

**LAKESIDE INDUSTRIAL COMMISSION  
MINUTES**

OPEN SESSION • MEETING OF: OCTOBER 22, 2014

*Adequate Notice of this meeting was provided in accordance with the provisions of the Open Public Meetings Act, P. L. 1975, C. 231.*

- 1 The meeting was called to order by Chairman Robert Kirschner at 11:44 AM
- 2 Roll call for attendance:
- 3

<u>Commissioners</u>	Present	Absent
Brooks, Neil (NB)	X	
Flanbaum, Justin (JF)	Arrived at	
Katz, Shlomo (SK)		X
Rabinowitz, Sam (SR)	X	
Schuster, Edwin (ES)	X	
Stafford-Smith, Gregory (GSS)	X	
Kirschner, Robert-Chairman (RK)	X	
Quorum Count:		
<u>LIC Professionals and Staff</u>		
Reinman, Steven- Exec. Dir.	X	
Sean T. Kean – Comm Atty	X	
Doyle, Anita–Scty-Designee	X	
Staiger, Jeff – Comm. Engineer	X	

Also in attendance: Frances A. Kirschner |  
Frantasy Enterprises

4  
5 **APPROVAL OF MINUTES OF THE MEETING OF 9/17/14 WERE WAIVED**

6  
7 **STATEMENT OF ACCOUNTS:**

8 A review was made of the Statement of Accounts dated October 22, 2014 as presented. The  
9 Statement of Accounts reflected recent receipt of a land lease payment for Lot 21 in Block 1609 from  
10 AT&T and bank interest earned.

11  
12 GSS/SR Motion to accept the Statement of accounts dated October 22, 2014 as presented.  
13 Carried.

14  
15 **BILL LIST DATED OCTOBER 22, 2014**

16 The following bills were presented for payment approval to be drawn from Industrial Commission  
17 budgeted funds. This bill list also includes payment of anticipated contractual expenses billed for the  
18 month of November as there is no meeting of the LIC scheduled for November.  
19

Num	Name	Memo	Amount
2999	Duvy's Media LLC	#14320/14188/14387 Lakewood Township/LIC	\$ 1,158.08
3000	Anita B. Doyle	Administrative Management Services provided through 9/30/14	\$ 1,204.59
3001	Israel Reinman	Ex Director Car Allowance October & November 2014	\$ 800.00

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3002	Frantasy Enterprises, LLC	Public Relations and Marketing Services Oct/Nov 2014	\$	4,000.00
3003	Kaitlin Williams	Newsletter / Tweet / Social Media / Seminar - preparations for LIC exclusively.	\$	188.52
3004	Watchung Spring Water Co., Inc.	#127214 - Meeting Supplies	\$	71.93
3005	Yussi's	Meeting refreshments 10/22/14	\$	183.46

**Bill List TOTAL: \$ 7,606.58**

20 EJS/GSS Motion to approve payment of bills # 2999-3005 as presented.

21 **BILL LIST APPROVAL (ON ROLL CALL):**

Commissioner	Yea	Nay	Abstain
Brooks, Neil	X		
Flancbaum, Justin	X		
Katz, Shlomo	-		
Rabinowitz, Sam	X		
Schuster, Edwin	X		
Stafford-Smith, Greg	X		
Kirschner, Robert	X (w/ abstention)		Abstained from voting on item # 3002

22 Bill #s 2999-3005 hereby being approved for payment.

23

24 The BUDGET-TO-ACTUAL report was provided for Commissioners' information. Expenditures for  
25 LIC Operations are still within main budgetary line items established. It is projected that the LIC will  
26 not over-expend its 2014 appropriated budget by year-end. The LIC office will be preparing for the  
27 2015 budget and will call on the Finance Committee for their input and direction in preparation of the  
28 2015 budget over the next month.

29

30 **OLD BUSINESS (moved from original order):**

31

32 **Vacation of Block 1603, Lot 2.02 / H & H LLC, Brian Flannery, PE** for the applicant:

33

34 Mr. Flannery addressed the Commissioners and provided an explanation for the request by H & H to  
35 vacate the remaining vegetative buffer around Lot 2.02 ( to allow for development of their residential  
36 development project).

37

38 SReinman: How's this vacation going to impact the residences? Are they going to butt up against  
39 New Hampshire?

40

41 B Flannery: There is a cul-de-sac similar to that in the Quick Chek development. There is a buffer  
42 planned - homeowner association open space. They just don't want a conservation easement that  
43 requires the keeping of the existing "awkward" trees.

44

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45 Mr. Flannery further stated that there is an agreement with the Township of Lakewood (regarding this  
46 development and the reflected Kenyon Drive access) – that, any point, if the Kenyon Drive access  
47 becomes a problem, it will be terminated and they would have the New Hampshire Avenue access  
48 point. The Kenyon Drive access matter was added to the Plan, it's in the engineer's report and it will  
49 be included in the Developers' Agreement with the town.

50 RK: How do you access New Hampshire Avenue?

51 BF: We don't access New Hampshire now. We hope that we don't have to. It's not a good access  
52 point. There will be a road connecting to the other development which then comes into Cedar Bridge  
53 Avenue at a traffic light.

54 ES: asked for clarification regarding the buffer.

55 Attorney for H & H: There is a landscaping plan as part of the site plan. It will be replanted as an  
56 approved condition after the work was done to accommodate the development.

57 ES: Along New Hampshire, behind the development...

58 GSS: Behind the housing and the street... provides as screen...

59 BF: If we had to connect that road, those trees would have to come down... I would tend to think  
60 that it wouldn't...

61 GSS: It may just be an easement... in and out

62 Atty: Right in – right out

63 ...Is there a hill?

64 BF: ...Yes, a big hill

65 BF: Yes. In order to develop the site where it makes sense; it will be re-graded. They're bringing  
66 in the utilities; stormwater improvements.

67 NB: What's our obligation?

68 SReinman: You have no obligation; your obligation is to decide whether you want to vacate the  
69 existing conservation easement.

70 RK: Right now the width is ... how many feet from the road?

71 BF: It used to be 50' before the County took a portion in the improvements to New Hampshire  
72 Avenue, there now remains about 21' of buffer width.

73 RK: Hold this for consideration.

74 SReinman: We'll cover it before the end of the meeting

75

76 Mr. Flannery and H & H representatives left the meeting.

77

78 Discussion continued...

79

80 GSS: We have already accommodated the other project with a vacation of the vegetative buffer (for  
81 the Quick Chek project). So, aesthetically, you're going to have Quick Chek, a buffer of unwanted  
82 trees (or replanted) and possibly an option for safer conveyance in and out...you're talking about  
83 21ft. This is going to be maintained by the homeowners association...

84

85 Jeff indicated the proposed developments on a location map.

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- 86  
87 Neil: By Liberty Roofing... that's a big mountain.  
88 Jeff: They could end up putting up a retaining wall or sloping it down 3:1  
89 NB: If we vacate the conservation easement, do we need to tell them that they have to secure the  
90 ground beyond that?  
91 Jeff: They're not going to be permitted to do something on their property that could negatively  
92 affect the surrounding properties.  
93 ES: How many houses are being constructed?  
94 Jeff: 67 residences for this development.  
95 RK: There's no driveway out to New Hampshire right now...  
96 Discussion continued on the impact to Kenyon Drive with construction of this development.  
97

- 98 NB/ES: Motion to vacate the indicated buffer easement  
99 On roll call:

Commissioner	Yea	Nay	Abstain
Brooks, Neil	X		
Flanbaum, Justin	X		
Katz, Shlomo	-		
Rabinowitz, Sam	X		
Schuster, Edwin	X		
Stafford-Smith, Greg	X		
Kirschner, Robert	X		

100 Motion passed.

101

102 **EXECUTIVE DIRECTOR'S REPORT**

103 Mr. Reinman reported on the following:

- 104     • Lakewood Airport:
- 105         ○ We are continuing look for a deal that we can do (public/private partnership) to  
106         start the hangars project. Looking for something to get going by January. If  
107         nothing gets going by January, the Commissioners should consider going into  
108         it alone for the first phase just to get the ball rolling.
  - 109         ○ Small parcels of land acquisition at end of runway (RWE6). Church and  
110         Dwight property is more of a challenge to acquire. It butts up against a basin so  
111         we're having the engineers review the basin and solutions. Moving the basin is  
112         a huge project. Our real problem is the fence back there. If we could push the  
113         fence back; if we could condemn an easement ... do whatever we need to do.  
114         This should be resolved soon. Discussion continued regarding use of the  
115         runway and displacement thresholds. Greg: is the basin stormwater or  
116         containment?
- 117     • New Hampshire Holdings – is supposed to be submitting revised CAFRA permit  
118     information because of trees / recharge.

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- Lakewood Equities- They have been in front of the Planning Board. They are waiting for County approvals now before they come in for finals.
  - Zoning mods- The subcommittee and a member of the Township Committee are working on a meeting with schools to get everyone on the same page so that we can move forward with changing the zoning for the parks.
  - There is a letter in the packet from Twp. Attorney Wouters to the FAA regarding conveyance of the 60 acres to the LIC for development. The Township will be asking the FAA for land release before conveyance to the LIC. On 10/23, we will have a conference call with the FAA district office and the regional office (JFK) to discuss real estate transfers. They will be assured that whatever comes out of this process (development of the 60 acres) will ultimately benefit the airport. (FAA: The sale proceeds are required to go into Lakewood Airport, not into the Township’s general fund). Q: Will the FAA still have “Big Brother” status? A: only regarding the money aspect. (FAA funds were used in the acquisition of the Lakewood Airport).
  - Newsletter: Very well received. *A verbal report was provided on new LIC projects for the LIC (Newsletter / Webpage)*
  - Ocean Beauty Supplies- Gino Sciorelli contacted Mr. Reinman. He advised Mr. Reinman (1) that he read the newsletter from top to bottom; (2) he is a pilot – the information in the newsletter was of interest to him; (3) he was made aware of new companies to the park that he thought went out of business (vacancy of their previous address) – the business articles were of interest. He also took the opportunity to inform Mr. Reinman about the unsatisfactory state of the roads in the industrial park. Discussion continued on this matter ref: Township plans for road resurfacing/reconstruction of industrial park roadways. Township Committee is committing to a road repaving program (through bond ordinances). Mr. Sciorelli advised that if the roadways are repaired, he would be the first business to participate in an “adopt-a-corner” program to beautify the industrial park. Some of the entrances to the park need maintenance. It’s a nice way to engage businesses and get them interested in participating.
  - Adopt-a-corner program of maintenance.
  - Industrial Park Sign Program.
  - Billboards (?) (Township has a “no billboard” ordinance???- research) – Billboards around the industrial park, along major roadways, advertise local businesses and town itself.
  - NB asked about Organic Diversion and their current project(s) status.

**ATTORNEY’S REPORT:**

None at this time

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159 **CORRESPONDENCE:**

- 160
- 161 • Tax Abatement Application: Laundry time – Rehabilitation of the old Modern Gas building
  - 162 on Ocean Avenue to a coin operated laundry concession. The LIC provided a letter to reflect
  - 163 no objection to their being granted a project tax abatement for the improvements to 137 Ocean
  - 164 Avenue.
  
  - 165 • Turnpike Authority- Park and Ride – Mr. Reinman reported that he received a response from
  - 166 his the Turnpike Authority about the potential of a Park & Ride. There is some interest in the
  - 167 body of the TPA but the process includes making application to Mr. Joseph Mzozek. We have
  - 168 invited him to meet and discuss such an option.
  - 169

170 **OLD BUSINESS:**

- 171
- 172 • Proposal for outbound survey services from Remington Vernick for Lakewood Airport and
  - 173 60-acre non-aviation tract: The Commissioners had requested a quote for additional services.
  - 174 Following review of the proposal made, the Commissioners requested that pricing also be
  - 175 obtained for concrete monuments. It was felt that this is going to be a long-term project; it
  - 176 warrants installation of more permanent markers. It was requested to have the costs broken
  - 177 out so that the commissioners have the opportunity to make a choice of monuments that they
  - 178 want installed (stakes vs concrete monuments).

179 Jeff: Will obtain pricing: Concrete monuments price X number of monuments = \$

- 180
- 181 • 13-ACRE TRACT
  - 182 Nothing has developed that is real.
  - 183 Discussion took place regarding restrictive access to the tract from the south and the north.
  - 184

185 **NEW BUSINESS:**

186 None was presented

187

188 **COMMENTS FROM THE PUBLIC:**

189 Fran Kirschner reported on press releases sent out for publication by Frantasy Enterprises.

190 Mr. Flancbaum gave positive commentary on the newsletter.

191

192 **CLOSED SESSION:**

193 The following resolution was offered by NB/JF and carried to move the meeting into Closed Session

194 at 12:35PM:

195 **WHEREAS**, Section 8 of the Open Public Meetings Act, P. L. 1975, Chapter 231, permits the

196 exclusion of the public from a meeting under circumstances; and

197 **WHEREAS**, this Industrial Commission of the Township of Lakewood is of the opinion that

198 such circumstances presently exist.

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199           **NOW, THEREFORE, BE IT RESOLVED** by the Industrial Commission of the Township of  
200 Lakewood in the County of Ocean as follows:

201    1.    The public shall be excluded from discussion of private and confidential matters  
202           involving any of the nine (9) exclusions as set forth in Section 7(b) of said law and as  
203           hereinafter specified.

204    2.    The general nature of the subject matter to be discussed is as follows:

205                   **CONTRACT NEGOTIATIONS**                   

206                   **PERSONNEL**   

207                   **LITIGATION**   

208                   **OTHER**   

209

210    3.    It is anticipated at this time that the above stated subject matter will be made public  
211           only when the reasons for discussing and acting on them in closed session no longer  
212           exists; said determination to be made by further resolution adopted by the Industrial  
213           Commission.

214    4.    This resolution shall take effect immediately.

215

216    On a motion by ES/NB and carried, the meeting returned to Open Session at 12:44 PM

217

218    GSS/ES:       Motion to grant Shvarzblat Holdings a 30-day extension as requested by the client  
219           conditioned on receiving their referenced Phase I report. Carried.

220

221    NB/ES:       Motion to adjourn. Carried.

222

223    Meeting was adjourned at 12:45 PM

224

225

226    Dated: December 8, 2014   by    Anita B. Doyle

227

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229

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1 On adoption of a resolution offered by NB/JF and carried, the meeting moved into Closed Session at  
2 12:35PM

3  
4 **Block 1608, Lot 2 + Block 1609, Lot 28.01**  
5 **Shvarzblat Holdings**  
6

7 Industrial Commission Office received the email text below on 10/22

8  
9 "-----Original Message-----"

10 From: Moises Shvarzblat [<mailto:mshvarzblat@gmail.com>]

11 Sent: Wednesday, October 22, 2014 11:13 AM

12 To: Steven Reinman; Anita Doyle

13 Cc: Michael A. Bruno; Minna

14 Subject: Dear Steve, and Industrial commission  
15

16 Dear Steve, and Industrial commission

17 As per our conversation 3 weeks ago I would like to give you an update of the progress that has been made  
18 in regard to the CedarBridge av. Site , Engeneering shall be completed in two weeks for the aplication to the  
19 Lakewood Planing Board, at the same time will submit for County approvals , we already had a meeting with  
20 Ocean county Engineers to make sure the project is designed in accordance with there requirements ,  
21 respectfully I would request from the Industrial Commission, a few thinks.

22 1)As agreed the necessary construction funds for the access easement from the lightstone group shall be  
23 deducted from the purchase price and credited to me at the transfer of title, the amount shall be determined  
24 by actual cost ,and standard practices of Engeneering .

25 2)At this point I'm working with very large and reputable institutions to become tenants on the site, which  
26 would be extremely beneficial to the Lakewood Comunity, however it may require more time than I  
27 anticipated, so I would like to have the option if necessary to extend the time of closing for an additional 6  
28 months, 3)North of lot 2 there is a stream that according to the wetlands map it only requires a 50 foot  
29 buffer ,we have requested confirmation from the Dep that this is not a category C1, and they have not  
30 responded, we expect to hear from them any day so we would like to extend the due diligence in regards to  
31 that.

32 4)According to the phase one report, there has been solid waste dumped on the site,clean up shall be made  
33 by public works or if you wish an allowance shall be given to correct this.  
34

35 At this point I would like to request a 30 day extension on the due diligence period to "work out" this few  
36 issues and prepare and enter into an Amendment to the Agreement reflecting the requested changes,  
37 please counter sign this letter to reflect your agreement to extend.  
38

39 Sincerely yours  
40 Moses Shvarzblat"  
41  
42



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43 Mr. Reinman:

- 44       • Our public works department is not sufficiently manned to build the easement  
45       • Shvarzblat will do the parking spaces and we will settle the cost of providing the spaces  
46       • 6 month extension to close is being asked  
47       • 30 day extension to perform due diligence is being asked

48

49

50 Discussion:

- 51       • have the inspection department go out and identify the “solid waste”  
52       • get prices for the roadway on site ( access roadway)  
53       • obtain a copy of the referenced Phase I report  
54       • agree to the extension – conditioned on receiving the copy of the Phase I report.

55

56

57 Regarding Shvarzblat’s request (results from Closed Session discussion):

58 #1 is OK

59 #2 discuss with the Attorney

60 #3 Mr. Reinman can also reach out to assist

61

62

63 Dated 12/9/14

by

Anita B. Doyle

64

65