

Borough of Brielle

AUGUST 15, 2017

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August 15th, 2017

BRIELLE PLANNING BOARD

Tuesday, August 15, 2017

A special Meeting of the Brielle Planning Board was held on Tuesday, August 15, 2017 to continue the hearing for the Use Variance/Site Plan for block 52.01, Lot 1-8.01, 622 Green Avenue, Waypoint 622. After a moment of silent prayer and a Salute to the Flag, roll call was taken:

Present – Joseph Bonacci, Thomas Condon, James Maclearie, Stacey Montalto, (arrived 7:32), Charles Sarnasi, James Stenson

Absent – Mayor Thomas Nicol, Councilman Frank Garruzzo, James Langenberger, Eric Lapham

Also present were Board attorney Joseph Clark and Board Engineer Alan Hilla, Jr. There were 15 people in the audience and Board Secretary Karen Brisben recorded the Minutes. Both the Coast Star newspaper reporter and resident Thomas Stuhmann recorded the meeting; the applicant also had a Court Reporter taking a transcription.

Mr. Condon announced that this is a continuation of the August 8th meeting and Mr. Richard Kenderian came back up for a redirect from Mr. Jackson, the applicant's attorney. Before this started, Mr. Dennis Collins, Esq., attorney for objectors, asked about one of the Board members requesting seeing the notes from Mr. Kenderian. Mr. Jackson said they will provide a transcript. Ms. Montalto was the Board member that request this and agreed on getting a transcript.

Mr. Collins then objected to Mr. Jackson doing a redirect to Mr. Kenderian but Mr. Condon said this can be done. Mr. Jackson then wanted to submit two exhibits, the first was a copy of the permit for the sound walls and this was marked as Exhibit A-22. Mr. Jackson said he would like the Board to come to Waypoint 622 and inspect the property, the Board can decide when to come and if the attorneys can go that would be good also; he said there will be no dialogue allowed and this should maybe be done before the next meeting, maybe ½ hour before the time to meet. Mr. Clark felt the meeting may have to be started and then all go as a group; he, too, felt it would be beneficial and this will be addressed later on in the meeting. Right now they were planning on continuing this hearing on Tuesday, August 29th.

Mr. Jackson then said he had gone over the transcripts and felt that Mr. Condon gave a clear direction on this application and he then read from the January 2017 transcript. Mr. Condon said he thought there was a 380 square foot increase in the area and Mr. Jackson was going to go on this thought, he said this will mean 4 more parking spaces and he wanted to address this. He said he is going to refocus on the Conditional Use, the increase in hours, the roof and wall; he felt the site was suited for this and again referred to page 70 from the January 2017 transcript.

Mr. Condon said the Board just wants to make sure the changes are in accordance with the Borough. At this time Mr. Collins objected to this and he and Mr. Jackson went back and forth. Mr. Condon felt that Mr. Jackson was just trying to refocus on where we are going, a 380 square foot addition is a lot more than what they have been saying. Mr. Collins said that Mr. Lurie's testimony contradicted this and that redirect is limited to what was said by Mr. Kenderian. He said there are 75 seats on the patio that are not spoken of. Mr. Jackson wanted it clarified that they will work with the Board's thought that there is a 380 square feet addition.

At this time Mr. Richard Kenderian, Planner, came forward again. Mr. Jackson asked Mr. Kenderian if he has had a chance to review whether this is a D-1 Variance or Use Variance or is it a D-3 Variance. Mr. Kenderian thought he was clear on this, this is a D-3 Variance and there was referral to a case called Coventry Square vs. the Westwood Board of Adjustment back on 12/15/1994. This was decided by the NJ Supreme Court and the Court determined that proofs for Conditional Use are less stringent than a prohibitive use. The approval is based on the design waivers and the applicant showed that the site can accomplish that use with no detriment to the Zone Plan or Municipal Ordinance. The Conditional Use is permitted where the use meets the conditions set forth in the Ordinance; there are two types of variances, a Use Variance and a Variance for Deviation from the Conditions.

Mr. Jackson then read part of the case and that those standards reflect that the Conditional Use is neither permitted or prohibited; the use meets the criteria and does not need to meet the stringent criteria. A Variance for Deviation allows the applicant to have the Conditional Use; the burden of proof for a Use Variance is too onerous for this and a Deviation Variance (D-3) means you look to see if the site is suited for the use. He then referred to Mr. Hilla's letter of 10/04/16 and wanted to focus on the 3 inconsistencies he said exist. At this point Mr. Collins objected and said to ask Mr. Hilla about these things is "starting from scratch"; if Mr. Kenderian said some variances were C-2 and is now saying they are D-3 that is okay but this has to be addressed. Mr. Clark said the applicant is the one that has the burden of proof, Mr. Collins felt if Mr. Kenderian's testimony was wrong he should say so and to apply variances to the Conventry Case and not others is "starting from scratch". Mr. Condon agreed.

Mr. Jackson said that Mr. Collins misstated what the law is; Mr. Condon recollected that Mr. Collins asked for confirmation on the variances requested. Mr. Jackson said the justification for the relief is what is being asked for and not each variance. He also felt it was fair to ask the Board Engineer about the criteria and he wanted Mr. Kenderian to go over this. Mr. Jackson said they do not need a Use Variance, they need a D-3 variance; Mr. Hilla said they need a D-1 (Use) Variance originally and then stopped saying this. He felt it would take less time to address this than listen to Mr. Collins. Mr. Clark felt they are both getting into a lot of technicalities here and Mr. Kenderian should be asked about the facts. Mr. Collins again objected and said, once again, they are "starting from scratch"; Mr. Condon did not think this was being done. Mr. Collins said a D-3 Variance has certain criteria, a special reasons variance. A C-1 or C-2 variance does not need 5 votes, there are different burdens of proofs and a simple majority is needed for approval.

Mr. Jackson still felt he can ask for a re-examination and Mr. Collins said this will open his cross-examination again. Mr. Jackson then went back to Mr. Hilla's letter and referred to seating, one docking berth per four seats. Mr. Kenderian said the numbers have changed and they do not meet the standard and need relief from this. Mr. Jackson asked how they meet the spirit of this and Mr. Kenderian said the use is pre-existing, the Ordinance was written around that use and is part of the commercial uses in Brielle and generates revenue. Hoffman's is owned by the same owner so the intent of the Ordinance is closer met if using those boat slips. Mr. Jackson asked if it is appropriate to count the number of berth/seats at Hoffman's and Mr. Kenderian said that is up to the Board. Mr. Jackson asked what is the reason for the boat slip ratio and Mr. Kenderian said this is for fishing and marina use, this is one of the major industries in Brielle.

Mr. Jackson then went over the minimum lot size requirement, which is 2 acres. Mr. Kenderian said the property has .28 acres less, the total property is 1.72 acres and this includes the riparian rights; Mr. Jackson asked if this is appropriate to count this and Mr. Kenderian said yes and also noted this is a pre-existing condition. The boat slips have no effect on the Master Plan and the FAR (Floor Area Ratio) does not apply here, it was created to protect overuse of a lot; he said he did not know the FAR of Hoffman's. Mr. Jackson then asked about the parking requirements and are they hard & fast rules? Mr. Kenderian thought they were but they are allowed to use the adjoining lots, that is in the Ordinance and sufficient spaces are available and within walking distance and they have different hours of use. Mr. Jackson noted Mr. Hilla said they need 131 spaces and he said the Traffic Expert will address this. He asked Mr. Kenderian if using this lot ameliorates the parking deficiency and Mr. Kenderian said yes and he believed they have addressed the Conditional Use criteria.

Mr. Jackson then turned to the C variances required and Mr. Kenderian said they need both C-1 and C-2 variances as well as the D-3 variance. This property is in the C-2 Marine Commercial Zone and the use is permitted here, it is a waterfront piece of property and land uses surround it. Mr. Jackson asked if there is anything in the Master Plan on this and Mr. Collins objected as he was now going into the Master Plan. Mr. Jackson then said perhaps the more appropriate question was did Mr. Kenderian review the Master Plan and Mr. Clark felt this can be addressed. Mr. Collins still objected and felt to open it up without the objectors' Planner is wrong. Mr. Condon asked Mr. Kenderian if he brought up the Master Plan in his testimony and he said it was in his testimony. Mr. Clark felt the technical rules of evidence due allow some leniency here. Mr. Collins said the other objecting attorney is not here and now this hearing is being expanded, he will cross-examine. Mr. Jackson said this is not a trial and they want to get as much appropriate information on the record as possible and get this right; this would be allowed in court; he felt Mr. Collins was doing everything he can to attack this so approval is not happening – he can redirect.

Mr. Condon noted Mr. Kenderian testified to the Master Plan but Mr. Collins felt his client was being affected by this decision and he was just doing his job; he want to re-cross. Mr. Clark said there was a specific permission from the Chairman at the last meeting and if the objectors' Planner is not here that is not the Planning Board's problem. Mr. Collins asked to be accommodated. Mr. Bonacci commented that he specifically remembered Mr. Kenderian saying the Union Landing went along with the Master Plan. Mr. Kenderian agreed and said the Master Plan looked at Union Landing. Why didn't Mr. Collins do a cross-examination then? Mr. Collins felt his statement was so unsupported by reality, Union Landing was a non-conforming use. If the Master Plan is okay with this this should not be a Conditional Use and he felt this is a prime example of this

application needing to be reined in. If it is not raised in the cross-examination it can't be in the redirect. Mr. Condon asked Mr. Jackson to please move on.

Mr. Jackson asked Mr. Kenderian if there is anything in the Master Plan that supports the amelioration of the conditions and Mr. Kenderian said "absolutely". It is not detailed in the Master Plan but says this area serves water and boating areas and is important to the town and it encourages revitalization to cover this. Mr. Jackson asked if the approval of this application revitalize this area and Mr. Kenderian said yes and it is important for the economy of Brielle and Hoffman's. He commented this is now one of the premier boating places in New Jersey. Mr. Jackson asked if, under the D-3 variance, can you point to the Master Plan as being supportive and Mr. Kenderian said he already has as he read the purpose of the C-2 Marine Commercial Zone. It is an exceptional property to provide the boating industry and there are no negatives to the D-3 variance.

As far as the C variances, the C-1, as defined in the Municipal Land Use Law, deals with the property itself, it's shape, etc.; the property here is extremely narrow and he had already testified as to its irregularity, it would be very difficult to develop today. Mr. Jackson then referred to Exhibit A-11 to show the size and shape of the site. Mr. Kenderian said this is a corner lot so it has two frontages and almost half of the property is water. Mr. Kenderian said the C-1 speaks of practical differences and hardship, the applicant purchased the property, got permits and also a CO.

In addressing the C-2 variances, again under the Municipal Land Use Law, are the Ordinances and Master Plan advanced and do the benefits outweigh the detriments, this is something the Board can use to grant relief. It also addresses public health a safety – the deck is safer, ingress and egress are better, not as many combustible materials, the deck is out of the flood zone and enables patrons to go for a dinner on the waterfront. As far as safety from fire, flood, etc. this is above flood elevation and is constructed with fire retardant materials. Mr. Jackson asked about air, light and open space and Mr. Kenderian said this is open space, it provides general recreation for the public and boating, etc. He had testified that this is a place to go to relax, enjoy a waterfront view and to be able to dock and dine, it promotes a desirable visual environment.

As far as the bulk variances, they need them for the boat slips, have less than 2 acres of land, need a parking variance (but they are using Hoffman's which gives them at least 50 more spaces), the intent of the Zoning Ordinance is met; the size of the Waypoint property creates a hardship for parking, etc. as it can't be expanded. They both then went over the setback variances, parking circulation, driveway width, loading zone, sign setback, all were explained through the testimony already given. Mr. Condon agreed this was already discussed and again asked that we move this along, the Board doesn't have to hear this again. Mr. Jackson said he repeated it as Mr. Collins said he did not testify to this but both Mr. Condon and Mr. Clark said there is a lot of repetition going on here. Mr. Jackson said he will wrap up and again asked about the negative criteria and if the benefits outweigh the detriments and Mr. Kenderian said he thought all that was clear in his testimony.

Mr. Jackson then asked if the outdoor band complies with the Ordinance and Mr. Kenderian said there is no problem here. He then mentioned that Mr. Collins had asked about a dance floor and Mr. Kenderian said there is no dance floor but people dance, the bands have not been allowed to use their own amplifiers, numerous things have been put into effect. Mr. Jackson referred to Exhibit A-16, an aerial photo and asked if this site works here; Mr. Kenderian said, as a Planner, the word is Synergy, this is a use that people want and it provides an amenity and benefits. At this point Mr. Jackson had no further questions. As Mr. Collins wanted to re-cross, Mr. Condon called a 5 minute recess at 8:55 p.m.

A little after 9:00 p.m. the Board reconvened and Mr. Collins came forward to do a redirect. Mr. Condon wanted to know what it was he was going to do and Mr. Collins said he wanted to go over what Mr. Kenderian said and go through the reasons of the burden of proof. He then asked Mr. Kenderian about the D-3 variance, he asked how many votes are needed for this for approval and Mr. Kenderian said 5 affirmative votes are needed, this is a Conditional Use permit. Mr. Jackson objected and said this does not have anything to do with the Planner, this is law. Mr. Collins said he wanted to know that Mr. Kenderian understands the variance, Mr. Jackson said this comes from an attorney, not the Planner; Mr. Clark agreed with Mr. Jackson.

Mr. Collins wanted Mr. Kenderian to confirm that he had testified as to the D-3 variance and addressed the burden of proof for that variance; a yes answer was the response. Mr. Collins then asked how many Master Plans has he authorized in the last 10-20 years and Mr. Kenderian said none. Mr. Collins then asked if Mr. Kenderian understood how the Master Plan is written and Mr. Jackson objected to this. Mr. Collins said he wants to make sure Mr. Kenderian understands the Ordinances of Brielle and that they are consistent with the Master Plan. He was going through a series of questions he thinks are consistent with the Master Plan and will undermine Mr. Kenderian's testimony. Mr. Jackson did not think there can be a speech on the Master Plan. Mr. Collins said he can undermine Mr. Kenderian's credibility. Mr. Clark agreed with Mr. Jackson again that Mr. Kenderian is not an attorney and did not take a law school exam. Mr. Collins said he was allowed to refer to the Coventry Square case and Mr. Clark said there was no objection when that was being discussed but Mr.

Collins said he did, his testimony is not consistent with the Master Plan and he can ask questions. Mr. Clark said he can answer the question regarding the Master Plan.

Mr. Kenderian said he did not review the Ordinance in comparing it to the Master Plan, the Master Plan is not specific on the C-2 Marine Commercial and it is not his job to analyze an Ordinance. At this time Mr. Jackson said Mr. Collins is undermining the Planning Board and Board of Adjustment, he is saying a lot that is inconsistent. The applicant is showing how they are ameliorating the condition and they may get relief. Mr. Condon asked if it is proper to say the Master Plan is based on Union Landing and Mr. Jackson said no, the Ordinances are written with the Master Plan, this is why a variance can be granted. Mr. Condon agreed and noted that is why the Board is here, to get to a middle ground, the Board can understand this. Mr. Collins continued and asked Mr. Kenderian if he believed that this property must be particularly suited for this use for a D-3 variance and the answer was yes.

Mr. Collins then went to go through Mr. Hilla's October report regarding parking and the need for an easement; Mr. Condon said testimony has already been given on all this and the Traffic Expert can address any more parking issues. Mr. Collins proceeded with more questions on parking and Mr. Jackson said these have already been addressed; Mr. Collins then went into the lot size and asked Mr. Kenderian if the two lots should merge; Mr. Jackson objected to this questioning and Mr. Condon agreed. Mr. Kenderian said he already gave testimony on all this. Mr. Collins then addressed the Floor Area Ratio and Mr. Kenderian said that is not required. Mr. Collins said the dock area is not a restaurant and Mr. Jackson said it has already been addressed and the FAR variance is not needed. Mr. Collins said he wanted confirmation if this is a D-3 variance or not, the law has to be applied. Mr. Jackson once again said Mr. Collins is misstating the law, the Planning Board can make this decision. Mr. Collins then mentioned a D-4 variance and Mr. Clark spoke up, he felt Mr. Collins will argue if it is a D-3 variance or a D-4 variance and he didn't want to hear all this and asked Mr. Collins to please just ask about the facts. Mr. Collins then accused Mr. Kenderian of not knowing what a D-4 variance is and Mr. Kenderian said he did not say he did not know, a D-4 variance is not part of this application.

Mr. Collins then asked about other restaurants in the area, namely the Riverhouse, the Sand Bar and Shipwreck Grill and Mr. Kenderian was familiar with them. Mr. Collins then started on bands and Mr. Jackson objected as there is no Ordinance on bands, it is nowhere in the code and relief for having a band is not needed. Mr. Condon noted that restrictions have been given on bands in the past and used the recent Rella's conditions as an example. Mr. Jackson said each application is based on its own merit. Mr. Collins said he was trying to speak of other restrictions on other places and Mr. Condon said that is not what was asked. Mr. Collins then asked if the Sand Bar is restricted by the Borough for music outside and Mr. Kenderian did not know. The same question was asked for the Shipwreck Grill and the same answer was given.

At this point the attorneys got into a discussion on this questioning and Mr. Clark said he was going through a redirect, but is now going through other applications. Mr. Collins said it is not implicit that he even answer this, the Noise ordinance is what the Planning Board should apply to this application and he wanted Mr. Kenderian to admit that the Noise Ordinance is there and the Planning Board has restricted all other restaurants and this should not be different for Waypoint. Mr. Condon again said he did not testify to that. Mr. Jackson said if Mr. Collins wants proof he should bring in this Planner with proofs and Mr. Condon agreed. Mr. Jackson felt Mr. Collins is contaminating the record but Mr. Collins said he will tie all this up at the end; he felt there was a D-4 variance but it was not testified to. Mr. Clark felt we need to go on. Mr. Jackson said they did address the D-4 and stated that riparian rights applied here.

Mr. Collins then addressed the C-1 criteria and the issuance of permits. To rely on a permit, is there a hardship? Mr. Kenderian said if a permit was given they should be able to do what they got a permit for; Mr. Collins then offered that a permit provided comfort to an applicant and the answer was yes. Mr. Collins then offered a hypothetical scenario of a new deck not being built and would it not have been a hardship if it wasn't there? Mr. Condon said he was given a permit and he acted on that permit, he did not think the Board needs hypothetical instances. Mr. Collins said there is no authority to rely on permits for a basis for a hardship and he was able to ask a hypothetical question and asked if it would have been a hardship to have reduced the deck by 380 square feet; Mr. Jackson answered and said hardship is based on numerous things. Mr. Kenderian said if the applicant wanted to rebuild the deck at a higher elevation and over the existing patio, the planters could be removed or stay and a hardship decision would have been made, but this is all hypothetical. Mr. Collins then asked if tables and chairs should be in the patio area and Mr. Jackson said this already has been addressed, this is a pending matter, they have not been serving there; Mr. Collins said there are still tables and chairs there. Mr. Clark asked if this can go on, it can be addressed later. Mr. Collins had no further questions but said a Board member has asked about a letter to the neighbors, Mr. Kenderian said a few came and he objected to marking this as it is not part of the application, apply the law to the facts. Mr. Jackson said a letter was produced and Mr. Clark said this can be argued at the closing and the Board will make the decision. Mr. Condon asked if this was marked as an Exhibit and Mr. Clark said yes, it is Exhibit A-20 and there was no objection made at the time it was marked as an exhibit. Mr. Jackson said questions were brought up by neighbors and Waypoint reached out, a letter was sent; this was an appropriate question to be

asked by a Board member, this is not the OJ Simpson trial, it is a land use hearing for a Conditional Use. Mr. Condon agreed and said bringing the letter is appreciated as it was asked for.

At this time Mr. Hilla asked Mr. Kenderian's opinion on a D-3 Variance; if Mr. Grafas did not own Hoffman's, would it be a C-2 variance then? Mr. Kenderian said he did not think about this as that is not the case. Mr. Hilla said his point is in ameliorating the issues, they are using a developed site on another property and Mr. Kenderian said the Ordinance gives inference to this. Mr. Hilla agreed for parking purposes and commented the lot area definition states the area of land is determined by the boundary area. Mr. Jackson answered and said that is a legal question, he felt that does include the riparian area, the pilings are under the water here, there is land on the river bed, the 4 corners are between the metes & bounds; the riparian and uplands are included and this is a fee simple lot. Mr. Hilla then stated there was a disagreement and discussion on outdoor music and asked Mr. Kenderian if he was familiar with the definition of a restaurant and the answer was yes. Mr. Hilla noted the definition speaks of eating, with food being consumed by people; there was a lot of back and forth about outdoor amplified music and he asked if the definition does not imply that outdoor amplified music would not be allowed? Mr. Jackson asked if there is an Ordinance on music and Mr. Hilla said back in 1979 this was approved as a restaurant and he felt the music may be questionable. Mr. Jackson said in 1995 and 1996 the decks were built and a liquor license was granted. Mr. Collins spoke up and said the definition of a restaurant is binding and outside seating is not listed. Mr. Jackson then asked if a band comes and plays music they need a variance? Mr. Clark said the law is being argued again, let's keep moving on.

As Mr. Hilla was finished with his questions, Board questions were then considered. Mr. Maclearie asked how many acres are shown on the surveys and Mr. Kenderian said 1.72 acres. Mr. Jackson said when you look at the site plan, it is shown where the mean high water line is. Mr. Maclearie then saw this and was okay with it; he then asked about the parking at Hoffman's and how a spot is designated? Mr. Kenderian said he used 12-14 feet per stall; Mr. Maclearie said cars can park wide and Mr. Kenderian said he took that into consideration, 9 feet wide is regular and this is where he came up with 50 to 90 spaces. Mr. Maclearie asked about the fall and winter when boats are there and Mr. Kenderian said there is less parking there, the liquor license is gone and parking goes way down. Mr. Maclearie asked if they had inquired from the previous owner, Larry Schmidt, about the seating? Mr. Kenderian said no, they did a study and used a conservative count, seats come out and go in; maybe they should have asked but they took the information from photos. Mr. Jackson referred to Exhibit O-7 which showed the seating. Mr. Condon said the previous testimony was given on seating, there is no scientific proof, there were 3 men that decided this. Mr. Kenderian agreed and said they did the best they could. Mr. Jackson said they had table and chairs around Union Landing and they can try to contact Mr. Schmidt.

As there were no more Board questions the hearing was opened to the public for questions to Mr. Kenderian, they were to be based on his testimony. Margaret Herman, 206 Homestead Road, came forward. She asked Mr. Kenderian if he did say he was here as an expert and he said yes. She then wanted to know why he couldn't answer all the questions and he said if he does not know the answer he will say so. Mrs. Herman noted he said he was at Waypoint at 3:00 in the afternoon and the music was quiet and she wanted to know if he has been there in the evening, he said he had been there when it was so loud that the band sound was reverberating and he told the band and they said they appreciated knowing this. Mrs. Herman asked if he was there when Ted Nugent was there and the music was loud and Mr. Kenderian said he was not there then, he was there two years when the bands had their own sound system and that is not happening now. Mrs. Herman asked about sound coming from the water and Mr. Kenderian said he did not hear Waypoint, but sound travels over water and he has heard music from the Point Pleasant Beach side. Mrs. Herman asked him if he would come and sit on her porch and Mr. Kenderian said no; Mrs. Herman said she has the windows closed, the air conditioner on along with the tv and she can still hear the music. Mr. Clark said Mr. Kenderian had testified as to what he heard.

Next to come forward was Richard Holmquist of 504 Green Avenue and asked if Mr. Kenderian thought he knew as much about the sounds coming from Waypoint as the neighbors who live here? Mr. Kenderian said he measured the sounds and have been around the neighborhood, he suggested improvements and they were done. Mr. Holmquist asked if he knows the sounds as well as they do and Mr. Kenderian said he did not know Mr. Holmquist's condition as to noise. Mr. Holmquist said he would take that as a "no".

Charlotte Madison then came forward, she lives at 208 Homestead Road and wanted to know if a variance is needed to build a drop-off area. Mr. Kenderian said there is a circle that is shown and is part of the site plan application. Ms. Madison then asked about deliveries being made off-hours, there was an 18-wheeler delivery on a Saturday and blocked the fire lanes. Mr. Kenderian had no comment for this. She then asked about a parking count and Mr. Kenderian said he did his own. Ms. Madison then asked if she could submit photos and Mr. Clark told her at the time of public comment at the end of all the hearings she could do this.

As there were no more questions to Mr. Kenderian, the public portion was closed and Mr. Condon wanted to discuss carrying this to be continued on Tuesday, August 29th. Mr. Collins had a conflict that evening and will

not be able to attend on 8/29, but he was comfortable with Mr. Rae, the Traffic Expert, testifying on that evening as he is very familiar with Mr. Rae. Mr. Jackson said he has Mr. Rae, Mr. Grafas and other witnesses. Mr. Collins said he did not want to miss any other testimony and a transcript will take a few weeks; Mrs. Brisben offered to burn a tape of the meeting for him, he can have that the next day but he didn't think that would be sufficient for him. Mr. Clark said he had already spoken to Tim Middleton and Mr. Middleton was available that week so the Board can meet on 8/29, there will be an objecting attorney present.

Mr. Collins then objected to a site visit by the Board in total, he felt that needs public notice. Mrs. Brisben suggested each Board member just going over to Waypoint before the next meeting, on their own time, to see the site itself. Mr. Clark said there is no problem if they want to go in a group of three or less; Mr. Condon decided it will be left to the individual Board members to go on their own.

There was then a discussion on the regular September 12th meeting and Mrs. Brisben said there is a full agenda that night, there are several applications waiting to be heard and she has scheduled 3 for that evening. Mr. Condon suggested hearing Waypoint on this evening as well as the 3 applications, they will just have the 45 minutes that is allowed for an application. Mr. Jackson said he has to be in Lakewood that evening and asked that Waypoint be put on last, this was agreeable to the Board so Waypoint will be added to the September agenda.

As it was late, Mr. Condon announced that this hearing will be continued on Tuesday, August 29th, at 7:30 p.m. in the Borough Hall. As there was no other business to consider, a motion for adjournment was made by Mr. Stenson, seconded by Ms. Montalto and unanimously approved, all aye. The meeting was adjourned at 10:35 p.m.

Karen S. Brisben, Recording Secretary

Approved: September 12, 2017