

CAUCUS SESSION:

7:00 P.M.

Virtual Meeting
Via Zoom

MEMBERS

PRESENT: Edward DiFiglia, Class II
John Duthie
David Fisher, Class III
Estelle Klose
Peter Siano, Class I
Jeffrey Weinstein

MEMBERS

ABSENT: Joseph DiBenedetto,
Chairman

OTHERS PRESENT:

Sanford D. Brown, Esquire
Bennett Matlack, P.E.
Ron Kirk
Amy Stewart

Board Attorney
Board Engineer
Planning Administrator
Planning Board Secretary
Recording Secretary

A motion was made by John Duthie and seconded by Ed DiFiglia to go into Executive Session.

In Favor: DiFiglia, Fisher, Klose, Siano, Weinstein, Duthie
Opposed: None
Ineligible: None
Absent: DiBenedetto

REGULAR MEETING:

7:30 P.M.

Virtual Meeting
Via Zoom

MEMBERS

PRESENT: Edward DiFiglia, Class II
John Duthie
David Fisher, Class III
Estelle Klose
Peter Siano, Class I
Jeffrey Weinstein

MEMBERS

ABSENT: Joseph DiBenedetto,
Chairman

OTHERS PRESENT: Sanford D. Brown, Esquire Board Attorney
 Bennett Matlack, P.E. Board Engineer
 Ron Kirk Planning Administrator
 Amy Stewart Planning Board Secretary
 Recording Secretary

Peter Siano announces that the notice requirements for the Open Public Meetings Act have been satisfied, a copy of the notice having been sent to the Asbury Park Press and the Coaster, posted in the Township Hall, and filed in the Office of the Township Clerk on July 27, 2020.

CARRIED CASES TO August 23, 2021

1. **Logan Community, LLC**
Block 137 Lot 4, 5 & 32
1109 Logan Road
Ocean
C-3

REORGANIZATION

Dr. David Fisher recites the Oath and is sworn in as a Class III Board member.

Peter Siano nominated **Joseph DiBenedetto as Chairman** from July 1, 2021, through June 30, 2022. Nomination was seconded by David Fisher. There were no other nominations.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Abstained: None
Absent: DiBenedetto

Regular

July 26, 2021
August 23, 2021
September 27, 2021
October 25, 2021
November 22, 2021
December 27, 2021
January 24, 2022
February 28, 2022
March 28, 2022
April 25, 2022
May 23, 2022
June 27, 2022

Jeffrey Weinstein makes a motion to approve the meeting dates as amended from July 1, 2021, through June 30, 2022. The motion was seconded by Ed DiFiglia.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Absent: DiBenedetto

A motion to appoint **Sanford D. Brown, Esquire, as Planning Board Attorney** for the period running July 1, 2021, through September 1, 2021, was made by Jeffrey Weinstein and seconded by Peter Siano.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Absent: DiBenedetto

A motion to appoint **James Higgins, P.P. as Planning Board Planner** for the period running July 1, 2021, through December 31, 2021, was made by Peter Siano and seconded by Jeffrey Weinstein.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None

Absent: DiBenedetto

A motion to appoint **Bennett Matlack, P.E. as Planning Board Engineer** for the period running July 1, 2021, through September 1, 2021, was made by Peter Siano and seconded by Jeffrey Weinstein.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Absent: DiBenedetto

A motion to appoint **Amy Stewart, as Planning Board Secretary** for the period running July 1, 2021, through June 30, 2022, was made by Estelle Klose and seconded by Jeffrey Weinstein.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Absent: DiBenedetto

Mr. Brown explains that the swearing in of the professionals at this evening's meeting is an Oath that encompasses testimonies at all upcoming hearings/meetings of the Board throughout the year.

Mr. Brown and Mr. Matlack raise their right hands and repeat the Oath.

No one has anything else to add.

A motion to adjourn reorganization was made by Ed DiFiglia and seconded by Jeffrey Weinstein.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Absent: DiBenedetto

Discussion of an Amendment of Land Development Ordinance- #21

Review of proposed change in the Ordinance to ensure that it meets the intent of the Master Plan. (Cannabis Establishments)

Mr. Brown provides an overview of the purpose of the discussion. Mr. Brown then reads a memo from Mr. Higgins, stating that the ordinance permits cultivators, distributors, manufacturers, and wholesalers of cannabis to be established in the I-1 zone south of Deal Road, while not permitting retail sales. Mr. Brown asks for any questions from the Board. Ms. Klose asks for clarification of the location south of Deal Road. Mr. Kirk explains that it is in the industrial area. Dr. Fisher clarifies that the Township has decided to narrow what parts of the industry are allowed to operate in the town. Mr. DiFiglia asks if they would be allowed in the I-1 in the north of town, and Mr. Kirk responds only in the south.

A motion to find the ordinance consistent with the master plan is made by David Fisher and seconded by Ed DiFiglia.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Absent: DiBenedetto

NEW CASE:

1. **Seaview Acquisitions**
Block 141 Lots 1 & 2
2301 NJSH Route 66
Ocean
C-4

This is an application for construction of a 168 stall parking lot.

Attorney for the Applicant: Ms. Jennifer S. Krimko, Esq.

Attorney for the applicant Ms. Jennifer Krimko provides an overview of the application. Mr. Weinstein asks why this application was not included with the previous one. Ms. Krimko responds that as little was being disturbed with the original building conversion, they decided to begin the parking lot when the building plans were completely engineered. Mr. Siano asks to hear the Board professionals' reports first. Mr. Matlack summarizes his report, requesting to hear testimony on the existing landfill and removal of material. Mr. Brown reads Mr.

Higgins' report, requesting testimony on the use of the stockpile area. The report also summarizes the variances requested within the application. Ms. Krimko enters the site plan as Exhibit A-1, the limited topographic survey as Exhibit A-2, the stormwater management report as Exhibit A-3, the summary report of groundwater exploration as Exhibit A-4, and the environmental monitoring plan as Exhibit A-5. Ms. Krimko then introduces Mr. Patrick Lynam, the applicant's engineer, who is sworn in.

Ms. Krimko presents Exhibit A-1 to the Board. Mr. Lynam provides an explanation of the site plan to the Board. Ms. Krimko then clarifies to the Board how the vans and parking would operate. Mr. Lynam then reviews the grading and landscape plans. Mr. Lynam then provides an overview of the stormwater management for the application. Ms. Krimko then asks for any questions from the Board. Mr. Matlack asks if there will be a maintenance manual for both basins, and Mr. Lynam answers yes. Mr. Matlack then asks for more detail on the retaining wall. Mr. Lynam responds with their current status of designing the wall. Mr. Weinstein asks how much material will be removed, and Mr. Lynam responds that they will be removing 30,000 cubic yards. Mr. Matlack then asks about the fill for the triangular lot. Mr. Matlack then asks if settlement concerns are being considered, and Mr. Lynam responds that they are. Ms. Klose asks how the vans are filled, and Ms. Krimko responds by explaining the process. Mr. DiFiglia asks about the water infiltration of the basins. Mr. Lynam responds that they are bioretention basins, which are preferred by the DEP. Mr. DiFiglia asks if the applicant could plant grass over the dumping site, but Ms. Krimko asks to defer to the environmental expert. Mr. Duthie asks about the necessity of a crosswalk and traffic issues. Mr. Lynam responds that the crosswalk is intended for emergency and ADA access, but that employees would not be using it. Mr. Duthie then asks how traffic will be handled, and Mr. Lynam explains on the site plan. Mr. Duthie voices a concern over the impact the vans may have on traffic. Mr. Duthie asks if the van spaces could be placed on the other side of the road, but Ms. Krimko responds that that is required employee parking. Mr. Brown asks Mr. Lynam if he is a traffic engineer, and if a traffic study was done. Mr. Lynam responds he is not, and that no study was done. Mr. Matlack asks when the shifts occur. Ms. Krimko responds the three shifts occur in the morning. Mr. Duthie asks when the other employees would arrive, and Ms. Krimko responds that that is an operational question and that she has another witness to answer. Dr. Fisher asks why another lot needs to be built when the existing one has extra spaces. Mr.

Lynam answers that the necessity for the lot had been determined by Amazon. Dr. Fisher agrees with Mr. Duthie over potential traffic issues on the ring road, and questions how the sod will be handled. Mr. Lynam answers if the sod doesn't take it would have to be replaced. Mr. Matlack asks Mr. Lynam if he believes the rate of vans leaving would have an impact on traffic. Mr. Lynam answers he does not see it having a major impact. Mr. Matlack agrees, and says the staggering helps mitigate potential traffic. Ms. Krimko asks Mr. Lynam if the traffic would be worse were the building to remain a retail center, and Mr. Lynam responds that he thinks it would be. Mr. DiFiglia comments that as the establishment closed, the Board members points were valid. Mr. Siano asks if any other Board members have questions, but no questions are raised. Mr. Siano asks for any questions from the public, and Mr. Brown clarifies that only questions were allowed. Mr. Donald Brockel asks why there seem to be more vans on the lot than are used throughout the shifts. Mr. Lynam responds the shifts leave only thirty spaces vacant throughout the day. Mr. Brockel asks how the vans are filled, and Mr. Lynam responds that the drives pick up the van and take it to the facility. Mr. Brown asks whether the site has three or four shifts, and Ms. Krimko responds that she would have to defer to her other witness. Mr. Brockel asks if it would be possible to eliminate the extra spaces to create a bigger basin. Mr. Lynam answers the basins meet the requirement, so there is no need to make them bigger. Mr. Brockel asks if there are any plans for additional stormwater management, and Mr. Lynam responds that there are not. Mr. Brockel asks if any improvements are being considered for grates on the ring road, and Mr. Lynam responds yes. Mr. Brockel then asks about the retention wall. No other public questions are raised. Ms. Krimko asks Mr. Lynam how much the public parking has been reduced, Mr. Lynam responds that 214 spaces have been lost. Ms. Krimko comments that 214 cars then would not be added to the traffic throughout the day.

Mr. Brown swears in Mr. Chris Esposito, a licensed site remediation professional. Mr. Brown asks Mr. Esposito if he is testifying on behalf of the State, and Mr. Esposito responds that he is not. Mr. Siano asks if any Board members have questions about Mr. Esposito's qualifications, and then accepts him as an expert. Mr. Esposito testifies as to the current results of the environmental testing at the site. Mr. Siano then opens the meeting for any questions from the Board. Mr. DiFiglia asks what type of permit they would need, and Mr. Esposito responds they would need a major disruption permit. Mr. DiFiglia then asks how the

application will meet the new environmental justice law. Ms. Krimko and Mr. Esposito respond they are unfamiliar with the law, but Ms. Krimko responds that she believes the state professional would ensure compliance with all state regulations. Mr. DiFiglia then asks Mr. Matlack to look into the issue for his final report. Dr. Fisher asks about the portion of the testing that is unfinished. Mr. Esposito responds that the full report is submitted with the major disruption permit. Dr. Fisher asks if the disturbance will cause any hazards, and Mr. Esposito responds that he does not believe it will. Mr. Siano asks when the landfill originates from, and Mr. Esposito responds he believes it operated from the 40s to the 70s. Mr. Matlack asks about whether the landfill was probably closed. Mr. Esposito responds that he has had trouble getting that information from the DEP, but that in his assessment it is. Mr. Matlack then comments that the individual he spoke to at the DEP was in favor of the project. Mr. Siano opens the meeting to public questions. Mr. Jack Kearns asks how Mr. DiFiglia's concern will be addressed. Mr. Brown asks that questions be specified toward Mr. Esposito. Mr. Kearns asks whether the environmental justice law would fall under Mr. Esposito's expertise. Ms. Krimko responds that the environmental justice law as a state or federal regulation does not fall under the Board's jurisdiction. Mr. DiFiglia comments that he feels the Board engineer should ensure compliance with all state regulations, including the environmental justice law. Ms. Krimko comments that Mr. Matlack is able to ensure outside agency approval has been received, but cannot determine himself whether the regulations have been met. Mr. Brockel asks if there was runoff testing from the site, and Mr. Esposito responds that there was. Mr. Brockel asks if testing will be performed after the work, and Mr. Esposito responds there should be no impact on the water course, and that further testing would not be required. No further questions are raised from the public. Ms. Klose asks why further testing couldn't be performed. Ms. Krimko responds that state regulations do not require further testing, but that it could be performed were it to be required by the Board. Ms. Klose recommends the Board require further testing as a condition for approval.

Mr. Siano opens the meeting to public comments, but no comments are made. Ms. Krimko then summarizes the requested application. Mr. Siano asks if the Board is ready to vote on the approval, but Mr. Duthie argues for denying the application based on traffic and safety issues. Dr. Fisher argues that in spite of the traffic, the benefits the site provides to the Township outweighs the negatives. Mr. Weinstein voices agreement with the traffic concerns. Ms. Krimko

requests an adjournment to allow her to bring a traffic engineer to testify for the proposal. Mr. Siano agrees to reopen the case to allow the adjournment. Mr. Weinstein comments that he would like to see the plans refined to address the Board's concerns.

Motion to reopen the case for additional testimony is made by Peter Siano and seconded by Jeffrey Weinstein.

In Favor: DiFiglia, Fisher, Klose, Siano, Weinstein
Opposed: Duthie
Ineligible: None
Absent: DiBenedetto

Motion to adjourn the meeting is made by John Duthie and seconded by Peter Siano.

In Favor: DiFiglia, Duthie, Fisher, Klose, Siano, Weinstein
Opposed: None
Ineligible: None
Absent: DiBenedetto

Meeting ends at 10:55 P.M.