RESOLUTION

THE SHORE HOUSE, LLC

WHEREAS, The Shore House, LLC, 3019 Ellicot Street, N.W., Washington, DC 20048 and 917 North Lagoon Lane, Mantoloking, N.J. by Vadim Nikitine, Managing Member (hereinafter "Applicant") has made Application to the Planning Board of the Borough of Mantoloking (hereinafter "Board"); and

WHEREAS the Applicant is the owner of the property for which a variance is being requested which is known as Block 16, Lot 8 on the Tax Map of the Borough of Mantoloking, Ocean County, New Jersey which is also known as 917 North Lagoon Lane, Mantoloking, New Jersey (Property); and

WHEREAS, the Applicant requests a variance to deviate from the strict enforcement of the Zoning Ordinance of the Borough of Mantoloking and more specifically from Chapter XXX, Section 30-6.8 and Appendix B and Chapter XXX, Section 30-4.2b which provide:

Chap. XXX, Section 30-6.8

> Lot coverage permitted in the Borough in all zones shall be as set forth in Appendix B....

Chapter XXX, Section 30-4.2b which provides that:

> No buildings shall be erected, no existing building shall be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner except in conformity to the yard, lot area and building space is located. See Appendices A and B.

Appendix B of the Land Use Ordinance (Chapter XXX) (Ordinance) permits a lot coverage of 30% in the R-6B Zone and the Applicant is proposing a 32.48% lot coverage. This would exceed the permitted lot coverage of 30% by 2.48%.

WHEREAS, the Applicant under *N.J.S. 40:55D-70c* must, if Applicant chooses to proceed under the c1 tests, show whether there is (1) peculiar and exceptional practical difficulties to, or (2) exceptional and undue hardship upon the Applicant arising out of (a) the exceptional narrowness, shallowness or shape of a specific piece of property, or (b) by reason of exceptional topographic conditions or physical features uniquely affecting a specific piece of property, or (c) by reason of an extraordinary and exceptional situation uniquely affecting a specific piece of property or the existing structure thereon; and

WHEREAS, in addition to the above proof, the Applicant must demonstrate that such variance can be granted without substantial detriment to the public good and will not substantially impair the intent of the Master Plan or the Land Use Ordinances of the Borough of Mantoloking (the "negative criteria") and the Applicant must show that the grant of the variance would promote the purposes of zoning as stated in *N.J.S. 40:55D-2* and the undue hardship (the "positive criteria"); and

WHEREAS, the Applicant can also choose to prove his case by *N.J.S. 40:55D-70c(2)* known as the flexible "c". The Applicant must show that: 1. the Application applies to a specific piece of property; 2. that the purposes of the MLUL would be advanced by a deviation from the requirements of the zoning ordinance; 3. that the variances can be granted without substantial detriment to the public good; 4. that the benefits of the deviation would substantially outweigh any detriment; 5. that the variance would not substantially impair the intent and purpose of the zone plan and zoning ordinance.

WHEREAS, proof of publication and mailing to owners within 200 feet of the Property was done for the June 2, 2011 hearing on this matter, as is required by the

Municipal Land Use Law of New Jersey (N.J.S. 40:55D-1 et.seq.) and the *Land Use Ordinance of the Borough of Mantoloking (Chap. XXX, Sections 30-3n.2 and 3n.3)* has been furnished; and

WHEREAS, the following Board Members were present at the June 2, 2011 and August 4, 2011 hearings on this matter: Messrs. T. McIntyre, Hawkings, Witkowski, Gillingham, R. McIntyre, Bixby and Ms. Potter, Ms. Nelson and Ms. Boughton. All of those present also acknowledged making a site visit. Mr. R. McIntyre recused himself and stepped down from the dais; and

WHEREAS, Ms. White having not attended the June 2, 2011 meeting on this Application, but having listened to the entire tape recording and reviewed all the Exhibits of that meeting, signed a Certification dated August 4, 2011 marked as Exhibit B-3. She is therefore eligible to vote; and

WHEREAS, Mr. Rziemieniewski, having not attended the June 2, 2011 meeting on this Application, but having listened to the entire tape recording and reviewed all the Exhibits of that meeting, signed a Certification dated June 23, 2011 marked as Exhibit B-4. He is therefore eligible to vote if his vote as an Alternate is needed; and

WHEREAS, William T. Gage, Esq., 536 Lake Avenue, Bay Head, N.J. 08742 represented and appeared for the Applicant at the June 2, 2011 meeting;

WHEREAS, the following exhibits were marked at the meeting held on June 2, 2011:

1. Correspondence of Vito M. Marinaccio, Land Use Officer dated May 10, 2011 was marked as B-1 indicating denial of the Application. Marked as B-2 was the correspondence of Vito M. Marinaccio declaring the Application complete.

2. A series of four (4) photographs taken within the prior two weeks by the Applicant was marked as A-1. The photographs primarily show the existing conditions.

3. A rendering of the proposed house with an inset showing the present home was marked as A-2.

4. Architectural Plans prepared by Mary Ortman, AIA, including, *inter alia*, architectural elevations of the north, east, south and west of the subject property and the floor plans and identified as SP1, A1, A2 and A3 were marked as Exhibit A3.

5. A Plot Plan prepared by Charles F. Lindstrom, PE, of Lindstrom, Diessner and Carr, 136 Drum Point Road, Brick, NJ 08723, dated March 17, 2011 and a Survey of Block 16, Lot 8 dated 11/3/10 were marked as Exhibits A4 and A5 respectively.

6. The letter from the Applicant to the Board dated June 13, 2011 was marked as Exhibit A6 and the letter from the Applicant to the Board dated June 14, 2011 was marked as Exhibit A-7 at the reopened hearing on August 4, 2011.

7. A new conceptual plan prepared by Mary Ortman, AIA showing an alternate proposal to the original plan of the Applicant marked as A-3 was marked as A-8 at the August 4, 2011 meeting.

8. Exhibits B3, B4, A6, A7 and A8 were marked, after the attorney for the Applicant made a motion to reopen the public portion which was closed after the June 2, 2011 hearing.

9. The Applicant kept the original Exhibits A3 and A-8; and

WHEREAS, the following took place at the June 2, 2011 meeting; and

WHEREAS, Mr. Gage indicated to the Board that his presentation on behalf of the Applicant would be based on *N.J.S. 40:55D-70c(2)* and known as the "flexible c" variance and conceded he would not proceed under *N.J.S.40:55D-70c(1)*; and

WHEREAS, Mr. Gage called as his first witness Kristin Ehrgood who being duly sworn testified as follows at the June 2, 2011 meeting:

1, The Applicant purchased the Property two (2) years ago.

2. The house presently contains five (5) bedrooms and three (3) full baths but the structure is not very functional. It is very drafty and inefficient. The Applicant desires to have a structure which is more suitable for their personal use.

3. The house is very old and occupies a good part of the lot on which it is located (50.02%).

4. Instead of doing an internal renovation the Applicant decided it would be more practical and responsible to raze the existing dwelling and have a new dwelling constructed on the Property. To that end the Applicant engaged Mary Ortman, AIA to design a new house for the Property.

5. She believes the new house is "incredibly" tasteful and efficient, very representative of the house styles in Mantoloking and very functional and would be more in line with the neighborhood.

WHEREAS, Mr. Gage then called Mary Ortman as the Applicant's next witness who being duly sworn testified as follows at the June 2, 2011 meeting:

1. She received her Bachelor of Architecture degree from the New York Institute of Technology, she has been a licensed architect in the State of New Jersey

(License #11458) and she has testified before many Boards in the State. Her credentials and qualifications being accepted she proceeded as follows.

2. She first inspected the existing house on the Property and found it to be not attractive, modest, not functional, very low to grade and subject to periodic flooding and the coverage on the lot to be in excess of 50%. Her first design reduced the lot coverage from 50.02% to 36.5%. She went back being sensitive to the lot coverage issue and further reduced that to 32.48%. She did this by eliminating the pavers, etc.

3. After the decision to raze the existing dwelling she designed a proposed cedar shingle sided house much in keeping with the character of Mantoloking. The house was designed with an open foundation on piers with an open air porch facing the Lagoon.

4. When questioned by a Board member she responded that the existing house has 2,035 square feet of living space on the first floor and 750 sq. feet of living space on the second floor for a total of 2,785 square feet. The new house would have a total of 3,700 square feet.

5. She acknowledges that the house as designed has 32.48% lot coverage which exceeds the lot coverage permitted by 2.48%.

6. She indicated that the open porch facing the Lagoon consists of 136 square feet which is the vast majority of the square feet representing the overage of 2.48% (140 square feet) of lot coverage.

7. She showed a comparison of the existing house lot coverage of 50.02% and the proposed 32.48% of the proposed new house lot coverage. (Sheet SP1 of Exhibit A-3).

8. She testified to the proposed elevations on Sheet A-3 of Exhibit A-3, the floor plans on Sheet A-1 of Exhibit A-3, and the proposed new attic space on Sheet A-2 of Exhibit A-3.

9. Again when questioned by a Board member she conceded that once the house is razed there will exist a fully conforming lot and a conforming house could be built. However, she indicated that conforming to all the setbacks it would result in a cramming of rooms and destroying basic functionality; and

WHEREAS, Mr. Gage called Charles E. Lindstrom, P.E. of Lindstrom, Diessner & Carr, 136 Drum Point Road, Suite 6, Brick, New Jersey 08723 as his next witness. The Board waived the reading of his credentials and qualifications in that he has testified numerous times before it. He then testified as follows at the June 2, 2011 meeting:

1. He believes that the Plot Plan (Exhibit A4) provides a much more pleasing aesthetic plan than the one that exists.

2. The Plan provides for the elimination of the following four (a. b. c. d.) existing nonconformities:

a. Maximum lot coverage now at 50.02% and exceeding the 45% permitted maximum lot coverage of 45% will be reduced to 34.97%.

b. The north sideyard distance of 9.7 feet will be increased to a conforming 10 feet.

c. The existing rear yard setback of 17.7 feet will be increased to conform to the 20 foot setback requirement.

d. The front yard existing nonconforming setback requirement of 23.2 feet will be now at 29.7 feet which conforms to the 25 foot requirement.

e. The existing lot coverage of 50.02% will be reduced to 32.48% which will continue to exceed the 30.0% permissible and would require a 2.48% lot coverage variance.

3. He testified that he believed that this Application met the purpose of zoning as outlined in *N.J.S. 40:55D-2* and specifically *N.J.S. 40:55D-2a., b., c.* and *i.*

a. appropriate use of development of land to promote public, health, safety and general welfare.

b. to secure safety from fire, flood and other natural and man-made disasters.

c. to promote adequate light, air and open space (at a later time one of the Board members said that the new house provided 10,000 more cubic feet of space).

i. to promote a desirable visual environment.

He generally cited the termination of the preexisting non-conforming conditions and the more attractive architectural design for his conclusions. In addition he stated that:

4. The existing house does not meet the new flood codes and that the current house does not meet the current building code requirements which the new house would fully meet and this would result in specific benefits; and

WHEREAS, Mr. Gage having presented his case and testimony, the Chairman, Mr. T. McIntyre, opened the meeting for public comments; and

WHEREAS, Joseph DeAmicis, at the meeting on June 2, 2011, speaking on behalf of and as Chairman of the Mantoloking Environmental Commission (MEC) stated:

1. The MEC examined this Application and determined that the runoff into the Lagoon would be minimal and that the MEC would prefer to have a 32.48% lot coverage with raingarden technology which would mitigate and eliminate harmful nitrogen infiltration into the Lagoon (Bay) than a 30.0% conforming lot coverage with no raingarden technology.

2. He testified as to the methodology of raingardens and attendance at seminars on the matter; and

WHEREAS, all of the following also occurred at the June 2, 2011 meeting; and

WHEREAS, it was disclosed to the Applicant that both Ms. Potter and Mr. Bixby were members of the MEC and because of the Board policy and statutory requirements to avoid any conflict of interest that neither attended the meeting or participated in any discussion where the MEC considered this Application; and

WHEREAS, Mr. Gillingham did not want the Board to get involved with "horse trading" with the MEC and Mr. Witkowski questioned whether there was any scientific basis whether the raingarden technology was viable as opposed to the present stormwater requirements of Mantoloking; and

WHEREAS, Mr. DeAmicis gave his opinion that the raingarden technology and methodology was recommended and adopted by Ocean County and the State of New Jersey. He specifically referred to studies done by the University of New Hampshire.

WHEREAS, there being no other interested party to come forward either in favor or against this Application on June 2, 2011, the Board voted to close the public portion of the meeting; and

WHEREAS, Mr. Gage presented a summation of the reasons why the Applicant's request for a deviation from the lot coverage of 30% should be granted. In his summation he emphasized the fact that four of the five existing nonconformities of the subject Property would be eliminated thus bringing the lot into closer total compliance with the Mantoloking Land Use Laws and that because of that fact it presents a better zoning alternative. He emphasized that reduction in the existing lot coverage represented 840 square feet. He also believed that the elimination of the four existing variances and the design of a new and more aesthetically pleasing dwelling could be granted without substantial detriment to the public good. He cited *Kaufmann v. Planning Board for Warren Tp.* as support for granting the c(2) variance; and

WHEREAS, Mr. Gage having elected to proceed under *N.J.S. 40:55D-70c(2),* the Board did not consider any relief pursuant to *N.J.S. 40:55D-70c(1)*; and

WHEREAS, the Chairman having closed the public portion of the June 2, 2011 hearing then elicited comments from the Board members; and

WHEREAS, the following statements were made by members of the Board at the June 2, 2011 meeting:

1. The intent to proceed with the c(2) tests was acknowledged.

2. While the house would occupy less of the lot and remove four of the five existing nonconforming conditions the house being proposed was still substantially a larger house (10,000 more cubic feet of living space).

3. It was hard to take issue with the intent to eliminate four of the five existing nonconformities but the elimination by reducing the lot coverage an additional

2.48% could bring it into total conformity and total conformity is the better zoning alternative. He stated that the benefits of the deviation would not outweigh any detriment

4. That the removal of the existing house would leave a fully conforming lot in the R6B Zone, essentially a "clean slate" on which a fully conforming dwelling could be constructed.

5. Board members commented on the design by Ms. Ortman and the fact that it was attractive and an upgrade to the neighborhood but would like to see it conform; and

WHEREAS, the Applicant was given the opportunity to ask for an adjournment to consider the comments of the Board or to pursue a vote at the hearing of June 2, 2011; and

WHEREAS, the Applicant decided to go forward and request a decision at the June 2, 2011 meeting; and

WHEREAS, at the June 2, 2011 meeting Mr. Gillingham made a motion directing the attorney to prepare a Resolution denying the Applicant's request for the variance to deviate from the permissible lot coverage in the R6B Zone of 30% to 32.48%. That motion was seconded by Mr. Witkowski and a roll call vote was called with Messrs. Gillingham, Witkowski, T. McIntyre, Hawkings and Ms. Nelson in favor to deny and Ms. Potter, Ms. Boughton and Mr. Bixby against. The motion to prepare a Resolution to deny the variance requested by the Applicant as hereinbefore outlined passed 5 to 3; and

WHEREAS, Mr. Gage at the meeting on August 4, 2011 made a motion, before the vote on the Resolution to deny was moved, to reopen the public portion closed at the June 2, 2011 meeting in order to present an alternate plan. The Board, understanding that it was in its sole discretion to do so, made a motion by Mr. Gillingham and seconded by

Ms. Potter to grant the motion to reopen. Those voting in favor were Messrs T. McIntyre, Gillingham and Bixby, Ms. Potter, Ms. White, Ms. Nelson and Ms. Boughton. Those voting against were Messrs. Witkowski and Hawkings; and

WHEREAS, the Board having reopened the public portion heard the following: Ms. Ortman, while still under oath, testified and introduced an alternate plan (A-8) which showed a house which could be renovated in a fashion which would retain the present nonconformities but add significant second floor volume in a conforming fashion which would meet Chapter XXX and she also added the side yard always conformed to the side yard requirement.

WHEREAS, when asked by the Board, Vito Marinaccio, the Land Use Officer, said the alternate plan (A-8) could be built without having to come to the Board for any variance relief; and

WHEREAS, the Board now having considered the original plan A3 and the alternate plan A8 decided:

1. The original request for the 2.48% lot coverage deviation at the June 2, 2011 meeting represents an 8.26% deviation from the 30% permitted in the R6B Zone (2.48 x 30). This deviation was decided to be a better zoning alternative than an alternate design which would create significant upper floor volumes. In addition, other than the 2.48% lot coverage overage, the original request and plan would eliminate the following preexisting conditions:

a. Maximum lot coverage which is now 50.02% which exceeds the 45% maximum lot coverage of 45% will be reduced to 34.97% and would now conform.

b. The north sideyard distance of 9.7 feet will be increased to a conforming 10 feet. There is some question that north sideyard was actually conforming in the first instance. Nonetheless it will now conform.

c. The existing rear yard setback of 17.7 feet will be increased 20 the 20 foot rear setback requirement.

d. The front yard nonconforming setback of 23.2 feet will now be increased to 29.7 feet which conforms to the 25 foot requirement.

The existing lot coverage of 50.02%, although not being brought in total conformity with the 30.0% permissible, the reduction to 32.48% represents a significant reduction which will increase light, air and open space.

While the Application does not represent bringing the house into total conformity the elimination of four of the existing nonconformities and a great reduction in the fifth presents a better condition for the immediate neighbor and will efficiently and effectively meet the needs of the Applicant.

2. The R6B Zone in which the subject Property is situate together with the R6A Zone present the smallest lot size on which a dwelling can be constructed (5,000 sq. ft.) in the Borough. The Land Use Ordinance has been extensively revised in response to the need to address bulk requirements with the intention to preserve open space, light and air and to lessen the bulk or volume of buildings and to give more liberal treatment of the smaller sized lots. In doing the revisions of the Land Use Ordinance special cognizance was given to the smaller lots in the Borough so they could be utilized to maximize a greater square footage of the lot on a percentage basis than larger lots with greater square

footage lots. The Board recognizes that there are some certain instances where a deviation from lot coverage may be warranted.

3. On these comparatively small lots any increase in the permitted lot coverage is weighed against a proposed volume increase which would more adversely impact the adjoining properties as to light, air and open space and the deviation requested would not substantially outweigh the detriment.

4. The Board though not convinced that a dwelling could not be designed to fully conform to the 30% lot coverage requirement in the R6B Zone that is not what was applied for in this Application and what the Board must decide. In fact, if the Applicant desired to construct a fully-conforming house there would be no need to have filed the original Application. The Board is faced with the original request and the alternative plan (A8) which could be built without variance relief.

5. The original Application's proposed house design constitutes and will be an enhancement to the immediate neighborhood and is more consistent with the design of structures in the Borough.

6. That the benefit of granting the 2.48% lot coverage deviation would outweigh any detriment.

7. The construction of the new house promotes the purposes of zoning as expressed in N.J.S. 40:55D-2 as of zoning as expressed in *N.J.S. 40:55D-2* as:

a. the new house will promote public safety in that it will comply with the current codes of the Borough and will be done with more modern and upgraded materials;

b. it will provide adequate light, air and open space;

c. it will provide a substantial aesthetic improvement;

d. the design will preserve and enhance the character of the neighborhood and preserve its values;

e. That the proof to meet the flexible "c" (*N.J.S. 40:55D-70c(2)*) criteria for the grant of a variance has been met; and

WHEREAS, the Board having considered the original plan A3 and the alternate plan A8 and the public portion at the August 4, 2011 meeting being closed, Mr. Gillingham made a motion to adopt the Resolution to deny which was prepared after the June 2, 2011 hearing. Mr. Witkowski seconded. A vote to adopt the Resolution to deny failed by a five to four vote. Messrs. T. McIntyre, Gillingham, Witkowski and Hawkings voted to adopt the Resolution to deny and Ms. White, Ms. Porter, Ms. Nelson, Ms. Boughton and Mr. Bixby voted against the Resolution to deny; and

WHEREAS, Ms. Potter moved to direct the attorney for the Board to prepare a Resolution to approve the Application which was seconded by Mr. Bixby and passed by a 5 to 4 vote.

NOW, THEREFORE BE IT RESOLVED by the Planning Board of the Borough of Mantoloking based on the finding of facts specifically stated heretofore that on September 1, 2011 the Application of The Shore House for the construction of a new structure at 917 North Lagoon Lane (Block 16, Lot 8), which deviates from the lot coverage of 30.0% by 2.48% (*Chap. XXX Section 30-6.8* and *Appendix B*), can be granted without substantial detriment to the public good and would not substantially impair the intent and purpose of the Zoning Ordinance and Master Plan of the Borough of

Mantoloking, and further the Board finds that the purposes of the Zoning Municipal Land Use Law (*N.J.S.* 40:55D-2 et. seq.) and specifically N.J.S. 40:55D-2(a)(b)(c) and (i) would be advanced and that the benefits of granting of the deviation from the strict enforcement of the Zoning Ordinance would substantially outweigh any detriment on the following conditions:

1. That the Applicant obtain a building permit.

2. The Applicant furnish a copy of Ocean County Soil Conservation District Certification, if applicable.

3. The Applicant shall provide a Surface Water Management Plan to the Borough Engineer for his review and approval if requested.

4. The Applicant must submit proof of payment of all due taxes to the Borough of Mantoloking.

5. Applicant will provide proof of publication of a Notice of Decision of the Board to the Secretary of the Board within thirty (30) days from receipt of the Resolution.

6. The Applicant shall obtain any and all necessary Federal, New Jersey (including any Coastal Area Facility Review Act [CAFRA] permit), County of Ocean or local permits and/or approvals for each agency or Board having regulatory jurisdiction over this development and fulfill all conditions of said permits and/or approval, and will submit a copy of any permits to the Board. In the event other agencies require a change in the plans approved by the Board, the Applicant must re-apply to the Board for approval of that change.

7. The Applicant shall pay any and all costs required by the Applicant to be made pursuant to N.J.S. 40:44D-35 et. seq. and all fees incurred by the Board in

reviewing this Application. The failure of the Applicant to deposit or provide such fees, after being directed to do so, shall render any approval granted hereunder null and void.

8. That the Applicant shall obtain a building permit within two (2) years of the date of this Resolution as provided in Chapter XXX, Section 30-3.3c. In the event the Applicant does not obtain a building permit within the time prescribed, this Resolution shall be declared null and void.

9. Construction is to conform to the Architectural drawings and survey and plot plan submitted with this Application and presented at the Public Hearing of June 2, 2011.

10. Any modifications to the plans as set forth above must be reported to the Zoning Officer.

11. The testimony, deliberations and stipulations of the hearing are hereby incorporated by reference and to the extent same impose additional or more detailed conditions of approval, same are hereby adopted as if each were set forth herein at length.

12. The terms and conditions contained herein shall be binding upon all successors, assigns, personal representatives, heirs and each and every other person or entity taking possession or title with respect to the premises in question.

13. The terms, conditions and stipulations imposed upon the Applicant in this approval are an integral and material part of the actions of this Board in that the Board would not have voted affirmatively for said approval of the variance to expand the nonconforming structure without the imposition of the terms, conditions and stipulations contained in this resolution and on the record.

14. All the representations and statements made by the Applicant, as well as the Applicant's representative and witnesses at the hearings on June 2, 2011 and as reopened on August 4, 2011, shall be considered and deemed to be relied upon by the Board in rendering this decision and to be an expressed condition of this Board's actions in approving the subject application. Any misstatement or misrepresentation, whether by mistake or change in circumstance, shall be deemed a breach of this condition of approval and shall subject this Application to further review on this Board's own motion.

15. In the event the Board determines that it reasonably relied upon any misstatement or misrepresentation and same is material to the granting of the subject Application, then and in that case any approvals previously granted may be rescinded and any improvements at that time and place on the premises in question shall not be in compliance with the ordinances of the Borough of Mantoloking.

16. No clearing, grading or construction shall take place on the Property without a Development Permit.

17. No occupancy of the improvements or additions to the Property shall take place without a Certificate of Occupancy.

CERTIFICATION

I, MARILYN POTTER, Secretary of the Planning Board of the Borough of Mantoloking do hereby certify that the foregoing is a true copy of the Resolution duly adopted by the Planning Board on the 1st day of September, 2011, and memorializes and confirms the actions taken by the Planning Board in now approving the request by Applicant for variance relief at the regular meeting held on June 2, 2011 and reopened on August 4, 2011.

Marilyn Potter

MARILYN POTTER, Secretary

MEETING OF JUNE 2, 2011
TO PREPARE A RESOLUTION TO DENY

	Moved	Seconded	Yes	No
Thomas McIntyre			X	
Robert S. McIntyre				
D. Mark Hawkings			X	
Stanley Witkowski		X	X	
Evan S.Gillingham	X		X	
Marilyn Potter				X
Jane G. White				
Betsy Nelson			X	
Denise Boughton				X
Courtney Bixby (Alt.)				X
Henry Rzemieniewski (Alt.)				

Absent: Jane White, Henry Rzemieniewski

Not Voting or Recused: Robert McIntyre

MEETING OF AUGUST 4, 2011
TO ADOPT THE RESOLUTION TO DENY

	Moved	Seconded	Yes	No
Thomas McIntyre			X	
Robert S. McIntyre				
D. Mark Hawkings			X	
Stanley Witkowski		X	X	
Evan S.Gillingham	X		X	
Marilyn Potter				X
Jane G. White				X
Betsy Nelson				X
Denise Boughton				X
Courtney Bixby (Alt.)				X
Henry Rzemieniewski (Alt.)				

Absent:

Not Voting or Recused: Robert McIntyre

MEETING OF AUGUST 4, 2011
TO PREPARE A RESOLUTION TO APPROVE

	Moved	Seconded	Yes	No
Thomas McIntyre				X
Robert S. McIntyre				
D. Mark Hawkings				X
Stanley Witkowski				X
Evan S.Gillingham				X
Marilyn Potter	X		X	
Jane G. White			X	
Betsy Nelson			X	
Denise Boughton			X	
Courtney Bixby (Alt.)		X	X	
Henry Rzemieniewski (Alt.)				

Absent:

Not Voting or Recused: Robert McIntyre

MEETING OF SEPTEMBER 1, 2011
TO ADOPT THE RESOLUTION TO APPROVE

	Moved	Seconded	Yes	No
Thomas McIntyre				✓
Robert S. McIntyre				
D. Mark Hawkings				✓
Stanley Witkowski				✓
Evan S.Gillingham	✓			
Marilyn Potter			✓	
Jane G. White			✓	
Betsy Nelson			✓	
Denise Boughton			✓	
Courtney Bixby (Alt.)		✓	✓	

Absent:

Not Voting or Recused: Robert McIntyre