

**BOROUGH OF SPRING LAKE HEIGHTS
REGULAR PLANNING BOARD MINUTES**

August 15, 2018 at 7:00 PM

Flag Salute

This meeting is called pursuant to the provisions of the Open Public Meeting Law. Notice of this meeting was included in a list of meetings sent to the Coast Star and Asbury Park Press, posted on the bulletin board in the Municipal Building and on the Borough website.

Roll Call:

Roll Call:

Eileen Eilenberger, Chairperson - Present

Stephen Clark - Present

Councilman Diver – Absent

Roy Francolino - Present

James Hackett - Absent

Nancy Hayduk - Present

Frederic Manger - Present

Mayor O'Brien – Present

Also Present:

Marc Leckstein, Board Attorney

Brent Papi, Board Engineer

Mary Ellen Karamus, Board Secretary

Alt. #1 Carlos Santos – Absent

Alt. #2 Erik Gardner - Present

Approval of Minutes: July 18, 2018 - Mr. Gardner made a motion to approve the minutes; seconded by Mayor O'Brien;

In Favor: Chair Eilenberger; Mr. Clark; Ms. Hayduk; Mr. Manger;
Mayor O'Brien; Mr. Gardner

Opposed: None

Abstain: Mr. Francolino

Board Secretary announced that Mr. Francolino had been in and listened to the meeting tape of February 21, 2018; Mr. Gardner had been in and listened to the meeting tape of February 21, 2018 and Mr. Manger had been in and listened to the meeting tape of July 18, 2018.

Correspondence and Discussion: 7/23/18 Freehold Soil Initial Application review; Re. The Mill Lakeside Manor Block 1 Lot 1

8/9/18 Sabaitis & Grundwerg request to carry 554 Church Street, LLC, Planning Board Application PB 2018-02 to 9/19/18 meeting

Mayor O'Brien made a motion to carry the 554 Church Street, LLC. application to the September 19, 2018 meeting without further notice; seconded by Mr. Manger.

Approved by the following vote:

All in favor

None opposed

No abstentions

New Business: **Application No. PB 2018-02**
554 Church Street, LLC
Block 59 Lots 20, 21 & 31
554 Church Street

Mr. Leckstein announced that if anyone was present for the 554 Church Street, LLC application, the application will be carried to the September 19, 2018 meeting; there will be no further notice.

Chair Eilenberger announced that there will be an open forum for public input for the Master Plan Re-Examination at the September 19 meeting.

Chair Eilenberger added that the Planning Board would like a planner as part of the board's professionals. Ms. Hayduk read Resolution 2018-06 appointing a board planner.

Ms. Hayduk made a motion to appoint Jennifer Beahm of Leon S. Avakian, Inc. as board planner; seconded by Mr. Manger.

Roll call taken as follows:

AYES: Mr. Francolino; Ms. Hayduk; Mr. Manger; Mayor O'Brien; Mr. Clark; Mr. Gardner; Chair Eilenberger

NAYS: None

ABSTAIN: None

Chair Eilenberger requested that applicant presentations be limited to one hour each.

Chair Eilenberger recused herself from Application No. 2017-04 as she is a property owner within 200 feet of the applicant.

Old Business: **Application No. 2017-04**
 JDE Spring Lake, LLC
 Block 1 Lot 1
 101 Old Mill Road
 Parking Lot Revision Portico at front door

Exhibits marked:

- A-10 Storm water management narrative 8/22/2018
- A-11 Boundary and Topographic survey
- A-12 Preliminary Final major site plan 8/22/2017 revised 07/25/2018
- A-13 7/31/2018 K. Shelly correspondence to J. May
- A-14 5/9/2018 DEP Flood Hazard Applicability Determination letter
- A-15 11/14/17 Soil boring investigation letter
- A-16 06/14/2018 Concrete core report
- B-3 05/14/2018 Mr. Papi Engineering Review Letter #2
- B-4 07/16/2018 Mr. Papi Engineering Review Letter #3
- B-5 08/13/2018 Mr. Papi Engineering Review Letter #4

Mr. McLaughlin stated that the applicant is proposing a 1,400 square foot addition on the front of the building as well as providing a second floor lobby. Mr. McLaughlin stated that the business will strictly be a banquet facility. The current permitted occupancy is 440. They will reduce that to 260.

Mr. McLaughlin stated that as shown in A-7 a boulevard-type entrance off of Ocean Road for ingress and egress is being proposed. The existing egress onto Old Mill Road will remain.

Mr. McLaughlin stated that since the last meeting, the DEP has determined that they do not need to review the application. Mr. McLaughlin, referring to B-5, said that most engineering issues have been addressed and additional information has been given. He stated Mr. Shelly will address any remaining items.

Mr. Shelly previously sworn described the drainage.

Mr. Shelly stated that currently there is a two-tier parking lot. The upper lot drains through a catch basin which collects and then pipes the flow underneath an existing deck into the pond. The lower lot drains over land through curb cuts and a concrete spillway under the existing deck into the pond. Mr. Shelly stated that the proposed drainage design has catch basins and inlets

throughout the site which will collect and pipe storm water runoff directly to the pond. The revised design includes oil separator hoods to remove and prevent oil from parking surfaces from getting into the pond. Mr. Shelly stated that three things have been done to improve quality of the water discharged into the pond; more green space has been created, separator hoods have been added to create better water quality that is getting into the pond and promoting infiltration.

A-17 Updated color parking rendering

Mr. McLaughlin asked Mr. Shelly to describe parking. Mr. Shelly stated that A-17 shows relocated handicap spaces closer to the front of the building with a clear path from the spaces to the building which is now ADA compliant. Valet parking will use the furthest away parking spots. Mr. Shelly stated that spaces closer to the building are for guests who do not want to valet. Mr. Shelly indicated that there will be a single access point off of Ocean Road directly across from New Bedford Road creating a grand boulevard leading to the proposed covered portico. Mr. McLaughlin asked Mr. Shelly to address waivers. Mr. Shelly stated that a waiver being requested is minimum parking stall dimensions. Mr. Shelly said the ordinance requires 9 by 20; they are proposing 9 by 18. Mr. Shelly added that relief from this requirement was granted in the 1995 and 2003 resolutions and they are asking that continue. Mr. Shelly said a waiver from off-street parking requirements is being requested. 87 parking spaces are required; 94 are being proposed; 8 of those spaces are for stacked valet spaces.

Ms. Hayduk asked where employees will be parking. Mr. Shelly replied that Mr. Truesdale had indicated that some are dropped off; some Uber or ride bikes. If they need to park, they would be parking furthest away to accommodate guest parking.

Mr. McLaughlin asked Mr. Shelly to describe the waiver of the off-street loading space requirement. Mr. Shelly stated that the existing loading space is 60 feet in length and 12 feet in width. The requirement is 14 feet width. Mr. Shelly stated that at the end of the loading area is an overhead garage door where trash is stored internally in an air conditioned room; trash is wheeled out for weekly scheduled pick-ups. When trash is picked up, the overhead door is opened; wheeled out and a truck backs in and picks it up. Mr. Shelly added that there is no outdoor storage of trash.

Mr. Papi asked Mr. Shelly to describe to the board how trucks maneuver to pick up the trash. Mr. Shelly stated that he has not seen the specific operation but he assumes the vehicle goes to Old Mill Road, backs up, picks up garbage and goes back out. Mr. Shelly added it is the same today that it has been in the past. Mr. Leckstein asked if a condition would be no outdoor storage of garbage. Mr. McLaughlin stated yes. Ms. Hayduk asked if applicant would agree to change the hours from 8 a.m. to 10 p.m. to 8 a.m. to 8 p.m. for dropping off and picking up recycling and trash from the loading area.

Mr. Truesdale previously sworn stated that there is a sign on the building stating not to come before 8 a.m. but garbage companies do not always run on a route. Mayor O'Brien asked if 8 a.m. to 8 p.m. is agreeable. Mr. Truesdale stated they will do their best to keep to the set hours. Mr. Leckstein confirmed if a change of 8:00 a.m. to 8:00 p.m. is to be made. Ms. Hayduk said yes.

Mr. Shelly stated that a variance is required for minimum front setback. 30 feet is required. 6.54 feet is proposed for the new addition along Old Mill Road. The existing building setback is 3.7 feet off Old Mill Road. Mr. McLaughlin asked Mr. Shelly if that will have a negative impact on the neighborhood. Mr. Shelly said no.

Mr. Leckstein asked if that is the only variance. Mr. McLaughlin stated yes.

Mr. McLaughlin asked Mr. Shelly to describe the coring report results and how resurfacing of the parking lot will be addressed. Mr. Shelly replied that a series of pavement core samples throughout the parking lot were done. Mr. Shelly stated that paving thickness in some areas were 2-3 inches thick which is not conducive to milling and repaving. Mr. Shelly added that in areas that are not being removed and replaced entirely, liquid seal coating will be used. Mr. Manger asked if that cuts down on the 9.3 acres of disturbance. Mr. Shelly stated that the areas are the

same; the method is changing. Mr. Papi added that based on the coring report, if you mill out the thin areas, it will damage the pavement; the alternative is seal coat.

Ms. Hayduk asked if there is a curb to stop the water in the western border where cars enter. Mr. Shelly stated there will be curbing to direct runoff collected from the parking lot that will go into drainage. Mr. Shelly stated that there is no-over land discharge from storm water. Ms. Hayduk asked Mr. Shelly to explain oil separator hoods. Mr. Shelly replied that water gets into the inlets and instead of flowing without blockage through outlet pipes, there is a plate that comes down to block water from getting out; water has to go underneath and out. Mr. Shelly added that Mr. Truesdale will have this cleaned every six months. Mr. Francolino asked if the applicant will be doing their own inspections. Mr. Shelly said yes.

Ms. Hayduk asked about hours of lighting. Mr. Shelly stated there is a dusk to dawn sensor on fixtures. Mr. Shelly added that the lighting is shielded; there is no spill-over beyond the property line. Mr. McLaughlin stated that the lighting is needed for both safety and security. Mr. Shelly added that the lighting that is in the plan is in accordance with the ordinance.

Mr. Manger asked if there were any other comments.

Mr. Papi stated that regarding the sidewalk along Old Mill Road that he would defer to the board. Mr. Shelly added that there is no sidewalk existing now. Mr. McLaughlin stated that if a waiver was needed, they will ask for one.

Mr. Papi referred to Item 31, additional screening at the loading zone. Ms. Hayduk indicated that the 2003 site plan states screening would be put there. She added that currently there is a triangle of rocks that exists; screening would block the exit. Mr. Shelly stated that further screening would impact the line of sight. Mr. Truesdale indicated that he is trying to put something nice there that won't be too high.

Voice of the public opened by Mr. Manger

Donald Eilenberger - 1213 Pond Road, previously sworn stated that he is probably the closest property to the Mill. He stated that the lights in the parking lot are not an issue at night. He added that the garbage is not an issue but 8 a.m. to 8 p.m. garbage pickup and deliveries should be part of any approval. Mr. Eilenberger added that the reduction in capacity should also be included in any approval. Mr. Eilenberger stated that the impact to the neighborhood has been lower since Mr. Truesdale has owned the business. Ms. Hayduk stated the 260 seats would be a deed restriction. Mr. Eilenberger added that the last owner's resolution had a deed restriction that was not put into place and was not enforced. Mr. Francolino confirmed that if the use changed from a banquet facility to something else, it would have to come before the board. Mr. Eilenberger asked if seating capacity will be put into the resolution. Mr. Leckstein stated that the applicant agreed to a condition of a capacity of 260; it will be a condition of the approval and will be in the resolution. Mr. Eilenberger added that Mr. Truesdale has been a great neighbor and wishes him luck.

Ms. Hayduk asked if Mr. Papi had anything to add. Mr. Papi said no.

Mr. Leckstein asked for clarification from the board if the 8 to 8 is for deliveries as well as garbage pick up. Ms. Hayduk stated deliveries, trash and recycling

Mr. Manger asked if anyone else from the public would like to speak.

Voice of the public closed

Ms. Hayduk asked if Mr. Papi had anything to add. Mr. Papi replied no.

Mr. Leckstein stated that the conditions are a 260 capacity limit, 8 a.m. to 8 p.m. for deliveries, garbage and recycling and no outside storage of garbage.

Mr. Manger stated he noted waiver for parking size. Mr. Leckstein stated that is not a condition. Mr. Manger added that he had listed number of parking spaces, no outdoor storage of garbage, trash and recycling 8 to 8, the setback variance be approved and letters of no interest which Mr. Papi had in his August report, from anyone who needs an approval or letter of no interest. Mr. Leckstein stated they will have to satisfy the conditions of Mr. Papi's letter. Mr. Leckstein added that the applicant said they will.

Ms. Hayduk added that all catch basins and oil separator hoods will be cleaned at a minimum of every six months.

A motion was made by Mayor O'Brien to approve the application with the waivers and conditions stated; seconded by Mr. Francolino:

Roll call taken as follows:

AYES:	Mr. Francolino; Ms. Hayduk; Mr. Manger; Mayor O'Brien; Mr. Clark; Mr. Gardner
NAYS:	None
ABSTAIN:	None

Chair Eilenberger returned to the dais.

Application PB 2018-03

Fairway Mews Community Association

Block 42.07 Lot 1

1 Clubhouse Drive

Addition to clubhouse, two covered entries; outdoor patio pavers and expansion

A-6 Partial topographic survey of 7/18/2018

A-7 Preliminary Final major site plan package revised 7/31/2018 consisting of 5 sheets

B-2 8/14/2018 Engineering review Letter #1

Mr. York stated that an amended lighting plan is being submitted. Currently there is one of three posts with 3 lights on it where one light will come down. All of the lighting will have shields and there will be one new pole added in the new parking area which will conform to the ordinance. Mr. York added that there are three older poles with lights on them and it would be difficult to take out the poles and start over so they will be shielded. Mr. Leckstein asked if that is on the plan. Mr. York replied no.

Mr. York added that parking and the need for a variance will be addressed. Mr. York stated that he feels it is a pre-existing site plan so a variance is not needed but they will provide testimony and request the variance. Mr. York stated that the 4 parking spaces across the street mentioned at the last meeting are not designated for the use of the clubhouse and it is not on the site plan. He added that the 4 parking spots are under the authority of the association. Mr. Leckstein asked if the clubhouse is owned by the association. Mr. York explained the structure of the condominium community as having four homeowner associations, the clubhouse is a separate entity; they are all part of an overall master condo association. Parking spaces are controlled by the particular association that the space is in; not the master association.

Traye Blackburn, General Manager of the Fairway Mews Community Association sworn by Mr. Leckstein.

Mr. York asked Mr. Blackburn to explain how the clubhouse is funded. Mr. Blackburn stated that all of the funds come from each unit's HOA fees. Mr. Blackburn added that maintenance fees contribute to the upkeep, security and landscaping.

Chair Eilenberger asked if the clubhouse is a separate lot, and if so who owns that. Mr. York said the overall condo association does. Mr. York added that individual unit owners do not own any land. He added that there are 560 units. Mr. Manger clarified that the clubhouse, golf course, pool and tennis courts; all common areas are controlled by the master condo association.

Mr. York asked Mr. Blackburn if the current parking situation is the original parking from when it was built in the mid-70s. Mr. Blackburn said yes. Mr. York asked if the 1,200 square foot addition with the addition of 16 parking spaces will be providing additional relief for parking if needed. Mr. Blackburn stated that that over-flow parking currently goes onto a dirt area which is where the 16 new parking spots are proposed but that is not often.

Mr. York stated that the association agrees to make amendments to the plan to satisfy the engineer's lighting comments regarding point to point lighting for the new poles being adequate and that the shields and lighting for the pre-existing are restricted. Mr. York added that they are seeking a waiver on the existing lights. Mr. Papi stated that he does not know if the proposed lighting can meet the ordinance requirements. Chair Eilenberger asked how close to the ordinance will the proposed lighting be. Mr. Leckstein commented the data is not before them tonight. Mr. Manger asked about shielding versus revising illumination. Mr. York said the new lighting will conform to the ordinance. Mr. York added that the existing lighting cannot conform to ordinance requirements. Ms. Hayduk clarified that no waiver is being looked for on the new lights. Mr. York agreed.

Mr. York stated that the parking space indicated as a golf cart on the site plan is an error. Mr. Blackburn agreed. Mr. York added that the plans will be amended in response to Comment 11 in Mr. Papi's review.

Mr. York asked Mr. Blackburn to address how garbage and recycling is handled at the clubhouse. Mr. Blackburn said trash is brought by maintenance workers from the clubhouse to the trash bin in the maintenance yard; there is no dumpster at the clubhouse. Mr. Blackburn stated that only minimal deliveries are received at the clubhouse by the golf pro shop.

Mr. York asked Mr. Blackburn if there is a drainage problem at the clubhouse, especially in light of the recent heavy rain. Mr. Blackburn said he does not think there is an unusual problem with the drainage. Mr. Papi referenced that the plans show an existing underground tank near Linden Drive. Mr. Papi asked if there is any information on how large and what the tank is. Mr. Blackburn said they had a t.v. camera go down to see where the drain went to and determined that the drain went to a tank under the 1st tee. Mr. Papi asked if they have a recording of the inspection. Mr. Blackburn said no.

Mr. York stated that regarding Number 38 the association will plant two new trees. Mr. Leckstein clarified that the applicant will be complying with that condition. Mr. York agreed. Mr. York asked if the addition will change the operation of the clubhouse. Mr. Blackburn said no. They will still have parties, events to raise money, golf tournament parties strictly for the residents.

Mr. York asked to explain why a variance is not needed for parking. Mr. Blackburn indicated that many residents walk and use golf carts to access the clubhouse, not cars.

Chair Eilenberger asked if the number of seats or people using the clubhouse versus the square footage would affect parking space numbers. Mr. Blackburn said mostly residents use the facility.

Chair Eilenberger asked if there were any questions from the public of Mr. Blackburn.

A-8 Phase II Alterations Fairway Mews Condominium Association Revised 8/10/18
consisting of 4 sheets

Dan Governale previously sworn

Mr. Governale stated that on A-8, graphics have been added to the plan highlighting areas of the expansion and changes on the proposed plans. The highlighted area shows the building addition will come out 16 feet towards the east including the pro shop and multipurpose room. Mr. Governale added that calculations of square footage of the primary function spaces have been added in. Mr. Governale indicated that the cross hatched area shows where the awning will be extended 16 feet further to align with the edge of the building. Mr. Governale added that new pavers, landscaping, outdoor patio space and access points to the sidewalk and outside space outside of the multipurpose area are shown. Mr. Governale added that the new entry is shown on the elevations submitted.

Mr. Governale stated that the pro shop addition does not increase occupancy. Mr. Governale added that the additional seating will be added to the multipurpose room addition. Mr. Governale stated that there is a dance floor to the north that will not add to capacity. Mr. Governale confirmed that there is 640 square feet of usable space that will increase the occupancy of the building.

Mr. York asked Mr. Governale to describe the screening at the top of the building. Mr. Governale stated that they are not proposing adding equipment to the roof. Mr. Governale said the current roof-top equipment will be screened. Chair Eilenberger asked if the roof height is being changed. Mr. Governale said no. He added that parapets are being added. He added right now the building is horizontal and flat.

Chair Eilenberger asked if the board had any other questions.

Mr. Francolino asked about any sprinkler system. Mr. Governale stated it is not sprinklered and that a sprinkler system is not required.

Mr. Papi asked Mr. Governale to describe ADA access. Mr. Governale stated that with regard to the ADA parking space building access as shown on the floor plan, currently there is slightly sloped exterior concrete with the door saddles flush to exterior surfaces. Mr. Governale added that there are no steps outside the building. Mr. Governale added that the land is flat around the clubhouse.

Ms. Hayduk asked if there were pictures of the existing condition.

A-9 - A, B, C Photographs

Mr. Governale stated that A-9 A is looking north from the parking lot looking at the handicap spaces. A-9 B is the corner at the existing building showing the existing awning on the right and the existing wall of the building to the east side. A-9 C is looking west encompassing the side of the existing building showing the pro shop and multipurpose room and the existing patio and where the addition will be.

Mayor O'Brien asked if there were pictures of the existing lighting in the parking lot. Mr. York indicated they are on the site plan.

Chair Eilenberger asked if there were any questions from the board of Mr. Governale.

Chair Eilenberger asked for questions from the public.

Mr. Kevin Kilgannon, previously sworn, asked about screening on the roof being mandated; he feels the existing screening is more than enough. Chair Eilenberger stated that screening has recently been updated in the ordinance.

Roy Carpenter previously sworn

Mr. York asked Mr. Carpenter to describe the revised plans he prepared. Mr. York also asked Mr. Carpenter if the golf cart parking space will be revised to show a car parking space. Mr. Carpenter said yes. Chair Eilenberger stated that the handicap spaces are shown but the access point for it is where the cart space is labeled. Mr. Carpenter stated that in front of the main entrance of the clubhouse there is a 20 by 20 cross-hatched area, on the left-hand side there is a handicap spot. Mr. Carpenter stated they are required to have one van accessible spot. Two regular handicap spots will be on the right-hand side of the cross-hatched area. They will access through the main entrance up the ramp into the building. Mr. Papi asked if the hatched area will replace the existing pro shop spot. Mr. Carpenter said no, that will be a car parking space. Mr. Papi said the spot furthest from the entrance has to have a drop off. Mr. York said the space is not van accessible. The van spot is to the left. Mr. Papi stated there is a federal guideline for its minimum width. Mr. Carpenter said yes, 12 feet. Mr. York stated that they can't get a waiver from the board from federal law. Mr. Carpenter said they will address Mr. Papi's comments and make it ADA accessible and compliant.

Mr. York stated that with regard to Mr. Papi's letter, with the exception of Item 11 as discussed; Item 18 dealing with refuse, 19 dealing with loading, and Items 22 and 23 which deal with screening and the parking across the street, Mr. Carpenter will comply with Mr. Papi's comments. Mr. Carpenter agreed. Mr. Carpenter added that he will discuss and figure out Item 25 with Mr. Papi. Mr. York asked if all other items with the exception of the waiver sought for the lighting will be addressed. Mr. Carpenter said yes.

Mr. York asked Mr. Carpenter to describe the lighting. Mr. Carpenter said looking at the lighting plan, sheet 5 of 5 on the eastern end of the parking lot at the entrance from Linden Drive to the parking lot the light pole has 2 lights; one toward the parking lot and one toward Linden Drive. Mr. Carpenter stated that the area of concern is the parking lot. He added there is a triple light with three fixtures; one straight, one left and one right. Mr. Carpenter added that this is the fixture where they will remove one light and add shielding so that the lighting will not go beyond the building. Mr. York asked if this is the only light that goes on to Allaire Road, and if the shield will eliminate that light spreading. Mr. Carpenter said yes. Chair Eilenberger asked if there will be any other shielding. Mr. York added that if the board wants the lights on all three poles to be shielded, they will do that. Mr. Carpenter stated that a new pole is proposed on the northern side of the proposed parking area. Mr. York stated it is indicated by Number 8 in the parking lot. Mr. York added that will not shine toward Allaire Road, but will shine down towards the parking lot. Mr. Leckstein confirmed that that was the light they agreed to add as a condition at the previous meeting. Mr. Manger asked if this is the lighting referred to by Ms. LaBruto at the last meeting. Mr. Carpenter said yes. Mr. Leckstein clarified that the board is asking for all poles to be shielded. Mr. Carpenter said they are able to do that. Chair Eilenberger asked if the lights are on timers. Mr. York said they go off at 11:30. Mr. Blackburn stated that there is a sensor and a timer. There is no security lighting that goes on.

Mr. Leckstein inquired about the parking variance. Mr. Carpenter stated that the ordinance requires 84 spaces. Mr. Leckstein asked if the board and applicant are in agreement that 84 spaces are required per the ordinance. Mr. Carpenter stated yes. Mr. York asked Mr. Carpenter how many actual automobile parking spaces are there. Mr. Carpenter said 56; 40 existing and 16 proposed. Mr. York clarified 55; there are 39 existing spaces and 16 spaces are being added. Mr. Leckstein clarified 55 spaces are proposed.

Chair Eilenberger asked if there were any more questions.

Mr. Papi stated that the majority of his comments were addressed. The only open item in his letter is with regard to drainage and storm water systems and an existing tank. Mr. Papi referred to the televising of it; he added he was not able to review anything. Mr. Papi stated he would like to see a report from the company that did the taping so he will have information for his review and final letter. He would like to have something for his file indicating they will maintain it.

Chair Eilenberger asked if the public had any questions or comments.

Juliana Hayes-Labruto, 1000 Allaire Road previously sworn thanked the board and Fairway Mews for addressing the lighting issue. Mr. Labruto asked what the time frame for shielding the lights will be. Mr. York stated it will be done concurrent with the project.

Mr. York stated they will do the shielding within 60 days. Ms. Labruto asked if shielding is not sufficient, what can she do. Mr. Leckstein stated that a condition of the resolution is to provide the shielding and preventing the lighting from coming off of the property; if it doesn't, then she can go back to the town. Mr. Leckstein stated that Mr. Papi will inspect it and see if they are in violation of the resolution. Mr. Leckstein added that if the shielding will be done within the 60 days which is before the building will be built, in addition they would not receive a CO if they are in violation.

Dr. Collette Hayes, 1000 Allaire Road sworn by Mr. Leckstein

Dr. Collette Hayes stated that the lights do not go off at 11:30 p.m. She stated maybe the timer is faulty. She routinely sees them on 12:45 at night. Mr. Leckstein stated that it is a condition of the approval; if they do not go off; she can call the town. Mr. Leckstein added that the approval is not in effect until the resolution is adopted.

Chair Eilenberger asked if there was anyone else.

Mr. Leckstein clarified that all lights will be shielded and they will go off at 11:30 p.m. Mr. Leckstein stated that shielding will be added within 60 days of the resolution which will be approved next month. Mr. York stated that by October 15th they will be shielded. Mr. Leckstein stated that will be a condition. Mr. Leckstein stated that parking issues will be in compliance with federal laws.

Mr. Leckstein stated that applicant will supply information to Mr. Papi regarding the drainage, the tank and that it will be maintained every 6 months. Chair Eilenberger asked to include the waiver for the existing lights. Mr. Leckstein stated that the applicant will be held to the light plan which has been set forth. Mr. Manger asked if the trees were okay. Mr. Leckstein said applicant will have to comply with Mr. Papi's letter. Mr. Leckstein said there was nothing they disagreed with in the letter.

Mayor O'Brien made a motion to approve the application based on the waivers agreed to and the conditions listed; seconded by Mr. Manger.

Roll call taken as follows:

AYES:	Ms. Hayduk; Mr. Manger; Mayor O'Brien; Mr. Clark; Mr. Gardner; Chair Eilenberger
NAYS:	None
ABSTAIN:	Mr. Francolino

Voice of the Public – Open by Chair Eilenberger

Mr. Thomas Basile explained the structure of the Fairway Mews Association and thanked the Planning Board on behalf of the Fairway Mews residents.

Voice of the Public – Close

Adjourn: On a motion by Mayor O'Brien and seconded by Mr. Francolino, the meeting was adjourned without objection at 8:56 p.m.

Approved by the following vote:

All in favor
None opposed
No abstentions

Respectfully submitted and approved:

May Ella Haram
Board Secretary

Date: 09/19/, 2018