

Present: Waterbury, Peterson, Canonico, Walsh, Stambaugh, Fisher, Clark
Steib (Attorney) (7:30 pm)
Cranmer (Planner) (7:30 pm)
Absent: Betesh, DeSalvo

Chairman, Ms. Waterbury, called the meeting to order at, 7:00 p.m.
All saluted the flag, and the presiding officer's statement was read.

A motion was made by Mr. Walsh, seconded by Ms. Canonico for the sole purpose of personnel matter for the interviewing for Zoning Board of Adjustment Attorney position & Counsel for Litigation, if any action was taken will be discussed at public hearing. All approved.

A motion was made by Ms. Canonico, seconded by Mr. Fisher to close the Closed Session. All approved.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to go back into open session. All approved.

Ms. Waterbury announced that during the closed session interviews were done for the position of Zoning Board Attorney & will further advise when a decision is made.

Ms. Waterbury called the regular meeting to Order @ 7:37 pm.

Roll Call:

Present: Waterbury, Peterson, Canonico, Walsh, Stambaugh, Fisher, Clark
Steib (Attorney)
Cranmer (Planner)
Absent: Betesh, DeSalvo

Minutes: June 29, 2010 minutes to be placed on the 8/4/2010 agenda for adoption.

Planning Board Representative: none

Correspondence:

Mr. Gordon Litwin:

44 Patterson Ave
Bl: 19, Lot: 1

Administrative Change

dimension of deck on prior approval

Mr. Richard Litwin, (son of owner), he explained that when he submitted his original request for front yard set back for an addition & deck, there was miscommunication between himself and the architect to the length of deck coming away from the house.

Ms. Waterbury asked if he intended on a 16' deck and the board approved 14 ½ 'toward the garage in the back of the house? Mr. Litwin said yes. He would continue the same line of the approved 14 ½ 'there would not be any increase into the front yard set back.

Ms. Waterbury asked board members if they felt that this could be done administratively or do they feel that the hearing should be reopened.

Mr. Cranmer asked if it would increase the non conformity within the variance situation? Ms. Waterbury explained that the Allen St set back would be maintained. After Mr. Cranmer looked at the plan he felt that it would increase the degree of non conformity since the house is not centered on the lot and the non conformity would be askewed and would go closer to Allen St, and he feels that the variance should be renoticed. Mr. Steib agreed.

Ms. Waterbury said unless he changes the dimension of the deck. The board could make a determination that as long as the side set back is not decreased any less than what it was approved for, the application could be handled administratively.

Mr. Litwin said that he would not go closer to Allen Street; he would take 6" off the whole side of the deck. Board members agreed.

Mr. Fisher stated as long as the set back distance, which was approved is preserved it would be good.

A motion was made by Mr. Walsh, seconded by Mr. Fisher to approve an administrative adjustment to the previous approval of Mr. Gordon Litwin, as long as the approved side yard set back is not encroached or lengthening toward the back of the house, by adding 1 ½' to the deck, without the need to return to the board

Roll Call:

Affirmative: Waterbury, Peterson, Canonico, Walsh, Stambaugh, Fisher, Clark

Negative: None

Resolution 8/4/10.....

Board authorized the Board Secretary to send a letter to the Zoning Officer advising of the administrative change.

Treasure Island Plaza, Inc:

Completeness Only

Staples Plaza - Broad St.

Bl: 70.01, Lot: 2

Review of Completeness Report dated 6/22/10

Mr. Cranmer stated that it is his recommendation that this application deemed complete. All the checklist have been received

A motion was made by Mr. Fisher, seconded by Ms. Canonico to deem the application of Treasure Island Plaza as per the recommendation of Mr. Cranmer.

Roll Call:

Affirmative: Waterbury, Peterson, Canonico, Walsh, Stambaugh, Fisher, Clark

Negative: None

The applicant will be advised to notice for the **August 4, 2010 meeting.**

Qdoba Mexican Grill:

Completeness Only

Broad St

Bl: 31, Lot: 1

Mr. Peter Falvo, Esq. represented the applicant

Review of Completeness Report: Dated 7/6/2010:

C-2.1.c: Mr. Falvo asked for a waiver for a certified boundary survey, the property has not changed, but they will supply an affidavit of no change.

Mr. Cranmer agreed to the waiver and the topo in the plans dated 6/3/2010 would be acceptable

C-2.6: Mr. Falvo asked for a waiver to supply paving and right of way widths of existing streets, this is Hwy 35

Mr. Cranmer agreed to the waiver

C-2.7: Mr. Falvo asked for a waiver since none of these features (as listed) do not appear on the site, and there are no specimen trees on site.

Mr. Cranmer agreed to the waiver, provided that the distance proposed by the applicant is within the existing footprint. Mr. Falvo agreed

Mr. Cranmer stated that these are checklist items the waiver allows the applicant to proceed but if the board feels that the information is needed the board can request any of these items during site plan.

Ms. Waterbury feels that if there are changes that occur and depending on what they are and any future application more updated may need to be provided for the "As Build".

A motion was made by Mr. Walsh, seconded by Ms. Canonico to grant the submission waivers for C-2.1.c, C-2.6, & C-2.7 as listed in Mr. Cranmer's review dated 7/6/2010.

Roll Call:

Affirmative: Waterbury, Peterson, Canonico, Walsh, Stambaugh, Fisher, Clark

Negative: None

Mr. Steib announced that he has reviewed the service submitted and finds it to be in order for tonight's meeting; the board has authorization to take jurisdiction and carry the matter to **August 4, 2010** without further notice.

Planning Board Representative Rep:

Ms. Waterbury reported that the K Hovnanian application still on going and may go for a vote.

Unfinished Business:

Azgara/Gorwin:

Adoption of Resolution - Remand

Bl: 7, Lot: 1

A motion was made by Mr. Fisher, seconded by Mr. Walsh to adopt & memorialize the resolution for re-affirming the determination regarding existence of pre existing non conforming use to Azgara/Gorwin LLC as submitted.

Roll Call:

Affirmative: Waterbury, Walsh, Stambaugh, Fisher, Clark

Negative: none

Pops Garage Restaurant:

Continuation of use variance & waiver of site plan

Bl: 20/21, Lots 1 & 1.01

Mr. Rick Brodsky, Esq represented the applicant.

Mr. Brodsky reviewed the applicant from the last meeting, and the proposed revision to the architectural plans to install a window in the rear of the store space. Revised plans have been submitted.

Mr. Terence W. Smith, Architect, was sworn.

Mr. Steib marked the following into evidence:

A-9 - Architectural, dated 2/16/2010, revision date 7/7/2010

Mr. Smith described the revisions to the cooking line and the take out area in order to have a pass through gate that would go up and down for easy passage to the front door if necessary, and is marked as "pass through" on the plan.

Mr. Smith described the changes to the rear of the space. He explained that they moved the office area in order to create more space across the back, moved the sink and hood, rotate the prep area to the back wall and move the office back so the window could be installed in the prep area, which is a better position than the office.

Mr. Smith referred to sheet A2.0 showing the rear elevation of the building with the window placement on the rear wall. He explained that they did visit the site and they show the elevation and the height where the slab is and the building. The difference from the sill of the window to grade is 53”.

Ms. Waterbury stated that she likes the reconfiguration of the interior of the space it puts all of the workers closer together, and she agrees that having the window in the office would have been more limiting, this is more open.

Ms. Canonico asked if the window was a “regular” window. Mr. Smith said that it is a casement window and the height and width would classify it as an egress window by “residential” standards. Ms. Canonico stated that she appreciates the time and thought with reference to the board’s comments. She did have concerns with the window being in an office which could be locked at some point.

Ms. Waterbury read the Construction Officials letter dated 7/1/2010 into the record.

A motion was made by Ms. Canonico, seconded by Ms. Peterson to open the meeting to the public. All approved.

No comments/no questions

A motion was made by Ms. Canonico, seconded by Ms. Peterson to close the meeting to the public. All approved.

Mr. Brodsky stated that he has no other testimony for the record.

A motion was made by Ms. Peterson, seconded by Mr. Fisher to approve the application for a Use Variance for Pops Garage Restaurant in The Grove West, with a waiver of site plan with the following conditions:

- architectural plans with the addition of a window in the rear of the space
- no drive through
- limited to 1,500 sq. ft. for this tenant space
- daily trash collection
- odor disposal to be installed as shown on plan
- food deliveries limited between 8:00 am to 10:00 am
- awning will be metal, but no a flat material and a non reflective
- outdoor seating limited to 4 tables
- outdoor lighting to be limited to small bollard lights
- waiver of site plan approval

Roll Call:

Affirmative: Waterbury, Peterson, Canonico, Walsh, Stambaugh, Fisher, Clark

Negative: None

Resolution 8/4/2010.....

Break 8:35 pm to 8:49 pm. All present at roll

Red Bank Volvo:

Bl: 7, Lots: 16 & 17

Appeal of Zoning Officers Decision
continuation

Mr. Michael Leckstein, Leckstein & Leckstein, Marc Leckstein, Leckstein & Leckstein, represented the applicant.

Ms. Waterbury wanted some clarification of the record, this application was heard in April 2010 and on that evening there were some minutes which one of our board members was reading from. A question was raised as to why the board had information that was different from what the applicant had. Ms. Waterbury referred to copies of the requests for access to government records which have those minutes as part of the information, dated 1/5/10, 1/7/10, 1/8/10 and 1/4/10 all requested by Marc Leckstein. In the requests it was requested for minutes of the Board of Adjustment meetings dated May 2, 1984, June 6, 1984, September 2, 1981, June 11, 1959, May 14, 1953, and it was one of the 1984 minutes which were being read on that night. Ms. Waterbury wanted to address that concern that there may have been something that we were looking at that the applicant wasn't, and we had them because they had been requested.

Mr. Leckstein asked if he could address that issue.

Mr. Steib stated that before we get into this, he stated that he did read the transcript of that meeting, it was discussed at the end, Mr. Leckstein put on the record that they didn't know if they had them or not, they weren't sure if they had them, they might have them, it was a misunderstanding, and he feels that you should just let this pass.

Mr. Leckstein said that Mr. Steib is absolutely right it was a misunderstanding of what we were talking about, two different things. It wasn't a matter if we denied or never seem them. We didn't know what was in front of the board. That's what the issue was. There was a letter written by Mr. Forrester, which basically said that we were trying deceive you in some way, and that wasn't true, it wasn't that we didn't have it, it wasn't that we didn't have what you had in front of you at that moment, we didn't know.

Mr. Leckstein said that he has appeared before Mr. Steib many times, and he knows that it is his habit, in other boards that he has been the board attorney that he marks in things that the board has so everybody knows what you do have, and if that had been done, and

we had marked in the minutes of 1984, whatever it was, we would have known what you had in front of you and this mix up would not have happened. He agrees with Mr. Steib that it was a misunderstanding and there was no deception on their part.

Mr. Marc Leckstein, he doesn't know if the board is in receipt of Mr. Forrester's letter, he did respond with a letter dated May 5, 2010, did the board receive that letter?

Ms. Waterbury said that she is not even aware of Mr. Forrester's letter; she just has the OPRA's from Mr. Leckstein said that the letter was addressed to the board.

Mr. Marc Leckstein stated that the letter was addressed to Mr. Michael Leckstein with a copy to the board. Ms. Waterbury said that there may be a copy in the file.

Ms. Waterbury said that she wanted to put it on the record so that the record would show that the board was not looking at information that you didn't have, and she wanted to clear that item up.

Mr. Marc Leckstein suggested that, so there is no confusion, if they can mark in, if the board does have in its possession any of the minutes, which he requested in the OPRA request. It might be advisable to mark them all in as "B" numbers, if Mr. Steib agrees, this way everyone will know what we are talking about, so we don't have a situation where someone just starts reading from something and its out of context. Mr. Steib said that would be normal procedure. Especially when Ms. Clark started reading from minutes and we had no context from what she was reading, which caused the confusion.

Mr. Steib said that he understands that. He said that the board is better to plot on and if something comes up we will deal with it rather than trying to go to every ones file and figure out what every body has. Mr. Marc Leckstein said ok.

Mr. Leckstein stated that it has been some time now and we have had hearings on other matters since then. Just to focus in on what this is about. There was a letter request made by Mr. San Filippo to your Zoning Officer asking whether or not we ---inaudible-- to his client (Bowling Alley) to park on their property which is Lots 16 & 17. There was a letter that came in December of 2009 which said "that the present zoning you cannot park on the adjoining property owners land" and they took an appeal to this. So tonight, and it his understanding, and he asked Mr. Steib to correct him, is that the only thing before the board is to determine whether or not the Zoning Officer was correct in saying that the Bowling Alley patrons cannot park on property owned by Red Bank Volvo or Mr. Mathews. Mr. Marc Leckstein said specifically Lots 16 & 17. Ms. Waterbury said, correct. Mr. Leckstein asked, are we all in agreement that is what the focus is of this application.

Mr. Michael Leckstein said that Mr. Mathews was on the stand and had testified and was under cross examination, vigorous cross examination by Mr. Forrester. We had some disagreements at that time and then we ran out of time.

Mr. Leckstein asked Mr. Steib if he wants to continue that or where we are with Mr. Mathews. He said that he has some redirect and that would be a good place to start. Mr. Steib said that is a good place to start.

Mr. James Mathews remained under oath. Mr. Leckstein asked Mr. Mathews if he recalls, the last time of the discussions, whether you were aware of certain fences that were on Lots 16 & 17 during the 1980's, do you recall that? Mr. Mathews said yes he does. Mr. Leckstein asked if he recalls that it was your testimony was that you didn't recall such fences? Mr. Mathews said at that moment he could not recall fences.

Mr. Leckstein said that Mr. Forrester then presented to you a hand drawn by Harold Seldin, could you identify it, this came out of Mr. Forrester's file and he has copies for the board.

Mr. Steib marked it as A-3 into evidence, entitled A Sketch for Richard M. Mathews, Lots 16 & 17, Bl: 7 Henry St. Borough of Shrewsbury, Monmouth County New Jersey, dated 10/23/1989 signed by: Harold J Seldin, Professional Engineer & Land Surveyor.

Mr. Marc Leckstein stated that it was already marked for identification purposes by Mr. Forrester as B1, but the board did not review it, but they will mark it A-3, as their evidence.

Mr. Michael Leckstein asked after he reviewed the map did it bring back any recollection of part of the history of this lot? Mr. Mathews said yes. Mr. Leckstein asked if he now recalls if there were some fences on the lot at certain times? Mr. Mathews said yes, the sketch shows fences around the perimeter which would be the south, east and the north sides of lots 16 & 17. It also shows, I guess, a front which is around 1/3 of the lot off of Henry St. Mr. Leckstein asked if 1/3 of the lot off of Henry Street was not behind any fences? Mr. Mathews said no it wasn't. Mr. Leckstein asked how many parking spaces were in the area that was unfenced? Mr. Mathews said according to this drawing there are 10 spaces outside the fenced in area.

Mr. Leckstein asked Mr. Mathews if he recalls how long that 2/3rd area was fenced off? Mr. Mathews said that he doesn't recall exactly but he knows that the fence was up somewhere in the late 70's and probably came down in the early 80's (80 or 81) the most. Mr. Leckstein asked if he wasn't sure? Mr. Mathews said no. Mr. Leckstein asked if that is the best recollection concerning the fence? Mr. Mathews said that it was up for a short period of time.

Mr. Leckstein asked Mr. Mathews, during that short period of time that you have knowledge of the property, have people from the bowling alley parked in the areas continuously in the 10 spaces that exist that were not fenced? Mr. Mathews said that is correct. They parked outside of the fence between the fence on the west side of the lot and Henry St.

Mr. Leckstein said that he had nothing else, any questions from the board.

Ms. Waterbury asked Mr. Mathews how far back can he remember the parking being in the 10 spaces? Mr. Mathews said as far back as he can remember, its hard to say its been so many years, bowlers parked on their lots from the time he was a little kid until today when the bowling alley burned down. He doesn't recall a time when they didn't park there.

A motion was made by Ms. Canonico seconded by Mr. Walsh to open the meeting to the public. All approved.

Mr. Alex Melamudov, owner of Bowling Alley

Mr. Leckstein objected because he is represented by Counsel. Mr. Steib asked if he was represented by Counsel here today? Mr. Melamudov said no

Mr. Melamudov stated that Mr. Mathews when he was a little kid would have been in the 1950's where as the area in question in the parking of lots 16 & 17 were not owned by Mathews until the mid to late 60's. Ms. Waterbury asked if he had a question.

Mr. Melamudov asked if they were parking there before you guys owned it, and had a fence around some else's property?

Mr. Leckstein said that the question is improper because its not a matter of when he owned it and when he parked there, the question whether the bowling alley was parking on this lot back from when he was a little kid. We have many more witnesses about this issue. Mr. Steib asked Mr. Mathews if he understood the question? Mr. Mathews said no, and could he repeat the question. Mr. Steib asked Mr. Melamudov to rephrase the question.

Mr. Melamudov asked, in your youth that placed the time line around the 1950's when you were a child, since you were born in 1948, Mr. Mathews said that is correct. Everyone knows that the bowling alley has been there since the 1920's. However lots 16 & 17 and house directly to the south side were all owned by the same person that were not the Mathews, and were bought by the Mathews in the 60's. So if say that the area was fenced with parking; and you remember parking since you were child that means that the fence was around some one else's property all that time? Mr. Mathews said that he doesn't know if there was a fence around lots 16 & 17 in the 50's, he doesn't recall.

Ms. Waterbury asked if there were any other questions from anyone in the audience?

There were none.

A motion was made by Ms. Canonico, seconded by Ms. Peterson to close the meeting to the public. All approved

Ms. Canonico asked, for clarification the fence which borders this property was on all four sides correct, you said that you said north, south and east, it is shown on all four sides. Mr. Marc Leckstein said that it shows all four but it is open for 10 spaces, there are four sides to the fence, correct. Ms. Canonico said that she sees four sides with the exception of the open spaces, correct? Mr. Marc Leckstein said correct.

Ms. Canonico asked Mr. Mathews, is it your recollection that people from the bowling alley and Red Bank Volvo would park in the front 10 spaces? Mr. Mathews said absolutely.

Ms. Waterbury asked who owned the property was back then? Mr. Michael Leckstein said "some body" else, this is not a test of who owned the property, the test is were people from the bowling alley parking there in the 50's, and we will have testimony.

Ms. Waterbury asked or was it in the 50's or are we back to the discussion of 48? Mr. Michael Leckstein said that is another issue, we are getting way ahead of the time. We will be going through the Ordinances that even in the 60's your Ordinance permitted the parking on adjacent properties. That it was specifically permitted.

Ms. Canonico asked if this is the area that you testified to a while ago that the area that you picked up bottles and stuff is that the area, as a child you remember picking up cans and bottles and stuff, was that you? Mr. Mathews said that he remembers picking up bottle on Bl: 7, Lot 1. Ms. Waterbury said that was the other application.

Mr. Robert C. Wilson, Sr. 94 Wall St Red Bank NJ was sworn. Mr. Wilson testified that his birthday is March 18, 1930 making him 80 years old, and he grew up in Red Bank. Mr. Leckstein asked Mr. Wilson if he is familiar with this particular area as a child? Mr. Wilson said that it was his playground. Mr. Leckstein asked if he is familiar with the bowling alley? Mr. Wilson said yes, he use to work there as a pin setter as a teenager. Mr. Leckstein asked Mr. Wilson in 1951 if he enlisted in the Army? Mr. Wilson said yes and he went to Korea and he was discharged in 1953 returning to Red Bank. Mr. Leckstein asked Mr. Wilson if he on occasion went to the bowling alley in Shrewsbury? Mr. Wilson said yes, he bowled there and had a lot of friends who worked in the Volvo place and Cadillac place, he played there all the time.

Mr. Leckstein asked Mr. Wilson, when he returned from Korea he was 23? Mr. Wilson said yes. Mr. Leckstein asked if he had on occasion to park on the property which is the discussion tonight? Mr. Wilson said he parked there many nights, and he also parked there when they were bowling and when they weren't bowling. How he knows is they all had bowling balls, and most of his friends worked there. They parked in the lot across from the body shop (Henry Street). At the time it was not the Volvo dealer it was a foreign car dealer. Mr. Leckstein asked we are speaking about Lots 16 & 17 across from the body shop? Mr. Wilson said that is right.

Mr. Leckstein referred to A-3 and asked Mr. Wilson if he recalls if there was a fence between the main bowling alley and this lot? Mr. Wilson said he doesn't recall.

Mr. San Filippo asked for a clarification of “this lot”? Mr. Leckstein said Lots 16 & 17.

Ms. Waterbury asked for questions of the witness.

Mr. Fisher asked Mr. Wilson, back when you were describing there was no fence or you don't recall the fence, this essentially was one big parking lot, yes, that flowed into Lot 1? Mr. Wilson said that there were a few fences back there and certain spots where Volvo and everybody parked their cars back there. Mr. Fisher asked, you are able to distinguish between what is Lots 16 & 17 and Lot 1 at that time? Mr. Wilson said most of the people who parked back there parked any where they wanted to park.

Mr. Fisher asked, did most people even recognize that they were different lots associated with where they were parking or was it one big parking lot? Mr. Wilson said that he doesn't think that people realized that they were different lots, it was dark back there, and people did park back there. Mr. Fisher asked how do you distinguish between what is now Lots 16 & 17 and what is Lot 1? Mr. Wilson said that he cannot give a correct answer because he just went back there as a boy in those days. Ms. Waterbury asked, was the parking done after your returned from Korea and not before? Mr. White said that he did park there before the war because he grew up in the neighborhood.

Mr. Walsh said Mr. White when you refer to “there” is lot 1 or lots 16 & 17? Mr. White said that there were no fences they just went there to park. Mr. Walsh asked if there was any definition of lots and blocks it was just a parking area?

Mr. Michael Leckstein asked Mr. White, since there were no delineations of lots, when we asked whether you parked and people from the bowling parked, the property that bordered along which was directly across the street from what is now the body shop, you are being specific to that area of the parking lot? Mr. White said yes he is. Mr. Leckstein said you are talking about the one all the back to the rear fence on the south? Mr. White said yes. Mr. Leckstein referred to A-2 (colored drawings) and described the building as the “green” and “purple” is lots 16 & 17, is it your testimony that the bowling alley people parked, as you did, on the “purple/pink” area? Mr. White said yes.

Ms. Stambaugh asked Mr. White, did people park there because the rest of the lot was full, why did you park all the way in the back? Mr. White said everybody used it.

Mr. Walsh asked Mr. White, did you park there because all the guys that were working there parked there? Mr. White said that he parked there because of personal reasons.

A motion was made by Ms. Canonico, seconded by Ms. Peterson to open the meeting to the public. All approved.

Mr. Alex Melamuduv asked Mr. Wilson, you can back from the service in 1953? Mr. White said yes. He asked Mr. Wilson when he came back there were Volvo's across the street or foreign cars, how big was that dealership? Mr. Wilson said that it was just building up, he couldn't tell you how big it was, it was a nice size franchise.

Mr. Melamudov asked Mr. White, if I tell you that the property was 40' wide, would that refresh your memory? Mr. White said that would be wrong, it was bigger than that. Mr. Melamudov asked do you recall lights in the back of the building? Mr. Leckstein said this is a lay person, he has answered questions about the lots that he was talking about. The lights on the building he doesn't know what building he is talking about. He needs to be specific. Ms. Clark said that he did specify the bowling alley. Ms. Waterbury asked Mr. Melamudov to be specific on the bowling alley building. Mr. Melamudov said the "back of the building" would be the bowling alley building, do you recall lights on the back of the bowling alley building? Mr. White said that you really couldn't tell, because you had your lights on in your car and your lights were blinding out the other lights if there were bright lights, he really didn't pay any attention to see if there were lights on the building or anything all he knew is that he had lights on his car.

Mr. Melamudov asked if any the neighbors complain about you or your friends parking there at night, with the lights on? Mr. White said no.

A motion was made by Ms. Canonico, seconded by Mr. Walsh to close the meeting to the public. All approved.

Ms. Canonico asked if there was any type of buffer i.e. trees or shrubbery that would warrant you guys to park back there? Mr. White said no, most of the guys were working or bowling that parked there.

Mr. Richard Summer, 1612 Deerhollow Drive, Toms River, NJ was sworn. Mr. Leckstein asked Mr. Summer if he has had some history to the property? Mr. Summer said yes. Mr. Leckstein asked him --inaudible--- response was January 15, 1958. Mr. Leckstein asked Mr. Summer, did there come a time when you lived on or near this property? Mr. Summer said yes, 1979 - 2000, and the address was 21 Henry Street, on Lot 15, next door to Lots 16 & 17.

Mr. Leckstein asked Mr. Summer if he is familiar, at least from the 70's, with this particular piece of property? Mr. Summer said just 1979 - 2000. Mr. Leckstein asked, what type of cars were parked on 16 & 17. Mr. Summer said Volvo's and bowlers. Mr. Leckstein asked how did you know which were which? He said because he worked in the bowling alley, and he knew for a fact that people parked there. Mr. Leckstein asked, when you lived there, did people from the bowling alley park "back there"? Mr. Summer said yes they did. Mr. Leckstein asked, were there certain occasions where there were events that the bowling alley that required a lot of parking, and the entire lot 1 would be filled? Mr. Summer said yes, and they would park on Henry Street in front of his house, and he would let them park in his driveway. Mr. Leckstein asked if there were events that bowlers parked in his driveway on Lot 15, and they filled up lots 16 & 17? Mr. Summer said exactly. Mr. Leckstein asked if this went on continuously from 1979 through 2000? Mr. Summer said yes it did.

Mr. Leckstein said that it appears that there was a period of time when there was fence that erected, do you recall that? Mr. Summer said yes he does, but he doesn't know when it was erected. Mr. Leckstein asked do you have any idea of how long it was up?

Mr. Summer said that it was gone in 1981 - 1982. Mr. Leckstein asked, do you know what the purpose of the fence was? Mr. Summer said that the purpose of the fence was to hold the wrecked cars for the body shop, he worked in the body shop and for insurance purposes you had to have them locked up to collect the money on the storage.

Mr. Leckstein asked, to your knowledge is the sketch (A-3) in front of you, is that accurate to the effect that 2/3rd was fenced off and 1/3 was open? Mr. Summer said correct.

Mr. Leckstein asked Mr. Summer, during the 2 years when the 4 fences were up, where the spaces were not fenced in off Henry Street were they utilized by bowlers?

Mr. Summer said yes it was, because all the beers cans and bottles ended up in his yard.

A motion was made by Ms. Canonico, seconded by Ms. Peterson to open the meeting to the public. All approved.

Mr. Alex Melamudov, said Mr. Summer, you moved into the house in 1979? Mr. Summer said yes, it was owned by Richard Mathews. Mr. Melamudov asked if he worked for Red Bank Volvo? Mr. Summer said that he worked for Mathews Auto Body. Mr. Melamudov asked, were the bowling events so large that they ran out of parking spaces, did you have to "police" the parking in the evening to make sure where the bowlers parked, on the parking lot? Mr. Summer said no he did not, but he could see the parking lot from his kitchen window. Mr. Melamudov asked if any of the bowlers or bowling alley owners come to you for person to park in specific spots? Mr. Summer said no? Mr. Leckstein asked Mr. Summer if he owned the lots? Mr. Summer said no. Mr. Leckstein said that they would no come to him for permission? Mr. Summer said no.

Ms. Stambaugh asked Mr. Summer, you said that the fence came down in 1981 - 1981, how do you remember that? Mr. Summer said because he remembers taking care of the dogs that were running the fence.

A motion was made by Ms. Canonico, seconded by Ms. Peterson to close the meeting to the public. All approved.

Mr. Leckstein asked for a break in order to wait for Mr. Gemma, he was to be here at 9:00 pm it is now 9:24pm. All approved.

Ms. Canonico asked if Mr. Summer knew how many cars could park on the front lot, 1 and Lots: 16 & 17? Mr. Summer said that they needed to park on the street due to the tournaments that they use to have, he never counted the spaces but he would estimate at one point 150-200 cars.

A motion was made by Ms. Canonico, seconded by Ms. Peterson to open the meeting to the public for the additional testimony just given from Mr. Summer. All approved.

There were no comments/questions

A motion was made by Ms. Canonico, seconded by Ms. Peterson to close the meeting to the public. All approved.

Break: 9:26 pm to 9:36 pm. All present at roll call

Mr. Leckstein stated that he could not get in touch with Mr. Gemma and he asked to have this matter **carried to the August 4, 2010** meeting without further notice.

Ms. Peterson asked if Mr. Gemma will be available? Mr. Marc Leckstein stated that they will have a Planner on 8/4/2010 who will testify. Ms. Waterbury asked if he is the last witness he plans on putting on? Mr. Leckstein said unless they need to bring back any of the witnesses back they will just have Mr. Gemma.

Ms. Waterbury stated that at the last meeting the minutes that we had some questions on were the May 5, 1984 meeting testimony, will Mr. Gemma be the person to answer questions that she has questions on? Mr. Leckstein said "could be".

Mr. Leckstein said that they are going to deal with the concepts of non conforming uses, and certain things like that. Mr. Marc Leckstein said in regard to the 1984 minutes everyone involved in the 1984 application isn't here, and very likely is deceased. It is difficult to actually answer questions with regard to the 1984 minutes because unless you were here in 1984 you don't know what happened in 1984. He doesn't know if there are specific questions that the board wants them to address now, and we can do some research, to put Mr. Gemma on the spot, if there are specific questions about the 1984 minutes that you would like to ask, ask them now and they will try to prepare for that. If Mr. Gemma doesn't come they will have to get someone else who is less familiar with the application. He wants to be prepared to answer any questions.

Ms. Waterbury said that testimony was given by Mr. James Mathews father in 1984 and it did go into depth about his impression about the parking on those lots 16 & 17, how they used them, what was locked and what wasn't lot, what was fenced, what wasn't fenced. Some of it may seem to conflict with some of the testimony that was presented tonight and she doesn't know what bearing from a planning standpoint he may feel that we should be giving or not giving. The information in those particular minutes and the resolutions that would relate to Red Bank Volvo that may reference, some of the resolutions referenced the parking on those lots. Mr. Leckstein asked, we are talking about the parking on Lots 16 & 17 in the 1984 minutes & resolution that goes with it? Ms. Waterbury said lets make it a productive meeting.

Ms. Waterbury asked if there any thing else that the board would like them to be prepared for that we have not heard tonight? There were no comments.

Mr. Marc Leckstein again asked to have this matter carried to August 4, 2010 without further notice.

Mr. Walsh asked what if the board chose not to carry this matter, what would happen?

Mr. Steib said that you should carry this, you want to give this applicant their opportunity to complete their case. That being said, its 9:35 pm, the applicant has another hour or so in order to finish this evening, the applicant is not prepared to go, the applicant has represented that they will be prepared to go on August 4, 2010, so I think that the applicant is on notice from this board that if they are not ready to go on August 4, 2010 this board may decide to conclude the case with what they have.

Mr. Marc Leckstein said that is fair, and they certify that they will be prepared to conclude on August 4, 2010 as in their case --inaudible--- and whatever

Mr. Michael Leckstein said that he has experienced many strange things have happened, power outages, all kinds of things, but being that as it may, no hurricanes, no tornados, snow they will be prepared.

A motion was made by Mr. Fisher, seconded by Ms. Canonico to carry the application of Red Bank Volvo, without further notice to **August 4, 2010 @ 7:30pm**. All approved.

New Business: none

A motion was made by Mr. Fisher, seconded by Mr. Walsh, to adjourn the meeting @ 9:40 pm. All approved.