

**Bradley Beach Planning Board  
Regular Meeting Minutes – Meeting Held Via Zoom  
Thursday, April 23, 2020 at 6:30 PM**

Meeting is called to order by Chair Psiuk. The Board and the public recite the Pledge of Allegiance. Open public meeting announcement is made by the Board Secretary.

**Roll Call:**

Present: Robert Mehnert, Amy Russo, Meredith DeMarco, Douglas Jung, Marc Rosenthal, Alan Gubitosi, George Waterman, Mayor Gary Engelstad, Rafael Albanir, and William Psiuk

Absent: None.

Also Present: Monica Kowalski, Esq. – Attorney to the Board, Gerald Freda, PE – Board Engineer, and Christine Bell, PP, AICP – Board Planner

**Swearing in of Reappointed Board Member:** Monica Kowalski, Esq. swears in Amy Russo.

**Approval of Minutes:**

Approval of Reorganization and Regular Meeting Minutes of January 23, 2020 – Motion to adopt made by Chair Psiuk and seconded by Alan Gubitosi. All eligible members present in favor.

**Resolutions Memorialized:** A motion to memorialize Resolutions No. 2020-02 through 2020-08 is made by Mayor Engelstad and seconded by Alan Gubitosi. All members in favor.

**Consistency Determination:**

**Ordinance No. 2020-05** of the Borough of Bradley Beach to Amend Chapter 450 of the Revised General Ordinances of the Borough, to clarify that all recreational marijuana and/or medical cannabis establishments, cultivation facilities, testing facilities, and production facilities are Prohibited Uses within the Borough of Bradley Beach, introduced at the Borough Council Meeting on March 3, 2020.

Marc Rosenthal has concerns that this may open up the Borough to lawsuits in the future if they decide the permit it throughout the State.

Monica - the referendum has not passed yet, the inclusion of the Ordinance will pre-date the referendum, so it depends on what form it passes in and somebody can always challenge. I had some difficulty sharing the proposed resolution, but we are saying that the Planner has reviewed and offered opinion that although the Master Plan does not have a direct link to this type of use, that we find that the proposed Amendment is consistent with the goals and objectives of the Master Plan and it supports the overall goal of the Land Use Element of the Master Plan. The Board is not in a position to determine whether or not there will be lawsuits, our function is to determine whether or not it is consistent with the Borough's Master Plan.

Bill Psiuk – the Master Plan does reference promoting public health, safety, and morals and general well-being of the Borough.

Amy Russo – Why wouldn't we allow a café if this legalizes in Bradley Beach?

Monica – we can only make recommendations with regard to the Ordinance, we cannot change the Ordinance.

Meredith – if we believe this is not consistent with the Master Plan this should be a “no” vote?

Monica – if you find it is inconsistent with the Master Plan we can set forth that information in the resolution. Once again, this is a recommendation to the Council. Monica recites the Board Planner’s consistency review memo. If any of the members find that there is inconsistency you need to express that so I can include that in the Recommendation Resolution to the Borough Council.

Bill Psiuk – Would like to add a recommendation to Council to look into possible medical use to be able to be sold in a pharmacy with a licensed pharmacist for medicinal purposes.

Meredith DeMarco – being prohibited could affect the health and well-being of the citizens that is the inconsistency worried about.

Monica Kowalski – recites the definitions contained in the proposed Ordinance and that it lists those as specifically being prohibited in all Zones. If you are making recommendations to exclude the medicinal aspect, I can make that, but there are five separate uses.

Alan Gubitosi – I would suggest the discussions were more the size of the Borough and the ability to accommodate traffic the proximity of these establishments to elementary schools, more than just the health and well-being of the citizens.

Douglas Jung – Talking about individual use as the marijuana laws may change, but aren’t we talking about the retail aspect of providing of marijuana vs. the medicinal use?

Monica Kowalski – once again – the Mayor and Council feel that it could impact traffic, parking, and density, so this is more of a preemptive measure.

Doug Jung – Times they are a changing, but where the State law may permit the individual use of marijuana is one thing, we are talking the retail aspect here. CBD oil retail is one town away.

Christine Bell – Memo states it is not “inconsistent” with the Master Plan because we do not specifically address the sale of marijuana in the Master Plan, but as far as traffic, parking, and school areas are consistent with some of the underlying goals of the Master Plan. Public health, safety and morals, and general welfare are goals of the Master Plan and the Municipal Land Use Law.

Monica asks the Board if there are recommendations with regard to consistency that you would like her to include.

Meredith DeMarco feels the medical aspect is inconsistent. Does not feel that is promoting health if we are taking away the chances of them receiving medical marijuana.

Marc Rosenthal says a medical dispensary is one thing; he just doesn’t want to see the Borough involved in a lawsuit.

Christine Bell points out that there are other uses that the Borough does not permit currently and the mechanism for getting a use that is not permitted is to go to the Zoning Board and get a use variance.

Monica Kowalski – So I understand a recommendation should be made that medical use should be explored as opposed to other retail issues should the referendum be successful. A straw poll is taken to see if the Board is in agreement. All members in favor of the recommendation with the exception of Alan Gubitosi. Therefore, the recommendation will be added. Any other suggestions or recommendations? The Board does not have additional recommendations.

Monica Kowalski – explains to the public that this is a consistency determination and not open for public comment, if they have any public comments with regard to this Ordinance, their concerns and comments should be made at the appropriate time at the Borough Council meeting.

**Chair Psiuk makes a motion to move Ordinance 2020-05 as being consistent with the Master Plan with the recommendations as mentioned with regard to medicinal use being explored, seconded by George Waterman.**

**Those in Favor:** Rafael Albanir, Mayor Gary Engelstad, George Waterman, Alan Gubitosi, Marc Rosenthal, Douglas Jung, Amy Russo, Robert Mehnert, and Chair Psiuk

**Those Opposed:** Meredith DeMarco

**Courtesy Review:**

**Per Resolution 2020-26, the Borough Council awarded a contract for the Renovation and Lease of the Retired Utility Building on the Boardwalk Promenade for use as a Food Concession to Lynn Tellefsen and Douglas Stehle also known as Caveman Culinarian, LLC (SALT Concession). As part of this award of contract, Caveman Culinarian, LLC will present their proposal for these renovations as a courtesy to the Planning Board.**

Chair Psiuk asks Monica Kowalski to explain the process of this courtesy review to the Board. Monica indicates once again this is being provided to the Planning Board as a courtesy review. This is not a voting situation because it is not a formal application to the Planning Board at this point. This particular presentation is being provided to us as it was awarded by public contract. We have the attorney for Caveman Culinarian, Barry Cooke, Esq. with us who will be presenting this to us. You are allowed to review and make recommendations which will be provided to Council by way of Memorandum by myself, the Planning Board Planner, and the Board Engineer so any recommendations can be included Council and the Borough Attorney who is also present on this call. This is not a voting situation. Gregory Cannon, Esq. summarizes the history of this RFP. Caveman Culinarian was the only response to the RFP and they have been awarded a contract to transform and operate the former utility building. The Planning Board has permissive powers under the MLUL as an advisory Board to the Council which is what the Council has requested for the recommendations and advice of the Planning Board. We would like public feedback and the advice and expertise of the Planning Board as to how the Council should move forward procedurally with the tenant. The specific terms of the contract have not been finalized with the tenant. We thought this was important so everyone within 200 feet was noticed with regard to this presentation.

Stuart Lieberman, Esq. – states he sent a letter in objection to this presentation and wanted to note his objections for the record.

Monica Kowalski, Esq. acknowledges receipt of the letter and indicates he can enter his appearance for the record; however, would appreciate if he holds his objections.

Mr. Lieberman, Esq. indicates that is fine as long as I can because we think this is wrong and that there is a subject matter jurisdiction issue here and he wants to preserve it for court purposes so as long as he has a chance to place it on the record I can. Again my name is Stuart Lieberman and he represents and organization that was formed a day or two ago that is called “Save Bradley Beach Boardwalk”. We think the procedure is completely improper and would like the opportunity to be able to ask the witnesses questions as he feels jurisdiction does not lie here in the form of a courtesy review. He feels it doesn’t belong here at all it belongs in front of the Zoning Board.

Chair Psiuk has a question for Monica, for this application can we only take comments or do we question the witnesses as far as the audience.

Monica Kowalski, Esq. feels we need to get into the witness presentation and that typically their attorney would not be subject to a question session; however, let’s hear Mr. Cooke’s presentation and also states for the record while Mr. Lieberman did make some jurisdictional objections; however under the MLUL the Borough attorney is present for this hearing as allowed by MLUL to represent the municipality in the event it is deemed necessary for purposes of jurisdictional objections.

Douglas Jung – questions the scope of review. In the applicant’s attorney’s letter there is text that our review is limited to the following topics and it goes on to list the items for discussion. Are we limited to this scope that is itemized by the Applicant’s lawyer?

Monica Kowalski – please let him give his presentation first and then we will take it from there.

Barry Cooke, Esq. – clarifies a misunderstanding, we are not the applicant’s, the Borough is the Applicant, we are here at the request of the Borough to present what the plans are with regard to this building. That is why this forum is appropriate for this review because the Borough is the “Applicant”. Mr. Cooke references Mr. Lieberman’s letter. Mr. Cooke references page 3 in the RFP which specifically limits the scope of this review of the plan and he proceeds to list these items. This is what we are here to present tonight on behalf of the Borough.

Mr. Cooke asks that Mr. Lieberman when given the opportunity identify who his clients are and who comprises “Save Bradley Beach Boardwalk”. As the successful bidder we have the right to know is objecting.

Lynn Tellefsen and Doug Stehle and Joseph Molinari the Architect. They will be providing the information here.

Doug Stehle owner and chef at Cave Bistro and his wife Lynn is his partner. As far as hours of operation, this would be a seasonal restaurant and we want to be open from mid-April until mid-October with the shoulder seasons prior to Memorial and after Labor day being a 4-day Thursday thru Sunday lunch and dinner and from peak times between Memorial Day to Labor Day it would be 7 days a week breakfast, lunch, and dinner – sunrise coffee, light bites between

6-7 am – breakfast from 7-10 AM – close briefly to reset for lunch between 11:30-3:30 PM and dinner hours Sunday through Thursday 5-9 PM and Friday and Saturdays until 10:00 PM.

Chair Psiuk – Are you looking to be open year round? It is answered no. Chair Psiuk recites from proposal regarding during Fall/Winter – will serve lunch-dinner Thursday thru Sunday. Doug Stehle indicates no. Chair Psiuk questions break between 10:30-11:30 AM. It is indicated yes it will be utilized for resetting and preparation.

Alan Gubitosi – interested in closing times. Is that truly when people will leave when you will close the doors and shut down or is that when you stop serving and cleaning up and lights etc. may still be on? Mr. Stehle indicates they will stop seating about 15-20 minutes before that and then we will finish up cooking and close the kitchen, people will finish eating, and that will wrap up the day of business.

Marc Rosenthal – that means people can still be eating until 11:00 PM, so you won't be shutting down until 11:30 PM – 12:00 AM? Doug Stehle indicates he anticipates it being much sooner than that based upon his current restaurant. We are usually gone by 9:30 PM, maybe people hang out and eat around 10:00 PM, we are cleaning up while they are eating. Anticipates same operation in Bradley.

Doug Jung – questions opening time – what is your realistic time for opening? Doug Stehle – wants to provide a service for just coffee in the early hours from 6-7 AM, 1 maybe 2 employees at that time and maybe a couple of cooks to prep for breakfast at 7 AM. It is indicated there is some confusion with the operating seasons. When do you anticipate you will be closed? Mr. Stehle indicates it will be closed from October 15<sup>th</sup> all through winter and reopening around April 15<sup>th</sup>.

Lynn Tellefsen thinks there was a typo in the response which has caused the confusion, and apologizes.

Douglas Jung and Chair Psiuk indicate they both have concerns with security during operation and when closed for the season.

Jeff Weltz, Architect – partner with Joe Molinari – here to discuss the lighting. Mr. Weltz indicates all of the lighting is going to be directional and task lighting. Proposed on the railing on the nosing of the stairs and backlit lighting on the sign with business name. Objective is to eliminate light pollution.

Chair Psiuk asks how are you going to control this sign light, timer, switch, photo cell, is it going to be on 24-7? Jeff Weltz refers to his client and thinks they are willing to do whatever is amenable to the town. Chair Psiuk indicates he would like to see it on a timer and being lit for just a certain amount of time while business is operational. Does not want to affect the neighbors across the street. How are you going to control soffit lighting? Mr. Weltz indicates it is going to be down lighting and it will not affect adjacent residences. Mr. Weltz indicates a photometric study has not been performed yet but would be willing to do same and forward to the Borough Engineer for review. Chair Psiuk feels this should also be on a timer or a switch.

Mayor Engelstad indicates lighting is good as far as a safety issue and it prevents vandalism.

Chair Psiuk asks about safety and security, how are you going to prevent anyone from going on the rooftop when the business is closed? Jeff Weltz indicates they could easily design a gate in front of the staircase. It will be a locked gate situation.

Marc Rosenthal questions if stairs can be enclosed so you can lock a door at the bottom? They do not feel it would be aesthetically pleasing.

George Waterman indicates his concern is complaints he has received in the past from other businesses regarding lighting and having contact information and where these complaints would go and who is enforcing. Would there be a number we could contact 24-7 where these complaints could go?

Barry Cooke, Esq. indicates he imagines it would be either Doug or Lynn, both of whom are residents of the Borough. Doug and Lynn agree they would be the contact.

Alan Gubitosi – compliments the lighting proposed thus far. Has a question regarding the backlighting of the SALT signs themselves, wondering if down lighting could be considered similar to the rest of the lighting proposed on the premises?

Chair Psiuk indicates that was his concern with the SALT sign, not so concerned with the lighting on the east side as he does not believe it will be affecting anyone and that it is more of a safety feature.

Alan Gubitosi asks if Doug and Lynn would still consider a curved type light shining down on the sign rather than being backlit. It is agreed they will consider that. Lynn also comments that they need to consider what will withstand the weather and some of the storms that we get.

Marc Rosenthal asks if the top of the deck could be solid instead of open railing system, this way the lights would not be shining down onto surrounding houses, but could be contained on the deck area.

Jeff Weltz – with the open railing it presents as being more opaque when people are not up there. Marc Rosenthal indicates police can also see when people are up there with open rails.

Jerry Freda – comments regarding the railing on top of the building – this project is definitely going to need CAFRA approval. Any surface that you can't see through that is above the roofline is going to be very difficult to get approved. So before we spend a lot of time on anything extending above the existing roofline, please recognize that they are going to be an issue getting approval from NJDEP.

Chair Psiuk asks even though it is an open rail? Jerry indicates you have a better chance of getting approval on something you can see through such as the stairs and those types of things. We really have to look at this from that perspective, because unfortunately it is going to require some changes to the proposed building.

Jerry Freda indicates if you look at the West Elevation you can see the dashed line or triangle that goes up to the roof, that is the existing building. Anything above that line that is over 15 feet elevation from the ground is subject to NJDEP approvals.

Jeff Weltz asks even when the overall size of the addition is under 400 square feet? Jerry indicates yes even if no addition. Chair Psiuk asks even if it is just the sign? Jerry indicates

anything, including the stairs on the side of the building. Any extension to the west is good, but any expansion in any other direction is bad. Jerry indicates we are talking and knit picking a lot of things, but some of this may have to change because of getting CAFRA approval.

Jeff Weltz – you feel that the exclusion of an addition under 400 square feet this still applies? Jerry indicates yes, he has been through this in Long Branch. It is all about sight, lines of sight, and blocking views etc. That is what they are after.

Monica Kowalski, Esq – do they have a procedure where you can provide a submission and they will make a determination as to whether or not you have to proceed with the permit? Jerry indicates yes, they call it a jurisdictional determination. It does take time, but I can tell you some of these elements are not going to fly.

Marc Rosenthal asks how much higher is it than the existing building? Jerry indicates about 4 feet. Jerry also indicates the stairs on the south side are going to cause a red flag as well.

Jerry feels the stairs could be addressed rather easily; it is the other elements of the building that rise above the existing roofline that are going to have to be compromised in some way.

Marc Rosenthal asks how many square feet inside the building. Jeff Weltz indicates about 1,300 s.f. with the addition. Marc questions if you put the stairs inside would that work? It is indicated it will take up a lot of room and that interior space is prime. The seating area is pretty small as it is, most of it is kitchen.

Doug Jung – As far as the lighting goes, I would certainly be mindful of the lighting in terms of not disturbing the surrounding residential neighborhood. The security issue both in terms of lighting and access of the upper deck. In the off season I think lighting would be a factor as far as security.

Meredith DeMarco – shares the same concerns.

Amy Russo – thinks it is beautiful.

Bob Mehnert – concerned with the lighting on the deck and whether the post lighting is sufficient for safety during dining. Jeff Weltz indicates they can look at it and do a photometric study and make sure everything works. Can lights be put on the east side of the tower to shine down on the deck? Jeff Weltz indicates we have considered that so it does not affect any of the western neighbors.

### **Open to Public Regarding Hours of Operation or Lighting:**

Jeanne Patrican - 707 Ocean Avenue – Is there going to be a take-out window for pick-up and if so is that window going to be closed during the hours the restaurant is going to be closed. Doug indicates there is no plan for a take-out window. Regarding closing time of 9 PM and 10 PM – people are generally on vacation and there to relax, if they come in quarter to 9 or quarter to 10, feels it is a bit presumptuous that you would be closing at the hours stated. What happens if it becomes 10-11 PM and there are still patrons? Doug indicates at his current restaurant, generally once people have finished dining, it is pretty quiet and having conversation. It is a small restaurant and I am not really concerned about people lingering. I am not going to kick people out.

Gregory Cannon, Esq. indicates the tenant will have to enter into a lease and hours of operation, whether he wants to or not, if we get complaints that the tenant is not abiding by the lease, then the Borough will see to it and keep the peace.

Sharif Elfar – neighbor across the street – Asks Doug regarding the use of the deck, are you intending to use any kind of umbrella or awning or structures on the deck. Doug indicates no permanent structures of any kind, possibly some umbrellas. Mr. Elfar asks Jerry regarding the use of a second floor where there was none including the use of umbrellas and tables, would any of that be approved by CAFRA, also the addition – we talked about the stairs and the pillars – I am concerned about the whole second floor deck which should be considered by the NJDEP. Jerry indicates his opinion is that it will have to be approved by the NJDEP. Mr. Elfar asks if elimination of the second floor deck would make this application much easier to approve? Mr. Elfar indicates a smaller concession could be sufficient. Mr. Elfar asks Jerry Freda if the Borough restricts the use of this building to the existing footprint, what is the likelihood of the approvals. Jerry indicates he thinks like anything else, the more you ask for the more they have to consider. Mr. Elfar indicates the backlit light is not a low impact sign, he asks Mr. Weltz about the photometric study and normally you would have to bring that to a hearing for people to look at. Is there any ideas that you have that will eliminate the backlit sign? Jeff Weltz indicates we discussed that earlier possibly using a gooseneck type light or contained in a molding above to make it down lighting to avoid the lighting spread. Mr. Weltz is not sure that backlighting is all that intrusive, would have to look into just how bright that would be to be effective but not impact the neighborhood in a negative way. Mr. Elfar questions the lights on the second floor deck, as it has been indicated that it would be accent lights on the posts, but that would never illuminate the food while people are sitting and eating. There is nothing that indicates the level of lights on the deck. More concerned with that than lighting on the east side. Mr. Weltz indicates it was brought up earlier and we will consider adding flood lighting on the west element shining east. Mr. Weltz indicates they could possibly add electronic candles on the tables as well.

Monica Kowalski, Esq. – indicates they will submit their plans to the Borough Engineer for review and approval in accordance with the Ordinances at the appropriate time. Mr. Weltz indicates yes.

Cindy Kwiatkowski – 200 Ocean Park Avenue Unit 4D – Being the only oceanfront restaurant on our Boardwalk, where will the people be waiting to be seated, and how will they be notified since there is limited seating. This is an hours of operation concern, because your dinner hours are starting around the same time people are trying to leave the beach and this is a main thoroughfare to and from the beach. Doug indicates they utilize reservations. Lynn indicates they utilize text now in their current restaurant, mostly reservations. Occupancy has been sent to 99 people.

Linda Donnelly – 803-805 Ocean Avenue – Can you tell me what the impact to the parking will be or what solutions there will be? Monica indicates only questions regarding what Doug and our Architect have described.

Maryann Spillman - 902 Ocean Avenue – It was said earlier that you don't have a take-out window, but do you have take-out service during those hours? Doug indicates yes, I can't not have that especially with how small of a place it is, I can control the flow of it, but I don't see not giving that option. For those people, just as we want to know where people will be waiting, where will people be parking if they are waiting to pick-up take-out.

Monica Kowalski, indicates that is usually regulated by the Borough so if people are illegally parked, they will be ticketed. Maryann Spillman indicates there is no parking and no concern with regard to parking? Monica indicates there is no parking with this proposal. This is street parking, boardwalk area, and anyone illegally parked will be subject to enforcement by the police. Maryann Spillman asks if that will be a CAFRA issue as well? Jerry indicates it could be, that is part of their consideration when reviewing.

Victoria Leahy - 419 Park Place Avenue – When it comes to the drawing, on the north side of the building there is currently a swing set. Why aren't they shown in the drawing? Monica indicates when you are going through this process, generally these are just architectural renderings of the subject property and not the surrounding property for purposes of the discussion. Victoria indicates the swing set is very close and there are teenagers that hang out late at night on the playground so those same kids will be hanging around the building and that goes with security.

Louise Millmann – 502 Park Place Ave – Is there a liquor license here during the hours of operation? Will you be serving alcohol? Doug indicates as of now I do not know about the ability to do that, as of now it is a BYOB during hours of operation. Is there any regulation about serving alcohol that close to the children's playground? Monica asks she hold that until the comment portion as the Borough is not subject to questioning.

Maryann Spillman – 902 Ocean Avenue - We were told earlier that the Borough is the Applicant here, so why would they not be subject to questions?

Greg Cannon, Esq. indicates the question was with regard to alcohol consumption on the beachfront promenade? Yes. Mr. Cannon indicates there are currently restrictions and ordinances in place as the Borough regulates the liquor laws. There would have to be an ordinance amendment to include it in the exceptions where alcohol can be consumed. Ms. Millmann is concerned with the children next door observing. Is there any kind of ordinance for the distance? Mr. Cannon is not sure about a specific distance but they are taken into consideration by the ABC and the State when a license is issued. We have not gotten that far into the lease agreement with the tenant but it will be taken into consideration.

Monica Kowalski, Esq. – addresses Mr. Lieberman and asks if he has advised his clients who are listening in that they are a represented party and that you are the appropriate spokesperson for their concerns. Mr. Lieberman indicates no he really didn't, some of them have spoken. I wasn't even really given a chance to say anything so far. They should have a right to have their questions asked. I am not next to them there is no way that that can happen during this type of meeting. I object to that. Monica indicates to Mr. Lieberman that he can text his clients as they all seem to be able to work the technology in front of them, so if they have questions they can text them to you. They are represented parties. If you are represented by Mr. Lieberman, please discuss or e-mail him immediately your phone number etc. so you can text each other. Mr. Lieberman I would appreciate if you have questions of the witnesses, I would ask that you do that as we have given every opportunity for individuals to ask questions or raise their hand.

Mr. Lieberman indicates he was not given a chance to speak and asks if he will be given a chance to speak? How does this work? Go ahead...

Barry Cooke, Esq. asks Mr. Lieberman to identify who he is representing. Mr. Lieberman indicates it didn't seem anyone was overly interested, but I do represent a corporation "Save

Bradley Beach Boardwalk” and the officers are Jeanne Patrican, Sharif Elfar, and Mitchell Kreutzer. It is a corporation? Yes it is.

Mr. Lieberman indicates he was not allowed to speak when he tried to put his objections on the record and he was asked to wait. If you are a member of this organization, make sure you text my office and let me know what questions you have. I plan on moving this thing to the Zoning Board of Adjustment anyway. Let this thing continue in vein, as far as the lighting, I don't want my clients' blinded by this thing. I want to know when the lighting is going to stop. When are you going to turn off the lights?

Monica asks if she can respond to what Mr. Lieberman stated previously....there has been no acrimony in this proceeding so I do not appreciate the mischaracterization in that we are speaking over you or in any way abusing your opportunity. We did allow you to state your name for the record, you were asked who your clients were, and you were asked to hold off objections; however, you had every opportunity to contact my office. I did receive your letter yesterday to discuss procedure, and you sent it to me by e-mail by the way, I did not receive any further requests to discuss procedure on this, but we did receive your letter in objection, so I would just appreciate a little courtesy and respect in that manner.

Mr. Lieberman asks if his letter will be part of the record. Ms. Kowalski indicates she has no objection to marking your letter of objection it has been noted it has been received.

Chair Psiuk asks Mr. Lieberman if he has any questions to notify Kristie somehow so she can let me know so we can put you right on with any question you have. I don't know who Kristie is or how to let her know, but as other people have done if I have a question I will ask it, I am confident in the procedure.

Monica clarifies that Kristie Dickert is the one you addressed your letter to and she is in fact the Board Secretary. Chair Psiuk indicates Kristie will see you as she is the administrator and can see you. Kristie Dickert indicates if he can't raise his hand just send a message in the chat.

Jeanne – going to let attorney speak for her.

Debbie Hatkins - 807 Ocean Avenue – Asks Doug if he is going to offer weekly meals throughout the year. It is answered No.

Maryann Spillman – 902 Ocean Avenue – questions the notice that the Borough is the Applicant here and that the application is going to have to go for CAFRA approval. Is that going to be the Borough's expense? That could be a very expensive process.

Greg Cannon, Esq. indicates it only states if the building height and the footprint were not increased it would not trigger CAFRA. Ms. Spillman indicates there have been many things that trigger CAFRA, so that would be the Borough then that would bare those expenses? We would have to negotiate that with the tenant. Who is paying for permits and monetary terms, we have not gotten to that yet. We were told this was going to cover things in the RFP, the RFP calls for an alignment to show how this is in line with the Master Plan. Who would answer that question?

Chair Psiuk indicates we are moving out of the area of how this was to be run, could you please hold that question or comment for later on.

Mr. Lieberman asks Mr. Cannon if the RFP indicates the project did not require CAFRA approval, what he wants to understand is in light of the fact that the Engineer has indicated that has now occurred what effect does that have on the Borough to proceed to lease when the condition has not been satisfied based on the current design. Mr. Cannon recites from the RFP. He indicates it was up to the tenant and in negotiation with the Borough.

Dan Walsh - 1003 Ocean Avenue - What time will the employees be arriving to serve at 6:00 AM? So technically the hours of operation will be from 5:00 AM to 11:00 PM or later? Doug indicates 1 employee will arrive between 5-5:30 AM to make coffee. Doug indicates the goal is to run the operation in Bradley the same as his restaurant in Avon, but things change all of the time. This is a beachfront restaurant.

Mr. Lieberman asks the Architect - in terms of parking has an assessment been made as to how many cars will be attracted to the facility? His clients are concerned about additional load on street parking. Mr. Weltz indicates he does not have an answer for that. You have used the number of tables and have some kind of assumption? Monica asks if that would be more appropriate for an Engineer or Traffic Engineer? Mr. Lieberman indicates Architects are frequently the ones who make these presentations and he might be able to answer. Mr. Weltz indicates he does not address those issues. Is there access for disabled people to the top floor? No there is not and it isn't required because the occupancy is 39 people. But it is municipally owned, does that affect that? Mr. Weltz indicates the building was designed without handicap access to the roof deck. The interior provides handicap access.

Debbie Hatkins - 807 Ocean Avenue - When we first started talking about this it was supposed to be a small concession stand within the existing footprint...Chair Psiuk indicates we are asking questions now about hours of operation and lighting.

Unidentified Resident - how many employees will be there for the different hours of operation? Lynn indicates there is no employee plan yet with regard to operations. Right now it will be on as needed basis, one or two as Doug stated earlier. Would it be the same as what you do for your current restaurant? Lynn - it depends on the volume. Agreed to by Doug. You don't want to assume the same number of employees that you have in your current restaurant? Doug indicates no, the volume is going to be double, maybe 10 employees max, there is not a lot of room in there.

Chair Psiuk indicates next topic is outdoor seating. Barry Cooke indicates Jeff and Doug can address. Jeff indicates he believes it was addressed, there will be some freestanding tables with seating, table lighting, and possibly some umbrellas.

Mayor Engelstad - are the tables fixed to the floor or moveable - they will be moveable. Chair Psiuk asks how they will be secured during a storm. Doug indicates he has not determined the exact type table; however, the tower is a storage closet, so if tables can fold up and roll in there or bring them downstairs.

Alan Gubitosi - Wants to confirm that there will be no outdoor seating to the south if the rooftop deck option is utilized? Correct.

Doug Jung - Questions the occupancy of 99. Doug indicates that is the total occupancy including employees. What is the occupancy of your restaurant in Avon - it is answered 49. We are looking at a total of 80 seats for this proposed restaurant. So it is a significant increase for this boardwalk?

Meredith DeMarco - will there be private events? Doug indicates he is not planning on private events.

**Public open to questions as far as seating:**

Daniel Walsh - 1003 Ocean Avenue - How are you going to prevent the wind blowing anything off of the roof? Doug indicates he can't answer that right now, he would have to wait and see, that is the last thing he wants to happen, will take any measure necessary to make sure it doesn't happen. Jeff Weltz indicates we can use hardware to secure tables and umbrellas so that it is safe.

Maryann Spillman - If there are umbrellas blowing around and injuries is that the Borough's liability since they are the applicant? Monica indicates typically there are indemnifications in the lease agreement for liability issues. Mr. Cannon indicates this will be subject to construction review and approval as well for safety issues. This is the first step of the process. Monica refers Ms. Spillman to Title 59 of the Statue and indicates municipalities are entitled to certain immunities, but this will all be negotiated during the leasing phase; however, the Borough has protection in some of those areas. The tenant is also required to have insurance as well. Barry Cooke indicates any insurance the tenant would obtain would also name the Borough as additionally insured. It is indicated that the Borough would not necessarily be responsible for those injured at the location or who bring suit.

Mr. Lieberman asks if the loads of the current roof have been calculated for snow, equipment, etc.? It is indicated that no, it has not been done. That will be addressed during construction document phase. Soils work? Jerry Freda indicates there was a structural report done but there is one done and it was found the building was able to have an addition to it. Jerry indicates he cannot specify if it took into account for this specific project or use.

Debbie Hatkins - Are there any additional seating or uses on the ground level outside of the building? It is answered, no.

Chair Psiuk indicates the next topic is garbage removal. He asks on the gates as far as the garbage it is indicated to be wooden gates, can we make that PVC? Mr. Weltz indicates doesn't think it would be a problem, but the idea of wood was so that it could be easily replaced and fixed, because that part of the structure takes a lot of wear and tear. Chair Psiuk indicates he would prefer PVC. Chair Psiuk feels that instead of Public Works opening the gate and wheeling the garbage could SALT employees wheel it curbside? Doug does not see that as a problem.

Alan Gubitosi - How often would you anticipate the garbage or recycling having to be picked up? Doug indicates he can only go by his current business which is about two pick-ups per week. Chair Psiuk spoke to DPW and during the summer months they do a drive-by every day to the all of the concessions and can pick up as frequently as daily. What is the plan related to grease disposal? Doug indicates he is not having a fryer.

### **Open to Public for Questions Relative to Trash Removal:**

Daniel Walsh - 1003 Ocean Avenue - How many employees are going to be assigned to this building for garbage removal? Are you going to have somebody to pick the garbage up at 11:00 at night? If the steps have to be moved, where is the garbage going to be contained? Monica indicates we already know that pick-up will be required at least twice a week, but we don't know about a redesign, so we can't answer what is not in front of us. Mayor Engelstad indicates public works picks up trash on the beachfront multiple times during the day, every day of the week. How big will the containers be? Doug indicates probably 55 gallon the same as he has currently.

Jerry Freda - the garbage could probably stay right where it is if the stairs have to be relocated if they start at ground level on the south side and work their way north you would be high enough that you would be able to access the pails.

Amy Russo - If this is a business why is trash removal provided by public carting? It is something the town has been providing for concessions on the boardwalk. Mayor Engelstad indicates these are our structures, our buildings, and it is to our benefit that the beaches are spotless and we don't want to depend on a private contractor for that.

Mr. Lieberman asks if the town has a difference between the concept of concession and restaurant in that regard? Yes. The beachfront is cared for by the municipality so as not to rely on private contractors. It could be covered in the lease correct? Yes as directed by the governing body.

### **Chair Psiuk brings the time to the attention of the Board Attorney with regard to a pending application. It is indicated by a few of the Board Members that we keep going.**

Chair Psiuk has a question in reference to the planters on the east side of the building. Jeff Weltz indicates yes, it is a movable planter 3' x 6'. What is going to be in there? Doug indicates usable herbs and things like that. Is it going to be patrolled in a way? Doug indicates he hopes it doesn't happen. It is indicated it could be worse. Doug indicates worse comes to worse we can make it some ornamental plants.

Alan Gubitosi - Did not see in specifications any air conditioners or mechanicals like that is there a plan? The mechanicals will be enclosed in the structure on the southwest side on the rooftop. Venting from the kitchen? Jeff indicates it will go through the mechanical chase.

Doug Jung - How are you going to ensure the safety of the patrons using the playground? Jeff indicates the mechanical chase is away from the playground and creates an enclosure and won't affect that area.

Mayor Engelstad - There was a comment earlier with regard to rent payments. What does Caveman intend to spend to retrofit this building? It is indicated they have budgeted initially is around \$340,000.00 which is just the shell of the building.

Chair Psiuk moves on to the topic of Environmental Issues.

Lynn indicates we plan to use the same environmental considerations as we do at Cave. We are one of the first and few along Jersey Shore that are Surf Rider accredited. We don't use Styrofoam, only reusable food utensils, no plastic bags, and paper straws upon request. We try

to operate in the most environmentally efficient manner as we can. Bathroom lights are sensor controlled when people go in and out. We watch our energy consumption as well as we can and would follow these exact same policies. As far as the mobile planters, maybe not on the east side, but if we can grow some herbs that we use over and over we would like to do that.

**Open to Public for Questions Relative to Environmental:**

Mr. Lieberman – wants to know if there are stormwater requirements associated with the project? Jerry Freda indicates we would take a look at that, there is going to be very little additional increase in stormwater extremely small if any because the whole area over there is impervious, does not anticipate additional, will operate exactly as it does.

Monica indicates questions should be directed to Lynn and cross-examination of the information provided.

Maryann Spillman – will hold until later.

Linda Donnelly – will you have music either outside or you can hear from the inside out? Doug answers no.

Maryann Spillman – I have questions, but not the recycling ones addressed by Lynn.

Daniel Walsh – 1003 Ocean Avenue – Going back to garbage...Monica indicates that particular part of the testimony is closed with regard to questions. We are just dealing with what Lynn addressed with regard to Green footprint. The trash had already been addressed.

Maryann Spillman – asks the Chair not to close the environmental portion as she still has questions that were not addressed by Lynn. Monica indicates she can save her concerns for her comment.

Monica asks Mr. Cooke if he has any further testimony at this point. Mr. Cooke indicates no they are completed with their testimony and assisting the Borough with presenting this plan. Thinks it is going to be an improvement compared to what is currently there. He thanks the Architect and his clients for their clear and thorough testimony. One of the things that the Mayor eluded to is that one of the things that has been misrepresented is that they think there is a sweetheart deal going on because the rent is \$5,000.00/year, but what they failed to mention is that my client is going to be investing \$340,000.00-\$350,000.00 on a building that they don't even own. Somebody needs to explain, perhaps Mr. Lieberman, how that is interpreted as being a "sweetheart" deal. Mr. Lieberman indicates he is up for the challenge.

Monica indicates she does not want to get into a dissertation, that is just argumentative for purposes of the record.

Barry Cooke, Esq. indicates he closes.

Chair Psiuk asks if there are any other questions from the Board or comments regarding this proposal.

Mayor Engelstad indicates his views are pretty strong on this and states he was one of the original people who assessed the RFP response. Feels this is a first class proposal and would welcome it on the beachfront.

Alan Gubitosi – Thanks Lynn and Doug and their professionals. Agrees with the Mayor this is a first class proposal and is familiar with other alternatives and this really is a very strong proposal. Also thanks the Mayor and other Council Members who pushed this presentation this evening. Feels it has given our residents and opportunity to ask their questions and that was the purpose of this meeting, not presenting SALT as an applicant but rather as volunteers to come chat with us and provide some insight.

Marc Rosenthal – believes it is a nice design – how long is the lease for? It is indicated it is a 5-year lease with a 5-year option.

**Open to Public for Public Comment Limited to 5 minutes:**

Mr. Lieberman – we don't believe this is the right process. I think this is a nice restaurant, but whether it belongs here or what Board this belongs before, we may have to litigate that, but there was a comment before about the \$5,000 per year, but we question the validity of that. We are very concerned about the lighting and negative impact this may have in the area my client's live from the trash, light, parking, and noise prospective. Parking is difficult now and you are going to exacerbate the problem.

Alice Harkin - 409 McCabe Ave - A fan of Cave, does not live along Ocean Avenue, understands other residents concerns and thinks you should take that into consideration, recommends considering the beach population and the take-out.

Maryann Spillman – asks how sewage is going to be handled for this? Monica indicates this is the comment portion, so there really are no questions to be answered with regard to that. Those are all municipal engineered issues, but certainly if you want to make comment on that and advise the Board as to your comments so they can be transmitted directly to Council, that is what we will be doing on your behalf. Ms. Spillman indicates the sewage has to be clearly identified and how that is going to be managed and where it is going to be dumped. Can the capacity be managed by this projected sewage for this restaurant. The same goes for the parking, the traffic, the density. Would like to see comment from the County with regard to traffic and parking. Fire, water, and sewer. Most of all the parking and the traffic.

Thomas J. Coan – 612 Third Avenue – Thanks the Planning Board for taking this hearing on and the Council for asking for it. Disagrees with Mr. Lieberman's determination that this is not the correct forum. The town would be able to do this as of right and that would not be transparent. This is the correct place. Would like to see more specifics on lighting and air conditioning locations and the visuals on both of those fixtures, because the way it was described it would be on the roof somewhere which is visually not attractive. Does like the gooseneck lighting, feels it may shed less, but those specifics can be reviewed by town engineer. Many restaurants in town the garbage is picked up by the town so not an issue.

Victoria Leahy – 419 Park Place – Nobody seemed to address deliveries such as linens, produce, seafood, meat? When are deliveries coming in? That affects parking and if during the day it is pretty busy around here. That was not touched upon by any means. Also the impact on traffic, there is density and congestion along a very narrow stretch. There is a mini-golf, a playground, there is volleyball courts, there is a league, there are trailers already set up here for concession. The north end is a bit more congested and it is very, very crowded. Concern is really traffic, light pollution, and noise pollution at the end of the shift. Trash by children with regard to the playground and liquor around children as well. The staircase with regard to the

fire marshall, is one set of stairs enough for people to vacate if God forbid there is a fire. The restaurant in Avon is very different than this proposal.

Louise Millmann – 502 Park Place Avenue – 5 blocks away from the Ocean, during the Summer there is no parking in front of the boardwalk, but streets fill up to 502 Park Place – noticed over 12 years lived here is that each summer there is more and more. Parking is a big concern. Resents the fact that we are referring to this as concession. This is not concession, this is a restaurant. With a restaurant comes a whole different host of employees etc. The roof with tables and umbrellas was a surprise. Issues with alcohol service within feet of where children will be playing. That playground is used all day long. Very crowded in that area. Nice idea, but just not there.

Linda Donnelly – 803-805 Ocean Ave – concerned with the parking. Travels for business gets in town on Friday night and no parking. Hopes the town has some sort of resolution. Also concerned with noise and light pollution.

Vivian Del Valle – 706 Third Avenue – One of the reasons she bought in Bradley was because the boardwalk was not commercialized. Understands people living closer would feel that it is an intrusion on many levels. Personally likes to go to dinner and would love to go there and sit on the rooftop, but I do understand their concerns, but gets it on both sides. Unfortunate that the building is not further south or by the lake, but good luck.

Daniel Walsh – The rooftop dining is dangerous, has issues with parking because not many people have driveways at the north end. Concerned with cigarettes and the planter is going to be a dumping ground. Against this project.

Cindy Kwiatkowski – Ocean Park Avenue – supports the concept, but feels this may not be the best location. Offended we are calling it a concession, it is a restaurant. Concerned with overcrowding of that end of the boardwalk. This whole area has been overdeveloped, we are saturated. Concerned people will be lingering and smoking and the top deck for people to get up there even if there is a gate. Doesn't think this should be a sit down restaurant.

Debbie Hatkins – 807 Ocean Avenue – Agrees with everyone's concerns if the fumes are not going to affect the playground, but what about us? I have emphysema; this was supposed to be a simple concession stand and offer salads and not a full-blown restaurant with 90 patrons. Can the antiquated sewer system handle it? Will there be an oil/water separator? Concerned with parking.

Mr. Lieberman explains his objection and the concept of a courtesy review. Where the government does not have to apply to a Planning Board and/or Zoning Board they can provide a courtesy review to the Planning Board. Just because the government is involved in a project does not mean it does not require approval. He does not feel the 4-prong test has been met. Believes this is a restaurant and it requires Zoning Board approval. This is a private enterprise; it is a restaurant, and not a permitted use. The thought that the government could do this without approvals is wrong. If they don't go before the Zoning Board there is going to be a legal challenge. I just wanted to put it on the record.

Monica indicates as mentioned at the beginning of the meeting we will not be voting since it was a recommendation/referral by the Borough Council, we will be providing memorandum back to Council with regard to discussions. We disagree strongly with the case you are referring to as it

has no presidential value. However, we do thank you for your comments. Mr. Cannon indicates there is nothing more to add and he will certainly report his notes back to Council.

Chair Psiuk closes the public portion of the comments for this discussion and asks the Board to weigh in with their comments.

Rafael Albanir thinks it is a very well-intended project and believes the Board should send recommendations and comments to Borough Council in the form of a memorandum including comments from the public for their consideration.

Alan Gubitosi – Thanks the public and hears the passion and concerns of the public. We will be collecting notes and making sure that all of your feedback is shared with the Council and certain elements that will be included in the contract. I think this has been a very positive experience for all.

Marc Rosenthal – Thinks it looks very nice. Thinks there are some safety issues with the stairs to be dealt with as well as CAFRA, it will be a good improvement to the boardwalk. Thinks there could be issues with the parking.

Doug Jung – Appreciates presentation made and indicates out of the Board Members he lives the closest to this proposed project; therefore, he paid good attention to what the public had to say with regard to parking, security, off-season, and very sensible questions. Wherever this goes and if this comes back to the Board, he will make sure these comments and recommendations are taken under consideration.

Meredith DeMarco – Thanks public and professionals for hanging in there. She thinks the residents have some valid concerns and having been a resident of Ocean Avenue she understands them, feels this project has way too many unknowns and hopes as this gets figured out she hopes that this two-way conversation between the Council and the Public keeps happening.

Amy Russo – LEFT THE MEETING W/TECHNICAL DIFFICULTIES PER MONICA.

Robert Mehnert – Thinks the project will be an asset to the community.

Chair Psiuk thanks Caveman Culinarian, LLC and their professionals as well as the public for coming out and indicates the comments and concerns will be presented to Mayor and Council.

**Due to the late hour, Chair Psiuk asks if we can move this to our next meeting without the need for further notice. A discussion takes place with regard to the Zoom meetings and notice being provided. A poll of the Board is taken and all members present agree to move forward with hearing the application this evening.**

**Applications Under Consideration:**

**PB20/01 – 301 Main Street Holdings, LLC – Block 59, Lots 9-12 – 301 Main Street –**  
Applicant is seeking Amended Preliminary and Final Site Plan approval.

Applicant is represented by John Sarto, Esq. Thanks the Board's courtesy and will try to do their best to keep concise and hit the main points. This is an Amended Preliminary and Final

Major Site Plan relief. Mr. Sarto provides a brief background of the application. Initially received approval in 2015 and amended in 2018.

Mark Sangiorgi – Highwood Development, LLC – sworn in. Applicant for Main Street Holdings, LLC - thanks the Board for spending the time after 10 PM and really appreciates it. Thanks the Mayor, Kristie Dickert, Monica, everyone from the Borough organizing this Zoom meeting. Mr. Sangiorgi proceeds to provide his background with regard to prior development which has mainly taken place in Manhattan. Thanks James Monteforte and Pat Ward for helping with this project.

Patrick Ward, PE, PP of Insite Engineering – sworn in and accepted by the Board

Mr. Ward refers to Color Rendering – Exhibit A-8. Parking, ingress, and egress are discussed. Light fixtures are discussed and they have been upgraded from the original proposal. All fixtures have been swapped out to be LED fixtures. They are lower in height and some of the footcandles have been reduced almost in half. We have assessed the Stormwater Management System as installed and designed and found it to be sufficient and still provides the reduction as indicated in the initial application. The number of curb cuts have been reduced as the one has been eliminated on Main Street which allows more on street parking on Main which is a benefit to the Borough. By eliminating this it appears we will get another 6 or 7 more spaces along our Main Street frontage. The number of variances/waivers are discussed. Proposing more bicycle storage inside and outside the building. Landscaping buffer is discussed and there has been approximately a 2” deviation from that which was granted on the southwest corner. Prior variances are discussed and have been reduced. All variances and waivers have been reduced or unchanged. Mr. Ward indicates the site circulation and pedestrian safety is a better plan than the original proposal.

He believes this project will be beneficial to the Borough and meet the intent and purpose of the Master Plan and Ordinance. We will maintain light air and open space and a visually desirable project. It will provide housing stock in the Borough. The Amended design removes 2 non-conforming conditions and will fit well in the Main Street neighborhood in the Borough. The positives here outweigh any substantial detriment which gives the Board the ability to grant approval to the project.

Chair Psiuk questions the walkway with the 2 ADA spots. To the right of the ADA, what is that measurement of the parking stall? It is a 9' x 18' parking stall per Mr. Ward. Taking the driveway coming into the closest to Main Street, the sidewalk, you don't show any ramps there like you do on the other one, is there going to be an ADA ramp there? There are ramps there you can see with the hatch and detectable warning surfaces which are ADA compliant.

Chair Psiuk requests more detail on the lighting proposed underneath. Patrick Ward reviews the Lighting Plan with the Board with regard to intensity and direction and indicates they are LED.

Mayor Engelstad – With regard to the Main Street Elevation Architectural Rendering – What are we looking at on the right side of the entrance– blank panels? That is something Mr. Monteforte can testify to, those are louvered panels – defers further comment to Jim.

Chair Psiuk asks Mr. Ward to go back to the Lighting Detail. Asks what the footcandles are in the area of the bike racks. Mr. Ward indicates as designed it is about 0.9, that is going to be higher than 1 footcandle there. Chair Psiuk states there is an exit there and wanted to make

sure it was enough. Mr. Ward states that building mounted lighting for egress doors are a building code issue and will comply.

George Waterman asks if they can scroll up to the back of the lot to see the footcandles; no questions.

Alan Gubitosi – Starting with movement of trash receptacle could somebody take me through the amount of space we will have for a fire truck coming down the unnamed road and taking a right, will that limit our ability to follow that path? Pat Ward indicates a requirement is a 24 foot wide access aisle/easement. We have just to the south of that we have where relocated utility pole is that is striped and paved for parking, so as you can see the public access easement that was recorded. The trash enclosure was relocated for ease of access for the garbage truck. Jerry is satisfied with what is there and that it is not in the way. We met with the Applicant and very little needed to be changed, so very satisfied with what is here.

Alan Gubitosi – Questions the closed curb cut on Main Street and the 6-7 new spaces – Patrick explains how arrived at these 6-7 spaces total in front of the project, but it is NJDOT jurisdiction. Mr. Gubitosi asks for clarification on walkway at Third Avenue as it appears rather narrow. Patrick Ward indicates compliant with ADA requirement. Asks about lighting on Main Street itself – Patrick indicates Main Street has a streetscape that has been approved and we show a detail on our detail sheet, the Borough dictates where to put them, same location as initially proposed. How will parking be assigned? It will be up to Management. The project meets the RSIS requirement with regard to parking.

James Monteforte, AIA – sworn in and accepted by the Board.

Chair Psiuk asks about upper floor windows. It is indicated they have been recessed about 8-9 inches. How deep is the front of the building? How much is that setback? It is indicated it is setback about 5 feet.

First floor changes are discussed – added some amenities. There is a larger recess in the building but in order to fix massing only recessing where doors are. There is an office, lobby area, a bike room, bathroom, mailroom, beach storage area, trash room, etc. The trash has regular and recyclables via an upstairs chute. Tried to improve on the amenities as well including access without going through the lobby.

Second level – came up with a plan for an L-shaped building, we were able to create an amenity deck in the back and create a privacy deck in the back for the tenants, an open air area with barbecues and chairs as well as a lawn area and courtyard over the garage only. There are no more balconies up the building. The design is more like a small town industrial type feel with a brick façade. Every unit gets their own storage on the same floor, not everything you want to leave downstairs. There is a door near the elevator to access the terrace.

Third level – you are looking down on the terrace, the building is stepped back, there is only one level with the terrace/courtyard located on the second floor.

The building is stepped back at each level of the upper floors to highlight the corners of the building.

Numbers for square footage of original vs. proposed unit sizes is discussed. The square footage has been reduced in massing by 12,000 s.f. This smaller building size allows more sun and light to pass through better.

Elevations are compared – Approved vs. Proposed changes are discussed.

Mayor Engelstad – states this is a huge improvement on the façade, the only thing we might have to consider as a Borough to start conversations with the State we are probably going to need a traffic light at that intersection sooner rather than later.

Rafael Albanir – questions the garage on the front elevation, not being critical of design, but finds that element off balanced with the other side – James Monteforte indicates he didn't want you to see into the garage and did not want to do louvers. Had difficulty retrofitting with the steel beams that are there.

Alan Gubitosi – what is the plan for a loading dock? It is indicated there was never a loading dock. A variance was granted for the loading and we will continue that variance. Loading will take place in the back.

Alan Gubitosi – Likes the courtyard area but would like to go back to what Mr. Albanir was discussing, things this is a striking building except for those 5 bays which strike him as being unattractive. It just focuses on industrial. Could there be any consideration given to creating additional retail space there? A discussion takes place with regard to adding more retail. Jerry indicates it is not possible because of the parking requirements, parking could not be accommodated. Various options for the façade (5 panels) are discussed.

Monica suggests maybe a false window or shadow box to match. It will be considered.

Marc Rosenthal – questions layouts of the 1-bedroom apartments. The 1-bedrooms are quite small and do not have sitting rooms. Agrees with suggestions for the façade and indicates it does not have to balance perfectly.

James Monteforte indicates he will come up with a few options for that area on the façade.

Doug Jung – concerned with institutional look on the front and looks forward to the alternatives and interested in what public has to say.

Meredith DeMarco – questions the trash room. It is indicated there will be one chute for trash and one for recyclables. Concerns with artificial grass in the courtyard, no benefits at all. Concerned with micro plastics. Is there any chance you will consider using sod or natural grass in that area? It is indicated it cannot be mowed. It is a concrete roof deck, can change to a wood deck area instead of artificial grass if that is a concern? Can do some research on the artificial grass and send the specs on that as well. Ms. DeMarco indicates she would appreciate that.

#### **Open to the Public for Engineer and Architect:**

Thomas J. Coan – 612 Third Avenue – What determines the density for this property? Number of units for this property? There is no standard, there is no ordinance. Additional concepts for those openings are welcomed.

Vivian Del Valle – 706 Third Avenue - Owns the property on the west side in the back of the building - had idea about the front of the building, kind of likes the industrial look, but would a one way window be considered as an option? Concerned with only a 4 foot fence between the properties. Requests a higher fence in the rear to shield footcandles at the rear it is indicated as zero, does that indicate no lights on her property? Yes that is correct. It is indicated there is a small retaining wall in the rear and the 4 foot fence will be on top of that. Ms. Del Valle indicates she purchased the property in 2019 and her property is a little higher than the subject property. The parking spaces facing that shared property line will sit approximately 2- 2 ½ feet lower than your driveway. That wall fence combination will be 6 – 6 ½ feet and headlights will be lower on that wall. The other side of the coin, this loggia, concerned with noise and people there and light on her property. She indicates she will have no privacy. It is indicated the loggia that faces her property has a 6 foot wall which will have material to absorb sound and you will not see anyone up there and the building has been pushed back 35 feet from original proposal. Mr. Monteforte does not feel she will be experiencing what she is anticipating. Believes this is less intrusive than what was originally proposed.

Monica asks Mr. Sangiorgi if he plans on putting time restrictions on the loggia area since you have 4 residential units essentially leading out to that loggia area? Will comply with whatever noise restrictions are in place in the Borough. There were previously proposed 10 units with balconies and a roof deck in the prior proposal. That has been eliminated.

Mark Rosenthal suggests 8' walls instead of 6' walls at loggia. It is indicated it could be considered. Jerry Freda indicates the 8' suggestion is a good one if Jim can make that work. As far as the 4 foot fence, could that be a 5 foot fence? You are allowed to go 6 foot in the rear yard. Patrick Ward indicates the wall at its maximum is 2 foot 3 inches. We can agree to keep the wall with a 5 or 6 foot fence on the 2 foot wall not to exceed an overall height of 8'

Thomas J. Coan – can't do 6 foot fence on her side yard – Only the Applicant can have a 6 foot fence in their rear yard. Questions Mr. Ward with regard to original approval and being subject to NJ DCA, have you made that application yet? The process is when you have a deviation from the RSIS, out of abundance of caution, we did submit the written notice to DCA, yes.

Vivian Del Valle – question regarding the loading zone that doesn't exist. Wondering if around the corner off of Main could be striped for loading as they could enter where you indicate for the bikes. It would be up to the Borough and the Borough Council, it is off site. Monica indicates you can bring that to the Borough at any given time and request it.

Vivian Del Valle – questions the mechanicals that are going to be on the roof are they going to be extremely visible from my property. It is indicated no they will not be by Mr. Monteforte.

John Sarto, Esq. indicates that the balance of our testimony there are no further witnesses or presentation.

Mayor Engelstad – Is there a permanent in house management team? Mark Sangiorgi indicates yes there will be a leasing office staff and superintendent once the building is occupied. What is the timeline for this project construction and completion? Mark indicates if approved tonight – 30 days to memorialization – we anticipate start in the Fall after the beach season. Working with American Water and utilities to bring service to the site.

Rafael in favor of the project but still has concerns with the façade, but the rest has been pretty well addressed.

Meredith DeMarco – just wants them to consider the deck and being more environmentally friendly.

**Open to the Public for Comment:**

Vivian Del Valle – thinks it looks great and thanks Mark for jumping in and saving her side yard. This will be a welcomed project.

Roger Tucker – AUDIO NOT WORKING FOR SOME REASON THE BOARD CANNOT HEAR HIM. Mr. Sangiorgi indicates he asked a question on the chat with regard to only entrance for residents on Third Avenue? The answer is there is an entrance on Main Street, an alternate on Third Avenue, and a secondary door to get in off the parking area and then another off the parking area to the elevator lobby. There are 3 ways to get into the building. Mr. Tucker types he is at 705 Third Avenue and the building looks great.

Thomas J. Coan – 612 Third Avenue – In favor of the project and thanks Mr. Sangiorgi for taking on this project.

Mark Sangiorgi thanks everyone and all of the residents. Wants to meet people and be more accepted in the community.

John Sarto, Esq. – thanks the Board for pushing forward and hearing us out and provides his closing statements.

**Based upon the testimony provided Chair Psiuk makes a motion to approve this application with the variance for the fence or wall to be no higher than 8 feet, redesign of the front façade area will be resubmitted to the engineer for approval, and a variance if necessary for the increased wall height on the loggia, seconded by Marc Rosenthal.**

**Those in favor: Robert Mehnert, Alan Gubitosi, Meredith DeMarco, Marc Rosenthal, Douglas Jung, Mayor Engelstad, George Waterman, Rafael Albanir, William Psiuk**

**Those opposed: None.**

**Those who abstained: None.**

**Those absent: Amy Russo**

**NEXT SCHEDULED MEETING WILL BE OUR REGULAR MEETING ON THURSDAY, MAY 28, 2020 AT 6:30 PM WHICH WILL TENTATIVELY TAKE PLACE VIA ZOOM. WITH NO FURTHER BUSINESS BEFORE THE BOARD A MOTION TO ADJOURN THE REGULAR MEETING WAS OFFERED BY CHAIR PSIUK, MOVED AND SECONDED BY MARC ROSENTHAL, ALL IN FAVOR. MEETING CLOSED AT 12:24 AM.**

**Minutes submitted by Kristie Dickert, Board Secretary**