

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.

LOWER TOWNSHIP ZONING BOARD

A regularly scheduled meeting of the Zoning Board of Adjustment was held on July 2, 2009 at the Lower Township Municipal Building. The meeting was called to order at 7:00 P.M. by Chairman James Hanson. The Recording Secretary stated that adequate notice of said meeting was given in compliance with the Open Public Meetings Act of 1975.

MEMBERS PRESENT: Chairman James Hanson
David F. Brand, Jr.
Ernest Utsch III
Robert Sweeten
Michael DiStefano
Christopher Kobik
Dianne Kelly

MEMBERS EXCUSED: John Armbruster
Kristine Trusiak
Stephen Komar
Bruce Waterman

STAFF PRESENT: Anthony J. Harvatt, II, Board Solicitor
Mark Sray, Board Engineer
William J. Galestok, Board Secretary
Lisa A. Schubert, Recording Secretary

CORRESPONDENCE:

Memorandum:

TO: Avery Teitler, Esq. Anthony Harvatt, II, Esq.
Planning Board Solicitor Zoning Board Solicitor

FROM: William J. Galestok, PP,AICP
Director of Planning

DATE: June 18, 2009

RE: Permit Extension Act

Handouts:

The New Jersey Planner: May 2009/June 2009, Vol. 70, No. 2.

List of Board Solicitor vouchers dated June 15, 2009.

List of Board Engineer vouchers dated July 2, 2009.

Chairman Hanson read the agenda for the benefit of the public.

Mr. Utsch made a motion to approve the June 4, 2009 minutes. The motion was seconded by Mr. Brand. Motion carried.

Mr. Brand made a motion to approve Board Solicitor vouchers. The motion was seconded by Mr. Kobik. Motion carried.

Mr. Brand made a motion to approve Board Engineer vouchers. The motion was seconded by Mr. Sweeten. Motion carried.

Mr. Sweeten made a motion to approve the resolutions from the June 4, 2009 meeting. The motion was seconded by Mr. Utsch. Motion carried.

2. Hardship variance application to construct an enclosed porch exceeding the allowed building coverage, submitted by Ronald & Lorraine Roddy for the location known as Block 311, Lots 33.02 & 34, 114 Walnut Avenue.

Mr. Ronald Roddy, and Mr. Lorraine Roddy, applicants were sworn in by Chairman Hanson.

Chairman Hanson explained that this application was continued from the June 4, 2009 meeting. He explained that at that time the Board had requested a survey with more detail. He explained that they have received the survey.

Mr. Roddy explained that they would like to construct a porch to the rear of the house. He explained that currently there is a patio with steps. He explained that this is what they would like to enclose. He explained that a variance for building coverage is needed.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Utsch made a motion to conditionally approve this application. The motion was seconded by Mr. Brand.

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|-------|-----------------|-----|---------------|-----|
| VOTE: | Mr. Brand | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Sweeten | YES |
| | Mr. Kobik | YES | Mrs. Kelly | YES |
| | Chairman Hanson | YES | | |

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

3. Hardship variance application to demolish an existing single family dwelling and construct a new single family dwelling on a lot deficient in lot area, frontage, width, depth, encroaching into the front, sides and rear yard setbacks and exceeding the allowed building coverage, submitted by Scott & Gail Nem for the location known as Block 815, Lot 9, 713 West Rio Grande Avenue.

Mr. Scott Nem and Mrs. Gail Nem, applicants, were sworn in by Chairman Hanson.

Mr. Nem explained to the Board that they would like to demolish the existing single family dwelling and construct a new single family dwelling in the same footprint as the current house.

Mr. Galestok explained that the existing house is 3.3 feet from the front property line and

the proposed footprint is five feet from the front line. Mr. Nem explained that they are not proposing to follow the same footprint, but similar. Mr. Galestok explained that the current house doesn't comply with the side yard setbacks, but what is proposed is more conforming. He explained that the shed will be removed and there will be 15 foot setback there. He explained that the front yard setback is being improved too.

Mr. Nem submitted elevation drawings. The elevation drawings did not reflect the same information as the proposed survey. The drawings showed an eight-foot front yard setback and the side and rear yard setbacks were different also. Mr. Nem explained that he wanted to build what was reflected on the survey submitted with the application. The drawings were given back to Mr. Nem and new drawings are to be submitted to match the proposed survey.

This portion of the hearing was opened to the public.

Ms. Donna Vandegrift was sworn in by Chairman Hanson.

Ms. Vandegrift explained that she is a neighbor and what is proposed would help tremendously in the area. She explained that the current house is an eyesore and dangerous.

This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. Utsch.

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|-------|-----------------|-----|---------------|-----|
| VOTE: | Mr. Brand | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Sweeten | YES |
| | Mr. Kobik | YES | Mrs. Kelly | YES |
| | Chairman Hanson | YES | | |

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting

- Hardship variance application to construct an addition to existing single family dwelling encroaching into the side yard setback and exceeding the allowed building coverage, submitted by Ron Brown for the location known as block 752.04, Lot 5, 8 Melody Court.

Mr. Ron Brown and Mrs. Joan Marie Brown, applicants, were sworn in by Chairman Hanson.

Mr. Brown explained that they would like to construct an addition to the existing house. Mrs. Brown explained that they would like to construct a 10 or 12 foot addition. Mr. Brown explained that they need more living space. Mrs. Brown explained that they would like a 12-foot

addition, but if the Board would like, they would construct a ten-foot addition.

Mr. Galestok explained that this is a small lot. He asked where the septic system was located? Mrs. Brown explained that the septic system was in the rear of the property. Mr. Galestok explained that this would really be the only area for the addition. He explained that the proposed addition would meet the front and rear yard setback. He explained that there would still be a 18 to 20 side yard setback.

This portion of the hearing was opened to the public. There were no public comments. This portion of the hearing was closed to the public.

Mr. Brand made a motion to conditionally approve this application for a 12 foot addition. The motion was seconded by Mr. Sweeten.

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|-------|-----------------|-----|---------------|-----|
| VOTE: | Mr. Brand | YES | Mr. DiStefano | YES |
| | Mr. Utsch | YES | Mr. Sweeten | YES |
| | Mr. Kobik | YES | Mrs. Kelly | YES |
| | Chairman Hanson | YES | | |

Motion carried.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting

1. Use & hardship variance applications to construct 25 residential units on a site containing a restaurant and a marina, hardship variances needed for front & side yard setbacks and location of parking, submitted by Two Mile Associates, LLC for the location known as Block 820, Lots 2.01, 3.02, 4.02, 5.02 & 6, Ocean Drive.

Mr. Louis C. Dwyer, Jr., Esq., represented the applicants.

Mr. Jim Salasin and Mr. Mike DiAntonio, applicants, were sworn in by Chairman Hanson.

Mr. Dwyer explained that there are two restaurants on-site. Both of which have been closed for several years. He explained that they would like to tear down the restaurants and rebuilt one large restaurant. He explained that because the resort industry has changed over the years, the restaurant business has changed drastically and not many people are going out to eat while vacationing. He explained that they would like to construct a condo building, keep the marina and make this property into a fishing village destination.

Mr. Dwyer explained that after the use variance, they would then go to CAFRA and return with a site plan.

Mr. Dwyer explained that there was a change in zoning in 2003 that his clients were caught up in. He explained that the change in zoning did not allow for residential use.

Mr. Dwyer explained that to the north of the property are wetlands and multi-family units. He explained that this site is uniquely suitable for what is proposed.

Mr. Dwyer explained that it would be an undue hardship to his clients if the use variance is not granted. He explained that this is a very large site and the uses proposed can exist in harmony with the surrounding area. He explained that there is also ample buffering between sites.

Mr. Peter Lomax, Environmental Design Planner and consultant, was sworn in by Chairman Hanson.

Mr. Lomax submitted his qualifications into evidence.

Mr. Lomax explained that what is proposed is a destination within a seashore community. He explained that the property is accessed by Fish Dock Road. He explained that he had previously worked on this site including the adjacent property owned by Jeff Reichle for a much larger project than what is proposed. He explained that they presented the DEP and Army Corp. of Engineers a conceptual plan and had received positive feedback from them. He explained that there was a concern with shallow water and dredging.

Mr. Vincent Orlando, PE,PP was sworn in by Chairman Hanson.

Mr. Orlando explained that everything being shown tonight was submitted with the application. Submitted into evidence was a small version of the use variance plan.

Mr. Lomax reviewed aerial photos with the Board.

Mr. Lomax explained that the site is just over 145 acres. He explained that the site is accessed off a County Road. He explained that currently the restaurant is inactive.

Mr. Lomax explained that the marina can accommodate large vessels to fishing boats. He explained that the marina takes up the majority of the waterfront. He explained that the marina would not accommodate commercial fishing boats. He explained that at low tide, it's a mud flat. He explained that there isn't any water for 40 to 60 feet from the bulkhead at low tide. He explained that in the 20th century the site was used for freighter boats, loading and off loading and commercial fisheries. He explained that the property was deed restricted against clamming. He explained that there was an apartment at one time on site. He explained that the site has been used as seasonal residential by transit boaters.

Mr. Lomax explained that the site was designed with a fishing village concept. He explained that no additional boat slips are proposed, but there will be upgrades to winter boat storage, storage for boaters and a ship store. The restaurant/bar would be reconfigured. He

explained that the deck would remain for a public promenade. They are proposing retail shops. He explained that they are proposing a five-story building with 25 residential units. He explained that adequate parking is proposed for all uses.

Mr. Lomax explained that what is proposed is not that much varied as past uses. He explained that there are no wildlife concerns. He explained that if the application were approved, they would have to receive CAFRA approval.

Mr. Lomax explained that there wouldn't be a deterrent to light, air an open space. He explained that public areas will be provided that currently do not exist. He explained that the proposed design is to use the existing disturbed areas so there is no environmental impact.

Mr. Lomax explained that there are residential uses in the area of the Lobster House. He explained that in the Shawcrest area of the Township, there are residential uses and commercial fishing boats. He explained that at Ottens Harbor in Wildwood, there is a mix of residential uses and commercial fishing boats. He explained that these uses can co-exist. He explained that this site is uniquely suited for what is proposed. He explained that there wouldn't be an adverse impact to the Township or the Township resources. He explained that because of the wetlands on and surrounding the property, other development more than likely would not happen.

Mr. Donald Zacker, Licensed Architect, was sworn in by Chairman Hanson.

Marked into evidence were proposed floor plans.

Mr. Zacker reviewed the proposed floor plans with the Board.

Mr. Zacker explained that the marina would be updated, as well as the fuel facilities and laundry area.

Mr. Zacker explained that the existing restaurant is approximately 13,212 square feet. He explained that a portion would be demolished. He explained that there would be retail uses, bait and tackle, independent pool, handicap accessibility, public view corridors and a five story multifamily building. He explained that there would be five units per floor. He explained that there would be approximately 18,080 square feet per floor. He explained that there would be offices and public bathrooms, storage areas, an elevator and bike storage.

Mr. Zacker reviewed the elevation drawings with the Board. The Board asked what the height of the building would be? Mr. Zacker explained it would be 59'9".

Mr. Harvatt explained that the application before the Board tonight was for a use variance only. He explained that there has been a lot testimony for site plan. Mr. Dwyer explained that because if was a use variance, he thought that it would be good to give the Board visuals of what the building and site would look like.

Mr. George Simmons was sworn in by Chairman Hanson.

Mr. Simmons explained that he is a commercial fisherman and welder. He explained that his place of business is in the Shawcrest area. He explained that he gets along well with the residential uses in the area. The Board asked Mr. Simmons if he had a lot of trucks coming and going from his facility? Mr. Simmons explained that he does have trucks come in on a daily basis. Mr. Galestok explained that he had received a complaint yesterday about Mr. Simmons facility. He explained that the complaint was for jet skis and signs.

Mr. Nick Menas, Esq., was sworn in by Chairman Hanson.

Mr. Menas explained to the Board that he represents his client, in this matter and in other matters.

Mr. Menas explained that the concern with what is proposed are noise complaints. He explained that together Mr. Reichle and Mr. Cohen, they have come up with language for the Master Deed and individual deeds, putting individuals on notice about the fishing industry and that they cannot complain about noise, etc.

Mr. Barry Cohen, Esq., was sworn in by Chairman Hanson.

Mr. Cohen explained that his is a principal owner in Maxie, Inc, along with his sister and brother.

Mr. Cohen explained that they have concerns with residential impact in some area. He explained that they did work on clear language for the Master Deed and individual deeds.

Submitted into evidence was proposed language for the Master Deed and individual deeds. Mr. Dwyer explained that they would agree to provide the final version as a condition of approval.

Mr. Galestok explained that the problem with this is it doesn't stop people from complaining. Mr. Dwyer explained that he believes that people who purchase here are purchasing because of the area and the fishing village atmosphere.

Chairman Hanson called for a short recess at 8:53 P.M. The meeting was called back to order at 9:07 P.M.

5. Minor site plan & hardship variance applications to increase the size of the free standing sign from 35 square feet to 42 square feet, submitted by FLCH, LLC (AABA_Medical Supply) for the location known as Block 259, Lots 3-5, 1638 Bayshore Road.

Mr. Glenn Callahan, Esq., represented the applicants.

Mr. Callahan explained that they would like to continue the application until next month's meeting agreeing to waive time constraints with no new notice needed.

1. Use & hardship variance applications to construct 25 residential units on a site containing a restaurant and a marina, hardship variances needed for front & side yard setbacks and location of parking, submitted by Two Mile Associates, LLC for the location known as Block 820, Lots 2.01, 3.02, 4.02, 5.02 & 6, Ocean Drive.

Mr. Thomas Sykes, Licensed Architect, was sworn in by Chairman Hanson.

Mr. Sykes explained that after the restaurant collapsed, he met with the applicants and Mr. Reichle to discuss a residential development, keeping the fishing docks. He explained that they came up with a plan and met with DEP and Army Corp. of Engineers. He explained that at that meeting, they got positive feedback from them. He explained that there were 64 residential units that went right up to the fishing industrial line. He explained that it was much closer than the 200-foot buffer of what's proposed now.

Mr. Sykes explained that he lives in Atlantic City on a basin where there is fishing industry. He explained that for the most part everyone gets along, but there are still complaints.

Mr. Dwyer submitted into evidence a use variance report that was prepared by Mr. Orlando.

Mr. Orlando explained that the property line goes out into the water. He explained that the Two Mile Restaurant and Crap House both sat out over the water.

Mr. Orlando explained that Mr. Reichle has an easement to his property over the applicant's property. He explained that this easement would be relocated.

Mr. Orlando explained that he feels what is proposed is compatible with the surrounding area. He explained that he believes people would move there because of what's around. He explained that there is a 175-foot buffer from this property to the adjacent fishing area.

Mr. Orlando explained that what is proposed doesn't really have a negative impact on adjacent properties. He explained that Mr. Reichle's property would be the most impacted.

Mr. Orlando explained that the commercial fishery is not being eliminated.

Mr. Dwyer submitted into evidence the deed restriction on his client's property that no clamming is permitted.

Mr. Orlando explained that the uniqueness of the property is a consideration for this Board to approve the use variance. He explained that adequate light, air and open space are provided. The application provides for population densities. He read the permitted uses into the record. He explained that if the restaurant is not redeveloped, and if this application were denied, he doesn't think there are any other uses for the property. He explained that he doesn't feel the reconstruction of a 700+ restaurant is a very economically smart thing to do today.

Mr. Orlando explained that what is proposed would not have a negative impact or deterrent to the zone plan or public good.

Mr. Orlando explained that in 2003 there was an Ordinance change that removed residential use in the MD zone. He explained that at that time the Governing Body didn't want to see the erosion of the fishing industry. He explained that he doesn't feel this site is suitable for commercial fishing.

Mr. Dwyer quoted case law in support of granting the use variance.

Mr. Orlando explained that what is proposed would have less traffic impact than a restaurant. Mr. Dwyer submitted into evidence from the Institute of Transportation Engineers a traffic assessment for the restaurant and residential uses chart. Mr. Orlando reviewed the chart with the Board. Mr. Harvatt explained that this information pertains to site plan and the Board Engineer has not had a chance to review this application. Mr. Dwyer explained that it was just information for the use variance to show the downsizing from the restaurant to residential use.

Mr. Orlando explained that he feels the residential and fishing industry are a compatible use.

The Board explained that the Township changed the Ordinance in 2003. They asked if the State didn't do the same with the State plan? Mr. Galestok explained that this would be designated Planning Area 5 with a 5% lot coverage. He explained that this area is not a center designation.

The Board explained that the governing body created the MD-2 Zone in 2003 because the waterfront was being taken up with residential uses. This area is one of the last waterfront areas where the fishing industry is located in Lower Township. It was explained that this is the #4 port on the Atlantic Coast and the #3 port in dollar value. This area supports 1,500 year round jobs in Cape May County. It was explained that because the zone was changed to not permit residential, the Board has the right to say that they don't want residential in this area. There are other areas in the Township in which condos are permitted. It was explained that the applicant is not being told they cannot use their land, but they could do a permitted use.

This portion of the hearing was opened to the public.

Mrs. Janet Pitts was sworn in by Chairman Hanson.

Mrs. Pitts explained that she is not in favor of this application. She explained that there was a lot of consideration given to change the zoning in this location. She explained that the zone was created to protect the marine use. She explained that she doesn't feel that the property is unique. She explained that she would hate to see a precedent set. She explained that what is proposed doesn't fit with the Smart Growth Plan. She explained that she feels if approved, it will snowball and happen all along Ocean Drive.

Mr. Joe Winters was sworn in by Chairman Hanson.

Mr. Winters asked what variances were being sought? Mr. Dwyer explained that a "D" variance (use variance) was requested to allow multi-family units and three principal uses. Hardship variances for front and side yard setbacks. It was explained that because no site plan is before the Board, the hardship variances would be withdrawn. If the application were approved, it would have to have CAFRA approval and it may change the location of the building.

Mr. Ed Butler was sworn in by Chairman Hanson.

Mr. Butler explained that he agrees with Mrs. Pitts that if approved, it would snowball all along Ocean Drive. He explained that this is a prime area for jobs. He explained that one or two residential uses are okay, but not what is proposed.

Mr. George Algard was sworn in by Chairman Hanson.

Mr. Algard explained that he has a seasonal fishing business in Shawcrest. He explained that during the winter, he travels up and down the coast in his trawler. He explained that he thinks what is proposed is a great idea. He explained that he doesn't think it will hurt the area if approved.

Mr. Joe Fieldler was sworn in by Chairman Hanson.

Mr. Fieldler explained that he lives in Shawcrest. He explained that he likes having the fishing boats there and the traffic on the water. He explained that he doesn't see a problem with residential and the fishing boats co-existing.

Mr. Ron Reiss was sworn in by Chairman Hanson.

Mr. Reiss explaining that he is a boat owner. He explained that he has been at Two Mile for ten years and has never had a problem with the fishing boats.

Mr. Jim Harris was sworn in by Chairman Hanson.

Mr. Harris explained that he is a commercial fisherman who has his boat docked at Mr. Reichle's. He explained that there are three docks left. He explained that there will be generators running and noise generated by the fishing boats. He explained that there will be complaints. He explained that he has seen it happen up and down the coast with residential uses coming in and pushing the commercial fishing boats out. He explained that he has seven families that work for him.

Mr. Frank Saracco was sworn in by Chairman Hanson.

Mr. Saracco explained that he is against this application. He explained that there is a white elephant in Diamond Beach and is concerned the same thing would happen here.

This portion of the hearing was closed to the public.

Mr. Galestok explained that this is a point of the fishing industry. He explained that the port of Cape May is deep water. He explained that there is a possibility of a higher bridge that could have larger boats coming in and out. He explained that no matter what wording is put in deeds, people will complain. He explained that commercial fishing is a dirty and noisy business. He explained that a marina and restaurant are permitted uses. He explained that he does agree that a restaurant is less viable with fewer motel rooms available. He explained that when the Ordinance was presented to Township Council in 2003 the vote was unanimous to preserve the area and jobs. He explained that he doesn't feel the negative criteria was met.

Mr. Dwyer explained that from the 1950's to 2003 residential uses were allowed. He explained that when the Ordinance was presented, his clients objected to the change. He explained that they do not have a purchaser or developer looking to purchase the property. He explained that his clients have owned this property for a long time and are looking to develop it. He explained that this site is unique. He explained that the property is at the edge of Diamond Beach. He explained that the only commercial fishing is at Mr. Reichle's property and he isn't present tonight.

Mr. Dwyer explained that one site does not set a precedence. He explained that there is not a loss of a commercial fishing with this site.

Mr. Dwyer explained that his clients want a restaurant and have it fit with the residential and marina uses. He explained that there are adequate reasons to approve this application. He explained that if approved, he doesn't feel that it would set a precedence.

Chairman Hanson explained to the public that there would be no new testimony or applications heard after 10:30 P.M. He explained that the applications that are remaining on the agenda would be continued until next month.

4. Use & hardship variance and minor subdivision applications for the creation of three newly described lots. Use variance needed for detached dwellings on one lot. Hardship variances needed for frontage & width, submitted by Neva & Leonard Sachar for the location known as Block 792, Lot 1.04, 656 Sunset Blvd.

Mr. Jon Sachar explained that he would waive time constraints and verified that new notice wouldn't be required. Chairman Hanson explained that no new notice would be required.

7. Use variance application to allow an in-law's quarters in a detached garage, submitted by Jon Jacoby for the location known as Block 752.01, Lot 5.08, 8 Bridge Lane.

Mr. Jon Jacoby explained that he waives time constraints until next months meeting.

1. Use & hardship variance applications to construct 25 residential units on a site containing a restaurant and a marina, hardship variances needed for front & side yard setbacks and location of parking, submitted by Two Mile Associates, LLC for the location known as Block 820, Lots 2.01, 3.02, 4.02, 5.02 & 6, Ocean Drive.

Mr. Galestok explained that some findings-of-fact are needed. He explained that there was testimony tonight that didn't pertain to the use variance application.

The Board explained that this is a very hard application. They explained that there is an adjacent commercial fishing operation and are surprised that the property owners didn't show up tonight. The site isn't surrounded by residential units. The land is environmentally sensitive. The area is important for jobs and fish production. This is the #4 port on the east coast and the #3 port in dollar value. There are many marine related businesses that could be done on this site. Such as boat lifting, storage, etc. There is a concern that Planning Board took a lot of time and consideration making the recommendation to Township Council for the zone change and don't feel it is their responsibility to go against them. The zone was changed just six years ago and there was a reason for that.

Mr. Brand made a motion to conditionally approve this application. The motion was seconded by Mr. Utsch.

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|-------|-----------------|-----|---------------|----|
| VOTE: | Mr. Brand | NO | Mr. DiStefano | NO |
| | Mr. Utsch | NO | Mr. Sweeten | NO |
| | Mr. Kobik | YES | Mrs. Kelly | NO |
| | Chairman Hanson | NO | | |

Motion denied.

A memorializing resolution will be prepared by the Board Solicitor for the Board to review and approve at the next scheduled meeting.

Mr. Brand made a motion to adjourn at 10:47 P.M. The motion was seconded by Mr. Utsch. Motion carried.

Respectfully submitted,

Lisa A. Schubert,
Recording Secretary

A verbatim recording of said meeting is on file in Township Hall.

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE PUBLIC BODY AT ITS NEXT MEETING. THIS BOARD WILL NOT BE RESPONSIBLE FOR ANY MIS-STATEMENTS, ERRORS OR OMISSIONS OF THESE MINUTES, AND CAUTIONS ANYONE REVIEWING THESE MINUTES TO RELY UPON THEM ONLY AT THEIR OWN RISK.