

Planning Board Meeting 2-4-2016

**TOWNSHIP OF OCEAN
Planning Board
February 4, 2016**

7:00 P.M.

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

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

Steven E. Yost, Esq. swears in members re-appointed and newly appointed John Petrosilli and William Edwards.

ROLL CALL

| | | | |
|-----------------|----------------|-----------------|-----------------|
| Members Present | Nick Bonamassa | Daniel Collamer | William Edward |
| | Don Lippincott | Aaron Shapiro | William Sneddon |
| | Dennis Tredy | John Petrosilli | |

Members Absent: James Eckert, Ben LoParo,

APPROVAL OF MINUTES: December 3, 2015

Motion made by Aaron Shapiro, seconded by Mr. Collamer: Roll Call: Shapiro, Collamer, Lippincott, Tredy, Petrosilli, Sneddon.

January 7, 2016 Re-organization meeting and the regular meeting minutes of January 7, 2016:

Motion made by Nick Bonamassa, Seconded by Dennis Tredy: Roll Call: Bonamassa, Tredy, Collamer, Lippincott, Sneddon.

APPROVAL OF BILLS: One bill to be paid and that is for T&M Associates on the Coastal Redevelopment. I need a motion for that. Motion made Aaron Shapiro, seconded by Daniel Collamer. Roll Call- Shapiro, Collamer, Bonamassa, Edwards, Lippincott, Tredy, Petrosilli Sneddon.

Chairman: No Resolutions or nothing in formal or old business so we are going to move right to new business. And the first on the docket is Docket 2-15-PB Coastal Redevelopment Urban Renewal Block 41 Lot 31.06, its amended site plan; gentlemen.

COASTAL REDEVELOPMENT URBAN RENEWAL BLOCK 41 LOT 31.06, AMENDED SITE PLAN

D'Elia -Good evening Mr. Chairman members of the board, I am Vincent D'Elia, I represent the applicant, this is out application to amend the site plan to simply add a sign in order to provide identification for the affordable senior project which you are all familiar with. The project as you know is in a redevelopment zone, when we came in for the site plan for the senior facility we had discussed that at some point we would be in for an application for this sign and that's why we are here tonight. I normally feel like I have to make much longer opening but this is that simple. Jeff Long from Ingerman is here with me to answer any questions you might have. We did have a chance to review Mr. Oris's review letter and we didn't think there were any issues. There was a question with regard to setback and the type of lighting, we understand that we will provide notes to show that the setbacks are at least 15 feet. From what?

Oris – 15 feet from the ROW line from both Route 9 as well Memorial Drive.

D'Elia – Right there are two calculations. We will note that and provide that. In addition there was question the Mr. Oris had with regard to the lighting. There is no electricity there, it will be external lighting it will be powered by solar. With that I guess I submit to any questions that you might have for me or Mr. Long.

Steven E. Yost, Esq. swears in Mr. Long from Ingerman. (Yost) Are you a licensed engineer in the State of NJ? (Long) I am not. I am a representative of the sponsor. (Yost) Counsel you want to just lay it in the record what his expertise is?

D'Elia – He is here as a representative of the applicant, and that's the scope of his involvement, I wanted someone here from the applicant in case you had any operational questions or whatever you might have.

Sneddon: Anyone on the board have question?

Tredy – Where actually are you proposing to put the sign.

Long – So the sign will be located here at the corner of Memorial and State Hwy 9 (Long pointing to a map) it's indicated right there, sir.

Tredy – Is this similar location where the temporary sign is right now?

Long – yeah, it's basically right there at that corner.

Tredy – I have another question, looking at the submitted plans of the sign it indicates it as 101 Veterans Way. That's not the address.

Long – Well according to the post office point of view is 101 Veterans

Tredy – Well that's a problem than. I am saying from experience we have had a number of fire calls, false alarms thank God, and they always come through as 1 Memorial Way.

Oris – Mr. Chairman if I may, the 101 I believe corresponds to the street of the facility where they are advertising for the location of the sign in off-site of the facility they are advertising for. I believe it could be confusing to have the address at that location because a motorist could see the sign say Veterans but the street is really Memorial, you may want to consider to removing the reference to your address from the sign.

Long – that's a valid point, the one counter –point I would make to that is that in today's world of Google maps and people using IPHones to get places is that, when you put in the address your going to put in 101 Veterans Way and then hope that it gets you there. So if that sign would actually tell people that they are making the turn.

Shapiro – The other thing is you got to watch it because you have Veterans Boulevard on your plan here.

Collamer – A point was made that might help clarify is that what if there was an arrow put on the sign that actually directs to that 101 Veterans.

Long – We can do that if that's what the board would like then we can put that on there.

Shapiro – As I was saying you have Veterans Boulevard on the plan her and Veterans Way on the sign, you have to clarify; is it a Way or a Boulevard?

Long – Understood, we will fix that.

Chairman – Does anyone else have a question..

Oris – Mr. Chairman if I may, just one other comment in regards to our review letter. The applicant shall be required to apply to the building department.

Yost – Counsel why don't we mark that A1 for identification, I know that's a copy of what's been submitted but just so we have a record.

Long – This or the map as well

Yost – Whatever you are going to refer I would like to have marked.

Oris – I have one other comment when the applicant is ready. Our review letter comment number 7, indicated that we were recommending plantings at the base of the sign to provide vegetative aesthetics, would you be willing to provide those details at the discretion of the board engineer (Long – of course) If the board is amendable to that?

Chairman – You are referring to item 7 in your letter? (Oris – correct) Who is going to maintain it? (Oris – the applicant) You are prepared to maintain (Long – we are.)

Tredy – How does that work? How are they held to maintain it? Is there some sort of a bond or something?

Oris – Very good question, I believe that the, in this particular situation the applicant before is not the property owner, there is a separate property owner he has a free standing sign on his property which he is obligated to maintain. I would suggest that the applicant provide some proof of agreement between the two parties that they would agree to maintain the sign and the vegetation at the base of the sign. If the light goes, solar pack dies the applicant should be required to maintain that.

Chairman – Does the applicant have any problem with that?

D'Elia – Not at all, it's in our vest interest to maintain it, you have ordinances and we will comply with the request from your engineer.

Chairman – So what's the pleasure of the board?

Chairman- First I need a motion to open it to the public, motion made by Aaron Shapiro and seconded by Don Lippincott. Roll Call- Shapiro, Lippincott, Bonamassa, Collamer, Edward, Tredy, Petrosilli, Sneddon. Okay are there anyone from the public that has any comments in regards to this applicant?

Chairman - Okay, I need a motion to close. Motion made by Aaron Shapiro, seconded by Dan Collamer. Roll Call – Shapiro, Collamer, Bonamassa, Edwards, Lippincott, Tredy, Petrosilli, Sneddon.

Chairman- Mr. Shapiro did you have another motion?

Shapiro – Motion to approve the application subject to be changing the correcting of the name of the street, because they have it down as Veterans Boulevard and Veterans Way, which they are aware.

Chairman – I need a second?

Bonamassa – I will second it.

Chairman – Okay Mr. Shapiro on the motion, and Mr. Bonamassa on the second. Roll Call – Shapiro, Bonamassa, Collamer Edwards, Lippincott, Tredy, Petrosilli Sneddon.

Chairman – Gentlemen, thank you very much.

D'Elia – Thank you very much, have a good evening.

Chairman – Okay, next on the docket is-PB Adam Ridsen for a minor subdivision.

ADAM RISDEN DOCKET NUMBER 04-15-PB BLOCK 124 LOT 31, 14 LETTS LAND ROAD, MINOR SUBDIVISION

Good evening folks my name is Jason Henbest, Esq. I am here representing Adam Risdén the owner of the property and applicant on this request.

Henbest – with me this evening we have the applicant present we also have Rob Harrington, the engineer who actually put this together from East Coast Engineer.

Yost – Swears in Mr. Harrington. Are you licensed engineer in the state of NJ? (Harrington - yes I am) your witness counsel.

Henbest – I believe you all have a copy of the plan. We also have a copy up here. In addition I did receive a copy of Mr. Oris's review letter. I appreciate the comments that he provided in that. I would like to add a couple points or remarks to that. There were a couple of items that were obviously sort of straight forward on there. We did take care of the \$600.00 fee that has been paid. I believe Ms. Clune knows where it's at and my client has a copy of the check with him if you need that. We did also, pardon me, we also received a letter from the tax assessor that the lot numbers were acceptable as proposed. Those were a couple of the simple ministerial points. Wanted to just talk a little about what we were looking at doing here, we do have obviously the property 14 Letts landing road. As it is currently set up is roughly 1.74 acres. We are looking to divide that into three lots. We have 31.01 which is the largest of the three lots, (Henbest point at the map on display in the meeting room) this space here, that lot is 34876.87 SF. We have lot 31.02 in the middle; this is where the existing house is currently situated. That house is planned to remain on that lot.

Yost – Counsel let me just stop you here for a quick second. The map that you are referring to is the same map that has been submitted with the application, right? We will just mark it A-1 for identification. Thank you.

Henbest – So the two story frame dwelling that is currently on the property is planned to remain and then we have lot 31.03, the smallest of the three lots (background noise, unable to hear the attorney speak) As Mr. Oris's letter points out we are seeking a variance on the minimum lot size for proposed lot 31.03, the minimum lot size is requirement of 12,500 we are seeking a lot size of 10,839 SF. We also have an existing front yard setback on the existing home of 16.6 feet where code would not require 25 feet. Again that is an existing structure that we planned on remaining on the property. We also have laid on the plan to actually make the ROW for Letts Landing Road official. As it turns out as we were in the process of purchasing this property it came to the attention of the applicant and myself as his attorney and the engineer and everyone that the Letts Landing was a Road with no legal basis underneath it. Obviously it has been used for many many years but there was never any sort of dedication of an easement or a deed or anything like that. The plan would have that made official so that the town's rights and that ROW will be set forth and made of the title record of the property. We do want to just clarify or confirm really that the maximum lot coverage and maximum building heights will be certainly complied with during the development of these lots. There is nothing to indicate and the

applicant has no desire to seek any kind of variance on those or any relief from those requirements. The review letter in paragraph 1.8 mentions that there may be an accessory structure on the property. There is no longer an accessory structure on that property a tree fell on it, apparently quite some time ago, it has been long since removed. There is no shed there anymore, so that is not part of what would remain obviously and anything that would be done would be done in conformance with current regulations. Also obviously anything with regard to lot clearing would be in conformance with the townships tree ordinance and any other applicable regulations at that time. I think that mostly covers... With that I would certainly submit to any questions that the planning board has or any of the professional staff of the planning board.

Chairman - Mr. Oris do you have any comment on this.

Oris – Mr. Chairman just by way of my review letter the applicant has addressed many of the comments in my review on page one comments 1-3 is listing of the documents that were submitted in support of the application. The comment with regard with regard to the size of the lot, the applicant touched on. The fact that is that 1.7 acre lot; the Letts Landing Road does in fact run through his property at this time and that they are proposing to dedicate a ROW area in the amount of 16569.85 SF that really should be part of the consideration when the board is considering the hardships associated with undersized lot. Because of the configuration of the existing lot and the fact that there is an existing structure on here the lot size that they are requesting for 31.03 is undersized and can be considered a hardship because of the existing rod and the existing structure. So when you are making your decision you can take that into account. So on page two we summarize the requirements that are required in the zone and what the applicant is proposing and again the applicant is requesting a variance for that side yard setback as well as the undersized lot. The one item that I did want to touch, we touched on the lot coverage and the building height. There is an issue with storm drainage on the properties to the south of the subject property. So the applicant is not showing any grading plan at this time. But we would recommend that the applicant as part of his minor subdivision prepare a grading plan to show the limbs of clearing and that there will be no impact of drainage on the properties to the south of this property. Just to make sure that we don't have situation at a later date, where we could have a problem with those homeowners impacted by storm water runoff for the two new houses that are to be build. That would be a recommendation that I would ask that the applicant consider making a part of any action by the board. The other item we had indicated that applicant should be required to set monuments with map filing law. I don't know if they have been set or they will agree to do that. I have asked the applicant to provide testimony with regard to the setting of the monuments and then the only other comment I had was with regard to just housekeeping items. That the applicant will be required to comply with the utility requirement sand any other board considers that they may see fit. Lastly, with regard to the ROW dedication there is a left over portion of the lot that is on the North West corner of the property in question and it abuts lot 13. The applicant I proposing to p allow this area of ROW it is an irregular triangular piece of land to remaining as part of the township ROW. I would like the applicant to provide some testimony to see if they had any discussion with the property owner Sarah Camburn with regard to potentially dedicating that area to that property owner. This triangular shape piece of property will have little or no value to the township. Since it going to be directly adjacent to the property owner it may be something that the applicant can look to dedicated to

that property. That would complete my comments; I am looking for some additional testimony from the applicant with the items I outlined.

Henbest- To address a few of those comments (pointing at A-1) this is triangular piece that we are talking about, it is adjacent to lot 13. The homeowner over here, obviously this is already an existing road. The homeowner here on lot 13 has already been generally maintaining that and keeping the grass cut and all of that. We have absolutely no problem with instead of dedicating that to the town to deed to the neighbor just a simple kind of quick claim deed for \$10.00 consideration

Oris – It would be at no expense to the property owner if they agree to accept the property it could be through a simple deed consolidation.

Henbest – We would have no objection to doing that. To address a couple of the other item; all of the utilities are currently available at the property. We would of course be using those utilities for any new construction on the site. Certainly the monuments would be set prior to the map being submitted for filing as well. As far as the drainage I would defer to Mr. Harrington to discuss that. I know in kind of general law we are not allowed to kind of change the natural drainage so what the drainage is would, we would not be able to exacerbate or increase that would be going to the homes there on dolphin way, we would certainly make sure that that is addressed as part of the development of the site.

Oris – To provide additional clarification – What I am looking for it grade the lots in such a way that the front yards drain to the road and that the rear provide, I would say a recharge pit, probably would not work potentially do a underground roof leader perforated roof leader with a pop up drain. That would help attenuate some form of the roof run off.

Harrington – We can provide that information, could that be delayed for the individual lot development and then a grading plan is submitted for each building or you would like for the overall submission.

Oris – We probably want that now only because you can show just a generic box and rough sizing. Only because we don't have a mechanism through the building department to a grading plans review.

Harrington – okay.

Sneddon – So that's agreeable. Anyone from the board have any comments?

Collamer – It appears to me that what they are proposing here, even though one of the lots is smaller than the standard, is there all still considerably larger than a lot of the lots that neighbor them. To me it looks acceptable.

Sneddon- Thank you Mr. Collamer. Anything else from the board? I am looking for a motion. I need a motion to open this hearing to the public .

Shapiro made the motion to open the meeting to the public, seconded by Daniel Collamer.

Sneddon- We now opens this to any public comments in regarding this issue. No one is coming forward so I need a motion now to close.

Shapiro made the motion to close the public portion, seconded by Daniel Collamer. Roll Call: Shapiro, Collamer, Bonamassa, Edwards, Tredy, Petrosilli, Sneddon

Donald Lippincott abstained

Chairman – Okay what’s the board’s pleasure?

Shapiro – As far as I can we should accept the application subject to what was said by the engineers. Motion to approve it.

Chairman – Motion made by Shapiro to approve the applicant

Tredy – I will second that I would also include the conditions that were placed on by our engineer.

Roll Call – Shapiro, Tredy, Bonamassa, Collamer, Edwards, Petrosilli and Sneddon.

Donald Lippincott Abstained

Chairman – Gentlemen thank you very much. Ok next on the agenda is a presentation by Stanley Slachetka from T&M Associates it’s regarding the 2015 Master Plan Re-Examination Report and Master Plan Amendments. We will hear next from Mr. Slachetka.

PRESENTATION BY STANLEY SLACHETKA OF T&M ASSOCIATES
2015 MASTER PLAN RE-EXAMINATION AND MASTER PLAN AMENDMENT

Chairman – I need a motion to open the meeting to the general public

Daniel Collamer made the motion, seconded by Don Lippincott. Roll Call – Collamer, Lippincott, Bonamassa, Edwards, Shapiro, Tredy, Petrosilli, Sneddon.

Chairman – Okay if anyone from the public would like to speak

Davis -Good evening Mr. Chairman and members of the board My name is Keith Davis I am an attorney from the law firm Nehmad , Perillo and Davis. I am here tonight on behalf of Volunteers of America Delaware Valley. They have a pending application before the planning board. We filled out an application for site plan approval back on December 18, 2015 in order to allow them to construct and establish a 46 unit affordable housing community within the Waretown redevelopment area in the Ocean Commons Sub area. I am here tonight concerning the boards, up to this point in time, in action on the whether the application is complete or not.

We submit the application is complete and I am here tonight to respectfully request the board to formally grant completeness so that this application can proceed for a public hearing when you can review the application on the merits. I have the opportunity to review a memo that's been prepared by Mr. Oris that's January 28, 2016. I will note that there are only two items that Mr. Oris cites in his memo as a basis for deeming the application incomplete. That is that the applicant has not proved that it's the redeveloper has not been approved by the Township Committee as the Redeveloper and the proposed project has not been approved by the Township Redevelopment Committee, respectfully we have endeavored on numerous occasions to engage this municipality concerning this redevelopment plan, this project, in order to proceed with this application. Back in August of last year we submitted to Mrs. Ambrosio a request to meet with the redevelopment committee to seek changes to the improved redevelopment plan and to discuss the very nature of this application. Since August of last year there has been absolutely no response from the Redevelopment Committee from the municipality to our request to meet and to discuss the Redevelopment Plan. We have given multiple opportunities, we were here, and Mr. Tredy and Mr. Collamer know this last December with the applicant to request a Resolution of Need. Because we are creating an opportunity for affordable housing in this community we were seeking financing from the New Jersey Home Finance Agency in order to aid with the development of this project. We were asking for the town's assistance by adopting a resolution of need. I came here, my client came here, we made a presentation to the governing body and there was no response. There has been no response since that point before the holidays. There is not one thing in Mr. Oris's memorandum that substantiates the nature concerning the engineering of this residential site plan. As I indicated it is 46 units of affordable housing, 5 units of which we'll set aside for veterans housing within this community. There is no comment with respect to storm water, landscaping, and traffic. The comments essentially relate to Mr. Oris's opinion which, I have known Mr. Oris for a long time I have respect for Mr. Oris, but I believe his opinion in this regard are highly subjective in nature and there is no basis to deem the application incomplete for the reasons he cites, such as the design of the site plan in his view inconsistent with the redevelopment plan. Even if that were the case and I am certainly not conceding that it is. All we are asking for the opportunity to present this application to the board at a public hearing, so we can demonstrate to you either why we believe it is consistent with the redevelopment plan or as this board is legally able to do, grant a variance or a waiver from the approved redevelopment plan to allow the application to proceed. In that vein I would submit to you that the board has a legal obligation to act upon the variances that we request. I cite two regulations NJAC 5:97-10.0 and 5:94-8.1. Both of which essentially say that when you are dealing with an Affordable Housing Development the charge of the municipality is not to erect barriers toward creating that opportunity for affordable housing but instead to be flexible and to work with developers such as my client Volunteers of America Delaware Valley, to aid in the establishment of affordable housing in this community. I submit aside from the inaction by the municipality on our multiple requests to be heard, Mr. Oris's memorandum constitutes an unlawful barrier that will restrict and prohibit our client from proceeding with the application for development. The charge in the municipal is that once an application is filed there is 45 days for it to be reviewed and for determination of completeness to be made. Mr. Oris cited two reasons that the application should be deemed incomplete that I cited, one is that it first has to be approved as the redeveloper. Well this town has never approved a Redeveloper for this Redevelopment area on this site or anywhere else. Secondly that the project has been approved by the Redevelopment Committee. As I have indicated to you we made submission last August

and there has not been any action on it. It is not fair and frankly I think its unlawful for this community to continue to not act on this application for development. I also believe that there are legal implications stemming from this aside from not acting in a manor consistently with the municipal land use law. I mentioned the 45 days. I think today is the 47th, 48th day since we filed the application. Mr. Oris's memorandum happened to arrive on my desk the day before the 45th day expired I understand. But it doesn't raise substantive completeness items as to the engineering of the site plan. But I submit we are not waiving any rights to contest. This application has already has been deemed complete because this board has not acted within 45 days as I submit it is legally required to do in the Municipal Land Use Law. But we are here out of the spirit of cooperation, to ask the board to deem us complete tonight so we can proceed with that application for development and I submit if the board does not do that and continues to deprive my client from its ability to present this application it runs afoul of the Federal Fair Housing Act and NJ Law Against Discrimination because what you are doing is you are depriving people based upon their income status from establishing their residency or reestablishing their residency.

Tredy – It's the five minute schedule Mr. Chairman.

Davis – I didn't know I was being timed until now, nobody told me and I respectfully request the ability to complete here MR. Chairman. If I knew I was going to be relegated to 5 minutes I would have truncated my comments accordingly.

Chairman – Okay can you truncate them and keep going?

Davis – I will endeavor to so. So I believe it's a violation of Federal Fair Housing Act the Law Against Discrimination. Just because our client has not been designated as the redeveloper, does not mean that it does not have the legal to present a development for this project. It's not a barrier to doing so. We still enjoy all the property rights we have pursuant to the contract we have to acquire this property subject to obtaining land use approvals. So what I am respectful requesting is deem us complete. Give us the opportunity to present this application to the board so that we can demonstrate to you why we think we comply with your Redevelopment Plan. if we need variances or waivers from the various requirements, we are going to bring in a planner and engineer and we are going to demonstrate to you, why we think those variances or waivers are justified and we just ask respectfully for a vote. So I thank you for your time tonight. I apologize for going over 5 minute rules, now that I know what it is I will not violate that again.

Chairman – Thank you

Yost – thank you Mr. Davis

Chairman – you have raised several issues and I think that our board attorney Mr. Yost can respond.

Yost – Yes, a few things you are asking the board to take action tonight. It is my understanding there was no notice to the public.

Davis – it is a completeness determination, no notice is required.

Yost – But you are asking the board to take action without notice, members of the public are not aware of...(interrupted by Davis)

Davis – Mr. Yost....

Yost – Respectfully sir I waited until you completed your submission (interrupted by Davis)

Davis – You are not stating the law accurately Mr. Yost with all due respect, there is no notice requirement for a completeness determination.

Tredy – Hey this isn't a debate, he wants to tell you something.

Davis – And I am responding it's not accurate, respectfully its not accurate

Yost – We agreed to hear you. You called me at my office yesterday, I agreed to discuss the matter with board secretary and the chairman and allow you to make a submission... (Interrupted by Davis)

Davis – I appreciate it that very much

Yost – You were not listed on the agenda, because it is my understanding is you wanted to make a record. We have an ordinance in the town which requires, our redevelopment ordinance requires you to obtain approval as a condition prerequisite before you can appear before this Planning Board for approval, that's an ordinance of the town. This is not specific to your project, we have this type of situation develop over the last three or four years going back maybe further than that on a couple occasions where people don't want to bother to go through the redevelopment agency to get approval there and they just want to come straight to the board for approval. I don't know I have no personal knowledge of what kind of problems that you may or may not have with the Redevelopment Agency. The board doesn't know with the exception of possibly the two committee members. I don't represent the Committee members as the Redevelopment Agency. Mr. Oris has deemed it incomplete because your applicant has not had the hearing, I don't think we can go forward and hear your application without violating the ordinance. I also have learned since you and I spoke yesterday, that your applicant is a party, objector in pending Mount Laurel litigation as well. Because there is litigation in back ground here I am going to advise the board members as their attorney not to respond to you, you have opened up some issues I don't think it's fair since there is litigation and we permit you to come forward and speak on one days notice to start questioning or cross-examine our board engineer or any the committee or the board members who don't have a back ground in your litigation. So I don't think that the board has jurisdiction until your applicant is through with the Redevelopment Agency. I appreciate your position, I understand what you had to do today, but I don't think I can permit the board to vote on, even as to whether or not you can be deemed complete, quite frankly. So, that would be my advice to the board.

Davis – Let me ask you, I told you that we submitted to the Redevelopment Committee last August and they refused to meet with us and to act upon this request we made. What would you have us do? Just wait?

Yost – I am not here to answer your questions, sir. I really have no background, no personal knowledge as to what the experience of your applicant has been with the Redevelopment Agency, and virtually no notice to come and basically say you are going to put a shot gun to my boards head and make them vote on this without any background and reject the advice of our board engineer and ignore the ordinance that we have based on law. You look like you have some gray hair just like I do, we practice and not everybody knows 100% of the different cases. but under the circumstances before us I would not ask my board take a vote on something I would want to be grounded that I might ask for (I could take your word for it) but I might ask you for in advance of a vote for you to submit with a legal memorandum where I can take a look at it and be in a better position to advise my board. I don't have to walk the plank and do it because we agreed to hear you make a record this evening, so I think that's.

Davis – I just want you to understand, I just received a memo February 1st, so I didn't have a lot of advance notice either, I am here three days later. I would point you to NJSA40:55d-10.3 for the definition of completeness and how completeness is to be determined, just as a matter of law it does not require public notice. So you have heard from your attorney, you've heard from me. I believe the law is clear and I am respectfully requesting a vote by this board as to whether or not the application is complete so we can proceed for a public hearing.

Yost -- I am going to advise the board in my legal opinion it is not proper for you to entertain a motion to deem the application complete because the applicant has not complied with redevelopment ordinance which requires approval from the Redevelopment Agency.

Tredy – Mr. Chairman I would just like to make a point of order, we extended the five minute to at least 12 minutes I think it's time, I think the questions have. Statements have made by the attorney. Out attorney responded appropriately, so at this time I would like to make a motion to adjoin the meeting.

Davis – Want to see if anyone else in the public wants to speak first? I do appreciate your time and all the boards' indulgences tonight.

Chairman – Thank you very much, is there anyone else from the public that has anything to bring up.

Robert Lange – I have been working on this ordinance change for about 7 years now, how much longer do you think it will take, to get the ordinances to get the zoning straightened out in our waterfront zones? Just curious.

Oris – Mr. Lange the process we are on track to have first reading and introduction in March and then second reading and adoption in April, there will be a Committee meeting and then a formal Planning Board meeting and then adoption I believe in April.

Robert Lange – I think it's great that the Towns working together to try and make people have rights to use their property, I appreciate the hard work, all you guys involved.

Chairman – Thank you Mr., Lange. I need a motion to close the public portion of the meeting.

Dennis Tredy made a motion to close the public portion of the meeting, seconded by Daniel Collamer. Roll Call: Tredy, Collamer, Bonamassa, Edwards, Lippincott, Shapiro, Petrosilli, Sneddon.

Meeting Adjourned 8:04

Respectfully Submitted:

Laurie Clune
Recording Secretary
LC/lc

