

DECEMBER 2, 2014

The Manasquan Planning Board held a Regular Meeting at 7PM on Tuesday, December 2, 2014 in the Council Chambers of the Borough Hall, 201 East Main Street, Manasquan, NJ.

The Chairman greeted everyone and asked them to please stand and salute the Flag.

ROLL CALL:

Board Members Present:

Mayor George Dempsey, Chairman Neil Hamilton, Councilman Owen McCarthy, John Muly, Paul Rabenda, John Burke, Greg Love, Leonard Sullivan, Peter Ragan, Mark Apostolou, and Kevin Thompson.

Board Members Absent:

Joan Harriman, Robert Young

Professionals Present:

Geoffrey S. Cramer – Planning Board Attorney

Ray Savacool – T & M Engineer/Planner

Neil made an announcement that there were three additional documents placed at your seat tonight by the Board Secretary, one is from the Warjanka update. Geoff Cramer said the letter speaks for itself. The other one is an amendment for 558 Brielle Road, Michael Wolf, it's an amendment to the denial from the Zoning Officer. The other item is a memo he sent to the Supervisor of Code/Construction/Zoning to reply to some of the questions that have become an issue with this Board over time. Any questions can be addressed at the end of the meeting. We just want to stay on track, our charge is as far as Zoning/Planning Board we need to stay away from construction issues that don't really concern us.

Mark Apostolou made a motion to approve the minutes of November 5, 2014, seconded by Councilman McCarthy, all in favor none opposed.

MINUTES APPROVED

The vouchers were not review as yet so the Chairman will come back to them.

RESOLUTION #37-2014 – Burroughs, Nancy – 80 Mohegan Road – Mark Apostolou made a motion to memorialize, seconded by Councilman McCarthy, all in favor none opposed.

RESOLUTION MEMORIALIZED

RESOLUTION #36-2014 – Pascale, Michael – 74-76 Rogers Avenue – Kevin Thompson made a motion to memorialize, seconded by Mark Apostolou, all in favor none opposed.
RESOLUTION MEMORIALIZED

15-MINUTE PRESENTATION – Baldwin/Bennett – 130 First Avenue – 131 Beachfront – Keith Henderson said one of the applicants is snowed in in upper NY State and couldn't make it, he requested to be carried to the next available date which is January 6, 2015. The Board agreed to carry.

15-MINUTE PRESENTATION – Sheklian, Mark, DDS – 54 Broad Street – Dr. Sheklian had his neighbor Joe Sciliato with him to request a Resolution amendment regarding the rear fence. The neighbor doesn't want the fence due to snow removal. The property adjacent to Dr. Sheklian's is owned by Sherman Brothers and there is a nice shrub border there. Mayor Dempsey said it's very doable. Mark Apostolou asked for a requirement that in perpetuity just a requirement that they maintain the arborvitae. Geoff Cramer said he will modify the Resolution, with the stipulation that the doctor will maintain the arborvitae line if it ever became damaged, diseased. Neil asked that there not be a restriction in the Resolution that down the road if a change of ownership, that a fence cannot be installed, assuming they get proper permits from the Zoning Officer. We are trying to eliminate anyone from having to return to the Board for the installation of a fence as a right, that if it doesn't work out with this agreement. Geoff will prepare a Re-Stated Resolution.

Owen McCarthy made a motion to amend the Resolution, seconded by Mark Apostolou, all in favor none opposed.

APPLICATION #38-2014 – Hegel, Terrance (Hoffman) – 445 E Main Street – Block: 147 – Lot: 13.03 – Zone: R-3 – Paul Rabenda recused from this application as he has a working relationship with Mr. Hegel. Mr. Cramer swore in Terrance Hegel, Atlantic Modular Builders, Manasquan, NJ and Constance Hoffman and Robert Schwartz, owner/applicants. Mr. Hegel explained that he built a garage for these folks about a year ago and it turned out on the final Survey he was supposed to be 5-feet off the property line, he is 3.85-feet which means he is about 14-inches less than he is required to be and he is seeking a Variance to allow that to stay as opposed to tearing down the garage. Neil told Terrance to explain to the Board how this occurred. He was hired to finish the attic and the garage for the owners. What happened is he has no excuse for it, he had his mason lay the garage out off the existing house and when they pulled their measurements somehow they got their measurements wrong. So, typically you stake out a house for the foundation by the Surveyor and in this case we didn't do that because we already had a fixed point and we were just trying to move faster. When the layout was done, he wasn't there, he assumed it was right and it wasn't right, he didn't catch it until very late in the process. So late that he poured the driveway, the driveway was over the property line, he ripped that out so that's now inside the property line but there was nothing he could do with the garage at that point. When he submitted his Surveys for approval by Zoning and Construction but the as-built showed that it wasn't in conformance to what he submitted. He is looking to remain in this position and receive a Variance that would allow the garage to have a side yard setback of 3.85-feet, where 5-feet is required. He tried to contact the neighbor to the

West, Mrs. McCudden by detailed voice mail, as well as an e-mail just telling her what was up so she knew what was going on. She did get noticed as well of the hearing, he did have a relationship with her when he was building the house but he hasn't heard from her. Everybody was noticed within 200-feet, but he wanted to personally reach out to her, she is an older woman, she lost her home during the Storm, they knocked it down, she is not there now, but he wanted to explain to her exactly what the issue was. He thought she maybe would be here tonight, but she wasn't. Mayor Dempsey said he really feels for Terrance, it's only a foot and a little bit but is this Board setting a precedent by doing this, it's up to the Attorney and the rest of the Board to decide. We have some other ones coming up in this similar situation, he personally wouldn't have a problem with it but legally wise he is not sure about setting a precedent. Terrance said what it boils down to is a construction error. This is a garage that is 140-feet from the front property line and is shy of the required side-yard setback by 14-inches. He wishes he wasn't here. Neil asked Ray to comment as a Planner. Ray Savacool said every application has to stand on its own merits. So there will never be a precedent set. The applicant has the burden of proof for the Board to grant a Variance under either a C-1 or C-2, either there is a hardship or the benefits outweigh the detriments. In considering an application such as this, the Board is not supposed to consider the fact that the garage is already in place and in a non-conforming position, in essence giving the applicant an advantage by an honest mistake or proceeding illegally possibly. With regard to that and with regard to your comment Mayor he said the applicant's builder has stated that given the depth of the land, and what is next to the garage? Terrance said nothing now, vacant land. But, if something were to be built there he can speculate it would be highly unlikely that somebody would build their house in the rear of the property, we may see another garage next to that at some point. Ray said so you don't see any substantial detriment to the adjoining property owner with regard to light and open space because you don't believe given the depth of the lot that there would be a dwelling placed that far to the rear of the property. Terrance said that is correct. The TRC looked at this and John Muly addressed their comments. He said they understand it was an error that was made and we felt under the circumstances let's hear what you have to say, let you make your case. Geoff Cramer said he agrees with Ray's observations, however there is at least one attorney in the audience who he is sure would like to get a copy of this Resolution at some point in time and use it as a precedent in similar situations. Neil said in our discussion with Tech and certainly Terrance we know you do a fine job to adhere to the Law and get all the permits required. Our issue was does this open the door for someone to possibly get sloppy and think maybe they can come to the Board to get a Variance. That's our concern right now, if we don't nip this in the bud we have to be so cautious in how we deal with this. Terrance said he understands that and hearing what Mr. Savacool said it's my understanding that a Board's decision doesn't set precedent regardless of what another attorney comes in and says, so I don't have any argument other than I have a construction error and I think if we look at what goes on in Town in terms of how close we can put new construction houses together he doesn't see any detriment to the Zoning Ordinance or criteria that you guys judge a Variance by, precedents aside. George said he thinks there is a difference coming to the Planning Board and getting a Variance for 3-feet and then coming after the fact, saying now I need a Variance. Greg Love asked Terrance when he realized that he was inside the 5-foot setback. Terrance said when he was done, when the Surveyor came out to do the final as-built survey, he planted the stakes

and called me and said “I think there is a problem, it looks like the driveway is over the property line”. I already removed the driveway and fixed it. Kevin Thompson made a motion to open the meeting to the public, seconded by Mark Apostolou, all in favor none opposed.

Audience Members Coming Forward:

Keith Henderson – Attorney – 23 Captains Court – He said he wasn’t sure what other attorney the Board was referring to. He is also not sure if the other application the Board referred to is the one he came in on in an informal hearing. That is being removed. He thinks there is a difference when he cites a situation for say a setback or something that is permissible. He thinks in this instance the case is pretty clear that you don’t have to give a Variance for this at all; he thinks you should but I don’t think you have to. I don’t think me or anybody will cite this as precedence. Precedence is where he is talking about measuring the C-1 or C-2 criteria and he will reference some other project where he thinks it’s pretty close to what you had and you perhaps allowed it there and are not allowing it in another instance or vice-versa. But, I don’t think that applies here.

Mayor Dempsey made a motion to close the public portion of the meeting, seconded by Greg Love, all in favor none opposed.

Mayor Dempsey made a motion to grant the Variance based on the 3.85-feet, Owen McCarthy seconded the motion based upon the comments of our attorney and our Engineer. This is a unique situation; it’s not as precedential as perhaps other circumstances that may arise and upon the advice of the attorney and the engineer.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Councilman McCarthy, John Burke, Greg Love, Leonard Sullivan, and Peter Ragan.

Board Members Voting No:

Mark Apostolou, Kevin Thompson, and Neil Hamilton

APPLICATION APPROVED

APPLICATION #41-2014 – Murphy, Kevin (Loughrea Realty) 576 Brielle Road – Block: 178 – Lot: 3 – Zone: RPM – Geoff Cramer swore in Kevin Murphy, owner/applicant, and attorney along with Bill Holzapfel, builder. Mr. Murphy gave a description of the property and the situation and how it came to be that there was a deck built without a permit. They elevated the home 6-feet, when you go up 6-feet you need some way to get down. We engaged Bill Holzapfel’s Construction Company to be the general contractors for the construction, the elevation and ultimately the rear deck. That deck has already been built. The deck was built in the spring of 2013. We decided on a deck that is 14-feet wide, 16-feet deep. This past Fall we were contacted by the Town and advised that a permit had never been requested for construction of the deck and that we were in violation of the setbacks and we would need to seek a Variance. He said there are photos of the deck, he thinks it is a great improvement to the neighborhood and Brielle Road is really on an upswing. He also notes that behind them they have an efficiency apartment and to the right of them is new construction. The back fence and the new construction is much deeper than the deck. As far as the deck goes, we are conforming to the property next to us. He thinks it’s a benefit to the neighbors and this Variance for this rear deck will not substantially impair the intent and the purpose of the Zone Plan. At the time of Sandy the Murphy family was dealing with the administration of his father’s estate, insurance company, both flood and

Homeowners, ICC applications, general contractors. He clearly heard the group before him about precedent but he thinks is really unique, he thinks this was something that you have to take into account all the factors and again take a look at that deck, he thinks they have done the neighborhood a lot of good by building that, they have received tremendous amounts of compliments on it. Neil Hamilton said it does look nice, but that's not the issue, the issue is it exceeded what was permitted. The way TRC reviewed that and the Zoning Officer is that concrete patio which is underneath there that is taken into consideration. In essence if it were applied for in the beginning, a deck could have been constructed in the same configuration by size and setback as that concrete patio which remains below there today, so you could have brought that up and there wouldn't have been any issues. The issue that you have is the front steps also encroach on the property line so there is going to be an encroachment fee to the Borough. You probably couldn't avoid that because there was no way to get out of the house. Your steps in the rear yard are allowed to encroach into the rear yard setback. Mr. Murphy said building a deck of that size, you couldn't do anything with a deck of that size, it would have been useless. Mayor Dempsey said you doubled the size of the deck and received no building permit. Mr. Cramer asked if the house was raised in the same footprint and Mr. Murphy answered yes. Mr. Cramer asked if he was willing to remove the concrete beneath the deck. Mr. Murphy said yes we are but he is curious to know why technically you would want that, but from an aesthetic standpoint again he doesn't believe any of his neighbors are here objecting to this. He thinks they can make the backyard even more beautiful. We have been the leaders, we were the first to get in and build, we elevated. He thinks half the properties in his neighborhood are for sale; they are staying there and improving things. They tried to do things the right way. This is a very expensive proposition for them, they have expended \$150,000 or more with the renovations they made on the first floor plus the elevation and those decks. Yes, we are begging but not because we shirked our duties or responsibilities as owners of that property. He doesn't see this being precedent for anyone else coming before this Board. Mr. Cramer asked him about the elevation of the sewer vent on the left hand side of the house. Mr. Murphy said they would take care of that. This is coming out of the house. Paul Rabenda said it has to be at least 3-feet above the windows or 10-feet away. Paul Rabenda said his only comment is as busy and crazy as you were he hates to say it but there is one person there who really knew he shouldn't proceed without a permit. Bill Holzapfel said that's right and to be perfectly honest with you when he found out about it, when Dick approached him about it he would have bet his house that he had the permit for the whole project. Paul said and you know how I feel about that. Mr. Holzapfel said when he put the permit in he really thought the deck was on there. Neil Hamilton said and that's the problem, it's ironic we run into two tonight. Neil said it's our duty to make sure that we provide the best aesthetic improvement for any area no matter what it is, and granted you have done a nice job. There was a lot of discussion about removing part of the deck. Mr. Murphy said he doesn't understand why the Board wouldn't grant the Variance. Mr. Hamilton said you have stated your case and your request is to have this deck remain in its current location and get a Variance for the setbacks, side and rear and now it's up to the Board if they have any comments on this, we will open to the public, if there are no objectors, we will call for a vote and that's where it will play out. Paul said a 7-foot deck is not really usable; he would be interested in hearing a proposal in making it a little smaller but not all the way back to 7-feet. The Chairman asked the Board members

for comments. Kevin Thompson made a motion to open the meeting to the public, seconded by Mark Apostolou, all in favor none opposed. There was no audience participation. Mark Apostolou made a motion to close the public portion, seconded by John Burke, all in favor none opposed. Kevin Thompson asked Mr. Murphy if he considers compromising on anything. Mr. Murphy said his only hesitation said if it's too small it's really useless. Kevin said I understand that, but it doesn't look like it's going through here. Mr. Murphy said we have already spent the money and then we will have to spend more money to get it down to whatever size. He would like to walk out of here and say just leave it the size that it is. We are open to compromise. Mark Apostolou said if it's all or nothing at all it would be nothing at all in my view and he had other Board members in agreement. Mr. Holzaphel said he is willing to take the patio down which will give him more impervious coverage. They said they will make improvements in that backyard, such as landscaping. The Board was in agreement that landscaping is nothing it doesn't work, if you want to plant it that's your decision. Neil said you need to offer this Board something in a compromise fashion and at least cut that in excess of where you have exceeded this from the patio, you need to say 50% of that deck has got to go, move the steps back and make an adjustment to that. If you don't compromise with this Board I'm just going to tell you I think the writing is on the wall you are going to be totally denied. Mr. Murphy said he appreciates that candor, can we agree as opposed to being 16-feet we can bring it back to 12-feet? Neil said if you move it you will have a 12-foot wide deck. Kevin said he would consider the 4-feet in his opinion. Paul Rabenda said instead of 16-feet it will be 12-feet from the house. Mr. Murphy said if you would accept us going through the expense of having that brought back to 12-feet that would be acceptable to the Murphy's. Neil said there will then be a side yard Variance and the deck will be reduced by 4-feet and the concrete patio will be removed and the sewer pipe will be brought up to Code. Kevin Thompson made a motion to approve the application as stated; the motion was seconded by Councilman McCarthy.

Board Members Voting Yes:

Mayor George Dempsey, John Muly, Councilman McCarthy, Peter Ragan, Kevin Thompson, and Neil Hamilton.

Board Members Voting No:

Paul Rabenda, John Burke, Greg Love, Leonard Sullivan, and Mark Apostolou.

APPLICATION APPROVED – The applicant has 120-days to complete the project.

APPLICATION #42-2014 - Wolf, Michael – 558 Brielle Road – Keith Henderson is the attorney representing the applicant. Mr. Cramer found the file in good order and accepted jurisdiction. There were three witnesses to be sworn in – Michael Wolf, owner/applicant, Tom Peterson, Architect – and Richard Butryn, Engineer. Mr. Henderson explained the project to the Board. He addressed the TRC report. Initially the application was for height. Neil Hamilton said when Tech looked at this they did not see the deck in the back and the shed to be removed. We were under the assumption that you were only looking for a height Variance. Keith said there was a catchall in their notice for any and all other Variances but he just wanted to make sure the Board has jurisdiction which he had discussed with Mr. Cramer. The real issue is this is a non-conforming lot; the height limit set forth in the Ordinance is 33-feet. The applicant is proposing to go to 35.7-feet and the reason for that is if we go to that height we can get two motor vehicles under that house.

We are raising the house one way or another; if we don't get the Variance we will re-configure the roof. Mr. Wolf was the first to testify. He said during Super Storm Sandy they had approximately 25-inches over the first floor. It cost about \$65,000 to repair the damage and they were out of their home for about 9 months. He is aware that for a non-conforming lot the maximum height is 33-feet, he is asking this Board for an additional 2.74-feet. At present he has one parking spot in front of his house; with the additional height he will be able to get three cars underneath the house. Next, Tom Peterson, architect for the applicant testified. The Board accepted his credentials. Today, the first floor is at 9.7-feet elevation above sea level. The ridge is at 31-feet. The BFE for this property is 9-feet; the general rule is to add at least one-foot to that so the first floor would be at the bare minimum at 10-feet. He had a poster board which showed pictures of the water and mud line following Storm Sandy. They were more than 2-feet above the first floor of 9.7-feet. The water level there was at approximately 12-feet. Originally they were going to change the roof line which in Tom's opinion looks terrible, especially since you are only talking about that small little peak on top. Originally they were just going to go to 34-feet that would have given them about 5-feet, 4-inches underneath. But, we had an opportunity with just a little bit more we can improve the property, improve the function of the neighborhood, be able to put a couple of cars underneath, you can now take 3 cars off the Street without widening a curb cut, without doing anything else to the cars that park along the Street. That brought us to the 35.7-feet that gives them a little under 7-feet in the garage, you can at least park there, and someone can walk around. The property grades up toward the Lagoon, so you lose a couple of inches there. That was the logic behind what brought us here. There is a complete mixed bag of homes in the area, rentals, you can see the direction this area is going into, and people are buying and putting money into homes there. Raising this home up, having more parking there, and not flattening out the peak is absolutely in the best interest of the aesthetic of that neighborhood. Part of what you guys look at is what's best for the neighborhood. Parking is at a premium here and not just in the summer months. We are not widening the curb cut so we are not taking anything away from the Street. He had a mock-up to show the Board members to show the difference between cutting off the peak and not cutting it off. The peak sets back, there is a porch in front, there is a lower ridge in front of that and then this ridge is behind that, so it's also not right up front visually. Tom believes this is a C-2 Variance as this is a narrow lot and that is a hardship for the owner and the flood zone is what it is. Keith passed the poster board around to the Board members. Tom said Rick Butryn prepared the flood elevation plan. If the applicant is unable to obtain the Variance for the required height they will cut the roof. Ray asked what the proposed first floor elevation is. Tom said they are proposing to go up 4.7-feet; the first floor is at 9.7-feet now they will be at 13.4-feet. Ray said the plot plan submitted by Mr. Butryn is not accurate, it indicates 10.74 and then your architectural plan is not completely accurate either because the floor is actually 3-feet higher than you show on the architectural plan. Tom said it would be 1 1/2-foot higher than what I have on my architectural plan. Ray said he just needed to clarify that, because the plan that I reviewed is not what the applicant is testifying to do. The plan indicated to me is that the first floor is at 10.74-feet and I used that to calculate the height of the structure which was 34-feet, so that's why I was asking where is the 35-feet coming from. I just wanted that on the record. Peter Ragan said that answered his question. Tom Peterson said the clearest way to put it is that the Variance is based on the height of the peak not

floors or anything else. We are asking for 35.7-feet, currently it's at 31-feet so we are raising it the 4.7-feet and that gives us just shy of 7-feet on that bottom that would be the garage area. Paul asked Tom the distance from the front peak to the rear peak. Tom said it's about 2-3-feet back. The peak we are talking about is about 20-feet from the front property line. Paul said he did a little visual with a piece of paper, cutting that peak off and having the other peak still in existence and that really looks poor. Keith said if you drive down Fourth Avenue right on Brielle Road right in front of you is a house with a haircut, and at the other end is a bit extreme which is legal in Manasquan because you don't regulate roof lines except in the R-4 Zone, is the contemporary on the other side of Brielle Road and personally he would rather see a peak which appears to plane. Tom Peterson said the Town is a victim of its own success, you have so many nice buildings and a peak like that is just a characteristic of a seashore style of architecture. That's what you want to foster. Also, we are asking for permission to lift the house this is not a new house and there is no living space up there, it's not a 2 1/2 -story it's a simple two-story. It's uninhabited attic space used for mechanicals. George Dempsey said steep roofs are also better for Hurricanes than a gambrel roof. John Burke asked if the rear decks would be addressed. Keith Henderson said he didn't think they were much of an issue but if the Board feels they are we will discuss them. Tom said in the back there are two things that are a Variance, there is an existing deck on the back of the house and a couple steps to come down, now you raise the deck up, you need another way to get down. There is an existing shed in the back and we are proposing to remove that. We wanted to put a lower deck that was a couple of feet below that, continuing along the same side which is 2.8-feet, it's only a 10-foot deck, at that we are 2-feet into the rear property line. We thought that the trade off of removing the shed because now we have a place to put the boogie boards and the like under the house. Keith said it's a really weird lot, it starts out with a frontage on Brielle Road which is 26.63, at the rear of the lot you taper off all the way down to 18.64-feet. This is what happens when the American Timber Company paced out lots. Neil asked how they got that shed back there and got approvals, it doesn't meet the setbacks, it's on the property line. The remaining witness will not be called unless the Board wishes Keith to do so. Kevin Thompson made a motion to open the meeting to the public, motion seconded by Mark Apostolou, all in favor none opposed.

Audience Members Coming forward:

Rich Liskoff – Virginia Avenue, he owns a house across the Street on Brielle Road and he is in favor of keeping the peak on the house for aesthetic reasons.

Kevin Thompson made a motion to close the public portion of the meeting, the motion was seconded by Councilman McCarthy, all in favor none opposed.

Keith made his final summation.

Kevin Thompson made a motion to approve the application, the motion was seconded by Councilman McCarthy.

Board Members Voting Yes:

Mayor George Dempsey, Chairman Neil Hamilton, John Muly, Paul Rabenda, Councilman McCarthy, John Burke, Greg Love, Leonard Sullivan, Peter Ragan, and Kevin Thompson.

Board Members Voting No:

Mark Apostolou

APPLICATION APPROVED

Neil Hamilton asked if the Vouchers are ready to be approved, Leonard Sullivan said yes they are. Lenny inquired about the Voucher regarding litigation with the Borough of Sea Girt. Geoff explained he is waiting on the transcript from the applicant's attorney and his brief is due at some point in December. We have 30-days to respond to the brief. Owen said a bill for any litigation involving the Superior Court is the responsibility of the Planning Board. Anything that Geoff did in connection with the application from the filing of suit is no longer the applicant's escrow responsibility but the Planning Board's. Mayor Dempsey made a motion to pay the bills; the motion was seconded by Leonard Sullivan, all in favor none opposed.

PAYMENT OF VOUCHERS APPROVED

Kevin Thompson said he wanted to make a statement that he was taught that if you recuse yourself from an application that you should leave the room. Neil said he is right.

Mayor Dempsey made a motion to open the meeting to the public; the motion was seconded by Owen McCarthy, all in favor none opposed. There was no public participation.

Neil said the last item will be the Chairman of the Nomination Committee, Greg Love will present the slate of nominations for next year. Ray Savacool said in order for the Board to have an honest discussion he will step out of the room.

Greg Love said for Chairman – Neil Hamilton

Vice-Chairman – John Muly

Secretary – Mary C Salerno

Attorney – the Board received a letter from Geoff Cramer requesting to stay on as attorney.

Engineer – two letters were received – T & M and one from Boro Engineering, Al Yodakis – we met with both of the candidates, the TRC and myself and we talked to both of the candidates, we reviewed their proposals and the Tech Committee unanimously decided that we should recommend Boro Engineering which is Al Yodakis' Company. There was a cost benefit as well as other items that were discussed. Kevin asked if he had a conflict of interest and was not able to make the meeting does he have a substitute to take his place and he was told that Al provided that information to the Committee. Mark Apostolou asked that Mr. Cramer review the Engineer's contract rather than the Borough Attorney. Neil said this will be kept very simple, clean and neat. Neil said we made it very clear to Ray and Al that however this played out the choice was not personal. Greg said so his understanding is that we make the nominations and then we make the appointments in January. Kevin Thompson made a recommendation that we go with Greg's list in its entirety, Owen agreed and seconded that, he asked that the appropriate Resolutions be prepared for the Re-Organization meeting of January 6, 2015. Owen agreed to accept the slate as proposed to be memorialized at the Re-Organizational meeting, the motion was seconded by Kevin Thompson, all in favor none opposed.

Ray returned to the room, the Board informed him of their decision, he thanked them and they thanked him. Wishing him a Merry Christmas.

Owen McCarthy made a motion to go into closed session to discuss the pending litigation of the Edgar's application which is in Superior Court and the anticipated litigation involving the Warjanka application on Third Avenue, and the communication from their attorney that's been forwarded to both the Chairman and the Planning Board Secretary, the motion was seconded by Kevin Thompson. Neil asked the remaining audience members to please leave the room.

RESOLUTION #48-2014 - This Resolution authorizes going into Executive Session from which members of the public will be excluded.

Respectfully Submitted,

**Mary C Salerno
Planning Board Secretary**