

Worth: But outside?

Looney: Outside, yes.

Worth: Alright, hold on I was like which is it, yes or no. Okay, so there will be continuation of sidewalk, essentially crossing from Indian Head Plaza further north.

Looney: Yes, all along the front of Seminole and all along Route 9.

Voice: So what we're saying, along this frontage here and along this frontage here, there will be sidewalk?

Looney: Yes

Denning: Is there, the wetlands on the back of the property. Is there standing water there? I remember, a previous meeting, a citizen echoing concerns like that. I only bring it up because if there is standing water on the property and the wetlands, my concern about a basin would be how do you keep it dry. Because then the water table would then be pretty high.

Worth: Yes, well you may want provide some comment. The wetlands, or the noted wetlands are to the north of the site so the infiltration basin is toward the south side of the site. There are two soil borings taken that show adequate sub-soils. But we have looked at the OC soil maps and noted that there appears to be a distinct line perhaps in that area showing that there is a break in the soil classifications. So that is why we've asked for two additional soil borings in those areas. To make sure that the basin will drain to your point and when the basin is designed it is designed to be two foot above the groundwater elevation so that it can still drain.

Denning: And was there any thought of placing recharge pits for runoff before it gets to the basin. I mean the only worry I have is that we have a basin in town that currently holds a lot of standing water. And I don't think it was designed that way.

Looney: Probably not. However, we do have the operation maintenance manual. He does have to maintain that, and it is to his ebenedit. I mean if it looks terrible and you have mosquitoes breeding there I mean he;'s an owner operator so, Mr. Worth said we are minimum two feet above the season high. We will be getting additional borings to show that the entire site in the area, the basin at least are consistent with that.

Denning: Okay.

Petrosilly: The water drainage primary It is going to go to the south basin, right?

Looney: Yes, to the south and the new basin, which isn;t shown on there to the west, but primarily the larger basin is the one that's on the south side.

Petrosilli: So the design behind the building, is that going to be graded to go into the wetlands.

Looney: Some of it, not

Petrosilli: So any leaders or gutter will flow to the wetlands as opposed to the north.

Looney: Some of them. Some of them.

Petrosilli: Split?

Looney: Yes

Worth: So you can't direct water to the wetlands. Does it have to be mitigated on the property?

Looney: No, we actually. What we're allowed to do is we are allowed what's going out there now. We graded it very carefully so that we're not increasing any flow to the wetlands. When I say, a little bit, as Mr. Worth when he checks the calculations he can verify that we are not increasing to the wetlands as well as not increasing to Seminole either. In fact we have to show decreases for the stormwater.

Petrosilli: Will there be any need to fill any areas to make sure the water flows in the right direction. Any fill of the property at all.

Looney: There will be grading, some areas will be cut and some areas will be filled. You know to even it out. To make sure it flows where we want it to go, yes.

Petrocelli: Thank you. So the grading and everything, bottomline is the property behind it to the east, there won't be any more water going there than there is now.

Looney: That is correct

Worth: The problem that we create is artificially created that its significantly from the roadside. Your standing on the road and your standing four feet above grade—

Looney: No, no.

Worth: You have to ask. You look at some of these, and you think what is going on here?

Looney: It's a valid question.

Worth: The Home Depot in Lacey if you don't hold on to your cart, it will run away from you. So, you have to ask these questions.

(inaudible)

Petrosilli: Route 9 is all curbed, so there's no way to let water running
No, there will be no run off from the highway onto the property

Worth: Again, when you touched on lights, whereas we recommend minimal security lighting after normal business hours which is 7am to 6pm, you said your inclination that the lights will be on overnight.

Looney: Yes, but we can reduce them to whatever you'd like us to. Just so we have some security lighting overnight.

Worth: It's pretty dark at night, I mean your notion, you're in a neighborhood setting, I think that as minimal light pollution as possible would be nice. Particularly since it is not for a functional status it's not really needed, more to see if someone is strolling through because it will be closed, right?

Bergstrom: I think the suggestion was they will work with the professionals to figure out which lights stay on and which lights turn off at night and again, just enough so we have a little security; but we don't want to bother anybody.

(inaudible)

Bergstrom: We can put them on a timer as well. So, we can shut them off, maybe 12 o'clock.

Worth: I mean 1 AM in the morning, I can't imagine you need it blazing blue, you know?

Bergstrom: Absolutely, not.

Looney: So, we want to go with 12 o'clock, the lights will go off?

Worth: I think

Bergstrom: (inaudible) shut them off by midnight. So, we can out a photocell and a timer on it so they go on when it gets dark enough and then shut off at the same time.

Worth: And, I'm sorry, you said there was a certain page, where you had site ID time shown

Looney: Yeah, it's on the details sheet, which is sheet number 5.

Worth: Okay, so okay so you're going to have a 5x5 sign, you said there will be

Looney: 5 x 3, and there will be seven tenants listed on one side of the façade and seven tenants listed on the other side of the façade.

Voice: Okay, but

Bergstrom: Basically, what I provide a plastic sign and it is divided up into the 14 equal spaces in case someone wants to and they apply a sticker, if you will, with their business name.

Worth: And it is internally illuminated, or externally.

Bergstrom: I don't know

Worth: No walls signs are proposed for
(inaudible chatter)

Bergstrom. Generally, what I have now, I permit the tenants to display a 2x3 wall sign above their garage door only. If they want, it doesn't mean they will do it, but.

Worth: Yeah, just the redevelopment plan does allow each unit to have one wall sign. The maximum sign area is 1sq ft per every linear foot of side length. So 2x3 certainly sounds underneath that one.

Voice: We're not looking for a variance for that.

Lennon: Okay, can we provide an illustration for the site ID soon?

Looney: Just add it to our plans as a detail?

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Petrosilli: So, there will be no hazardous material that will be in any of those stores' areas.

Bergstrom: Correct.

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Bergstrom: Again, as an operational matter, I don't allow it for insurance purposes. It is one of the first things they ask you on your insurance application.

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Looney: There is a hydron shown almost directly across the street from the access.

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Worth: There are two hydrons across the street at the entrance to the other plaza.

Beck: Question, how many of these facilities do you operate?

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Beck: So, you've had considerable experience with this type of facility. Presumably you have a standard form lease that your attorneys proof, that says what you can't do.

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Bergstrom: The furniture re-finisher that I have for a matter of fact, was inspected two months ago by the Toms River fire prevention bureau and he had no hazardous materials.

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Bergstrom: (inaudible) I would prefer not to have wire.

Voice: From an aesthetic standpoint it would look a lot nice to eliminate the wire mesh and just do a vinyl three rail fence, or two rail fence around.

Bergstrom: I agree with you.

I think that would look a lot better from an aesthetic standpoint and it is a lot less maintenance for the owner/operator.

Bergstrom: It is easier to keep and nice looking.

Chairman: That makes sense.

Lennon: Request for metal and trash enclosing gates, we agree with that of course.

Looney: We'll comply.

Lennon: Update architectural plans, we'll circle back to that section in a minute with Bergstrom. I'll jump down to () paragraph.

On item 3, E3 (inaudible)

Looney: Our plans

I'll skip past, C1 for the moment. C2, there is a question over-head door and the outswing, we talked about the stripping agreements proposed.

Looney: Yes

That would of course apply there, to delineate the area where there should be no parking. Lighting, we touched on a lot of that. Take all those, curtailing we'll take all those to make those work with the professionals. Landscape comments, there was some request for some professional landscaping, if you can tell the board what our constraints are and what is proposed.

Looney: It was requested at the, when we were here last that additional mature landscaping be provided along the route 9 frontage, however, what we're providing is a three foot high berm, and now we are provide the additional infiltration basin. So, between the two of them, we can't really maintain any of the mature vegetation in that area. We are providing, replanting with other materials, but between the two constraints we can't really maintain the existing vegetation.

We haven't seen anything and we can take a look at the grading.

I mean, if we can work it out, you know of course if we can. ,

(inaudible)

Keeping the existing vegetation in lieu of the berm may be more effective in (inaudible) So we can take a look at that.

I am not agreeing with that, berms – keeping whatever vegetation we can because it is already grown.

If you do have to take it out, are you guys proposing planting shade trees where you can to kind of dress it up some.

Looney: Yes

(inaudible)

Looney: Yes

Of course, the comments regarding the trees closest to route 9 (inaudible)

(a lot of background discussion happening)

(inaudible)

Looney: Yes

In regards to bonding, as required by law and you certainly, is the applicant proposing to seed the site, or?

Looney: Yes, he is proposing to seed it. But he will have to get sign off from OC Soils, saying that the site is stable prior to getting his CO. So there will be is no question about it, grass will be growing

Voice: And the grass area will be visible.

Looney: Yes, they will.

I think this is all we have on this report, unless the board has some further questions on this?

We have some particulars on the landscaping, but we can work through that and some stuff shown on the inside of the basin, fence, and may be more effective (inaudible).

Looney: Okay, sure.

Lennon: Aside from that I guess we can move on to the central question, the board concerned about it was going to look like. And I think I'll have Mr. Bergstrom address that. Before that, what are we up to on exhibits?

Voice: A-4

Lennon: A-4 I'll mark the hard copy and make sure to mark your pages as well. So Mr. Bergstrom there are some questions regarding what type of material to sod, the siding, design elements.

Voice: Can you tell us the description of A-4?

Lennon: Elevation view of the contractor warehouse, I think we have a front view and rear view.

Voice: Thank you.

Bergstrom: 7ft up would be split base block, gray. 7ft up until the soft, gray vinyl siding, which (inaudible) soffits would be white, the man doors and shutters I'm proposing a gray/blue. Similar to this color. And the roof, in timberline style roof, again in gray.

Lennon: And I understand the redevelopment agency had requested you have the dormers, which you've done, to break out the façade of the roofline. As well as the bump outs, you didn't incorporate the bump outs as showing on page A-2 of the architectural.

Looney: Yes

Lennon: And that was a request as well. That's what causes the variance request, but I think the aesthetic improvement is worth it. Other than that, there was one question about the color of the doors. I think we've deferred to the board, its white now but if the board thinks another color would be better.

Chairman: Okay

Voice: Whatever the land owner wants it to be.

Bergstrom: What?

Voice: Whatever you want.

Bergstrom: Didn't know if that was a point of contention.

Do you have any other questions about design elements?

Petrosilli: I believe the windows are decorative, they're not functional, are they?

Lennon: Correct, just to add something to the façade.

Petrosilli: Okay.

Denning: What kind of lighting do you have proposed on the building, if any?

Bergstrom: Well, by code you have to have a, there is going to an exterior light next to each man door.

Denning: Okay.

Bergstrom: And as the far as the building goes, the rest is just the site light.

Denning: Do you have a proposed fixture?

Bergstrom: No, I don't, but it'll be a

Denning: Nautical themed fixture to fit with the town theme?

Bergstrom: Yeah, town theme.

Denning: Okay, which is nautical, our town theme is nautical, right? Yeah.

Boulderstone: The rear elevation looks kind of stark, is it possible that you can put the shutters on those windows? Like the front.

Bergstrom: Yes, we can put shutters on the back windows. Also, the small head that you have, doesn't reflect the bump out. It is reflected on the architect.

(audible murmuring of yeses)

Denning: Just one question about the ornamental lighting. Is that going to be in the parking lot? Or do you have a more traditional parking lot light proposed?

Looney: The detail as shown on sheet number seven, at the top of the page.

Denning: Okay, this feels like an acorn style light.

Looney: Yes.

Denning: I wasn't sure, this on the other end of the page looked like another light, I can't really tell what it is. It says wall, full cut-off LED, I wasn't sure if that was a light being proposed for the parking lot.

Looney: No, no, no.

Denning: That's more like the wall pack on the wall unit.

Voice: With a nautical theme.

Denning: Thank you for clarifying that.

Chairman: I think that wraps up our (inaudible), unless anyone has any more questions or needs more detail?

Voice: I had a question on the base material. I didn't catch what that was.

Bergstrom: (inaudible response)

Voice: And the awning over the door and window? What is that material?

Bergstrom: Metal, like on the Ocean First Bank Building, color matching the door and surfaces. (inaudible discussion regarding colors)

Voice: If they had white around the edge? That might be the thing to do. Whatever the boards feels about it.

Bergstrom: Another solution, they come in white and they come in white enamel and they hold up very well.

Voice: Once you paint something and it starts getting scratched and messed up.

Voice: So are we leaning towards white?

Worth: I understand what the professionals say, from the durability standpoint, and the building is sort of subdued and will have a lot of gray and vegetation to break it up. I mean if the owner would like to make it blue, cool, if he wants to keep it white that's fine with me. Leave it up to him, the rest of the building looks beautiful.

Bergstrom: Again, I think the white holds up a lot better because the door has an enamel finish. Whereas once you paint something it becomes a maintenance issue.

Boulderstone: That's a good point.

Voice: Yeah, I'd do it if it can get it baked in the color.

Bergstrom: I don't imagine I'd be able to get commercial doors in that color.

Chairman: Assuming we can't get that in any other color, white would be okay. White is a good color, you can't go wrong with that. Are we ready for public comments at this point? If so, why not a motion to open to the public?

Voice: Motion to open to the public.

Voice: Second

Chairman: All in favor?

(Ayes)

Chairman: Anybody from the public, please step forward, please give us your name and address, and your thoughts or questions.

Moglia: Good evening, my name is Bill Moglia, 323 Seminole, right next to the property. I have a few questions. I don't remember all of them, because you all kept on talking.

Voice: Okay

Moglia: How many meetings have you had so far? I have made one so far.

Yost: Mr. Moglia?

Moglia: Yes, Counselor?

Yost: Mr. Moglia can I swear you in? Because typically our experiences are people come up to ask questions and they start talking.

Moglia: Okay, no problem.

Yost: Which is fine, so let me just swear you. Do you promise to tell the whole truth, so help you god?

Moglia: I sure to do, yes.

Yost: Thank you, Mr. Moglia.

Clune: Can you spell your last name please?

Moglia: MOGLIA

Clune: And what's your address?

Moglia: 323 Seminole, right next to it.

Clune: Thank you.

Moglia: My question, I've been to one meeting so far, how many meetings have you had so far? Three? This the third.

Voice: This is the first meeting of the planning board.

Chairman: First meeting of the planning board.

Moglia: But the first one was in July.

Voices; That was redevelopment.

Moglia: Weren't you supposed to have another one after that, let the neighbors know what was going on?

Voice(Worth?): There was an initial meeting with the redevelopment committee where Mr. Bergstrom presented his application. The people were notified for that. The redevelopment

committee voted in favor of a site-specific redevelopment plan, and then that redevelopment plan was introduced on first reading, and then adopted at second reading, and that was in July.

Moglia: That was in July, I got one letter. Now, how I found out about this meeting was through a neighbor. And I live right next to these people, and I haven't received anything. Matter of fact, the people on the other side of the street from me on the other corner second street, they haven't received anything, yet, but the body shop got four of them; and I haven't received any.

Voice: I didn't get anything either.

Voice: Shouldn't you have gotten a notice?

Moglia: I should have, the way you guys should do it. This is how I got it , I got a notice in the mail all the other signed the paper and give it to me then I received it , if I wasn't home or anybody wasn't home they would sticker a mailbox and go down to the post office and sign for it. I haven't received that.

Chairman: Well, it's unfortunate you didn't receive it.

Moglia: Unfortunately, but I think if more people would have found out (inaudible)

(A lot of inaudible chatter)

Voice: Sir, I am just going to ask our counsel to refresh all us, exactly the notification

Yost: The board secretary came up to me before the meeting and explained that the, I guess she had spoken to somebody and they had raised the issue that you are bringing to our attention. She went and picked up the applicant's affidavit of service and what is required under the statute is the applicant is required to use the property description from the tax map. That's where they get it. The tax rolls that shows all the properties within the 200 feet of the development.

Moglia: That's me, I live within 200 feet.

Yost: I don't know why you didn't get it.

Moglia: (inaudible) I can show you exactly where my house is.

Yost: I don't disbelieve you sir. What I'm saying is the applicant, I don't know how long you've lived there, I don't know what other explanation—

Moglia: I lived there from like 15 years.

Yost: Do you own the property?

Moglia: I own the property.

Yost: Okay, I have no explanation, all I can tell you is that our board secretary has matched the affidavit of service where the applicant says they mailed these out with the tax map.

Moglia: I'm sorry, I haven't received it. Not to cut your short but if I received and not just me, but if more people from the neighborhood, guys across the street from me, that's more than 200 feet, they would have been here. And let's see, who's here and they haven't received it either.

Yost: I have no explanation for you.

Moglia: Well neither do I, that's why I'm bringing it up to you now.

(general murmurs of OK)

I'm just saying, the law is the applicant burden is to work off the township tax map. So

they provide notice, the statute oddly enough doesn't require that you actually receive it, it just requires that it be sent according to the tax map. So, I don't know why it wasn't done, if you didn't receive it.

Moglia: I guess someone isn't doing their job. I went down to the post office, you and I went down to the post office and asked for that paper I received that, and they're saying no. I didn't receive it.

Yost: I don't know what to tell you, but all the applicant, their obligation is to work off the tax map.

Moglia: But it doesn't make it right to do something, I'm sorry, sneaky. But not being sneaky. The town knowing what's going on to push something under the carpet. I'm not saying you're doing that but it shouldn't be done. You're telling me the post office, (inaudible) the post office didn't have my name down there if I went down there if I received a letter.

Yost: Not the post office, I'm saying the tax roll.

Denning: If I can add, what these applicants will typically do, is they will ask or they will describe to the tax assessor their property. And the tax assessor will provide them with a certified list of all properties within 200 feet. And then the applicant will provide notice to every one of those properties, certified mail with the green receipt, they have to provide a copy of a certified list that has been provided by the tax assessor with a copy of all those receipts. So, I think in this case, what the applicant has done is provided that list with all those receipts, and they have met that burden, and I believe that is what the attorney is indicating.

Yost: And also, public notice in the public newspaper, within before ten days before the hearing. Now this is a separate board from the redevelopment agency, so although we have two members here that are on the committee who are members of the redevelopment agency, the rest of the board hears this, and they do to from the beginning as a new application. We have to make a decision the board does based on what is presented. So my advice to the board would be based on the statute, this applicant has met their burden they have jurisdiction, the board has jurisdiction to make a vote. And that is what I would advice the town. I hear what you're saying, and I think I understand it. What I would say, if you would like to, if you have an opportunity here to address the applicant. You are here, you know about what happened, as are the other members that you say are residents that didn't get notice. You are free to come up and question the applicant, question the applicant's experts or make any questions to the board about any concerns you have about the application. You're here now, and I'm sure the board will hear you.

Chairman: Absolutely, more than happy to hear your comments on the proposed comments.

Moglia: Okay, I have a few. Other than that, I probably forgot other ones. You were saying, the property going one way in, one way out, correct? Off of Seminole. Is there going to be a light at the route 9? Hard getting in and out of there, right now, as it is right now. By adding that property, more people coming in and out. Second thing, the property is it big enough for a fire truck and a pumper to go in there? At once?

Yost: Well, one of the things we talked about is we're going to have the input on the fire officials on all this.

Moglia: I am a fireman, I understand, I know what I'm talking about. And also, you were talking before that there won't be trailers or anything in the way at night, but yes be in it during the day. Now if there is a fire during the day how is a fire truck going to make the turn, not just the truck that's a matter.

Yost: Look, I think you have a very valid point there, which is why we're going to have our fire officials work with the engineer and determine if that is safe or we need to have changes made to this plan.

Moglia: If I remember correctly, at the last meeting there was a spark that one took there.
(Sneezing and bless you)

Moglia: The last meeting there, they couldn't get a truck in that one area.

Worth: Yeah and I think certainly let the applicant provide testimony that they have widened the driveway along the rear portion of the site. I believe that is so a firetruck can get in to all areas of the site.

Worth: As they've said, the backing out is something that, they wouldn't be able to turn around they'd have to back out so as a condition of approval they have agreed to, or a condition to a potential approval, they have agree to send the plan to the fire company for their sign off on what they are proposing.

Moglia: If you guys know, where the fire pump is in Waretown you have to make a right at Seminole to make a left into that building, is that going to be wide enough to swing that truck in there?

Worth: They will have to provide turning templates that will show it can make that turn, yes. And as they testified before, the fire company may determine that they don't want to bring that equipment into the site.

Moglia: (inaudible) woods right behind it, and a wood house my house, if that place is on fire, I might as well kiss my, goodbye.

Worth: I understand.

Moglia: I mean, I'm not putting a kabosh on it, but I'm looking at this sensible too, I am a fireman, still am a fireman in Barnegat. I've done plumbing and electrical with my job, and that's another thing I wanted to touch on. You said chemicals. Plumbing, they have torches (inaudible) propane, they and a lot of this stuff don't mix and you have to keep it in a cool space which you guys know, then you also got the guy with the furniture store, some of that stuff, you have to use some strong stuff to get out. And the smells, they don't just go away it hangs around, especially in the wood area. Smells stay in there.

Chairman: Okay, so one of your concerns then is these items being used and being a potential hazard?

Moglia: Yeah, I think it is a potential hazard. If you don't get the fumes correct sensor, you get the smells collected.

Chairman: Jason?

Jason: I would ask the applicant to address the concern.

Moglia: I mean, I'm not talking behind my back. I'm just telling, I mean if you guys lived right there what would you say if you didn't get a letter then you hear what is going on, and this gentlemen here is nice to tell, do you mind if I turn this around?

Voice: You can use any of the displays.

Moglia: Here's my house right here. You were saying this area—over here is done, if you get a fire, this catch my house I'm moving out of town, and that there and the fumes, muggy day a foggy day that's gonna stay there a long time.

Chairman: Okay, well I think, refresh my memory too, I don't think we're going to have any hazardous material, correct?

(inaudible)

Bergstrom: No hazardous material allowed. I have had fire inspections every year on my property and propane tanks are not allowed inside buildings by fire code. There are no propane tanks.

Moglia: What about a gasoline tank?

Bergstrom: I can't speak on (?) tank, if the plumber has them—these buildings are inspected every year by fire for fire prevention.

Moglia: I'm not saying they're not inspected, plumbers have a small little carry torch (inaudible)

Bergstrom: They are permitted.

(inaudible)

Denning: I understand the gentlemen's concern. It seems to me, that we have to allow the developer, the owner to have reasonable use of his property, you know if your contractors are coming in with small

Moglia: I'm not saying they can't use it. I'm just saying you're saying no chemicals, this unit has selene, this unit has the furniture guy, this catches up the selene if you don't have fire walls between it you're done.

Denning: I would defer, I think the board would defer to the fire officials for and the professionals for appropriateness. It's a wild speculation.

Moglia: You're going to say what they say, I'm telling a true story, I'm a lieutenant, and had to go through all the stuff to find what's going on. I'm not talking.

Denning: I'm not saying you are, but.

Chairman: We have a couple extremely competent people running our fire department and we'll get their input. And you as a fireman probably know better than what that would be.

Moglia: I'm just saying the issues as I see it.

Chairman: Okay

Moglia: And other stuff there, and another thing I was thinking when you're grading a property, is any of that overflow water going to come over to my property?

Looney: No

Moglia: When you say no, what do you mean by no?

Looney: No

Moglia: Because is it a wooded area. Because I get storms and I get water on my property now.

Looney: There will be no runoff from this land to your property. The runoff will be directed to this basin and the overflow goes out to Seminole.

Out to Seminole

Bergstrom: well as the fact that there is also an additional lot, in between my property and his property that is 120 feet.

Moglia: Yes, I said that but if you make the grade higher than the other property it will filter right inside there and my yard is no grass no nothing, its stone, it will lay right on my property. Well she has addressed the fact that there won't be

Moglia: Okay, I'll take your word for it, but if we have any problems, I spoke my piece here, I hope this is recorded. You know.

Chairman: It is. And there will be minutes written up which you can review.

Moglia: There is other questions but at this time I can't think of them. But like I said, if I were to get the letter, if the neighbors would have got the letter, you'd, there'd probably be more people behind me to say something. Do you have any questions for me?

Chairman: I don't think so. I don't know where you would search to find out what went wrong in the process of being notified.

Moglia: Well, sir, it's your guys job to make sure I got a letter.

Chairman: Okay, I'm not fighting, all I quickly want to mention was you might want to talk to the representatives to the proponent of this project cause they were the ones involved in that process so maybe they could give you a better answer. I don't know.

Moglia: Okay, I apologize for cutting you off. (inaudible)

Chairman: Well you absolutely should have been notified, there's no doubt about that.

Worth: There is certainly, the applicant, the whole application is on file here at the township, you are free to view the certified list, if you're not included on that certified list, you can ask the tax office.

Moglia: I went down to the tax office. I see the for sale sign, I see the for sale sign on it and I didn't know what was going on so I wanted to find out what was going on. She said they had the second meeting already, and also yeah the property is for sale and if someone else comes in to buy it they have a right to do what they was permitted to do. But now you guys tell me a different story and he didn't know the property was for sale.

(murmurings of "not for sale")

Denning: I think I have some input on that, I think the real estate agent that is handling the property immediately north of your property put the signs on the wrong lot and then they were moved, probably within two days. That was Van Dyk.

(Inaudible)

Bergstrom: He's here, he is aware of the meeting

Moglia: Again, the sales people were aware of the meeting I think it would the first time you had the meeting.

Voice: This is the first time we've had this meeting. This is the first time it's been before the Planning Board.

Moglia: What was July?

Chairman: Pardon?

Moglia: Last year?

Chairman: That's the redevelopment agency, that is not this body.

Moglia: To me, it sounds like the same meeting. Talking about the same stuff.

Worth: It is the same, this is a similar application, same application but a different agency the process for approval is different. This is the planning board that's the redevelopment agency;

Moglia: Okay

Yost: The Redevelopment Agency was created quite a while ago, I believe it was involved in the shoprite and all that. They do a lot of the bigger projects and then of course they get kicked to us.

Worth: That review I would say is more conceptual, this is much more technical. Getting into traffic studies, stormwater management design, all the real technical aspects. The redevelopment agency is more development.

Moglia: (inaudible) parking in the Dollar Store parking lot?

Worth: No, they are not permitted to park off-site. That is in the operational standards that have been agreed to.

Moglia: Who's going to watch them?

Worth: I understand.

Moglia: Like I said, if there were more people behind me if there was notice, but that's all I have to say right now.

Chairman: Okay, thank you. Who else like to speak?

Voice: I have a question for Mr. Hock. Do you have with you this evening a copy of the proof of service that was submitted to the township and do you have a copy of the list of property owners within 200 feet of the subject property that should have been furnished to you by the municipal clerk.

Hock: Yes, we provided that to the township and board secretary.

Voice: Well, the affidavit of service should at least indicate how the service was made: personal, certified, mail, certified mail, you should a proof of mailing then.

Hock: We do, the statute requires certified mail, correct.

Voice: I know, it's just one way to see why possibly adjacent owners didn't receive it. And of course, the only people who should receive it are people within 200 feet of the property, so there may be many of your neighbors who didn't receive notice because they were more than 200 feet away from the subject property because by statute the only thing the board requires that people within 200 feet of the property receive the notice. So that may be reason why.

Moglia: We are right across the street (inaudible)

Voice: I have no idea. How did you make service?

Hock: Certified mail and regular mail. Strike that, just certified mail (inaudible) and of course we published (inaudible)

Chairman: Well we are so glad you came here tonight and shared your insight on the project, thank you for that. Who else would like to speak?

Voice: Motion to close public comment?

Chairman: I just want to make sure, no one else would like to speak, we're all done? Okay.

Voice: Make a motion to close?

Chairman: Second?

Voice: Second

Chairman: All in favor?

(Ayes)

Chairman: Okay, very good. Okay so I'd like to ask Jason here, where we stand from your viewpoint on this.

Jason: We've gone over a lot, I can kind of describe what the applicant has testified to as far as (inaudible) for potential approval. They have indicated that they are seeking the rear yard set back variance due to the new bump out that is proposed along the back of each building. They will be 88.83 ft I believe as opposed to 90 feet. They have agreed to the operational standards required in the redevelopment plan. They have asked for relief for the fabrication of products for a, duct work, is what they have indicated for an HVAC contractor to provide duct work for their jobs. They've indicated there will be no landscapers, no automotive repairs, no hazardous materials within the building, no boat or RV storage, or unlicensed vehicles, they will be providing, not, the office will not exceed 150 square feet they will be 126 square feet, they agree to allow title 39 enforcement within the parking areas, they have agree to the conditional approval where by the fire company will review the site layout and provide comment relative to provide access to their vehicles and the condition would be the fire company's approval of the site layout.

Chairman: And I have a question, sorry to interrupt you. in the event that the fire department has major problems or whatever, they would have to come back to us for further review it, it couldn't just go ahead, it would have to come back to us for further review? Correct.

Jason: Correct.

Chairman: Okay

Jason: It would be conditioned upon the fire company's approval. So if the fire company says they cannot operate with the current layout, they would have to come back to the board.

Chairman: Okay, very good.

Jason: The applicant has indicated that the stormwater management facilities will be actually amended to meet the OC Soil conservation district requirements. But they will be providing complete updated storm water management report and design and be compliant with township ordinance and state stormwater standards. Which our office will review. They have agreed to a four foot high vinyl fence around the basin post and rail

Voice: Post and rail around the basin and four foot high down the,

Jason: Six foot high

Voice: Four to six foot

Jason: So, there will be no offsite spillage of light onto private properties adjacent to the site. And I don't know, Mr. Lennon if you have any other conditions relative to your report.

Lennon: Just landscaper visions and coordination with our office. And, clarification on the extent of clear and prolong of the existing vegetation along route 9. And then also, I guess provide architectural, the rendering provided tonight, had a few things, it was showing the bump outs from the back and I just think just for record purposes if clarify and label it.

(inaudible)

Voice: Maybe we can just sort of get the materials labeled on the plans.

(inaudible)

The applicant indicated they would add shutters along the rear of the building and use nautical themed lights above.

Denning: And Jason, we're going to eliminate the wire fence on the basin. Correct?

Jason: Correct, four foot vinyl post and rail, no wire mesh.

Voice: Also, it will be seeded and irrigated.

Chairman: Okay, and can we have a motion to move forward with the project contingent on the conditions that Jason just reviewed.

Jason: Mr. Chairman, I'll make the motion to approve the project with the mentioned conditions.

Dodd: I'd like to second

Chairman: Very good, roll call madam secretary

Laurie:

Denning

Dodd

Boulderstone

Beck

Petrosilli

Kavaka

Lippincott

Shapiro

Bergstrom: Thank you very much.

Chairman: Motion to adjourn

Voice: Mr. Chairman, I discussed earlier, I don't know if this needs to be discussed before the board, but for the architectural drawings if we could ask applicants to make PDF versions, they can be emailed to the board members for review so we can allow for more time before the meeting. For myself it's difficult to get to the office before the meeting. I would like to look over some of the architectural maybe look at the property site, and better conceptualize with my own what's going on. If the board is OK with that.

Chairman: If it's okay with our Governing body and our secretary. Sure.

It's a request, a request to send them in as a PDF, it's easier to read.

When we do that, we have to (inaudible)

Clune: Steve how does that go?

Yost: We've talked about that, you can You can require whatever you want, as long as it uniformly applied.,

Clune: So I can just change the applicator. SO when I hand out a planning board application I would be able to request, say a PDF file, can I add that. When I do 20 copies of one, and

Yost: Yeah, I believe you could. As long as that's the board's direction.

Worth: That's nice, because then any pictures they have and colors you can see that yourself before the meeting. So you can, at least in my opinion, I'd be better organized with some of my thoughts and questions before I hear the application.,

Dodd: How many of us would need a PDF?

Clune: The only way I'd be able to—

Worth: They come from PDF, it's not extra work for them to send it.

Clune: Sometimes, if that is not possible. We can have a plan B; I can hand out the applications.

Chairman: I think perhaps, if we possibly look at this as a proposal for this for the next meeting.

Clune: One of the ways to get the information to you ahead of time. The process to happen, someone makes an application to the board, I then issue a docket number and then administratively I distribute it to the professionals.

Chairman: Right

Clune: It's in all those packets, are in my office because we are constantly adding and things are coming in. So when I get a complete packet, that's how you get a complete report. If you want to be piecemealed that just leaves margin for error, who got what, which is the reason why we don't do it that way. But there are board members who want them a little earlier, I can scan it and email it to you. But I would definitely cross reference with your packet before the meeting. Why don't we put a hold on that, review it.

Worth: I don't want to make more work for anyone, I know a lot of times all my plans there saved in PDF and then I had to print them.

(inaudible)

Voice: Laurie, you don't have to do a pdf for me, I can stop by the office. I can pick it up.

Dodd: Motion

Chairman: Second?

Worth: Second

Chairman: All in favor?

(Ayes)

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