BOROUGH OF LAKEHURST LAND USE BOARD REGULAR MEETING OCTOBER 26, 2020 MINUTES

MEETING OPENED AT 7:30 PM BY CHAIRMAN DAVID BURTON.

ALL STOOD FOR THE PLEDGE OF ALLEGIANCE.

PUBLIC MEETINGS STATEMENT READ BY MARYANNE CAPASSO:

"IN COMPLIANCE WITH N.J.S.A. 10:4, OPEN PUBLIC MEETINGS ACT, NOTICE WAS GIVEN TO TWO NEWSPAPERS, AND POSTED, THAT THE REGULAR MEETING OF THE LAKEHURST LAND USE BOARD IS SCHEDULED FOR THE TWENTY-SIXTH DAY OF OCTOBER, 2020 AT THE HOUR OF 7:30 P.M. TO BE HELD IN THE LAKEHURST COMMUNITY CENTER, 207 CENTER STREET, AT WHICH TIME THE BUSINESS OF THE BOARD WILL BE CONDUCTED."

ROLL CALL: *Alternate Member

MAYOR ROBBINS: ABSENT
COUNCILMAN OGLESBY: PRESENT
BRYAN LEVANCE: PRESENT
DAVID BURTON: PRESENT
KEVIN FORD: PRESENT

ANDREW HODGES: PRESENT SIDNEY HOOPER: PRESENT MARANDA SALAS: PRESENT DAVID SUMNER: PRESENT *#1 KYLE BATCHO: ABSENT

APPROVAL OF MINUTES:

Motion by: Maranda Salas Seconded by: David Sumner To approve minutes of October 13, 2020 Special Meeting. Roll call vote held. All votes affirmative.

OLD BUSINESS:

MEMORIALIZATION OF RESOLUTION APPROVING APPLICATION OF PROVCO PINEGOOD LAKEHURST, LLC FOR PRELIMINARY AND FINAL MAJOR SITE PLAN FOR PROPOSED WAWA FOOD MARKET AND FUELING STATION AT THE PROPERTY DESIGNATED AS BLOCK 30, LOT 1 AND BLOCK 31, LOT 1 & 2:

Land Use Attorney Adam Pfeffer asked to move the memorializing of the resolution to the November 26th regular meeting. Mr. Pfeffer stated the Land Use Board has thirty days to adopt the resolution.

Motion by: Steven Oglesby Seconded by: Andrew Hodges To approve to move the resolution memorializing application of Provco Pinegood Lakehurst, LLC to the November 26th regular meeting. Roll call vote held. All votes affirmative.

NEW BUSINESS:

APPLICATION OF LIMELIGHT, LLC FOR USE VARIANCE, MINOR SUBDIVISION, AND PRELIMINARY AND FINAL MAJOR SITE PLAN AT THE PROPERTY DESIGNATED AS BLOCK 52, LOT 13 AND BLOCK 52, LOT 1.01:

Robert Shea, attorney for the applicant began his presentation at 7:32 pm. Mr. Shea stated his client is seeking to subdivide his parcel, keeping one lot residential and the other lot for "Employee Only" parking. Mr. Shea added the only access to the new proposed parking lot will be through Block 52, Lot 1.01 which is the restaurant parking lot. Mr. Shea also added his client is seeking a use variance to permit the parking lot, a use variance for the front yard setback for the house and side yard setback for the detached garage.

Robert Romano, engineer for the applicant, was sworn to give testimony at 7:34 pm by Land Use Board Attorney Adam Pfeffer.

Mr. Shea requested that the rendered Minor Subdivision Plan be introduced as exhibit A-1 which was marked as such and the Site Plan be introduced as exhibit A-2 which was marked as such.

Mr. Romano described the minor subdivision of Block 52, Lot 13 stating the subdivision line will run down the middle of the property creating two conforming lots, Lot 13.01 and Lot 13.02. Mr. Romano added there are some variances one being the minimum side yard setback required for an accessory building is 5 feet whereas the existing garage will be .6 feet on Lot 13.02. Mr. Romano also stated the minimum front yard setback is 25 feet whereas the front porch on the existing house is 20.3 feet on Lot 13.01.

Mr. Shea asked if the existing garage will be strictly used as storage.

Mr. Romano answered in the affirmative. Mr. Romano stated to take the garage down and move it would be a hardship and added it would only impact the homeowner who is the applicant.

Land Use Member Maranda Salas questioned access to the detached garage.

Mr. Romano responded access will be through Block 52, Lot 1.01.

Mr. Shea asked Mr. Romano to explain the site plan that is proposed for Block 52, Lot 13.02.

Mr. Romano stated the site plan is separate from the subdivision plan. Mr. Romano added the applicant is proposing a crest curb opening on the westerly driveway of the existing restaurant property adding the 20-foot crest curb will allow access for 16 vehicles onto a stone surface parking lot. Mr. Romano further stated the driveway to the detached garage will remain adding it will allow access to the garage as well as parking. Mr. Romano went on to say the parking lot is for employees only and is anticipated to be utilized from dusk till 11:00 pm at which time the parking lights will go off. Mr. Romano stated the applicant is providing a 10-foot landscape buffer around the two sides of the parking lot that will consistent of Pineland species vegetation and will add a 6-foot vinyl stockade fence as well for less visibility of the parking lot. Mr. Romano also stated the applicant is proposing a stormwater basin along with a chain link fence that meets the Pinelands standards.

Mr. Shea referred to the Land Use Board Engineer's report that recommends the applicant should be required to consolidate proposed Lot 13.02 with existing Lot 1.01 adding if application is approved tonight, Lot 13.02 will be always be associated with Lot 1.01as parking only.

Mr. Shea stated the applicant did not ask for any design waivers; however, the Land Use Board Engineer has determined design waivers may be required and asked Mr. Romano to review those requirements.

Mr. Romano stated the first requirement is in regard to no structure, activity, storage of materials, or parking of vehicles shall be permitted in a buffer area, whereas the applicant is prosing a 10-foot buffer around the property on the west side adding he feels that is adequate. Mr. Romano also stated the applicant did not propose a buffer on the east side of the property adding he felt the existing dwelling provided a buffer. Mr. Romano did suggest he can provide plantings if the board feels it is needed.

Pamila Hilla, who is substituting for Board Engineer Alan Dittenhofer, asked if the applicant will be providing additional trees on the grass area on the east side.

Mr. Romano responded if the board requires, he will add trees but feels it is not required.

Ms. Hilla stated there is a commercial use parking lot adjacent to a residential lot suggested adding trees to the east side will help shield some lighting from the cars.

Mr. Romano stated the second requirement is in regard to a minimum of ½ of the periphery that requires a buffer shall have a buffer at least 10 feet wide adding the applicant will provide a 10-foot buffer.

Mr. Romano went on to the third requirement in regard to screen planting shall be so placed that at the maturity it will not be closer than 3 feet from any street or property line adding the applicant is asking for waiver.

Ms. Hilla questioned Mr. Romano's testimony in regard to the spread of trees the

applicant proposes to plant is around 10- 15 feet.

Mr. Romano stated the spread will be more like 6 to 10 feet adding the trees can always be trimmed.

Ms. Hilla stated her concern is that as the tree matures, they will extent further into the right-of-way, blocking the sight triangle.

Mr. Romano responded the planning for that lot has no impact on the sight line.

Ms. Hilla stated there is a section in the ordinance in regard to the sight triangle and added the applicant needs to be sure there are open lines at the intersection.

Land Use Board Attorney Adam Pfeffer asked Mr. Romano if the application is approved, is the applicant willing to work with the borough engineer to confirm the location of the plantings.

Mr. Romano answered in the affirmative.

Mr. Romano stated the fourth requirement is that all off-street parking areas containing 6 or more spaces shall have concrete curbing around the perimeter of the parking area adding the applicant is asking for a waiver for the curbing. Mr. Romano went on to say this will be a low use parking area for employees only adding the parking lot will have stops and fencing around.

Mr. Romano went on to the fifth requirement, that is off-street parking spaces be 10 feet wide and a minimum of 20 feet in length whereas the applicant is proposing 9 feet by 18 feet adding this is the standard in Ocean County and further added the parking area is not a high use area.

Land Use Member Sid Hooper questioned filtration pump in the stormwater basin, asking if it is a detention or retention.

Mr. Romano responded it is infiltration.

Mr. Hooper questioned water laying in the basin.

Mr. Romano responded no water will be laying in the basin adding the applicant has a similar basin at the restaurant location and it is always dry.

Mr. Hooper asked if there is water laying in the basin who will be responsible.

Mr. Romano stated it is the owner's responsibility for the maintenance of the basin.

Mr. Romano stated the sixth requirement is a 24-foot minimum for a 2-way drive aisle whereas the applicant is proposing 20 feet adding 20 feet is adequate for the low use

usage.

Mr. Romano went on to the seventh requirement, paving the parking area whereas the applicant is proposing stone surface. Mr. Romano assured that there will be no trucks in the parking area adding there is a loading area in the restaurant's parking lot.

Mr. Shea asked Mr. Romano will signs be posted in the "Employee Only" parking lot.

Mr. Romano confirmed signs will be posted.

Mr. Romano stated the last requirement is that no parking spaces shall be located in any required buffer area whereas there are parking spaces located within a required buffer area. Mr. Romano added the applicant is proposing a 10-foot buffer.

Ms. Hilla stated there is a concern of the proximity of the parking spot on the east side.

Mr. Romano responded the parking spot is the existing driveway.

Ms. Hilla asked if there will be a stockade fence.

Mr. Romano answered in the affirmative adding the stockade fence will go along the entire property.

Mr. Shea asked Mr. Romano to give testimony in regard to traffic, circulation, and parking.

Mr. Romano testified the access to the proposed parking area will be through the existing driveway on Lake Street into the existing parking lot of the restaurant. Mr. Romano stated it will be a low use parking area that there is no need for dead-end parking and added the 20-foot aisle is plenty of room to turn around. Mr. Romano further stated he can eliminate one parking spot to provide a turn around if the board so wishes. Mr. Romano reiterated there will be an "Employee Only" sign, a concrete wheel stop will be provided, curbing, size of the parking spots, 2-way drive aisle, stone surface is being proposed for better filtration, buffer area, and handicapped parking space is provide in the restaurant parking lot.

Mr. Shea asked Mr. Romano to give testimony in regard to grading and drainage.

Mr. Romano testified that the applicant would meet all the Land Use Board Engineer's recommendation in regard to grading and drainage.

Mr. Shea asked Mr. Romano to give testimony in regard to lighting.

Mr. Romano testified the applicant proposed 12-foot-high light fixtures so that the lights are not glaring and added the applicant will provide the maximum of 1 footcandle. Mr. Romano stated the timing of the lights will be dusk to 11:00 pm.

Mr. Shea asked Mr. Romano to give testimony in regard to landscaping.

Mr. Romano reiterated the parking buffer, the periphery buffer, and the maturity of the screen planting. Mr. Romano stated he will provide a sight triangle in regard to the fence.

Land Use Board Member Andrew Hodges questioned the fence obstructing the view at the stop sign.

Mr. Romano responded the fence is setback 10 feet from the property line.

Mr. Hodges stated there is a stop sign on Cedar Street at the intersection of Cedar Street and Lake Street adding when you are at the stop line you are not able to see the traffic on the Lake Street heading south towards Cedar Street.

Land Use Chairman David Burton stated there is an ordinance in regard to a fence being in the front yard of a corner lot.

Mr. Shea stated the applicant will comply to all ordinances in regard to the sight triangle.

Mr. Pfeffer recommended if the application is approved, the lighting needs to be address whether it is meeting the standards for commercial use or residential use.

Mr. Shea asked Mr. Romano to testify in regard to the use variance being requested.

Mr. Romano testified the applicant is requesting a use variance due to parking on Lake Street and added Lake Street is a heavy traffic street as well as a county road. Mr. Romano stated the applicant is promoting safety, easier access to the restaurant, and less parking on the street.

Councilman Oglesby asked how the applicant calculated 16 parking spaces.

Mr. Romano responded he had to balance the parking spaces with the infiltration basin adding there was no "magic number".

Mr. Oglesby asked what the maximum number of employees are on a given day.

Frank Boemio, Land Use applicant, was sworn to give testimony at 8:20 pm by Land Use Board Attorney Adam Pfeffer.

Mr. Boemio testified he has 10 to 12, 14 tops, employees a day.

Mr. Burton asked if that number of employees for the Mr. Boemio's business or for the entire strip of businesses.

Mr. Boemio responded the bagel shop closes at 12:00 pm and his businesses open at

11:00 am.

Mr. Oglesby asked if the employees of the bagel shop will be parking in the "Employee Only" parking area as well.

Mr. Boemio responded yes.

Mr. Oglesby questioned evening parking.

Mr. Boemio responded all businesses are closed except for the restaurant adding the same number of employees at the restaurant in the afternoon are the same number of employees in the evening. Mr. Boemio explained the employee parking is needed adding on the weekends, employees are parking as far as Cedar Street further adding it is unsafe.

Mr. Burton stated Mr. Boemio owns the house on Route 70 next to the existing parking lot and asked why Mr. Boemio does not use that property for the "Employee Only" parking.

Mr. Boemio responded if he were to use that property on Route 70, it would be a longer walk to the restaurant as compared to the walk using the property directly behind the restaurant.

Mr. Burton stated the property on Route 70 is commercial as were the property on Cedar Street is residential adding Mr. Boemio would not need a variance if he were to use the property on Route 70.

Mrs. Salas questioned the shift time change for employees.

Mr. Boemio responded 4:00 pm.

Mr. Hodges stated if Mr. Boemio were to establish the 16-employee parking only spots on the Route 70 property he would have the same results and asked what is the difference between the two.

Mr. Shea responded the parking would be closer.

Mr. Pfeffer questioned the employees who will be using the parking area.

Mr. Shea responded the "Employee Only" parking area will be for the employees of the retail shop. Mr. Shea stated the applicant's intent is to move cars off the street.

Mr. Romano testified the applicant is requesting a C variance based on financial hardship. Mr. Romano stated the existing building's front porch is 20 feet from the property line whereas 25 feet is required adding the applicant does not want to move the building. Mr. Romano also stated the detached garage can also be moved adding it would be easier to utilize the garage for storage.

Mr. Oglesby stated the borough has an ordinance that an accessory building can not be on a lot by itself adding it needs to have a primary building. Mr. Oglesby also stated what this is creating in the long term. Mr. Oglesby suggested to have the garage removed from the lot to create more parking spaces and eliminate the setback issue.

Mr. Shea stated the applicant does not have problem removing the garage.

Mr. Pfeffer stated if the garage is removed, the subdivision will be a conforming lot and a C variance will not be needed.

Mr. Burton stated the subdivision will be satisfied.

Mr. Hodges stated if the D variance is approved tonight, what will stop the applicant from requesting a D variance in the future.

Mr. Shea responded the applicant will need to come in front of the Land Use Board.

Mr. Hodges stated the applicant will have every justification for asking for the variance and the board will have a difficult time denying it if the board approves it tonight.

Mr. Shea responded each case rests on its own and it depends on the situation.

Mr. Romano stated there is impact on Lot 13.02 from the commercial operation next door adding it makes this lot less desirable. Mr. Romano also stated instead of having a house on this lot that is impacted by loading area and driveway action, you have a lot that is protected by a buffer all around the property along with a fence making it "fit the neighbor".

Mrs. Salas asked if the proposed "Employee Only" parking lot would be taxed as a commercial property or residential property.

Mr. Shea responded it is a parking lot affiliated with Three B's.

Mr. Burton stated the parking lot would be taxed business commercial.

Mr. Shea stated the zone stays R-1 and added the use is defined under the D-1 variance.

Mrs. Salas questioned the applicant getting a commercial lot at a residential rate.

Mr. Shea responded it would be "cheaper" to build a smaller house on the lot adding it is more feasible for Mr. Boemio to use the lot as commercial being it is directly behind the restaurant.

Mr. Pfeffer stated a use variance has a higher standard so when a future application is submitted for the other residential lot it will need to receive five affirmative votes as opposed to the majority. Mr. Pfeffer explained the tax question is for the tax assessor and

a vote should not be based how the property will be taxed.

Mr. Burton asked is it not to the Land Use Board's understanding that if a house is built on this lot it will be taxed differently than a vacant lot.

Mr. Pfeffer responded if the application is approved, the tax assessor will have a copy of the approval and will assessor the property accordingly.

PUBLIC COMMENTS ON APPLICATION:

Time opened: 8:49 pm

Dan Barker, 409 Cedar Street, stated he has no problem with Mr. Boemio subdividing the lot but putting a B-2 characteristic in a R-1 zone is not feasible. Mr. Barker also stated he understands Mr. Boemio's problem, it is that he created a "monster". Mr. Barker further stated he feels a B-2 zone should not encroach on a R-1 zone adding no matter what is done there, there will always be parking on the street. Mr. Barker went onto say he would rather see a house on the property. Mr. Barker suggested Mr. Boemio use the house on Route 70 next to the existing parking lot and extend the parking there.

Stavros Ploumitsakos, 322 Cedar Street, stated Mr. Boemio is turning a residential area into a commercial area even if it is only a parking lot. Mr. Ploumitsakos also stated he spoke with a realtor who stated that his property value will go down and asked will his property taxes go down as well. Mr. Ploumitsakos further stated if the application is approved, the commercial property will be only be a block away from the school adding there will be a sight issue which will be an issue with the children walking to school. Mr. Ploumitsakos went on to say the applicant is asking for 13 variances and asked why Mr. Boemio does not use the house on Route 70 where no variances are needed. Mr. Ploumitsakos stated he spent \$25,000 improving his home. Mr. Ploumitsakos also stated his wife wanted a 6-foot fence around the property but knew that being on a corner lot he would need a variance and added he did not apply for a variance because that would change the characteristics of the borough. Mr. Ploumitsakos further added he is passionate about his home, about the borough as well as his neighbors. Mr. Ploumitsakos stated the Borough of Lakehurst has a history and hopes it stays that way.

Robert Shea, attorney for the applicant, clarified there are 3 bulk variances and one use variance.

Mr. Barker stated there is an ordinance in regard to on-street parking and added it is an ordinance that has never been enforced. Mr. Barker also stated Ordinance Title 39 Parking states parking within 50 feet of a stop sign, within 35 feet of an intersecting street line, or 25 feet of a crosswalk is prohibited and again, has never been enforced.

Alan Hurley, 219 Cedar Street, stated he does not have a problem with the subdivision that creates two conforming lots, one with a residential home and other proposing to be a

parking lot for employees only. Mr. Hurley also stated the parking lot is not going to solve the problem of parking on Lake Street or Cedar Street. Mr. Hurley further stated the problem cannot be solved by the Land Use Board but by the borough suggesting "No Parking" signs. Mr. Hurley further stated the fencing around the property is not a good idea due to a sight problem. Mr. Hurley suggested Mr. Boemio use the property on Route 70 next to the existing parking lot adding it is more feasible.

Mr. Barker stated if the board grants one commercial use in a R-1 zone and someone else comes along and applies for the same use variance, the board cannot deny it and added Cedar Street is one of the nicest streets in the borough.

Sue Barker, 409 Cedar Street, stated her concerns about employees, especially waitresses, in the parking lot and police not able to see over the 6-foot fencing around the parking lot. Mrs. Barker suggested Public Safety should review the plans as well. Mrs. Barker stated the 300 to 400 block of Cedar Street have six over size lots adding those residents could now come in front of the board and request subdivisions along with 13 waivers and variances. Mrs. Barker also stated the borough has ordinances for a reason adding it is ridiculous to allow all the waivers. Mrs. Barker went on to say the board is setting a precedent adding the borough will have businesses on Cedar Street, next Pine Street and so on. Mrs. Baker stated she is concern for the future of the Lakehurst adding it would be a mistake for the board to approve this application tonight.

John Simonse, 311 Cedar Street, stated that Mr. Boemio added two units to the existing retail business asking why was not left as parking. Mr. Simonse stated he has concerns about allowing a commercial use in a residential zone devaluing the properties on Cedar Street. Mr. Simonse also voiced concerns in regard to allowing a homeowner only five minutes to comment or question the board about their concerns about the application that was brought to the board.

Mr. Oglesby stated the five-minute rule is to give everyone a chance to speak.

Mr. Hurley stated the fencing around the property is a safety issue.

Adam Pfeffer, Land Use Attorney, stated the applicant's attorney testified the applicant will comply with the fencing ordinance.

Mr. Shea responded the applicant is not seeking variance for the fence and added the applicant will comply with the fencing ordinance.

Mr. Hurley stated there are also issues with two setbacks for the garage, the buffer area, infiltration, adding the list goes on and on. Mr. Hurley also stated the borough is going to loss ratables on the lot adding Mr. Boemio is going to use the lot for his business so that it operates smoothly.

Maryanne Capasso, Land Use Secretary, stated she received a letter from Mary Early, 400 Cedar Street, address to the Land Use Board.

Mr. Shea stated the law states that a person who wishes to make comment needs to so in person.

Mr. Burton stated Mrs. Early is handicapped.

Mr. Pfeffer stated to due to the pandemic he would allow the letter to be read into record with the understanding that Mr. Shea does not have the opportunity to cross exam.

Mrs. Capasso read the letter from Mrs. Early. Mrs. Early stated she lives directly across the street from the Three B's project on the Cedar Street lot. Mrs. Early also stated she does not understand how the applicant can put a parking lot in a residential area adding they can add parking on their property along Route 70. Mrs. Early further stated the parking problems should have been figured out before they were allowed to build the restaurant along with the delivery situation. Mrs. Early went on to say the value of her home, and the homes on Cedar Street, will depreciate asking the board to deny the proposed parking lot.

Time closed: 9:18 pm

Land Use Board Member Andrew Hodges stated in regard to the D-1 variance, the applicant needs to provide evidence that there will not be negative criteria on the residents and testimony on the property value. Mr. Hodges also stated there was no testimony on traffic lighting.

Mr. Shea responded Mr. Romano did testified in regard to the negative criteria and added he can give additional testimony if the board so wishes. Mr. Shea also stated there is no testimony on record that property value will be effective and added that criteria is not essential according to Section 2 of the Municipal Land Use Law goals. Mr. Shea further stated only one of the goals have to be met and that is to establish the negative criteria. Mr. Shea went on to say the positive criteria was met by assisting on the adjacent property and the parking situation. Mr. Shea stated the value of the property could go down but could go up as well adding this parcel of property is associated with the shopping center.

Motion by: Kevin Ford Seconded by: Steven Oglesby To approve application of Limelight, LLC for minor subdivision at the property designated as Block 52, Lot 13. Roll call vote held. All votes affirmative with the exception of Sid Hooper and David Sumner who voted no.

Motion by: To approve application of Limelight, LLC for use major site plan at the new property designated as E held.	¥ •
Mr. Hooper voted no.	
Mr. Hodges voted no.	
Mr. Sumner voted no.	
Mrs. Salas voted no	

Mr. Ford voted no.

Councilman Oglesby voted yes.

Chairman Burton voted no.

Mr. LeVance voted no.

Application denied.

REQUEST FOR A FIELD CHANGE TO BLOCK 52, LOT 1 MAJOR SITE PLAN TO EXTEND RAILING ALONG THE FRONT AND SIDE OF RESTAURANT, KNOWN AS 3-B's BISTRO, AND STORES TO PROVIDE ADDITIONAL OUTDOOR SEATING FOR THE RESTAURANT:

Robert Romano, engineer for the applicant, was sworn to give testimony at 9:25 pm by Land Use Attorney Adam Pfeffer.

Mr. Roman requested that the rendered Sketch Plan be introduced as exhibit A-1 which was marked as such.

Mr. Romano stated the sketch plan shows existing fencing and tables along the front of the restaurant that was used for seating during COVID-19. Mr. Romano also stated with the additional sidewalk the applicant is proposing to extend the fencing and tables along the front and the side of the building.

Frank Boemio, 314 Route 70, was sworn to give testimony at 9:27 pm by Land Use Attorney Adam Pfeffer.

Mr. Boemio stated he is seeking approval to extend the fencing in the front and side of the building due to COVID-19 adding he is limited to only 25% capacity indoors. Mr. Boemio also stated the new trend is people eating outside adding he wants to protect the outside dining area.

Board Member Maranda Salas questioned the materials used for the outdoor fencing.

Mr. Boemio responded it is metal adding the metal post will damage the car but not the people dining.

Mr. Oglesby stated Mr. Boemio is extending what is already present.

Mrs. Salas asked if Mr. Boemio will be putting heaters outside.

Mr. Boemio responded he has heaters at another location adding the heater does not give off much heat.

Pamila Hilla, who is substituting for Board Engineer Alan Dittenhofer, asked if the fencing will have gaps for ADA ramps.

Mr. Romano responded there will be gates at the ramps and at the doors of the stores.

Mr. Burton stated the plans do not reflect the gates.

Mr. Romano stated he is testifying the gates will be there.

Mr. Pfeffer recommended that the land use board engineer review the sketch plan and make their recommendations adding the land use board will have another meeting for comments and approvals.

Mrs. Hilla questioned seating on the side of the building.

Mr. Boemio responded seating on the side of the building is for the units at that end of the building.

Mrs. Hilla asked the seating in front of each store is for that store.

Mr. Boemio responded yes.

Mrs. Hilla questioned alcohol being served to seating on the side of building.

Mr. Boemio responded the market does have a liquor license to serve alcohol in the market adding he would have to come in front of council to get permission to serve outside.

Mrs. Hilla reiterated the ADA ramps will accessible.

Mr. Burton questioned if each individual business would have their gate.

Mr. Boemio responded yes.

Mr. Burton asked if a barrier will be provided in-between each business so that each business had their own designated area.

Mr. Boemio responded yes and added there are gates now at the restaurant.

Mr. Burton questioned how the handicap will access other businesses if walkway is blocked by gates.

Mr. Boemio responded the gates will be opened adding the gates are closed at the restaurant because alcohol is being served.

Discussion continued in regard to ADA ramps.

Mr. Burton questioned the sidewalk is a buffer for patrons to walk from store to store adding if a fence is running along the entire sidewalk, patrons are now walking in the parking lot.

Mr. Boemio responded there will be enough space on the sidewalk for patrons to walk.

PUBLIC COMMENTS ON REQUEST:

Time opened: 9:46 pm

Alan Hurley, 219 Cedar Street, stated there is a safety issue with the fence and added there is not enough room on the sidewalk for patrons to walk. Mr. Hurley recommended the application be moved to next meeting so that board members could inspect the area.

Mr. Oglesby stated there needs to room for the wait staff to walk from restaurant to the table. Mr. Oglesby added he has eaten in the sidewalk area and there is plenty of room.

Discussion continued in regard to enough space on the sidewalk for patrons to roam around freely.

Time closed: 9:53 pm

Motion by: Maranda Salas Seconded by: Kevin Ford To require applicant to provide revised sketch plan concerning ADA compliance and gate openings to Board engineer Alan Dittenhofer for his review and recommendations. Roll call vote held. All votes affirmative.

PUBLIC COMMENTS:

Time opened: 9:55 pm

NO PUBLIC COMMENTS

Time closed: 9:55 pm

ADJOURNMENT:

Motion by: Maranda Salas Seconded by: David Sumner To adjourn meeting. Roll call vote held. All votes affirmative. Time: 9:56 pm

Maryanne Capasso, Secretary Lakehurst Land Use Board