

**MINUTES**  
**February 14, 2023**

The Meeting of the Board of Commissioners of the Borough of Allenhurst was held on the above date with Mayor McLaughlin presiding, Commissioner McLoughlin, and Commissioner Cumiskey answering the roll call. Also in attendance was the Borough Clerk and Borough Attorney.

The meeting was called to order at 7:30 P.M. with a salute to the flag.

Mayor McLaughlin announced that the notice requirements of R.S. 10:4-18 had been satisfied by delivering the required notice to the Coaster, posting the notice on the board in Borough Hall and filing a copy of said notice with the Borough Clerk.

**COMMUNICATIONS:**

- Ocean Township Ordinance #2407 Amending and Supplementing Chapter 21 of the Comprehensive Land Development Ordinance regarding Warehouses in C-5 Zone.
- Ocean Township Ordinance #2407 Amending and Supplementing Chapter 21 of the Comprehensive Land Development Ordinance regarding Cannabis Zones and Taxes.

**ORDINANCES**

None

**RESOLUTIONS**

**RESOLUTION #2023-49**

**A RESOLUTION TO RATIFY AND APPROVE MINUTES**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**BE IT RESOLVED**, That the minutes of the Regular Meeting of January 24, 2023 be ratified and approved.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-50**

**A RESOLUTION TO DISPENSE WITH READING OF MINUTES**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**BE IT RESOLVED**, That the Clerk dispense with the reading of the Regular Meeting of January 24, 2023.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-51**

**A RESOLUTION TO APPROVE FINAL ENGINEER CERTIFICATE #3 FOR  
IMPROVEMENTS TO SPIER AVENUE**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**WHEREAS**, A contract was awarded to Earle Asphalt Company for improvements to Ocean Place; and,

**WHEREAS**, The Borough Engineer has reviewed the project and recommended final payment as provided for in Final Engineer's Certificate #3, which is on file in the Clerk's office;

**WHEREAS**, Funds for this purpose shall be provided through the Ordinance 2021-02 Various Improvements to Spier Avenue (C-04-55-984-005), and the CFO has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That Earle Asphalt Company be compensated in the amount of \$20,701.330 as final payment for work done on the Ocean Place Improvement project in accordance with Final Engineer's Certificate #3; and,

**BE IT FURTHER RESOLVED**, That Earle Asphalt Company, be released from their Performance Bond and that the one-year Maintenance Bond filed by Earle Asphalt Company, be accepted.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-52**  
**A RESOLUTION TO AUTHORIZE COUNTY TO PERFORM**  
**AERIAL SPRAYING FOR MOSQUITOS**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**WHEREAS**, The Monmouth County Board of Chosen Freeholders, pursuant to N.J.S.A. 26:9-27 et seq. has elected through its Mosquito Control Division to perform all acts necessary for the elimination of mosquito breeding areas and/or to exterminate mosquitos within the county; and,

**WHEREAS**, The County has instituted an Integrated Pest Management Program consisting of surveillance, water management, biological control, and chemical control to exterminate the mosquito population within the County of Monmouth; and,

**WHEREAS**, Prior to conducting aerial dispensing operations over a designated “congested area”, the County is required, pursuant to Federal Aviation Administration Regulation (FAR Part 13.51), to secure prior written approval from the governing body of the political subdivision over which the aircraft is to be operated; and,

**WHEREAS**, The Borough of Allenhurst is designated as a “congested area” by the Federal Aviation Administration and the county has requested that this governing body consent to its proposed aerial dispensing operations;

**NOW, THEREFORE, BE IT RESOLVED**, As follows:

1. The Governing Body hereby authorizes the County of Monmouth Mosquito Control Division or its agent to apply pesticides by aircraft for mosquito control in certain areas of the municipality designated by the County as being either larval mosquito habitat or areas bordering high populations of mosquitoes constituting either a nuisance, a health hazard, or both with the understanding that:
  - a. the County shall utilize pesticides, application equipment and aircraft that are approved for aerial applications by the applicable Federal (USEPA) and State (NJDEP) agencies; and,
  - b. such operations will be performed in compliance with applicable Federal and State regulations, and
  - c. the County will notify the police department of each municipality over which aerial pesticide operations are planned prior to commencement of such operations.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-53**  
**A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF POLICE VEHICLE**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**WHEREAS**, There is a need to replace a Borough police vehicle, and the Police Chief has requested the purchase of a 2022 Ford Interceptor with Utility Police Package; and,

**WHEREAS**, Funds for this purpose shall be provided for in the account known a Police, O.E., and the CFO has so certified;

**WHEREAS**, The purchase will be made through Winner Ford, holder of State Contract #88728 at a total vehicle and Utility Police Package of \$42184.02; and,

**NOW, THEREFORE, BE IT RESOLVED**, That Clerk/Administrator be and is hereby authorized to sign an agreement with Winner Ford for the purchase of a 2022 Ford Interceptor with Utility Police Package, at a total purchase price of \$42,184.02.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-54**  
**A RESOLUTION TO HIRE A FULL-TIME COMMUNICATIONS OFFICER**

Offered By: Comm. McLoughlin

Seconded By: Comm. Cumiskey

**WHEREAS**, There is a need for a Communications Officer in the Allenhurst Police Department and the Chief of Police has interviewed several candidates and has made his recommendation to the Board of Commissioners; and,

**WHEREAS**, Funds for this purpose shall be provided for in the appropriation entitled, Police S&W, and the Chief Finance Officer has so certified;

**NOW, THEREFORE, BE IT RESOLVED**, That Sarah Sharpe be and he is hereby

employed as a Communications Officer for the Borough of Allenhurst for a probationary period of one year, commencing on February 14, 2023, at an annual salary of \$35,360.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-55**  
**A RESOLUTION TO AMEND WAGES FOR COMMUNICATIONS OFFICER**  
Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

WHEREAS, Chief Michael Schneider requested that the wage for Full-Time Dispatcher Brian Torres be raised;

NOW, THEREFORE, BE IT RESOLVED, By the Board of Commissioners that the wages of Full-Time Dispatcher Brian Torres be increased to \$36,400/year effective February 14, 2023.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-56**  
**A RESOLUTION AUTHORIZING THE CANCELLATION OF THE UNEXPENDED BALANCE OF VARIOUS ORDINANCES**  
Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

WHEREAS, certain General Capital Improvement appropriation balances remain dedicated to projects now completed or no longer required; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be returned to each respective Capital Improvement Fund or credited to Surplus, and unused debt authorizations may be canceled; and

WHEREAS, there are grant and other receivables related to these cancellations, and as such, the finance department is authorized to cancel all associated receivables;

NOW THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Allenhurst, that the unexpended and dedicated balances of General Capital Appropriations and any associated receivables be canceled:

ORDINANCE	FUNDED	UNFUNDED
Ordinance 2010-03	\$ 4,502.21	
Ordinance 2011-12	\$ 4,189.13	\$ 185.00
Ordinance 2011-14	\$ 4,924.00	\$ 3.85
Ordinance 2014-06	\$ 1,199.65	
Ordinance 2013-02, 2014-10	\$ 1,007.10	
Ordinance 2015-04	\$ 1,217.62	
Ordinance 2015-05	\$ 135.09	
Ordinance 2015-06	\$ 11,858.56	
Ordinance 2016-01	\$ 16,802.06	
Ordinance 2017-13	\$ 58,855.38	
Ordinance 2018-14	\$ 66,808.45	
Ordinance 2020-14	\$ 227,845.55	

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-57**  
**A RESOLUTION TO AWARD CONTRACT FOR PURCHASE OF BODY WORN CAMERAS FOR THE POLICE DEPARTMENT**  
Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

WHEREAS, There is a need for the Police Department to purchase Body Worn Cameras; and,

WHEREAS, Funds for this purpose will be provided for in the current account known as “Police Misc #1-01-25-745-218”, and the Chief Finance Officer has so certified;

WHEREAS, The following three quotes were received from the following vendors and are on file with the Borough Clerk:

LensLock Inc.	\$17,726.40
Digital-Ally	\$17,839.00
Axon Enterprise, Inc.	\$59,318.00

**THEREFORE, BE IT RESOLVED**, That a contract be awarded to LensLock Inc. for a cost of \$17,726.40, the lowest of quotes received for Body Worn Cameras for the Police Department.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-58**  
**A RESOLUTION TO AUTHORIZE BIDS**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**BE IT RESOLVED**, That the Borough Clerk be and she is hereby authorized and directed to receive bids for the "Improvements to Elberon Avenue."

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-59**  
**A RESOLUTION TO APPROVE EXECUTIVE SESSION**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**WHEREAS**, State law permits the exclusion of public in certain circumstances; and,  
**WHEREAS**, The Board of Commissioners of the Borough of Allenhurst finds that such circumstances currently exist; and,

**WHEREAS**, The Board of Commissioners will make public, minutes of the closed session when confidentiality no longer exists;

**NOW, THEREFORE, BE IT RESOLVED**, By the Board of Commissioners that they are hereby authorized to enter into closed session to discuss legal/contractual matters which are exempt from the public meeting under the Sunshine Law.

There was no executive session.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-60**  
**A RESOLUTION TO APPROVE BILLS (1-25-2023 to 2-14-2023)**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**BE IT RESOLVED**, That bills totaling \$888,118.09 be approved for payment; and,  
**BE IT FURTHER RESOLVED**, That the February 14, 2023 consolidated bill list be attached hereto and made a part thereof.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**RESOLUTION #2023-61**  
**RESOLUTION AUTHORIZING SETTLEMENT WITH  
POWER STATION AT ALLENHURST, LLC OF ITS  
CLAIMS IN THE MATTER ENTITLED POWER STATION  
AT ALLENHURST, LLC V. BOROUGH OF ALLENHURST,  
ET AL., SUPERIOR COURT OF NEW JERSEY, LAW  
DIVISION, DOCKET NO.: MON-L-2551-21.**

Offered By: Comm. McLoughlin                      Seconded By: Comm. Cumiskey

**WHEREAS**, an action entitled *Power Station at Allenhurst, LLC v. Borough of Allenhurst, Board of Commissioners of the Borough of Allenhurst and Allenhurst Planning Board*, Superior Court of New Jersey, Law Division, Docket No.: MON-L-2551-21 was brought by Power Station at Allenhurst, LLC (hereinafter Developer) alleging that the Borough had failed to provide a realistic opportunity for the construction of affordable housing and to meet the Borough's fair share of the region's need for such housing, in addition to related relief in accordance with the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 and Mount Laurel jurisprudence (hereinafter

"Builder's Remedy Action"); and

**WHEREAS**, Developer is the owner of two parcels of property within the Borough located at Block 18, Lot 1 on the Tax Map of the Borough of Allenhurst located at 315 Hume Street, and Block 21, Lots 5 and 6 (which includes former Lot 7), located at and 500-523 Main Street, Allenhurst, New Jersey, respectively; and

**WHEREAS**, the Borough is the owner of property located at Block 31, Lot 3 on the Tax Map of the Borough of Allenhurst otherwise known as the Lake Drive property; and

**WHEREAS**, as a result of extensive settlement negotiations and in excess of a year of mediation between the Parties, the Parties have come to an agreement to resolve their differences in accordance with the Affordable Housing Settlement Agreement (Agreement) that is attached hereto and made a part hereof by reference; and

**WHEREAS**, the Agreement does not resolve the Borough's entire affordable housing obligation which must still be addressed via adoption of a Housing Element and Fair Share Plan after application of a Vacant Land Adjustment, which shall be established and addressed in a separate agreement being negotiated between the Borough and interpleader, the Fair Share Housing Center; and

**WHEREAS**, it is in the best interests of the Borough of Allenhurst to accept the proposed settlement and avoid the substantial risks associated with proceeding further with a defense to the Builder's Remedy Action:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Borough of Allenhurst that the statements contained in the foregoing preamble be and are hereby incorporated into this Resolution as if more fully set forth herein at length; and

**BE IT FURTHER RESOLVED** that the settlement of the Builder's Remedy Action in accordance with the terms and conditions set forth in the Affordable Housing Settlement Agreement attached hereto and made a part hereof by reference, be and is hereby authorized and approved; and

**BE IT FURTHER RESOLVED** that the Borough shall seek the Court's approval of this Affordable Housing Settlement Agreement as is a required procedure in Mount Laurel jurisprudence; and

**BE IT FURTHER RESOLVED** that the Mayor be and hereby is authorized and directed to execute such settlement documents as may be required to consummate the Affordable Housing Settlement Agreement on behalf of the Borough.

VOTE: Comm. McLoughlin-AYE; Comm. Cumiskey-AYE; Mayor McLaughlin-AYE

**ITEMS FOR DISCUSSION:**

See the attached transcript.

**PUBLIC COMMENTS**

See the attached transcript.

There being no further business or comments, Comm. McLoughlin moved, seconded by Mayor McLaughlin that the meeting be adjourned at 8:40 PM. Motion carried.

<div>93</div> <div>1 MAYOR McLAUGHLIN: You have to go 2 over the railroad tracks -- inaudible -- there's 3 no way out. So again have to deal with the DOT, 4 they have to put that. 5 MR. ADJMI: Thank you very much. 6 MAYOR McLAUGHLIN: Thank you. 7 Anybody else have anything? Okay, thank you 8 everybody for coming and we appreciate it. 9 COMMISSIONER McLOUGHLIN: I'd like to 10 officially offer Resolution 2023-61 Authorizing 11 Settlement with Power Station, L.L.C. I'll offer 12 it. 13 MAYOR McLAUGHLIN: Anyone second? 14 COMMISSIONER CUMISKEY: Second. 15 MAYOR McLAUGHLIN: All those in 16 favor? 17 COMMISSIONERS: Aye. 18 COMMISSIONER McLOUGHLIN: I make a 19 motion to adjourn. 20 MAYOR McLAUGHLIN: I'll second that. 21 (Meeting is concluded.) 22 23 24 25</div>	<div>94</div> <div>1 <u>CERTIFICATE</u> 2 3 I, MICHELE A. MAC PHERSON, Transcriber and 4 Notary Public of the State of New Jersey, hereby 5 certify the foregoing to be the truest and most 6 closely verbatim record able to have been 7 rendered by me. 8 9 10 11 12 13 14 15 MICHELE A. MAC PHERSON, 16 Transcriber 17 18 My Commission expires: 19 February 7, 2026 20 21 DATED: March 3, 2023 22 23 24 25</div>

<div>1THE BOROUGH OF ALLENHURST 2BOARD OF COMMISSIONERS MEETING 3X ----- X 4TRANSCRIPT OF 5PROCEEDINGS 6X ----- X 7 8 9February 14, 2023 10Allenhurst, New Jersey 11 12BOARD OF COMMISSIONERS 13DAVID McLAUGHLIN, Mayor 14CHRISTOPHER McLOUGHLIN, Deputy Mayor 15RICHARD CUMISKEY, Commissioner 16DONNA M. CAMPAGNA, Clerk 17 18 19 20 21 22 23 24 25</div>	<div>1A P P E A R A N C E S 2 3BIRDSALL &amp; LAUGHLIN, L.L.C. 4BY: DAVID A. LAUGHLIN, ESQ. 51720 State Highway 34 6Wall, New Jersey 07719 7Attorney for the Borough of Allenhurst. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</div>
<div>1MAYOR McLAUGHLIN: I'm going to call 2the meeting to order. Pledge of Allegiance. 3(Assembled body recites the Pledge of 4Allegiance.) 5MAYOR McLAUGHLIN: Good evening, 6everybody and happy Valentine's Day. Donna, could 7you please take the roll call. 8MS. CAMPAGNA: Sure. Commissioner 9McLoughlin? 10COMMISSIONER McLOUGHLIN: Here. 11MS. CAMPAGNA: Commissioner Cumiskey? 12COMMISSIONER CUMISKEY: Present. 13MS. CAMPAGNA: Mayor McLaughlin? 14MAYOR McLAUGHLIN: I'm here. Notice 15requirements of State Statute have been satisfied 16by delivering required notice to The Coaster and 17The Asbury Park Press, posting the notice on the 18board in Borough Hall and filing a copy of said 19notice with the Borough Clerk. 20Donna, we have some communications. 21MS. CAMPAGNA: Yes, we have Ocean 22Township Ordinance number 2407 amending and 23supplementing Chapter 21 of the Comprehensive Land 24Development Ordinance regarding warehouses in C-5 25Zone.</div>	<div>1Another Ocean Township Ordinance number 22407 amending and supplementing Chapter 21 of the 3Comprehensive Land Development Ordinance 4regarding cannabis zones and taxes. 5MAYOR McLAUGHLIN: Okay. Thank you. 6Before we get started I did just want to mention 7longtime Borough employee Sonny Driscal passed 8away last week. Sonny worked down at the beach a 9number of years. He worked for the Borough for 10probably 40 years. Even after he retired, just 11most recently he would drive the Allenhurst 12Shuttle Bus around town, so maybe some of the 13newer residents know him from that. So our 14condolences to his family. 15What we're going to do now is we have some 16just general housekeeping we're going to take care 17of right now with the ordinances. 18COMMISSIONER McLOUGHLIN: I'd like to 19offer by Consent Agenda the Resolutions 2023-49 20through 2023-59. I'll offer it. 21COMMISSIONER CUMISKEY: Second. 22MAYOR McLAUGHLIN: All those in 23favor? 24COMMISSIONERS: Aye. 25MAYOR McLAUGHLIN: I'd like to offer</div>

<p>5</p> <p>1 Resolution 2023-60 approving bills and payroll 2 totalling \$888,118.09. I'll offer it. 3 COMMISSIONER CUMISKEY: Second. 4 MAYOR McLAUGHLIN: All those in 5 favor? 6 COMMISSIONERS: Aye. 7 MAYOR McLAUGHLIN: Okay. The last 8 one Resolution 2023-61, this is the Authorization 9 for Settlement. We're going to wait to the end of 10 the meeting before we take action on that. 11 What I'd like to do, again I thank 12 everybody for coming. I know it's Valentine's 13 Day, and Happy Valentine's Day. Can everybody 14 hear me? 15 I'd like to try and do just a quick recap 16 from when we last talked about this subject, which 17 was the end of the summer. We had informed 18 everybody that we were in the middle of a 19 Builder's Remedy lawsuit about Affordable Housing 20 in the town. 21 At that point in time we had been meeting 22 with a Special Master and trying to work out a 23 settlement. And at that point in time we still 24 did not have a settlement. The Builder's Remedy 25 called for 245 units, 196 market-rate rentals and</p>	<p>6</p> <p>1 49 affordable units. 2 And just again recap why those number and 3 what they're looking for, you know the Town has an 4 Affordable Housing obligation. And the way the 5 law is written when one of these suits is filed 6 and we're found in arrears on an affordable 7 housing obligation there is this little formula 8 they use that developer is allowed to build four 9 units for every affordable unit that's produced. 10 And I want to emphasize affordable units 11 are not Section 8 Housing. I've got a lot of 12 folks coming up to me saying Section 8 Housing. 13 Two different things is the income base, you know, 14 it's designed for teachers, firemen, first 15 responders, but again it's income based. 16 So we were stuck with the task of trying to 17 try and settle the 245 or we go to court. And as 18 I had explained in August no town has ever won a 19 Builder's Remedy. They always lose them. In 20 looking at some of the other towns that have had 21 to deal with this, I had mentioned to you that one 22 of the Mayors in the town had said that they went 23 to court because where the units were going to go 24 was going to exacerbate a flooding condition. And 25 this will just give you an idea the court ruled</p>
<p>7</p> <p>1 and said, yeah we know it's going to exacerbate a 2 flooding condition but too bad. You're going to 3 deal with it. 4 One of the things with the Builder's 5 Remedy, and I ask Dave Laughlin and Matt Jessup 6 to interrupt me if I'm wrong, is your local zoning 7 and all that comes out of your hands. It goes to 8 the court and the court decides that. So setback 9 requirements and so forth that as well goes out 10 the window. 11 And just recently we've gotten you know 12 quite a few questions and one of the ones that 13 came up and it's a good question is, in this 14 proposed settlement we're saying hey you're 15 allowed to work through the Moratorium. Well as 16 part of our negotiations with the Special Master 17 we had to sit down with the other side and the 18 other side has to agree with what we're proposing. 19 Okay. But also because we're in a Builder's 20 Remedy the way the law is written is we cannot put 21 any undue burden on the developer, which we are 22 told that's the what the court would interpret 23 this as. So it was not our intention to just give 24 the developer a free pass on it. Rather than 25 blowing up a deal we compromised. And if we</p>	<p>8</p> <p>1 hadn't and we got to court probably wouldn't have 2 won it anyway. 3 So we worked out a compromise limiting the 4 hours and limiting construction. Again we're in a 5 Builder's Remedy. This is not your typical normal 6 project. It's different. 7 Some of the other questions that were asked 8 taxes, are my taxes going be -- how are they 9 impacted? We're doing a different program on you 10 and this has been in the Power Point that we put 11 out here for everybody to kind of look at and try 12 and absorb. It's a lot of information to absorb. 13 But if you all notice when you pay your 14 taxes a little over 40 percent, so for every 15 dollar you pay a little over 40 percent of that 16 dollar goes to the County. It doesn't go to us. 17 We collect it but then the County will send us a 18 bill, and they want a piece. And that's based on 19 an overall assessed value of the town. 20 What we're doing with this settlement is 21 it's called Pilot Program. So 95 percent of the 22 tax dollar that's collected through this Pilot 23 Program goes to the Borough and only five cents 24 goes to the County. So in essence we're 25 collecting a lot more money then we normally</p>



<p>9</p> <p>1 would.</p> <p>2 There's been some other questions about</p> <p>3 fire and safe -- fire and first aid. Allenhurst</p> <p>4 and some of the newer folks in town don't realize</p> <p>5 this, years ago we used to patrol Loch Arbour and</p> <p>6 we did it with the same amount of folks that we</p> <p>7 have now. It's a good question. Are we going to</p> <p>8 need more officers? Probably not. But if we do,</p> <p>9 we need another one, the Chief can weigh in on</p> <p>10 that and advise us. But keep in mind we did</p> <p>11 patrol other towns without adding anyone. Okay.</p> <p>12 We've got a full force right now.</p> <p>13 Some of the other quick little things that</p> <p>14 we'll go through. You know people are saying</p> <p>15 these numbers are high. This is what it comes</p> <p>16 down to, folks. It comes down to either we go for</p> <p>17 the settlement for 245. That's what it comes down</p> <p>18 to. We're going to go to court, we're going to</p> <p>19 face looking at 245.</p> <p>20 Keeping it at the 113 we're able to control</p> <p>21 what the architecture looks like to a certain</p> <p>22 extent. They've provided drawings. It's keeping</p> <p>23 in character to the town.</p> <p>24 If they go to court and they come up with a</p> <p>25 plan that's approved, all our design guidelines</p>	<p>10</p> <p>1 and everything is out the window. If they build</p> <p>2 two huge monoliths on Main Street. We don't have</p> <p>3 any control of that. Setback requirements, that's</p> <p>4 -- it goes into the court's hands not our hands.</p> <p>5 Parking is also an issue. With the</p> <p>6 Redevelopment Plan and proposed settlement we all</p> <p>7 know traffic here is extremely difficult. With</p> <p>8 this proposed settlement we have got everything</p> <p>9 covered where it's into the RSIS standards for</p> <p>10 parking. That's a state guideline meaning that</p> <p>11 each unit has the required number of spaces that</p> <p>12 they are required by law.</p> <p>13 The next thing -- I'm touching on topics</p> <p>14 very briefly. One of the questions that came up</p> <p>15 is the Beach Club. Again I want to put that on</p> <p>16 our peaking order, of all the things to be worried</p> <p>17 about that is the least to be worried about</p> <p>18 because the Town has so many different levers to</p> <p>19 pull as far as managing the Beach Club and the</p> <p>20 capacity. Once the Beach Club is full, it's full.</p> <p>21 Okay. It simply is closed at that point. If</p> <p>22 you're asking me what exactly are you going to do?</p> <p>23 We've got a number of ideas. But at this point</p> <p>24 we've got enough time to really think it through</p> <p>25 to come up with a cohesive plan. But again that</p>
<p>11</p> <p>1 should not be -- nobody should angst over that at</p> <p>2 this point.</p> <p>3 Utilities. It's a good question. The</p> <p>4 developer is responsible for utilities. Any</p> <p>5 improvements that have to be done to that they are</p> <p>6 responsible for.</p> <p>7 Another topic that's come up, remediation.</p> <p>8 Okay the known sites that were open, have been</p> <p>9 open, monitored and closed. But again the</p> <p>10 developer if he finds something the state comes in</p> <p>11 and the state monitors that. A lot of people say</p> <p>12 what are you going to do? We're not in charge of</p> <p>13 that. We're not the DEP. The DEP does that. We</p> <p>14 can certainly review it and check it with the Town</p> <p>15 Engineer.</p> <p>16 But I have to remind everybody we're a</p> <p>17 small, little town we don't have all these hats to</p> <p>18 wear.</p> <p>19 Chris, do you want to add anything at this</p> <p>20 point?</p> <p>21 COMMISSIONER McLOUGHLIN: Sure. The</p> <p>22 only point I would make and I appreciate</p> <p>23 everyone's concern and I hope everyone realizes</p> <p>24 this is the best deal that we have gotten to. It</p> <p>25 is not perfect by any stretch of the imagination.</p>	<p>12</p> <p>1 But if I let perfect get in the way of the good,</p> <p>2 I'm going to have 245 units and two monoliths on</p> <p>3 either side of the street.</p> <p>4 So I just want everyone to think of this</p> <p>5 very simply in this moment in time it's a binary</p> <p>6 choice. That's all it is. Additionally there is</p> <p>7 a lot of things that could be coming down the road</p> <p>8 and we don't even know yet. I have no firm</p> <p>9 belief that the developer themselves are actually</p> <p>10 going to break ground. For all I know they're</p> <p>11 looking to to flip some of the properties. I've</p> <p>12 heard as much. Can't speak to it absolutely. But</p> <p>13 before I start worrying about what could happen, I</p> <p>14 know what will happen in the next six to eight</p> <p>15 months if I don't come to this settlement.</p> <p>16 MAYOR McLAUGHLIN: Rich, do you want</p> <p>17 to add anything?</p> <p>18 COMMISSIONER CUMISKEY: No you</p> <p>19 covered it.</p> <p>20 MAYOR McLAUGHLIN: Okay. I would be</p> <p>21 remiss, I just to thank one of our residents who</p> <p>22 stepped forward and was very instrumental. As I</p> <p>23 said we've been sitting with the Special Master</p> <p>24 and the Town professionals for a little over a</p> <p>25 year. Paul Schechner was wonderful. He stepped</p>

<p>1 forward and actually helped by being involved with 2 the negotiations. Mr. Schechner does this for a 3 living and he was terrific. He actually came to 4 quite a few meetings and gave a tremendous amount 5 of assistance. Again we want to thank him for his 6 participation. We really, really appreciate it. 7 I'm trying to think. Is there anything 8 else we want to add before we open it up? 9 COMMISSIONER McLOUGHLIN: The only 10 thing I would just add is I hope you know we've 11 been doing this a long time. I think most of you 12 know us. I think you think we're reasonable by 13 and large. And I want to address that if a 14 problem arises it is something that we will 15 address and we will address it as a town. 16 I'd like to think that particularly we have 17 with regard to ordinances we have delayed passing 18 ordinances now. We're giving a month's time line 19 to make sure that everyone has time to absorb what 20 we're looking to do. And we're trying to make 21 sure that all of the information gets out there 22 and I think we did that in this particular case. 23 And again I want to thank Mr. Schechner immensely. 24 For those of you who don't know what Mr. Schechner 25 does, he is vice chairman of Barclay's Bank in</p>	<p>14 1 charge of global real estate. So I don't think we 2 really could have found a better person to kind of 3 assist us. If it was television, I was your guy. 4 That was not the case in this moment in time. So 5 I just want to thank him again. 6 MAYOR McLAUGHLIN: The last thing I 7 want to mention is that some folks had said, oh 8 we should ask the developer can you please make 9 these condos instead of rental. We have asked 10 that. But again this Governing Body does not have 11 the authority to say, hey redevelopment is going 12 to X. We don't have that authority. We've asked 13 the developer to do that. We're hoping they're 14 going to do that. 15 As mentioned in the Power Point this 16 Resolution that we're looking to take action on 17 tonight is one step. In the Power Point you'll 18 notice that the Borough has a need for space. 19 We are going to try negotiate to see if we can buy 20 the west side of the property. That's the next 21 step. To see if we can actually negotiate with 22 the developer to see if he'll sell us that 23 property. We're going to try our best and see 24 what happens. But that's the next plan to see if 25 we can get that.</p>
<p>15 1 At that point, Dave or Matt, does anybody 2 have anything to add at this point? 3 MR. LAUGHLIN: Not at this point but 4 I'll answer questions when they come. 5 MAYOR McLAUGHLIN: All right. So 6 what I'm going to ask you to do is if you have a 7 question if you could please come up to the 8 microphone. Just introduce yourself. Give your 9 address. And because of the crowd we are going to 10 limit it to five minutes for each question. 11 So I'll open up the floor. If anybody has 12 any questions or comments, please come up. 13 Yes, sir. 14 MR. KRENKEL: I'm here on behalf of 15 Dan Saltee. My name is David Krenkel. You 16 probably know me. I have a law firm down at 17 Krenkel and Krenkel. So Dan is over at 238 Allen 18 Avenue. He can't be here tonight. As you 19 probably know Dan also purchased 404 and 406 Lake 20 Drive at back of the 23 units. 21 First of all Dan did instruct me to say to 22 the Board you know he acknowledges all the work 23 everybody has put in and it doesn't go 24 unappreciated. It is appreciated. -- individual 25 concerns as well.</p>	<p>16 1 In speaking to Dan one of the concerns is, 2 when he bought the 404 and 406 about a year and a 3 half ago, you know, obviously that is a quiet 4 little area back there and that's going to change 5 with everything that's going on. 6 So unfortunately you know we're going to 7 see a lot of changes over there. But his concern 8 is, you know, tongue and cheek, he said -- 9 fencing going up. I kind of laughed when he told 10 me that as well. But we know what's going to 11 happen over there -- his concern is -- one of the 12 concerns he has over there is, we talked about the 13 different structure over there, I know he's had 14 problems over there. I can tell you as well -- I 15 don't know if anybody here took my calls but we 16 had it as well over at 107 Main Street and we made 17 probably three or four different calls over time. 18 Interestingly when they were working on the 19 street, that sewer system got backed up in my 20 building right after that. So then I made the 21 calls about that. So when I spoke to Dan about 22 it, I said Dan it's interesting you mentioned that 23 because I had three or four different 24 professionals in. And Dan said I've had the same 25 problem over there. They're telling me there's</p>

17

1 something wrong with the sewer system.  
2 So at this point, you know, his biggest  
3 concern happens to be my concern as well is  
4 there somebody that's going to look at that sewer  
5 system during the analysis, if that hasn't already  
6 been done, to find out what's going on?  
7 I'm pretty confident myself there's a  
8 problem with that. So whether the 23 units plus  
9 the other units there are creating a further  
10 problem, I don't know. But it does seem pretty  
11 clear, again I had three or four different  
12 professionals in and asked them to take a look at  
13 it, and they said it's out there. It's not in  
14 here.  
15 I will tell you when it rains a lot that's  
16 going to cause a problem. And I know salt water  
17 is not from public sewer. Okay. So that's one of  
18 the biggest concerns that he has, if there could  
19 be somebody or at least address it as you enter  
20 that issue and make sure that it's fine.  
21 Now I did take a look at what's being  
22 dedicated, which would be Block 31, Lot 3 I  
23 believe it is. Is that the Lake Drive property?  
24 Am I correct?  
25 MAYOR McLAUGHLIN: I believe that's

19

1 MR. KRENKEL: He's not right up  
2 against the 23 building a little distance between  
3 them.  
4 COMMISSIONER McLOUGHLIN: Yes.  
5 MAYOR McLAUGHLIN: Yes. Yes.  
6 MR. KRENKEL: Okay. Do you think  
7 that a plan or a survey will come out at some  
8 point in time that will actually show that or is  
9 that to be determined?  
10 COMMISSIONER McLOUGHLIN: It will  
11 have to when it goes before the Planning Board. I  
12 mean I'm going to let Dave Laughlin speak to that  
13 because again the steps of the Municipal Land Use  
14 Law on how this is going to take place I'm going  
15 to let the experts speak to that.  
16 MR. LAUGHLIN: If I may, there's a  
17 whole lot of steps. This is really step one.  
18 Once the settlement is approved and we actually go  
19 to court regardless, it has to go before the  
20 Planning Board to be approved. Then we have to  
21 have what's called a fairness hearing in court.  
22 That will be months from now. I'm guessing late  
23 May, early June my best guess. So there's a long  
24 lead out time before this is at a stage where  
25 we're pushing ground or doing any building.

18

1 it.  
2 MR. KRENKEL: Right. The one that  
3 he's got the two properties over there. In what I  
4 saw in a settlement it looks like a portion of  
5 that has already been dedicated over. Does  
6 anybody know which portion is sound or has there  
7 been any analysis of that as to which portion of  
8 it's going to be dedicated over to the developer?  
9 COMMISSIONER McLOUGHLIN: The  
10 southern most portion is going to be given to  
11 the developer. Again I'm not a surveyor but I  
12 would say probably half of the tennis court to a  
13 third of that tennis court going south.  
14 MAYOR McLAUGHLIN: And to be clear  
15 the water tower has to come down. We have  
16 reflector pads on there, so a new monopole will be  
17 put up and that's going to be relocated down  
18 further south. So we will keep a portion of the  
19 property and put that on it.  
20 MR. KRENKEL: So in relation to Dan's  
21 property -- Mr. Saltee's property it probably will  
22 be a little bit bigger buffer or the town will  
23 retain -- or at least the plan now is to retain  
24 --  
25 COMMISSIONER McLOUGHLIN: A portion.

20

1 There will be a definitive survey prepared.  
2 There will be lot lines drawn. Chris'  
3 description is roughly accurate. Pretty much the  
4 northern most half of the tennis courts is going  
5 to remain Borough property. That's going to turn  
6 into a space for an antenna for a communications,  
7 so we can keep that revenue. Pretty much  
8 everything south of that is going to be for the  
9 redevelopment and there will be plans drawn at  
10 some point in time. It does have to go before  
11 the Planning Board, the Planning Board Chairman  
12 is here. Including opportunity for you to  
13 comment on that.  
14 MR. KRENKEL: Right. Great.  
15 Fantastic. Is there going to be anything in that  
16 area such as -- are they going to keep the tennis  
17 courts? Are they going to -- because I did see  
18 some reference about pickle ball courts. I love  
19 playing pickle ball. That's great.  
20 MAYOR McLAUGHLIN: So the whole idea  
21 is to clean that section up. So right now because  
22 of the redevelopment and what's been going on  
23 it's been left in kind of standstill. So we're  
24 looking at either a pickle ball court but  
25 something will be put in there.

<p>21</p> <p>1 We're going to try and green it up. Clean 2 it all up. As I said with the water tower coming 3 down, it's going to make some space. We plan to 4 try and again when it's done it will look a lot 5 nicer than it is right now.</p> <p>6 MR. KRENKEL: The changes to the 7 pickle ball slash tennis court in that area is 8 that something that you would anticipate the 9 developer would be doing as part of the 10 settlement or is that up to the town?</p> <p>11 MAYOR McLAUGHLIN: It will probably 12 be us. Yeah, it would be us.</p> <p>13 MR. KRENKEL: And --</p> <p>14 MAYOR McLAUGHLIN: And just to be 15 clear we might not have the capability to put a 16 pickle ball court there, I don't know. Because we 17 might want to keep it green. Maybe we'll put up a 18 pickle ball court some place else in town. In 19 one of the parks. But I just want to be clear, I 20 don't want anybody saying you said you're going to 21 put a pickle ball court there. We might not. I 22 don't know.</p> <p>23 MR. KRENKEL: Right. Do you feel 24 confident that -- and again from Mr. Saltee's 25 prospective going back there, we know it's going</p>	<p>22</p> <p>1 to happen. You know, it's a question of how it 2 happens like you said which I totally understand 3 his concern is that when we do get to that point, 4 if we can get a feeling that it's really going to 5 happen that the pickle ball or whatever you want 6 to call it, whether it's going to be greenery, a 7 park, whatever, that you feel confident that 8 that's going to happen, so we're not looking -- we 9 know it's ugly back there right now. That's no 10 surprise to anybody. But moving forward that it 11 really is going to happen and that way that there 12 will be some nice greenery and a little pretty.</p> <p>13 MAYOR McLAUGHLIN: Yes. Yes. Much 14 better than what we have now. And those units are 15 supposed to be along the lines of carriage houses. 16 That's what we're told.</p> <p>17 MR. KRENKEL: There's no pictures of 18 those units are this point though right?</p> <p>19 MR. LAUGHLIN: They haven't been 20 designed yet. We're not there yet.</p> <p>21 MR. KRENKEL: Okay. Thank you. What 22 about the -- and I've probably eaten into my five 23 minutes here the entrance of Lake Drive in terms 24 of back and forth right now I think that's --</p> <p>25 COMMISSIONER McLOUGHLIN: We are</p>
<p>23</p> <p>1 completely aware that the Corlies/Lake Drive 2 intersection is going to need to be reworked. And 3 that will be part of any plan for anyone to be 4 building back there. Not just because it's a 5 hairy turn but our own Fire Department would have 6 trouble making a turn into that area and that's 7 something we would need to fix or modify and 8 we're well aware of that.</p> <p>9 MR. KRENKEL: Okay. And that would 10 be a future event also on that.</p> <p>11 MAYOR McLAUGHLIN: Yes.</p> <p>12 COMMISSIONER McLOUGHLIN: Well before 13 anyone is ever occupying said structures.</p> <p>14 MR. KRENKEL: Okay. All right. All 15 right. That's all I have except if you want to 16 sell that entity the 23 units -- inaudible.</p> <p>17 COMMISSIONER McLOUGHLIN: He at this 18 point would have to deal with Fair Share.</p> <p>19 MR. KRENKEL: Okay. Thank you.</p> <p>20 MAYOR McLAUGHLIN: Yes, sir.</p> <p>21 MR. NEISS: Good evening, Mr. Mayor.</p> <p>22 MAYOR McLAUGHLIN: Good evening.</p> <p>23 MR. NEISS: My name is Arthur Neiss.</p> <p>24 I'm a member of the law firm Beattie Padovano and 25 I represent the Allenhurst Taxpayers Association,</p>	<p>24</p> <p>1 the ATA. For tonight's meeting the ATA speaks on 2 behalf of well over 50 percent of the taxpayers of 3 Allenhurst. I'm advised by our client that its 4 last Petition to the Borough's Police Dispatcher 5 was signed by 377 ATA members and residents. This 6 Board certainly knows many of the ATA's members 7 have lived in town for more than 25 years. Because 8 many of the ATA's members could not be here 9 tonight, I wanted to express the ATA's frustration 10 that this proceeding could not be broadcast via 11 ZOOM or some other streaming service.</p> <p>12 My law partner John Lamb has provided the 13 Board with this February 13, 2023 letter setting 14 forth an overview of what the ATA believes are the 15 most important points for your consideration 16 tonight and this process is settled. For the 17 members of the public who are present I have 18 placed additional -- actually Ms. Campagna has 19 placed additional copies on the back table at the 20 rear.</p> <p>21 COMMISSIONER McLOUGHLIN: I'm sorry, 22 sir, you were about to get into the list of things 23 that are ATA's concerns.</p> <p>24 MR. NEISS: I'm almost done.</p> <p>25 COMMISSIONER McLOUGHLIN: I'm not</p>

<p>25</p> <p>1 asking you to be, we reserved your time.</p> <p>2 MAYOR McLAUGHLIN: So please pick up</p> <p>3 where you left off. Sorry.</p> <p>4 MR. NEISS: So where I left off is</p> <p>5 that there are approximately 350 homes in the</p> <p>6 Borough and the proposal -- 113 units for a 32</p> <p>7 percent increase in anyone's view, this is</p> <p>8 substantial. And therefore, the proposed</p> <p>9 development must be monitored closely and every</p> <p>10 attempt must be made to maintain to the lifestyle</p> <p>11 in town that all the people, the Commissioners,</p> <p>12 the members of the ATA and the remaining residents</p> <p>13 believe makes this place so special.</p> <p>14 Rather than reiterate all of Mr. Lamb's</p> <p>15 letter, I want to summarize some of the items I</p> <p>16 view crucial for your consideration.</p> <p>17 One, under the settlement the density of</p> <p>18 the west side property is simply too high.</p> <p>19 Two, the Borough's residents have a more</p> <p>20 familiarity with how traffic becomes and how the</p> <p>21 town's resources are stretched during the summer</p> <p>22 months.</p> <p>23 I'm also advised that the Borough's</p> <p>24 ordinances have long continued restrictions on</p> <p>25 construction activities during those months. The</p>	<p>26</p> <p>1 ATA believes those restrictions were put into</p> <p>2 place for many reasons and they should be</p> <p>3 preserved for all of those reasons.</p> <p>4 The ATA also recognizes that the proposal</p> <p>5 is a large undertaking and that builders often</p> <p>6 prefer when the weather is warm.</p> <p>7 We respectfully request that the issue of</p> <p>8 parking for the proposed units be reviewed and</p> <p>9 carefully considered within light of the RSIS</p> <p>10 standards. It is in no one's best interest for</p> <p>11 the downtown to become a parking lot for</p> <p>12 residential users.</p> <p>13 We further respectfully request that the</p> <p>14 matter of the Borough's infrastructure be reviewed</p> <p>15 and carefully considered. It would be unfair and</p> <p>16 unacceptable for the Borough to be required to</p> <p>17 absorb the costs of putting in water, sewer,</p> <p>18 electricity and other infrastructure for these</p> <p>19 projects. This applies to main tenants as well.</p> <p>20 Of equal concern to our client and probably</p> <p>21 to all of the other residents the demand that will</p> <p>22 be placed on these elements of the Borough's</p> <p>23 infrastructure as a result of this development.</p> <p>24 It must be the obligation of the developer to</p> <p>25 include in the plans and therefore be responsible</p>
<p>27</p> <p>1 for the accommodation of all of these concerns.</p> <p>2 The proposal should be scoured to insure that this</p> <p>3 is the case even with respect to off site</p> <p>4 improvements.</p> <p>5 As the site plans are developed one would</p> <p>6 be great to insure the Borough be getting what it</p> <p>7 ultimately will agree to is its retention of a</p> <p>8 supervising engineer for the project. The</p> <p>9 supervising engineer can and should have a seat at</p> <p>10 the table representing the interests, concerns and</p> <p>11 requirements of all residents. Other communities</p> <p>12 have used this concept to their advantage and</p> <p>13 given the size and nature of the proposed project</p> <p>14 having an independent engineer will be</p> <p>15 advantageous here.</p> <p>16 The ATA believes an engineer exercise</p> <p>17 independent professional judgement is absolutely</p> <p>18 necessary for this project. The cost of the</p> <p>19 supervising engineer should and must be at the</p> <p>20 developer's expense.</p> <p>21 Further the ATA believes that the west side</p> <p>22 property should contain only for sale dwelling</p> <p>23 units, leave only the affordable housing units on</p> <p>24 the Lake side as rentals.</p> <p>25 The ATA seeks to preserve the PSE&amp;G</p>	<p>28</p> <p>1 building on Main Street. It would take a bit of</p> <p>2 converting but it is possible to avoid some or all</p> <p>3 -- inaudible -- on the west side can be located</p> <p>4 there. Inaudible -- my client advises that I need</p> <p>5 not say anything further and just about everyone</p> <p>6 in town is aware of this situation must be</p> <p>7 addressed.</p> <p>8 Finally, the ATA asks the Commissioners to</p> <p>9 carefully consider the Right Of First Offer</p> <p>10 because in our view it is looser and does not</p> <p>11 bind the developer.</p> <p>12 In this presentation by our client, I've</p> <p>13 tried to be short and concise in a very real sense</p> <p>14 our client is you, the residents of this wonderful</p> <p>15 Borough. We will be watching the development of</p> <p>16 the settlement proposal you are considering as our</p> <p>17 client wishes to be integral and helpful to the</p> <p>18 projects.</p> <p>19 On our clients' behalf thank you for</p> <p>20 this process with input from all the residents.</p> <p>21 Thank you.</p> <p>22 COMMISSIONER CUMISKEY: Thank you</p> <p>23 very much.</p> <p>24 MAYOR McLAUGHLIN: Thank you.</p> <p>25 COMMISSIONER McLOUGHLIN: Thank you</p>

<p>29</p> <p>1 very much.</p> <p>2 MR. CAULFIELD: Jim Caulfield and</p> <p>3 not being paid by the -- I get out of here</p> <p>4 quickly. I live at 2 Spier Avenue in Allenhurst.</p> <p>5 Two quick questions: One, in the Redevelopment</p> <p>6 Agreement could we limit the rental agreement to</p> <p>7 a minimum of a year rental? So it wouldn't be a</p> <p>8 month-by-month or six months or three months at a</p> <p>9 minimum.</p> <p>10 MR. LAUGHLIN: If I may, we already</p> <p>11 have an ordinance that says that.</p> <p>12 MAYOR McLAUGHLIN: So we're covered</p> <p>13 on that.</p> <p>14 MR. CAULFIELD: What is the minimum?</p> <p>15 MAYOR McLAUGHLIN: What's that?</p> <p>16 MR. CAULFIELD: What is the minimum?</p> <p>17 MAYOR McLAUGHLIN: The minimum is --</p> <p>18 MR. LAUGHLIN: One year.</p> <p>19 MAYOR McLAUGHLIN: -- one year. Yeah</p> <p>20 it's one year.</p> <p>21 COMMISSIONER McLOUGHLIN: We already</p> <p>22 have it on the books one year. Now having said</p> <p>23 that --</p> <p>24 MR. LAUGHLIN: It's already on the</p> <p>25 books.</p>	<p>30</p> <p>1 (Inaudible.)</p> <p>2 MR. CAULFIELD: Yeah but if you have</p> <p>3 a redevelopment you have separate rules for</p> <p>4 redevelopment.</p> <p>5 COMMISSIONER McLOUGHLIN: We would</p> <p>6 have separate rules for redevelopment, if we lose</p> <p>7 the Builder's Remedy lawsuit.</p> <p>8 MR. CAULFIELD: Well this is a</p> <p>9 redevelopment area.</p> <p>10 COMMISSIONER McLOUGHLIN: Well I'll</p> <p>11 let Matt or Dave speak to that.</p> <p>12 MR. CAULFIELD: As long as that's</p> <p>13 included I have no problem.</p> <p>14 MR. LAUGHLIN: The ordinance covers</p> <p>15 everybody.</p> <p>16 MR. CAULFIELD: Okay. And the other</p> <p>17 question is was it ever entertained to just</p> <p>18 eliminate the affordable units?</p> <p>19 MAYOR McLAUGHLIN: What do you mean</p> <p>20 by that, Jim?</p> <p>21 MR. CAULFIELD: Not build the 23</p> <p>22 units. Tell the developer pull that out.</p> <p>23 COMMISSIONER McLOUGHLIN: When the</p> <p>24 ATA sued us back in the day it was in every</p> <p>25 newspaper. As soon as it hit the newspapers Fair</p>
<p>31</p> <p>1 Share Housing was like well this is interesting.</p> <p>2 There was a 10 percent set aside, that's not going</p> <p>3 to fly for us. So they joined the lawsuit because</p> <p>4 it was very well publicized.</p> <p>5 MR. CAULFIELD: Well it's not</p> <p>6 required that they do --</p> <p>7 COMMISSIONER McLOUGHLIN: Now it is.</p> <p>8 MAYOR McLAUGHLIN: Oh, it is now.</p> <p>9 COMMISSIONER McLOUGHLIN: It is now.</p> <p>10 That's the whole point of the Builder's Remedy</p> <p>11 lawsuit.</p> <p>12 MR. CAULFIELD: Well it is the point</p> <p>13 and I understand that. But a lot of towns are</p> <p>14 making arrangements with the developer not to</p> <p>15 build those units if the cutback with some other</p> <p>16 units.</p> <p>17 MAYOR McLAUGHLIN: Right now though</p> <p>18 we're facing two lawsuits. We're facing the</p> <p>19 Builder's Remedy and we're also facing a lawsuit</p> <p>20 from the Affordable Housing.</p> <p>21 MR. CAULFIELD: How does the 23 unit</p> <p>22 count come up then?</p> <p>23 MAYOR McLAUGHLIN: 23 units we get</p> <p>24 double credit for those units.</p> <p>25 MR. JESSUP: We get double credit for</p>	<p>32</p> <p>1 those units so that brings us almost close to our</p> <p>2 --</p> <p>3 MR. LAUGHLIN: It satisfies as much</p> <p>4 as you can possibly do because you don't have any</p> <p>5 other land.</p> <p>6 MR. CAULFIELD: But could he have</p> <p>7 built 50 affordable units if he wanted to?</p> <p>8 (Inaudible.)</p> <p>9 MR. LAUGHLIN: If we do not do the</p> <p>10 settlement and the Builder's Remedy suit continues</p> <p>11 it's 245 units -- let me finish. It's 245 units</p> <p>12 and 49 of which are affordable. 49 not 23. This</p> <p>13 negotiation is 23.</p> <p>14 MR. CAULFIELD: Well we're still</p> <p>15 liable for the other affordable units.</p> <p>16 MR. LAUGHLIN: Most of this will</p> <p>17 satisfy your outstanding obligation.</p> <p>18 MR. CAULFIELD: That's only 23 out of</p> <p>19 49. Hypothetically if they sell the gas station</p> <p>20 and a builder comes in and says listen I'm going</p> <p>21 to go the same route these developers are going</p> <p>22 he can do the same thing on the gas station site.</p> <p>23 MR. JESSUP: Right. So he can and</p> <p>24 that's a great point you're raising. As part of</p> <p>25 this right now the Borough is open to Builder's</p>

<p>33</p> <p>1 Remedy suits where other developers can come in 2 and said there's a property. I want to build a 3 highrise to get the other 20-some units. Right. 4 That's a good point. 5 As part of this settlement with Fair Share 6 Housing settlement we get immunity from Builder's 7 Remedy lawsuits. The Borough will be immune from 8 future Builder's Remedy lawsuits because we have 9 provided our 23 units and we have agreed, if 10 additional projects we will include 15 percent of 11 affordable housing within any projects. So the 12 point made earlier there aren't any significant 13 parcels of land available to do that. But the 14 Borough will be immune from any Builder's Remedy 15 suit who anybody to come and try and build another 16 200 -- 17 MR. CAULFIELD: The liability of 18 building 15 units though; right? 19 MR. JESSUP: No, liability -- the 20 Borough's obligation is to provide zoning for the 21 opportunity for those units but the Borough is not 22 obligated to build those units. 23 COMMISSIONER McLOUGHLIN: So is it 24 also fair to say, Matt, that as part of this 25 settlement there will be a zoning overlay that we</p>	<p>34</p> <p>1 will then spell out in the future where any 2 affordable housing can be built. And then to Dave 3 Laughlin's point, since there is no essential real 4 estate there is no opportunity for someone to come 5 in and do exactly what you're saying. 6 MR. CAULFIELD: Well that's a little 7 short sighted, I mean I remember the fire we had 8 here a couple of years ago. That real estate 9 becomes available very quickly if something 10 happens. 11 MAYOR McLAUGHLIN: But the point 12 though is in settling this we're also settling 13 with Fair Share Housing and by coming forward with 14 a plan so that it designates certain areas, if 15 that land would become available again. 16 MR. CAULFIELD: Oh we're still liable 17 for the remaining units. 18 MR. JESSUP: Again you have to 19 provide zoning to allow for the potential for 20 those units. 21 MR. CAULFIELD: Okay. 22 MR. JESSUP: That's different than 23 being liable if the units don't get built and 24 being exposed another Builder's Remedy lawsuit. 25 MR. CAULFIELD: So you got to change</p>
<p>35</p> <p>1 the zoning for that reason. 2 MR. JESSUP: So the zoning, as the 3 Mayor just mentioned the zoning would change to 4 effectively say, if multi-family housing is built 5 15 or 20 percent of those units will be 6 affordable. That requires somebody to find the 7 land, want to build on the land, tell the Borough 8 and convince the Borough that they should be 9 allowed to build, let's say, 30 units, 15 or 20 10 percent, which would be affordable. 11 MR. CAULFIELD: So they couldn't go 12 the same route that this developer -- 13 MR. JESSUP: That's correct. There 14 would be immunity that come along with our 15 settlement with Fair Share Housing Center is a key 16 component to this because it eliminates -- 17 inaudible. 18 MR. CAULFIELD: Thank you very much. 19 MAYOR McLAUGHLIN: Thank you very 20 much. 21 Anyone else? 22 MR. FELDNER: So my name is Steven 23 Feldner. I live at 1 Elberon Avenue. I have a 24 few concerns well more than a few but... 25 One thing why don't you get the Right of</p>	<p>36</p> <p>1 First Refusal from the developer? It's a Right 2 where if he's selling it, he's just giving you the 3 ability to buy it. If he's not selling it, there 4 is no -- it's something that he should give you 5 without a problem. I don't understand why they -- 6 MR. LAUGHLIN: The short answer is, 7 they refused us. 8 MR. FELDNER: Really. 9 MR. LAUGHLIN: We asked. We asked for 10 Right of First Refusal. We asked for a ROFO. 11 They basically refused both. I agreed with 12 counsel's assessment that the ROFO that's in this 13 agreement is not very effective. That's -- they 14 prescribed the language that's all they would 15 agree to. Period. 16 MR. FELDNER: So what's -- 17 MR. LAUGHLIN: What's their 18 reasoning? Frankly I don't agree with their 19 reasoning so I'm not a very good person to 20 describe it. 21 They don't want a ROFO. They don't want a 22 ROFO. They don't want a Right of First Refusal 23 and they don't want us as public entity to have 24 it. That was their -- that was the basis of their 25 argument and they refused to give it to us. We</p>

<p>37</p> <p>1 asked. I like your argument. We like your 2 thought. We asked them. 3 COMMISSIONER McLOUGHLIN: Multiple 4 times. We asked multiple times and back to the 5 well. Frankly it almost seemed like spite from 6 them. I'll be perfect blunt. I don't know why. 7 Could be the fact that, you know, they've been 8 hung up. And that might be it. That's why. 9 That's certainly someone's prerogative I guess 10 but we did ask. 11 MR. FELDNER: So the ask was there 12 and they refused it. 13 COMMISSIONER McLOUGHLIN: Right, 14 correct. 15 MR. FELDNER: Many times. 16 COMMISSIONER McLOUGHLIN: Yes. 17 MR. FELDNER: The second thing is, I 18 mean so it's really two things here. The second 19 thing would be the building and the -- I don't 20 think that that's something that should even be 21 entertained. I understand that you can say the 22 Builder's Remedy suit that they may be able to get 23 something or another but I can't imagine that a 24 town that has this ordinance in effect for the 25 amount of years that we have it in effect that</p>	<p>38</p> <p>1 they could turn around and say that they could 2 build in the summer. It's a disaster. As is it's 3 "griddy". We can drive around. We can get to 4 where we want to get to. But if you understand 5 how these things can go on, I mean everybody -- it 6 could get crazy and there's no way to stop it. 7 And from what I read you're giving them an open 8 book to just do it summer after summer. And I 9 just don't understand the logic. 10 MR. LAUGHLIN: If I may, if you don't 11 mind, Mayor, I'll take this. 12 In the Builder's Remedy lawsuit the towns 13 are not able to put cost degenerative restrictions 14 on the builders. Certainly a Moratorium for 15 building during the most prime building months of 16 the year is a cost degenerative requirement. So 17 both the Special Master would not support the 18 Moratorium nor would our opponent, the builder 19 support the Moratorium. So it was either make a 20 deal with an exception and limitations on when 21 they can work and make that deal or don't make a 22 deal at all and face 245. 23 So it always comes back to we're facing a 24 much larger product than this. So it was a 25 concession that was made because if we went to</p>
<p>39</p> <p>1 court, we wouldn't get it. 2 MR. FELDNER: Well you don't know 3 what you get. You know court is -- court happens 4 to be what a judge decides. Inaudible. 5 MR. LAUGHLIN: We do know that 6 Builder's Remedy suits no public entity has ever 7 won one and they always get larger numbers then 8 they wanted. 9 MR. FELDNER: We're not talking about 10 that. We're talking about working in the summers. 11 That's what we're talking about. That specific 12 item. 13 COMMISSIONER McLOUGHLIN: I 14 understand but I think what we're saying is that 15 the redeveloper would not agree to it. Because he 16 would not agree to it, he wasn't going to settle. 17 If he was not going to settle on that provision 18 among many, he was then going to move forward with 19 his Builder's Remedy lawsuit. And with the 20 Builder's Remedy lawsuit, which he in all 21 likelihood would win, like the lawyers have said, 22 no one has ever won. Then off to the races. 23 They're going to be able to do whatever, whenever 24 they want. 25 MR. FELDNER: It's not as easy as</p>	<p>40</p> <p>1 that but okay. 2 COMMISSIONER McLOUGHLIN: I mean I'd 3 rather have -- 4 MR. FELDNER: Let's get into the 5 project itself. The number one item that's going 6 to be in everybody's face is going to be parking, 7 congestion. Okay. You're adding 8 100-and-something, 100 units right in this spot. 9 That's a lot. So how are we going to control 10 that? "M-A-B." I understand when you say oh it's 11 good. Parking is going to be per code. But I 12 don't understand what that is. If somebody has a 13 four bedroom townhouse, is parking for only one 14 car? Is there a garage? Is it two cars? It's 15 something that really must be addressed. And then 16 when we're talking about an apartment building as 17 well. You have a lot of tenants that are going to 18 be there, whether they're owners or they're 19 renting. And you have a lot of visitors. Is 20 there going to be visitor parking? This is all 21 stuff that needs to be -- 22 COMMISSIONER McLOUGHLIN: I don't 23 disagree with you. And I would say that we have 24 and Matt can tell you I think Matt, you'll be able 25 to speak to what would RSIS standards are. If you</p>



<p>41</p> <p>1 ask how many parking spaces is a four bedroom or a 2 three bedroom or a six bedroom? There is a RSIS 3 standard for each. I would point out and not to 4 -- I mean I'm guilty of it myself and I'd like to 5 think that frankly most people in this room are 6 probably guilty of it. I have a driveway that can 7 hold six cars. I hardly ever put all six cars in 8 there. You know, so I end up parking on the 9 street. I contributed to the very problem that 10 you're speaking to as we all do. But so we as the 11 Board could say we can start restricting street 12 parking -- 13 MR. FELDNER: That's not going to 14 help if you restrict it. 15 COMMISSIONER McLOUGHLIN: Well if we 16 restrict it all over. No, no, I'm saying you got 17 to park in your driveway. You can't park in the 18 street. 19 MR. FELDNER: I'm talking about the 20 general area. Okay. This is where you have the 21 bulk of your stuff. Right here. So it's not 22 going to bother me. I'm on the beach. I mean so 23 I'm not an issue. I'm saying everybody, the town. 24 You want the town to kind of get to -- to work. 25 You don't want it to be --</p>	<p>42</p> <p>1 MAYOR McLAUGHLIN: Going along those 2 thoughts we thought about this a great deal and 3 there are certain mechanisms that we can do up in 4 this area of town, maybe no parking at night. 5 There's a lot of different things that we've 6 looked at. I hate to say this but making people 7 park off the street, use your driveways. We got 8 several implications where it's like you're not 9 allowed to anything with a garage. The garage has 10 got to remain a garage. You can't convert those. 11 You keep on expressively saying that those are 12 going to be rentals on the west side. We don't 13 know that yet. 14 MR. FELDNER: Well even if they're 15 owned. 16 MAYOR McLAUGHLIN: No but I just 17 wanted to clarify because you said rental 18 property. We don't know if they're going to be 19 rentals or condos. But they will have the parking 20 formula. Matt can tell you what the formula is 21 but there is a formula to keep the cars. There 22 will be X-number of spots for each unit. I think 23 combining that with us looking at traffic studies, 24 and saying hey restricting parking on the eastern 25 blocks. There's no parking at night. You have to</p>
<p>43</p> <p>1 have the cars off at night. You're forcing those 2 cars off the street. There's different mechanisms 3 to look at. 4 Some people are going to say, oh, restrict 5 it up here everybody is going to flow down this 6 way. I don't think so. Again, this is a thing 7 we've got to study. I see your concern. 8 MR. FELDNER: Hey, listen it's 9 everybody's concern. 10 MAYOR McLAUGHLIN: Yes. 11 MR. FELDNER: You know we're all 12 living this together. 13 MAYOR McLAUGHLIN: Absolutely. 14 COMMISSIONER McLOUGHLIN: Agreed. 15 MR. FELDNER: So I think we all have 16 to do be cognizant because after we've got to live 17 with it. 18 MAYOR McLAUGHLIN: Absolutely, yes. 19 MR. FELDNER: You know they're out. 20 Whether they rent it, whether they sell it, 21 whatever they do they're going to be yesterday's 22 news, where it's our -- 23 MAYOR McLAUGHLIN: No, we're very 24 sensitive to this issue completely. 25 MR. FELDNER: Okay. That and your</p>	<p>44</p> <p>1 infrastructure. To have them pay for an engineer 2 is not the worst idea to make sure that this gets 3 built correctly and then we're not going to have 4 issues with our electricity or our sewer, things 5 that we hear about or we know about. So it's not 6 out of the ordinary for them to chip in or pay for 7 a professional to be monitoring them to make sure 8 that we're getting what we should be getting. If 9 they're not going to pay for it, then maybe we 10 should think about doing it ourselves. It's too 11 big a project to screw it up, you know. That's 12 all I have to say. 13 MAYOR McLAUGHLIN: Thank you. 14 COMMISSIONER McLOUGHLIN: Thank you. 15 MAYOR McLAUGHLIN: Anyone else have 16 any comments or questions? 17 MR. CAPIK: Bill Capik, 307 Hume 18 Street. The only owner occupied on the street 19 that all of you people are parking on. So I know 20 about parking and the problems. Trust me. And 21 whether it's summer or winter there's always that 22 problem. More so in the summer but that's 23 neither here nor there. 24 One of the things I was wondering and I 25 know it's early in the process, have you guys kind</p>

<p>45</p> <p>1 of like crunched numbers to see what potentially 2 the town would be taking in as far as what the 3 -- the cost of these units have they changed from 4 what originally, I know originally the town owned 5 or think they were going to be asking 1.2 has that 6 changed? Have they given you any indication on 7 that? Have they given any indication on the cost? 8 Whether it's a condo or rental on the west side 9 of the town. Have they done that?</p> <p>10 MAYOR McLAUGHLIN: They haven't come 11 in with hard prices at this point now.</p> <p>12 MR. CAPIK: Oh, okay. Have you guys 13 considered the impact of schools? Because I know 14 we pay \$16,000 roughly for a child. I don't -- 15 How many do we have now?</p> <p>16 MAYOR McLAUGHLIN: 26.</p> <p>17 MR. CAPIK: 26. Have you located to 18 the potential of what that might be especially 19 with the affordable housing? When you have like 20 you said fire and police, teachers, who are going 21 to have young kids. And now that we have gone to 22 the West Long Branch School system, it's like 23 they're going to be sending their kids to Asbury. 24 So it's now becoming more attractive. If you 25 multiply the amount of people -- I don't expect</p>	<p>46</p> <p>1 the townhomes to have a lot of kids that will go 2 but based on the condos and the affordable 3 housing I'm thinking there's going to be a --</p> <p>4 COMMISSIONER McLOUGHLIN: I would say 5 I think you're right with the townhomes. I'd 6 agree with that. We did encourage and ask the 7 developers, although they're under no obligation, 8 they're building larger units on the west side or 9 at least are proposing larger units.</p> <p>10 MR. CAPIK: More kids.</p> <p>11 COMMISSIONER McLOUGHLIN: Or larger 12 units that could be sold as nicer condos for -- a 13 lot of the town is, as we all know, are 14 multi-generational, you know. And all of a sudden 15 the children go buy something -- inaudible -- and 16 I think the ATA mentioned their hope is that these 17 become purchases rather than rentals, which I 18 think we would all like to see for that very 19 reason.</p> <p>20 I do agree with you that the 23 affordable 21 housing homes could generate some school children. 22 But again going back to my earlier statement about 23 it being binary, 245 is going to generate a lot 24 more. I mean so for me I'm hopeful then again as 25 the Mayor said when we go pass the Settlement</p>
<p>47</p> <p>1 Agreement the hope then would be all right let's 2 see about a ROFO and see about taking that west 3 side out of the equation and driving that number 4 down even smaller and see what we can do.</p> <p>5 MR. CAPIK: I mean I'm glad to hear 6 about the pilot program.</p> <p>7 COMMISSIONER McLOUGHLIN: Right.</p> <p>8 MR. CAPIK: But that 95 percent it 9 also includes the obligation for school taxes to 10 the town. So, you know you may be winning here 11 but you're losing there.</p> <p>12 MAYOR McLAUGHLIN: Just to be clear 13 it's not solely -- you're saying the school tax 14 they're in the same tax billing that I am. The 15 sewer bill and the municipal tax and we collect 16 the 95 percent. So the school tax --</p> <p>17 MR. CAPIK: But we still pay the 18 school tax.</p> <p>19 MAYOR McLAUGHLIN: Yes. But I just 20 want to be clear. So it's like the tax bill, 21 please correct me if I'm wrong, but the tax bill 22 will be the same as everybody else.</p> <p>23 MR. JESSUP: Their property will be 24 assessed in the same way as any other residential 25 property for the townhomes and commercial property</p>	<p>48</p> <p>1 for the multi-family. So they assess the same 2 way. The Assessor will then apply the tax refund 3 he does everybody's properties and come up with an 4 actual tax amount. 95 percent of that amount is 5 the amount that they pay in their pilot and of 6 that amount the town -- the municipality keeps 95 7 percent. So --</p> <p>8 MR. CAPIK: But out of that 95 9 percent the town then pays the school and if we're 10 sending our kids to out of district at \$16,000 11 per student and you're adding, I couldn't put a 12 number on it. You're saving them one end but 13 you're paying out a little more for the other.</p> <p>14 But that's something that will come down further 15 down the road as you have more negotiations.</p> <p>16 The other thing I was wondering was since 17 it's the builder's choice on selling the west side 18 or renting it, can he flip flop back and forth. Is 19 this for every unit in there? He can only do one 20 or the other? Or is it individual? You know what 21 I'm saying? Can he decide to sell half of them 22 and rent half of them?</p> <p>23 MR. JESSUP: I would say no; right 24 because --</p> <p>25 MR. CAPIK: In other words you don't</p>

<p>49</p> <p>1 know the answer though for sure.</p> <p>2 MR. JESSUP: Their option is to rent</p> <p>3 or sell.</p> <p>4 MR. CAPIK: I'm wondering if that's</p> <p>5 based on --</p> <p>6 MR. JESSUP: For the project. For</p> <p>7 the project.</p> <p>8 MR. CAPIK: Is there -- somewhere</p> <p>9 down the road can they decide to change? Let's</p> <p>10 say they start out renting and figure well now</p> <p>11 that the market maybe better I want to switch and</p> <p>12 sell it. Can they do that?</p> <p>13 MR. JESSUP: Sure. And we've seen</p> <p>14 that before.</p> <p>15 MR. CAPIK: Okay. That's pretty much</p> <p>16 -- Okay, I have notes written down because I'm old</p> <p>17 school. I'll be 75 on Friday.</p> <p>18 COMMISSIONER McLOUGHLIN: Well happy</p> <p>19 birthday.</p> <p>20 MR. CAPIK: Thank you. And I'm</p> <p>21 assuming the developer will provide sanitation,</p> <p>22 private sanitation and recycling for their units</p> <p>23 on all three.</p> <p>24 COMMISSIONER McLOUGHLIN: Right now</p> <p>25 that will probably our DPW doing it. Well having</p>	<p>50</p> <p>1 said that we used to you know --</p> <p>2 MR. CAPIK: Well I understand that.</p> <p>3 COMMISSIONER McLOUGHLIN: We used to</p> <p>4 do Loch Arbour there's 245 units there.</p> <p>5 MR. CAPIK: I know. You're looking</p> <p>6 at it completely kind of a different demographic,</p> <p>7 Loch Arbour and what could be.</p> <p>8 COMMISSIONER McLOUGHLIN: But twice</p> <p>9 as many homes in Loch Arbour as well.</p> <p>10 MR. CAPIK: Well the population is</p> <p>11 not quite as --</p> <p>12 COMMISSIONER McLOUGHLIN: In the</p> <p>13 summer it is.</p> <p>14 MR. CAPIK: Well --</p> <p>15 COMMISSIONER McLOUGHLIN: And they</p> <p>16 were doing it then too, so...</p> <p>17 MAYOR McLAUGHLIN: I imagine too</p> <p>18 though they're centralized -- over the west side</p> <p>19 properties.</p> <p>20 MR. CAPIK: Can you get them to clean</p> <p>21 up the area now?</p> <p>22 MAYOR McLAUGHLIN: Yes.</p> <p>23 COMMISSIONER McLOUGHLIN: We'll have</p> <p>24 better luck after the settlement.</p> <p>25 MAYOR McLAUGHLIN: Yes.</p>
<p>51</p> <p>1 MR. CAPIK: All right. Thank you,</p> <p>2 gentlemen for all the work you do.</p> <p>3 MAYOR McLAUGHLIN: Anyone else?</p> <p>4 Comments or questions? Yes, sir.</p> <p>5 MR. MIZRAHI: Hi, guys. Thank you</p> <p>6 for having us. My name is Ron Mizrahi. I'm at</p> <p>7 303 Corlies. I'd like to -- this gentleman had</p> <p>8 some questions about taxes. But I'd like you to</p> <p>9 quantify what you expect the increase in tax</p> <p>10 revenue to be? And what you expect the cost on</p> <p>11 Public Works and schools to be? And is that</p> <p>12 going to net out to the positive? Or are our</p> <p>13 taxes going to go up tremendously?</p> <p>14 COMMISSIONER McLOUGHLIN: Matt, I'll</p> <p>15 let you jump in. I don't know how you could</p> <p>16 answer that. I mean at this point it's</p> <p>17 conjecture.</p> <p>18 MR. JESSUP: Well I guess a couple of</p> <p>19 things. So in terms of process, right, we have</p> <p>20 settlement. We have amendment to the</p> <p>21 Redevelopment Plan, which is the zoning. We have</p> <p>22 execution of the Redevelopment Agreement with the</p> <p>23 redeveloper. And then we have submission of</p> <p>24 financial data to support the Pilot application.</p> <p>25 Right, so at that point we will have final</p>	<p>52</p> <p>1 information on all of the financials that you just</p> <p>2 asked about. Okay.</p> <p>3 That said in light of the fact that the</p> <p>4 property is conventionally taxed right and not at</p> <p>5 a discount; and in light of the fact that then the</p> <p>6 Borough is keeping 95 percent of each tax dollar</p> <p>7 as opposed to -- what was it, Mayor? 30 cents?</p> <p>8 The expectation is that the Pilot will more than</p> <p>9 offset any incremental costs of the existing</p> <p>10 premises.</p> <p>11 MR. MIZRAHI: And the responsibility</p> <p>12 essentially of the school.</p> <p>13 MR. JESSUP: Correct. That's</p> <p>14 included in the -- inaudible.</p> <p>15 MR. MIZRAHI: Now it seems like we</p> <p>16 have no option but to accept whatever the Pilot</p> <p>17 results are. In other words, we can't ask that</p> <p>18 the development be amended because of an increase</p> <p>19 in our taxes. Is there any way that we justify</p> <p>20 modification of that development, if it doesn't</p> <p>21 happen in positive on the budget?</p> <p>22 MR. JESSUP: Are you suggesting that</p> <p>23 we ask them consider paying more than 100 percent</p> <p>24 of conventional taxes on their property?</p> <p>25 MR. MIZRAHI: No. Not at all.</p>

<p>53</p> <p>1 MR. JESSUP: Okay.</p> <p>2 MR. MIZRAHI: What I'm asking you is</p> <p>3 can you amend or reduce the density, if that is</p> <p>4 going to cost --</p> <p>5 MR. JESSUP: Oh, no. I understand</p> <p>6 the question and the answer is no.</p> <p>7 MR. MIZRAHI: All right, so you</p> <p>8 don't know what the tax will be and you haven't</p> <p>9 quantified potential as it is now.</p> <p>10 MAYOR McLAUGHLIN: We can't. We're</p> <p>11 going based on some of the units, let's just say</p> <p>12 they're a million-two. We don't know -- you're</p> <p>13 asking a question we don't know what the set price</p> <p>14 is going to be of the townhomes and condos. We</p> <p>15 don't know what that set price is going be yet.</p> <p>16 That's what the tax based off because it will be</p> <p>17 what the property is valued at.</p> <p>18 MR. MIZRAHI: Right. So there's no</p> <p>19 assumption of what those values will be.</p> <p>20 MAYOR McLAUGHLIN: They have to come</p> <p>21 back to us, yes to tell us what those values will</p> <p>22 be, what they're going to be marketing those units</p> <p>23 for?</p> <p>24 MR. MIZRAHI: Thank you.</p> <p>25 COMMISSIONER McLOUGHLIN: Thank you.</p>	<p>54</p> <p>1 MAYOR McLAUGHLIN: Thank you.</p> <p>2 COMMISSIONER McLOUGHLIN: Richard, do</p> <p>3 you want to --</p> <p>4 MAYOR McLAUGHLIN: Richard, do you</p> <p>5 have something?</p> <p>6 MR. FERNICOLA: Rich Fernicola, 7</p> <p>7 Spier Avenue, Allenhurst. I have just two</p> <p>8 questions. It was always my impression that as a</p> <p>9 part of the reason why the purchaser obtained this</p> <p>10 property for a song, so to speak, was partly</p> <p>11 because of the high cost of remediation. Which in</p> <p>12 my review highest level of remediation involved</p> <p>13 getting dumptrucks there and excavating all of the</p> <p>14 soil that's contaminated and so on. There's other</p> <p>15 methods of putting bumpers down and pipe rack the</p> <p>16 bumpers, which would have possible other affects</p> <p>17 to neighboring homes. But I actually looked at</p> <p>18 page 10 -- and I've always asked that many other</p> <p>19 residents have asked about this, you know, I've</p> <p>20 got a four year request about 20 years ago and it</p> <p>21 showed the Benzene, tainted wells, naturally and</p> <p>22 other carcinogens, and so on and so forth.</p> <p>23 But I look at page 10 of the Sharon</p> <p>24 Schechner (phonetic) summary and it says bottom</p> <p>25 of page 10, the site has been, to my surprise, the</p>
<p>55</p> <p>1 site has been remediated by JCP&amp;L and signed off</p> <p>2 by NJ DEP. No further action necessary at this</p> <p>3 time. I just wanted to ask the Borough Engineer</p> <p>4 or anyone who's knowledgeable on this what type of</p> <p>5 -- in general lay without getting into word</p> <p>6 specifics -- what kind of remediation was actually</p> <p>7 done?</p> <p>8 My second question is really toward to the</p> <p>9 Fire Inspector or Fire Chief in Town, as Chris had</p> <p>10 mentioned about the narrow contours in Lake Drive</p> <p>11 over there. My question to the Fire Chief would</p> <p>12 be in reference to realism as we all Mount Laurel</p> <p>13 document stresses realism in meetings -- inaudible</p> <p>14 -- crushing the form could to simply meet a</p> <p>15 local's housing need. How does the fire</p> <p>16 commissioner see the concern over an area where</p> <p>17 you have railroad crossing, a stop light, the most</p> <p>18 snarled prone Corlies Avenue conduit there and</p> <p>19 solitary ingress and entry at that area in the</p> <p>20 occasion that we have a fire there? Inaudible --</p> <p>21 but to how that might affect safety and so on and</p> <p>22 so forth? So it's from remediation topic and</p> <p>23 safety concern there in reference to fire and</p> <p>24 realism.</p> <p>25 COMMISSIONER McLOUGHLIN: I will let</p>	<p>56</p> <p>1 Dave Laughlin, if you don't mind, speak to --</p> <p>2 MR. LAUGHLIN: I can take the</p> <p>3 remediation because it's done. If you want it,</p> <p>4 Mr. Fernicola, we have that information. Donna</p> <p>5 has copies.</p> <p>6 MR. FERNICOLA: In general lay what</p> <p>7 we got.</p> <p>8 MR. LAUGHLIN: JCP&amp;L did it. Not</p> <p>9 this builder. It was done. They had to take out</p> <p>10 some soil out of this site directly across the</p> <p>11 street. My understanding is there was three</p> <p>12 different sites of concern at this property</p> <p>13 directly across creek from us here. My</p> <p>14 understanding is there's no open clean ups on the</p> <p>15 west side property at all. They had to do some</p> <p>16 soil removal and replacement. That's been long</p> <p>17 done. And then they had 18 years of monitoring</p> <p>18 well, which they had to keep open, monitor and</p> <p>19 provide the information to the DEP. We had those</p> <p>20 three clean ups open. All three have been closed</p> <p>21 and concluded to the DEP satisfaction before they</p> <p>22 sold the property current developer. So it's</p> <p>23 completely concluded.</p> <p>24 Now there was a mention that I saw recently</p> <p>25 from the developer that there's one spot</p>

<p>57</p> <p>1 underneath the building that still has to be 2 looked at and they'll have to clean that up to 3 DEP's satisfaction. Not to our's. To DEP's. 4 MR. FERNICOLA: Well why wouldn't we 5 have input to that satisfaction standard? 6 MR. LAUGHLIN: We don't do that. The 7 DEP does. The Borough or the town has nothing 8 under their controls. 9 MR. FERNICOLA: And the engineer can 10 have -- what we have to trust the DEP? 11 MR. LAUGHLIN: Yes. 12 MR. FERNICOLA: Okay. Thank you. 13 MAYOR McLAUGHLIN: Anybody else have 14 any questions? 15 MS. McNAMARA: Hello, I'm Mary Ellen 16 McNamara. I live at 310 Lake Drive and I also 17 have a house on 503 Page. So I've got some items 18 I want to say and then I have -- 19 MS. CAMPAGNA: Can you step up to the 20 mike. We can't hear you. 21 MS. McNAMARA: Number one for the 22 public safety. The water tower is a site on the 23 flood evacuation zone. Since April 2021 the New 24 Jersey Transit that ended Allen Avenue and Lake 25 Drive and closed the crossing. There's only one</p>	<p>58</p> <p>1 way in and one way out. The disabled entrance or 2 exit is blocked by a hurricane or another factor, 3 example parking in Sandy caused two-thirds of the 4 shore's area and roads to be blocked. Nearly 5 five times as many families as the current -- 6 will not have access to police, fire or EMS 7 services and not be able to get themselves safely 8 out of those homes endangering their health and 9 welfare. See Fire Chief Franks and Butch Kevin 10 Sniders objections to NJT crossing closure 11 September 27, 2016. You guys have the minutes. 12 That's just a fact I wanted to state. 13 So number two is our question. Blocking of 14 the parking. Will there be 23 new families? 15 Where would they park? So it would be 16 approximately 46 cars, assuming two per family. 17 And additional two cars of family members and 18 friends when they have parties and gatherings at 19 their homes. 20 MAYOR McLAUGHLIN: So again your 21 concern is a similar concern as everybody before, 22 and the Borough is very, very attuned to that. 23 Meaning we're going to be watching that and 24 there's certain mechanisms that we can do. We 25 have the parking -- let's say there's two cars to</p>
<p>59</p> <p>1 each units there will be parking for two cars. 2 If they have an overnight guest or so forth, maybe 3 they're not going to be able to park overnight in 4 certain areas. That's the way we're going to 5 handle that. 6 Getting back to the railroad crossing, I'd 7 like to bring up a point, and I did read your 8 letter, and I just want to correct a few things in 9 it. So New Jersey Transit came to the Town a 10 couple of years ago and they said we're closing 11 one of your railroad crossings. Okay. We 12 actually went to them, we went as high as \$800,000 13 to try and keep it open. They wouldn't pay it. 14 They said okay, it's a million dollars which you 15 guys have to pay from now to eternity for its 16 upkeep and the upkeep they wouldn't cap. It 17 started out at like 10,000 then it would go 18 15,000, 20,000 and keep going up to eternity. 19 Clearly that's something that we could do. We 20 fought very hard to try and keep that crossing 21 open. 22 Your other concern, which is what Chris had 23 brought up earlier, about the traffic. I grew up 24 in the town. I'm very keen on Lake Avenue and the 25 way that angles.</p>	<p>60</p> <p>1 MS. McNAMARA: Lake Drive. 2 MAYOR McLAUGHLIN: Lake Drive. We're 3 very keen on that. We're very aware of it. We're 4 going to look into that to make sure it's safe 5 whatever we do to adjust that. 6 Some people have said take -- approach New 7 Jersey Transit sure, we can go back and approach 8 it, that's the thing to maybe open up that -- 9 inaudible -- people love it for it to be open. I 10 don't put much faith in it because quite frankly 11 we went down with Congressman Palone. We had at 12 least six meetings with the Department of 13 Transportation. 14 COMMISSIONER McLOUGHLIN: Did traffic 15 studies as well. 16 MAYOR McLAUGHLIN: Traffic studies. 17 They were closing it. And it was -- they just 18 said you have too many stops in a small town. 19 MS. McNAMARA: Okay, so then how do 20 you guys expect everyone to get out? 21 MAYOR McLAUGHLIN: Like I said we're 22 going to address that corner and correct it so 23 that traffic -- 24 COMMISSIONER McLOUGHLIN: Hold on a 25 second. Are you suggesting how we're getting</p>

<p>61</p> <p>1 everyone out in the event like Sandy?</p> <p>2 MS. McNAMARA: Absolutely.</p> <p>3 COMMISSIONER McLOUGHLIN: In the</p> <p>4 event of Sandy everyone had about 18 hours</p> <p>5 notice. So if you're telling me I can't get out of</p> <p>6 a cul-de-sac in 18 hours if the Monmouth County</p> <p>7 Department of Emergency Management tells me to</p> <p>8 evacuate. Then you have a problem not us.</p> <p>9 Because you will be told to evacuate well before</p> <p>10 that --</p> <p>11 MAYOR McLAUGHLIN: Well when Sandy</p> <p>12 came about we evacuated -- we told folks. It</p> <p>13 wasn't mandatory but we offered folks a way out.</p> <p>14 Certain folks wanted to stay in those flood areas</p> <p>15 but as Commissioner McLaughlin said there's</p> <p>16 adequate time to go and say hey you got to get</p> <p>17 out. We have military -- guys who can carry</p> <p>18 people out if it's a flash flood. But most times</p> <p>19 there's a notice where you can take -- you know,</p> <p>20 everybody's got to leave. We have a flag flown</p> <p>21 here. I don't believe and correct me if I'm wrong</p> <p>22 in saying that area flooded.</p> <p>23 COMMISSIONER McLOUGHLIN: No.</p> <p>24 MAYOR McLAUGHLIN: I don't think it</p> <p>25 did.</p>	<p>62</p> <p>1 COMMISSIONER McLOUGHLIN: On top of</p> <p>2 that we went to the New Jersey Transit people, we</p> <p>3 went to Congressman Palone, we fought this for</p> <p>4 three years. We gave them the traffic study. We</p> <p>5 mentioned what the Fire Department said. We went</p> <p>6 down all those roads. And they basically told me</p> <p>7 to go pound salt.</p> <p>8 So I'm willing to try and entertain it</p> <p>9 again but they're going to tell us, so you have 23</p> <p>10 homes in a cul-de-sac. I think Commissioner</p> <p>11 Cumiskey grew up in North Jersey and he had over</p> <p>12 30 homes in cul-de-sac with only one entrance. I</p> <p>13 mean it's not unheard of.</p> <p>14 MS. McNAMARA: Okay. Then I'm</p> <p>15 afraid there's going to be -- inaudible -- how</p> <p>16 about traffic being safely managed at the Lake</p> <p>17 Drive and Corlies Avenue intersection? Traffic</p> <p>18 volume on Corlies Avenue is over 5,000 vehicles a</p> <p>19 day. That's from the Federal Government Data.</p> <p>20 And the following hazards already exist in that</p> <p>21 area: Number one, congestion backup on the</p> <p>22 bridge. Number two at the playground. Number</p> <p>23 three at the commuters' drop off and waiting area</p> <p>24 at the train station. Number four on Corlies</p> <p>25 Avenue crossing. And number five off Corlies</p>
<p>63</p> <p>1 Avenue and Main Street intersection.</p> <p>2 COMMISSIONER McLOUGHLIN: Are you</p> <p>3 making a suggestion that I shouldn't sign the</p> <p>4 Settlement Agreement for those reasons. Because</p> <p>5 if you're suggesting that, I would suggest that</p> <p>6 the 245 units with the Builder's Remedy is going</p> <p>7 to make this far worse.</p> <p>8 MS. McNAMARA: I'm just reading what</p> <p>9 --</p> <p>10 COMMISSIONER McLOUGHLIN: You're</p> <p>11 asking me a question. I'm responding.</p> <p>12 MS. McNAMARA: Okay. So number</p> <p>13 four: How many buildings will be built on the</p> <p>14 Lake Drive property and how tall will they be?</p> <p>15 COMMISSIONER McLOUGHLIN: 23 and</p> <p>16 they're going to be built carriage houses as it</p> <p>17 has originally proposed although final plans have</p> <p>18 not been submitted before the Planning Board</p> <p>19 because, as both the attorneys have stated,</p> <p>20 there's a lot of steps to go before we get there.</p> <p>21 MS. McNAMARA: Okay. Number five.</p> <p>22 Will there be driveways within or attached to the</p> <p>23 buildings? And how much parking will be provided?</p> <p>24 COMMISSIONER McLOUGHLIN: RSIS</p> <p>25 standards will be met. So they will have to</p>	<p>64</p> <p>1 provide the correct amount of parking as dictated</p> <p>2 by State Law.</p> <p>3 MS. McNAMARA: Number six. In the</p> <p>4 past DPW dumped vegetative waste on that property</p> <p>5 how will that affect construction and the use of</p> <p>6 this site?</p> <p>7 COMMISSIONER McLOUGHLIN: It won't.</p> <p>8 MS. McNAMARA: Okay. Who will own</p> <p>9 the title of the tennis courts and the playground?</p> <p>10 COMMISSIONER McLOUGHLIN: The Borough</p> <p>11 will own the northern-most part of the tennis</p> <p>12 courts. The southern parts that will be for the</p> <p>13 23 units will be deeded over to the redeveloper so</p> <p>14 that Fair Share Housing and the developer can</p> <p>15 build the affordable housing units.</p> <p>16 MS. McNAMARA: And number eight.</p> <p>17 What is the current market value of the Lake</p> <p>18 Drive property?</p> <p>19 COMMISSIONER McLOUGHLIN: We have a</p> <p>20 ballpark estimate, I think Dave, what is --</p> <p>21 MR. LAUGHLIN: There was an appraisal</p> <p>22 done at 3.1 million dollars.</p> <p>23 MS. McNAMARA: Okay. Thank you.</p> <p>24 COMMISSIONER McLOUGHLIN: Thank you.</p> <p>25 MAYOR McLAUGHLIN: Anyone else?</p>

<p>65</p> <p>1 MR. DWECK: Joe Dweck, 117 Allen. 2 Again thank you for all your work. I just have a 3 question about Lake Drive and the lake. Are they 4 going to -- are the residents there going to have 5 access to the lake? Will that be a burden on the 6 town? Is that a safety issue? Is there going to 7 be a dock? Are they going to be able to run down 8 and jump in a canoe? What is that -- can we 9 address that? 10 MAYOR McLAUGHLIN: So the lake is 11 funny. You have to be very careful with DEP 12 monitoring the lake. So as far as putting a dock 13 in there, you would probably have to get DEP 14 approval. I don't foresee anything for the 15 handicapped, like for a van lift for anybody to 16 access the lake. 17 MR. DWECK: Is it in their plans? 18 I'm sure there have been dozens of plans. Is it 19 in their plans to use the lake to sell it as a 20 recreational amenity? Other than -- 21 MR. JESSUP: We're not that far along 22 because actual plans haven't been drawn yet. 23 MR. DWECK: Okay. I'm just looking 24 at it up as a general safety concern. 25 MR. LAUGHLIN: What you're holding in</p>	<p>66</p> <p>1 your hand is the most-basic concept sketch. 2 That's all that is. 3 MR. DWECK: Right. That's what I'm 4 saying. So it doesn't mean showing the line of 5 the lake and where it is. They can easily tell 6 you hey come rent a place and enjoy our lake and 7 we can be in for all sorts of danger, God forbid. 8 No, that's all I'm saying. Who has authority over 9 that? 10 MS. CAMPAGNA: The Deal Lake 11 Commission, we have representative and Deal Lake 12 Commission is very strict. They are always coming 13 back to the town on anything that we do, even if 14 we cut some vegetation. 15 MAYOR McLAUGHLIN: Everything around 16 the lake is pretty heavily monitored. You bring 17 up a good point, but that's something we'll look 18 at -- 19 MR. DWECK: I just -- in terms of 20 public safety that's really what I'm -- 21 MAYOR McLAUGHLIN: Yes. 22 MR. DWECK: -- you know concerned 23 about. Some of the people ride on the lake. 24 COMMISSIONER McLOUGHLIN: Thank you 25 very much.</p>
<p>67</p> <p>1 MAYOR McLAUGHLIN: Thank you. 2 MR. DWECK: Thank you. I appreciate 3 it. 4 MAYOR McLAUGHLIN: Yes, sir. 5 MR. SABBAEH: Mitchell Sabbach, 309 6 Corlies. In speaking to Lake Drive, I'm not 7 sure if everyone's aware that the Corlies Avenue 8 bridge is going to be reconstructed in about 9 maybe three or four years. 10 MAYOR McLAUGHLIN: We're quite aware 11 of it. We've been involved with the meetings. 12 MR. SABBAEH: So what do you think 13 the impact is going to be with the simultaneous 14 possible construction of the Corlies Avenue bridge 15 and the development on Lake Drive? This is what 16 needs to be presented to the State to reopen the 17 Allen Avenue railroad crossing. But also the 18 impact to be addressed in terms of that 19 intersection. And I know that part of the plan 20 for Corlies Avenue bridge is that they do plan on 21 building some launches as basically a give-back to 22 Allenhurst. That was one of the things that we 23 discussed. I was asked to be on the Committee, 24 they had local residents be on the Committee. So 25 what do you think the impact is going to be if</p>	<p>68</p> <p>1 there's going to be simultaneous construction and 2 emergency access. Because, you know, I've seen 3 these townhouses go up. There's concrete on the 4 bottom but they're basically made all out of wood. 5 And it's unbelievable how, what I think these are 6 kind of tinderboxes. And when you have that many 7 dwellings in one structure that's really 8 predominantly made out of wood. The Fire 9 Department has to have -- I mean obviously they're 10 going to have input but there has to be emergency 11 access other than that one-way in. Regardless 12 of the amount that can be somewhere else, you know 13 you say there are 30 in a cul-de-sac, yeah but 14 it's not surrounded by a lake and the railroad 15 track and where the town ends. You know there is 16 access sometimes in other ways to get to a 17 cul-de-sac. This is really cutoff. 18 COMMISSIONER McLOUGHLIN: I think you 19 make a great point and it's certainly something 20 we're going to go back to New Jersey Transit about 21 and to Palone. And obviously the best case you 22 just made is that bridge. You're right. We can't 23 have two simultaneous constructions going on at 24 the same time. It will be problematic. 25 MAYOR McLAUGHLIN: So we can</p>

<p>69</p> <p>1 coordinate with the County. I've been to the 2 meetings. I think the bridge is probably three, 3 four years away. So we've seen the plans for it 4 but again you're right it should be coordinated so 5 that the bridge --</p> <p>6 COMMISSIONER McLOUGHLIN: So that one 7 is not happening while the other is going on.</p> <p>8 MAYOR McLAUGHLIN: I think it's a 9 very good point. And as I said before the end of 10 that road does have to be adjusted so there's 11 safety.</p> <p>12 And we will most definitely take another 13 shot at trying to keep Allen Avenue but I'm trying 14 to manage everybody's expectation. We just had 15 hard nose. We really fought for a long time to 16 try and keep it open and we had the door slammed 17 in our face.</p> <p>18 MR. SABBAEH: But that was based on 19 nothing being there.</p> <p>20 COMMISSIONER McLOUGHLIN: It's a 21 redevelopment zone. We said could you please wait 22 to make this decision until I know what's 23 happening. And that was a hard no. And I told 24 them, I can't make -- you're making a decision and 25 we don't know what the future is.</p>	<p>70</p> <p>1 MAYOR McLAUGHLIN: And one of the 2 things Mr. Trent and me explained is that -- we 3 said it's part of the redevelopment zone, wait. 4 There's going to be a lot more traffic down this 5 end based on what we know.</p> <p>6 COMMISSIONER McLOUGHLIN: Or it's 7 going to be a park and it's going to be green 8 space, which means that oh, maybe not as a big a 9 deal. But let's wait to see what happens and 10 Congressman Palone tried real hard with us and 11 frankly it was the hard nos we were getting. It 12 was scary.</p> <p>13 MAYOR McLAUGHLIN: Anybody else? 14 Yes, sir.</p> <p>15 MR. BUTTACOVLI: 601 Page Avenue. 16 Just a quick question. In general, in the 17 best-case scenario what would be the sequencing 18 and -- inaudible -- there's a lot of steps and 19 approvals -- what would be the earliest? Would it 20 be summer?</p> <p>21 MR. LAUGHLIN: We're guessing a little 22 bit but there's the idea that there would be a 23 ground breaking in this year, would be late in 24 this year. I think it's more likely next year.</p> <p>25 MR. JESSUP: I would just say</p>
<p>71</p> <p>1 between the process I took you through before that 2 gets us into at least midway if not even third 3 quarter of this year. Remember they have to go 4 through site plan for Planning Board approval and 5 there are other government approvals they may 6 need. If there are any county approvals they 7 need. If there any state approvals they need.</p> <p>8 COMMISSIONER McLOUGHLIN: CAFRA 9 permits.</p> <p>10 MR. JESSUP: CAFRA, right. Or 11 anything else. They have to get all of those 12 approvals before they can start pulling Building 13 Permits and commencing construction. So I mean 14 generally speaking we see construction start 12 to 15 18 months after a site plan approval on projects 16 like this. So if site plan approval is the second 17 half of this year, again everybody is unique. As 18 a general matter, we see projects starting --</p> <p>19 COMMISSIONER McLOUGHLIN: 2025.</p> <p>20 MR. JESSUP: -- maybe late next year.</p> <p>21 MAYOR McLAUGHLIN: Yes, sir.</p> <p>22 MALE VOICE: I just have one more 23 question, gentlemen.</p> <p>24 MAYOR McLAUGHLIN: Sure.</p> <p>25 MR. BUTTACAVOLI: You're all very</p>	<p>72</p> <p>1 experienced in these kinds of matters, what do 2 you see -- maybe are there any safety or other 3 governmental issues that the developers might run 4 into in the next year or 18 months that might 5 scale this back for other reasons that we don't 6 know about? Other safety reasons? Other issues 7 that haven't been addressed yet? You know we're 8 at whatever number 145. Is there some crazy 9 safety, some governmental, federal ordinance, 10 something that might temper this project? That's 11 what we're hoping for. I mean is there anything 12 --</p> <p>13 COMMISSIONER McLOUGHLIN: I honestly 14 think the temper fit is that I don't believe this 15 developer has any intention of breaking ground. 16 My first thought is I think he wants to flip. And 17 I don't know that for certain. But at least we 18 know if he flips, he's only flipping to the 138 19 that we have. And if he's going to flip, then we 20 try and go for the ROFO. And then we try and take 21 back the west side.</p> <p>22 But the worst-case scenario, like he says, 23 maybe breaking in 2025 but I really -- I don't 24 know if there's any over-arching thing that could 25 drive this down. But I do know that doing nothing</p>



<p>73</p> <p>1 where it will end.</p> <p>2 MR. BUTTACAVOLI: I get that really I</p> <p>3 just wondering if you go and find something in the</p> <p>4 ground, then oh, no, you can't do it. You know</p> <p>5 like we don't know.</p> <p>6 MAYOR McLAUGHLIN: We don't know.</p> <p>7 Yes, sir.</p> <p>8 MR. SABBAGH: Joseph Sabbagh, 101</p> <p>9 Corlies Avenue just one quick question about</p> <p>10 Pilot tax program. Is that concurrent or is that</p> <p>11 just a short-term incentive?</p> <p>12 MR. JBSSUP: Right. So that's a</p> <p>13 great question. So the Pilot lasts for 30 years</p> <p>14 from occupancy for each project, right. And since</p> <p>15 not everything is going to be built all at one</p> <p>16 time it will be staggered. So for the for sale</p> <p>17 townhomes each townhome unit will have its Pilot</p> <p>18 for 30 years from when that unit is first built</p> <p>19 and sold. And that Pilot with future occupants</p> <p>20 during that 30 year period.</p> <p>21 On the multi-family on the west zone it's</p> <p>22 likely that all of that building will effectively</p> <p>23 be open at once, which means the Pilot will start</p> <p>24 all at once for all 62 units basically and apply</p> <p>25 for a 30 year period. And then the same thing on</p>	<p>74</p> <p>1 the --</p> <p>2 MR. SABBAGH: Is there going to be a</p> <p>3 way to present ideas to the developer of maybe</p> <p>4 creating a managed process for the sale and/or</p> <p>5 rentals -- inaudible -- giving pre-sales to the</p> <p>6 Allenhurst residents having the Right of Refusal</p> <p>7 on the actual units in town? Is that a</p> <p>8 possibility?</p> <p>9 COMMISSIONER McLOUGHLIN: That was</p> <p>10 the first thing that we asked the developers. It</p> <p>11 was part of actually in 2005 when we did the</p> <p>12 original redevelopment zone was could -- the</p> <p>13 thought was, as I said earlier that this town is</p> <p>14 multi-generational. And we wanted to get to the</p> <p>15 point that maybe the townhomes or the apartments</p> <p>16 in our original thought would be step-down</p> <p>17 housing. Where you get rid of your -- you know</p> <p>18 you sell your eight-bedroom home to your kids and</p> <p>19 then all of a sudden you and the mother go to the</p> <p>20 two-bedroom condo or three-bedroom condo. And</p> <p>21 unfortunately legally we're not allowed to.</p> <p>22 That's not to say that a group of people couldn't</p> <p>23 go to the developers and be like, just to let you</p> <p>24 know I got 30 people interested. But we can't as</p> <p>25 a town mandate it. I went down that road asking,</p>
<p>75</p> <p>1 hoping.</p> <p>2 MR. SABBAGH: Thank you.</p> <p>3 COMMISSIONER McLOUGHLIN: Thank you.</p> <p>4 MAYOR McLAUGHLIN: Thank you. Yes,</p> <p>5 sir.</p> <p>6 MR. AGRISTA: Steven Agrista. I</p> <p>7 live and own 302 Spier Avenue. I just like to</p> <p>8 say a couple of things here. First of all as</p> <p>9 50-year financial professional I'm keenly aware of</p> <p>10 over-regulation. Judges that have some strange</p> <p>11 ideas. And I do understand how to a large extent</p> <p>12 all of you here in handcuffs, and you really had</p> <p>13 something, saying this to you bluntly, shoved down</p> <p>14 our throat.</p> <p>15 On the other hand, sir, your ATA. I think</p> <p>16 the ATA, which I'm not a member, was very well</p> <p>17 intended. I really believe that. However, my</p> <p>18 personal and professional opinion for what it's</p> <p>19 worth should have looked before you leap as the</p> <p>20 saying goes. Because like you said your extra</p> <p>21 publicity is not a good idea. We're able to fly</p> <p>22 under radar. Once the suit was filed then</p> <p>23 everybody was exposed.</p> <p>24 So now we're in a situation where let's</p> <p>25 face it nothing good is going to come of this.</p>	<p>76</p> <p>1 You say your ATA members have over 20 years. I've</p> <p>2 got 50. And some of you here have just as many.</p> <p>3 I've lived in Allenhurst my entire adult life.</p> <p>4 Nothing good is going to come of this. Let's be</p> <p>5 honest, it's not.</p> <p>6 We're a wealthy community. I'm not being</p> <p>7 political. Wealthy communities, as we all know,</p> <p>8 we're targets. The have against the have nots.</p> <p>9 So you have to do the best thing you can do.</p> <p>10 One gentleman asked a question about, which</p> <p>11 I thought about, is there some kind of a crazy</p> <p>12 federal, this might sound off the charts but I'll</p> <p>13 give it a shot. I noticed in the presentation</p> <p>14 that was presented one of the key points was</p> <p>15 maintaining the osprey nest. I looked into that.</p> <p>16 As I understand it ospreys are not an endangered</p> <p>17 species but their nests are.</p> <p>18 So I'm just wondering -- you may remember</p> <p>19 several years back I was in California an entire</p> <p>20 data project was stopped over minnow fish the size</p> <p>21 of your pinky. I don't know if there's any chance</p> <p>22 or opportunity of taking an approach like that,</p> <p>23 whether that's viable or not.</p> <p>24 My second point is as I understood it I</p> <p>25 listened some one on this council saying Mr.</p>

<p>77</p> <p>1 Schechner. I listened to the ZOOM broadcast last  2 week and perhaps you can help sir. My  3 understanding is that one of the involved partners  4 is Madison Marquette; is that correct?  5 Inaudible.  6 MR. AGRISTA: If that's the case  7 Madison Marquette according to a recent Coaster  8 article is being sued by Asbury Park for a default  9 on not restoring the Paramount Theater. So again  10 I don't want to say something that may not be  11 correct but if in fact, if I understood Mr.  12 Schechner's point, that if in fact Madison  13 Marquette involved with this development, in  14 essence they're building another Allenhurst,  15 let's face it. If that's the case, if they can't  16 complete restoring or renovating the Paramount  17 Theater, they're being sued by the City of Asbury  18 Park. Again, I'm not saying that's the case.  19 I'm asking. How can they do this? How's it  20 going to happen?  21 COMMISSIONER McLOUGHLIN: The only  22 thing I would say is the only knowledge I have  23 to date is that it's Power Station, L.L.C. is the  24 -- to my knowledge Madison Marquette is not --  25 MR. AGRISTA: I believe it was</p>	<p>78</p> <p>1 mentioned and perhaps you want to -- Chris maybe  2 check on that. Mr. Schechner did bring that up  3 and perhaps you want to ask him that.  4 MAYOR McLAUGHLIN: And also the  5 financial wherewithal for the project, we signed  6 an agreement. We did have somebody independently  7 review and make sure -- inaudible --  8 MR. JESSUP: I just want to say a  9 couple of things. When the Redevelopment  10 Agreement gets sign, that Redevelopment Agreement  11 will have to list all of the partners and  12 downward of the redeveloper -- inaudible -- that  13 own 10 percent or 10-percent owner. So we will  14 see through to whether or not the entity you  15 mentioned is a partner in this --  16 MR. AGRISTA: Again my knowledge is  17 from a ZOOM meeting last week, perhaps you might  18 want to ask him that question. I could be dead  19 wrong. I want to make that clear. But as soon as  20 he said that it just popped right in front of my  21 eyes, wow, a front page article in The Coaster a  22 couple of weeks earlier said Asbury Park is suing  23 them, I believe it said because they didn't  24 complete the Paramount Theater. How you going to  25 do this? That's not the Paramount Theater.</p>
<p>79</p> <p>1 My next question regarding the Moratorium.  2 I understand again it's been in defence of  3 everyone with these courts, I get it. I want to  4 ask a question so is the Moratorium going to apply  5 only to this developer, the easing of it? Or does  6 it apply to everybody else?  7 COMMISSIONER McLOUGHLIN: No it's  8 intended for this developer in this area. I would  9 also point out historically the people that come  10 before the Board of Commissioners for a waiver of  11 the Moratorium when it's been in the commercial  12 district, which is where this building is, we have  13 generally approved waiving the construction  14 Moratorium because it's a business.  15 MR. AGRISTA: Why would you want to  16 accommodate these people?  17 COMMISSIONER McLOUGHLIN: Because I  18 don't want 245 units.  19 MR. AGRISTA: Okay.  20 Inaudible.  21 MR. AGRISTA: I wanted to help you  22 with that answer. I understand so you have a  23 Moratorium for two months and want to 245 units as  24 opposed to not having litigation --  25 COMMISSIONER McLOUGHLIN: 245 units</p>	<p>80</p> <p>1 the Moratorium still --  2 MR. AGRISTA: Oh, okay. I understand  3 that. Okay. The last question I don't know if  4 any of us can answer. A couple of people raised  5 the issue of taxes. Obviously you're collecting  6 more taxes but you're actually going to have an  7 increase cost in the overall budget, kids going to  8 school, additional policing, additional call on  9 general public services my opinion is that that's  10 not going to make our taxes stay the same or go  11 down. I think, I could be dead wrong, but they're  12 going to go up.  13 I'm three block in from the ocean. I have  14 to say I've owned the house since 1982. I have to  15 tell you, it's nothing you don't know, the last  16 three summers especially with the advent of Asbury  17 Park's making some come back, Fridays and  18 Saturday, well particularly Saturdays and Sundays  19 I can't believe the number of cars parked mostly  20 -- we have increase with our summer neighbors and  21 residents, I understand that. But the last few  22 years I got at a point where a couple of times I  23 was getting ready to call the police because my  24 driveway was almost block from tip to toe. This  25 tings become a real -- it's an issue now as a</p>

<p>81</p> <p>1 couple of other gentlemen pointed out. Is it 2 becoming a bigger issue? As Mayor you're going to 3 have to come up with some way of restricting 4 parking. If they can't find a place to park, 5 don't misunderstand me, it's my opinion. That's 6 too bad. You know, go park somewhere else or 7 don't come. You can only park so many cars in so 8 many spaces. Whether it's courts or judges or 9 anybody else thinks it's different. It's the law 10 of physics. Okay. Basic physics laws. There's 11 so much room. That's it.</p> <p>12 So you know I hope all these things will be 13 considered. I hope you'll be able to do something 14 more to alleviate the situation further. I've got 15 my doubts. I know you're all handcuffed. I get 16 it. I just hope we can do whatever we can do. I 17 don't know about osprey situation, if that's an 18 environmental concern or not, but that's something 19 you can wedge.</p> <p>20 My last question is, if I may ask, so now I 21 understand that you perhaps try and buy part of 22 this property back from the purchaser or 23 developer. I'm just curious why didn't Allenhurst 24 try to buy it in the first place?</p> <p>25 MAYOR McLAUGHLIN: We did.</p>	<p>82</p> <p>1 COMMISSIONER McLOUGHLIN: That's a 2 good question.</p> <p>3 MAYOR McLAUGHLIN: We got out bid.</p> <p>4 MR. AGRISTA: Oh, okay. So it wasn't 5 a matter of you couldn't have public domain or 6 anything like that, a police station or fire 7 station or some necessary facility to service the 8 public.</p> <p>9 MAYOR McLAUGHLIN: Right now the 10 Borough has the need for that building, so yes. 11 If you're asking why didn't we do an eminent 12 domain for that? So Matt why don't you walk 13 through that scenario.</p> <p>14 MR. JESSUP: You mean eminent domain 15 now?</p> <p>16 MR. AGRISTA: No back initially. In 17 other words -- I'm just asking a question of your 18 own knowledge. So would not have it been possible 19 to claim eminent domain and get that property at a 20 reasonable or fair price under the premise of 21 eminent domain, saying hey look we need a bigger 22 police station, municipal building, et cetera, et 23 cetera.</p> <p>24 COMMISSIONER McLOUGHLIN: Well at the 25 time that it was bought we had an existing</p>
<p>83</p> <p>1 Redevelopment Plan that was in place that called 2 for 46 or 54 units all in. And at that point we 3 didn't frankly think that we were going to get hit 4 with a Builder's Remedy lawsuit.</p> <p>5 MR. AGRISTA: I understand.</p> <p>6 COMMISSIONER McLOUGHLIN: I mean 7 that's ultimately what was the driver. And which 8 goes back to the initial statement I made earlier 9 which was about three and a half years ago we 10 came, the Board of Commissioners when Terry Bolan 11 was sitting up here, we had a deal in place for 12 108 units that didn't involve Lake Drive. And you 13 know, we can debate which one was better.</p> <p>14 MR. AGRISTA: No I'm just asking in 15 general.</p> <p>16 COMMISSIONER McLOUGHLIN: But at this 17 point this is where we are now.</p> <p>18 MAYOR McLAUGHLIN: And back to the 19 other point, we were interested back then when it 20 went up for sale, we did put a bid in.</p> <p>21 COMMISSIONER McLOUGHLIN: As did some 22 other members of the town and they were out bid 23 too.</p> <p>24 MR. AGRISTA: So if in fact and I 25 think I agree with you I'm just suspicious right</p>	<p>84</p> <p>1 along if they ever plan on building this thing. I 2 do. I've got my doubts. If in fact it does turn 3 out they try to so-call flip the property, do any 4 of the remedies that the current owner has are 5 they null and void if in fact he tries to sell it 6 to another purchaser?</p> <p>7 MR. JESSUP: When you talk about 8 remedies --</p> <p>9 MR. AGRISTA: In other words --</p> <p>10 COMMISSIONER McLOUGHLIN: The new 11 owner still has to abide by everything that we 12 have put in place.</p> <p>13 MR. JESSUP: Yeah, if that's what 14 you're asking, if any portion of the redevelopment 15 project is transferred to a different developer 16 the developer is taking the project subject to all 17 of the requirements of the first developer.</p> <p>18 MR. AGRISTA: I understand but that's 19 not what I was asking. I could care less about 20 the developer. My real question was all of the 21 benefits let's call it, for lack of a better word, 22 all of the concessions or benefits or 23 considerations that the current owner has, if he 24 goes to sell that -- I'm the new buyer as an 25 example. Are all of the concessions and</p>

<p>85</p> <p>1 agreements that he had that benefit him, do they 2 pass to me? Or are they null and void by -- the 3 Moratorium, the number of units, anything -- 4 MR. JESSUP: Every thing passes 5 direct to -- the new developer steps into the 6 shoes of old developer. 7 MR. AGRISTA: Period. 8 MR. JESSUP: Period. 9 MR. AGRISTA: Okay. Thanks. Thanks 10 again. 11 COMMISSIONER McLOUGHLIN: Thank you, 12 Mr. Agrista. 13 MAYOR McLAUGHLIN: Thank you. Anybody 14 else? Yes, sir. 15 MR. RYAN: Steve Ryan, 118 Corlies. 16 This really triggered when you asked about what 17 the value was of the Lake Drive property. Because 18 when we were talking about this last year, and 19 this is the economics of the new housing area, the 20 woman that was the expert on that said typically 21 towns need to, if I recall correctly, in the range 22 of 100 to 150,000 per unit -- inaudible. Is the 23 developer taking on those costs in consideration 24 for us giving them property? Because I didn't 25 see any mention of that in the --</p>	<p>86</p> <p>1 MR. JESSUP: That's a great question 2 and the answer is yes. The developer is taking on 3 100 percent of the cost to construct the 23 4 affordable housing units. 5 MR. RYAN: Okay. Thank you. 6 MAYOR McLAUGHLIN: Thank you, Steve. 7 Anybody else? 8 MR. AGRISTA: I'm sorry can I ask you 9 one little quick thing. 10 MAYOR McLAUGHLIN: Sure. 11 MR. AGRISTA: And this is probably 12 not a question -- in addition to taxes my other 13 concerns are, and I'm sure everyone here in this 14 room has the same concern, what happens to our 15 property values? Has anybody given -- have any 16 studies been done about that or has the question 17 ever been raised? We're talking about homes, 18 let's face it, worth a lot of money. Why would 19 someone with multiple homes -- 20 COMMISSIONER McLOUGHLIN: A study has 21 been done but I'm hazarding a guess so... I can 22 only think that the value of this town is going up 23 and what is currently on the site now is an eye 24 sore. So anything that is going to go there that 25 is housing is going to increase the value.</p>
<p>87</p> <p>1 MR. AGRISTA: Yes unless it affects 2 lifestyle -- and I don't know I'm only asking. 3 Inaudible. 4 MR. AGRISTA: I mean knocking it down 5 and giving you an empty lot would be an 6 improvement. But I'm just wondering if you double 7 the population in town, bringing a lot of other 8 ancillary services -- some -- what's it do? I 9 mean our values have gone up significantly. 10 COMMISSIONER McLOUGHLIN: We're 11 very fortunate. 12 MR. AGRISTA: Yeah, we are. And 13 there's a reason why because there aren't too many 14 places left like this. That's why people move 15 here because they like the Moratorium. They like 16 the fact that it's safe, the fact that everybody 17 for the most part gets along very well. The 18 Police Department is small. Inaudible Everybody 19 respects each other. There's no real crime. 20 That's why people are here. Now if it stays that 21 way, great. If it doesn't, I don't think that has 22 a positive impact on the values. 23 COMMISSIONER McLOUGHLIN: It's the 24 intent of the Board of Commissioners to maintain 25 what we have. Someone brought up a question that</p>	<p>88</p> <p>1 said what if and they brought up and I don't 2 remember the exact question, but it was almost 3 saying well what if this happens. And I felt like 4 saying and I did because I just thought it was 5 self evident, if we see a problem do you think we 6 wouldn't address it. 7 MR. AGRISTA: Yes, you will. 8 COMMISSIONER McLOUGHLIN: Yeah, 9 exactly. And you're correct because you would run 10 us out on rail if we didn't. Of course we will. 11 So that's the other thing I just wanted everyone 12 to keep in mind. We are, you know, we work for 13 you but we are cognizant of the problems. This 14 decision here and now being a binary choice is one 15 that we have to make because I need to protect us 16 against the lawsuit, and then we'll move into the 17 next steps. 18 MR. AGRISTA: I wasn't implying 19 anything. 20 Inaudible. 21 MAYOR McLAUGHLIN: Everyone's concern 22 on the board is to preserve what we have. 23 MR. AGRISTA: Which goes back to one 24 of my points. Because we all realize you do think 25 that way, we need to act that way is why the</p>

<p>89</p> <p>1 property values are what they are here.  2 Everyone's trying to buy a house here. That's one  3 of the reasons why. And again no one has to be  4 told this. Unfortunately and sadly there aren't  5 any places left like this any where.  6 COMMISSIONER McLOUGHLIN: I agree.  7 MR. AGRISTA: Any where. Look  8 around. Any where. And that's why people come  9 here. And the people who come here are well  10 intended. They don't come here to cause problems  11 like that. They come here because they want to  12 get away from those problems and want to be us.  13 And that's great. I think that's wonderful. I'm  14 not implying in any way no one up here would do  15 anything different. I'm just making observation  16 that I would think just a general premise in fact  17 that became an issue my concern would be could  18 have negatively impact that -- inaudible -- I hope  19 it doesn't just the thought. On the other hand if  20 it doesn't I've got to agree with all of you, my  21 general thing the guys -- inaudible -- increase in  22 value, and we hope to follow the life here to stay  23 like it is. As far as I'm concerned you're damn  24 good at being right in years.  25 MAYOR McLAUGHLIN: Thank you very</p>	<p>90</p> <p>1 much. Yes, sir.  2 MR. ADJMI: Alex Adjmi, 101 Cedar  3 Avenue. How many years do -- how many summers do  4 you think the construction will take? Inaudible.  5 How many summer with traffic on Main Street?  6 COMMISSIONER McLOUGHLIN: I would  7 say a couple things. I can't answer that  8 necessarily until you actually get a site plan and  9 you get something approved so we have an idea of  10 what they're building. I will say with the  11 Moratorium the redevelopers have agreed no work on  12 weekends and limited hours on week days. So we  13 did get a -- it's a mild concession I grant you.  14 But it was a concession of sorts.  15 If behooves them to move faster once they  16 break ground, for the very obvious reason that the  17 sooner they're done the sooner they sell the  18 sooner they make money. So my hope is probably no  19 more than two summers but I couldn't swear to it.  20 MAYOR McLAUGHLIN: It's in their best  21 interests to get the project done.  22 MR. ADJMI: Obviously but we can  23 anticipate probably two, three summers.  24 MAYOR McLAUGHLIN: I wouldn't go  25 three but I mean again we're guessing. You know</p>
<p>91</p> <p>1 we're guessing.  2 MR. JESSUP: The Redevelopment  3 Agreement, when that's back before this Governing  4 Body for approval that will have proposed  5 construction schedules for each of the three  6 projects.  7 MR. ADJMI: Do we have any control  8 over the plan, over the schedule --  9 MR. JESSUP: We have some control  10 regarding the general construction time table but  11 at the end of the day, you know, a 62-unit  12 multi-family building takes a couple of years. So  13 we don't get to tell them build it in less because  14 physically it's just not possible. My point is  15 you will see at one of the next meetings when we  16 consider the developers agreement, you'll see  17 proposed construction schedules and we will at  18 that point have a better sense of how many summers  19 you're looking at. Depending on whether each  20 building is built separately start to finish or  21 whether they're built some other --  22 MAYOR McLAUGHLIN: Again just to  23 mention -- just to emphasize it's not as if they  24 have carte blanche. There's time limitations.  25 They can't work on holidays. And I believe it's</p>	<p>92</p> <p>1 weekends as well. They can't work on weekends.  2 MR. LAUGHLIN: And we should mention  3 this they do have a requirement in the agreement  4 to produce the affordable housing before they can  5 start selling their townhomes and their condos.  6 So they're going to be able to do one and then  7 walk away. That doesn't work. They've got to  8 build them all. That also goes to the fact that  9 they'll want to do it faster rather than slower.  10 MAYOR McLAUGHLIN: So there's trigger  11 points that are involved. So when they do the  12 townhomes they take it what is it, a Certificate  13 of Occupancy --  14 MR. LAUGHLIN: They can't get C of O's  15 on the last five townhomes until the foundations  16 are built for the 23 on Lake Drive. They can't  17 get a singular C of O for the 62 unit building on  18 west side until all 23 affordable houses are  19 complete, C-O'd.  20 MR. ADJMI: On another subject will  21 they provide access to people on Main Street  22 through the property, through their property?  23 I mean the people on Lake Street are really  24 concerned about not outlets from Main Street. Can  25 they provide another access?</p>