

PLANNING BOARD
JUNE 1, 2021 7 PM

The Manasquan Planning Board held a zoom meeting on June 1, 2021 at 7:00 pm with Chairman Neil Hamilton presiding.

Chairman Neil Hamilton stated that notification of this meeting was given to the Asbury Park Press and the Coast Star and the agenda for this meeting has been posted on the official website of the borough.

Chairman Neil Hamilton welcomed everyone and asked that everyone join him in a Salute to the Flag.

ROLL CALL: Present: Edward Donovan, John Muly, Robert Young, Greg Love, Mark Apostolou, Kevin Thompson, Leonard Sullivan, Neil Hamilton, and Mark Larkin

Absent: John Burke

Also present was Board Attorney George McGill and Board Engineer/Planner Albert Yodakis.

Mr. McGill read the Sunshine Laws for the meeting and the process to be followed for the zoom meeting.

OLD/NEW BUSINESS

Approval of Vouchers

Mr. Apostolou made a motion to approve the vouchers, seconded by Mr. Sullivan. Motion carried by the following vote:

AYES: Mr. Donovan, Mr. Muly, Mr. Young, Mr. Love, Mr. Apostolou, Mr. Thompson, Mr. Sullivan, Mr. Hamilton, and Mr. Larkin.

NAYS: None

ABSTAIN: None

Regular Meeting Minutes – May 4, 2021

Mr. Apostolou made a motion to approve the minutes, seconded by Mr. Love. Motion carried unanimously.

RESOLUTIONS

#37-2021 Ralco – 21 N. Main Street – Application #18-2021

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Mr. Apostolou made a motion to approve the resolution, seconded by Mr. Sullivan. Motion carried by the following vote:

AYES: Mr. Donovan, Mr. Muly, Mr. Young, Mr. Apostolou, Mr. Thompson, Mr. Sullivan, Mr. Hamilton, and Mr. Larkin.

NAYS: Mr. Love

ABSTAIN: None

#38-2021 - Young, Matthew – 18 Muriel Place – Application #22-2021

Mr. Young made a motion to approve the resolution, seconded by Mr. Larkin. Motion carried by the following vote:

AYES: Mr. Donovan, Mr. Muly, Mr. Young, Mr. Love, Mr. Apostolou, Mr. Thompson, Mr. Sullivan, Mr. Hamilton, and Mr. Larkin.

NAYS: None

ABSTAIN: None

#39-2021 - Parziale, Mike – 204/208 Fourth Avenue – Application #24-2021

Mr. Apostolou made a motion to approve the resolution, seconded by Mr. Muly. Motion carried by the following vote:

AYES: Mr. Donovan, Mr. Muly, Mr. Young, Mr. Love, Mr. Apostolou, Mr. Thompson, Mr. Sullivan, Mr. Hamilton, and Mr. Larkin.

NAYS: None

ABSTAIN: None

APPLICATIONS

15 Minute Presentation – Ocean Bay Developers, LLC – Neary Quinn Funeral Home Site

Appearing for this application was applicant Art Corsini, principal in the LLC and Victor Barr, Architect.

Mr. McGill advised that people cannot represent an LLC, but since this in an informal hearing and no action will be taken on it that he would permit it.

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Mr. Corsini stated that on April 6, 2021 an informal plan was presented to the planning board which had 12 one bedroom one bath apartment in a three story building as well as 12 parking spaces adjacent to the existing single family home which is not part of this application but owned by the Neary Quinn Funeral Parlor. He stated that in addition there were 3 single family lots fronting on Branin Avenue. He stated that on April 6, 2021 they heard the Board's comments which a few were unacceptable which are as follows: the orientation of the building that was perpendicular to South Street was unattractive to the Board and the twelve parking spaces were unacceptable due to the lack of offsite parking in that area. He stated that they have revised the concept plan for this meeting tonight which replaces the 12 apartments with 2 two story townhomes with rear loading garages and have kept the 3 single homes on Branin Avenue. He stated that he believes that this is more inline of what the Board was looking for on this property and the proposed elevation is much more suited for this part of South Street. He advised that he would like the Board and the consultants to provide any comments or plans on this amendment concept plan.

Mr. Hamilton clarified that there will be two townhomes and that parking is planned for that structure.

Mr. Love inquired about the number of parking spaces for the townhomes.

Mr. Corsini stated that there will be one in each garage and one stacked behind the garage and on the concept plan there are two spots located behind lot 3 and one to the side of lot 3 for surplus parking. He stated technically there is 3 parking spaces for each townhome.

Mr. Apostolou inquired about the total occupancy for the townhouses.

Mr. Corsini stated that the plans are for each townhouse to have four bedrooms with 2 ½ baths.

Mr. Yodakis stated that the proposed parking meets the Borough's parking ordinance requirements and is in excess by providing the one additional parking spot per unit. He stated that the three single family lots will have the required 2 spots per house.

Mr. Apostolou inquired about the height of the townhomes.

Mr. Barr stated that the height of the townhomes would be 35' measured in compliance with the local regulations which he believes from the top of the curb to the highest point of the roof.

Mr. Hamilton wanted to know what the height of the existing building is.

Mr. Barr stated that he has not measured the existing building but his gut feeling is that the existing building is higher than 35'.

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Mr. Sullivan stated that this is more in line of what he would be comfortable with approving for the site.

Mr. Hamilton stated that the plan presented fits the area and agrees with Mr. Sullivan's remarks.

Mr. Love inquired about the number of bedrooms in the single family homes on Branin.

Mr. Corsini stated that the single family homes have not been laid out yet but assumes they would be between three or four bedrooms, two to three and half bathrooms and two car garage with two spaces behind.

#19-2021 – Damen, Steve & Dovie – 581 Brielle Road

Mr. McGill placed on the record the following exhibits: A-1 Architectural Plans dated November 16, 2020; A-2 Application; A-3 Letter from Mr. Rubino dated May 21, 2021 amending the application; and B-1 Boro Engineer Letter dated March 12, 2021.

Mr. Rubino added the following documents for the record: A-4 Amended Architectural Plans dated May 17, 2021; A-5 Series of 7 Photos; A-6 Resolution 2002 and Resolution 2013

Appearing for this application was the applicants, Mike Rubino, Architect Mr. McHugh

Mr. Rubino stated that in 2002 the board granted relief to build the footprint of the house on lot 21 which is 581 Brielle Road and he stated that Mr. Damen's family has joint interest in the property. He advised that Mr. Damen also owns the lot next door, 579 Brielle Road and he advised that the Damen's have worked out amongst themselves whereas Steve and Dovie will buy out the rest of the family's interest in the property. He stated that they would like to add an addition on the western vacant lot which would be a little over 695 square feet. He advised that if they were allowed to build separately they would be able to build approximately 856 square feet so the addition would be less than what would be allowed. He stated the total pervious coverage that would be allowed if they built separately on the vacant lot would 1,223.5 square feet and if you add what is existing and what is proposed they would be under what would be allowed if they built separately. He stated that two of the variances that they are seeking has to deal with the roof and that was one of the reasons that they were carried from last month with the question as to whether when variances are needed to go above 33 feet. He stated that he thought they were compliant with 37 feet until they re-read the ordinance and because there are other existing non-conforming conditions on the existing lot that would put them into the category of non-confirming. He stated the height requirement is 33' and they are proposing a height of 36.17' where 35.78' exists and he stated that they would like to match up to that existing roof line which would be about 6 inches higher than that line. He advised that the existing house was granted a variance to allow three stories to it and they are requesting three stories be allowed here to match the existing structure. He stated that there is also a variance requested for a pillar in the front yard at 5.9' with an 8' setback in the front yard and there is a front step setback that is over the line. He advised that they

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are also seeking a variance for building coverage where 35% is permitted and 40.48% is proposed and maximum lot coverage of 50% is allowed and 50.4% is proposed.

Mr. McGill swore in the applicant Stephen Damen, Engineer Ray Carpenter, Engineer Joe Kociuba and Architect Brendan McHugh.

Mr. Rubino asked questions of Mr. Damen.

Mr. Damen stated that this is his fourth time before the board dating back to 2001 and in 2002 coming before the board with the original build of the house, 2013 after Sandy and the fourth time is today. He advised that he moved into Manasquan in 1987 and went over the history of the house. He stated that he was approved in 2013 after Sandy to have the height at 36' and he came in under that with a little under 36'. He stated that he is looking to gain more square footage for more living space and he acquired the 579 Brielle Road lot a few years back. He is looking to get the addition approved and combine the lots to make it 50' by almost 100'. He went over the trees that were planted and advised that there will need to be a walk through on the west side of 5' and a couple of the trees will need to be moved from that area and put them into an existing proposed planter. He stated that if the sidewalk or curb is damaged during construction they will be replaced and that if any portion of the fence is over the property line he will move it to the correct location.

Mr. McHugh stated that he worked with Mr. Damen after Sandy to lift and rebuild the dwelling. He stated when he met with the Damen's 8 or so months ago they discussed adding more living space and a guest suite as well as off street parking. He stated that they had to go a foot below grade in order to get the parking space partially usable. He stated that on the lowest level the addition sits back 10' and they wanted to stagger it a little bit for aesthetics so everything wasn't as far up as the original house and he stated that in the garage area they wanted to make sure that they fit four cars under there. He stated that in the back area they wanted some type of cohesive backyard which would extend from what it is now and create a deck that would match up with the existing deck and have a pool above that. He advised that there are stairs right next to the pool and the planter to get up to the deck on the west as well as stairs in the garage area to get up to the first floor living space. He advised that the intent was to maintain the 4 parking spaces and when the garage on the first floor is created they need to raise up two risers, so there is 2 steps that happen at the first floor living area and that would maintain the 7' clear garage height and it would also maintain the height at this floor at approximately 9'. He went over the dining and living area with a 2 story section by the piano but it is also about outdoor entertainment with a slider to the rear deck and the pool area and the decks connect at the back of the property. He advised that the main priority was to create more living space. He stated that the second floor has a hallway that would connect to the addition and also connect to a guest bedroom with its own bathroom and closet with its own deck area facing the rear. He stated that on the north side of the property is a sort of library or work station that is a balcony area that oversees to the first floor. He advised that the half story had an existing loft space that opened up to a balcony that faced east and the intent there was to provide more of the same to get more entertainment space and create a bigger balcony out back and to make it usable. He also stated that because of the garage to keep those spaces they

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need to lift up 2 risers of 16" which included lifting the roof line 7.9' ceiling in half story as opposed to a higher area on the existing house. He stated that he did the third story calculations and they are under 60% above 5' and they meet up with that but they do not meet up with the idea that the roof has to start within 4" of the floor/ceiling below. The goal was to match up with the original architecture and get as close as possible to the original ridge height. He went over the elevations and the idea of keeping with the existing look of the house as well as maintaining the garage space for off street parking. He continued to go over the plans that were submitted and referenced the roof line matching the existing.

Mr. Sullivan voiced his concerns about not being able to find 3 or 4' for this project.

Mr. McHugh stated that they are really trying to match up the ceiling heights at the first and second floors as well as the half story. He stated that it would be a challenge to reduce the height.

Mr. Hamilton stated that there is a building coverage issue here.

Mr. Rubino stated that basic idea with the building coverage was that if they built independently, which they could, there would be more coverage on the new lot if you combined the two. He stated that by adding an addition which would be less square footage than would otherwise be allowed the town ends up with less coverage overall on the two lots.

Mr. Larkin inquired about the floor on the South elevation with the proposed new addition on the left looks like the floors are higher than the existing structure.

Mr. McHugh stated that is correct and the intent was when they lifted the original structure they tried to create a garage and they had to dig down into the soil 1 foot which is allowed for FEMA requirements for flood zones to put the garage in. He stated that it is not very tall and not very wide and the intent was to make the garage more usable so the first floor was lifted by 2 risers to give it 7' clear just from the existing grade so they would not be going down into the dirt. He stated that the intent was to make this more flood compliant and to bring cars off the street and when you see it on the south elevation is up by 2 risers compared to the existing house. He stated that 2 risers is usually 16' because it is typically 8" per riser.

Mr. Rubino asked Mr. Damen about the flooding in the garage.

Mr. Damien stated that a little bit of a height into the garage because the existing driveway goes into the garage/storage area and he has had 1 to 2 feet of water sitting in the garage. He stated that the idea was to have a rising to a foot level to allow the water to be pushed out and having that problem of flooding in the existing addition.

The board accepted Mr. Carpenter's credentials as an expert engineer.

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Mr. Carpenter stated there is a single family house on the one lot with an empty lot adjacent to it with a paved parking area off Brielle Road which they are going to expand with an addition and pool as proposed. He went over the proposal which included proposed building coverage of 40.48%. He went over the lot coverage percentage if a new single family home was on it as well as the difference for impervious coverage. He went over storm water management for this property as well as the proposed landscaping plan. He confirmed that existing lot 21 is an undersized lot and existing lot 22 is undersized but is not developed except for the driveway. He also confirmed that they are taking 2 nonconforming lots and combining them and making one lot which will be 2100 feet over what is required. He confirmed that there are some existing setback violations on the existing lot which are being asked to match up with on the proposal. He stated that the addition will meet the front yard setback, the variance that they are looking for is an architectural feature. He confirmed information regarding the variances requested.

Mr. Rubino stated that the existing coverages on lot 21, where the house is, are substantially over what is allowed. He stated that Mr. Carpenter has about 58% and they are going to 40.48% and they are requesting 50.4% and he wanted the board to note that they could get rid of the .4% by making some modifications and making it comply.

Mr. Young referenced a 2013 resolution and he thought the coverages were going to be less than what is being presented today by removing a shower, wall and other items and wanted to know if that ever happened.

Mr. Carpenter stated that they are there now so they are existing.

Mr. Young stated that they were supposed to be removed based on the resolution in 2013.

Mr. Damen stated that everything was removed except for the fireplace as well as the fountain area.

Mr. Young wanted to know why in the resolution it states that the fireplace and some other things will be removed and Mr. Damen is telling him that he chose not to remove these items because esthetically it wasn't pleasing and why did he agree to that in 2013.

Mr. Damen stated that he believes they agreed to this but it was never positioned to be removed. He stated that the builder removed a majority of the stuff but not these 2 items.

Mr. Young stated that it was Mr. Damen's obligation not the builders. He stated that he is troubled when he heard the case in 2013 when coverage was over and Mr. Damen wasn't sure how that happened when the house was built. He stated that Mr. Damen agreed to the 2013 resolution that there were things that were going to be reduced and esthetically he decided not to remove them. He stated that he does not see where it was Mr. Damen's decision and he is not hearing an answer as to why other than it didn't look good.

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Mr. Damen stated that he honestly has to apologize for that and if that is part of the resolution that needs to get done then he can make it happen.

Mr. Young stated that since we heard Mr. Damen twice and twice he has apologized that about things that weren't done he is not sure that he can believe him now. He wanted to know what confidence he has that Mr. Damen will follow through if there is something agreed on today.

Mr. Rubino stated that the as built is supposed to match what is proposed and he stated that Mr. Damen will agree to remove what has to be removed from the last resolution and it can certainly be made a condition of the resolution and part of the permitting process and final CO process.

Mr. Hamilton asked Mr. Young if the central air conditioners were part of that resolution and were they in place at that time.

Mr. Young stated that he will look.

Mr. Hamilton stated that right now they are in violation of the current ordinance for their location.

Mr. Young does not see the AC units referenced in the part of the resolution that he is looking at.

Mr. Damen stated that the AC units were put in the exact same place when they were raised after Sandy. He stated that if moving them is a requirement he will do that by putting all the units on the third floor.

Mr. Hamilton inquired about a generator and if there is a proposal for this.

Mr. Damen stated that he does not have a generator request on these plans.

Mr. Carpenters continued with Mr. Yodakis' letter as it relates to the pool equipment so it will not relate to building coverage or impervious coverage. He stated that the new air conditioning units can be moved to the third floor. He went over the elevation, no grading changes, parking spaces and they agree to a landscaping plan as approved with some trees will be moved but not removed.

Mr. Yodakis asked Mr. Carpenter to provide him with the documents showing the seasonal high water table that he is referencing.

Mr. Carpenter stated that he has a soil boring document which he will send over to Mr. Yodakis.

Mr. McGill stated that as a matter of housekeeping he swore in Mr. Yodakis.

Mr. McGill stated that the resolution from 2002 will be Exhibit A-6 and the 2013 Resolution will be Exhibit A-7.

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Mr. Sullivan inquired about the steps that are encroaching into Borough property.

Mr. Kociuba stated that he could address that through his testimony.

The Planning Board accepted Mr. Kociuba's credentials as a planner.

Mr. Apostolou inquired about the discussion on swimming pools but he does not see any calculations that have been submitted on anything as regards to a swimming pool. He stated that there was testimony on the seasonal ground water and is this something that will need to be considered.

Mr. Carpenter stated that the coping elevation is 12 and the ground elevation is 4 so there is 8 feet from the existing ground elevation to the top of the coping and this will be an above ground pool.

Mr. Kociuba went over the plans and why it is justified under the Land Use Law and Statutes. He stated that the two lots are both nonconforming, both narrow width, and both are undersized. He went over the proposed building coverage as compared to separate building coverage on the new lot by itself. He went over the requested variances and why they are being requested and the relocation of the mechanical items so they do not provide a variance condition. He stated that he believes these plans are certainly the best scenario, looks the most attractive, looks the most symmetric, and looks the most in place compared to the existing structure. He stated that this promotes the general welfare and provides a benefit that justifies the variances being requested. He believes the variances being requested specifically the front yard setback to the pillar, the building coverage and lot coverage, the height being requested can all be granted under both the C-1 and C-2 criteria and they are also seeking to continue the existing nonconformities that were discussed. He stated that the front steps into the right of way is a typical situation on Brielle Road as a result of Sandy and raising the homes. He went over the variances existing and proposed again and the criteria as well as the negative criteria.

Mr. Hamilton inquired about the curb cut and the garage.

There was discussion on the garage as it relates to cars or storage.

Mr. Hamilton stated that he would like to see the curb cut reduced.

Mr. McGill asked if there is a variance required for the curb cut.

Mr. Kociuba stated that yes there is a variance required for the curb cut and they have identified it as a pre-existing nonconformity.

Mr. McGill stated that you are creating a new lot and you don't just get to keep your curb cut you have to comply when you make a new lot.

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Mr. Kociuba stated that he believes that they can comply and defers to Mr. Carpenter.

Mr. Carpenter stated technically you could match the garage with the curb cut but it might propose a little difficulty to access it off of Brielle Road but believes it is physically possible.

Mr. Hamilton stated to move forward with that. He inquired about the relaxing of encroachments onto borough property.

Mr. Carpenter stated that the Governor did relax the encroachments and amended their ordinances to allow steps into the right of way.

Mr. McGill stated that whatever relief they can get for that step that is in the right of way is not the Planning Board's to give. He stated that they might need to get it from the town but the planning board cannot approve an encroachment into a right of way.

Mr. Love stated that the other issue is that as far as the stairs come out there is a piece of a wall that comes out even further and no one is walking on that.

Mr. Hamilton stated that he does not have a problem with this because it has been there for so long. He suggested Mr. Damen sending a letter to the Borough Council letting them know what is there and see what kind of relief they would give him, which takes any liability away from the planning board.

Mr. Rubino stated that Mr. Damen will consent to amending the application to a 20' driveway.

Mr. Kociuba stated that as far as the board is concerned they are continuing the 0' setback.

Mr. Hamilton asked Mr. Yodakis if he sees any negatives here that the Board should be aware of.

Mr. Yodakis stated that they do raise a number of interesting points as it is a situation where there will be an oversized lot but the dwelling has several variances that are now going to push it over. If they did keep it as an existing lot and build a dwelling there, there would be something a lot bigger and a lot more impervious and lot coverage. He stated that as far as the height goes, if they have met our 4 inch they would be meeting that half story calculation. He stated that the height being above where existing is 35.8 and there is 36.2.

Mr. Hamilton stated that they do not meet the third story calculation criteria, but the pre-existing home is there and if they are going to do it certainly to match the addition up makes architectural sense.

Mr. Yodakis agrees with Mr. Hamilton's comment.

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Mr. Young understands that the Damens can put a second home on the adjoining lot and would take up a lot more coverage but typically when they are confronted with a conforming lot particularly in the beachfront area and it is going to exceed 35% building coverage, the question would be what is the hardship that necessitates going over, in this case, 5% over. He wanted to know if this is a hardship or is it just to build a bigger home on the adjacent lot.

Mr. Kociuba stated that in this particular case that variance is more suited to the C-2 criteria because the hardship here is that if you built on lot 22 and put the coverage that would be permissible on lot 22 what is being proposed the addition to be is less than that. He stated that this is more to benefit the planning then it is a hardship so he believes this can be granted under the C-2 criteria.

Mr. Rubino believes this can also be fit under C-1 criteria because it states at the end of the statute it clearly adds if existing conditions can drive a hardship.

Mr. Kuciaba read the section of C-1 part c criteria mentioned by Mr. Rubino and explained the hardship criteria as it relates to this application.

Mr. Young stated that the application came in at 35% the footprint of the house would be just under 1700 square feet but they are asking around 1948-1950 and he believes a footprint of 1681 square foot is huge. He understands all the reasons why but if they could come in at 35% on this house that is an enormous house for Manasquan beachfront area.

Mr. Kociuba stated that he understands that and stated that the math is correct but they are starting from the home that exists there today so as far as planning is considered and the C-1 criteria specifically section c, they look at what exists on the lot today and take a look at what the benefit the planning is. He stated that if the board agrees with that line of thought as they indicated that they can develop the other lot and you would wind up with a lot more coverage, a lot more impervious, a lot more impact to the neighbors and likely requests for side setback variances given it is a very narrow lot.

Mr. McGill stated that we are hearing that this design is a benefit because it could be worse but what Mr. Young is getting at is wouldn't complying be more of a benefit.

Mr. Kociuba stated that the answer there is always yes.

There was discussion on the separate lot being built on versus the addition on the current house into the lot.

Mr. Apostolou made a motion to open the meeting the public, seconded by Mr. Young. Motion carried unanimously.

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There being no comment Mr. Apostolou made a motion to close the public portion, seconded by Mr. Young. Motion carried unanimously.

Mr. Apostolou voiced his concerns about this application and stated that this proposal is too much and he does not see this as a hardship.

Mr. Rubino made his closing statements and believes that from a land use standpoint they have presented more than enough evidence and if the Board is satisfied with it should grant the application.

Mr. McGill wanted to know if there will be a variance required for the fireplace, 3 foot which is #6 on Mr. Rubino's letter dated May 21.

Mr. Rubino stated that he is not sure how that got there.

Mr. Carpenter stated that the fireplace is a restructure and is inside the setback.

Mr. Rubino stated that the fireplace will be moved to 3 feet.

Mr. McGill stated than there is no variance.

Mr. McGill went over the following variances: pillar in the front yard at 5.9'; maximum building height and storage with a 3 story structure and we are at 36.17' where 33' is permitted that is the height because the ordinance restricts nonconforming structures to 33'; maximum building coverage at 35% and 49.48% is proposed; lot coverage is being withdrawn and comply; minimum front steps is an existing condition and he doesn't believe that needs to be granted as it encroaches into the Borough right of way; the driveway is going to comply; and the fireplace will comply.

Mr. Rubino wanted to make it clear that the existing house is at 8' and the pillar is at the 5.9' and he doesn't know if a separate variance is needed for the 8' for the house.

Mr. McGill stated that the 8' is already existing.

Mr. Hamilton voiced his opinion about this application and would be in favor of granting this application.

Mr. Hamilton made a motion to approve this application with the variances noted, seconded by Mr. Larkin. Motion carried by the following vote:

Mr. Donovan stated that he agrees with Mr. Young and if he votes on this application it would be contingent upon the 2013 resolution being fully complied with.

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Mr. Hamilton stated that he believes they are going to move those few things to comply with the 2013 Resolution.

Mr. Rubino stated that the applicant will comply with that.

Mr. Young stated that the air compressors were not included in the 2013 Resolution.

Mr. McGill stated that the air compressors were not included in 2013 but are stipulated for this application.

AYES: Mr. Donovan, Mr. Muly, Mr. Hamilton, and Mr. Larkin

NAYS: Mr. Young, Mr. Love, Mr. Apostolou, Mr. Thompson, and Mr. Sullivan

ABSTAIN: None

OTHER BUSINESS

Mr. Sullivan made a motion to close the meeting, seconded by Mr. Apostolou. Motion carried unanimously.

Date Approved: DECEMBER 7, 2021