

A Public meeting of the Township Council was held in the Municipal Building at 6:00 p.m. and was called to order at 6:00 p.m.

Present

Councilwoman Andrea Zapcic
 Councilman Arthur Halloran
 Councilwoman Heather deJong
 Councilwoman Lisa Crate
 Councilman Jim Fozman
 Council Vice President Marianna Pontoriero (Arrived @ 6:46 p.m.)
 Council President Paul Mummolo

Also Present

Mayor John G. Ducey
 Kevin Starkey, Township Attorney
 Lynnette A. Iannarone, Township Clerk
 Joanne Bergin, Business Administrator

Clerk Iannarone announced adequate notice of this meeting was provided and published in Asbury Park Press on September 1, 2016. Copies of the agenda were provided to the newspapers, posted on public bulletin boards and the township website (www.bricktownship.net).

This meeting began with the salute to the flag followed by a moment of silence.

President Mummolo explained that the purpose of the public hearing is to discuss two projects: a development project at Birchwood Park, also known as Hank Waltonowski Memorial Park, and the development of a restaurant at Trader's Cove Marina. He said these hearings are being held in accordance with a public notice advertised on September 1, 2016 as outlined by the NJDEP Green Acres Program.

Birchwood Park (Hank Waltonowski Memorial)

President Mummolo stated the first matter is the development project at Birchwood Park. He said the Township intends to make an application to the NJDEP Green Acres Program for a Park Development project. He said that Councilwoman Andrea Zapcic, who chairs the Recreation Committee, will outline the proposed project.

Councilwoman Zapcic explained that the Township of Brick is applying to the NJ Green Acres Program for funding to redevelop this beloved neighborhood park. She said many residents may know that this park is also named in memoriam for Hank Waltonowski, who was a valued member of the Township's Public Works Department. Mr. Waltonowski and his family were residents of Birchwood Park and he was an avid supporter of the youth sports program in Brick and a dedicated member of the Township's staff. She said they are confident that he would be pleased with this project. She explained this four acre neighborhood park is the fifth park that the Council is improving and will be designed in keeping with the high standards of such parks like Windward Beach Playground, Herbertsville Park, Lake Riviera Park and Angela Hibbard Park. She explained the project estimate of \$1.2 million dollars includes a complete redevelopment of the playground, and will provide a 2-5 year old and 6-12 year old playground with pour & play safety surfacing, a gazebo, seating, two state-of-the-art basketball courts, a multi-purpose field that can be used for multiple sports, a walking/running track, and new landscaping with irrigation. She noted security cameras will be included as well as new lighting fixtures. The public is welcome to view the plans, ask questions and make comments. She said they want this facility to enhance the quality of life for all residents who are the main users of the park along with their children, grandchildren, friends and neighbors.

President Mummolo opened the public hearing on Birchwood Park.

Mrs. Nancy Rutherford, 20 Hulse Landing Drive requested that indigenous plant species be included in the landscaping plan.

Mrs. Moldano, Augustus Drive also asked that they use only native trees for the site.

President Mummolo commented that in addition to the Green Acres Grant, they are utilizing a tree planting grant "No Net Loss Program" and will receive approval from the State for the species selection.

There were no further comments from the audience.

President Mummolo closed the public hearing on Birchwood Park.

Traders Cove Park & Marina Restaurant

Mayor Ducey explained the Council is holding this public meeting at the request of the New Jersey DEP to receive public comments on the proposed restaurant at the Traders Cove and Marina Park, to be constructed and operated by Chef's International. The Township Council held a public hearing on this project at its meeting on May 17, 2016, when a public presentation was given on the details of the proposal. At that time, the Council received comments and approved a lease with Chef's International. This hearing tonight is held on the same topic pursuant to the request of Green Acres. He announced the professionals in attendance to help answer questions if necessary including: Bob Cooper from Chef's International; Jeff Carr, the engineer for Chef's International; John Jahr, traffic engineer from Petry Traffic; Joe Baumann, the Township's Redevelopment Attorney; Kevin Burdge, Dock master; Police Chief Jim Riccio, Business Administrator Joanne Bergin and Township Attorney Kevin Starkey. The Mayor pointed out two important aspects of the existing lease that have been corrected. The first is the parking. The clam shell lot currently used for winter boat storage is the main area that will be used for restaurant parking. Chef's International has agreed to provide a valet service during peak hours to help ensure the parking spaces by the playground and the docks are not used by restaurant patrons. Summer boat storage has never been offered at the Marina and there is more than enough space for boat trailers and parking in the summer. Secondly, the boat slips for those who come to the restaurant by boat will be the 16 transient slips currently at the site. None of the rented slips will be used by restaurant patrons. Chef's International has agreed to hire a dock master to ensure that boaters can easily access the site in the appropriate slip areas. He stated another misnomer that requires addressing is that this proposal requires the Township to apply for a diversion through Green Acres. A diversion is when an entity takes public parkland and diverts it for a private use. As is the case with countless public golf courses, Marinas, and even Island Beach State Park, restaurants are considered an ancillary use for a public recreation site, especially one as comprehensive and developed as Trader's Cove, where there are multiple recreation activities including boat slips, a boat ramp, a canoe/kayak launch, fishing and crabbing, a playground and many educational activities including the new Reclaim the Bay work station where families join naturalists in protecting and sustaining the beautiful Barnegat Bay. He said in fact, the Farley Marina in Atlantic City is the home of the Chart House Restaurant. That Marina is a Green Acres funded site as well that went on to enhance the site by building a restaurant. The State of New Jersey recently opened a tiki bar at Island Beach State Park, citing it specifically as an amenity that enhances the beach experience. The Mayor said restaurants enhance parks and recreation areas. The NJDEP launched a web site that said "Providing enhanced amenities within the NJ State Park System has been a goal. The state parks are an incredible asset to the citizens of the state and to all visitors to the park." The NJDEP considers restaurants an additional amenity. In their words, "Adding adult alcohol beverage service in a controlled environment is another opportunity for visitors of legal age to enjoy an adult beverage while visiting the beach for a day. This service is no different than what is being offered along most of the Jersey shore at boardwalks and elsewhere." To illustrate that point, the NJDEP said there are restaurants that serve alcohol in state-owned golf courses and at Liberty State Park, Waterloo Village and Skylands Manor at Ringwood State Park. All of these operations have been successful with no ABC violations. He said just last week, DEP spokesman Larry Hajna said "Our park system is in need of services to help it become more self-sustaining. There's just not enough revenues coming in and they do not have to raise fees. It's certainly not different from what other communities are offering and it offers a service that will help keep the park sustainable." He pointed out some history and the future amenities to the site:

- This is an 11-acre site
- In 2005 Brick Township acquired the site for \$6.8 million, Green Acres paid \$3.4, Brick Township paid \$3.4 then Ocean County gave \$1.5 to Brick Township.
- In 2004 – a 62 unit multi-family development and restaurant were approved at the site with a 193-slip Marina. 52 residential units were approved by the Zoning Board with a 100-seat restaurant that included 334 parking spaces and 193 slips
- It cost \$7.8 million to clean up the site and construct the Marina
- In 2007 it was declared an Area in Need of Redevelopment and identified as a site for a museum, banquet hall and restaurant, and a Marina
- In 2008 the Township proceeded with the plans with \$2.5 million from Green Acres, \$466,000.00 from I-Boat, \$807,000.00 from NJ BIG and \$3.2 million from Brick Township.
- There have been more than a dozen public meetings on this site
- A restaurant has been an ancillary component of every development proposal
- A restaurant is a permitted use in the B-2 zone

- The Green Acres development application from 2008 included a restaurant
- Every CAFRA application filed for this site included a restaurant
- In those applications and subsequent discussions, they were told that “as long as they complied with applicable regulations and it’s not a primary use for the site, a restaurant is permitted.”
- In fact, the State recently opened a restaurant at Island Beach State Park which includes the service of food and alcohol on a seasonal basis. The rent is \$75,000.00 per year with 2 percent annual increase.
- This is a seasonal restaurant and will be open from April – October.
- The restaurant is entirely open air.
- The only enclosed buildings are the kitchen and bathrooms – which will be open to the public
- The existing perimeter is unobstructed
- This will not exceed 30 percent impervious coverage; the net lot area is 23 percent.
- The breakdown of coverage is as follows: buildings, 3,680 square feet; patios, 6,374 square feet; decks 5,083 square feet; beach area, 3,093 square feet; and concrete walks, 470 square feet.
- There are 400 seats in total including the rooftop seating which was originally intended for Phase 2.
- The Township will continue to have community events including concerts at the Park.
- The Township’s noise ordinance allows music until midnight; the lease agreement with Chef’s International says live music shall be permitted until 12 am on Friday and Saturday, until 11 pm on Thursday and Sunday and until 10 pm on Monday, Tuesday and Wednesday.

He said in 2003 a Traffic Study was completed and approved by the Ocean County Planning Board and CAFRA. That study was done with the mixed-use residential component. That plan required 291 spaces, 329 are available not including the County’s 50 parking spots. He said on that basis, the available parking is more than adequate, but they took it a step further and did a new traffic and parking study and will be available once it is finalized. He said Chef’s International also owns and operates similar restaurants including 9th Avenue Pier in Belmar. The Mayor said this restaurant has a great reputation and has zero police incident reports since opening in 2012. He stated this restaurant will create 97 new jobs. He added Chef’s International will be investing \$2 million in costs to design, build, equip and furnish the restaurant. The Mayor said Hinkley’s Marina across the street is privately owned and under construction for boat slips, but nothing more. He said they have met with the owners and outlined these plans which they embraced as a project that would greatly enhance the Bay and the Marina. The Mayor noted the Marina drew \$338,866.00 in revenue in 2015, which is \$116,295.00 more than the previous year; the Marina’s profit grew to \$77,127.00 in 2015 and does not include the debt service. He said when he became Mayor; the Township had already incurred \$22 million in debt for this park. Of that, \$7 million would be coming back to the Town in the form of grants, leaving a \$15 million debt service. The annual funded by bonds for the Park is \$13,013,978.00. The debt service on this amount is approximately \$1,155,100 per year. He said lastly, .76, or seventy-six hundredths of the municipal tax rate of 69.6 cents per \$100 of assessed value, is for Trader’s Cove Park’s debt service. He explained the procedure for the request of proposals for this project, which made it an open and public process. He stated this is a 24-year lease with two 10-year options to renew. He said its \$75,000.00 per year with a 2 percent annual increase and noted they compared it to the Belmar restaurant lease. He said as Mayor it is his duty to pay down that debt service as quickly as possible and to develop that site in a way that provides for revenue while enhancing the natural resources of the area. He noted Brick Township has proven itself to be a leader in open space, both with active and passive recreation areas. He said he is proud to say that Brick Township boasts 2,497 acres of preserved land including the municipal, MUA, county, state and federal properties. The nearly 2,500 acres of preserved parkland in Brick far exceeds preservation totals in all of our comparably-sized neighboring communities including Toms River: 1352 acres, Howell: 2101 acres, and Wall: 1266 acres.

President Mummolo opened the public hearing on Traders Cove Park & Marina Restaurant.

Christine Skella, 416 Mohawk Dr. Brick said she uses the park frequently and her main concern is the presence of alcohol at the park and how it will impact families that are visiting. She said that a restaurant is not reasonable for the site and she is concerned about enforcement and the sale of package goods. She also asked how a \$75,000.00 lease will help offset the costs of running the park, that it is not a lot of money.

William Fine, 214 Valhalla Drive, said he is a 45-year resident and his main concerns are the limited parking at the site, public access will be reduced and alcohol use next to the playground. He wrote a letter to Mayor Ducey and quoted the response letter. "If we don't receive a proposal that makes financial sense, we will not move forward." Mr. Fine said he did not believe the proposal makes financial sense since he did the math and the Township's budget of \$71 million would only be reduced by 1/10th of 1 percent. He said that equates to a reduction of the average tax payer of \$2.10 per year. Mr. Fine said that he does not think this savings justifies the loss of public access and that it is a "phantom financial benefit." Mr. Fine also said that he thinks the Transient Boating Building will also reduce public access.

Michael Gerrity, 958 Ridge Road, said he is a Rutgers University Environmental Steward. He is concerned about the water supply, habitat, plastic debris and the health of the Barnegat Bay. He asked that the restaurant be themed on the importance of the Barnegat Bay and use this site to inform the public about the Bay at this site. He also asked that the restaurant be built and managed with LEED standards.

Carl Block, Ocean County Administrator, discussed how he has been in contact with the Township with regard to his concerns with the lease agreement and had been on-site for the meeting between the County, Township and Green Acres a few weeks before. He said that his concerns remain with the traffic impact, parking and drainage to the entire site but with specific regard to the County's Mantoloking Park. He asked when he would receive a map or exhibit of the proposed changes to examine. He asked that a traffic study be conducted and provided. He indicated that at the time the County purchased land from the Township for Mantoloking Park that the facility was intended to be a low intensity use and he is concerned about the negative impacts of the restaurant development and use. He is reserving further comment until after such time that he can review an exhibit and traffic report showing the impacts to the site.

Mike Fiore – Ocean County Parks read a prepared statement on behalf of Freeholder John C. Bartlett, Jr., Chairman, Department of Parks and Recreation:

Honorable Members of the Governing Body:

As I am undergoing significant chemotherapy, I am unable to deliver this statement personally and have therefore asked Mr. Michael Fiore, Deputy County Administrator and former Assistant Parks Director to make this statement on my behalf.

Please know that as Freeholder Chairman of Parks and Recreation for over 36 years, I have worked very cooperatively with Brick officials. Many years ago I discussed with Mayor Dan Newman the concept of having Brick donate the vacant Green Acres Forge Pond site for the County's development of a golf course –Danny agreed. Years later Mayor Scarpelli publically endorsed the County's Natural Lands Open space program, and the County was able to financially help Brick purchase the Airport Tract as one of our first acquisitions.

But today we are at a different crossroads because the proposal for a restaurant/bar at Traders Cove unfortunately constitutes an unfortunate breach of faith between the County of Ocean and the Township of Brick. The joint venture to buy and develop Traders Cove was negotiated between the County of Ocean as represented by Freeholder John Bartlett, Chairman of Parks & Recreation and the Mayors of Brick –Mayor Joe Scarpelli, Mayor Dan Kelly, and Mayor Steven Acropolis.

Let me briefly quote some of the relevant correspondences:

By letter of August 1, 2006 from Mayor Scarpelli to me, the Mayor closes with this sentence: "I look forward to working with you on this long awaited project to provide the residents of Brick Township with a state-of-the-art park and marina facility."

On August 24, 2006 by memo of your Assistant Planner, Tara Paxton to Scott Pezarras, she refers to "deed restrictions on the property" indicating "the primary use of any development on the land must be for the promotion of outdoor recreation and conservation."

On July 19, 2007 by memo of Brick Professionals to County Professionals including our Parks Director, the Township states "The main objective of the Township has been and continues to be to utilize and develop the park as a marina, museum, and public waterfront park." This memo then states that acquisition costs might be met involving "the State of New Jersey, Green Acres, Save Barnegat Bay, Ocean County and the private donor" meaning the proposed boat museum.

The County's formal involvement is noted by deed of November 13, 2007 from Brick to the County in the sum of \$1.5 mil. The County intended to build a fishing park -independent of Brick's plans- including a boardwalk, fishing pier, bait preparation areas, access under the new Mantoloking Bridge to the stub of the old bridge to the south and pervious parking to

accommodate our, and only our patrons. The deed states that “the property hereby conveyed shall be developed only in a manner supporting and/or enhancing the recreational use of such property.”

Clearly, all these statements point to a cooperative relationship for public recreational facilities. I do not regard a bar on this limited site to be in the general public interest or in keeping faith with the County’s investment of a total of \$3.5 million at our park.

But to add insult to injury your lease agreement with Chefs International, Inc. dated May 17, 2016 in Part VIII – Shared Parking refers to “an adjoining County-owned park which contains fifty-three (53) spaces. During the Term, Lessee shall have access to and the nonexclusive use of the public parking lots described above...”

Quite frankly, how you can sell property to the County, and then lease to a profit making body parking facilities you do not own or have any legal right to administer. This is highly inappropriate if not arrogant and I assure you it will not be. At the very minimum you might have sought the owner’s advice. You did not!

So when I talk about a breach of faith, I am putting the matter mildly. Your proposal breaches the concept of public recreation, public access to a beautiful piece of publically preserved waterfront, and leases land you do not own. May I respectfully remind you that the County built, at its expense, the ingress and egress road at its entire expense? The ingress is County/Parks land. The County will lend every effort to protect its investment.

May I last note that the tone of this statement somewhat reflects the fact that I expressed the County’s concerns to Mayor Ducey on March 4, 2015 relating to the press articles regarding Traders Cove; and I was not favored with the courtesy of a response. Thus the necessity of this public statement.

I fully trust that our good working relations of over 36 years will continue to flourish in the future, but I would be remiss in my duties if I did not point out that your present proposal constitutes a serious breach of faith –but one that can be, and hopefully will be- corrected.

Respectfully submitted,
John C. Bartlett, Jr.
Freeholder, Chairman
Parks and Recreation

Mayor Ducey indicated that the Township was in the process of preparing a Traffic Study of the impact of the restaurant and that the restaurant operator was preparing a site plan and that they would be made available to the County when completed shortly.

Bruce Bennett , Resident of Toms River, Mr. Bennett was the original architect that designed the previously proposed residential condominium uses for the site. He also designed the Ocean County Golf Course. Mr. Bennett said that this proposal is a highly intensive use. He said the Mayor’s comparison to the patio bar at Island Beach State Park was not a fair comparison. He suggested that landscaping and plants be more natural. He does not approve of what is on site. He said that the Township should not monetize the public use. Mr. Bennett said a 24-year lease does not make sense and it is not the Township’s job to develop this intensely. The proposal lacks creativity. He said that he thinks the State should not approve the lease. He’d like to see other businesses bring other jobs into the Township and he does not need to buy food or drinks at a park. He asked that the Township reconsider this proposal and leave this as a park.

Nancy Bowden Harris, 1126 Barnegat Lane, Mantoloking – said that she lives across the bay from the Traders Cove site. Her family has been there since 1920. She has rebuilt her home after Sandy and is concerned about the safety of children playing at the park with a restaurant and bar next door. She thinks the concept is ridiculous. She said she thinks the Township has not considered all of the issues that will arise as part of this development with traffic impacts, back-ups on Mantoloking Road and Rt. 35 and safety.

Toni Granato, NJ Sierra Club, Toms River Resident, spoke on behalf of the Ocean County Chapter of Sierra Club. She said she was supportive of preservation of the park and opposed to commercialization of Traders Cove. She said that the park is a recreational gem and that this proposal will change the park. She said the proposed development will take away the public access and make people feel like access is limited. She said it will be paved over, impact the view shed and limit public access. There will be more traffic, families will not be able to enjoy or go to the park. Wildlife will be impacted. She said it is a “dirty deal” and that the property is held in the public trust as an open space and belongs to all of us. Statewide contributions were made to purchase and build the park and that if they allow this development to move forward it would be “Applebee’s on the Bay.” She said the site is environmentally sensitive and there would be pollution impacts. The problem of jellyfish is increasing and it is shameful that the Town is

promoting more development. They should be supporting other local businesses not building more. She said that she opposes this “diversion” of Green Acres land and urges DEP to reject the lease and encourages others to speak out. She asked if NJDEP would get a copy of the minutes and if they will have a separate meeting or hearing.

Mayor Ducey and Business Administrator Joanne Bergin answered Ms. Granato’s questions and said, Yes, NJDEP will get a copy of the minutes and No, they did not think the NJDEP would hold a separate meeting or hearing.

David Formichella, 61 Nejeco Drive said he fully supports the project and hopes it gets through.

Frank Whalen, 96 Shorewood Drive said that he was a park operator supervisor at Liberty State Park for years and the property should remain as open space. He is a boater and said that there will be difficulty getting into the park because there will be too many boats. He said there will be too many cars and he won’t be able to park at the park. He is totally opposed to the development of the restaurant. He asks to “Keep it Green, that’s what we mean.”

Wille deCamp, President of Save Barnegat Bay, 725B Mantoloking Road, Brick and 1229 Bay Avenue, Mantoloking, said that Mayor Ducey made false statements. He said Green Acres had not approved this development. He said the “guy in charge of the file” at Green Acres did not know there were 400 seats proposed at the restaurant. He said the Township gets revenue from the summer storage of boats. In 2015, \$19,000.00 was brought in for the summer storage of boats. He said it is most important to read the lease agreement. He said the Township will not post it on their website or the contract or pictures. He said the exhibits show slip spaces, parking spaces and that they are all shared with Chef’s International. Mr. deCamp said anyone can see the lease on SaveBarnegatBay.org and see the exhibits. He said in 2015, there was \$195,000.00 in revenue from slip rentals. He urged the Mayor to share the lease.

Mayor Ducey corrected Mr. deCamp and stated that the areas shown on the lease exhibit were incorrect and are being corrected and that an amended lease agreement will be voted on. He indicated the lease is shown in the Council agenda on the Council’s portion of the website.

Joanne Bergin, Business Administrator, provided a list of all of the dates the Township corresponded with or met with Green Acres regarding the lease agreement and the restaurant use. She indicated that summer storage would be allowed under certain circumstances, but it is not used as a revenue model. County parking spaces will be removed as part of the lease agreement.

Maria Ritter, 725 Mount Place, Point Pleasant – questioned the exhibits and asked why the lease agreement lists the county parking spaces and all of the marina slips. Why is Chef’s International allowed to use all of these spaces? She indicated that financially, it makes no sense to her. Parks were never made to be a revenue stream and they should be left in their natural state for recreational space for everyone. “Drunken people are not wildlife.” She asked if the restaurant is open to the public, then she should be allowed to come with a picnic basket and sit down at their tables and eat and drink her own food. “Can I go there and take up a bunch of tables and have my own birthday party and stay there all day?” She said you are taking everyplace of open space and making it a private venture. Ms. Ritter said the patio bar in point pleasant is horrendous, it is noisy and crowded. There is a bird sanctuary next to Traders Cove – public concerts once in a while are ok, but not every night. It makes no sense unless the lease is revised. She said this use is in-excusable.

Carol Dunn, 1622 Edge Street, said she rents a slip at the marina and asked if slip customers will still have 2 parking spaces. She said the parking lot will not accommodate everyone. She is concerned about the traffic on Saturday nights.

Mrs. Bergin answered the question – all marina slip renters will be assigned 2 spaces.

Dominic Brando, Former Councilman, 12 Commodore Dr., explained that he was a councilman when the project started and there was always an intention to have some sort of restaurant at the park. The original design included a spray park, marina, passive park and resource center that would have space for a restaurant. He said Green Acres always knew there was the intention of a restaurant on the property. He stated that he thought the lease is undervalued. He thinks there could be a lot more earned out of the lease. He stated that this site is a “jewel.”

Mayor Ducey answered Mr. Brando by indicating that the lease will bring in \$2 Million over the term of the lease that will help to pay down the debt. He reminded everyone that the restaurant is only open for 5 months of the year – it is not a year-round use. The price is pro-rated for that reason.

Emily Kmosko, 123 Bay Harbor Drive said that she is a boat slip renter at the marina and stated that sometimes when it is crowded at the marina, it is difficult to get a parking space. She said parking for slip renters is not enforced now, and asked how Marina staff is going to enforce parking when the restaurant is open in the summer.

Kevin Burge, the Township's Dock Master answered that they will be instituting a new hang tag system where boat slip renters will get 2 slip holder hang tags and it will be enforced and patrolled by the police. He also indicated that most of the time, there are plenty of open parking spaces.

Steven Kallini, 39 Clarks Landing, said that he is a boat slip renter and asked how the Township is going to get boats out of the water if weather is bad if all of the parking spaces are used up for the restaurant. He said that there will not be enough space to wash boats down – that there is not enough water at the site now.

Kevin Burge, the Township's Dock master answered that more spigots are being ordered and there is a hydraulic trailer on the site that will move boats where they need to be in the case of an oncoming storm.

William Guzzy, 134 Metedeconk Road said he understands both sides of the issues. He asked if Hinkley Marina's redevelopment will include a restaurant. He said he understands that the Mayor is looking out for the tax payer to save tax dollars, but said that there must be a more creative way to come up with \$100,000 per year instead of taking away the park. He said 400 seats will bring too many cars and cause a lot of traffic, there are no crosswalks on Mantoloking Road – it is already 3 miles of road with non-stop traffic and the turnover in the restaurant will be 1,600 cars per day.

Christine Shuller, 316 Mohawk Dr. asked how the Township will prevent Chef's International from building a monstrosity on the water. And asked if anyone on the council lives in the area.

Dwight Layton, 14 Court F stated that other people are going to make a lot of money off of the restaurant. He said that it will be good for the Township to keep money in the town. He said people will come here and spend their money here. We have a nice town and this will add to it. He loves boating by the Pilot House and since it closed, he does not go there anymore. He thinks it is a great idea and will be an asset to the community.

Liz Lubowiecki, 39 Cardinal Drive said that she moved to Brick more than 18 years ago and lived in Bayonne before. She watched Rt. 70 get built up. She loves the park and has a boat there. She asked why the Town has to turn it into what was shown on the rendering. She asked if the Council has ever tried to get across the bridge and street in the high season. She said it is ridiculous to have a restaurant here and people will drink and drive.

Tara Dunning, 72 Nejecho Drive said she has been coming down to the shore since the 1950's and she loves her home but she's see lots of change. She asked if there will be a traffic light at the entrance to the restaurant. She said she loves the nature in this park and it gives people on this side of the river access to fish and crab. She said she hopes that they do not lose that with this development. She goes to the beach every day and it is dangerous because of the traffic. It takes her ½ hour to get bread sometimes. She asked that the council look at this more carefully. She loves the park and wants it to make it so that people from all around can go there.

Resident (Janet) from Koches Avenue said that she is a 20 year resident and thinks that the Mayor has worked hard and that the restaurant will only add to the park. She said it will be beautiful. She said the other administration left us with this and he has had to deal with this site. Adult people are excited about the restaurant. She said, "Thank you very much Mayor!" She added that the Mayor has helped them with the "Buy in Brick" program.

Janet Tauro, Board Chair of Clean Water Action of Ocean and Monmouth County and lives at 747 Bay Avenue, said that Traders Cove has a long and tortured history. She thinks that the lease agreement is not good and does not agree with the development that is proposed. She

does not think it should happen at the expense of the environment and safety. The Barnegat Bay has had a steady decline of native species because of intensive uses, garbage, cooling equipment from Oyster Creek and runoff. She wants to see a better storm water plan and that this should stay a passive park. She said the intent for this park was always for conservation and preservation. She said they be cutting down on development in the bay and she opposes this diversion of green acres funding. She said hopefully, the Township will think again and not proceed with this plan, the park was meant to be a passive public park.

Rosemary Stanko, 52 Nejecho Drive said that this upsets her. The lease negates this beautiful park that it is and is meant to be. She said Reclam the Bay will disappear. She said there is no appropriate reason for this to be thrown away. She said it is insulting and ridiculous. This restaurant is not an appropriate reason to throw away the park use. Township people will have to clean up garbage; insurance will increase from having a bar next to a playground. She urges Green Acres to disallow the use for private development and profit. The Green Acres Mission nowhere talks about restaurants and bars. She asked why must they build on every last stitch of grass. The park is done, it's beautiful and leave it be.

William Rodgers, Vaughn Avenue, Forked River said that he agrees with the previous speaker 100 percent and thinks Brick is overdeveloped.

Grace Hartmann, 39 Paul Jones Drive said the park is a jewel and she does not support the restaurant. She thinks it will spoil the facility and asked council to reconsider.

Michelle Donato, Attorney for Save Barnegat Bay since 1988 and New Jersey Conservation Foundation went through the history and the involvement of Save Barnegat Bay who fought to save this piece of land from development. She said that the lease agreement does not have an upward limit to the 400 seat restaurant. She said that they have a deed restriction for conservation. She said the lease does not refer to the signage required for the restaurant. She said it is in the scheme in the public trust for Green Acres that this be preserved for conservation and recreation. She said the proposal is rife with misrepresentations, a violation of the public trust, violation of the long standing commitment of the Township to provide access to this waterfront park and this is a demonstration by reversal of this decision. She said the impact of this use on the bridge is massive and she urges the council to return to the mission to save this site since 1988.

Gregg Auriemma, 50 Kettle Creek Dive, Chairman of Sierra Club of Ocean County asked the council to act as his students since he is a professor. He assigned them to study the lease. He said they should go through the lease and tell him if they think it is okay. If they say it is okay then they fail his class. The key issues that are at play are the shared spaces on the site – they are ambiguous. He said that the income they are receiving for the lease of \$75,000.00 is inadequate. There are other alternatives in town of vacant spaces that could be used for a restaurant. He believes that this is a diversion of land under Green Acres Rules and that to replace this property with a 2-1 ratio would be impossible. He questioned whether DEP has already approved the lease – he said it wasn't true. He said they cannot accommodate both revenue and public spaces. He said "Let's do a better job than this."

Jacqueline Shigerelli – from New Brunswick – rents boat slip at marina – Ms. Shigerelli stated that the marina is always clean and beautiful. She said there are positives and negative things residents have said about the proposal. She said she's a regular at the site and she thinks they need a restaurant. There is not anywhere nice to go and eat. She said some people get sea sick and cannot go out on boats –this provides them with a way to use the waterfront and enjoy it. She said there needs to be wake limits in the channels outside the marina.

Resident, said Pier 9 in Belmar is always nice and clean. It shuts down at 10pm and it is done. He said that there are a lot of Canadian geese on the property, but other than that, the parking for the marina is never full. He's a boater there and has never had a problem getting parking. The clamshell lot is totally vacant most of the time. He thinks that the restaurant will be ok if it is kept clean and policed.

George Scott, 16 Queen Ann Drive said that they can all see that the primary use of the site is a park and marina. He said the \$2 million cost to build is being absorbed by the developer for the development of the restaurant. The lease was made available to the public and questioned why not one of the people in the audience was at the previous meetings. Mr. Scott brought up the \$75,000 lease fee and said they are getting a credit for taxes too. He's glad there is an annual

increase in the lease. He does not think it will interfere with the boating public. He said the County parking lot will not be impacted. It will close at 10pm. There are 97 jobs being brought in to the town. They agreed to valet parking and a dock master for people coming in by boat. It is only open 5 months out of the year. It is a win-win for the Township to move in a positive direction.

Father Jerry Ash, 566 Mantoloking Road said that he sees people enjoying the park and that it is worth his tax dollars. He appreciates what the Township is trying to do but they should reconsider this proposal.

Joe Napolitano, 467 Augustus Rd said he voted for them but he really disagrees with this proposal. He said they should keep it honest and fair a let the people vote for it.

Donny Burke, 24 Gale Road said that he lives less than 1 mile from the park and he is having de ja vu. He was here 10 years ago to oppose the condominiums. He has a beautiful view of the property and has the same concerns he did 10 years ago. He enumerated the following concerns, traffic, open space, the partnership with Ocean County is important, pollution, noise, parking and the revenue is not enough. He said that he thinks this is a really bad deal and shameful. He strongly urges Brick to reconsider since this is not consistent with the goals of Green Acres. Let's not take a public jewel and give it over to a public interest.

Kate Szilagyi, 20 Gale Road, said that she uses Traders Cove as a kayak launch. She cannot go out on weekends. The development will impact osprey and the preciousness of the area. She asked if the restaurant is a chain. Children play all day long there – she said that she is opposed the restaurant.

Maria Ritter, 725 Mount Place, Point Pleasant asked that the council reconsider that the lease is not acceptable. There are problems with the lease and they should go back to the drawing board. Brick should not be responsible for the maintenance of the parking lot. The tax payers will end up paying more. She said that it is bad business and is only saving tax payers \$2 per year.

Dr. Stan Hales, Barnegat Bay Partnership asked the Township Council if they were familiar with their ordinance, Chapter 53 that guides the Townships Open Space guides the public investment and to uphold the public trust when they make their decision. BBP protects habitat and the purpose of the fund is for conservation, preservation and habitat protection. He encourages them to uphold those principles.

Cark Block, Ocean County Business Administrator, asked when the traffic report and site plan will be made available.

Council President Mummolo responded that it should be ready in approximately 2 weeks.

Michelle Donato of Save Barnegat Bay and NJ Conservation Foundation asked if transcripts will be made available or minutes because this is a diversion.

Joanne Bergin said they were being recorded and minutes would be prepared to send to Green Acres. Transcripts are only required for scoping hearings. We will be providing minutes.

Scott Clayton, 15 Burnt Bridge Rd thanked everyone for what they are doing. He asked that they keep this open to the public. He said Chef's International knows what they are doing – their other restaurants do not have trash. He said the boats in the bay are louder than the noise at the restaurant. He said everyone forgets when Foodtown fell through, now look what happened with the K-Mart plaza. Brick will need ratables.

Marty Ebert, 766 Tall Oaks urged the council to slow down. More hearings need to be held. He said private industry and government have stated purposes to offset the tax burden. He is in opposition and asked council to reconsider. He does not know if this has any impact but it seems hasty. He said that they paid for it; it should stay theirs without any other embellishments. He said he's opposed to the project - Green Acres is Green Acres.

Gregg Auriemma, Sierra Club of Ocean County said that Hinckley Marina will have another restaurant. He said that this hearing should be a diversion hearing and Green Acres should be given the audio.

Joyce Azzaza, Kettle Creek Dr stated that she totally opposes the proposal and it is horrendous. The property is Green Acres and should be kept as is.

Christine Shuller, Mohawk Drive asked that a traffic study be done because it is dangerous and not safe for bicycling. There are no sidewalks and the traffic impact of this development will make it more dangerous.

William Fine, 214 Valhalla Drive asked if the traffic study was done in the summer.

Joanne Bergin answered that yes it was done over Labor Day weekend.

There were no further comments from the public

President Mummolo closed the public hearing on Traders Cove Park & Marina Restaurant.

Motion by Councilwoman deJong and seconded by Councilman Halloran to Adjourn the meeting at 8:40 p.m.

All Council Members voted AYE.

Paul Mummolo
Council President

Lynnette A. Iannarone
Township Clerk