

**CLOSED SESSION MINUTES  
TOWNSHIP COUNCIL – TOWNSHIP OF OCEAN  
(SECTION 8 RESOLUTION)**

**JUNE 3, 2010**

**OAKHURST, NEW JERSEY**

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**Present:** Mayor Larkin  
Deputy Mayor Hiers, Councilmember(s) Garofalo, Schepiga

**Absent:** Councilmember Siciliano

**Others:** Martin Arbus, Esq., Township Attorney  
Andrew Brannen, Township Manager  
Vincent Buttiglieri, Township Clerk

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**Subject:** Litigation - COAH

**Action:** Martin Arbus, Township Attorney, explained that after many hours of meetings and discussions, it appears that a settlement has been reached between the Township and Martelli at Wayside, LLC. The settlement is as follows:

1. They will construct 29 units
2. A berm will be placed along Bowne Road
3. All plantings done will be at the discretion of the Township Planning Board
4. The development must meet the drainage needs, as outlined by the Township Planning Board

Marianne Wilensky, Director of Community Development, explained that the property will be in the R2 single family zone. The property, which was once only 11 acres is now 15 acres, due to a purchase by the developer. There has been an increase in the size of the detention basin, which should enable the flooding concern to be alleviated. There will be a 25 foot buffer along the Deal Road side of the development. All properties will have a 40 foot rear yard setback.

Ms. Wilensky feels that this is a good settlement and the fact that the Township Planning Board will have control of the various aspects such as drainage and plantings will certainly be beneficial to the Township to alleviate any concerns that the existing residents may express.

Martin Arbus, Township Attorney, met with the Judge that is hearing the litigation between Martelli at Wayside, LLC and the Township. Mr. Arbus has no indication when, or ultimately if, any revisions made to the COAH legislation will be beneficial to the Township's case. Therefore, this appears to be a good settlement for the Township and protects us against some development that may be very intrusive to the area.

Mr. Arbus reiterated that currently the Township is at risk and this settlement eliminates a portion of that risk, which in his mind, is a good thing.

Deputy Mayor Hiers reiterated that he is very concerned with settling this litigation until the COAH legislation is amended. His hope was that any settlement would allow the Township to include all the pre-1980 units that currently exist. Also, Deputy Mayor Hiers expressed his concern with the lot coverage of 38%.

After discussion, the Council went back into the Public Meeting.

Respectfully submitted,

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Vincent Buttiglieri, RMC/CMC  
Township Clerk